

**OFFICE OF THE  
ATTORNEY GENERAL**







Bob Ferguson  
**ATTORNEY GENERAL OF WASHINGTON**  
1125 Washington Street SE • PO Box 40100 • Olympia, WA 98504-0100

September 12, 2018

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

Dear Mr. Schumacher:

*David -*

Enclosed please find the 2019-21 Biennial Budget Request from the Attorney General's Office's (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 the state of Washington working within these constraints.

My number one priority continues to be additional funding to address recruitment and retention issues for our attorneys serving our state agency clients and the public. Addressing this problem has been my top budget priority every year since taking office in 2013, but progress remains elusive without help from the Legislature. Despite my repeated requests, we have received financial assistance only once, through a partial funding of our request in 2014. As a result, Assistant Attorney General (AAG) salaries remain significantly lower than those in other public sector law offices. Compounding this disparity, our public sector peers receive ongoing, periodic salary increments. The fact that we are behind, along with the inability to provide predictable increases, negatively impacts the ability to provide high quality, consistent legal services to the state of Washington. The AGO seeks funding so we can move to a salary system that allows for periodic increments like our public sector peers and to continue to address the salary disparity.

In addition to our AAG salary request, this 2019-21 Biennial Budget Request is 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 support the legal work associated with the new Paid Family and Medical Leave program;
- Funding to defend the state and recover resources (e.g., Skagit, Madison, Monsanto, Tobacco);
- Funding to support increased workload (Ratepayer Advocacy, Washington State University, Mental Health, Civil Rights, Department of Natural Resources); and



ATTORNEY GENERAL OF WASHINGTON

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- Funding for expansion of the Medicaid Fraud Control Division to support increased workload and recovering resources.

Our request also includes a package for lease rate adjustments and a technical package to move unspent federal appropriation from the 2017-19 Biennium for the Sexual Assault Kit Initiative grant.

The AGO greatly appreciates the funding provided in the 2017-19 biennial budget for Child Permanency and Child Welfare. This critical need has been one of the agency's highest priorities for the past several years. The AGO requests permanent funding that is commensurate with caseloads, to ensure protection and timely permanency for children, and provide quality representation for the Department of Children, Youth and Families (DCYF). With an established trend of increasing child welfare cases, it is imperative that legal resources keep pace. AAG and professional staff levels should comply with the recommendation of the American Bar Association (ABA), with a maximum average attorney caseload of 60 cases. The current AGO caseload average is 81 cases.

Finally, although the AGO has not submitted a budget request for the following item, it supports the additional efforts being pursued by one of its client agencies:

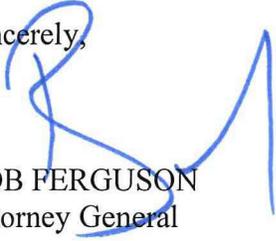
- Funding requested by the Department of Labor and Industries for legal services provided by the AGO specifically for issues concerning the Board of Industrial Insurance Appeals.

I look forward to working with you and your office in the coming months, 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

Thanks.

RWF/jlg  
Enclosure



# OFFICE OF THE ATTORNEY GENERAL

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**TAB A**

**OVERVIEW**





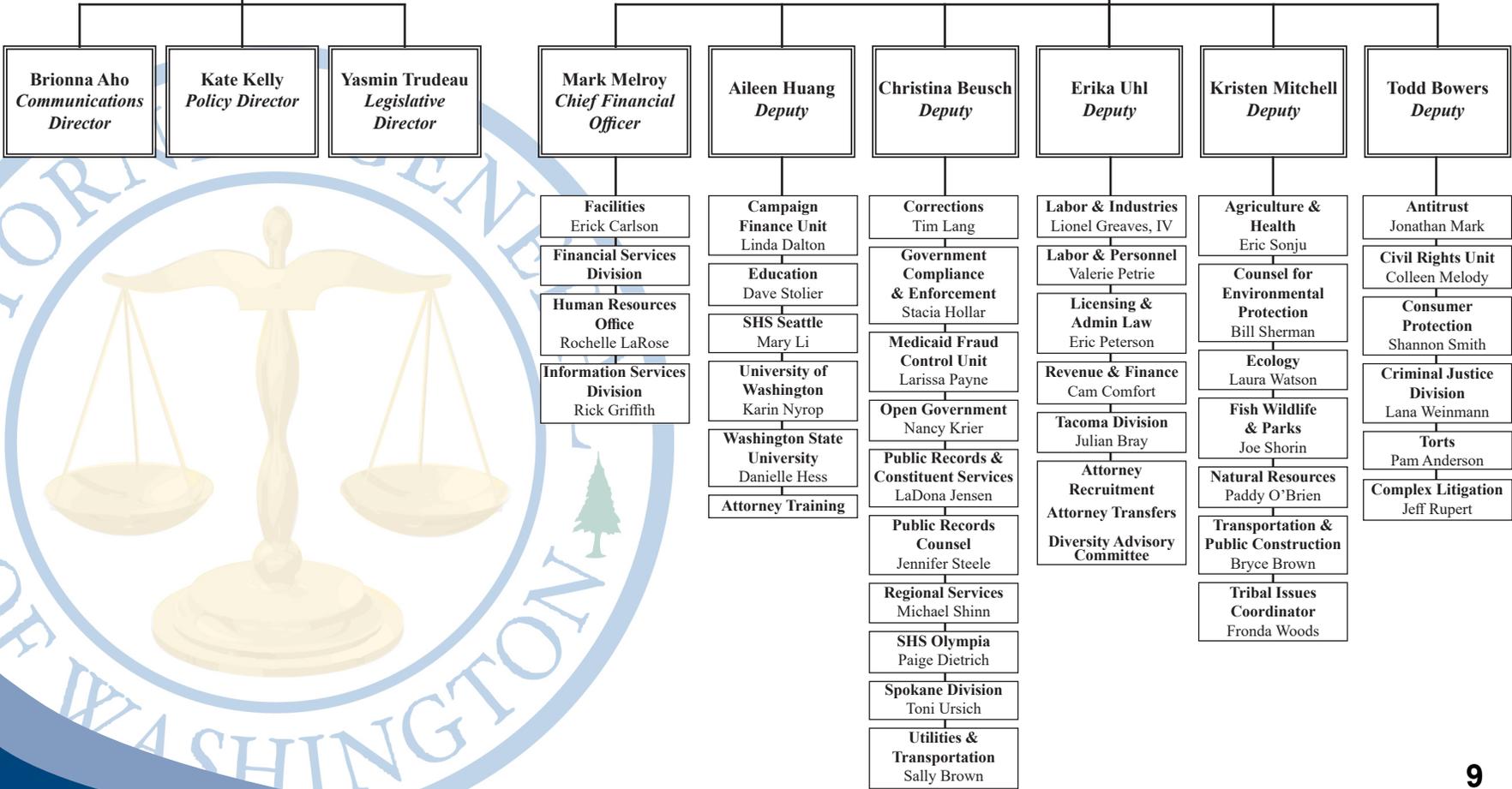
# OFFICE OF THE ATTORNEY GENERAL

**Bob Ferguson**  
*Attorney General*

**Mike Webb**  
*Chief of Staff*

**Noah Purcell**  
*Solicitor General*

**Shane Esquibel**  
*Chief Deputy*





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## 100 - Office of Attorney General

### A001 Administration

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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.

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Account	FY 2020	FY 2021	Biennial Total	FY 2022	FY 2023	Biennial Total
<b>FTE</b>	73.3	77.8	75.6	0.0	0.0	0.0
<b>424 Anti-Trust Revolving Account</b>						
424-6 Non-Appropriated	\$50	\$79	\$129	\$0	\$0	\$0
<b>17L Foreclosure Fairness Account</b>						
17L-6 Non-Appropriated	\$14	\$14	\$28	\$0	\$0	\$0
<b>001 General Fund - Basic Account</b>						
001-1 State	\$2,082	\$2,082	\$4,164	\$1,555	\$1,496	\$3,051
001-2 Federal	\$162	\$149	\$311	\$0	\$0	\$0
<b>001 Account Total</b>	<b>\$2,244</b>	<b>\$2,231</b>	<b>\$4,475</b>	<b>\$1,555</b>	<b>\$1,496</b>	<b>\$3,051</b>
<b>405 Legal Services Revolving Account</b>						
405-1 State	\$7,255	\$7,817	\$15,072	\$1,590	\$1,591	\$3,181
<b>441 Local Government Archives Account</b>						
441-1 State	\$172	\$172	\$344	\$12	\$12	\$24
<b>12F Man/Mobile Home Dispute Resolution</b>						
12F-6 Non-Appropriated	\$20	\$19	\$39	\$0	\$0	\$0
<b>19A Medicaid Fraud Penalty Account</b>						
19A-1 State	\$67	\$67	\$134	\$0	\$0	\$0
<b>154 New Motor Vehicle Arbitration Acct</b>						
154-1 State	\$21	\$21	\$42	\$0	\$0	\$0
<b>489 Pension Funding Stabilization Acct</b>						
489-1 State	\$23	\$23	\$46	\$0	\$0	\$0
<b>111 Public Service Revolving Account</b>						
111-1 State	\$49	\$49	\$98	\$0	\$0	\$0

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**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 2020	FY 2021	Biennial Total	FY 2022	FY 2023	Biennial Total
<b>FTE</b>	22.2	22.4	22.3	0.0	0.0	0.0
<b>001 General Fund - Basic Account</b>						
001-1 State	\$9,185	\$9,280	\$18,465	\$229	\$240	\$469
001-2 Federal	\$351	\$1,697	\$2,048	\$0	\$0	\$0
<b>001 Account Total</b>	<b>\$9,536</b>	<b>\$10,977</b>	<b>\$20,513</b>	<b>\$229</b>	<b>\$240</b>	<b>\$469</b>
<b>489 Pension Funding Stabilization Acct</b>						
489-1 State	\$596	\$610	\$1,206	\$0	\$0	\$0

**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.

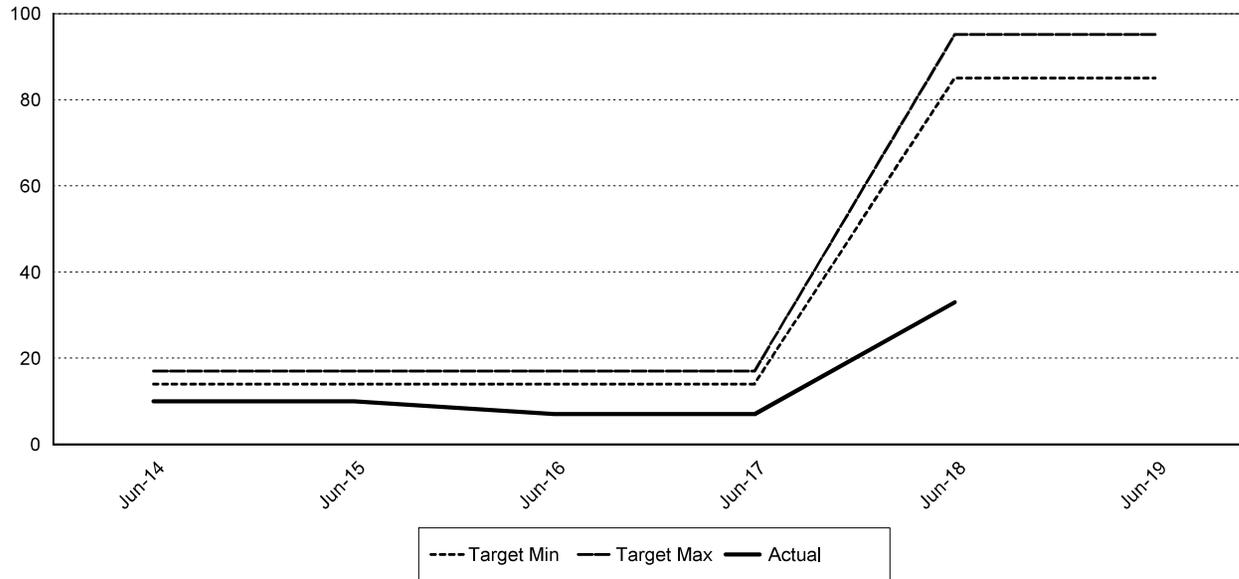
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<b>002535</b>					
<b>As a result of the efforts to civilly detain, evaluate and treat sex offenders who are most likely to reoffend, fewer people are victimized and the public is protected from those individuals.</b>					
Biennium	Period	Actual	Target		
			Min	Max	
2017-19	A3		85	95	
	A2	33	85	95	
2015-17	A3	7	14	17	
	A2	7	14	17	
Performance Measure Status: Approved					

Number

**002535 - Total Successful Commitments**



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Appropriation Period: 2019-21 Activity Version: 1921 - 2019-21 Biennial Budget Request 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 2020	FY 2021	Biennial Total	FY 2022	FY 2023	Biennial Total
<b>FTE</b>	4.5	4.5	4.5	0.0	0.0	0.0
<b>001 General Fund - Basic Account</b>						
001-1 State	\$1,698	\$1,745	\$3,443	\$157	\$159	\$316
001-2 Federal	\$1,120	\$1,120	\$2,240	\$0	\$0	\$0
<b>001 Account Total</b>	<b>\$2,818</b>	<b>\$2,865</b>	<b>\$5,683</b>	<b>\$157</b>	<b>\$159</b>	<b>\$316</b>
<b>489 Pension Funding Stabilization Acct</b>						
489-1 State	\$100	\$104	\$204	\$0	\$0	\$0

**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.

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Appropriation Period: 2019-21 Activity Version: 1921 - 2019-21 Biennial Budget Request Sort By: Activity

**002536**

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.

Biennium	Period	Actual	Target
2017-19	Q8		18
	Q7		18
	Q6		18
	Q5		18
	Q4	8	18
	Q3	13	18
	Q2	25	18
	Q1	9	18
2015-17	Q8	4	23
	Q7	4	22
	Q6	14	22
	Q5	16	22
	Q4	6	23
	Q3	18	22
	Q2	6	22
	Q1	7	22

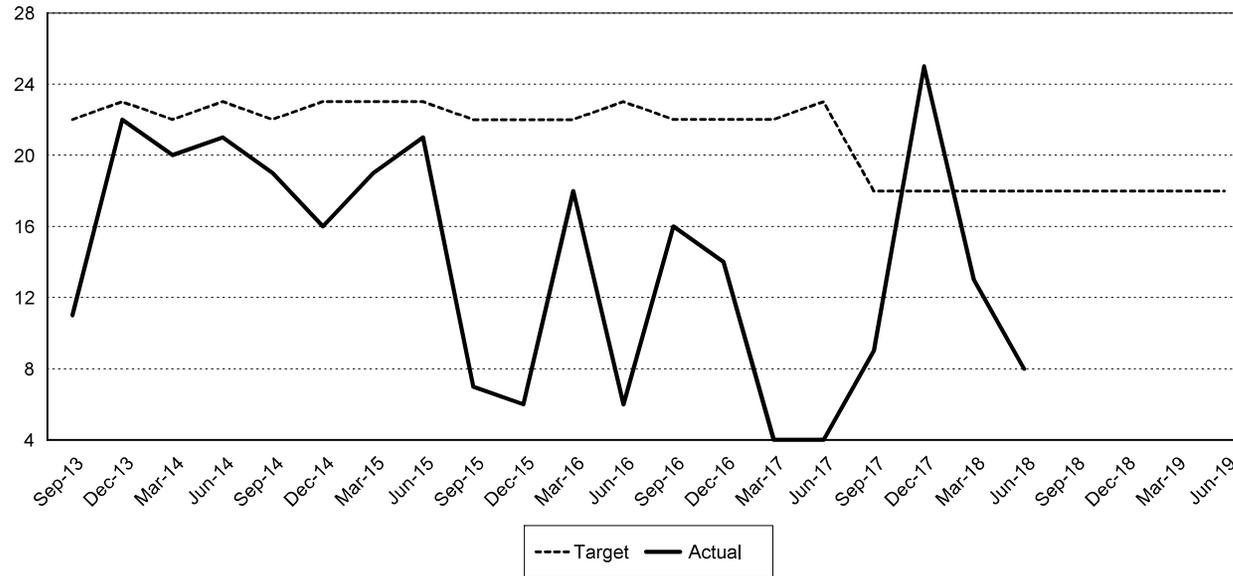
Performance Measure Status: Approved

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Appropriation Period: 2019-21 Activity Version: 1921 - 2019-21 Biennial Budget Request Sort By: Activity

Number

002536 - Criminal Cases Closed



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**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 2020	FY 2021	Biennial Total	FY 2022	FY 2023	Biennial Total
FTE	6.7	6.7	6.7	0.0	0.0	0.0
<b>424 Anti-Trust Revolving Account</b>						
424-6 Non-Appropriated	\$1,397	\$1,350	\$2,747	\$107	\$111	\$218

**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

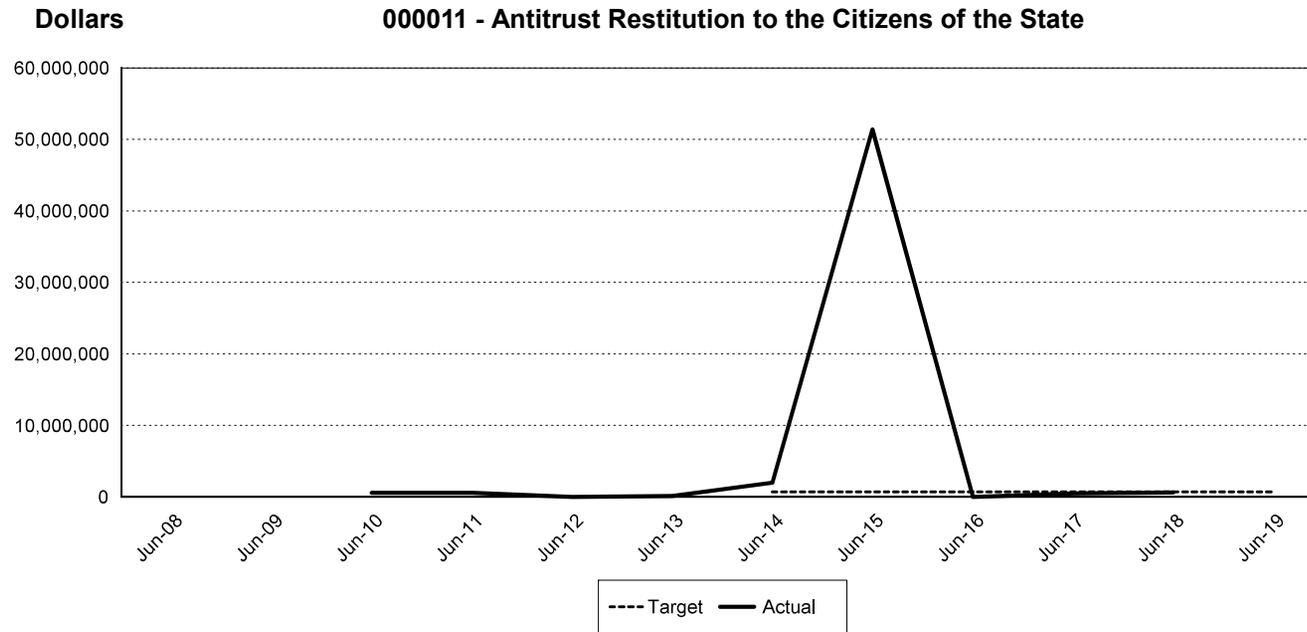
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**000011 The AGO's Antitrust Division (ANT) enforces antitrust laws, protects consumers from illegal and harmful practices, and ensures a fair, efficient, and competitive marketplace for businesses. Active investigations can result in enforcement actions/litigation 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.**

Biennium	Period	Actual	Target
2017-19	A3		\$700,000
	A2	\$618,719	\$700,000
2015-17	A3	\$490,471	\$700,000
	A2	\$0	\$700,000

Performance Measure Status: Approved



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**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 2020	FY 2021	Biennial Total	FY 2022	FY 2023	Biennial Total
<b>FTE</b>	76.1	76.1	76.1	0.0	0.0	0.0
<b>424 Anti-Trust Revolving Account</b>						
424-6 Non-Appropriated	\$0	\$(27)	\$(27)	\$0	\$0	\$0
<b>17L Foreclosure Fairness Account</b>						
17L-6 Non-Appropriated	\$374	\$373	\$747	\$1	\$1	\$2
<b>001 General Fund - Basic Account</b>						
001-1 State	\$(143)	\$(213)	\$(356)	\$1,408	\$1,423	\$2,831
<b>12F Man/Mobile Home Dispute Resolution</b>						
12F-6 Non-Appropriated	\$513	\$470	\$983	\$8	\$9	\$17
<b>154 New Motor Vehicle Arbitration Acct</b>						
154-1 State	\$805	\$804	\$1,609	\$271	\$273	\$544
<b>489 Pension Funding Stabilization Acct</b>						
489-1 State	\$(88)	\$(108)	\$(196)	\$0	\$0	\$0

Statewide Result Area: Prosperous Economy

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**Statewide Strategy: Provide consumer protection**

**Expected Results**

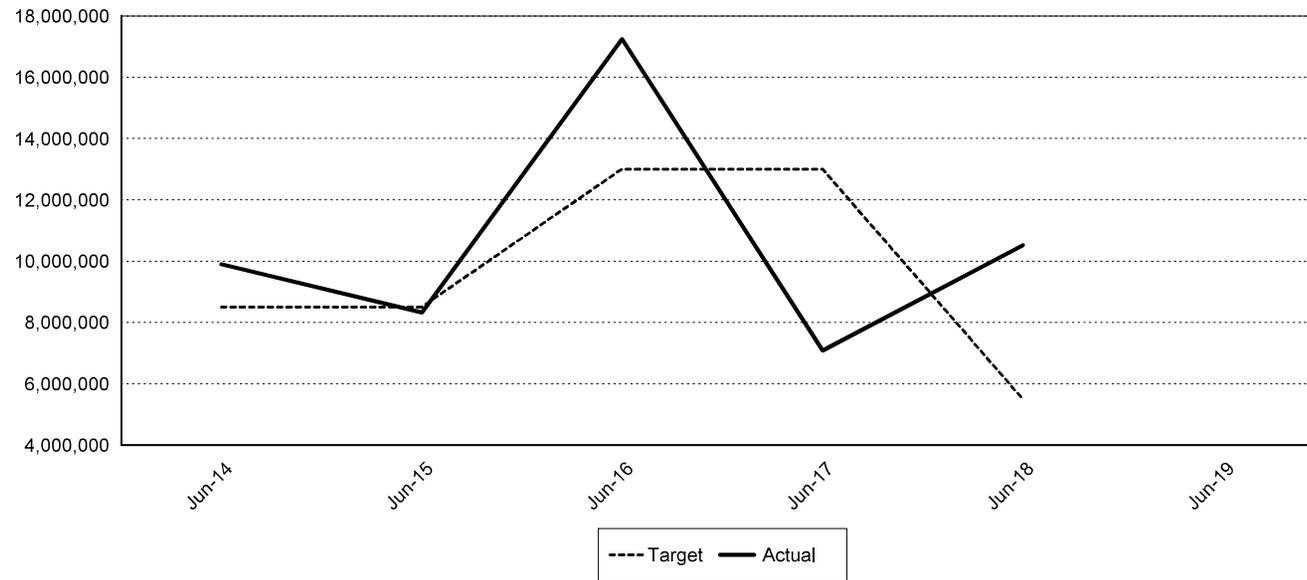
The AGO’s Consumer Protection Division’s (CPR) activities are expected to foster a fair, competitive and non-deceptive marketplace, prevent consumer harm, promote voluntary compliance with economic regulation by businesses, and resolve disputes between buyers and sellers in the marketplace. CPR is expected 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 Tennant Act.

<b>002534</b>			
<b>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.</b>			
<b>Biennium</b>	<b>Period</b>	<b>Actual</b>	<b>Target</b>
2017-19	A3		
	A2	\$10,517,092	\$5,500,000
2015-17	A3	\$7,085,773	\$13,000,000
	A2	\$17,241,222	\$13,000,000
Performance Measure Status: Approved			

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



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**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 2020	FY 2021	Biennial Total	FY 2022	FY 2023	Biennial Total
FTE	3.0	3.0	3.0	0.0	0.0	0.0
<b>405 Legal Services Revolving Account</b>						
405-1 State	\$516	\$515	\$1,031	\$11	\$11	\$22

**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.

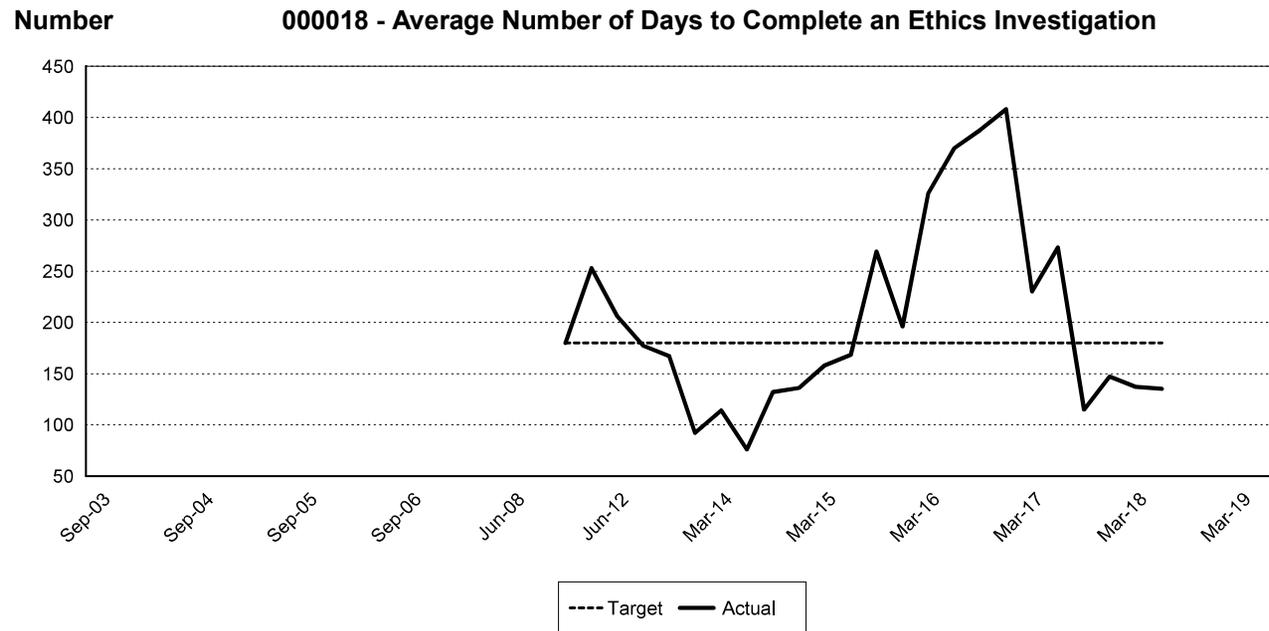
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<b>000018</b>			
<p>The Executive Ethics Board investigates complaints filed by public employees and citizens regarding ethical violations established in the Public Service Act, and prosecutes cases to completion. By completing investigations and resolving 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
2017-19	Q8		
	Q7		
	Q6		
	Q5		
	Q4	135	180
	Q3	137	180
	Q2	147	180
	Q1	115	180
2015-17	Q8	273	180
	Q7	230	180
	Q6	408	180
	Q5	388	180
	Q4	370	180
	Q3	326	180
	Q2	196	180
	Q1	269	180
Performance Measure Status: Approved			

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**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 2020	FY 2021	Biennial Total	FY 2022	FY 2023	Biennial Total
FTE	4.9	4.9	4.9	0.0	0.0	0.0
<b>001 General Fund - Basic Account</b>						
001-1 State	\$920	\$936	\$1,856	\$2	\$2	\$4
001-2 Federal	\$100	\$100	\$200	\$0	\$0	\$0
<b>001 Account Total</b>	<b>\$1,020</b>	<b>\$1,036</b>	<b>\$2,056</b>	<b>\$2</b>	<b>\$2</b>	<b>\$4</b>
<b>489 Pension Funding Stabilization Acct</b>						
489-1 State	\$61	\$63	\$124	\$0	\$0	\$0

**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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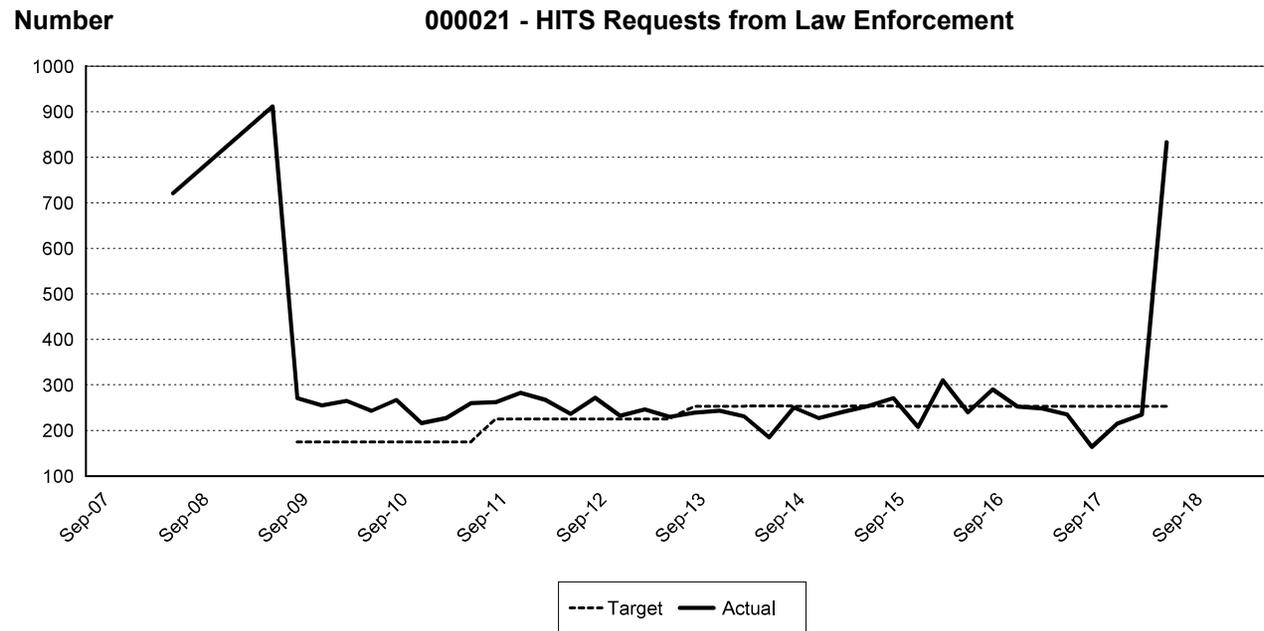
**000021 Homicide Investigation Tracking System (HITS) investigators and its data warehouse provide resources to local, state, and federal law enforcement agencies by giving them access to violent crime data and analyses across jurisdictions. The HITS unit provides law enforcement analysis of crime data 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
2017-19	Q8		
	Q7		
	Q6		
	Q5		
	Q4	833	253
	Q3	235	253
	Q2	215	253
	Q1	164	253
2015-17	Q8	235	253
	Q7	248	253
	Q6	252	253
	Q5	290	253
	Q4	240	253
	Q3	310	253
	Q2	208	253
	Q1	271	253

Performance Measure Status: Approved

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Appropriation Period: 2019-21 Activity Version: 1921 - 2019-21 Biennial Budget Request 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 2020	FY 2021	Biennial Total	FY 2022	FY 2023	Biennial Total
FTE	0.1	0.1	0.1	0.0	0.0	0.0
<b>405 Legal Services Revolving Account</b>						
405-1 State	\$571	\$575	\$1,146	\$579	\$583	\$1,162

**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.

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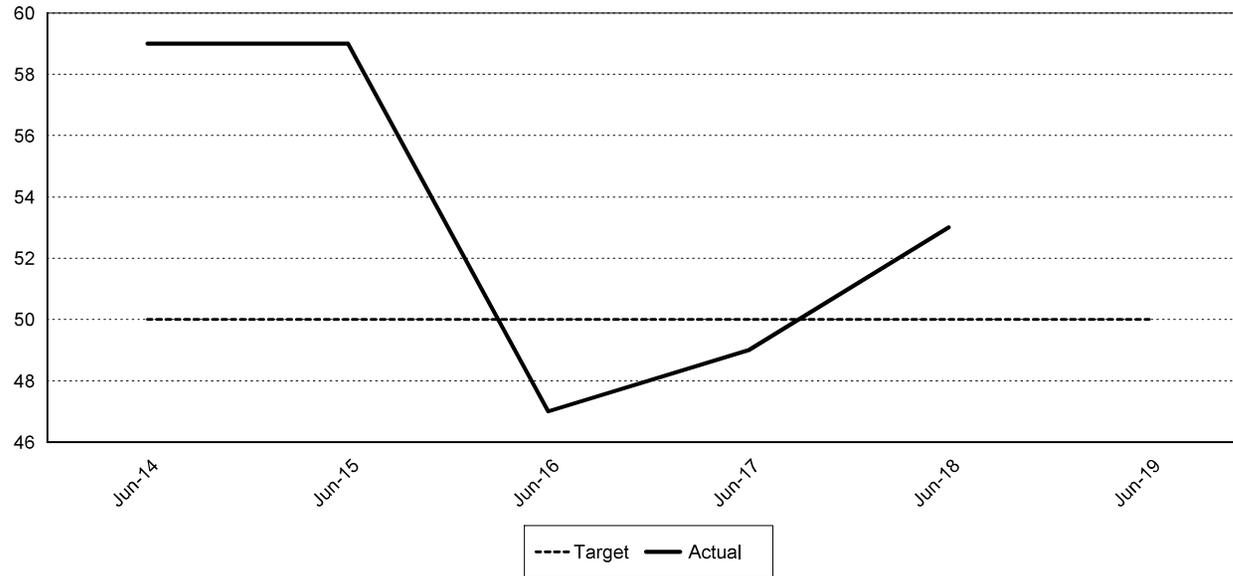
Appropriation Period: 2019-21 Activity Version: 1921 - 2019-21 Biennial Budget Request Sort By: Activity

<b>002537</b>			
<p>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. The AGO Torts Division consists of experienced litigators and trained legal professionals who provide high quality and efficient legal services to the state. The provided legal services 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. The AGO Torts Division maintains a high rate of litigation success (including case appeal litigation) with many lawsuits dismissed with zero payout.</p>			
Biennium	Period	Actual	Target
2017-19	A3		50%
	A2	53%	50%
2015-17	A3	49%	50%
	A2	47%	50%
Performance Measure Status: Approved			

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Appropriation Period: 2019-21 Activity Version: 1921 - 2019-21 Biennial Budget Request Sort By: Activity

Percent 002537 - Percentage of Tort Claims that Result in Zero Payout



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Appropriation Period: 2019-21 Activity Version: 1921 - 2019-21 Biennial Budget Request 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 2020	FY 2021	Biennial Total	FY 2022	FY 2023	Biennial Total
<b>FTE</b>	54.1	55.1	54.6	0.0	0.0	0.0
<b>001 General Fund - Basic Account</b>						
001-2 Federal	\$6,280	\$5,074	\$11,354	\$2,269	\$2,244	\$4,513
<b>19A Medicaid Fraud Penalty Account</b>						
19A-1 State	\$2,498	\$2,540	\$5,038	\$757	\$748	\$1,505

Statewide Result Area: **Healthy and Safe Communities**

Statewide Strategy: **Provide access to health care**

**Expected Results**

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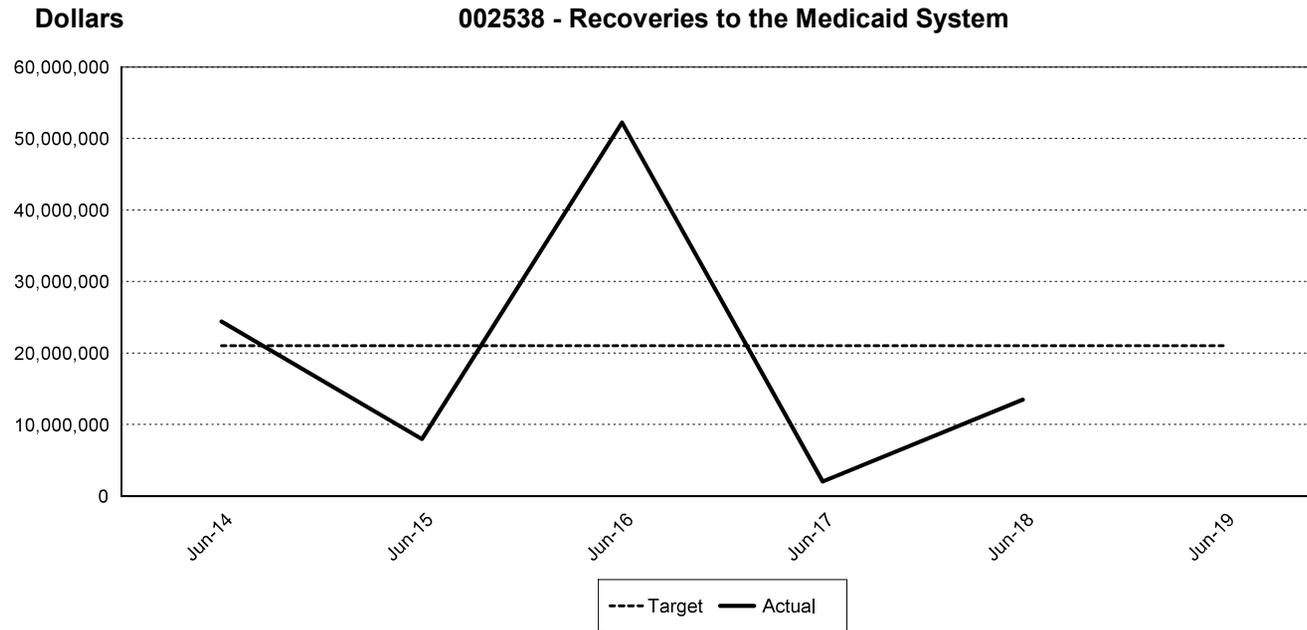
Appropriation Period: 2019-21 Activity Version: 1921 - 2019-21 Biennial Budget Request Sort By: Activity

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.

<b>002538</b>			
<p><b>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.</b></p>			
<b>Biennium</b>	<b>Period</b>	<b>Actual</b>	<b>Target</b>
2017-19	A3		\$21,000,000
	A2	\$13,469,568	\$21,000,000
2015-17	A3	\$2,027,233	\$21,000,000
	A2	\$52,231,255	\$21,000,000
Performance Measure Status: Approved			

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Appropriation Period: 2019-21 Activity Version: 1921 - 2019-21 Biennial Budget Request Sort By: Activity



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Appropriation Period: 2019-21 Activity Version: 1921 - 2019-21 Biennial Budget Request 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 2020	FY 2021	Biennial Total	FY 2022	FY 2023	Biennial Total
<b>FTE</b>	1,033.5	1,049.1	1,041.3	0.0	0.0	0.0
<b>001 General Fund - Basic Account</b>						
001-1 State	\$1,085	\$1,083	\$2,168	\$0	\$0	\$0
<b>405 Legal Services Revolving Account</b>						
405-1 State	\$135,714	\$138,572	\$274,286	\$20,502	\$20,540	\$41,042
<b>489 Pension Funding Stabilization Acct</b>						
489-1 State	\$70	\$70	\$140	\$0	\$0	\$0
<b>828 Tobacco Prevention/Control Account</b>						
828-1 State	\$129	\$130	\$259	\$0	\$0	\$0

**Statewide Result Area: Efficient, Effective and Accountable Government**

**Statewide Strategy: Provide data, information, and analysis to support decision-making**

**Expected Results**

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*Appropriation Period: 2019-21 Activity Version: 1921 - 2019-21 Biennial Budget Request Sort By: Activity*

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.

**002539**

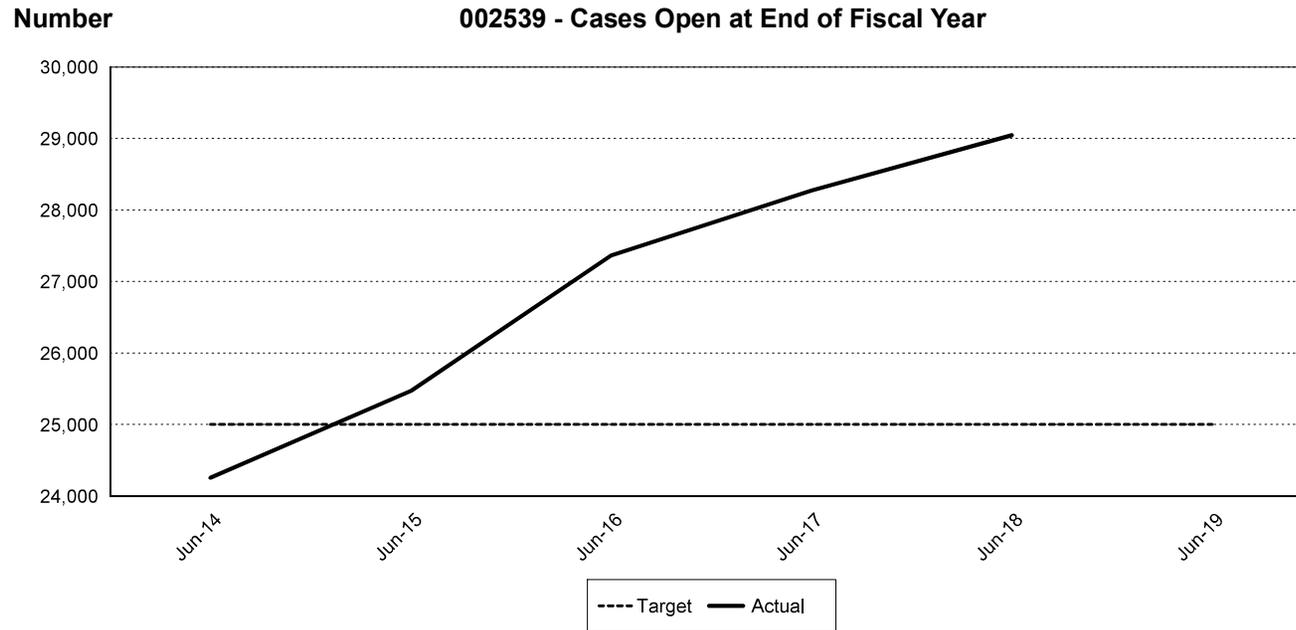
**The AGO provides legal representation to state agencies, boards, and commissions and sustains about 25,000 open cases at all times. The AGO represents the state in litigation and provides advice on personnel, contracts, public records, specialized program advice, and risk management. Program responsibilities include state and federal benefit programs administered by state agencies, licensing and regulatory programs, agency custodial programs, higher education, 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 avoiding costly lawsuits. AGO assists agencies with civil enforcement efforts – working with ECY to hold polluters accountable, L&I to promote fair labor practices, DSHS to protect children and other vulnerable populations from abuse and neglect.**

Biennium	Period	Actual	Target
2017-19	A3		25,000
	A2	29,045	25,000
2015-17	A3	28,275	25,000
	A2	27,364	25,000

Performance Measure Status: Approved

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Appropriation Period: 2019-21 Activity Version: 1921 - 2019-21 Biennial Budget Request Sort By: Activity



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Appropriation Period: 2019-21 Activity Version: 1921 - 2019-21 Biennial Budget Request 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 2020	FY 2021	Biennial Total	FY 2022	FY 2023	Biennial Total
<b>FTE</b>	9.8	9.8	9.8	0.0	0.0	0.0
<b>001 General Fund - Basic Account</b>						
001-1 State	\$383	\$383	\$766	\$383	\$383	\$766
<b>111 Public Service Revolving Account</b>						
111-1 State	\$1,327	\$1,327	\$2,654	\$29	\$31	\$60

**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.



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Appropriation Period: 2019-21 Activity Version: 1921 - 2019-21 Biennial Budget Request Sort By: Activity

**A012 Victims Advocacy**

The Washington Coalition of Crime Victim Advocates (WCCVA) provides training, certification and support to community-based victim service organizations. This training provides an overview of victim rights and the mandated pre-service core training for crime victim advocates before working professionally with victims of crime in Washington State. In addition, by maintaining web-based resources and ensuring the availability of an electronic distribution list for relevant crime victim advocacy issues and victim rights, WCCVA educates advocates, victims and the community relating to their rights and available services. WCCVA works to educate the public of the impact of crime to individuals and society in order to deter crimes and improve public and private efforts to prevent crimes.

Account	FY 2020	FY 2021	Biennial Total	FY 2022	FY 2023	Biennial Total
<b>19P Child Rescue Fund</b>						
19P-1 State	\$250	\$250	\$500	\$0	\$0	\$0
<b>001 General Fund - Basic Account</b>						
001-1 State	\$570	\$568	\$1,138	\$0	\$0	\$0
<b>489 Pension Funding Stabilization Acct</b>						
489-1 State	\$39	\$39	\$78	\$0	\$0	\$0

**Statewide Result Area: Healthy and Safe Communities**

**Statewide Strategy: Protect and support victims of crime**

**Expected Results**

The AGO will support those who provide direct services to victims of crime, increase quality services for victims of crime in Washington State, protect victims' rights, enhance public awareness, and provide crime specific education opportunities for communities throughout our state. Consequently, Washingtonians will utilize the services necessary for recovery and lessen their chances for repeated victimization. Victims and victims' advocates will receive the support and services they need.

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*Appropriation Period: 2019-21 Activity Version: 1921 - 2019-21 Biennial Budget Request Sort By: Activity*

**Grand Total**

	<b>FY 2020</b>	<b>FY 2021</b>	<b>Biennial Total</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>Biennial Total</b>
<b>FTE's</b>	1,288.2	1,309.5	1,298.9	163.4	163.4	163.4
<b>GFS</b>	\$15,780	\$15,864	\$31,644	\$3,734.0	\$3,703.0	\$7,437
<b>Other</b>	\$160,563	\$164,065	\$324,628	\$26,136.0	\$26,154.0	\$52,290
<b>Total</b>	\$176,343	\$179,929	\$356,272	\$29,870.0	\$29,857.0	\$0



## Performance Measure Incremental Estimates

Agency: 100 Office of Attorney General

Session: 2019-21 Regular

## Activity:

CL	6091	Water Availability	No measures linked to activity
CL	6091	Water Availability	No measures linked to decision package
CL	6110	Job Applicants Arrests/Convictions	No measures linked to activity
CL	6110	Job Applicants Arrests/Convictions	No measures linked to decision package
CL	CSF	Credit Security Freez Fees	No measures linked to activity
CL	CSF	Credit Security Freez Fees	No measures linked to decision package
CL	FRDS	First Responders/Disability	No measures linked to activity
CL	FRDS	First Responders/Disability	No measures linked to decision package
CL	MA	Tobacco Diligent Enforcement	No measures linked to activity
CL	MA	Tobacco Diligent Enforcement	No measures linked to decision package
CL	MBDS	Office of the Corrections Ombuds	No measures linked to activity
CL	MBDS	Office of the Corrections Ombuds	No measures linked to decision package
CL	MC	Move Servers to State Data Center	No measures linked to activity
CL	MC	Move Servers to State Data Center	No measures linked to decision package
CL	MH	Vapor Products (ESSB 6328)	No measures linked to activity
CL	MH	Vapor Products (ESSB 6328)	No measures linked to decision package
CL	MI	Traffic Fines (SSB 6360)	No measures linked to activity
CL	MI	Traffic Fines (SSB 6360)	No measures linked to decision package
CL	MM	Boldt Litigation	No measures linked to activity
CL	MM	Boldt Litigation	No measures linked to decision package
CL	MP	Skagit River Bridge Litigation	No measures linked to activity
CL	MP	Skagit River Bridge Litigation	No measures linked to decision package
CL	MR	Mental Health Services/Trueblood	No measures linked to activity
CL	MR	Mental Health Services/Trueblood	No measures linked to decision package
CL	MT	Madison v. OSPI Litigation	No measures linked to activity
CL	MT	Madison v. OSPI Litigation	No measures linked to decision package
CL	PB	Child Permanency & Child Welfare	No measures linked to activity
CL	PB	Child Permanency & Child Welfare	No measures linked to decision package
CL	PRA1	Public Records Admin.	No measures linked to activity
CL	PRA1	Public Records Admin.	No measures linked to decision package
ML	8L	Lease Adjustments < 20,000 sq. ft.	No measures linked to activity
ML	9F	Federal Funding Adjustment	No measures linked to activity
ML	K1	Family Leave Legal Services	No measures linked to activity
ML	KE	Mental Health Legal Services	No measures linked to activity
ML	KH	Tobacco Diligent Enforcement	No measures linked to activity
ML	KJ	Davison v. WA State	No measures linked to activity

**Performance Measure Incremental Estimates**

**Agency: 100 Office of Attorney General**

**Session: 2019-21 Regular**

ML	KL	Madison v. OSPI Litigation	No measures linked to activity
ML	KM	WA State v. Monsanto	No measures linked to activity
ML	KN	Skagit River Bridge Collapse	No measures linked to activity
ML	KP	Natural Resources Legal Services	No measures linked to activity
ML	KQ	Education Legal Services	No measures linked to activity
ML	KR	WSU Legal Services	No measures linked to activity
ML	KS	Lemon Law Administration	No measures linked to activity
PL	KA	Attorney Retention and Salary Grid	No measures linked to activity
PL	KB	Child Permanency & Child Welfare	No measures linked to activity
PL	KB	Child Permanency & Child Welfare	No measures linked to decision package
PL	KC	Increase Civil Rights Enforcement	No measures linked to activity
PL	KC	Increase Civil Rights Enforcement	No measures linked to decision package
PL	KD	Ratepayer Advocacy	No measures linked to activity
PL	KF	MFC Elder and Program Protection	No measures linked to activity
PL	KG	L&I Employment Standard Audits	No measures linked to activity

**Outcome Measures 000018 Average Number of Days to Complete an Ethics Investigation**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

**Outcome Measures 000021 HITS Requests from Law Enforcement**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
ML	9F	Federal Funding Adjustment	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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

**44**

**Performance Measure Incremental Estimates**

**Agency: 100 Office of Attorney General**

**Session: 2019-21 Regular**

PL	KD	Ratepayer Advocacy	10,000	10,000	10,000	10,000
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AGO Strategic Plan: Protect the People, Goal 4: protect ALL WASHINGTON CONSUMERS. 2-4-3: Protect Washington Ratepayers.

**Outcome Measures 002533 Total AG Formal and Informal Opinions Issued**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
ML	KE	Mental Health Legal Services	0	0	0	0
ML	KH	Tobacco Diligent Enforcement	0	0	0	0
ML	KM	WA State v. Monsanto	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
ML	9F	Federal Funding Adjustment	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

**Outcome Measures 002538 Recoveries to the Medicaid System**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	0
PL	KF	MFC Elder and Program Protection	0	0	0	0

**Performance Measure Incremental Estimates**

**Agency: 100 Office of Attorney General**

**Session: 2019-21 Regular**

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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
ML	K1	Family Leave Legal Services	0	0	0	0
ML	KE	Mental Health Legal Services	0	0	0	0
ML	KJ	Davison v. WA State	0	0	0	0
ML	KL	Madison v. OSPI Litigation	0	0	0	0
ML	KN	Skagit River Bridge Collapse	0	0	0	0
ML	KP	Natural Resources Legal Services	0	0	0	0
ML	KQ	Education Legal Services	0	0	0	0
ML	KR	WSU Legal Services	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	0
PL	KG	L&I Employment Standard Audits	34	34	34	34

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

**Outcome Measures 002877 Antitrust Restitution to the Citizens of the State**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

**Output Measures 000011 Antitrust Restitution to the Citizens of the State**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

**Performance Measure Incremental Estimates**

**Agency: 100 Office of Attorney General**

**Session: 2019-21 Regular**

AGO Strategic Plan: Protect the People – Goal 4: PROTECT ALL 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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
ML	KM	WA State v. Monsanto	0	0	0	0
ML	KS	Lemon Law Administration	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	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 that protect consumers and improve consumer awareness.

**Output Measures 002536 Criminal Cases Closed**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
ML	9F	Federal Funding Adjustment	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
PL	KA	Attorney Retention and Salary Grid	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.

Performance Measure Incremental Estimates

Agency: 100 Office of Attorney General

Session: 2019-21 Regular

Activity: A001 Administration

PL KB Child Permanency & Child Welfare  
 PL KC Increase Civil Rights Enforcement

No measures linked to decision package  
 No measures linked to decision package

Outcome Measures 000018 Average Number of Days to Complete an Ethics Investigation

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

Outcome Measures 000021 HITS Requests from Law Enforcement

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

Outcome Measures 002533 Total AG Formal and Informal Opinions Issued

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
ML	KE	Mental Health Legal Services	0	0	0	0
ML	KH	Tobacco Diligent Enforcement	0	0	0	0
ML	KM	WA State v. Monsanto	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	48

**Performance Measure Incremental Estimates**

**Agency: 100 Office of Attorney General**

**Session: 2019-21 Regular**

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

**Outcome Measures 002535 Total Successful Commitments**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

**Outcome Measures 002538 Recoveries to the Medicaid System**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
ML	KE	Mental Health Legal Services	0	0	0	0
ML	KN	Skagit River Bridge Collapse	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

**Outcome Measures 002877 Antitrust Restitution to the Citizens of the State**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
PL	KA	Attorney Retention and Salary Grid	0	0	0	49

**Performance Measure Incremental Estimates**

**Agency: 100 Office of Attorney General**

**Session: 2019-21 Regular**

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

**Output Measures 000011 Antitrust Restitution to the Citizens of the State**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

AGO Strategic Plan: Protect the People – Goal 4: PROTECT ALL 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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
ML	KM	WA State v. Monsanto	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	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 that protect consumers and improve consumer awareness.

**Output Measures 002536 Criminal Cases Closed**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
PL	KA	Attorney Retention and Salary Grid	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.

**Performance Measure Incremental Estimates**

**Agency: 100 Office of Attorney General**

**Session: 2019-21 Regular**

**Activity: A002 Civil Commitment of Sexually Violent Predators**

**Outcome Measures 000018 Average Number of Days to Complete an Ethics Investigation**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

**Outcome Measures 000021 HITS Requests from Law Enforcement**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
ML	9F	Federal Funding Adjustment	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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

**Outcome Measures 002533 Total AG Formal and Informal Opinions Issued**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	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**

**Performance Measure Incremental Estimates**

**Agency: 100 Office of Attorney General**

**Session: 2019-21 Regular**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
ML	9F	Federal Funding Adjustment	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

**Outcome Measures 002538 Recoveries to the Medicaid System**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

**Outcome Measures 002877 Antitrust Restitution to the Citizens of the State**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

**Output Measures 000011 Antitrust Restitution to the Citizens of the State**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	<b>52</b> 0

**Performance Measure Incremental Estimates**

**Agency: 100 Office of Attorney General**

**Session: 2019-21 Regular**

PL	KA	Attorney Retention and Salary Grid	0	0	0	0
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AGO Strategic Plan: Protect the People – Goal 4: PROTECT ALL 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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	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 that protect consumers and improve consumer awareness.

**Output Measures 002536 Criminal Cases Closed**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
ML	9F	Federal Funding Adjustment	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
PL	KA	Attorney Retention and Salary Grid	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.

**Performance Measure Incremental Estimates**

**Agency: 100 Office of Attorney General**

**Session: 2019-21 Regular**

**Activity: A003 Criminal Investigation and Prosecution**

**Outcome Measures 000018 Average Number of Days to Complete an Ethics Investigation**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

**Outcome Measures 000021 HITS Requests from Law Enforcement**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
ML	9F	Federal Funding Adjustment	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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

**Outcome Measures 002533 Total AG Formal and Informal Opinions Issued**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	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**

**Performance Measure Incremental Estimates**

**Agency: 100 Office of Attorney General**

**Session: 2019-21 Regular**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
ML	9F	Federal Funding Adjustment	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

**Outcome Measures 002538 Recoveries to the Medicaid System**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

**Outcome Measures 002877 Antitrust Restitution to the Citizens of the State**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

**Output Measures 000011 Antitrust Restitution to the Citizens of the State**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	<b>55</b> 0

**Performance Measure Incremental Estimates**

**Agency: 100 Office of Attorney General**

**Session: 2019-21 Regular**

PL	KA	Attorney Retention and Salary Grid	0	0	0	0
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AGO Strategic Plan: Protect the People – Goal 4: PROTECT ALL 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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	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 that protect consumers and improve consumer awareness.

**Output Measures 002536 Criminal Cases Closed**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
ML	9F	Federal Funding Adjustment	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
PL	KA	Attorney Retention and Salary Grid	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.

**Performance Measure Incremental Estimates**

**Agency: 100 Office of Attorney General**

**Session: 2019-21 Regular**

**Activity: A004 Enforcement of Anti-Trust Laws**

**Outcome Measures 000018 Average Number of Days to Complete an Ethics Investigation**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

**Outcome Measures 000021 HITS Requests from Law Enforcement**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

**Outcome Measures 002533 Total AG Formal and Informal Opinions Issued**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<b>57</b> <u>FY 2023</u>
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**Performance Measure Incremental Estimates**

**Agency: 100 Office of Attorney General**

**Session: 2019-21 Regular**

ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

**Outcome Measures 002538 Recoveries to the Medicaid System**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

**Outcome Measures 002877 Antitrust Restitution to the Citizens of the State**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

**Output Measures 000011 Antitrust Restitution to the Citizens of the State**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

**Performance Measure Incremental Estimates**

**Agency: 100 Office of Attorney General**

**Session: 2019-21 Regular**

AGO Strategic Plan: Protect the People – Goal 4: PROTECT ALL 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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	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 that protect consumers and improve consumer awareness.

**Output Measures 002536 Criminal Cases Closed**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
PL	KA	Attorney Retention and Salary Grid	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.

**Performance Measure Incremental Estimates**

**Agency: 100 Office of Attorney General**

**Session: 2019-21 Regular**

**Activity: A005 Enforcement of Consumer Protection Laws**

PL KC Increase Civil Rights Enforcement

No measures linked to decision package

**Outcome Measures 000018 Average Number of Days to Complete an Ethics Investigation**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

**Outcome Measures 000021 HITS Requests from Law Enforcement**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

**Outcome Measures 002533 Total AG Formal and Informal Opinions Issued**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
ML	KM	WA State v. Monsanto	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

**Performance Measure Incremental Estimates**

**Agency: 100 Office of Attorney General**

**Session: 2019-21 Regular**

**Outcome Measures 002535 Total Successful Commitments**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

**Outcome Measures 002538 Recoveries to the Medicaid System**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

**Outcome Measures 002877 Antitrust Restitution to the Citizens of the State**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

**Output Measures 000011 Antitrust Restitution to the Citizens of the State**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	<b>61</b> 0

**Performance Measure Incremental Estimates**

**Agency: 100 Office of Attorney General**

**Session: 2019-21 Regular**

PL	KA	Attorney Retention and Salary Grid	0	0	0	0
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AGO Strategic Plan: Protect the People – Goal 4: PROTECT ALL 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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
ML	KM	WA State v. Monsanto	0	0	0	0
ML	KS	Lemon Law Administration	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	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 that protect consumers and improve consumer awareness.

**Output Measures 002536 Criminal Cases Closed**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
PL	KA	Attorney Retention and Salary Grid	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.

**Performance Measure Incremental Estimates**

**Agency: 100 Office of Attorney General**

**Session: 2019-21 Regular**

**Activity: A006 Executive Ethics Board**

**Outcome Measures 000018 Average Number of Days to Complete an Ethics Investigation**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

**Outcome Measures 002531 Consumer Utility Rate Savings**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

**Outcome Measures 002533 Total AG Formal and Informal Opinions Issued**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
PL	KA	Attorney Retention and Salary Grid	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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

**Outcome Measures 002538 Recoveries to the Medicaid System**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

**Performance Measure Incremental Estimates**

**Agency: 100 Office of Attorney General**

**Session: 2019-21 Regular**

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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

**Outcome Measures 002877 Antitrust Restitution to the Citizens of the State**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

**Output Measures 000011 Antitrust Restitution to the Citizens of the State**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

AGO Strategic Plan: Protect the People – Goal 4: PROTECT ALL 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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
PL	KA	Attorney Retention and Salary Grid	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 that protect consumers and improve consumer awareness.

**Output Measures 002536 Criminal Cases Closed**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

Performance Measure Incremental Estimates

Agency: 100 Office of Attorney General

Session: 2019-21 Regular

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

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
PL	KA	Attorney Retention and Salary Grid	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.

**Performance Measure Incremental Estimates**

**Agency: 100 Office of Attorney General**

**Session: 2019-21 Regular**

**Activity: A007 Homicide Investigation Tracking System**

**Outcome Measures 000018 Average Number of Days to Complete an Ethics Investigation**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0

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

**Outcome Measures 000021 HITS Requests from Law Enforcement**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
ML	9F	Federal Funding Adjustment	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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0

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

**Outcome Measures 002533 Total AG Formal and Informal Opinions Issued**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
ML	9F	Federal Funding Adjustment	0	0	0	0

**Performance Measure Incremental Estimates**

**Agency: 100 Office of Attorney General**

**Session: 2019-21 Regular**

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

**Outcome Measures 002538 Recoveries to the Medicaid System**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0

AGO Strategic Plan: Protect the People – Goal 4: PROTECT ALL 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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	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 that protect consumers and improve consumer awareness.

**Output Measures 002536 Criminal Cases Closed**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
ML	9F	Federal Funding Adjustment	0	0	0	<b>67</b> 0

State of Washington  
**Performance Measure Incremental Estimates**

**Agency: 100 Office of Attorney General**

**Session: 2019-21 Regular**

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

**Performance Measure Incremental Estimates**

**Agency: 100 Office of Attorney General**

**Session: 2019-21 Regular**

**Activity: A008 Investigation and Defense of Tort Lawsuits**

**Outcome Measures 000018 Average Number of Days to Complete an Ethics Investigation**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

**Outcome Measures 002531 Consumer Utility Rate Savings**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

**Outcome Measures 002533 Total AG Formal and Informal Opinions Issued**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
PL	KA	Attorney Retention and Salary Grid	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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

**Outcome Measures 002538 Recoveries to the Medicaid System**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

**Performance Measure Incremental Estimates**

**Agency: 100 Office of Attorney General**

**Session: 2019-21 Regular**

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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

**Outcome Measures 002877 Antitrust Restitution to the Citizens of the State**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

**Output Measures 000011 Antitrust Restitution to the Citizens of the State**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

AGO Strategic Plan: Protect the People – Goal 4: PROTECT ALL 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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
PL	KA	Attorney Retention and Salary Grid	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 that protect consumers and improve consumer awareness.

**Output Measures 002536 Criminal Cases Closed**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

Performance Measure Incremental Estimates

Agency: 100 Office of Attorney General

Session: 2019-21 Regular

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

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
PL	KA	Attorney Retention and Salary Grid	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.

Performance Measure Incremental Estimates

Agency: 100 Office of Attorney General

Session: 2019-21 Regular

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

Outcome Measures 000018 Average Number of Days to Complete an Ethics Investigation

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

Outcome Measures 000021 HITS Requests from Law Enforcement

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

Outcome Measures 002533 Total AG Formal and Informal Opinions Issued

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<b>72</b> <u>FY 2023</u>
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**Performance Measure Incremental Estimates**

**Agency: 100 Office of Attorney General**

**Session: 2019-21 Regular**

ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

**Outcome Measures 002538 Recoveries to the Medicaid System**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	0
PL	KF	MFC Elder and Program Protection	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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

**Outcome Measures 002877 Antitrust Restitution to the Citizens of the State**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

**Output Measures 000011 Antitrust Restitution to the Citizens of the State**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	<b>73</b> 0

**Performance Measure Incremental Estimates**

**Agency: 100 Office of Attorney General**

**Session: 2019-21 Regular**

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

<b>Output Measures</b>			<b>002534 Direct Restitution Provided to Consumers through Litigation and Complaint Resolution</b>			
			<u><b>FY 2020</b></u>	<u><b>FY 2021</b></u>	<u><b>FY 2022</b></u>	<u><b>FY 2023</b></u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	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 that protect consumers and improve consumer awareness.

<b>Output Measures</b>			<b>002536 Criminal Cases Closed</b>			
			<u><b>FY 2020</b></u>	<u><b>FY 2021</b></u>	<u><b>FY 2022</b></u>	<u><b>FY 2023</b></u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

<b>Output Measures</b>			<b>002537 Percentage of Tort Claims that Result in Zero Payout</b>			
			<u><b>FY 2020</b></u>	<u><b>FY 2021</b></u>	<u><b>FY 2022</b></u>	<u><b>FY 2023</b></u>
PL	KA	Attorney Retention and Salary Grid	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.

**Performance Measure Incremental Estimates**

**Agency: 100 Office of Attorney General**

**Session: 2019-21 Regular**

**Activity: A010 Legal Services to State Agencies**

PL KB Child Permanency & Child Welfare

No measures linked to decision package

**Outcome Measures 000018 Average Number of Days to Complete an Ethics Investigation**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

**Outcome Measures 000021 HITS Requests from Law Enforcement**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

**Outcome Measures 002533 Total AG Formal and Informal Opinions Issued**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
ML	KE	Mental Health Legal Services	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

Performance Measure Incremental Estimates

Agency: 100 Office of Attorney General

Session: 2019-21 Regular

Outcome Measures 002535 Total Successful Commitments

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

Outcome Measures 002538 Recoveries to the Medicaid System

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
ML	K1	Family Leave Legal Services	0	0	0	0
ML	KE	Mental Health Legal Services	0	0	0	0
ML	KJ	Davison v. WA State	0	0	0	0
ML	KL	Madison v. OSPI Litigation	0	0	0	0
ML	KN	Skagit River Bridge Collapse	0	0	0	0
ML	KP	Natural Resources Legal Services	0	0	0	0
ML	KQ	Education Legal Services	0	0	0	0
ML	KR	WSU Legal Services	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	0
PL	KG	L&I Employment Standard Audits	34	34	34	34

**Performance Measure Incremental Estimates**

**Agency: 100 Office of Attorney General**

**Session: 2019-21 Regular**

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

**Outcome Measures 002877 Antitrust Restitution to the Citizens of the State**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

**Output Measures 000011 Antitrust Restitution to the Citizens of the State**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

AGO Strategic Plan: Protect the People – Goal 4: PROTECT ALL 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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	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 that protect consumers and improve consumer awareness.

**Output Measures 002536 Criminal Cases Closed**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
						<b>77</b>

**Performance Measure Incremental Estimates**

**Agency: 100 Office of Attorney General**

**Session: 2019-21 Regular**

PL	KA	Attorney Retention and Salary Grid	0%	0%	0%	0%
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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.

**Performance Measure Incremental Estimates**

**Agency: 100 Office of Attorney General**

**Session: 2019-21 Regular**

**Activity: A011 Representing Ratepayers**

**Outcome Measures 000018 Average Number of Days to Complete an Ethics Investigation**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

**Outcome Measures 000021 HITS Requests from Law Enforcement**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	0
PL	KD	Ratepayer Advocacy	10,000	10,000	10,000	10,000

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

**Outcome Measures 002533 Total AG Formal and Informal Opinions Issued**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	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**

**Performance Measure Incremental Estimates**

**Agency: 100 Office of Attorney General**

**Session: 2019-21 Regular**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

**Outcome Measures 002538 Recoveries to the Medicaid System**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

**Outcome Measures 002877 Antitrust Restitution to the Citizens of the State**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

**Output Measures 000011 Antitrust Restitution to the Citizens of the State**

			<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	80

**Performance Measure Incremental Estimates**

**Agency: 100 Office of Attorney General**

**Session: 2019-21 Regular**

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

<b>Output Measures</b>			<b>002534 Direct Restitution Provided to Consumers through Litigation and Complaint Resolution</b>			
			<u><b>FY 2020</b></u>	<u><b>FY 2021</b></u>	<u><b>FY 2022</b></u>	<u><b>FY 2023</b></u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	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 that protect consumers and improve consumer awareness.

<b>Output Measures</b>			<b>002536 Criminal Cases Closed</b>			
			<u><b>FY 2020</b></u>	<u><b>FY 2021</b></u>	<u><b>FY 2022</b></u>	<u><b>FY 2023</b></u>
ML	8L	Lease Adjustments < 20,000 sq. ft.	0	0	0	0
PL	KA	Attorney Retention and Salary Grid	0	0	0	0

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

<b>Output Measures</b>			<b>002537 Percentage of Tort Claims that Result in Zero Payout</b>			
			<u><b>FY 2020</b></u>	<u><b>FY 2021</b></u>	<u><b>FY 2022</b></u>	<u><b>FY 2023</b></u>
PL	KA	Attorney Retention and Salary Grid	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.



**2019-21 Biennium  
Activity Inventory Indirect Cost Allocation Approach**

**Agency:** 100 - Office of Attorney General

**Date:** Sept 11, 2018

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

	<b>% Allocation Received</b>	<b>Dollars Allocated FY 1</b>	<b>Dollars Allocated FY 2</b>	<b>Total Allocated</b>
<b>A001 - Administration</b>	5.7%	9,994	10,770	20,764
<b>A002 - Civil Commitment of Sexually Violent Predators</b>	4.5%	6,826	9,485	16,311
<b>A003 - Criminal Investigation and Prosecution</b>	1.3%	2,362	2,443	4,805
<b>A004 - Enforcement of Anti-Trust Laws</b>	0.7%	1,361	1,336	2,697
<b>A005 - Enforcement of Consumer Protection Laws</b>	3.7%	6,760	6,594	13,354
<b>A006 - Executive Ethics Board</b>	0.3%	516	528	1,044
<b>A007 - Homicide Investigation Tracking System</b>	0.4%	743	784	1,527
<b>A008 - Investigation and Defense of Tort Lawsuits</b>	0.3%	571	575	1,146
<b>A009 - Investigation and Prosection of Medicaid Fraud and Resident Abuse</b>	4.9%	10,020	7,906	17,926
<b>A010 - Legal Services to State Agencies</b>	76.8%	136,818	142,420	279,238
<b>A011 - Representing Ratepayers</b>	0.9%	1,695	1,704	3,399
<b>A012 - Victims Advocacy</b>	0.4%	651	667	1,318
<b>TOTALS</b>	<b>100.0%</b>	<b>178,317</b>	<b>185,212</b>	<b>363,529</b>





# OFFICE OF THE ATTORNEY GENERAL STRATEGIC PLAN

FY 2017 – 2019

*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 2017-19 Goals

To meet our three strategic priorities, we established the following goals for the FY 2017-19 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 greater 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 2017-19 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 2017-19 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 2017-19 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 2017-19 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 Identify new ways to more easily reallocate resources to meet workload demands.

To improve our legal services, ensure the AGO uses the maximum amount of flexibility to shift resources to respond to emergent events and evolving AGO and division priorities, and to appropriately support work units when staffing needs arise whatever the cause of such need.

##### 1-1-5 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 THROUGH THE USE OF TECHNOLOGY SOLUTIONS AND DATA.

1-2-1 Improve the use of 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 Evaluate the effectiveness of the new critical events calendaring processes, and provide feedback and recommendations for improvements.

Users of the new Critical Events Calendaring Process will provide feedback and suggestions for improvements in the system to the Critical Events Workgroup. The Workgroup will implement improvements.

1-2-3 Adjust existing software and processes to improve effectiveness and efficiency.

Complete training and implementation of the Exterro eDiscovery tool to assist with records management for litigation and public disclosure. Explore options to upgrade and improve systems such as the current matter management system, CCTNs, scheduling requests, and Office 365.

1-2-4 Share resources, including division policies, across the agency.

Facilitate efficiency and best practices by sharing key resources, such as division policies and COOPs. Consider utilizing forums available to the entire agency, such as an ACE site that is accessible agency-wide. Ensure documents are organized so they are easy to find.

## GOAL 3: PROACTIVELY ENGAGE IN RISK MANAGEMENT EFFORTS TO REDUCE THE STATE'S LIABILITY AND IMPROVE OUTCOMES FOR THE PUBLIC.

1-3-1 Improve 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.

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.

# SERVE THE STATE

## 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 Improve 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 an AGO password management tool.

## GOAL 4: PROTECT AND ENHANCE THE FINANCIAL HEALTH AND RESOURCES OF THE OFFICE OF THE ATTORNEY GENERAL INCLUDING OPTIMIZING FUND UTILIZATION AND MANAGEMENT.

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

Continue to 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 benchmarks and policies. Continue to be transparent with and provide outreach to vendors, stakeholders, customers and clients.

### 1-4-2 Proactively manage AGO and division resources.

Fully and responsibly utilize AGO and division resources and increase our focus on strategic budgeting and expenditure planning to better project expenditure levels and anticipate the impacts of future events on current and proposed programs and budgets.

### 1-4-3 Support high quality 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. Work toward automating and creating visual tools so that all divisions can easily track and understand relevant data and respond to changing resources and needs.

### 1-4-4 Continue our focus on contract and procurement compliance.

Continue to develop and implement procedures for Special Assistant Attorneys General (SAAGs) and expert witness contracts with an emphasis on ensuring compliance. Use template letters that inform SAAGs and expert witnesses of their obligation to retain records. To facilitate their accurate use by all divisions, develop and post contract and other templates together with best practices documents and instructions explaining when and how to use each template. Develop and post similar templates and materials for contracts with litigation consultants and third party

## SERVE THE STATE

neutrals. Continue efforts to centralize agency procurement and contract activities to maximize financial and operational performance and minimize risk.

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

Review client billing information and coordinate with client agencies on the potential impacts of proposed initiatives and legislation. Continue to provide timely information to the Governor, OFM, legislators, client agencies, and other stakeholders as appropriate.

# PROTECT THE PEOPLE

## FY 2017-19 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 authority to enforce the constitutional and statutory rights that protect people in Washington, including the civil rights granted by federal and state law. Prioritize actions that reflect a diversity of protected activities, protected classes, and geographic regions that could have a lasting, deterrent effect. On behalf of the State, identify opportunities to further equal access to justice and improve civil rights protections under federal and state laws. Reach and engage individuals, businesses, client agencies, and communities about civil rights and responsibilities. Coordinate with external partners including nonprofit groups, the Human Rights Commission, and coordinate enforcement agencies to maximize the impact of our civil rights work and to identify and develop enforcement and outreach opportunities.

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

Work to facilitate timely permanency for abused and neglected children. Seek a permanent funding solution to ensure the AGO maintains adequate resources to keep up with case filings. Seek to improve the child welfare system by actively participating in relevant projects with external stakeholders. Support cross-divisional, internal coordination of AGO work on youth issues including access to education and housing, and protection from harmful substances. Assist with the creation of the Department of Children, Youth and Families, provide legal services to support the transition from DSHS Dept. of Social and Health Services (DSHS) and Dept. of Early Learning (DEL), and review internal AGO legal services structure and modify as needed.

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

Continue, and consider expanding the membership and work of the multi-divisional AGO Vulnerable Adults Task Force. Develop and implement a plan to work with community stakeholders to raise awareness of and 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.

## PROTECT THE PEOPLE

Establish a tracking mechanism 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 to increase protections for exploited youth by examining local and regional practices and incidence data and making recommendations on statewide laws and practices. Explore other opportunities to reduce demand for sexually vulnerable children in Washington State. Administer the Child Rescue Fund as set forth by law, providing grants to the Internet Crimes Against Children task force and to qualifying child advocacy centers. Ensure the most dangerous and violent sexual predators are civilly detained, evaluated and treated.

### 2-1-5 Combat worker exploitation and protect worker safety.

Continue to develop the breadth and number of civil wage theft investigations and lawsuits to enforce state and local wage protections, including Initiative 1433. Support multistate work on wage enforcement actions affecting cross-jurisdiction employers. Partner with external stakeholders to solicit complaints for enforcement and potential partnerships on agency-request legislation. Consider multi-agency actions against employers who violate state and federal laws. Prosecute employers that subject their workers to unsafe working conditions. Pursue legal action against the Department of Energy (DOE) to ensure implementation of measures to protect workers from tank vapor exposures and prevent future vapor releases at Hanford.

### 2-1-6 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.

### 2-1-7 Complete work on the statewide relicensing project.

Complete work to develop a potential program for the consolidation of an individual's traffic-based financial obligations imposed by courts of limited jurisdiction into a unified and affordable payment plan.

### 2-1-8 Continue to partner with Washington's civil legal aid community.

Continue to convene quarterly meetings with our civil legal aid providers.

# PROTECT THE PEOPLE

2-1-9 Assist and partner with client agencies in their mission to strengthen communities, grow Washington's economy, and protect public health, safety, and welfare.

Provide the full range of legal services to assist our clients in achieving their mission to strengthen communities, grow Washington's economy, and protect public health, safety, and welfare. 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 laws designed to protect our environment and the health of Washingtonians. Coordinate the AGO's Natural Resource and Environmental Divisions and help harmonize legislative and policy efforts that support the office's environmental work and goals, and to identify future environmental initiatives where enforcement gaps exist.

2-2-2 Investigate and prosecute environmental crimes.

Work with local, state, and federal environmental agencies to engage in targeted investigations and prosecutions of environmental crimes to protect the health of Washington communities and deter criminal behavior.

2-2-3 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. Produce recommendations to policymakers in follow up to the Summit on Reducing the Supply of Illegal Opioids.

2-2-4 Reduce youth access to harmful substances, including tobacco, nicotine, and marijuana.

Continue to pursue legislation to raise the legal smoking and vaping age to 21. Support efforts to prevent retailers from selling tobacco to minors, maximize available revenue from the Master Settlement Agreement, and hold tobacco manufacturers responsible for making their required payments. Work with the Washington State Liquor and Cannabis Board (WSLCB) to enforce the internet sales provisions of the state vapor products law, and to shape and enforce meaningful restrictions on marketing and sale of marijuana to youth. Work with WSLCB, Department of Health (DOH) and DSHS on policy, public education, and enforcement strategies. Take steps to ensure that AGO work on tobacco issues is performed as efficiently and effectively as possible.

# PROTECT THE PEOPLE

## GOAL 3: PROMOTE GOOD GOVERNMENT

2-3-1 Enforce the State's campaign finance disclosure and electoral integrity laws and improve public awareness about those 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 and beyond. Develop strategic partnerships with national and/or local organizations interested in the enforcement of campaign finance laws.

2-3-2 Implement the 2017 Public Records Act legislation.

Strengthen open government and modernize AGO training materials and rules by implementing the provisions of ESHB 1594 (2017) and EHB 1595 (2017). Create a new public records consultation program for local governments. Update public records training materials to include new information on retention, production and disclosure of electronic documents. Update the AGO Model Rules to incorporate these new statutes and recent court decisions.

2-3-3 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.

2-3-4 Assist with collecting state revenue, and protecting and ensuring proper administration of funds.

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.

2-3-5 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 ALL WASHINGTON CONSUMERS.

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

## PROTECT THE PEOPLE

Continue to focus on investigation and enforcement efforts to protect Washington consumers and businesses, prioritizing 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.

### 2-4-2 Combat health care fraud.

Ensure both specific and general deterrence of fraud in the Washington Medicaid system. Recover monies lost to fraud in the Medicaid system. Deter abuse and neglect of patients residing in Medicaid nursing and residential facilities. Share information and referrals among various 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 Strengthen protections for veterans, service members and their families through enforcement and outreach.

Enforce and strengthen the laws that protect veterans and service members, including the Servicemembers Civil Relief Act and consumer protection laws. Engage and educate veterans and service members, businesses, and client agencies about the legal protections and benefits available to veterans and service members. Set up the AGO Office of Military & Veteran Legal Assistance.

### 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 2017-19 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: ENHANCE OUR COMMITMENT TO BEING AN EMPLOYER OF CHOICE BY RECOGNIZING, CELEBRATING, AND EMPOWERING AGO EMPLOYEES.

##### 3-1-1 Address the compensation gap.

To improve morale, recruitment and retention, continue to address the significant disparity in compensation between AGO attorneys and professional staff and other Washington public sector law offices. Identify AGO budget savings that can be reprioritized and directed towards addressing the salary disparity based on data and a sound financial plan. Continue to work with Washington State HR to further advocate for 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 Update 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.

# EMPOWER OUR EMPLOYEES

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.

**GOAL 2: PROMOTE DIVERSITY, INCLUSIVENESS, AND EQUITY THROUGHOUT THE ORGANIZATION TO RECRUIT AND RETAIN A HIGH QUALITY, HIGHLY SKILLED, AND HIGHLY EFFECTIVE WORKFORCE.**

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

Enhance efforts to recruit a diverse workforce through diversity outreach at all levels of the organization. Explore new mediums and marketing strategies, so candidates can learn about the work of our office.

3-2-2 Enhance equity and inclusion.

Review existing AGO training for ways to include or modify language to discuss and reflect the value of diversity and equity, and the importance of a work environment that is respectful and inclusive. Provide ways for staff to submit suggestions and ideas on maintaining an equitable workplace that is diverse, respectful, and inclusive.

3-2-3 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.

3-2-4 Organize agency-wide trainings on issues related to equity, diversity, and inclusion.

Organize diversity training events that will give employees an opportunity to learn about the dynamics and importance of equity, diversity, and inclusion. Ensure there is sufficient, accessible, and ongoing training for continuing education on these topics for all staff in all office locations.

# 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 the number of opportunities for high quality training programs for professional staff and attorneys at their locations and via WebEx. Encourage and facilitate attendance.

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

Develop strategies to prepare for continuity in key positions.

### 3-3-3 Expand cross-training opportunities.

Expand access and opportunity for all employees to cross-train in different or specialty areas within their division or in other divisions in which they have interest in obtaining skills, knowledge, and experience. Improve communications about cross-training opportunities, ease administrative processes, and assess and address impediments to utilization and effectiveness of cross training.

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

Continue to promote and expand the mentoring program for professional staff who are new to the AGO or seek further development and for attorneys and professional staff who are new to management, to ensure additional support and guidance from outside their division, enhance connections and foster success in new roles.

### 3-3-5 Improve new employee orientation.

Continue to refine AGO and division-level new employee orientations so that employees feel welcome when they join the agency and create strong connections across the office.

Develop a list of core agency-wide topics to be covered by supervisors when orienting each new employee, encouraging additions for division-specific needs.

## 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. Increase resources and training on how to use available technology, including equipment, devices, and software. Train employees on best practices for resource management, including on network drives and ACE.

## 3-4-3 Strategically approach how to use space creatively.

Increase efficiency by developing a workspace strategy using current resources that facilitate more collaboration, inclusiveness, and flexibility in the use of office space and equipment in all divisions and locations. Include employee input in design development.

## 3-4-4 Expand telecommute and flexible work programs.

Promote broader adoption of telecommute and flexible work schedules. Ensure division-level guidelines are created or reviewed so that staff understand division practices.

## 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.

Green the AGO through promoting sustainable office practices to include expanding the use of carpool calendars, the reuse center, recycling programs, and other sustainable practices. Use

## EMPOWER OUR EMPLOYEES

carbon emission reduction strategies to further reduce agency office space, business travel, and energy consumption.



**TAB B**

**RECOMMENDATION  
SUMMARY**





## Recommendation Summary

**Agency: 100 Office of Attorney General**

**Version: 1921 2019-21 Biennial Budget Request**

*Dollars in Thousands*

	Annual Average FTEs	General Fund State	Other Funds	Total Funds
CB T0PL Current Biennium Base	1,182.5	16,168	287,851	304,019
<b>2017-19 Current Biennium Total</b>	<b>1,182.5</b>	<b>16,168</b>	<b>287,851</b>	<b>304,019</b>
CL 1120 Regulatory Fairness	0.0	0	(11)	(11)
CL 1439 Higher Ed Student Protection	0.0	0	(28)	(28)
CL 2938 Campaign Finance Enforcement	0.0	0	48	48
CL 5021 Legal Assistance for Military	0.0	(1)	0	(1)
CL 5230 Small Business Owners	0.0	0	(40)	(40)
CL 5322 Dentists and Third Parties	0.0	0	(1)	(1)
CL 5407 Housing Options	0.0	0	2	2
CL 5577 Incapacitated Persons	0.0	0	1	1
CL 5835 Health Outcomes Pregnancy	0.0	(17)	0	(17)
CL 6029 Student Loan Bill of Rights	0.0	96	0	96
CL 6091 Water Availability	0.0	0	119	119
CL 6110 Job Applicants Arrests/Convictions	0.0	22	0	22
CL 6WMS Management Reduction	0.0	(29)	(195)	(224)
CL 8L Lease Adjustments < 20,000 sq. ft.	0.0	(82)	(338)	(420)
CL 92C Archives/Records Management	0.0	0	(6)	(6)
CL 92D Audit Services	0.0	0	1	1
CL 92G Administrative Hearings	0.0	0	42	42
CL 92J CTS Central Services	0.0	(1)	(1)	(2)
CL 92K DES Central Services	0.0	2	21	23
CL 92R OFM Central Services	0.0	(10)	(103)	(113)
CL 9D Pension and DRS Rate Changes	0.0	0	1	1
CL BSA Move Pension Fund Shift to Agencies	0.0	4	(4)	0
CL CSF Credit Security Freez Fees	0.0	0	24	24
CL ELEC Elected Official Salary	0.0	0	3	3
CL FRDS First Responders/Disability	(0.1)	0	(22)	(22)
CL G05 Biennialize Employee PEB Rate	0.0	4	42	46
CL GL9 Non-Rep General Wage Increase	0.0	549	5,619	6,168
CL GLU PERS & TRS Plan 1 Benefit Increase	0.0	5	52	57
CL GZC CTS Fee for Service Adjustment	0.0	0	12	12
CL GZF Paid Family Leave--Employer Premium	0.0	21	207	228
CL GZH DES Rate Compensation Changes	0.0	3	41	44
CL LB Ratepayer Advocacy	0.0	0	2	2
CL MA Tobacco Diligent Enforcement	(4.9)	(1,782)	0	(1,782)
CL MBDS Office of the Corrections Ombuds	0.3	0	72	72
CL MC Move Servers to State Data Center	(0.3)	(13)	(121)	(134)
CL ME PDC Legal Services	0.0	0	1	1
CL MH Vapor Products (ESSB 6328)	(0.3)	0	(56)	(56)
CL MI Traffic Fines (SSB 6360)	(0.2)	(39)	0	(39)
CL MK Adult Protective Services-Everett	0.0	0	4	4
CL ML EWU Legal Services	0.0	0	4	4
CL MM Boldt Litigation	(1.3)	0	(405)	(405)
CL MN School Employees' Benefits Board	0.0	0	9	9
CL MP Skagit River Bridge Litigation	(4.3)	0	(1,113)	(1,113)
CL MQCM Medicaid Fraud Federal Funding	0.0	0	236	236

## Recommendation Summary

**Agency: 100 Office of Attorney General**

**Version: 1921 2019-21 Biennial Budget Request**

*Dollars in Thousands*

	Annual Average FTEs	General Fund State	Other Funds	Total Funds
CL MR Mental Health Services/Trueblood	(3.5)	0	(940)	(940)
CL MS Bellingham Office Relocation	0.0	(27)	(403)	(430)
CL MT Madison v. OSPI Litigation	(1.8)	0	(575)	(575)
CL NSPN Nurse Staffing Plans	0.0	0	13	13
CL PB Child Permanency & Child Welfare	(20.0)	0	(4,292)	(4,292)
CL PC L&I WISHA Complex Litigation	0.0	0	1	1
CL PRA1 Public Records Admin.	(1.4)	0	(660)	(660)
CL SAKI Sexual Assault Kit Initiative	0.0	0	(3,000)	(3,000)
CL T03 DOR Litigation	0.0	0	(380)	(380)
CL T99 Replace GF-State with VW Payment	0.0	10,000	(10,000)	0
<b>Total Carry Forward Level</b>	<b>1,144.9</b>	<b>24,873</b>	<b>271,734</b>	<b>296,607</b>
Percent Change from Current Biennium	(3.2)%	53.8%	(5.6)%	(2.4)%
<b>Maintenance – Other Changes</b>				
ML 8L Lease Adjustments < 20,000 sq. ft.	0.0	(394)	2,104	1,710
ML 9F Federal Funding Adjustment	3.5	0	2,540	2,540
ML 9Z Recast to Activity	0.0	0	0	0
ML K1 Family Leave Legal Services	2.7	0	685	685
ML KH Tobacco Diligent Enforcement	6.3	2,602	0	2,602
ML KJ Davison v. WA State	2.5	0	1,407	1,407
ML KL Madison v. OSPI Litigation	2.0	0	868	868
ML KM WA State v. Monsanto	1.8	460	0	460
ML KN Skagit River Bridge Collapse	4.5	0	1,086	1,086
ML KP Natural Resources Legal Services	1.3	0	372	372
ML KQ Education Legal Services	1.8	0	296	296
ML KR WSU Legal Services	1.3	0	374	374
ML KS Lemon Law Administration	1.6	0	528	528
<b>Maintenance – Other Total</b>	<b>29.3</b>	<b>2,668</b>	<b>10,260</b>	<b>12,928</b>
<b>Maintenance – Central Svcs Changes</b>				
ML KE Mental Health Legal Services	3.5	0	919	919
<b>Maintenance – Central Svcs Total</b>	<b>3.5</b>	<b>0</b>	<b>919</b>	<b>919</b>
<b>Total Maintenance Level</b>	<b>1,177.7</b>	<b>27,541</b>	<b>282,913</b>	<b>310,454</b>
Percent Change from Current Biennium	(4)%	70.3%	(1.7)%	2.1%
<b>Policy – Other Changes</b>				
PL KA Attorney Retention and Salary Grid	0.0	1,500	12,572	14,072
PL KC Increase Civil Rights Enforcement	7.0	1,837	0	1,837
PL KD Ratepayer Advocacy	3.0	766	0	766
PL KF MFC Elder and Program Protection	17.5	0	5,627	5,627
PL KG L&I Employment Standard Audits	6.3	0	1,636	1,636
<b>Policy – Other Total</b>	<b>33.8</b>	<b>4,103</b>	<b>19,835</b>	<b>23,938</b>
<b>Policy – Central Svcs Changes</b>				
PL KB Child Permanency & Child Welfare	87.4	0	21,880	21,880
<b>Policy – Central Svcs Total</b>	<b>87.4</b>	<b>0</b>	<b>21,880</b>	<b>21,880</b>

**Recommendation Summary**

**Agency: 100 Office of Attorney General**

**Version: 1921 2019-21 Biennial Budget Request**

*Dollars in Thousands*

	<b>Annual Average FTEs</b>	<b>General Fund State</b>	<b>Other Funds</b>	<b>Total Funds</b>
<b>Subtotal - Policy Level Changes</b>	<b>121.2</b>	<b>4,103</b>	<b>41,715</b>	<b>45,818</b>
<b>2019-21 Total Proposed Budget</b>	<b>1,298.9</b>	<b>31,644</b>	<b>324,628</b>	<b>356,272</b>
Percent Change from Current Biennium	9.8%	95.7%	12.8%	17.2%

## Recommendation Summary

**Agency: 100 Office of Attorney General**

**Version: 1921 2019-21 Biennial Budget Request**

*Dollars in Thousands*

	Annual Average FTEs	General Fund State	Other Funds	Total Funds
<b>CL 92C Archives/Records Management</b>				
CFL Adjustment for Archives				
<b>CL 92D Audit Services</b>				
CFL Adjustment for Audit Services				
<b>CL 92G Administrative Hearings</b>				
CFL Adjustment for Administrative Hearings				
<b>CL 92J CTS Central Services</b>				
CFL Adjustment for CTS Services				
<b>CL 92K DES Central Services</b>				
CFL Adjustment for DES Services				
<b>CL 92R OFM Central Services</b>				
CFL Adjustment for OFM Services				
<b>CL 9D Pension and DRS Rate Changes</b>				
Biennialize Pension Funding				
<b>CL GZC CTS Fee for Service Adjustment</b>				
CFL Adjstmnt - CTS Fee for Service				

**Recommendation Summary**

**Agency: 100 Office of Attorney General**

**Version: 1921 2019-21 Biennial Budget Request**

*Dollars in Thousands*

	<b>Annual Average FTEs</b>	<b>General Fund State</b>	<b>Other Funds</b>	<b>Total Funds</b>
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**CL GZF Paid Family Leave--Employer Premium**

A paid family and medical leave program was created by Chapter 5, Laws of 2017, 3rd Special Session. Beginning January 1, 2019, the state, as an employer, will be responsible for payment of employer premiums for employees not covered by a collective bargaining agreement. This item provides funding for this obligation.

**CL GZH DES Rate Compensation Changes**

CFL Adjstmnt - DES Rate for Compensation Changes

**ML 8L Lease Adjustments < 20,000 sq. ft.**

This request covers the expected increases and decreases in annual lease contracts that will come up for renewal in the 2019-2021 Biennium. These requested funding changes are to sustain leases in buildings around the state where Attorney General's Office (AGO) divisions are currently located. These facilities are all in the AGO six-year lease facility plan. The AGO has limited control over increases in lease costs.

**ML 9F Federal Funding Adjustment**

The Attorney General's Office (AGO) requests a no cost adjustment to transfer unexpended Federal Sexual Assault Kit Initiative (SAKI) three-year grant funding to the 2019-21 Biennium. SAKI funding provides investigation and analysis services for conducting a statewide inventory of all previously in-submitted and partially submitted sexual assault kits and the testing of those kits. Providing appropriation authority into the 2019-2021 Biennium permits the AGO to continue to clear the backlog of untested kits and to further unresolved sexual assault related investigations and to develop cross discipline training which focuses on the victims of sexual assault.

**ML K1 Family Leave Legal Services**

The Employment Security Department (ESD) was tasked in Fiscal Year 2018 with implementing the nation's fifth and likely most generous Paid Family and Medical Leave (PFML) law. ESD has created a new division and is writing rules. The Attorney General's Office (AGO) has provided legal services to assist but it did not receive additional legal services funding. Beginning in FY 2019 and 2020, respectively, the AGO will provide representation in litigation when tax and benefits adjudicative orders are issued. This request will help with the implementation of this important legislation by providing quality advice and representation in litigation for ESD.

**ML KH Tobacco Diligent Enforcement**

The Office of the Attorney General (AGO) seeks to renew funding to diligently enforce tobacco escrow requirements and aggressively defend our past enforcement. Under the Master Settlement Agreement (MSA) with the major tobacco companies, millions of dollars per year are placed in escrow. The State will receive the escrow for a certain year if it is determined in an arbitration that the State diligently enforced its obligations under the MSA for that year. The requested funding will enable the AGO to continue to participate in the next arbitration.

## Recommendation Summary

**Agency: 100 Office of Attorney General**

**Version: 1921 2019-21 Biennial Budget Request**

*Dollars in Thousands*

	Annual Average FTEs	General Fund State	Other Funds	Total Funds
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**ML KJ Davison v. WA State**

The Attorney General's Office (AGO) requests funding to continue defending this class action lawsuit alleging that Washington State through the Office of Public Defense (OPD) has breached its constitutional duty to provide funds necessary to ensure an adequate defense for indigent juvenile defendants in Grays Harbor County. If the plaintiffs win, the monetary relief is several million dollars annually. More importantly, though, if plaintiffs win this case, it is likely that similar cases would be filed statewide and, if successful, the statewide monetary relief for adult and juvenile offenders could be between \$200 and \$300 million annually.

**ML KL Madison v. OSPI Litigation**

The American Civil Liberties Union (ACLU) filed a class action complaint against the Office of the Superintendent of Public Instruction (OSPI) on behalf of students who require special education services and reside in the Pasco or Yakima school districts. They seek to compel OSPI to exercise additional supervision concerning alleged excessive disciplinary practices. If successful, this suit very likely will lead to serial litigation against OSPI seeking to make the State a guarantor for every school district against any harm to a student at a cost of millions of dollars per year to the State.

**ML KM WA State v. Monsanto**

The Attorney General's Office (AGO) Counsel for Environmental Protection (CEP) seeks funding to continue a lawsuit against the Monsanto Company for unspecified damages caused by production of polychlorinated biphenyls (PCB) statewide. The suit seeks financial damages related to cleanup costs and harm to natural resources, including state-managed salmon. This lawsuit requires coordination of 34 different state agencies that have records related to PCBs or Monsanto, and management of outside attorneys and staff. Effective supervision of this suit and coordination of state agencies will ensure the compliance with discovery and records preservation obligations, and ensure the proper litigation of this case.

**ML KN Skagit River Bridge Collapse**

The Office of the Attorney General (AGO) requests funding to continue its efforts to recover more than \$17 million dollars expended by the Washington State Department of Transportation (WSDOT) and the federal government to replace a span of the Skagit River Bridge that collapsed after being struck by an over-height commercial truck on May 23, 2013. This matter is on appeal to the Court of Appeals, Division One, which may result in WSDOT facing liability that will require a longer trial, more experts, and additional discovery.

**ML KP Natural Resources Legal Services**

The Department of Natural Resources (DNR) has been funding an additional attorney since November 2015 for increased client advice and litigation legal services needs related to DNR aquatic land management. This request provides permanent funding for this position and expands the scope to include legal services related to all lands managed by DNR. Land management activities of DNR generate significant income for the State and permanently funding this attorney position enables the Attorney General's Office (AGO) to continue to provide quick turnaround on client advice, more ability to pursue plaintiff litigation, and more timely response to litigation deadlines.

**ML KQ Education Legal Services**

**Recommendation Summary**

**Agency: 100 Office of Attorney General**

**Version: 1921 2019-21 Biennial Budget Request**

*Dollars in Thousands*

<b>Annual Average FTEs</b>	<b>General Fund State</b>	<b>Other Funds</b>	<b>Total Funds</b>
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Demand for education-related legal services from the Attorney General’s Office (AGO) has exceeded the ability to meet needs of client agencies. The Education Division (EDU) serves over 50 separate education-related agencies. In the last three biennia, the State has established new educational agencies to be served without a corresponding increase in staff. During the same period, the legal landscape pertaining to higher education institutions has steadily increased in complexity resulting in increased volume of work. Adding a new Assistant Attorney General (AAG) accommodates the increased workload to provide legal services for effective risk management and meeting time sensitive deadlines.

**ML KR WSU Legal Services**

Washington State University (WSU) has an acute and urgent need for additional legal services. First, with the opening of the Elson S. Floyd College of Medicine (ESFCOM) and the relocation of the Colleges of Pharmacy and Nursing to the WSU Spokane campus, there is now a need for legal services housed on that campus with specialization in the health sciences and health care fields. Second, due to the Arishi v. WSU decision, universities are now required to conduct formal adjudications for serious student conduct matters. These adjudications require legal representation of WSU.

**ML KS Lemon Law Administration**

Since 2014, the Lemon Law Administration (Program) has experienced more than a 200% increase in requests for arbitration under RCW 19.118. An increase in FTE will allow the Program to keep pace with the increasing requests for arbitration and improve customer service. Increased funding will allow the Program to pay for increased arbitration costs and to produce an improved, comprehensive statutorily required Consumer Rights Notice to clearly inform consumers of their legal rights and to develop an online portal for accepting requests for arbitration electronically.

**ML KE Mental Health Legal Services**

Significant mental health cases, policy changes supporting the Governor’s vision for mental health system, and litigation on behalf of Department of Social and Health Services (DSHS) Behavioral Health Administration (BHA) require the Office of the Attorney General (AGO) to devote substantial time to defense work, advice, and negotiations. Forensic show cause hearings are increasing due to delays in competency evaluation and restoration, and felony civil commitments are increasing as well. Requests for legal advice are continually increasing, in particular with respect to Western State Hospital (WSH). Permanent funding of two AAGs is critical to adequate representation of DSHS.

**PL KA Attorney Retention and Salary Grid**

The Office of the Attorney General (AGO) requests funding to raise inadequate Assistant Attorneys General (AAG) salaries to market levels. AAG salaries remain significantly lower than those in other public law offices. Compounding this disparity, the AGO’s public peers receive ongoing, periodic salary increments. The fact that the AGO is behind, along with its inability to provide predictable increases, negatively impacts the ability to provide high quality, consistent legal services to Washington state. The AGO seeks funding to meet market rates and move to a salary system that allows for periodic increments similar to those of its public sector peers.

**PL KC Increase Civil Rights Enforcement**

The Office of the Attorney General (AGO) Wing Luke Civil Rights Unit (CRU) requests funding to increase capacity for affirmative outreach, investigations, and litigation to protect the constitutional and civil rights of the people of Washington State. This request will also help State Agencies comply with the Governor’s Executive order 17-01 – Reaffirming Washington’s Commitment to Tolerance, Diversity and Inclusiveness without violating federal immigration law.

**Recommendation Summary**

**Agency: 100 Office of Attorney General**

**Version: 1921 2019-21 Biennial Budget Request**

*Dollars in Thousands*

<b>Annual Average FTEs</b>	<b>General Fund State</b>	<b>Other Funds</b>	<b>Total Funds</b>
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**PL KD Ratepayer Advocacy**

The Office of the Attorney General (AGO) Public Counsel Unit (PCU) requests funding for additional staff. Insufficient funding impedes PCU’s ability to fully represent residential and small business utility customers in utility rate cases and other important complex matters. Additional resources are necessary to effectively advocate for customers and strengthen customer protections. Additional staffing will allow PCU to address a wider variety of issues and participate more fully in litigated cases, policy matters, and utility advisory groups. With additional resources, millions of Washington ratepayers will benefit from the level of advocacy the legislature intended in matters of significant public importance.

**PL KF MFC Elder and Program Protection**

In the past year, the number of Medicaid Fraud investigations dramatically increased in number, complexity, nature and scope. Due to outreach and education of our partner agencies, fraud referrals continue to increase in number and quality along with data mining produced investigations. The Office of the Attorney General (AGO) requests legislative approval to spend Medicaid Fraud Penalty Account (MFPA) funds to meet the state match for an increase approval from the Office of the Inspector General at the Department of Health and Human Services (HHS OIG). The results would better protect the Medicaid program and Washington’s most vulnerable citizens.

**PL KG L&I Employment Standard Audits**

The Office of the Attorney General (AGO) Labor and Industries Division (LNI) requests funding for increased legal services to the Department of Labor and Industries (L&I). Recent litigation brought before the U.S. Supreme Court has resulted in workers losing access to certain private remedies against employers for labor violations. L&I has worked to identify and close gaps in worker protections and is developing a budget request for a new program in this regard. The AGO LNI Division has worked closely with L&I to determine the appropriate level of legal services needed to support this new L&I program.

**PL KB Child Permanency & Child Welfare**

The Office of the Attorney General (AGO) requests permanent funding that is commensurate with caseloads, to ensure protection and timely permanency for children, and provide quality representation for the Department of Children, Youth and Families (DCYF). With an established trend of increasing child welfare cases, it is imperative that legal resources keep pace. Assistant Attorney General (AAG) and support staff levels should comply with the recommendation of the American Bar Association (ABA), with a maximum average attorney caseload of 60 cases. This package seeks staffing to adequately prepare cases, stay current with complex laws, and provide essential advice to DCYF.

**TAB C**

**DECISION  
PACKAGES**





# 2019-21 BIENNIAL BUDGET REQUEST

## Office of the Attorney General

### Decision Package Summary

PL Priority			
Type	DP Code	DP Title	Priority
PL	KA	Attorney & Salary Grid	1
PL	KB	Child Permanency & Child Welfare	2
PL	KC	Increase Civil Rights Enforcement	3
PL	KD	Ratepayer Advocacy	4
PL	KF	MFC Elder and Program Protection	5
PL	KG	L&I Employment Standard Audits	6

ML Priority			
Type	DP Code	DP Title	Priority
ML	KE	Mental Health Legal Services	1
ML	KH	Tobacco Diligent Enforcement	2
ML	K1	Family Leave Legal Services	3
ML	KJ	Davison V WA State	4
ML	KL	Madison v OSPI	5
ML	KM	WA State v. Monsanto	6
ML	KN	Skagit River Bridge Collapse	7
ML	KQ	Education Legal Services	8
ML	KP	Natural Resources Legal Services	9
ML	KR	WSU Legal Services	10
ML	KS	Lemon Law Administration	11
ML	9F	Federal Funds Adjustment (SAKI)	12
ML	8L	Lease Rate Adjustment	13





## 2019-21 Biennium Budget Decision Package

**Agency:** 100 - Office of Attorney General  
**Decision Package Code-Title:** KA - Attorney Retention and Salary Grid  
**Budget Session:** 2019-21 Regular  
**Budget Level:** Policy Level  
**Contact Info:** Edd Giger  
 (360) 586-2104  
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### Agency Recommendation Summary

The Office of the Attorney General (AGO) requests funding to raise inadequate Assistant Attorneys General (AAG) salaries to market levels. AAG salaries remain significantly lower than those in other public law offices. Compounding this disparity, the AGO's public peers receive ongoing, periodic salary increments. The fact that the AGO is behind, along with its inability to provide predictable increases, negatively impacts the ability to provide high quality, consistent legal services to Washington state. The AGO seeks funding to meet market rates and move to a salary system that allows for periodic increments similar to those of its public sector peers.

### Fiscal Summary

*Dollars in Thousands*

<b>Operating Expenditures</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Fund 001 - 1	\$747	\$753	\$758	\$764
Fund 001 - 2	\$80	\$81	\$81	\$81
Fund 111 - 1	\$24	\$24	\$24	\$24
Fund 12F - 6	\$5	\$5	\$5	\$5
Fund 154 - 1	\$3	\$3	\$3	\$3
Fund 19A - 1	\$26	\$26	\$27	\$27
Fund 405 - 1	\$6,020	\$6,063	\$6,108	\$6,154
Fund 424 - 6	\$93	\$95	\$96	\$96
Fund 441 - 1	\$12	\$12	\$12	\$12
<b>Total Expenditures</b>	<b>\$7,010</b>	<b>\$7,062</b>	<b>\$7,114</b>	<b>\$7,166</b>
<b>Biennial Totals</b>		<b>\$14,072</b>		<b>\$14,280</b>
<b>Object of Expenditure</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Obj. A	\$5,826	\$5,869	\$5,912	<del>\$5,955</del>

<b>Object of Expenditure</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Obj. B	\$1,184	\$1,193	\$1,202	\$1,211
<b>Revenue</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
001 - 0393	\$80	\$81	\$81	\$81
405 - 0420	\$6,020	\$6,063	\$6,108	\$6,154
<b>Total</b>	<b>\$6,100</b>	<b>\$6,144</b>	<b>\$6,189</b>	<b>\$6,235</b>
<b>Biennial Totals</b>		<b>\$12,244</b>		<b>\$12,424</b>

## Package Description

The inability to offer a competitive salary has been a historic and ongoing problem for the AGO, plaguing the office with constant turnover, a loss of talent and experience, challenges in recruitment, and excessive training costs and related inefficiencies. Each time the Legislature provides funding to support salaries, it positively affects AGO attorney retention. The AGO has managed its resources and worked to achieve efficiencies to turn internal savings into some modest increases, but those steps have not significantly closed the salary gap. A recent survey of our public sector peers shows that AAG's annual salaries are on average \$10,800 per year or 11% behind their peers.

Not only does the salary disparity impact the AGO's ability to recruit and retain attorneys, but so too does the inability to assure them of predictability in salary increases. Set salary schedules with periodic increment step increases are tools that state government has used for many years. See WAC 357-28-020 and 050. The vast majority of state agencies have established salary schedules that provide periodic salary progression in addition to cost-of-living adjustments. Salary schedules provide transparency and predictability of salary increases within an employee's salary range. In addition, other public sector law offices also have established salary schedules that provide employees predictable periodic salary progression. Due to lack of adequate funding, the AGO does not have the ability to offer the same transparency and predictability to its attorneys.

In 2016, in order to accurately understand and convey the scope of the salary problem, the AGO retained an independent consultant with expertise in salary surveys of public sector attorneys. The consultant found that moving AGO salaries to the public sector market would cost \$10.5 million per fiscal year. This equated to an average salary deficit for each of our attorneys of \$18,304 per year, including incremental benefit costs, the total would cost \$12.3 million per fiscal year. In an effort to work toward the implementation of a sustainable compensation solution, the AGO provided targeted salary increases through internal savings. In the process of doing so, it moved attorneys into their respective benchmark based on years of experience and skill set. This has essentially aligned attorney salaries in a way that would facilitate the implementation of a salary schedule with increment increases.

In an effort to see what progress had been made, the AGO recently retained the same independent contractor to determine how the current AGO salaries compared to its public sector counterparts. According to the 2017 survey, in order to move AGO salaries to today's market salaries, based on years of completion since law school,

it would need \$5.9 million per fiscal year. With benefits, this cost rises to \$7.1 million per fiscal year.

The survey also found that all but two of the entities surveyed have salary schedules that provide employees with predictable periodic increment increases based on longevity and performance.

The 2016 survey found that 95% of all AAGs were below market when salaries were compared by graduation year. The 2016 survey divided classes of attorneys into ten benchmarks based on experience and job duties and found that the greatest disparity was in three benchmark groups which comprised almost half (45%) of all AAGs. These groups include non-supervisory attorneys with 3-20 years of experience and are nearly \$22,000 per year or 27% behind their peers. With the 2% cost-of-living increase provided by the Legislature beginning July 1, 2017 and the minimal increases the AGO was able to fund based on savings, the 2017 survey reflects that these same groups are now \$14,500 per year or 14.2% behind their peers. While this reflects some narrowing of the gap, the AGO attorneys continue to lag behind their public sector peers. Without additional funding, the gap between AAG salaries and their public sector peers will continue to widen.

### **Drivers for funding – retention and recruitment remain two persistent areas of concern:**

#### Retention:

The AGO continues to experience attrition driven by lower salaries and no established periodic increment increases. The AGO has used efficiency savings to raise salaries and thereby lower the turnover rate, but the office does not have the capacity to continue this practice and is still far behind competitive levels. With an average turnover of about 64 attorneys per year, or approximately one attorney per week, the turnover costs remain substantial. Providing the state legal services of the highest quality requires retention of experienced and dedicated attorneys. Providing a competitive salary with predictability is necessary to support retention.

Our attorneys handle complex, high profile cases, as well as provide significant client advice to our state agencies that effect the people of Washington State. Retaining experienced, high quality attorneys is essential to protecting the State and providing risk management to help prevent costly litigation. Turnover requires continual redevelopment of expertise in new staff. Turnover and loss of expertise also creates challenges in meeting client needs and sometimes results in the need to retain Special Assistant Attorneys General (SAAGs). SAAGs are private counsel and typically cost state agencies much more than AAGs.

Another effect is that the office often mentors and trains attorneys to serve as experts in a particular area, only to have them hired by another employer—often AGO clients—at much higher pay. For example, in June of 2015 the long-time HIPAA expert advisor to a client retired. Well in advance of his retirement, the AGO had planned for the transition by mentoring a successor to that role. Fifteen months later, in August of 2016, the client hired that AAG to serve as their Privacy Officer at a significantly higher salary.

Not only do clients often pay more, but they also offer periodic salary increases. In the last biennium, other state agencies hired 18 AAGs. A majority of those 18 AAGs received a salary increase with the average increase being 12.4%.

For example, the following agencies hired AAGs for internal positions in the last biennium at increased salaries:

Agency	AGO salary	New salary	Increase
Department of Licensing	\$77,748	\$92,004	\$14,256
Eastern Washington University	\$107,217	\$140,500	\$33,283
Department of Transportation	\$91,584	\$105,288	\$13,704
WA State Investment Board	\$116,940	\$125,000	\$8,060
Department of Financial Institutions	\$85,884	\$105,076	\$19,192
University of Washington	\$113,724	\$215,000	\$101,276

The value of competitive salaries and predictability in salary increases is a regular comment from attorneys and often cited in exit surveys as reasons they leave the AGO.

### Recruitment:

Salary has inhibited recruitment of qualified attorneys in a few key ways. First, the AGO is aware that some candidates, including many of the office's own law clerks, do not apply because the AGO salaries will not support their law school debt load. Second, candidates withdraw from consideration once salary is discussed; and third, even if candidates are willing to accept a lower salary, the lack of predictable salary increases is an additional deterrent to moving forward.

In the 2015-17 biennium, 15 candidates withdrew from consideration once they became aware of the salary offer. In the first half of 2017 alone, five candidates withdrew due to the salary offer. The fact that the AGO does not offer periodic salary increments also hampered the recruitment effort. Additional funding will allow the AGO to offer a more competitive salary and to implement a periodic salary increment schedule similar to other state agencies. This will allow us to provide candidates some predictability of future salary progression, even if the initial starting salary is low.

### Historical Background:

In the past 18 years, the AGO has received four distinct salary increases for AAGs, excluding statewide cost of living adjustments (COLA). The AGO has not received a salary increase for AAGs since the 2014 supplemental budget, and has received only one AAG salary increase since the 2007-09 biennium.

- 2001-03 - \$2.7 million biennially
- 2003-05 - \$2.2 million biennially
- 2007-09 - \$9.5 million biennially
- 2013-15 - \$6.8 million biennially

CFL is usually a reference point created by calculating the biennialized cost of decisions already recognized in appropriations by the Legislature. In the CFL adjustments above, there were no previous appropriations made by the legislature.

**Expansion or alteration of a current program or service:**

N/A

**Detailed assumptions and calculations:**

The AGO developed a grid style salary schedule similar to the Washington State General Service salary grid. The grid has nine separate classifications, five for line attorneys (Entry-level, Progressing, Experienced, Senior, and Distinguished) and four management-level attorneys (Supervising Experienced, Supervising Senior, Division Chief, and Deputy). Each classification starts at 18% from the current market average for that classification and increases to 8% above the market average. Each step is 2.5% and there are 12 steps in each classification.

These costs are ongoing and will carry forward into future biennia. One-time costs are not included in this request.

**Workforce Assumptions:**

<b>FTE</b>	<b>FY2020</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>	<b>Ongoing ?</b>
AAG	0.0	0.0	0.0	0.0	Yes
Object A & B	7,010,000	7,062,000	7,114,000	7,166,000	
<b>TOTAL FTE</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	
<b>TOTAL A &amp; B</b>	<b>7,010,000</b>	<b>7,062,000</b>	<b>7,114,000</b>	<b>7,166,000</b>	

Fund 405 costs associated with this request will be billed to client agencies.

**Strategic and Performance Outcomes****Strategic framework:**

Every aspect of the AGO's Strategic Plan is affected by this request.

1. Priority – Serve the State:
  - a. Goal – Deliver high quality, timely, and efficient legal services.
  - b. Goal – Improve internal efficiency and effectiveness through organizational alignment, technology solutions, and improved use of data.
  - c. Goal – Proactively engage in risk management efforts to reduce the state's liability and improve outcomes for the public.
2. Priority – Protect the People:
  - a. Goal – Defend civil rights and stand up for vulnerable Washingtonians.
  - b. Goal – Protect Washington's environment and public health.
  - c. Goal – Promote good government.
  - d. Goal – Protect all Washington consumers.
3. Priority – Empower Our Employees:
  - a. Enhance our commitment to being an employer of choice by recognizing, celebrating, and empowering AGO employees.

- b. Promote diversity, inclusiveness, and equity throughout the organization to recruit and retain a high quality, highly skilled, and highly effective workforce.
- c. Ensure employees have the skills and knowledge they need to be successful.
- d. Ensure employees have the tools and work space they need to be efficient and effective.
- e. Promote the health, safety, and well-being of all employees in the workplace.

### **Relationship to Results Washington:**

This request supports all five goals of Results Washington as the AGO attorneys work in all areas of state government.

#### **Goal 1: World Class Education**

AAGs provide advice and representation to all state educational entities, including the Department of Early Learning, the Office of the Superintendent of Public Instruction, Washington's community and technical colleges and its four-year universities. AAGs have represented the state's interests in challenging cases related to the funding of basic education. The AGO often loses attorneys to these clients, and this package will support retention of attorneys with expertise.

#### **Goal 2: Prosperous Economy**

AAGs represent the Department of Commerce, the Department of Revenue, and the Department of Labor and Industries, and AAGs in Labor & Personnel and our Education divisions advise and represent all state agencies and institutions of higher education with matters related to employee and labor issues.

#### **Goal 3: Sustainable Energy and a Clean Environment**

The AGO is involved in providing advice and representation to all key state agencies engaged in this work, including the Departments of Ecology, Fish and Wildlife, Parks, Natural Resources, Agriculture as well as the Utilities and Transportation Commission.

#### **Goal 4: Healthy and Safe Communities**

The AGO supports health and safety in the State. AAGs in the Medicaid Fraud Unit promote integrity in the Medicaid program, both in civil and criminal enforcement. The AGO criminal division attorneys prosecute crimes on behalf of county prosecutors and the Governor. The AGO sexually violent predator unit protects public safety by civilly prosecuting dangerous sexual offenders. AAGs represent the Washington State Patrol, the Department of Health, Health Care Authority, and the Department of Social and Health Services.

#### **Goal 5: Effective, Efficient and Accountable Government**

By reducing turnover, this request will result in the more efficient and effective provision of legal services by reducing dependence on outside counsel, reducing training costs, reducing recruitment costs, and retaining knowledge and expertise for our state agency clients.

Activity	Fund	FY2020	FY2021	FY2022	FY2023
0001 Administration	405 / 001-1 / 441	135,000	137,000	137,000	138,000
0002 Civil Commitment of Sexually Violent Predators	001-1	202,000	204,000	205,000	207,000
0003 Criminal Investigation and Prosecution	001-1	149,000	151,000	152,000	153,000
0004 Enforcement of Antitrust Laws	424-6	93,000	95,000	96,000	96,000
0005 Enforcement of Consumer Protection Laws	001-1 / 12F / 154	372,000	373,000	376,000	379,000
0006 Executive Ethics Board	405	11,000	11,000	11,000	11,000
0008 Investigation and Defense of Torts Lawsuits	405	571,000	575,000	579,000	583,000
0009 Investigation and Prosecution of Medicaid Fraud and Resident Abuse	19A / 001-2	106,000	107,000	108,000	108,000
0010 Legal Services to State Agencies	405	5,347,000	5,385,000	5,426,000	5,467,000
0011 Representing Ratepayers	111	24,000	24,000	24,000	24,000
<b>TOTAL</b>		<b>7,010,000</b>	<b>7,062,000</b>	<b>7,114,000</b>	<b>7,166,000</b>

This request supports all AGO activities and performance measures.

## Performance Measure Detail

Performance Measure	Unit	Incremental Change FY1	Incremental Change FY2	Incremental Change FY3	Incremental Change FY4
002534 - Direct Restitution Provided to Consumers through Litigation and Complaint Resolution	\$	0	0	0	0
000011 - Antitrust Restitution to the Citizens of the State	\$	0	0	0	0
002877 - Antitrust Restitution to the Citizens of the State	#	0	0	0	0
000018 - Average Number of Days to Complete an Ethics Investigation	#	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
002535 - Total Successful Commitments	#	0	0	0	0
002537 - Percentage of Tort Claims that Result in Zero Payout	%	0	0	0	0
002539 - Cases Open at End of Fiscal Year	#	0	0	0	0
002536 - Criminal Cases Closed	#	0	0	0	<b>125</b> 0

Performance Measure	Unit	Incremental Change FY1	Incremental Change FY2	Incremental Change FY3	Incremental Change FY4
002538 - Recoveries to the Medicaid System	\$	0	0	0	0

**Performance outcomes:**

This request supports all AGO activities and performance measures. The incremental impact is indeterminate.

The AGO objective is to ensure the state and the taxpayers are provided high quality legal services. To do so, the agency must recruit and retain talented, experienced attorneys with subject-matter expertise through offering sustainable, competitive salaries along with predictable and sustainable salary increases.

The office's salary history demonstrates that when it provides salary increases, turnover decreases. As other public sector competitors continually increase salaries, if the AGO does not, its turnover increases significantly and it loses talented attorneys and candidates. The AGO has been responsive to job seeker expectations by emphasizing greater work flexibility, training, career advancement opportunities, but it must enhance the compensation plan to retain manageable turnover.

Investing in the AGO is investing in the future of the State of Washington, both in risk management and in economic recovery. The state's AAGs provide guidance and counsel on high profile issues and innovative projects, defend the state in high risk/high exposure litigation, and protect the state's most vulnerable populations. In addition, the AGO provides a true return on investment: in FY 2016 the office recovered more than \$180 million dollars, including tobacco settlements, and recoveries in Antitrust, Consumer Protection, Medicaid Fraud, Bankruptcy and Collections and DSHS.

**Other Collateral Connections****Intergovernmental:**

85% of the AGO funding is from billing of client agencies. Approximately, 85% of the costs would impact client agencies and the central service model, see attachment for impacts the central service model.

**Stakeholder response:**

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

**Legal or administrative mandates:**

N/A

**Changes from current law:**

N/A

**State workforce impacts:**

The package includes salary increases for assistant attorneys general to bring them to the market salary for public sector attorneys in Washington State and to allow for periodic increment increases.

**State facilities impacts:**

N/A

**Puget Sound recovery:**

N/A

**Reference Documents**

- CSM Impact Attorney Salary DP .xlsx

**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





## 2019-21 Biennium Budget Decision Package

**Agency:** 100 - Office of Attorney General  
**Decision Package Code-Title:** KB - Child Permanency & Child Welfare  
**Budget Session:** 2019-21 Regular  
**Budget Level:** Policy Level  
**Contact Info:** Edd Giger  
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### Agency Recommendation Summary

The Office of the Attorney General (AGO) requests permanent funding that is commensurate with caseloads, to ensure protection and timely permanency for children, and provide quality representation for the Department of Children, Youth and Families (DCYF). With an established trend of increasing child welfare cases, it is imperative that legal resources keep pace. Assistant Attorney General (AAG) and support staff levels should comply with the recommendation of the American Bar Association (ABA), with a maximum average attorney caseload of 60 cases. This package seeks staffing to adequately prepare cases, stay current with complex laws, and provide essential advice to DCYF.

### Fiscal Summary

*Dollars in Thousands*

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 405 - 1	\$8,326	\$13,554	\$13,554	\$13,554
<b>Total Expenditures</b>	<b>\$8,326</b>	<b>\$13,554</b>	<b>\$13,554</b>	<b>\$13,554</b>
<b>Biennial Totals</b>		<b>\$21,880</b>		<b>\$27,108</b>
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	66.8	108.0	108.0	108.0
<b>Average Annual</b>		<b>87.4</b>		<b>108.0</b>
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Obj. A	\$5,258	\$8,571	\$8,571	\$8,571
Obj. B	\$1,839	\$2,986	\$2,986	\$2,986
Obj. E	\$1,062	\$1,774	\$1,774	\$1,774
Obj. G	\$67	\$109	\$109	\$109
Obj. J	\$100	\$114	\$114	<b>129</b> 114

Revenue	FY 2020	FY 2021	FY 2022	FY 2023
405 - 0420	\$8,326	\$13,554	\$13,554	\$13,554
<b>Total</b>	<b>\$8,326</b>	<b>\$13,554</b>	<b>\$13,554</b>	<b>\$13,554</b>
<b>Biennial Totals</b>		<b>\$21,880</b>		<b>\$27,108</b>

## Package Description

The AGO provides legal advice and representation for DCYF. DCYF protects children from abuse and neglect, and works to achieve permanency for children. We are requesting staffing adequate to support the legal needs of the DCYF to protect children through the establishment of dependency cases, and to achieve safe and timely permanency through either reunification, adoption, or guardianship.

The ABA recommends a caseload target of no more than 60 cases per attorney. *Standards of Practice for Lawyers Representing Child Welfare Agencies* ([https://www.americanbar.org/content/dam/aba/administrative/child\\_law/agency\\_standards\\_authcheckdam.pdf](https://www.americanbar.org/content/dam/aba/administrative/child_law/agency_standards_authcheckdam.pdf)) recognizes that a “caseload of “40 - 50 active cases is reasonable, and a caseload of over 60 cases is unmanageable.” The ABA made these recommendations in 2004, but the AGO has never been funded for the recommended staffing level. Due to increased legal complexity at the state and federal level, and additional burdens resulting from court decisions, representing our state’s child welfare agency is substantially more complex than it was 14 years ago.

Today, the average caseload for AAG is 81. And the average number of children that an AAG is protecting in their caseload is 128. As of June 30, 2018, 101 AAG are managing 8,144 DCYF dependency, guardianship and termination cases statewide. Thirteen of those positions are not permanently funded. Additionally, this average is deceptive as there are many attorneys with actual caseloads that far exceed 81 due to vacancies and inexperienced attorneys unable to manage a full caseload. Also, there are certain counties where caseloads are continually rising due to external factors, such as the impact of the opioid crisis on families.

The ABA attorney caseload standards also recognize that effective legal support for child welfare agencies requires sufficient and highly qualified support staff. Offices that handle child welfare cases require well-trained legal assistants, paralegals, and office assistants to function successfully. Adequate staffing of these positions is critical to effective representation, and is fiscally justified. Highly qualified support staff in adequate numbers leverages the value from each AAG position, at significantly lower cost than adding attorney positions.

This request seeks funding to achieve a ratio of one Paralegal (PL) for every three child welfare AAG FTE, one Legal Assistant (LA) for every two child welfare AAG FTE, and one Legal Office Assistant (LOA) for every eight additional child welfare AAG FTE funded.

Achieving an average attorney caseload of 60 and appropriate staffing levels will require permanently funding an additional 48 AAG, 23 PL, 25 LA, and 6 LOA FTE statewide. In the 2017-19 biennium the AGO received funding for 20 of these FTE. However, the funding was one time only and was removed during the ~~2010~~ 2010-21

Carry Forward process, and we are starting at \$0 and 0.0 FTE for these positions as of July 1, 2019. This request is made to ensure that adequate AAG and staff positions are made a part of the permanent budget to reduce the average attorney caseload from 81 to 60 and achieve an appropriate support staff to attorney staffing ratio statewide.

For purposes of this proposal, a “case” represents a family, which may include multiple children who have experienced abuse or neglect, and multiple parents. Dependency cases as to all children in that family are counted as one case, and any associated termination or guardianship for that family is counted as a separate case. Dependency, termination and guardianship cases are each filed and litigated as separate causes of action and require AAGs to prosecute the petitions independent of each other. The legal work related to any appeals of orders entered in these cases are not counted separately for purposes of this proposal, but are part of either the dependency or termination/guardianship case.

The ABA recommendations are based on requirements to meet a child welfare agency’s legal needs by meeting specific standards of practice. Some of those standards require attorneys to:

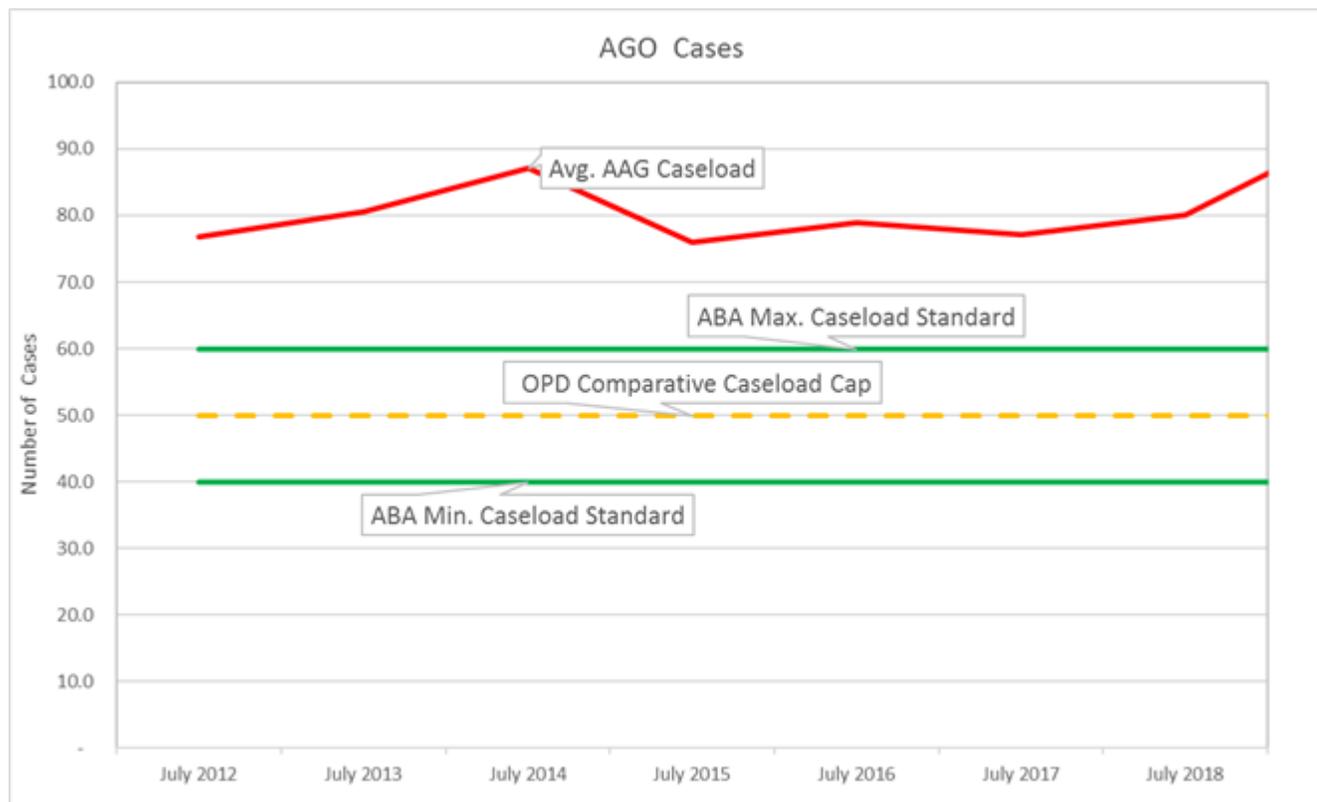
- Understand and apply a wide variety of federal laws in addition to state laws, such as the Indian Child Welfare Act, Interstate Compact on Placement of Children, Titles IV-B and IV-E of the Social Security Act, and the Individuals with Disabilities Education Act.
- Promote timely hearings and reduce case continuances to achieve timely permanency for children and families. Oversized caseloads result in lack of availability and delayed hearings.
- Timely gather and produce information and records to keep courts fully informed in decision-making.
- Actively promote and engage in settlement negotiations to attempt speedy resolution of cases that do not benefit from a contested trial.
- Strategize and meet case timelines, including subpoena and preparation of all witnesses and agency client representatives.
- Present case-in-chief, present and cross-examine witnesses, prepare and present exhibits.
- Take reasonable steps to ensure client agency complies with all court orders.

Represent the client in any related appeal of a dependency, termination or guardianship order.

The ABA *Standards of Practice for Lawyers Representing Child Welfare Agencies* ([https://www.americanbar.org/content/dam/aba/administrative/child\\_law/agency\\_standards.authcheckdam.pdf](https://www.americanbar.org/content/dam/aba/administrative/child_law/agency_standards.authcheckdam.pdf)) recognizes that attracting and retaining “high quality attorneys is essential”. “The agency attorney job is difficult. There are many tasks to complete in a short time. Since the agency attorneys often move the rest of the system, strong, committed attorneys can drastically improve the system.” More experienced AAGs and staff can handle higher workloads more efficiently. The ABA Standards of Practice recognizes that carrying caseloads at the current levels (81 cases) leads to attorney burn-out and increased turnover. Adequate staffing levels will benefit children and families and ensure superior legal support to DCYF.

### **Caseload comparisons:**

The AGO Child Permanency and Welfare work has never been funded in accordance with an external standard, such as the ABA’s recommendation of a range between 40 and 60 active cases for child welfare agency attorneys. Even with the addition of AAGs in 2014, which are not permanently, funded, average caseloads remained well above the ABA standard and are increasing.



Another way to view the workload for AAGs handling juvenile cases is to look at the formula for staffing for the Office of Public Defense Parents Representation Program (OPD). OPD is required to have a different attorney available to represent each parent, potentially requiring multiple OPD attorneys in each case. OPD applies a case cap of 80 parents to its full time contracting attorneys. *See also* CrRLJ 3.1, Standard 3. Consequently, when OPD has sought funding it counts a petition on each child as 1.6 cases so that there are sufficient resources available across all cases to have two or more OPD attorneys available to represent multiple parents in a single AGO juvenile case, with no OPD attorney having more than 80 cases. The OPD caseload of 80 could be considered more like carrying the workload of 50 AGO cases because, as the case becomes more complex with multiple parents, OPD adds an attorney for each parent and is funded for providing each parent representation by using the 1.6 multiplier.

There are significant differences in the nature of the work for OPD counsel and the work and obligations of an AAG. The OPD case cap measures each case as a dependency or termination case as to each parent-client. In contrast, the family, including all children and parents, are counted as one case for AAGs, so the workload for the AAG is multiplied by the number of children and parents. If the AGO were to use that same factor of 1.6 to account for the variations in the number of children and parents and complexity involved across cases, and multiplied that factor by the number of AGO cases counted as families (8,144), the average caseload per AAG as of June 30, 2018 would be calculated as 129 cases for each of the 101 AAGs. If the AGO were to use the

OPD formula, it would require a total of 163 AAGs to reach the equivalent of the OPD cap of 80. In comparison, the AGO is requesting in this proposal simply to meet the highest average caseload (60 families) permissible under ABA standards, which as of June 30, 2018 requires 136 attorneys.

In addition, there is increased work associated with representing DCYF:

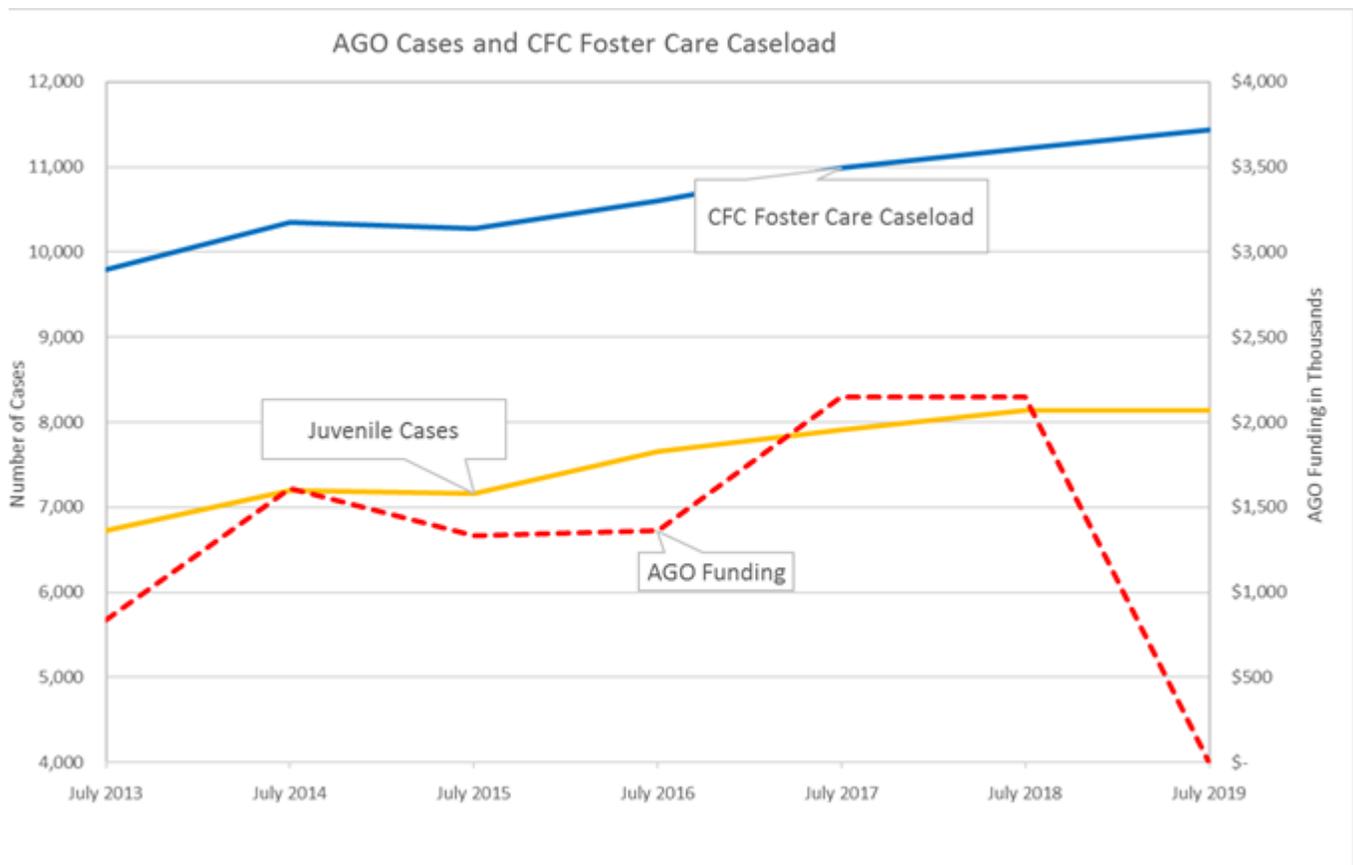
- AAGs, on behalf of DCYF, carry the burden of proof, which requires considerable preparation time and work with the client agency and experts to ensure that each legal element of the case is met.
- While parents' attorneys represent one client in the matter—such as one parent-- one AAG handles all aspects of the case for each family. AAGs must prove the allegations in the petitions as to each parent, most cases include more than one parent and nearly all parents who appear are represented by an attorney. In addition, the AAG must prove the allegations in the petition as to parents who do not appear and are not represented by an attorney. Some cases will involve separate fact-findings or trials. Cases can also require significant time to meet the due process rights of parents who reside out of state or out of country. In addition, the AAG also represents DCYF in dependency matters in which parental rights have been terminated, the parents' counsel have been discharged, and dependency proceedings continue to occur until permanency is achieved for the child. And the AAG represents DCYF in all extended foster care cases in which the parents' counsel has been discharged, but the child has a right to a court-appointed attorney and dependency hearings take place at least every six months.
- Unlike OPD, the AGO receives no additional separate funding to defend trial court orders on appeal, and this work is time-intensive, has strict deadlines, and takes attorneys away from other trial work. AAGs litigating dependency or termination cases are also responsible for appeals on those cases, including the many discretionary appeals of interlocutory orders, such as on shelter care decisions, placement orders, and orders on visitation. In contrast, OPD is separately funded to contract with appellate attorneys who handle the appeals; OPD parents' representation program attorneys do not handle appeals on their cases. OPD imposes a cap of 36 appeals of average size per appellate attorney FTE; if this cap were applied to the total number of new appeals filed in FY 2017 it would result in funding for more than five attorney FTE in addition to the funding for attorneys litigating dependency and termination cases.
- Many AAGs have significant travel demands not shared by OPD attorneys who are generally located in the city or county in which the case is being heard.
- AAGs also have a role beyond the cases actually filed in court. They must respond to requests for advice on matters that are being handled by social workers but may not yet have formally reached the AGO. AAGs also provide legal training for casework staff.

Also, there are regional variations that impact workload and increase the burden of carrying a high number of cases.

- Regional social worker turnover – several counties have experienced higher than normal client agency turnover resulting in substantially more need for AAG assisted training and advice.

- Court practices – some courts have expanded the number of dockets, added commissioners, increased the frequency of review hearings, and/or allowed lengthier hearings on routine matters, all of which require more AAG time for preparation and attendance.
- “Specialty” Courts – some courts have added or expanded participation in therapeutic or “specialty” courts (e.g., drug court or Baby Court) requiring AAG time for court appearances, preparation, stakeholder collaboration, and planning.
- Litigation practices - in some counties, parents’ counsel have a more litigious approach and file more procedural motions and more frequently challenge routine decisions of the court, increasing the workload for each case. In other counties, courts require more frequent reviews of cases, doubling court appearances.

In addition, there is correlation between the projections of the Caseload Forecast Council regarding increased children in foster care and the number of juvenile cases handled by the AGO. Legal services funding has not been tied to the client agency’s caseload forecasts, so over time funding has remained static, unless a specific budget request was granted, as caseloads have increased.



## Assumptions and Calculations

Expansion or alteration of a current program or service:

The 2015-17 Biennial and the Fiscal Year 2016 Supplemental Enacted Budget provided a combined total of \$2.7 million for Child Permanency for 5.0 AAG, 3.0 PL and 2.0 LA. This funding was not ongoing and expired at the end of the 2015-17 Biennium.

For Fiscal Year 2017 Supplemental the AGO requested \$538,000 and 2.5 AAG, 1.3 LA, and 0.6 MA for Child Welfare Litigation however, no funding was approved for this request.

The 2015-17 Biennial Budget the AGO submitted a decision package for Child Permanency and Child Welfare. The request was for ongoing funding to pay for 14.0 AAG, 4.0 PL, 7.0 LA, 2.0 LOA, and 3.5 MA5 for a total of 30.0 FTE at a total biennial cost of \$7.2 million. The amount approved in the budget provided for 20.0 FTE and \$4.3 million. This budget item was removed in the 2019-21 Biennium Budget Carry Forward process.

### **Detailed assumptions and calculations:**

As of July 1, 2018:

AAGs on staff serving Child Permanency and Welfare cases: 101

Note, funding for 13 AAGs expires at the end of the biennium leaving only 88 AAGs on staff.

Number of DCYF dependency, guardianship and termination cases statewide: 8,144.

Average caseload per AAG:  $8,144 / 101 = 81$

Average number of children that an AAG is protecting in their caseload: 128.

As of July 1, 2019:

If caseload remains level at 8,144 and funding is not provided:

AAGs on staff serving Child Permanency and Welfare cases: 88

Number of DCYF dependency, guardianship and termination cases statewide: 8,144.

Average caseload per AAG:  $8,144 / 88 = 93$

93 cases per AAG would more than double the recommended caseload. (40 – 50 average 45)

$(93 - 45) / 45 = 1.07$  or 107%

Average number of children that an AAG would be protecting in their caseload: 147.

ABA recommended caseload standard for child permanency and welfare work: 40 – 50 cases.

ABA maximum caseload recommended per AAG: 60

ABA describes caseloads exceeding 60 cases per AAG as “unmanageable”.

AAGs needed to meet the maximum caseload standard recommended by the ABA:  $8,144 / 60 = 136$

AAGs requested in this decision package:  $136 - 88 = 48$ .

Following the ABA recommendations the AGO is requesting the following support staff:

One Paralegal for every three Child Welfare AAGs.

There are 27 Paralegals on Staff

$136 \text{ AAG} / 3 = 45$  Recommended Paralegals

$45 - 27 = 18$  Paralegals

One Legal Assistant for every two Child Welfare AAGs.

$48 \text{ AAG} / 2 = 24$  Legal Assistants

One Legal Office Assistant for every eight Child Welfare AAGs:  
 48 AAG / 8 = 6 Legal Office Assistants

These costs are ongoing and will carry forward into future biennia. One-time costs are not included in this request.

#### Workforce Assumptions:

FTE	FY2020	FY2021	FY2022	FY2023	Ongoing ? Y / N
AAG	29.5	48.0	48.0	48.0	Yes
Object A & B	3,973,000	6,464,000	6,464,000	6,464,000	
LA	15.8	24.0	24.0	24.0	Yes
Object A & B	1,208,000	1,819,000	1,819,000	1,819,000	
PL	10.3	18.0	18.0	18.0	Yes
Object A & B	951,000	1,657,000	1,657,000	1,657,000	
LOA	4.7	6.0	6.0	6.0	Yes
Object A & B	283,000	358,000	358,000	358,000	
MA5	6.5	12.0	12.0	12.0	Yes
Object A & B	682,000	1,259,000	1,259,000	1,259,000	
<b>TOTAL FTE</b>	<b>66.8</b>	<b>108.0</b>	<b>108.0</b>	<b>108.0</b>	
<b>TOTAL A &amp; B</b>	<b>7,097,000</b>	<b>11,557,000</b>	<b>11,557,000</b>	<b>11,557,000</b>	

Costs associated with this request will be billed to DCYF.

Agency administrative support FTEs are included in the table above using a MA5 as a representative classification.

## Strategic and Performance Outcomes

### Strategic framework:

### Relationship to Results Washington:

Goal 4: Healthy & Safe Communities

#### 1. Safe People – Protection & Prevention

2.1 Decrease percentage of children with a founded allegation of abuse or neglect who have a new founded allegation within 12 months from 9.7% to 6% by June 2019.

2.1.b: Decrease percentage of children in Division of Children and Family Services out-of-home placement 5 years or more from 4.5% in January 2015 to 4% by July 2017.

### Relationship to the AGO Strategic Plan:

#### 1. Priority – Protect the People

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

1. Objective 2-1-2 Protect abused and neglected children. This includes timely establishing dependencies within 75 days and filing termination petition referrals within the AGO's performance measure of 45 days.

#### Relationship to the AGO Activity:

Expenditures by Activity	Fund	FY2020	FY2021	FY2022	FY2023
A0001	405	779,000	1,438,000	1,438,000	1,438,000
A0010	405	7,547,000	12,116,000	12,116,000	12,116,000
<b>TOTAL</b>		<b>8,326,000</b>	<b>13,554,000</b>	<b>13,554,000</b>	<b>13,554,000</b>

#### Performance outcomes:

The AGO uses two main internal performance measure success in juvenile litigation:

1. File termination petitions on 100% of legally sufficient referrals from DCYF within 45 days of referral.

This measures if the AGO is moving termination of parental rights cases through the courts in an efficient and effective manner.

Agency-wide the AGO reached 93% success in FY 2011. Since FY 2014, referrals have steadily climbed to a record high in FY 2017. Only because of the non-permanent resources added in FY 2014 to support the client's Child Permanency Initiative has the AGO been able to maintain performance on this goal relatively high. The compliance rate for FY 2017 was 87%.

However, during some periods between FY 2014 and the first half of FY 2018, some individual offices fell as low as 24% compliance. As of the first half of FY 2018, despite the caseloads and in part due to the non-permanent resources, the enormous efforts of AGO staff were successful such that no office fell below 71% compliance. Nonetheless, this measure indicates that additional resources are critical so that every child has a successful opportunity for timely permanency.

2. Obtain a dependency order on at least one active parent within 75 days of filing the petition in 70% of cases.

This measures if the AGO is effectively establishing dependency after a new petition is filed. RCW 13.34.070 requires that "the fact-finding hearing on the [dependency] petition shall be held no later than seventy-five days after the filing of the petition, unless exceptional reasons for a continuance are found." Experience leads us to believe exceptional reasons, more helpful than harmful to the child and family, exist in up to 30% of cases, thus the 70% target.

The AGO consistently exceeded the goal and achieved dependency on 75% of dependencies each year from FY 2010 through 2013. However, since FY 2012, dependency filings have increased to a steadily higher "new normal". With those increased filings, performance on this measure has dropped each of the last three and

one-half years, and at the half-year mark of FY 2018 stood at 65%.

Additionally, this package advances Performance Measure 2539: Cases Open at the End of Fiscal Year. By providing high quality legal assistance and representation to the DCYF the AGO improves government services, increases government efficiency, and manages costs. The legal services provided by the AGO will protect the public interest, taxpayer dollars, and most importantly, vulnerable children.

Ultimately, this decision package is about ensuring timely and effective legal support for the protection of children. Inadequate staffing results in an inability to meet caseload demands, which results in delay: delays in hearings, delays in trials, delays in filing petitions to terminate parental rights, delays in appellate reviews. An unreasonable workload results in staff turnover, which increases the workload for those who stay, as new staff are trained and are learning the work. Every delay in a child's case delays a permanent outcome for that child.

Performance Measure	Fund	FY2020	FY2021	FY2022	FY2023
2539: Cases Open at End of Fiscal Year	405				
<b>TOTAL</b>		-	-	-	-

Indeterminate incremental adjustments for this Performance Measure.

## Other Collateral Connections

### Intergovernmental:

The goals of protecting children from abuse and neglect and achieving permanency for children will be realized if the AGO can increase and sustain sufficient staff resources by having DCYF receive additional funding for legal services. Delays in child welfare cases can impact DCYF's compliance with federal law and risk reduced federal funding to the state. Delays also extend the time a child is in dependency and increases the cost of providing services.

The courts and defense counsel rely on the AGO to present these cases in a timely manner, be available to resolve issues, and appear for hearings. When permanency is not achieved and dependency cases continue, the court and defense counsel resources are impacted. Additionally, as courts add commissioners and specialty courts and expand dockets, all in the interest of serving children and their families, they require AAGs to be present and participate in these initiatives if they are to be successful.

CLIENT	Fund	FY2020	FY2021	FY2022	FY2023
DCYF	405	8,326,000	13,554,000	13,554,000	13,554,000
<b>TOTAL</b>		<b>8,326,000</b>	<b>13,554,000</b>	<b>13,554,000</b>	<b>13,554,000</b>

DCYF is in agreement with these legal services needs and fully support the AGO request.

### Stakeholder response:

There is no known opposition to this request at this time. Stakeholders include children and relatives involved in the child welfare system, including foster parents. The entire system benefits when the workforce is adequately staffed. Otherwise, delays in child welfare cases will impact the affected children because they will not be provided a timely, stable and permanent home.

**Legal or administrative mandates:**

This proposal is not in response to any single case or administrative mandate. However, it is in response to the increased number of dependency, termination, and guardianship cases and to expanded dockets and specialty courts established by the judicial branch.

In addition, the complexity of representing DCYF has increased as a result of some specific cases. For example, in *In re A.B.*, 168 Wn.2d 908 (2010), the Washington State Supreme Court found that, in addition to proving the six elements necessary to terminate parental rights under RCW 13.34.180, the State must prove the additional element of current parental unfitness at the time of the trial. Similarly, Substitute House Bill (SHB) 1284, passed in 2013, increased the necessary evidence that must be presented to ensure that parents incarcerated at the time of a termination trial have been provided sufficient opportunities to address parental deficiencies and be involved in children's lives.

Other legislative policies such as expanded rights to counsel for legally free children under Engrossed Second Substitute Senate Bill (E2SSB) 6126 passed in 2014 and options for dependent youth to stay in extended foster care after reaching majority similarly increased the complexity of representing DCYF.

In addition, federal and state law mandate that DCYF meet certain timelines, such as:

- Federal Adoption and Safe Families Act, must ensure timely permanency for foster children by filing a termination petition within 15 months from when the child was removed from home.
- RCW 13.34.070(1), a fact-finding hearing on a dependency petition shall be held no later than 75 days after filing.
- RCW 13.34.138(1), there shall be a review by the court at least once every six months to determine the progress of the parties and determine whether supervision should continue.
- SB 5890 Sec. 6, Legislature mandated that DSHS establish a case review panel where permanency is not achieved for children within 18 months after being placed in out-of-home care.

**Changes from current law:**

N/A

**State workforce impacts:**

N/A

**State facilities impacts:**

The agency will need to increase facility capacity to accommodate the additional staff. The AGO will deploy staff to seven Regional Services Division offices located in Bellingham, Everett, Kennewick, Port Angeles, Vancouver, Wenatchee, and Yakima. The AGO will also deploy staff to Seattle, Tumwater, and Tacoma.

This decision package includes anticipated lease and maintenance costs of \$8,300 per fiscal year per FTE. The AGO will submit a FY 2020 Supplemental decision package as additional lease space and maintenance costs are identified.

**Puget Sound recovery:**

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



## 2019-21 Biennium Budget Decision Package

**Agency:** 100 - Office of Attorney General  
**Decision Package Code-Title:** KC - Increase Civil Rights Enforcement  
**Budget Session:** 2019-21 Regular  
**Budget Level:** Policy Level  
**Contact Info:** Edd Giger  
 (360) 586-2104  
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### Agency Recommendation Summary

The Office of the Attorney General (AGO) Wing Luke Civil Rights Unit (CRU) requests funding to increase capacity for affirmative outreach, investigations, and litigation to protect the constitutional and civil rights of the people of Washington State. This request will also help State Agencies comply with the Governor's Executive order 17-01 – Reaffirming Washington's Commitment to Tolerance, Diversity and Inclusiveness without violating federal immigration law.

### Fiscal Summary

*Dollars in Thousands*

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001 - 1	\$919	\$918	\$918	\$918
<b>Total Expenditures</b>	<b>\$919</b>	<b>\$918</b>	<b>\$918</b>	<b>\$918</b>
<b>Biennial Totals</b>		<b>\$1,837</b>		<b>\$1,836</b>
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	7.0	7.0	7.0	7.0
<b>Average Annual</b>		<b>7.0</b>		<b>7.0</b>
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Obj. A	\$589	\$589	\$589	\$589
Obj. B	\$200	\$200	\$200	\$200
Obj. E	\$112	\$115	\$115	\$115
Obj. G	\$7	\$7	\$7	\$7
Obj. J	\$11	\$7	\$7	\$7

### Package Description

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CRU is a civil law-enforcement team that works to protect the constitutional and civil rights of everyone in Washington. Since its establishment in 2015, the Civil Rights Unit (CRU) has taken on a varied, visible, and demanding docket of investigations and litigation to defend the rights of Washingtonians, to have their fundamental rights respected, and to be free from discrimination on bases including race, color, religion, national origin, sex, pregnancy, sexual orientation, gender identity or expression, age, marital status, status with a family with children, honorably discharged veteran or military status, status as a breastfeeding mother, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal.

CRU investigates discrimination and unfair practices in a range of areas, including employment, housing, education, credit and insurance transactions, and at government offices and businesses that are open to the public. CRU takes a lead role in ensuring that coordinate government agencies, including federal, county, and local governments, comply with their legal obligations to respect the constitutional and civil rights of Washingtonians. CRU is frequently called upon to provide advice and training to elected officials, state agencies, and stakeholders around the state on civil rights issues and matters of concern to vulnerable populations. Finally, CRU contributes amicus briefs on matters of public interest, including in trial, appellate, and the Supreme Courts in both the state and federal systems.

A list of CRU's case filings is available here: <https://www.atg.wa.gov/cases> (<https://www.atg.wa.gov/cases>).

A list of CRU's filed amicus briefs may be found at: <https://www.atg.wa.gov/amicus-briefs> (<https://www.atg.wa.gov/amicus-briefs>).

CRU staff is extended beyond capacity by its current workload, with attorneys and staff working considerable overtime hours on a routine basis. Without additional staff resources, CRU will be restricted significantly in its ability to consider or accept any new matters for training, advice, investigation, or litigation for the foreseeable future. This will negatively impact the level of service staff is able to provide to elected officials, state agencies, and the people of the state.

## Assumptions and Calculations

### **Expansion or alteration of a current program or service:**

There is no funding in the AGO base budget for costs included in this request, or for any of the costs needed to fund CRU at current levels. The AGO has made a priority spending decision to fund civil rights enforcement because none has historically been funded. The AGO is unable to absorb the costs of expanded civil rights work that is increasingly requested by elected officials, state agencies, community stakeholders, and affected residents.

### **Detailed assumptions and calculations:**

CRU currently has six Assistant Attorneys General (AAG), plus a managing attorney. Requests for CRU training, advice, investigation, and litigation in addition to CRU's current docket could easily consume another six attorneys' time. For purposes of this request, CRU seeks funding for four additional AAG, plus the related support staff and administrative expenses.

New AAGs in the unit would perform tasks at the direction of the Unit Chief, including (1) conducting outreach and intakes from citizens and stakeholders around the state, (2) responding to requests for advice from state elected officials and agency representatives, (3) initiating and conducting investigations, (4) all tasks associated with civil litigation, including researching and drafting initial pleadings, conducting all phases of written discovery and depositions, working with fact and expert witnesses, preparing and arguing dispositive and non-dispositive motions, identifying witnesses and exhibits for trial, trying cases, and prosecuting all phases of appeals. Like the current CRU attorneys, new staff would work on matters at all levels of state and federal court, as well as the Office of Administrative Hearings (OAH).

These costs are ongoing and will carry forward into future biennia. One-time costs are not included in this request.

#### Workforce Assumptions:

FTE	FY2020	FY2021	FY2022	FY2023	Ongoing ?
AAG	4.0	4.0	4.0	4.0	Y
Object A & B	539,000	539,000	539,000	539,000	
LA	2.0	2.0	2.0	2.0	Y
Object A & B	146,000	146,000	146,000	146,000	
MA5	1.0	1.0	1.0	1.0	Y
Object A & B	105,000	105,000	105,000	105,000	
<b>TOTAL FTE</b>	<b>7.0</b>	<b>7.0</b>	<b>7.0</b>	<b>7.0</b>	
<b>TOTAL A &amp; B</b>	<b>790,000</b>	<b>790,000</b>	<b>790,000</b>	<b>790,000</b>	

Agency administration support FTEs are included in the tables using a Management Analyst 5 as a representative classification.

## Strategic and Performance Outcomes

#### Strategic framework:

**Results Washington Goal 5:** Efficient, Effective and Accountable Government

Sub-Topic: Customer Satisfaction and Employee Engagement

Outcome Measures:

1.1: Increase/maintain customer service satisfaction

1.2: Increase/maintain timely delivery for state services

This request advances Goal 5 by responding to the demand for civil law-enforcement efforts to protect the people of the State. It allows CRU to staff to increase responsiveness and availability for outreach, training, advice, investigation, and litigation that currently surpasses staff resources.

**Results Washington Goal 4:** Healthy and Safe Communities

Sub-Topic: Supported People - Quality of Life

This request advances Goal 4 by ensuring that vulnerable people in the state, including vulnerable populations at high risk for civil and constitutional rights violations, have dedicated staff in the AGO tasked with protecting their civil and constitutional rights.

### AGO Strategic Plan—

#### Priority 1—Serve the State

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

#### Priority 2—Protect the People

Goal 1—Defend civil rights and stand up for vulnerable Washingtonians

This request supports the AGO Strategic Plan by ensuring adequate staff resources to provide high-quality, timely, and efficient legal services in defense and protection of civil and constitutional rights. Additional staff allows CRU to be dynamic and responsive to developing issues and urgent needs for advice and response to developments at the local, state, and national levels.

### AGO Activities:

Activity	Fund	FY2020	FY2021	FY2022	FY2023
A0001 Administration	001-1	120,000	120,000	120,000	120,000
A0005 Consumer Protection	001-1	799,000	798,000	798,000	798,000
<b>TOTAL</b>		<b>919,000</b>	<b>918,000</b>	<b>918,000</b>	<b>918,000</b>

### Performance outcomes:

Performance Measure 2534: Direct Restitution Provided to Consumers through Litigation and Complaint Resolution

By providing high-quality law enforcement services on behalf of the people, CRU promotes the public interest in ensuring that the rights of all Washingtonians are respected and defended. The mission and work of CRU are consistent with the Legislature’s directive that the protection of civil rights is “an exercise of the police power of the state for the protection of the public welfare, health, and peace of the people” because discriminatory practices “are a matter of state concern” that “threaten[] not only the rights and proper privileges of [State] inhabitants but menaces the institutions and foundation of a free democratic state.” RCW 49.60.010.

Performance Measure	Fund	FY2020	FY2021	FY2022	FY2023
2533 Total AG Formal and Informal Opinions Issued	001				
2534 Direct Restitution Provided to Consumers through Litigation and Complaint Resolution	001				
<b>TOTAL</b>		-	-	-	-

Incremental impact for this performance measure is indeterminate.

## Other Collateral Connections

### **Intergovernmental:**

It is anticipated that the Governor will support this package, as part of CRU's expected increase in workload will support state agencies' compliance with the Governor's current (Executive Order 17-01) and, if issued, future directives related to the protection of civil rights.

### **Stakeholder response:**

Several legal and non-legal groups regularly request assistance from, and seek to refer matters to, CRU staff. These include the Northwest Justice Project, Columbia Legal Services, Northwest Immigrant Rights Project, Consejo Latino, Latino Civic Alliance, Disability Rights Washington, American Civil Liberties Union of Washington, National Association for the Advancement of Colored People, Washington Defender Association, King County Bar Association Volunteer Legal Services, and various clinics at the University of Washington and Seattle University Schools of Law.

### **Legal or administrative mandates:**

This proposal does not respond to existing litigation but is intended to fund the need for increased civil law enforcement.

### **Changes from current law:**

N/A

### **State workforce impacts:**

N/A

### **State facilities impacts:**

This decision package includes anticipated lease and maintenance costs of \$8,300 per fiscal year per FTE. The AGO will submit a FY 2020 Supplemental decision package if additional lease space and maintenance costs are identified.

### **Puget Sound recovery:**

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





## 2019-21 Biennium Budget Decision Package

**Agency:** 100 - Office of Attorney General  
**Decision Package Code-Title:** KD - Ratepayer Advocacy  
**Budget Session:** 2019-21 Regular  
**Budget Level:** Policy Level  
**Contact Info:** Edd Giger  
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### Agency Recommendation Summary

The Office of the Attorney General (AGO) Public Counsel Unit (PCU) requests funding for additional staff. Insufficient funding impedes PCU's ability to fully represent residential and small business utility customers in utility rate cases and other important complex matters. Additional resources are necessary to effectively advocate for customers and strengthen customer protections. Additional staffing will allow PCU to address a wider variety of issues and participate more fully in litigated cases, policy matters, and utility advisory groups. With additional resources, millions of Washington ratepayers will benefit from the level of advocacy the legislature intended in matters of significant public importance.

### Fiscal Summary

*Dollars in Thousands*

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001 - 1	\$383	\$383	\$383	\$383
<b>Total Expenditures</b>	<b>\$383</b>	<b>\$383</b>	<b>\$383</b>	<b>\$383</b>
<b>Biennial Totals</b>		<b>\$766</b>		<b>\$766</b>
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	3.0	3.0	3.0	3.0
<b>Average Annual</b>		<b>3.0</b>		<b>3.0</b>
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Obj. A	\$245	\$245	\$245	\$245
Obj. B	\$84	\$84	\$84	\$84
Obj. E	\$46	\$46	\$46	\$46
Obj. G	\$3	\$3	\$3	\$3
Obj. J	\$5	\$5	\$5	<b>147</b> \$5

## Package Description

### Background

The AGO PCU represents residential and small business customers of state-regulated, investor-owned utilities in proceedings before the Utilities and Transportation Commission (UTC), courts, and the legislature. Regulated utilities provide essential services to millions of Washington residents across the state, including many living paycheck-to-paycheck, making PCU's work critically important. Over the last 15 years, PCU has faced increased demands as utility filings have proliferated in number and complexity. In the 1990s, utilities only periodically filed rate cases. Currently, utilities file rate cases with much more regularity and sometimes almost annually.

This frequent filing of rate cases taxes the regulatory system and the parties who regularly participate. In addition, the number and character of the issues raised is increasing. It is common to have a 50-plus page issues list containing dozens of issues in a general rate case.

PCU recently received additional funding for expert witnesses, alleviating some of the resource challenges for the 2017-19 biennium. This funding has allowed PCU to increase its witness engagement on matters and issues such as asset depreciation, cost of capital, and power costs. Additional funding for staffing will significantly enhance PCU's ability to represent Washington ratepayers.

The legislature directed the AGO to "represent and appear for the people of the state of Washington" in regulatory matters under Title 80 and 81 RCW. (RCW 80.01.100, 80.04.510, and 81.04.500.) The AGO provides captive utility customers with a public advocate to represent their collective interests in matters that include electricity and natural gas rate cases, telecommunications service cases, public utility regulation, and related environmental issues. Utility customers are "captive" because utilities are natural monopolies, leaving customers only one option for utility service. PCU also participates, or is authorized by statute to participate, in water, transportation, and pipeline matters before the UTC.

To carry out the legislature's directive, the AGO established the PCU in 1983 and staffed it with two Assistant Attorneys General (AAGs). The attorney staff has not increased since 1983, but the number and complexity of the cases has increased substantially.

PCU is unique and the only entity that can effectively advocate on behalf of captive residential and small business utility customers. Regulated utilities have considerable resources and control all of the information to advocate for rate increases and other regulatory outcomes favorable to their business interests. Industrial and commercial customers have resources to advocate for their unique interests, which can be adverse to smaller scale customers. The UTC, or its staff, cannot effectively represent residential and small business customers because the UTC bears the duty to balance all interests while regulating in the public interest, and as a result, cannot advocate specifically on behalf of ratepayers, regulated entities, or other entities.

Expert witnesses play a crucial role in PCU's consumer advocacy, and PCU's need for experts has increased with the frequency and complexity of cases. For example, in complex rate proceedings, expert witnesses provide opinion, insight, and analysis that are crucial to effective advocacy on behalf of ratepayers and is necessary to achieve outcomes that balance the interests of captive customers along with other interests.

Prior to the 2018 Supplemental Budget, PCU's expert witnesses funding had remained essentially flat over the last decade. PCU has been able to increase its use of expert witnesses through funding provided by the 2018 Supplemental Budget, and this has allowed PCU to provide more complete ratepayer advocacy.

Adding staff to PCU will further enhance PCU's ability to address the litigation and policy proposals on behalf of Washington ratepayers. In a complex case, major parties including PCU present multiple witnesses on a variety of technical topics. Each witness produces testimony and exhibits that are voluminous and detailed. For example, over the first year of the 2017-19 biennium, PCU presented 17 witnesses in four major cases, including Puget Sound Energy's recent rate case. PCU's witnesses presented 894 pages of written testimony and 196 exhibits. PCU's attorney and regulatory analyst staff must review each piece of evidence before submitting it to the UTC to ensure the highest quality customer advocacy. In a large case, it is easy for PCU's staffing level to be out-paced by larger, well-staffed parties.

Compared to other states, Washington invests less in protecting the interests of captive utility customers. This request will bring Washington closer to parity with other states. The table below shows the annual budget, staffing levels, and annual expert funding for Washington and comparably-sized states.

<u>State</u>	<u>Population</u>	<u>Annual Budget</u>	<u>Staff: Total</u>	<u>Staff: Attorney</u>	<u>Annual Expert Funding</u>
Washington	7,405,743	\$ 1,080,209	7	2	\$ 211,713
Massachusetts (AG)	6,859,819	\$ 2,311,589	21	16	\$2,120,834
Missouri	6,113,532	\$ 1,165,424	16	5	\$ 200,000
Maryland	6,052,177	\$ 4,031,000	19	10	\$ 1,500,000
Colorado	5,607,154	\$ 1,840,516	7	4	Not available

### **Drivers of the request**

Public Counsel's workload has increased in volume and complexity. Regulated energy utilities are filing rate cases almost on an annual basis. For example, Avista filed rate cases in 1998, 1999, 2001, 2004, 2005, 2007, 2008, 2009, 2010, 2011, 2012, 2014, 2015, 2016, and 2017. Prior to 1998, Avista's last rate case was filed in 1990 for electric rates.

Similarly, Puget Sound Energy filed general rate cases in 2001, 2004, 2005 (power cost only), 2006, 2007, 2009, 2010 (gas only), 2011, 2014 (power cost only), and 2017. Prior to 2001, Puget Sound Energy's last electric rate case was filed in 1992.

Despite the increased frequency of rate cases, PCU's staffing levels have essentially remained flat.

Utilities are also filing other regulatory proceedings, such as requests to waive merger requirements, requests to approve mergers or other changes in ownership, requests to offer new services, and requests to conduct pilot programs. Each of these filings require expertise and advocacy to ensure positive outcomes for Washington's ratepayers. This proposal will help PCU meet its broad responsibilities in representing utility customers in the following areas:

- a. Expansion of baseline regulatory work, including rate cases, major transactions, policy dockets (rulemakings and industrywide investigations), enforcement cases, ongoing compliance and regulatory review dockets. For example, electric utilities will file for UTC approval of electric vehicle programs, which will impact charges to customers. Other matters involve mergers and acquisitions, utility resource planning, industry-wide discussions regarding methodologies used to determine the cost of serving each customer class, dockets to address changes in federal income tax legislation, and utility infrastructure investments.
- b. More complex rate cases, with rate increase requests based on newer ratemaking mechanisms, such as expedited rate relief, rate plans, and infrastructure replacement programs. PCU requires additional resources to fully analyze and address these issues on behalf of ratepayers.
- c. Introduction of new utility business models that affect customer privacy and service reliability issues, including deployment of smart meters and the capabilities the meters provide, the impact of small scale renewable energy projects that allow customers the ability to generate electricity, and new business ventures unrelated to the provision of utility service.

Without increased funding, PCU is unable to meet its statutory obligation to appear before the UTC in these and all matters affecting ratepayers, leaving millions of Washingtonians without a public advocate in very significant matters of public importance.

The subject matter is specialized and technical, and the increased volume of work has been, and is expected to continue to be, ongoing. Therefore, temporary or rotational staff from other AGO divisions would not be a viable option for the PCU. Funding for PCU comes from the Public Service Revolving Account (PSRA), which is earmarked to pay for regulation of utility companies. The funding is provided by an assessment on utility company revenue, and the utilities collect the assessment from their customers in rates. PCU does not receive an appropriation of General Fund dollars.

## Assumptions and Calculations

### Expansion or alteration of a current program or service:

Biennium	Appropriation	Expenditures	Variance	Variance as % of Appropriation
2013-15	2,106,000	2,085,000	21,000	1.0%
2015-17	2,220,000	2,217,000	3,000	0.1%
2017-19	2,723,000			

The PCU has expended almost its entire appropriation over the past two completed biennium. For the current biennium PCU received a \$350,000 proviso for expert witness. This request is for additional staff, which would be the first increase in attorney staff since PCU was created in 1983.

### Detailed assumptions and calculations:

The AGO requests an additional \$383,000 for increased staffing. PCU expects to participate in at least nine significant cases over the 2019-2021 biennium. Because energy companies file general rate cases on a near annual basis, PCU anticipates that Puget Sound Energy, Avista, Pacific Power and Light, and Cascade Natural Gas will each file at least one general rate case in the 2019-21 biennium.

PCU anticipates participating in a docket involving a merger, acquisition, or other sale that must be approved by the UTC. PCU also anticipates participating in dockets addressing cost recovery for major utility plant, including PSE's proposed liquefied natural gas plant and costs associated with clean up and decommissioning the Colstrip coal-fired electric generation plant in Montana. The UTC will likely conduct at least two significant ratemaking policy docket. The UTC currently has rulemakings and policy dockets on its procedural rules, utility acquisition planning and requests for proposals, advanced metering infrastructure (smart meters), and electric vehicles.

Captive residential and small business ratepayers are entitled to the same quality of advocacy as the regulated companies and other parties. In each litigation case, PCU expects the regulated utility to present testimony from expert witnesses to support their requests. Other parties, including large customers and UTC staff, also will present expert witness testimony. Testimony from expert witnesses provide analysis and argument that can influence the outcome of a regulatory proceeding, and PCU requires adequate staffing to manage the necessary expert testimony before the UTC.

Litigated cases that will reasonably occur during the 2019-21 biennium include the following:

Carry-over cases from prior biennium, including rate cases anticipated from Avista and Cascade Natural Gas.

Avista General Rate Case

Cascade Natural Gas General Rate Case

Pacific Power and Light General Rate Case

Puget Sound Energy General Rate Case

Northwest Natural Gas General Rate Case

Proceeding addressing Colstrip coal-fired electric generation plant decommissioning and remediation

Proceeding addressing Puget Sound Energy's liquefied natural gas plant additions

PCU's work directly affects millions of Washington residents and their essential services. Households and small businesses throughout the state are consumers of regulated electric, natural gas, and/or telecommunication services and are represented by PCU. With respect to energy companies, Puget Sound Energy has over 1 million customers in Western Washington, primarily in the Puget Sound region. Avista serves approximately 600,000 customers in Eastern Washington and is headquartered in Spokane. Pacific Power & Light serves 125,665 customers in south-central Washington including Yakima and Walla Walla Counties. Cascade Natural Gas serves 250,000 customers located in a non-contiguous service territory throughout Western and south-central Washington that includes 95 cities. NW Natural Gas serves 66,000 customers in Clark County and points along the Columbia River. PCU's work affects the rates these consumers pay and the quality of service these consumers receive.

By advocating on behalf of ratepayers, PCU ensures that the UTC has a full opportunity to consider ratepayer interests when deciding whether, and to what extent, a utility can increase its rates. PCU's advocacy has helped save ratepayers millions of dollars annually. For example, PCU advocated that the UTC should deny Avista's 2016 request to increase electric and natural gas rates by \$54 million annually. The UTC denied Avista's request, which was consistent with PCU's advocacy. In Avista's 2017 rate case PCU, and other parties, opposed Avista's request to establish a multi-year rate plan that would have increased rates each year automatically. PCU offered several arguments against the rate plan, which the UTC expressly acknowledged when it rejected the rate plan. PCU petitioned for judicial review of the UTC's use of an attrition adjustment in Avista's 2015 rate case. The Court of Appeals agreed with PCU and held that the UTC's decision violated RCW 80.04.250, and reversed and remanded the order.

Examples of issues addressed by PCU include the following, although not every issue has been addressed in every case:

Rate of return (investor profit) – This issue tends to be a primary driver in most rate cases and requires specific expert witness expertise to adequately address.

Power costs – For the first time in recent history, PCU presented an expert witness to address power production cost, which is a large and complex issue in rate cases.

Cost of service studies – Experts compile or review data necessary to determine how increased rates are allocated among residential, industrial, and commercial customers.

Utility expenses review (“revenue requirement”) – Experts review and address the broad range of issues which impact utility rates, such as taxes, labor, executive compensation, and insurance. Even though PCU often retains an expert to review revenue requirement, we are often limited to reviewing the largest issues, even though smaller issues will impact customers also.

Additional staff will enable PCU to participate in more utility policy, resource and service provision planning, low-income assistance planning, and energy efficiency matters. Nearly every utility has advisory groups addressing these matters (integrated resource planning, energy efficiency stakeholder advisory groups, low-income assistance advisory groups), and PCU currently lacks the resources to adequately and fully work on these issues for all regulated utilities. Engagement in the advisory groups is valuable because PCU becomes aware of utility proposals and plans and the utilities become aware of potential challenges through feedback. Engagement typically results in better outcomes.

These costs are ongoing and will carry forward into future biennia. One-time costs are not included in this request.

#### **Workforce Assumptions:**

FTE	FY2020	FY2021	FY2022	FY2023	Ongoing ?
AAG	1.0	1.0	1.0	1.0	Yes
Object A & B	135,000	135,000	135,000	135,000	
LA	0.3	0.3	0.3	0.3	Yes
Object A & B	21,000	21,000	21,000	21,000	
PL	0.5	0.5	0.5	0.5	Yes
Object A & B	46,000	46,000	46,000	46,000	
RA2	1.0	1.0	1.0	1.0	Yes
Object A & B	101,000	101,000	101,000	101,000	
MA5	0.3	0.3	0.3	0.3	Yes
Object A & B	26,000	26,000	26,000	26,000	
<b>TOTAL FTE</b>	<b>3.0</b>	<b>3.0</b>	<b>3.0</b>	<b>3.0</b>	
<b>TOTAL A &amp; B</b>	<b>329,000</b>	<b>329,000</b>	<b>329,000</b>	<b>329,000</b>	

The AGO requests 3.00 FTEs of additional staff consisting of one AAG, one Regulatory Analyst 2, 0.50 Paralegal 2, and 0.25 Legal Assistant 2.

Agency administration support FTEs are included in the table above using a Management Analyst 5 as a representative classification.

## Strategic and Performance Outcomes

### Strategic framework:

#### Relationship to Results Washington:

#### Goal 2 – Prosperous Economy

Helping to keep utility rates paid by residential and small business customers reasonable and affordable is a positive economic factor for family and business budgets.

#### Goal 3 – Sustainable Energy and a Clean Environment

PCU will have an enhanced ability to (1) address environmental issues in utility matters, such as issues regarding coal-fired generation and closure of such plant, (2) advocate for energy efficiency as a clean, low-cost resource, (3) evaluate and comment on utility resource acquisition plans, and (4) advocate for appropriate distributed energy policies that benefit customers (e.g., solar).

#### Goal 5 – Efficient, Effective, and Accountable Government

Increasing resources for customer representation will contribute to the responsiveness and effectiveness of the state regulatory process in protecting customers and ensuring fair, just, reasonable, and sufficient rates, adequate service, and the pursuit of clean energy goals.

#### Relationship to AGO Strategic Plan:

## Priority – Protect the People

### 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 laws designed to protect our environment and the health of Washingtonians. Coordinate the AGO’s Natural Resource and Environmental Divisions and help harmonize legislative and policy efforts that support the office’s environmental work and goals, and to identify future environmental initiatives where enforcement gaps exist.

This request supports 2-2-1 of the AGO Strategic Plan because additional funding will allow PCU to more adequately address environmental issues presented in regulatory matters. Additionally, issues related to coal plant electric generation are becoming more prevalent and frequent, requiring more expert witness resources and staffing capabilities.

### Goal 3: Promote Good Government

2-3-5 Support Washington’s Infrastructure: Provide a full range of legal services to the state’s transportation and utility agencies, boards, and commissions.

This request supports 2-3-5 of the AGO Strategic Plan because additional funding will allow PCU to present more thorough evidence and analysis on a wider range of issues, allowing the UTC to have the best record on which to base its decisions. Providing the UTC with an adequate record will benefit consumers because it will ensure that the decision-makers are taking into consideration multiple viewpoints and are receiving sufficient data.

### Goal 4: Protect All Washington Consumers

2-4-3 Protect Washington ratepayers: Vigorously represent the public interest in the full range of proceedings before the 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.

This request supports 2-4-3 of the AGO’s Strategic Plan because additional funding will allow PCU to adequately represent Washington consumers in utility proceedings and to address environmental issues presented in utility matters.

### Relationship to Agency Activities:

Activity	Fund	FY2020	FY2021	FY2022	FY2023
A0001 Administration	111	30,000	30,000	30,000	30,000
A0011 Representing Ratepayers	111	353,000	353,000	353,000	353,000
<b>TOTAL</b>		<b>383,000</b>	<b>383,000</b>	<b>383,000</b>	<b>15483,000</b>

## Performance Measure Detail

Performance Measure	Unit	Incremental Change FY1	Incremental Change FY2	Incremental Change FY3	Incremental Change FY4
002531 - Consumer Utility Rate Savings	\$	10000	10000	10000	10000

### Performance outcomes:

Performance Measure 2531: Consumer Utility Rate Savings

Target: \$40,000,000 of consumer utility rate savings per biennium, reported annually.

Key Divisions: Public Counsel Unit

If this requested is funded, we anticipate that PCU could achieve up to \$50,000,000 of consumer utility rate savings per biennium, reported annually.

## Other Collateral Connections

### Intergovernmental:

This request impacts the UTC, which is the administrative agency for Fund 111-1 PSRA.

UTC has previously expressed concerns regarding the PSRA's ability to support an increased appropriation to the PCU.

### Stakeholder response:

This additional funding request is supported by Washington's labor, environmental, and business communities. The following is the AGO's current understanding of stakeholder positions:

UTC:PCU is a statutory party to UTC proceedings as legal counsel representing customer interests in the regulatory process. PCU's advocacy adds significant value to UTC regulatory proceedings by presenting legal and factual analysis and recommendations from a residential and small business perspective. That perspective, which is not presented comprehensively by any other party, helps to ensure a balanced and comprehensive record on which the UTC to base its decision. The UTC has been concerned about the sufficiency of the PSRA.

The following organization supported similar funding requests in 2016 and 2017:

Washington State Labor Council (Labor / Middle-income Advocates)

Washington Environmental Council (Environmental)

Industrial Customers of NW Utilities (ICNU) (Industrial Customers)

Washington Retail Association (Business Community)

Washington State Heating, Ventilation & Air Conditioning Contractors Association (WA HVACCA) (Business Community)

The following organizations are expected to be supportive of, or not oppose, the request:

Northwest Industrial Gas Users (NWIUGU) (Industrial Customers)  
The Energy Project (Consortium of Community Action Agencies) (Low-income Advocates)  
Spokane Neighborhood Action Partners (SNAP; Community Action Agency) (Low-income Advocates)  
Northwest Energy Coalition (Environmental)  
Sierra Club (Environmental)

There is no known opposition to this request.

**Legal or administrative mandates:**

N/A

**Changes from current law:**

N/A

**State workforce impacts:**

N/A

**State facilities impacts:**

N/A

**Puget Sound recovery:**

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



## 2019-21 Biennium Budget Decision Package

**Agency:** 100 - Office of Attorney General  
**Decision Package Code-Title:** KF - MFC Elder and Program Protection  
**Budget Session:** 2019-21 Regular  
**Budget Level:** Policy Level  
**Contact Info:** Edd Giger  
 (360) 586-2104  
 EdwardG@ATG.WA.GOV

### Agency Recommendation Summary

In the past year, the number of Medicaid Fraud investigations dramatically increased in number, complexity, nature and scope. Due to outreach and education of our partner agencies, fraud referrals continue to increase in number and quality along with data mining produced investigations. The Office of the Attorney General (AGO) requests legislative approval to spend Medicaid Fraud Penalty Account (MFPA) funds to meet the state match for an increase approval from the Office of the Inspector General at the Department of Health and Human Services (HHS OIG). The results would better protect the Medicaid program and Washington's most vulnerable citizens.

### Fiscal Summary

*Dollars in Thousands*

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001 - 2	\$2,060	\$2,160	\$2,160	\$2,160
Fund 19A - 1	\$687	\$720	\$720	\$720
<b>Total Expenditures</b>	<b>\$2,747</b>	<b>\$2,880</b>	<b>\$2,880</b>	<b>\$2,880</b>
<b>Biennial Totals</b>		<b>\$5,627</b>		<b>\$5,760</b>
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	17.0	18.0	18.0	18.0
<b>Average Annual</b>		<b>17.5</b>		<b>18.0</b>
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Obj. A	\$1,347	\$1,435	\$1,435	\$1,435
Obj. B	\$464	\$494	\$494	\$494
Obj. E	\$895	\$920	\$920	\$920
Obj. G	\$16	\$17	\$17	<b>157</b> 17

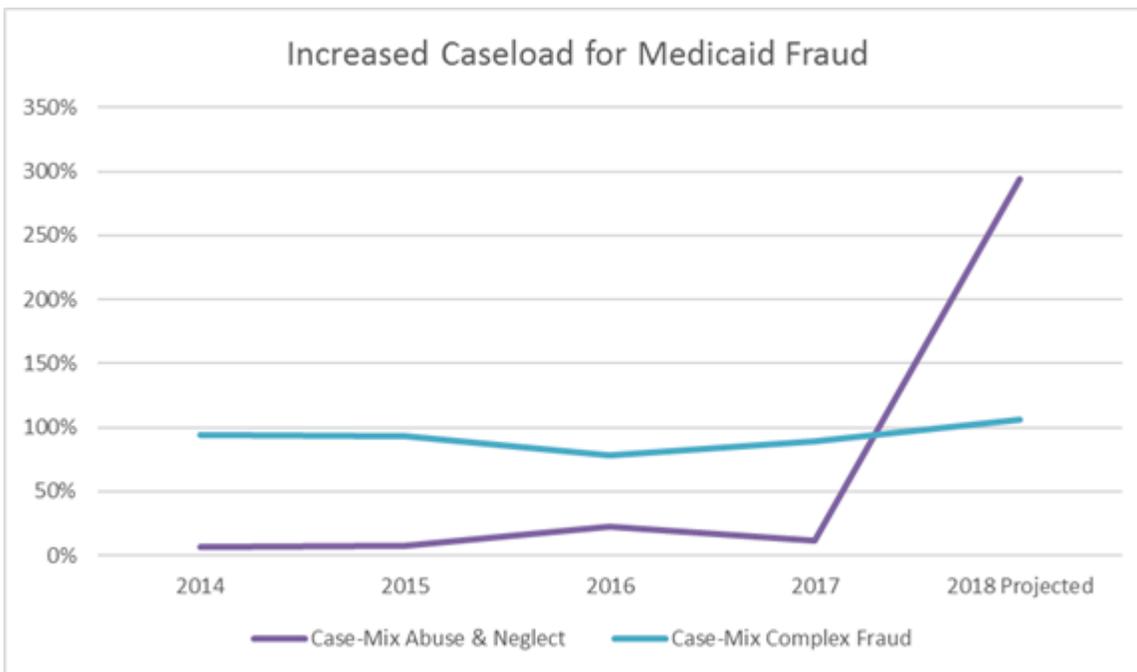
<b>Object of Expenditure</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Obj. J	\$25	\$14	\$14	\$14
<b>Revenue</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
001 - 0393	\$2,060	\$2,160	\$2,160	\$2,160
<b>Total</b>	<b>\$2,060</b>	<b>\$2,160</b>	<b>\$2,160</b>	<b>\$2,160</b>
<b>Biennial Totals</b>		<b>\$4,220</b>		<b>\$4,320</b>

## Package Description

### Additional Medicaid Fraud Control Division (MFC) Staff

Since January 2018, MFC criminal investigative matters significantly increased. On April 10, 2018, MFC had 52 full criminal and dual track investigations, 152 dual track assessment (criminal and civil) investigations as well as several intake matters. By contrast, exactly one year earlier, MFC was involved in only 27 active criminal investigations. This increased volume of almost 100%, is attributable to MFC's diversification of its case mix, engaging in outreach and the automatic abuse and neglect referral system. The most dramatic increase is in the abuse and neglect investigations – 90% since December 2017 due to automated access to the statewide residential patient abuse database. MFC currently only takes abuse and neglect matters involving death, sexual assault, serious bodily injury, drug diversion or restraints. Due to outreach and education of our partner agencies, it appears that fraud referrals are increasing in number and quality along with data mining produced investigations. Based upon our current data, we expect MFC investigations will grow at a rate of at least an additional 400 matters annually.

The cases we are opening, investigating and litigating are complex cases. The criminal section recently moved to the routine use of forensic fraud analysts to follow both the Medicaid claims as well as criminal proceeds stolen from the Medicaid fund. The fraud cases moved from being 805 simple single provider matters two years ago to 80% complex multi defendant structured fraud scheme investigations.



**MFC Funding** – It is important to understand the source of the funds MFC is requesting in this decision package. The funds requested to serve as matching funds to the federally allocated funds are not part of the state’s general funds, but rather already exist in the Medicaid Fraud Penalty Account (MFPA). The MFPA is fully and solely funded by MFC recoveries. The fund balance supports this request and projected recoveries will continue to be a viable fund source. While the large national recoveries are decreasing, MFC continues to increase its in-state recoveries and our national matter recoveries are holding steady at an average of \$3.9 million per year, well in excess of the requested state match of approximately seven hundred thousand dollars.

**Criminal Section Assistant Attorneys General** - With the investigation increases note above, the Criminal Section of the MFC has an immediate need for two additional assistant attorneys generals.

As our cases are attorney led from referral to post-ligation, AAG caseloads include numerous cases at various stages of the process. MFC investigations typically involve white collar fraud or non-sentient victims, which are complex by their very nature. The additional positions will allow for quicker AAG analysis and determination if a matter should be closed, referred or prosecuted. Therefore, sufficient AAG staffing, as part of the team, ensures proper resource management, critical case management, legal analysis and guidance from inception.

**Data Analytics Team (DAT) staff** - With the criminal section now utilizing DAT, rather than just the civil section, the increased number of assessments, investigations and cases, DAT is in desperate need of additional staff – in particular supervisory data analysts (two AGO supervisory investigator/analysts) to conduct and oversee forensic accounting as well as data and/or coding expertise. Medicaid data and forensic financial analysis are fundamental and necessary elements of most MFC assessments, investigations and cases, whether civil or criminal fraud, abuse and neglect. The National Association of Medicaid Fraud Control Unit (NAMFCU) recognizes the excellence of our DAT team, as we are the only state other than New York, with two members on the National Data Analyst Sub Committee – the highest honor a data analyst can achieve in the Medicaid fraud area.

DAT provides:

- Intake Teams with initial Medicaid utilization to assist with their assessments.
- Investigation Teams with advice on what data is available and necessary to assist in an investigation, assistance in interviews and search warrants as needed as well as forensic examination and analysis of financial records.
- Damage models specific to the individual complaint, investigation or case – civil and criminal.
- Washington State data to NAMFCU global teams.
- Our expertise knowledge and time by participating on global NAMFCU Intake, Investigative and Settlement teams.
- Three team members on NAMFCU working groups- two on the Data Analyst Sub Committee (DASC) and one on the Managed Care working group. This means they create the national level queries taking into account the various data systems for each of the 50 states.

These two additional supervisory data analysts will allow MFC to: (1) more effectively determine whether an intake assessment should close, refer for administrative action or open into a full investigation, and (2) follow the money and forensically analyze data and finances during the investigative phase to determine whether closure, referral, settlement or litigation is appropriate. Finally, having this form of expertise on MFC staff would reduce the need to retain outside experts as well as helping the entire MFC grow in sophistication and knowledge of civilly and criminally prosecuting financial crimes, as is the national MFC model.

**Additional Field Investigators** – We are requesting three new AGO senior investigator/analyst FTE's. All investigators now conduct both civil and criminal investigations ranging from global qui tam cases to abuse and neglect residential matters.

The cases we are opening, investigating and litigating are dual track, complex cases demanding specific investigative skills and experience. Over the past five years, our case mix dropped from 80% in home care single provider fraud cases to 27%. Replacing these relatively straightforward cases are more complex fraud scheme investigations. The current caseload consists of global NAMFCU investigations, complex civil matters, abuse/neglect as well as complex fraud cases, almost all of which include money-laundering allegations. The majority of the victims in our abuse/ neglect matters cannot effectively communicate which requires extra time and skill.

For MFC to foster successful outcomes in our investigations it is imperative to have a vast understanding of an array of billing schemes, experience in conducting financial investigations, and teamwork across the disciplines: data analysts, AAGs and field investigators. As of June 7, 2018, MFC field investigators are limited commission peace officers. This means that they are able to be affiants on their own search warrants, serve search warrants, draft and execute one-party-consent intercept warrants, use confidential informants, and potentially serve on task forces as well as conduct covert or undercover operations using authorized recording devices.

**Additional Clerical Staff** - We are requesting 1.0 Paralegal (PL), 2.5 Legal Assistant 3 (LA3), and 1.0 Legal Office Assistant (LOA). The need for the FTE is due to a substantial increase in abuse/neglect referrals, an increase in intake data entry, additional cases moving from assessment to investigation, and increased litigation tasks.

The PL position is critical to assist in additional paralegal duties, public records requests and primary Critical Event Reader. The LA3 positions will be the assistants to two Assistant Attorney Generals (AAG) in Seattle, two AAGs in Spokane, and three AAGs in Olympia. These positions carry a civil and criminal caseload and will need to be efficient and effective in communication, workload management, and case monitoring. In addition, we are also requesting funding for a LOA FTE for essential non-legal clerical and administrative duties in the office. In the past, we tried to cover these duties by hiring temporary staff when possible, and when that has not been possible; the duties are spread among the current LAs. However, this diverts the LAs from their primary/necessary legal work, interfering with casework.

In general, an increase in staff such as investigators, analysts, and AAGs increases the workload for all legal professional staff. The additional LOA will allow for the current and future greater increase of casework to move effectively.

### **Federal Program References**

Funds to States, Medicaid Fraud Control Units:	42 USC 1396(b)(q)
Medicaid Fraud Control Units:	42 USC 1007.7-13
HHS OIG standards for Medicaid Fraud Control Units:	77 FR 32645
Medicaid Fraud Enabling Statute:	Washington Session law §238

## **Assumptions and Calculations**

### **Expansion or alteration of a current program or service:**

Historical FTE and FTE Expenditures

	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>
<b>FTE</b>	34.9	34.9	35.9
<b>Salaries and Benefits</b>	\$3,438,000	\$3,514,000	\$3,829,000

### **Detailed assumptions and calculations:**

The MFC experienced an increase of over 90% in relevant referred matters due to MFC refining its referral intake. Cases moved from being primarily simple in home single provider cases, to almost all being complex fraud or abuse/neglect matters. The chart above sets forth the change in caseload and types. In a single year our active investigations increased from 27 to over 200. All of these new investigations are relevant, complex matters.

Due to outreach and education of our partner agencies, fraud referrals continue to increase in number and quality along with data mining produced investigations. Reviewing this past year's model, we expect MFC investigations will grow at a rate of at least an additional 400 matters annually. That increase will

necessitate the need for two additional AAGs, two DAT Supervising Investigator/Analysts, three Senior Investigator/Analysts, one PL1, two and a half LA3s and one LOA to help cover the additional investigation and litigation work.

These costs are ongoing and will carry forward into future biennia.

#### Workforce Assumptions:

FTE	FY2020	FY2021	FY2022	FY2023	Ongoing ? Y / N
AAG	2.0	2.0	2.0	2.0	Yes
Object A & B	269,000	269,000	269,000	269,000	
LA3	2.5	2.5	2.5	2.5	Yes
Object A & B	169,000	169,000	169,000	169,000	
PL1	1.0	1.0	1.0	1.0	Yes
Object A & B	92,000	92,000	92,000	92,000	
SENIOR INVESTIGATOR	7.0	7.0	7.0	7.0	Yes
Object A & B	820,000	820,000	820,000	820,000	
INV SUPERVISOR	2.0	2.0	2.0	2.0	Yes
Object A & B	230,000	230,000	230,000	230,000	
FIN EXAM 2	1.0	2.0	2.0	2.0	Yes
Object A & B	118,000	235,000	235,000	235,000	
LOA	1.0	1.0	1.0	1.0	Yes
Object A & B	60,000	60,000	60,000	60,000	
MA5	0.5	0.5	0.5	0.5	Yes
Object A & B	52,000	52,000	52,000	52,000	
<b>TOTAL FTE</b>	<b>17.0</b>	<b>18.0</b>	<b>18.0</b>	<b>18.0</b>	
<b>TOTAL A &amp; B</b>	<b>1,810,000</b>	<b>1,927,000</b>	<b>1,927,000</b>	<b>1,927,000</b>	

Agency administration support FTEs are included in the tables using a Management Analyst 5 as a representative classification.

## Strategic and Performance Outcomes

#### Strategic framework:

#### Results Washington:

Goal 4: Healthy & safe communities

Goal 5: Efficient, effective & accountable government

#### Agency Strategic plan:

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

2-2-3 Combat the opioid epidemic.

2-4-2 Combat health care fraud.

This request supports the AGO strategic plan and Results Washington because MFC's expansion enables the division to increase provider fraud accountability, increase revenue for the Medicaid Fraud Penalty Account and enables the division to bring more residential patient abuse and neglect matters - helping deter and protect Washington's most vulnerable citizens. In the 1970s, congress mandated states receiving federal funding for Medicaid have MFCs because of abuse and neglect of vulnerable adults in residential facilities. Most MFC's for states with similarly sized Medicaid programs have staffing of 55-109. Washington's MFC is 38.8 FTE, this increase brings it to 56.8 FTE.

With the significant increase in relevant residential patient abuse and neglect as well as Washington MFC national leadership roles on NAMFCU Residential Abuse Committees, as well as highly specialized training MFC has the ability to bring these difficult abuse and neglect cases.

As to the opioid epidemic, this request will enable MFC to attach staff to Opioid taskforces, where local law enforcement focuses on the street level crime and MFC on the fraudulent doctor's and pharmacies fueling the epidemic. The expansion will also give MFC adequate staffing to continue to expand its role in working with other AGO divisions in combating those responsible for the opioid epidemic.

MFC recovered over \$15 million in fiscal year 2017. Increased staffing leads to increased recoveries, particularly as the majority of our in state investigations are dual track – criminal matters with restitution sought civilly for up to treble damages. MFC brought the first death patient abuse case in the State this past year and has several more matters under investigation. However; as stated above, without this requested expansion, MFC does not have the requisite staffing to properly investigate and bring the cases that should be brought to punish and deter the wide variety of providers who steal from the Medicaid program.

There is no impact on agency funding as MFC is 75% federally funded and 25% funded from the MFPA. MFC recoveries constitute 100% of the funds in the MFPA. We are revenue generating division, paying for ourselves as well as providing additional funds for the State. This request has no impact on state-general funds.

### Performance Outcomes

With the expansion, MFC expects a far greater number of fraud and abuse/neglect investigations, charged matters and civil recoveries. Currently, we have several matters held up for analysis, investigation and litigation due to lack of staffing. This request enables MFC to bring on and train additional highly skilled staff to move matters to resolution far more efficiently.

Activity	Fund	FY2020	FY2021	FY2022	FY2023
A009 MFCU	19A-1	687,000	720,000	720,000	720,000
A009 MFCU	001-2	2,060,000	2,160,000	2,160,000	2,160,000
<b>TOTAL</b>		<b>2,747,000</b>	<b>2,880,000</b>	<b>2,880,000</b>	<b>2,880,000</b>

Performance Measure	Unit	Incremental Change FY1	Incremental Change FY2	Incremental Change FY3	Incremental Change FY4
002538 - Recoveries to the Medicaid System	\$	0	0	0	0

**Performance outcomes:**

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

This expansion should increase MFC recoveries for the State as there will be more staff to work the civil cases as well as for the first time in Washington State, focus on civil asset forfeiture under RCW 9A.83.030 (money laundering) and using the false claims act for recoveries in lieu of restitution orders in criminal matters.

**Other Collateral Connections****Intergovernmental:**

N/A

**Stakeholder response:**

All fellow law enforcement agencies such as Washington Association of Sheriffs and Police Chiefs, Washington Association of Community Oriented Police, Washington Association of Prosecuting Attorneys, and Washington State Patrol support this request. Health Care Authority and Department of Social and Health Services expressed their support as well.

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

**Legal or administrative mandates:**

N/A

**Changes from current law:**

N/A

**State workforce impacts:**

N/A

**State facilities impacts:**

MFC is currently working with Office of Financial Management and Department of Enterprise Services to obtain space in Seattle that is near several law enforcement agencies that MFC works closely with such as Federal Bureau of Investigation, Washington State Patrol, Immigration and Customs Enforcement, Drug Enforcement Agency and HHG OIG.

Seattle Bank of America Building: 1,494 square feet on the 37<sup>th</sup> floor at \$46.12 per square foot, costing \$68,900 annually.

**Puget Sound recovery:**

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





## 2019-21 Biennium Budget Decision Package

**Agency:** 100 - Office of Attorney General  
**Decision Package Code-Title:** KG - L&I Employment Standard Audits  
**Budget Session:** 2019-21 Regular  
**Budget Level:** Policy Level  
**Contact Info:** Edd Giger  
 (360) 586-2104  
 EdwardG@ATG.WA.GOV

### Agency Recommendation Summary

The Office of the Attorney General (AGO) Labor and Industries Division (LNI) requests funding for increased legal services to the Department of Labor and Industries (L&I). Recent litigation brought before the U.S. Supreme Court has resulted in workers losing access to certain private remedies against employers for labor violations. L&I has worked to identify and close gaps in worker protections and is developing a budget request for a new program in this regard. The AGO LNI Division has worked closely with L&I to determine the appropriate level of legal services needed to support this new L&I program.

### Fiscal Summary

*Dollars in Thousands*

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 405 - 1	\$818	\$818	\$818	\$818
<b>Total Expenditures</b>	<b>\$818</b>	<b>\$818</b>	<b>\$818</b>	<b>\$818</b>
<b>Biennial Totals</b>		<b>\$1,636</b>		<b>\$1,636</b>
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	6.3	6.3	6.3	6.3
<b>Average Annual</b>		<b>6.3</b>		<b>6.3</b>
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Obj. A	\$523	\$523	\$523	\$523
Obj. B	\$178	\$178	\$178	\$178
Obj. E	\$101	\$101	\$101	\$101
Obj. G	\$7	\$7	\$7	\$7
Obj. J	\$9	\$9	\$9	\$9
<b>Revenue</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
				<b>167</b>

Revenue	FY 2020	FY 2021	FY 2022	FY 2023
405 - 0420	\$818	\$818	\$818	\$818
<b>Total</b>	<b>\$818</b>	<b>\$818</b>	<b>\$818</b>	<b>\$818</b>
<b>Biennial Totals</b>		<b>\$1,636</b>		<b>\$1,636</b>

## Package Description

The AGO seeks permanent funding for three Assistant Attorneys General (AAG), one and a half Legal Assistant 3 (LA3), and one Paralegal 2 (PL2) to do work on behalf of L&I.

L&I has described their plan as developing a group of five investigating agents with a goal of conducting investigations, taking regulatory actions where warranted, and being prepared to litigate resulting challenges to those actions. L&I has asked the AGO to estimate the resources needed to both advise and pursue litigation on behalf of this new unit. Specific detail is included in Section 5.

The AGO LNI Senior Counsel has researched this issue and has met and discussed this new program with: L&I managers who would oversee this process; colleagues on the AGO LNI Employment Standards team; and the leader of a counterpart division at the Office of the Massachusetts Attorney General, which has done similar work.

The estimate does not include potential AGO resources that may be needed depending on how L&I chooses to address any collection issues that may arise as a result of these investigations.

## Assumptions and Calculations

### Expansion or alteration of a current program or service:

This request supports a new program L&I, requested in the 2019-21 Biennial Budget Request.

### Detailed assumptions and calculations:

Here are the factors the AGO considered based on the research described above:

- The employment standards company-wide unit at L&I would include one supervisor and four agents dedicated to companywide investigations.
- Each of the four agents would initiate 25 cases per year for a total of 100 cases per year.
- These cases would be selected based on a yet to be determined list of factors such as specific issues of concern, number of employees affected, whether the company is still viable, whether L&I can assess personal liability, testing grey areas of the law, pursuing impact litigation, etc.

- Some level of legal advice will be necessary during the investigations as issues arise. For example, an employer may claim preemption as a defense or argue a particular exemption applies. In these instances, L&I may request legal review and guidance.
- The AGO anticipates that two-thirds or more of the cases will be resolved before coming to the AGO for litigation and recognizes that L&I will be selective in the cases it pursues. The reasons for the resolutions will vary (e.g., the company going out of business, not finding violations, settling cases, etc.)
- The AGO's estimate does not include AGO resources necessary to institute collection efforts when the company does not pay. Unlike some other programs, there is no specific collection mechanism for collection of company-wide actions beyond those used for normal civil lawsuits. There may be additional costs required depending on how L&I chooses to pursue collection in these cases.
- The cases that L&I refers to the AGO will have a varying degree of complexity (number of employees, a wide range of issues, etc.) but should be significantly developed before the cases are referred to us.
- The cases that L&I refers to the AGO will represent more complicated cases because L&I will have tried to resolve them before referral. It is more likely that the referred cases will have legal issues that must be resolved in court; that the employers are intransigent despite evidence of violations; or that the case will require additional fact development. The average case will likely be labor-intensive at the AGO level as a result.
- Of the 34 anticipated cases referred to the AGO, almost all of these will require the filing of civil lawsuits. Otherwise, they likely would have resolved at the L&I level if they were going to resolve amicably.
- Cases in litigation will require additional paralegal and legal assistant resources.
- Some employers will appeal cases to appellate courts. An appellate case generally requires significant attorney time to brief and prepare for oral argument.
- The AGO will need to conduct substantial discovery, including written discovery and depositions in litigation.
- The cases will require motion practice including dispositive motions.
- Travel will be required statewide depending on the location of the case.
- The AGO may need to employ experts for some of the damage assessments.
- The AGO will seek attorneys' fees and costs as entitled by law.

- An unknown percentage of cases will proceed to trial, while others will be resolved through dispositive motions or settlements.

AAG time will include litigating the cases as well as case development, providing legal advice during some investigations, working on appeals, as well as additional time for the program advisor and management of this work.

These costs are ongoing and will carry forward into future biennia. One-time costs are not included in this request.

#### Workforce Assumptions:

FTE	FY2020	FY2021	FY2022	FY2023	Ongoing ? Y / N
AAG	3.0	3.0	3.0	3.0	Yes
Object A & B	404,000	404,000	404,000	404,000	
LA	1.5	1.5	1.5	1.5	Yes
Object A & B	127,000	127,000	127,000	127,000	
PL	1.0	1.0	1.0	1.0	Yes
Object A & B	92,000	92,000	92,000	92,000	
MA5	0.8	0.8	0.8	0.8	Yes
Object A & B	79,000	79,000	79,000	79,000	
<b>TOTAL FTE</b>	<b>6.3</b>	<b>6.3</b>	<b>6.3</b>	<b>6.3</b>	
<b>TOTAL A &amp; B</b>	<b>702,000</b>	<b>702,000</b>	<b>702,000</b>	<b>702,000</b>	

Costs associated with this request will be billed to L&I.

Agency administration support FTEs are included in the tables using a Management Analyst 5 as a representative classification.

## Strategic and Performance Outcomes

#### Strategic framework:

#### Results Washington Goal 4: Healthy & Safe Communities

Sub-Topic: Safe People – Help keep people safe in their homes, on their jobs and in their communities.

#### Outcome Measures:

2.5 Decrease workplace injury rates that result in missing three or more days from work.

This request advances Goal 4 because complex workplace safety litigation involves enforcement of the law regarding workplace safety violations that pose a risk of serious injury or death. This serves to both deter individual companies from violating safety codes and, due to their higher profile nature, provides a sentinel

effect in the employer community to increase adherence to safety standards.

## **Results Washington Goal 5: Efficient, Effective and Accountable Government**

Sub-Topic: Customer Satisfaction and Employee Engagement

Outcome Measures:

- 1.1: Increase/maintain customer service satisfaction
- 1.2: Increase/maintain timely delivery for state services
- 1.3: Increase Washington as an employer of choice
- 1.4: Increase percentage of state employees satisfied with their work environment

This request advances Goal 5 by reflecting the covering the costs of investigating and litigating a new class of cases. Through adequate staffing, AGO personnel will be able to continue responding timely and effectively to client inquiries, settlement requests from opposing parties, directives from the tribunal and questions from the public. Maintaining appropriate staffing levels to handle the work will keep employees satisfied and preserve the attractive dynamic of a fast-paced, but not overwhelming environment to engage in the practice of law.

### **AGO Strategic Plan:**

Priority 1--Serve the State

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

This request supports the AGO Strategic Plan by ensuring adequate funding to provide high-quality, timely, and efficient legal services to the Department in the litigation of these cases.

1-1-4 Identify new ways to more easily reallocate resources to meet workload demands.

This request would enable to us to share FTE resources as well as services with other divisions who would represent the Department in this work. The need for support for this program is likely to shift geographically over time and this would allow us to reallocate resources to flow to where the work is happening.

Priority 2 – Protect the People

Goal 1 DEFEND CIVIL RIGHTS AND STAND UP FOR VULNERABLE WASHINGTONIANS

2-1-5 Combat worker exploitation and protect worker safety

This request would provide resources to help the investigation and recovery of large-scale underpayments to groups of workers.

2-1-9 Assist and partner with client agencies in their mission to strengthen communities, grow Washington's economy, and protect public health, safety, and welfare.

In addition to recovering lost wages for workers, the work funded by this request would help ensure a healthy competitive environment for businesses where all employers have to pay fair wages to their employees.

#### Agency Activities:

Activity	Fund	FY2020	FY2021	FY2022	FY2023
A0001 Administration	405	90,000	90,000	90,000	90,000
A0010 Legal Services	405	728,000	728,000	728,000	728,000
<b>TOTAL</b>		<b>818,000</b>	<b>818,000</b>	<b>818,000</b>	<b>818,000</b>

#### Performance Measure Detail

Performance Measure	Unit	Incremental Change FY1	Incremental Change FY2	Incremental Change FY3	Incremental Change FY4
002539 - Cases Open at End of Fiscal Year	#	34	34	34	34

#### Performance outcomes:

This package advances Performance Measure 2539: Cases Open at the End of Fiscal Year.

By providing high quality legal assistance and representation to the state, the AGO improves government services, increases government efficiency, and manages the costs of these cases.

Successful litigation of a new type of worker protection cases ensures that Washington workers receive the benefits they are entitled to under the Industrial Insurance Act and maintains the viability of the state's funding by guarding against benefits being improperly paid. In the workplace safety context, successful litigation holds individual employers accountable for illegally putting their workers at risk. It also encourages the business community to comply with the safety laws by protecting businesses who follow the rules from a competitive disadvantage when rival businesses refuse to invest in safety.

This package optimizes efficiencies and decreases costs by increasing paralegal support to perform tasks that would otherwise be performed by and Assistant Attorneys General.

#### Other Collateral Connections

##### Intergovernmental:

L&I supports this funding package and intends to submit a parallel package. It is not expected that other government entities, including other Washington state agencies, will take a position on this package.

CLIENT	Fund	FY2020	FY2021	FY2022	FY2023
L&I	405	818,000	818,000	818,000	818,000
<b>TOTAL</b>		<b>818,000</b>	<b>818,000</b>	<b>818,000</b>	<b>818,000</b>

**Stakeholder response:**

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

**Legal or administrative mandates:**

N/A

**Changes from current law:**

N/A

**State workforce impacts:**

N/A

**State facilities impacts:**

This decision package includes anticipated lease and maintenance costs of \$8,300 per fiscal year per FTE. The AGO will submit a FY 2020 Supplemental decision package if additional lease space and maintenance costs are identified.

**Puget Sound recovery:**

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





## 2019-21 Biennium Budget Decision Package

**Agency:** 100 - Office of Attorney General  
**Decision Package Code-Title:** KE - Mental Health Legal Services  
**Budget Session:** 2019-21 Regular  
**Budget Level:** Maintenance Level  
**Contact Info:** Edd Giger  
 (360) 586-2104  
 EdwardG@ATG.WA.GOV

### Agency Recommendation Summary

Significant mental health cases, policy changes supporting the Governor's vision for mental health system, and litigation on behalf of Department of Social and Health Services (DSHS) Behavioral Health Administration (BHA) require the Office of the Attorney General (AGO) to devote substantial time to defense work, advice, and negotiations. Forensic show cause hearings are increasing due to delays in competency evaluation and restoration, and felony civil commitments are increasing as well. Requests for legal advice are continually increasing, in particular with respect to Western State Hospital (WSH). Permanent funding of two AAGs is critical to adequate representation of DSHS.

### Fiscal Summary

*Dollars in Thousands*

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 405 - 1	\$459	\$460	\$460	\$460
<b>Total Expenditures</b>	<b>\$459</b>	<b>\$460</b>	<b>\$460</b>	<b>\$460</b>
<b>Biennial Totals</b>		<b>\$919</b>		<b>\$920</b>
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	3.5	3.5	3.5	3.5
<b>Average Annual</b>		<b>3.5</b>		<b>3.5</b>
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Obj. A	\$295	\$295	\$295	\$295
Obj. B	\$100	\$100	\$100	\$100
Obj. E	\$56	\$58	\$58	\$58
Obj. G	\$3	\$3	\$3	\$3
Obj. J	\$5	\$4	\$4	\$4
Revenue	FY 2020	FY 2021	FY 2022	FY 2023
405 - 0420	\$459	\$460	\$460	\$460
<b>Total</b>	<b>\$459</b>	<b>\$460</b>	<b>\$460</b>	<b>\$460</b>
<b>Biennial Totals</b>		<b>\$919</b>		<b>\$920</b>

### Package Description

The AGO's Social and Health Services-Olympia (SHO) division provides client advice and representation in litigation to the programs of the DSHS BHA, WSH, Child Study and Treatment Center (CSTC), Special Commitment Center (SCC) and the Division of Vocational Rehabilitation (DVR). Representation of high-profile institutions, such as WSH and the SCC, and programs serving the criminally insane, criminal defendants found incompetent to stand trial, sexually violent predators and individuals committed to mental institutions, requires highly trained attorneys to provide effective, high quality legal services. The workload has steadily increased over the last few years, and permanent funding for two attorneys (one-time funded for the 2017-19 biennium) is critical.

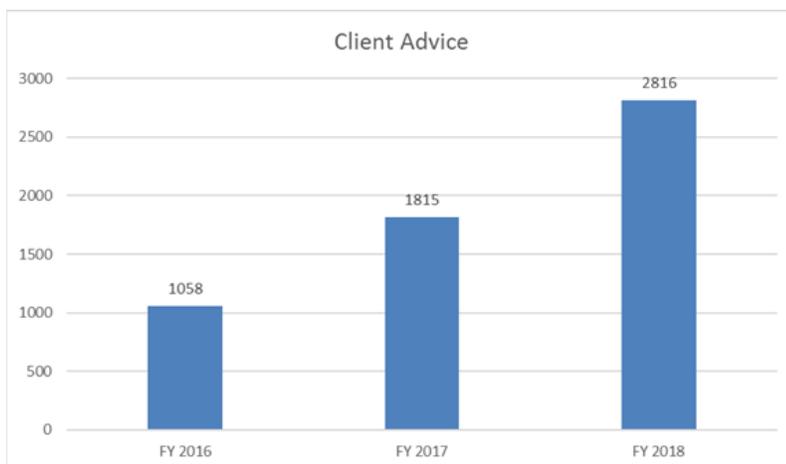
In addition to the litigation demands, requests for legal advice from the Mental Health team have also been increasing. The state behavioral health system is currently undergoing an extraordinary amount of change. Behavioral integration between mental health services and chemical dependency services is underway, as well as transition for integration of all community-based behavioral services under the Health Care Authority (HCA).

There is an increasing demand for state hospital services for both civil and forensic patients in the face of limited capacity. Since the last decision package for the 2017-2019 Biennium, the federal government has decertified WSH. This has created a significant and important advice workload. All of these changes drive time-sensitive and nuanced legal advice so that policy makers can consider risks when making difficult policy decisions.

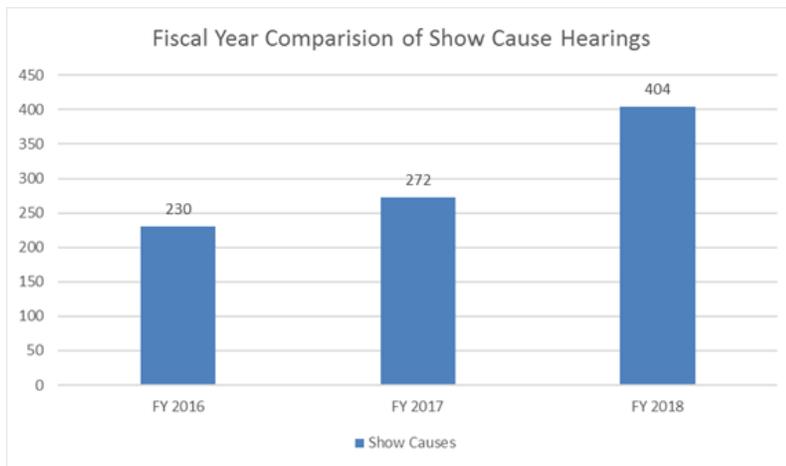
The Mental Health team also provides legal advice to a number of other DSHS programs, including the SCC, the BHA, WSH, CSTC, the Office of Forensic Mental Health Services, the DVR and the Division of Behavioral Health and Recovery. The team advises on broad range of subject matters; changes to institutional policy, constitutional and statutory provision of care issues, statutory notice obligations, interpretation of court orders and subpoenas, the Public Records Act, compliance with Health Insurance Portability and Accountability Act (HIPAA), 42 CFR Part 2, and the Washington Uniform Health Care Information Act (RCW 70.02). Generating this advice often involves considerable legal research, developing a thorough understanding of the relevant factual circumstances, and the drafting of a detailed advice memo.

Further, recent program changes experienced by DSHS has led to a significant number of client advice issues for the Mental Health team. Work previously under the jurisdiction of DSHS has transferred to HCA. This transition has caused and is expected to cause additional advice related issues for the foreseeable future. The two attorneys on the Mental Health team with subject matter expertise have been tasked with advising both clients with legal concerns raised by the transition. WSH was also recently decertified by the federal government, causing a significant decrease in funding and uncertainty with respect to oversight and offered services. Substantial additional legal work is necessary to advise the client on legal risks associated with the various decisions necessitated by this change.

Requests for mental health-related legal advice are tracked and stored through a single mailbox. A simple count of exchanges by month from January through August of 2016, 2017 and 2018 clearly demonstrates the increase in advice throughout 2017 and 2018:



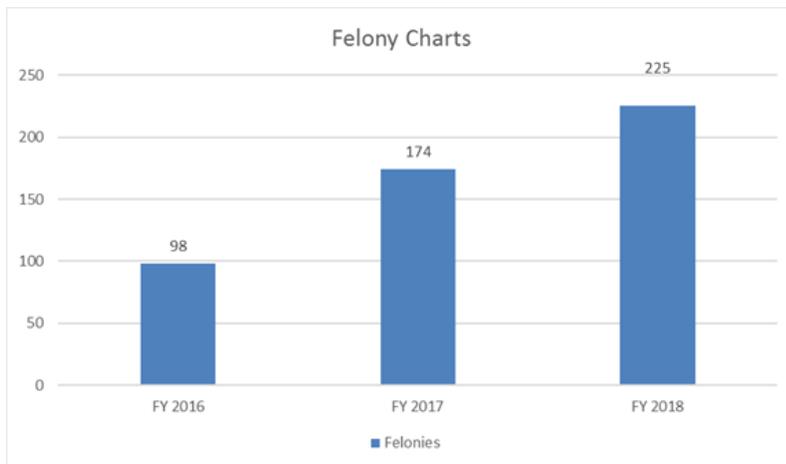
The number of forensic and civil show cause hearings also continue to increase at a rate not anticipated when requesting funds for the 2017-19 biennium. These hearings result from motions filed by plaintiffs asking the court to require DSHS to appear in court to “show cause” of why it should not be found in contempt of court for failure to comply with the law. The issues at question typically relate to exceeding permissible wait times for competency evaluations, restoration, and failure to place individuals for long-term civil commitment beds at WSH in a timely manner. The hearings require defense in the form of legal briefing, travel for appearances in courts and counties all over the state, witness testimony, and often result in sanctions against DSHS. This work will continue—and will continue to increase. Even if we achieve a settlement in *Trueblood*, these hearings will not decrease in number as long as the state’s mental health system does not have capacity to meet constitutional time periods.



The following cases and issues reflect current legal work and are examples of anticipated future workloads:

- *Trueblood and DRW v. DSHS*, a federal class action concerning criminal defendants in jail awaiting competency services, has moved from multi-day hearings and five Ninth Circuit appeals to a tentative multi-year settlement. The proposed settlement is before the federal judge for provisional approval. If approved, DSHS will be working on decision packages to support the plan, and AAGs will support with legal issues related to potential implementation. The federal court began fining the state in 2016, and [as of June 2018] fines now exceed \$66 million. Fines are averaging between \$3.5 and \$4 million a month. Implementation is planned in phases over three biennia. Fines will be suspended as part of the agreement, and will be waived at the end of each biennium. If the plan is not funded, or there is a material breach, the state will be required to pay all fines that have not been successfully waived. Although much less significant financially, in addition to federal fines, DSHS is also being fined by superior courts and municipal courts in show cause cases brought by counsel on behalf of individual defendants who are awaiting competency evaluation or restoration services. A settlement in the Trueblood case will not reduce show cause hearings (or the resulting fines) until the implementation is effective. Because any resolution will take time to implement, there is no relief in sight for show cause hearings due to delays in competency evaluation and restoration, and based on our experience in the T.R. and Ross class actions, the case will continue to require attorney resources during implementation.
- *T.R. v. Quigley*, a federal class action concerning severely mentally ill children in Washington State, requires support to the client during the ongoing settlement monitoring and implementation phase.
- *R.R., et al. v. DSHS*, a federal class action concerning treatment for disabled residents at the SCC, requires support to the client during the ongoing settlement monitoring and implementation phase.
- *Malone v. Washington*, a federal civil rights case brought by 210 residents and former residents of the SCC alleging that the aging water treatment and delivery system on McNeil Island is delivering unhealthy water that is causing harm to the residents of the SCC.
- *Cerner Corp. Electronic Health Record Dispute*, a contract dispute related to a contract for an electronic health care record system. DSHS has initiated a non-binding dispute resolution process outlined in their contract with Cerner regarding the delayed implementation of the system. The non-binding dispute resolution process is a prerequisite before the Department can bring litigation alleging breach of contract. The AGO expects this dispute may require significant litigation on behalf of DSHS.
- *Ross v. Inslee*, a federal case concerning services to those committed as not guilty by reason of insanity at Eastern State Hospital (ESH) and WSH, requires travel to eastern Washington and support to the client during the ongoing settlement monitoring and implementation phase. The case has required multiple mediations with a judge over the last year.
- *Felony Commitment Trials*, civil commitment cases resulting from criminal defendants whose felony charges have been dismissed due to incompetency to stand trial, and who are then referred to the state hospitals for civil commitment proceedings. These specialized civil commitment proceedings, which often proceed as jury trials, require the AAGs to prove the acts constituting a felony. In other words, the AAGs conduct “criminal” trials, minus the element of intent. With significantly increased referrals that correspond to the increase in court orders for competency services, the numbers of felony commitment trials has likewise increased, as shown below

#### Felony Commitment Trials



- SCC Litigation: Attorneys assigned to the SCC have experienced an increase in litigation.
  - In FY 2016, AAGs spent 3,331 hours on litigation related to the SCC; in FY 2017, AAGs spent 3,917 hours on the same type of litigation. With the addition of the two new attorneys, in addition to seeking assistance from other teams where necessary, AAGs spent 5,084 hours in litigation related to the SCC in FY 2018. This represents an increase of approximately 1750 hours and 45 % since FY 2016. These matters include civil rights and public records litigation brought by SCC residents and advocacy organizations.
  - The SCC litigation team is now regularly required to appear across western Washington in the civil commitment cases of sexually violent predators related to the structure of, and financial responsibility for, sexually violent predators community placements. That work is also increasing. In FY 2016, AAGs appeared in 30 of these community placement cases; in both FY 2017 and FY 2018, AAGs appeared in 37 community placement cases, an increase of 23%.
- Guardianship petitions are initiated for the protection of alleged incapacitated adults, at the request of WSH.

If the added positions are not fully funded, the AGO will not be able to appear at all show cause hearings, we will need to remove an attorney from the Cerner IT case and lower support to *Trueblood*, *Ross* and the SCC water cases. It is particularly difficult to quantify the legal work that is delayed or simply cannot be done due to prioritizing the escalating workloads described above.

Even with two additional AAGs, the large volume of mandatory litigation deadlines still force AAGs to deprioritize important client advice tasks, discretionary legal challenges requested by the client, and the filing of guardianship petitions. AAGs struggle to perform important internal functions, such as proper records management and case closing, training, and strategic litigation management resulting in the reprioritization of these tasks. The lack of sufficient resources also undermines capacity for proactive work to meet longer term risk management objectives. Based upon current workloads and trends, the AGO requests sustained funding of 2.0 AAGs and associated support to adequately respond to DSHS' legal needs.

## Assumptions and Calculations

### Expansion or alteration of a current program or service: 2015-2017 Biennium

The AGO submitted a request for 1.5 FTE and \$185,000 in the FY 2017 Supplemental Budget Request to address the Mental Health Workload Increase however, this request was not included in the Enacted Budget.

### 2017-2019 Biennium

The AGO submitted a request for 1.6 FTE and \$456,000 in the 2017-2019 Biennial Budget Request to address the Mental Health Workload Increase. This request was included in the Enacted Budget.

The AGO submitted a request for 3.5 FTE and \$940,000 in the FY 2018 Supplemental Budget Request to address increasing Mental Health Service and litigation needs. The request was included in the Supplemental Enacted Budget, however the entire budget item was removed during the 2019-2021 Budget carry forward process.

The Mental Health workload is a subcomponent of the legal services provided to DSHS, and is not separately identified within the overall Central Service Model allocation. The current allocation is insufficient to absorb the addition of 2.0 AAG FTEs and associated support to accommodate the workload increase.

As described above, this funding is critical to address the significant and continuing increases in litigation and advice needs of the Behavioral Support Administration.

### Detailed assumptions and calculations:

This decision package requests permanent funding for 2.0 AAG FTE and 1.0 Legal Assistant 3 (LA3) FTE added to the Mental Health Section to address the ever-increasing demand for legal services of the DSHS Mental Health program.

From 2016 to 2018:

Instances of Client Advise have increased from 1,058 to 2,816 up 1,758 - an increase of 166%.

Show Cause Hearings have increased from 230 to 404 up 174 - an increase of 76%.

Felony Commitment Trials have increased from 98 to 225 up 127 - an increase of 130%.

These costs are ongoing and will carry forward into future biennia. One-time costs are not included in this request.

**Workforce Assumptions:**

FTE	FY2020	FY2021	FY2022	FY2023	Ongoing ?
AAG	2.0	2.0	2.0	2.0	Y
Object A & B	270,000	270,000	270,000	270,000	
LA	1.0	1.0	1.0	1.0	Y
Object A & B	73,000	73,000	73,000	73,000	
MA5	0.5	0.5	0.5	0.5	Y
Object A & B	53,000	53,000	53,000	53,000	
<b>TOTAL FTE</b>	<b>3.5</b>	<b>3.5</b>	<b>3.5</b>	<b>3.5</b>	
<b>TOTAL A &amp; B</b>	<b>396,000</b>	<b>396,000</b>	<b>396,000</b>	<b>396,000</b>	

Agency administration support FTEs are included in the table above, using a Management Analyst 5 (MA5) as a representative classification.

**Strategic and Performance Outcomes**

**Strategic framework:**

**Relationship to Results Washington:**

Goal 4. Healthy and Safe Communities:

Provide access to good medical care to improve people's lives

Help keep people safe in their homes, on their jobs and in their communities

**Relationship to AGO Strategic Plan:**

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.

**Relationship to AGO Activities:**

Activity	Fund	FY2020	FY2021	FY2022	FY2023
A001 Administration	405	60,000	60,000	60,000	60,000
A010 Legal Services	405	399,000	400,000	400,000	400,000
<b>TOTAL</b>		<b>459,000</b>	<b>460,000</b>	<b>460,000</b>	<b>460,000</b>

**Performance Measure Detail**

Performance Measure	Unit	Incremental Change FY1	Incremental Change FY2	Incremental Change FY3	Incremental Change FY4
002533 - Total AG Formal and Informal Opinions Issued	#	0	0	0	0
002539 - Cases Open at End of Fiscal Year	#	0	0	0	0

**Performance outcomes:**

Indeterminate incremental adjustments for this Performance Measure.

**Other Collateral Connections**

**Intergovernmental:**

CLIENT	Fund	FY2020	FY2021	FY2022	FY2023
DSHS	405	459,000	460,000	460,000	460,000
<b>TOTAL</b>		<b>459,000</b>	<b>460,000</b>	<b>460,000</b>	<b>460,000</b>

DSHS has statutory and constitutional obligations to provide mental health services and due process to individuals who are civilly committed or under the care of the state. The AGO provides essential legal services to DSHS in the form of advice and representation in court in order for DSHS to fulfill its obligations. DSHS will submit a decision package supporting this request.

The AGO is also mandated to represent DSHS in actions challenging the adequacy of the mental health programs it administers. The AGO is integral to the success of alternative methods to resolve litigation in a manner that serves individuals in need of mental health services and the state. Permanent funding for two additional attorneys will contribute to having an adequate number of trained staff to meet the mounting demand for legal services related to the state's strained and challenged mental health system.

DSHS is in agreement with these legal services needs and fully support the AGO request.

**Stakeholder response:**

Legal work supports DSHS services to the mentally ill and criminally insane residents of Washington state, as well as sexually violent predators.

Advocacy groups, such as Disability Rights Washington and the American Civil Liberties Union (ACLU), carefully monitor these vulnerable populations.

Courts are severely impacted by the inability of DSHS to timely admit defendants for competency evaluation or competency restoration, as it adds many months to the eventual resolution of criminal cases. Also, because the Trueblood class is prioritized, competency services for those who have been released on bail or on personal recognizance are subject to even more delays in the court's and parties' ability to move cases forward

There is no known opposition to this request.

**Legal or administrative mandates:**

*Trueblood & DRW v DSHS*

*T.R. v Quigley*

*R.R. et al. v DSHS*

*Ross v Inslee*

**Changes from current law:**

N/A

**State workforce impacts:**

N/A

**State facilities impacts:**

N/A

**Puget Sound recovery:**

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



## 2019-21 Biennium Budget Decision Package

**Agency:** 100 - Office of Attorney General  
**Decision Package Code-Title:** KH - Tobacco Diligent Enforcement  
**Budget Session:** 2019-21 Regular  
**Budget Level:** Maintenance Level  
**Contact Info:** Edd Giger  
 (360) 586-2104  
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### Agency Recommendation Summary

The Office of the Attorney General (AGO) seeks to renew funding to diligently enforce tobacco escrow requirements and aggressively defend our past enforcement. Under the Master Settlement Agreement (MSA) with the major tobacco companies, millions of dollars per year are placed in escrow. The State will receive the escrow for a certain year if it is determined in an arbitration that the State diligently enforced its obligations under the MSA for that year. The requested funding will enable the AGO to continue to participate in the next arbitration.

### Fiscal Summary

*Dollars in Thousands*

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001 - 1	\$1,301	\$1,301	\$1,301	\$1,301
<b>Total Expenditures</b>	<b>\$1,301</b>	<b>\$1,301</b>	<b>\$1,301</b>	<b>\$1,301</b>
<b>Biennial Totals</b>		<b>\$2,602</b>		<b>\$2,602</b>
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	6.3	6.3	6.3	6.3
<b>Average Annual</b>		<b>6.3</b>		<b>6.3</b>
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Obj. A	\$509	\$509	\$509	\$509
Obj. B	\$175	\$175	\$175	\$175
Obj. C	\$500	\$500	\$500	\$500
Obj. E	\$101	\$101	\$101	\$101
Obj. G	\$7	\$7	\$7	\$7
Obj. J	\$9	\$9	\$9	\$9

### Package Description

The tobacco Master Settlement Agreement (MSA) was signed in 1998 by 46 states, the District of Columbia, Puerto Rico, and four territories (Settling States) and the major tobacco companies. The companies' party to the agreement are known as Participating Manufacturers (PM) while those companies that did not sign are known as Non-Participating Manufacturers (NPM). As part of the settlement, the PMs make annual payments to the Settling States in perpetuity, and the Settling States must enact and diligently enforce statutes that require the NPMs to pay into escrow accounts amounts similar to the obligation imposed on PMs by the MSA.

There are currently millions of dollars in Disputed Payment Accounts that relate to the Non-Participating Manufacturer Adjustments. For most states, they are being arbitrated one year at a time. The first arbitration concerned the 2003 MSA sales year. Work on it began in 2005. It was completed in 2013. The AGO of the State of Washington was successful in showing that Washington had enacted the necessary statute and the AGO had diligently enforced it. This resulted in the State of Washington receiving an additional \$14 million dollars and avoided the potential loss of an annual payment amount of over \$100 million dollars.

A hearing on the second arbitration occurred in April 2018 and involved whether the Washington AGO diligently enforced the escrow statute during 2004. This proceeding began in 2014 and a decision expected in 2019. The next arbitration, to decide whether the statute was diligently enforced in 2005, will begin shortly thereafter. We are exploring avenues to combine a number of MSA years into one hearing or to accelerate the

hearings so that the years at issue are more current. If we are able to combine multiple years into the next arbitration, the potential revenue for the State is approximately \$14 million per year. Most of the 52 Settling States resolved this dispute with the PMs at a substantial discount. Washington and the other litigating 9 states continue, year by year, to fight to recover the NPM adjustment and receive our full MSA payment. Hundreds of millions of dollars are at stake in these arbitrations. If Washington were to be able to combine a number of MSA years into one proceeding, the State could receive approximately \$14 million per year if it prevails with the exception of calendar year 2005. If Washington were to lose, it would not receive this amount and also would be subject to a potentially significant adjustment of the amount due under the MSA.

## Assumptions and Calculations

### Expansion or alteration of a current program or service:

The 2017-19 operating budget was \$1,782,000 GF-S. The full amount was removed in carryforward so that the base budget going forward into 2019-21 is zero.

### Detailed assumptions and calculations:

The AGO requests \$591,000 per fiscal year for staff of 6.0 FTE, 3 Assistant Attorney Generals (AAG), 2 Paralegal 2 (PL2), Legal Assistant 3 (LA3), \$400,000 per fiscal year for witnesses, \$50,000 per fiscal year for depositions and attendance at related hearings, and \$50,000 per year for cost share agreement. Agency administration support FTE are included in the table above using a Management Analyst 5 as a representative classification.

The next arbitrations will require additional resources as the arbitration likely will involve whether the State diligently enforced for multiple years rather just one year as has been the issue for the first two arbitrations. Preparation for the third arbitration is expected to begin shortly after the second arbitration is completed.

Agency administration support FTEs are included in the tables using a Management Analyst 5 as a representative classification.

These costs are ongoing and will carry forward into future biennia for at least the next six biennia. The AGO will submit a budget request to reduce cost and FTE when they are no longer appropriate.

One-time costs are not included in this request.

### Workforce Assumptions:

FTE	FY2020	FY2021	FY2022	FY2023	Ongoing ?
AAG	3.0	3.0	3.0	3.0	Yes
Object A & B	404,000	404,000	404,000	404,000	
LA	1.0	1.0	1.0	1.0	Yes
Object A & B	109,000	109,000	109,000	109,000	
PL	1.5	1.5	1.5	1.5	Yes
Object A & B	92,000	92,000	92,000	92,000	
MA5	0.8	0.8	0.8	0.8	Yes
Object A & B	79,000	79,000	79,000	79,000	
<b>TOTAL FTE</b>	<b>6.3</b>	<b>6.3</b>	<b>6.3</b>	<b>6.3</b>	
<b>TOTAL A &amp; B</b>	<b>684,000</b>	<b>684,000</b>	<b>684,000</b>	<b>684,000</b>	

## Strategic and Performance Outcomes

### Strategic framework:

#### 1) Results Washington:

##### Goal 4 – Healthy and Safe Communities:

By ensuring that the public health provisions of the MSA are complied with, the tobacco diligent enforcement activities contribute to fighting tobacco use among our youth. Ensuring that nonparticipating manufacturers (NPM) make required escrow payments also helps achieve this goal. The necessity to make escrow payments discourages the NPMs from pricing their products below market which would have made their product more attractive to youth.

##### Goal 5 - Efficient, Effective, and Accountable Government:

By keeping the more than \$100,000,000 flowing annually into the state treasury, the tobacco diligent enforcement activities provide substantial funding for general government.

#### 2) AGO Strategic Plan (<http://insideago/default.aspx?content=497&site=3&name=Mission%252cVisionandStrategicPlan>):

Priority – Serve the State

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

#### 3) Activity:

Expected incremental change in revenue: The \$14,000,000 in FY 2020 assumes AGO obtains a favorable ruling for the 2004 arbitration. The ruling for the next arbitration may or may not be received by the end of FY 2021 as the arbitration panel holds all ruling until all states have had their hearings, and the rulings are all released on the same date.

Activity	Fund	FY2020	FY2021	FY2022	FY2023
0001 Administration	001-1	1,301,000	1,301,000	1,301,000	11,301,000
<b>TOTAL</b>		<b>1,301,000</b>	<b>1,301,000</b>	<b>1,301,000</b>	<b>11,301,000</b>

### Performance Measure Detail

Performance Measure	Unit	Incremental Change FY1	Incremental Change FY2	Incremental Change FY3	Incremental Change FY4
002533 - Total AG Formal and Informal Opinions Issued	#	0	0	0	0

#### Performance outcomes:

Tobacco diligent enforcement is not assumed to affect this Performance Measure in any way. These legal services are an agency administrative function.

### Other Collateral Connections

#### Intergovernmental:

The collaborative work with Department of Health, Liquor and Cannabis Board and Department of Social and Health Services aims to improve the public health around tobacco issues.

The litigation work helps to continue the flow of MSA revenue into the state. In 2016, that revenue was more than \$100 million.

#### Stakeholder response:

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

#### Legal or administrative mandates:

The tobacco MSA was signed in 1998 by the Settling States and the major tobacco companies. The companies' party to the agreement are known as Participating Manufacturers (PM) while those companies that did not sign are known as Non-Participating Manufacturers (NPM). As part of the settlement, the PMs make annual payments to the Settling States in perpetuity, and the Settling States must enact and diligently enforce statutes that require the NPMs to pay into escrow accounts amounts similar to the obligation imposed on PMs by the MSA. There are currently millions of dollars in Disputed Payment Accounts that relate to the NPM Adjustments. The arbitrations involve these escrowed funds.

#### Changes from current law:

N/A

#### State workforce impacts:

N/A

#### State facilities impacts:

This decision package includes anticipated lease and maintenance costs of \$8,300 per fiscal year per FTE. The AGO will submit a FY 2020 Supplemental decision package if additional lease space and maintenance costs are identified.

#### Puget Sound recovery:

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





## 2019-21 Biennium Budget Decision Package

**Agency:** 100 - Office of Attorney General  
**Decision Package Code-Title:** K1 - Family Leave Legal Services  
**Budget Session:** 2019-21 Regular  
**Budget Level:** Maintenance Level  
**Contact Info:** Edd Giger  
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### Agency Recommendation Summary

The Employment Security Department (ESD) was tasked in Fiscal Year 2018 with implementing the nation's fifth and likely most generous Paid Family and Medical Leave (PFML) law. ESD has created a new division and is writing rules. The Attorney General's Office (AGO) has provided legal services to assist but it did not receive additional legal services funding. Beginning in FY 2019 and 2020, respectively, the AGO will provide representation in litigation when tax and benefits adjudicative orders are issued. This request will help with the implementation of this important legislation by providing quality advice and representation in litigation for ESD.

### Fiscal Summary

*Dollars in Thousands*

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 405 - 1	\$228	\$457	\$457	\$457
<b>Total Expenditures</b>	<b>\$228</b>	<b>\$457</b>	<b>\$457</b>	<b>\$457</b>
<b>Biennial Totals</b>		<b>\$685</b>		<b>\$914</b>
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	1.8	3.5	3.5	3.5
<b>Average Annual</b>		<b>2.7</b>		<b>3.5</b>
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Obj. A	\$147	\$295	\$295	\$295
Obj. B	\$50	\$100	\$100	\$100
Obj. E	\$28	\$58	\$58	\$58
Obj. G	\$2	\$3	\$3	\$3
Obj. J	\$1	\$1	\$1	\$1
Revenue	FY 2020	FY 2021	FY 2022	FY 2023
405 - 0420	\$228	\$457	\$457	\$457
<b>Total</b>	<b>\$228</b>	<b>\$457</b>	<b>\$457</b>	<b>\$457</b>
<b>Biennial Totals</b>		<b>\$685</b>		<b>\$914</b>

### Package Description

The operative provisions of the PFML law have not yet gone into effect, yet the AGO has already provided nearly 1,000 hours of unfunded legal services to assist with the implementation of this important legislation. Employers begin paying PFML premiums in FY 2019 (in January), and employees may file benefit claims starting in FY 2020 (in January).

Since the PFML law passed in June 2017, ESD has been in the process of writing rules implementing the new RCW Title 50A. The rulemaking was split into six phases. One phase of rule development is complete, and the other five are in process. Assistant Attorneys General (AAGs) have provided advice on rule development and review process, open meetings, public records, the impact of the new legislation on state agencies as employers, and areas for possible legislative amendments. AAGs have also advised on contract issues concerning the design of computer systems

to carry out ESD's responsibilities, the writing and review of requests for proposal, and management of contracts with vendors. AAGs provided personnel assistance as ESD has created a new division to implement the PFML legislation. The work assisting ESD has been more time-intensive in recent months and will continue to escalate.

The AGO submitted a fiscal note for SSB 5975 (2017) that detailed many anticipated costs but ultimately stated indeterminate impact because the full quantity of work could not be accurately measured in relation to the AGO's services to state agency clients as employers who are covered by the new law. While the extent of the law's impact will continue to be defined over time, FY 2018 legal services have provided data and enabled certain predictions.

The primary division providing legal services on PFML issues has been the AGO's Licensing and Administrative Law (LAL) Division. LAL AAGs have billed over 800 AAG hours in FY 2018. This alone exceeds the time anticipated in the fiscal note for FY 2018 by more than 300 hours.

The Spokane Division provided 110 AAG hours of work in FY 2018 on an advice memo jointly written for ESD and another cabinet agency.

Additionally, AAGs in the AGO Labor and Personnel Division spent dozens of hours assisting on this advice and on other PFML issues, but that time was not specifically tracked.

This level of new legal services is not sustainable and the workload is assumed to increase. In addition to any ongoing rulemaking and other advice projects, significant litigation will commence as ESD will have begun issuing determinations subject to appeal. The Administrative Procedure Act allows aggrieved parties to request hearings concerning the Department's determinations administering the PFML laws. ESD will require AGO representation in appeals, and advice in connection with litigation matters. AAG advice is assumed to be higher than initially projected since ESD's experience over the last year has shown that to be the case, and because the advice needs will dramatically increase. For example, advice is now required for five phases of ongoing rulemaking while the work to date has largely focused on the first rulemaking phase. Legal assistance will also be required to develop training materials for new ESD staff on legal issues, to give trainings, and to aid in development and review of ESD's internal operations processes relating to administration of the PFML law—none of which work has yet begun. Overall, in FY 2019 and FY 2020, at least 2,080 AAG hours per FY are projected.

By FY 2021 and in each FY thereafter, AGO legal services will predominately be in defending decisions denying or granting benefits in superior and appellate courts, litigating PFML tax assessments in administrative tribunals and courts, litigating discrimination cases, aiding with collections activity, and managing contracts with vendors. There will also be needs for continued advice in connection with litigation, on potential amendments to rules or laws, and for assistance with training and review of procedures. At least 4,160 total AAG hours per FY are projected.

If the AGO is not funded for this PFML work, this will affect the success of the new law. Without adequate legal advice, rules may not be as clear, consistent, or complete and may be challenged by affected parties if they are alleged to not be adopted in compliance with procedural and substantive legal requirements. If ESD's systems and procedures are not clear and well-planned, individuals and employers may be adversely affected and ESD may require additional litigation costs and may risk adverse litigation outcomes.

If the AGO is not provided legal services allocation for PFML work, the shortfall will cut into necessary legal services provided to ESD for other important program areas including unemployment insurance, H-2A administration, and workforce development. It could potentially impede the AGO's ability to provide risk management advice and assistance on public records issues. Having taken on the implementation of the new PFML program and its existing responsibilities, ESD has a vastly increased need for legal services, but without additional legal services funding. This shortfall will increase overall agency risk and impede agency advancement of its mission and objectives.

## Assumptions and Calculations

### Expansion or alteration of a current program or service:

Legal services in this request relate to a new program, and there is no funding in the AGO's base budget for costs included in this request.

### Detailed assumptions and calculations:

**FY 2020 – 1.0 AAG:** The AGO anticipates up to 10 premium assessment appeals each year requiring AAG assistance in the administrative tribunal, with an average of 40 hours per case (totaling 400 AAG hours for this administrative appeal work). This includes development and/or review of the record, preparation of briefing, handling hearings and/or oral argument (including associated travel), and case-related communications. AAGs will appear in many administrative review appeals (which may sometimes be handled by the Legal Services Coordination Unit of ESD), and AAGs will handle all judicial review petitions upon premium assessments. In cases handled primarily by the Department's Legal Services Coordination Unit, the AGO will participate in review and offer guidance as needed, resulting in at least another 100 total hours of work. It is anticipated that there will be at least two judicial review petitions from final administrative decisions in premium assessment cases, resulting in another projected 40 hours of AAG work for each case. This workload is assumed to start in July 2019 when premiums are due starting in January 2019.

Additionally, it is conservatively estimated that 600 AAG hours will be required for assistance in bankruptcy and warrant collection activity, and advice regarding contract issues concerning the benefit and tax system.

Another 900 hours of AAG assistance will be required for policy and process development and review on premium issues, rulemaking and policy and process development concerning benefits issues, development and giving of training on legal issues for ESD staff, and for other advice issues in connection with the review of benefits claims and the payment of benefits beginning in January 2020.

Overall projections for FY 2020 are for 2,080 AAG hours.

**FY 2021 and in each FY thereafter – 2.0 AAG:** Starting in July 2020, the AGO projects that there will be at least as many judicial review petitions from PFML benefit determinations under this legislation as there are for unemployment benefit determinations.

Based on data from the last three years, 100 appeals to courts are assumed each year in benefits cases. Each appeal under this legislation will require an average of 20 AAG hours for review of the record, preparation of briefing, handling oral argument (including associated travel), and case-related communications (2,000 AAG hours for this work). Appeals will first proceed through the Office of Administrative Hearings (OAH) with review by the Commissioner before they are appealed to the courts. It is assumed that AAGs will appear in all judicial review cases. It is also assumed that AAGs, particularly when benefits appeals are first filed in administrative tribunals upon the effective date of benefits claims, will participate in some proceedings at OAH and on review by the Department's Commissioner. This will help to ensure that administrative law judges and reviewing officers properly understand and apply the new law. AAGs will prepare stock briefing on frequently recurring legal issues in benefits appeals. It is assumed that at least 400 AAG hours will be required each FY for this work developing and updating standardized briefing and participating in certain administrative appeals in benefits cases, and then training members of the Department's Legal Services Coordination Unit or other Department personnel to potentially take over this work, utilizing the legal resources the AGO helped to create.

The AGO assumes that for premium assessment appeals, it will appear in many administrative review hearings and will handle all judicial review petitions. The AGO anticipates 10 premium assessment appeals in administrative tribunals each year, requiring AAG assistance averaging 40 hours per case (totaling 400 hours for this administrative appeal work). This includes development and/or review of the record, preparation of briefing, handling hearings and/or oral argument (including associated travel), and case-related communications. In addition, it is assumed at least two cases will be appealed to superior courts each year, for an average of another 40 AAG hours for each case, and one case will be appealed to the appellate courts, requiring at least 80 hours of work (as additional time is required to account for AAG appellate advisor and deputy solicitor general review, given that appellate cases set legal precedent).

It is conservatively estimated that another 800 AAG hours will be required for:

- 1) AAG assistance in bankruptcy and warrant collection activity.
- 2) Advice regarding development and review of training materials for ESD staff and stakeholders, development and review of internal and operational processes and policies, and giving training for ESD staff on legal issues.
- 3) Advice regarding contract issues concerning the benefit system, assistance with rule development and possible legislative or rule amendments, and other advice issues.

Furthermore, it is assumed that at least 400 hours of AAG services will be required for hearings and judicial reviews under RCW 50A.04.095 relating to discrimination complaints. Given that the law is new, there may be a significant number of discrimination complaints, and resolution of each complaint may take significant time. AAGs will provide input concerning some complaint investigations, and will represent ESD in all administrative hearings where the investigation indicates that a violation may have occurred. The AGO will also handle all judicial review petitions from the Commissioner's determinations in discrimination cases.

These costs are ongoing and will carry forward into future biennia. One-time costs are not included in this request.

#### Workforce Assumptions:

FTE	FY2020	FY2021	FY2022	FY2023	Ongoing ?
AAG	1.00	2.00	2.00	2.00	
Object A & B	135,000	269,000	269,000	269,000	Yes
LA	0.50	1.00	1.00	1.00	
Object A & B	36,000	73,000	73,000	73,000	Yes
MA5	0.25	0.50	0.50	0.50	
Object A & B	26,000	53,000	53,000	53,000	Yes
<b>TOTAL FTE</b>	<b>1.8</b>	<b>3.5</b>	<b>3.5</b>	<b>3.5</b>	
<b>TOTAL A &amp; B</b>	<b>197,000</b>	<b>395,000</b>	<b>395,000</b>	<b>395,000</b>	

Costs associated with this request will be billed to ESD.

## Strategic and Performance Outcomes

### Strategic framework:

#### 1. Results Washington

This request advances the following goals, goal topics, and sub topics within the Governor's Results Washington strategic framework, in that the AGO's services to ESD will enable it to better advance strategic goals:

Goal 2 – Prosperous Economy

Goal topic: Thriving Washingtonians

Sub topic: Quality Jobs

Various outcomes relating to increasing employment

Goal 4 – Healthy and Safe Communities

General advancement of goal topics for Healthy People & Safe People & Supported People

Goal 5 – Efficient, Effective and Accountable Government

Goal topic: Customer satisfaction and employee engagement

Sub topic: Customer satisfaction

Specific objectives are not captured in the Governor's Results Washington plan relating to PFML because the law was not enacted when the State's plan was developed, but ESD's successful implementation of the PFML laws, aided by the AGO as enabled by this request, advances the broad purposes of multiple goals and topics.

**2. AGO Strategic Plan:** This request advances AGO strategic priorities as follows:

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.

2. Priority – Protect the People

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

Objective: Assist and partner with client agencies in their mission to strengthen communities, grow Washington's economy, and protect public health, safety, and welfare

The request supports the AGO Strategic Plan by the AGO's delivery of high quality, timely, and efficient legal services, and its help with management of risk for ESD so that it may reduce liability and improve outcomes. The request enables appropriate legal services fund utilization, because the AGO does not have specific authority to bill relating to its PFML work and any time it spends doing so impacts the allotments for legal services relating to other ESD programs and issues. The request enables the AGO to closely work with ESD on its development of rules, policies, and processes to best support achievement of legislative objectives of the PFML law.

The legislative objectives are described in RCW 50A.04.005:

"The legislature finds that the demands of the workplace and of families need to be balanced to promote family stability and economic security. The legislature also finds that families across the state own and operate businesses. Workplace leave policies are desirable to accommodate changes in the workforce such as rising numbers of dual-career couples, working single parents, and an aging population. In addition the impact of significant new requirements should be reasonably balanced to help small businesses thrive.

The legislature also finds that access to paid leave is associated with many important health benefits. Research confirms that paid leave results in decreased infant mortality and more well-baby visits and reductions in maternal postpartum depression and stress. The legislature further finds that paid leave increases the duration of breastfeeding, which supports bonding, stimulates positive neurological and psychological development, strengthens a child's immune system, and reduces the risks of serious or costly health problems such as asthma, acute ear infections, obesity, Type 2 diabetes, leukemia, and sudden infant death syndrome. The legislature also finds that when fathers have access to paid leave they are more directly engaged during the child's first few months, thereby increasing father infant bonding and reducing overall stress on the family.

The legislature declares it to be in the public interest to create a family and medical leave insurance program to provide reasonable paid family leave for the birth or placement of a child with the employee, for the care of a family member who has a serious health condition, and for a qualifying exigency under the federal family and medical leave act, and reasonable paid medical leave for an employee's own serious health condition and to reasonably assist businesses in implementing and maintaining a program to support their employees and family."

**3. AGO Activities:** So far, the AGO has provided 1,000 hours of legal services for which it has not received funding. This is not sustainable, especially as legal services needs grow. Without authority to bill dedicated to PFML work, the legal services for this program will continue to cut into the AGO's ability to provide other services to ESD relating to its administration of other programs, including unemployment insurance, H-2A, and workforce development, among other issues.

Legal assistance reduces or mitigates undesired results of delay in implementation of the PFML law, problems with computer systems for ESD's administration of the law, likelihood of legal challenge of rules and procedures, and risk of adverse outcomes in litigation challenging any rules, procedures, or determinations concerning individuals or employers. The AGO's assistance will help to enable ESD to meet its performance measures concerning this program.

Having taken on the implementation of the new PFML program and its existing responsibilities, ESD now has a vastly increased need for legal services but without corresponding additional legal services funding. If the AGO is not given authority to bill and additional allotment in the legal services revolving fund relating to PFML work, this shortfall will increase overall agency risk and impede agency advancement of its mission and objectives.

Activity	Fund	FY2020	FY2021	FY2022	FY2023
A010 Legal Services to State Agencies	405	228,000	457,000	457,000	457,000
<b>TOTAL</b>		<b>228,000</b>	<b>457,000</b>	<b>457,000</b>	<b>457,000</b>

**Performance Measure Detail**

Performance Measure	Unit	Incremental Change FY1	Incremental Change FY2	Incremental Change FY3	Incremental Change FY4
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

Legal assistance reduces or mitigates undesired results of delay in implementation of the PFML law, problems with computer systems for ESD's administration of the law, likelihood of legal challenge of rules and procedures, and risk of adverse outcomes in litigation challenging any rules, procedures, or determinations concerning individuals or employers. The AGO's assistance will help to enable ESD to meet its performance measures concerning this program.

Indeterminate incremental adjustments for this Performance Measure.

## Other Collateral Connections

### Intergovernmental:

ESD is in agreement with these legal services needs and fully support the AGO request.

CLIENT	Fund	FY2020	FY2021	FY2022	FY2023
ESD	405	228,000	457,000	457,000	457,000
<b>TOTAL</b>		<b>228,000</b>	<b>457,000</b>	<b>457,000</b>	<b>457,000</b>

### Stakeholder response:

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

### Legal or administrative mandates:

N/A

### Changes from current law:

ESD is proposing certain changes to the PFML law, and the AGO has provided advice concerning those recommendations, but this request is not limited to legal services for legislative changes nor is it required by any particular legislation or amendment.

### State workforce impacts:

N/A

### State facilities impacts:

N/A

### Puget Sound recovery:

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





## 2019-21 Biennium Budget Decision Package

**Agency:** 100 - Office of Attorney General  
**Decision Package Code-Title:** KJ - Davison v. WA State  
**Budget Session:** 2019-21 Regular  
**Budget Level:** Maintenance Level  
**Contact Info:** Edd Giger  
 (360) 586-2104  
 EdwardG@ATG.WA.GOV

### Agency Recommendation Summary

The Attorney General's Office (AGO) requests funding to continue defending this class action lawsuit alleging that Washington State through the Office of Public Defense (OPD) has breached its constitutional duty to provide funds necessary to ensure an adequate defense for indigent juvenile defendants in Grays Harbor County. If the plaintiffs win, the monetary relief is several million dollars annually. More importantly, though, if plaintiffs win this case, it is likely that similar cases would be filed statewide and, if successful, the statewide monetary relief for adult and juvenile offenders could be between \$200 and \$300 million annually.

### Fiscal Summary

*Dollars in Thousands*

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 405 - 1	\$1,275	\$132	\$0	\$0
<b>Total Expenditures</b>	<b>\$1,275</b>	<b>\$132</b>	<b>\$0</b>	<b>\$0</b>
<b>Biennial Totals</b>		<b>\$1,407</b>		<b>\$0</b>
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	3.8	1.0	0.0	0.0
<b>Average Annual</b>		<b>2.4</b>		<b>0.0</b>
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Obj. A	\$326	\$84	\$0	\$0
Obj. B	\$110	\$29	\$0	\$0
Obj. C	\$710	\$0	\$0	\$0
Obj. E	\$98	\$17	\$0	\$0
Obj. G	\$25	\$1	\$0	\$0
Obj. J	\$6	\$1	\$0	\$0
Revenue	FY 2020	FY 2021	FY 2022	FY 2023
405 - 0420	\$1,275	\$132	\$0	\$0
<b>Total</b>	<b>\$1,275</b>	<b>\$132</b>	<b>\$0</b>	<b>\$0</b>
<b>Biennial Totals</b>		<b>\$1,407</b>		<b>\$0</b>

### Package Description

Plaintiffs filed a class action suit in Thurston County Superior Court and named the State of Washington (the State) and OPD as defendants. Plaintiffs allege that indigent juvenile criminal defendants charged in Grays Harbor County Juvenile Court are deprived of a constitutionally adequate defense in violation of Sixth and Fourteenth Amendments to the United States Constitution, and Article I, §§ 3 and 22 of the Washington State Constitution. Specifically, Plaintiffs allege that the State and OPD are violating juveniles' rights because "juvenile public defense services in Grays Harbor County operate well below the constitutionally required minimum" and the "systemic and structural deficiencies" are "known to Defendants". Ultimately, Plaintiffs believe that the State, through OPD, is responsible for the costs necessary to ensure indigent criminal defendants receive a constitutionally adequate defense.

Currently (and historically), the counties are responsible for approximately 95% of the costs of indigent public defense; the State only pays about 5% of these costs. If the State were required to fully fund the public defense obligations for indigent juveniles and adults statewide, this could require the State to spend in excess of \$200 to \$300 million per year. [1] ([https://abs.ofm.wa.gov/#\\_ftn1](https://abs.ofm.wa.gov/#_ftn1))

The AGO requests funding to continue to defend this very important case. Discovery in this matter is likely to be extensive with the need to delve into the adequacy of the legal representation provided to the hundreds of class members. In addition, we anticipate the need to retain experts, which will increase our costs. We anticipate a trial in 2020, with the case possibly shifting to the appellate courts in 2021.

[1] In FY 2016 (the most recent year for which OPD has data), counties spent \$153 million and cities spent at least \$38 million on trial level indigent criminal defense (the data available to OPD for the cities is incomplete and the amount spent is greater, perhaps far greater, than the \$38 million figure provided).

## Assumptions and Calculations

### Expansion or alteration of a current program or service:

N/A

### Detailed assumptions and calculations:

For fiscal year 2020, direct litigation cost estimates totaling \$720,000 includes the cost of expert witnesses, depositions and travel. It is anticipated that the State will engage a public defender expert, a former judge or expert on the judicial system, and a document management expert. The plaintiffs likely will have similar experts. There also will be multiple fact and expert depositions. Travel is anticipated for many of the depositions.

Expert witness costs are based upon 1,500 hours of services at \$450 an hour: \$675,000 (1,500 \* \$450).

35 Depositions at \$1,000 each totals \$35,000.

Travel: 25 trips at \$400 per trip totals \$10,000.

Direct litigation costs are considered one-time costs and will not be required beyond FY 2020.

In FY 2020, it is assumed that discovery will be ongoing and the trial will occur, and the case will be on appeal in FY 2021 with possible injunctive issues ongoing. In FY 2020, the AGO will require 2.0 Assistant Attorney General (AAG), 1.0 Paralegal (PL), and 0.3 Legal Assistant (LA3) FTE. In FY 2021, the AGO will require .5 AAG, 0.2 PL and 0.2 LA3 FTE. These costs will be charged to OPD by the AGO. Agency administration support FTE are included in the tables below, using a Management Analyst 5 (MA5) as a representative classification.

### Workforce Assumptions:

FTE	FY2020	FY2021	FY2022	FY2023	Ongoing ?
AAG	2.0	0.5			No
Object A & B	269,000	67,000			
LA	0.3	0.2			No
Object A & B	22,000	15,000			
PL	1.0	0.2			No
Object A & B	92,000	18,000			
MA5	0.5	0.1			No
Object A & B	52,000	13,000			
<b>TOTAL FTE</b>	<b>3.8</b>	<b>1.0</b>	<b>0.0</b>	<b>0.0</b>	
<b>TOTAL A &amp; B</b>	<b>435,000</b>	<b>113,000</b>	<b>0</b>	<b>0</b>	

Costs associated with this request will be billed to OPD.

Agency administration support FTEs are included in the tables using a Management Analyst 5 as a representative classification.

## Strategic and Performance Outcomes

### Strategic framework:

The AGO Strategic plan provides the following framework:

2-3-3 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.

Activity	Fund	FY2020	FY2021	FY2022	FY2023
Legal Services to State Agencies	405	1,275,000	132,000		
<b>TOTAL</b>		<b>1,275,000</b>	<b>132,000</b>	-	-

## Performance Measure Detail

Performance Measure	Unit	Incremental Change FY1	Incremental Change FY2	Incremental Change FY3	Incremental Change FY4
002539 - Cases Open at End of Fiscal Year	#	0	0	0	0

**Performance outcomes:**

Performance Measure 2539 is applicable, and specifically the provision that "The AGO protects taxpayer dollars by providing sound legal advice and risk management services to clients avoiding costly lawsuits."

Performance Measure	Fund	FY2020	FY2021	FY2022	FY2023
2539 Cases Open at End of Fiscal Year	405				
<b>TOTAL</b>		-	-	-	-

PM 2539: Indeterminate incremental adjustments for this Performance Measure.

**Other Collateral Connections****Intergovernmental:**

Impact(s) To:		Identify / Explanation
Regional/County impacts?	YES	The counties currently fund the overwhelming majority of the costs associated with juvenile public defense. A negative outcome of this case will likely impact the balance of state versus county authority.
Other local gov't impacts?	YES	The cities also fund the costs associated with juvenile public defense. A negative outcome of this case will likely impact the balance of state versus city authority.
Tribal gov't impacts?	NO	
Other state agency impacts?	YES	OPD will have expanded duties without a corresponding statutory framework.
Identify other important connections	NO	A ruling in favor of the plaintiffs may lead to statutory changes.

CLIENT	Fund	FY2020	FY2021	FY2022	FY2023
OPD	405	1,275,000	132,000		
<b>TOTAL</b>		<b>1,275,000</b>	<b>132,000</b>	-	-

OPD is in agreement with these legal services needs and fully support the AGO request.

**Stakeholder response:**

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

**Legal or administrative mandates:**

The proposal seeks funds for the defense of Davison v. State of Washington and Office of Public Defense.

**Changes from current law:**

N/A

**State workforce impacts:**

A ruling in favor of the plaintiffs may lead to the State hiring juvenile public defenders in Grays Harbor County. Such a ruling also may lead to serial litigation seeking to have the State hire juvenile and adult public defenders statewide.

**State facilities impacts:**

N/A

**Puget Sound recovery:**

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





## 2019-21 Biennium Budget Decision Package

**Agency:** 100 - Office of Attorney General  
**Decision Package Code-Title:** KL - Madison v. OSPI Litigation  
**Budget Session:** 2019-21 Regular  
**Budget Level:** Maintenance Level  
**Contact Info:** Edd Giger  
 (360) 586-2104  
 EdwardG@ATG.WA.GOV

### Agency Recommendation Summary

The American Civil Liberties Union (ACLU) filed a class action complaint against the Office of the Superintendent of Public Instruction (OSPI) on behalf of students who require special education services and reside in the Pasco or Yakima school districts. They seek to compel OSPI to exercise additional supervision concerning alleged excessive disciplinary practices. If successful, this suit very likely will lead to serial litigation against OSPI seeking to make the State a guarantor for every school district against any harm to a student at a cost of millions of dollars per year to the State.

### Fiscal Summary

*Dollars in Thousands*

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 405 - 1	\$708	\$160	\$0	\$0
<b>Total Expenditures</b>	<b>\$708</b>	<b>\$160</b>	<b>\$0</b>	<b>\$0</b>
<b>Biennial Totals</b>		<b>\$868</b>		<b>\$0</b>
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	3.0	1.3	0.0	0.0
<b>Average Annual</b>		<b>2.2</b>		<b>0.0</b>
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Obj. A	\$250	\$102	\$0	\$0
Obj. B	\$85	\$35	\$0	\$0
Obj. C	\$270	\$0	\$0	\$0
Obj. E	\$79	\$21	\$0	\$0
Obj. G	\$19	\$1	\$0	\$0
Obj. J	\$5	\$1	\$0	\$0
Revenue	FY 2020	FY 2021	FY 2022	FY 2023
405 - 0420	\$708	\$160	\$0	\$0
<b>Total</b>	<b>\$708</b>	<b>\$160</b>	<b>\$0</b>	<b>\$0</b>
<b>Biennial Totals</b>		<b>\$868</b>		<b>\$0</b>

### Package Description

This request will fund a litigation team to defend the State. The lawsuit posits two novel theories: that Article IX of the State Constitution guarantees a right to a particular level of instruction in the school setting, which OSPI must enforce; and that OSPI can be liable under Washington's Law Against Discrimination (WLAD) based on the actions of school districts. The Washington State Constitution, Article IX, Section 1, requires the State to make ample provision for the education of all children residing in the State. The plaintiffs are claiming that special education students have received discipline removing them from the classroom at a rate that is disproportionate to their non-special education peers. The plaintiffs claim that such disproportionate discipline is discriminatory and violates individual students' rights to an amply provided education.

If successful, these theories could open the door to making the State a guarantor for every school district against any harm, educational or otherwise, to a student. It is difficult to predict the budgetary implications of this potential serial litigation, but the cost could be millions of dollars per year to the State

It is anticipated that the trial will occur in FY 2020 and that the case will be on appeal in FY 2021. A class certification motion as well as early dispositive motions likely will be filed in late-2018. If the State is unsuccessful, discovery in the case likely will be extensive (e.g., records relating to a significant number of the students that were and were not subject to discipline; depositions; experts, etc.). A trial is currently scheduled for July 15, 2019, but a decision on the forthcoming class certification motion likely will affect whether the trial occurs on this date or there is a continuance. Defense of this matter will need additional resources.

## Assumptions and Calculations

### Expansion or alteration of a current program or service:

N/A

### Detailed assumptions and calculations:

Fiscal Year 2020 direct litigation costs totaling \$308,000 includes the cost of expert witnesses, depositions and travel. It is anticipated that the State will engage special education experts and a document management expert. The plaintiffs likely will have similar experts. There also will be multiple fact and expert depositions. Travel is anticipated for many of the depositions.

A. Expert witness costs are based upon 600 hours of services at \$450 an hour: \$270,000 (600 \* \$450).

B. 30 Depositions at \$1,000 each totals \$30,000.

C. Travel: 20 trips at \$400 per trip totals \$8,000.

Direct litigation costs are considered one-time costs and will not be required beyond FY 2021.

In FY 2020, it is assumed that discovery will be ongoing and the trial will occur, and the case will be on appeal in FY 2021 with possible injunctive issues ongoing. The AGO EDU division will require 1.5 Assistant Attorney General (AAG), 0.7 Paralegal (PL) and 0.4 Legal Assistant (LA3) in FY 2020, and 0.6 AAG, 0.2 PL and 0.3 LA3 in FY 2021. These costs will be charged to OSPI by the AGO Education Division (EDU).

These costs are one-time costs and not assumed to carry forward into future biennia.

### Workforce Assumptions:

FTE	FY2020	FY2021	FY2022	FY2023	Ongoing ?
AAG	1.5	0.6			No
Object A & B	202,000	81,000			
LA	0.4	0.3			No
Object A & B	29,000	22,000			
PL	0.7	0.2			No
Object A & B	64,000	18,000			
MA5	0.4	0.2			No
Object A & B	40,000	16,000			
<b>TOTAL FTE</b>	<b>3.0</b>	<b>1.3</b>	<b>0.0</b>	<b>0.0</b>	
<b>TOTAL A &amp; B</b>	<b>335,000</b>	<b>137,000</b>	<b>0</b>	<b>0</b>	

Costs associated with this request will be billed to OSPI.

Agency administration support FTEs are included in the tables using a Management Analyst 5 as a representative classification.

## Strategic and Performance Outcomes

### Strategic framework:

#### Results Washington:

Goal 5: Contributing to an Effective, Efficient and Accountable Government

The AGO Strategic plan provides the following framework:

2-3-3 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.

2-4-5 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.

### AGO Activity Detail:

Activity	Fund	FY2020	FY2021	FY2022	FY2023
010 - Legal Services to State Agencies	405	708,000	160,000		
<b>TOTAL</b>		<b>708,000</b>	<b>160,000</b>	-	-

## Performance Measure Detail

Performance Measure	Unit	Incremental Change FY1	Incremental Change FY2	Incremental Change FY3	Incremental Change FY4
002539 - Cases Open at End of Fiscal Year	#	0	0	0	0

**Performance outcomes:**

Indeterminate incremental adjustments for this Performance Measure.

Performance Measure 2539 is applicable, specifically the provision that "The AGO protects taxpayer dollars by providing sound legal advice and risk management services to clients avoiding costly lawsuits."

**Other Collateral Connections****Intergovernmental:**

CLIENT	Fund	FY2020	FY2021	FY2022	FY2023
OSPI	405	708,000	160,000		
<b>TOTAL</b>		<b>708,000</b>	<b>160,000</b>	-	-

Impact(s) To:		Identify / Explanation
Regional/County impacts?	YES	Education service districts are regional educational service providers. A negative outcome of this case will likely impact the balance of state versus regional authority.
Other local gov't impacts?	YES	A negative outcome will largely authorize local grievants to avoid presenting their grievances to the school district where a resolution is most likely to occur. Instead, many will sue the State, with the local district likely to become a necessary party.
Tribal gov't impacts?	YES	A number of tribes operate tribal compact schools. ACLU's theory, if it prevails, will likely open the door to a re-ordering of the state-tribal school relationship.
Other state agency impacts?	YES	OSPI will have expanded constitutional duties without a corresponding statutory framework.

OSPI is in agreement with these legal services needs and fully support the AGO request.

**Stakeholder response:**

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

**Legal or administrative mandates:**

The proposal seeks funds for the defense of Madison v. OSPI.

**Changes from current law:**

N/A

**State workforce impacts:**

N/A

**State facilities impacts:**

N/A

**Puget Sound recovery:**

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





## 2019-21 Biennium Budget Decision Package

**Agency:** 100 - Office of Attorney General  
**Decision Package Code-Title:** KM - WA State v. Monsanto  
**Budget Session:** 2019-21 Regular  
**Budget Level:** Maintenance Level  
**Contact Info:** Edd Giger  
 (360) 586-2104  
 EdwardG@ATG.WA.GOV

### Agency Recommendation Summary

The Attorney General's Office (AGO) Counsel for Environmental Protection (CEP) seeks funding to continue a lawsuit against the Monsanto Company for unspecified damages caused by production of polychlorinated biphenyls (PCB) statewide. The suit seeks financial damages related to cleanup costs and harm to natural resources, including state-managed salmon. This lawsuit requires coordination of 34 different state agencies that have records related to PCBs or Monsanto, and management of outside attorneys and staff. Effective supervision of this suit and coordination of state agencies will ensure the compliance with discovery and records preservation obligations, and ensure the proper litigation of this case.

### Fiscal Summary

*Dollars in Thousands*

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001 - 1	\$230	\$230	\$230	\$230
<b>Total Expenditures</b>	<b>\$230</b>	<b>\$230</b>	<b>\$230</b>	<b>\$230</b>
<b>Biennial Totals</b>		<b>\$460</b>		<b>\$460</b>
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	1.8	1.8	1.8	1.8
<b>Average Annual</b>		<b>1.8</b>		<b>1.8</b>
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Obj. A	\$147	\$147	\$147	\$147
Obj. B	\$50	\$50	\$50	\$50
Obj. E	\$28	\$28	\$28	\$28
Obj. G	\$2	\$2	\$2	\$2
Obj. J	\$3	\$3	\$3	\$3

### Package Description

On December 8, 2016, the State of Washington sued the Monsanto Company to recover statewide harm caused by Monsanto's production and sale of polychlorinated biphenyls, or PCBs. In this suit, the State alleges that Monsanto's PCBs have caused significant harm to Washington and our natural resources, including fish and marine mammals, state waters, and upland and aquatic lands. The complaint states claims for Public Nuisance, Products Liability, Negligence, Equitable Indemnity, and Trespass.

Monsanto was the sole commercial producer of PCBs in North America since the 1930s. Monsanto's PCBs were used as component parts in a variety of industrial, commercial, and consumer products, including paint, caulking, transformers, capacitors, asphalt compounds for building materials, coolants, hydraulic fluids, plasticizers, sealants, inks and lubricants, as well as a variety of household products such as shoe lacquer, flame proofing for Christmas trees, floor wax, adhesive for certain goods, and invisible marking ink used to make chenille rugs and spreads. Although Monsanto knew for decades that PCBs were toxic, knew that they could not be contained and as a result were widely contaminating all natural resources and living organisms, and knew that there was no safe way to use or dispose of them, Monsanto concealed these facts and continued producing PCBs until shortly before Congress enacted the Toxic Substances Control Act ("TSCA"), which banned the manufacture and most uses of PCBs as of January 1, 1978.

In this lawsuit, the State seeks compensation for harms Monsanto's PCBs caused to state-owned or managed public natural resources—in particular to the beds of State-owned aquatic lands, to state-trust ground and surface waters, and to state-managed wildlife. In addition, the State seeks to hold Monsanto liable, through equitable indemnity, for certain costs to remediate contamination. Exposure to PCBs causes serious health effects in humans and animals, including cancer as well as toxicity affecting the immune system, reproductive system, nervous system, and endocrine system.

The case is extraordinarily complex, requiring the State to demonstrate the effect of Monsanto's PCBs on uplands, aquatic lands, shellfish, fish, and marine mammals. Given that PCBs have been in common use since the 1930s and are ubiquitous in the environment, the State's obligations to preserve potentially relevant records and to produce documents in response to future discovery requests will be extremely burdensome, and require detailed, high-level legal work.

The AGO has endeavored to pursue this case economically by contracting with outside counsel on a contingent fee basis. Consequently, the State does not have to advance the costs of litigation, and will only pay attorneys a percentage of the recovery if the case is successful. However, AGO must coordinate the activities of 34 different state agencies that have records related to PCBs or Monsanto, and provide management of the team of outside attorneys and staff.

This work involves high-level discovery-related matters that will have significant implications for AGO and state agencies, as well as rigorous oversight of outside counsel to ensure that the case is proceeding in a timely fashion and in a manner consistent with high legal standards. Currently one AAG is working on this matter full time. This has required other important work to be deprioritized.

This work was unforeseen. However, the unique nature of this case and the way it affects many state agencies has made AGO involvement critical to the success of the case and the potential financial recovery for the State. In addition, the extensive records preservation and discovery obligations associated with this suit require the State to take special care communicating and coordinating with agencies and the many records custodians therein.

This request comprises one AAG position and support staff to manage our outside legal team and coordinate with state agencies and their attorneys.

## Assumptions and Calculations

### Expansion or alteration of a current program or service:

N/A

### Detailed assumptions and calculations:

This case has recently been remanded to state court from federal court, and we expect to receive a case scheduling order from the Court in August 2018. This Request is for one AAG.

This AAG's tasks will include assisting with responding to discovery; working with other AAGs who represent state agencies to convey information about the case, discovery, and records preservation obligations; working with the records custodians in each of those 34 state agencies; coordinating vendors, such as e-discovery vendors; supervising and conducting quality control on the work product of outside counsel; developing litigation strategy; assessing and addressing potential ethical issues, including potential conflicts related to other lawsuits brought by or against the state or other cases related to PCBs.

Because of the nature and complexity and, experience in similar cases, the AGO expects the Monsanto litigation to require one full time AAG and appropriate support staff to successfully manage this case.

These costs are assumed to be one-time costs and will not carry forward into future biennia.

### Workforce Assumptions:

FTE	FY2020	FY2021	FY2022	FY2023	Ongoing ? Y / N
AAG	1.0	1.0	1.0	1.0	N
Object A & B	135,000	135,000	135,000	135,000	
LA	0.5	0.5	0.5	0.5	N
Object A & B	36,000	36,000	36,000	36,000	
MA5	0.3	0.3	0.3	0.3	N
Object A & B	26,000	26,000	26,000	26,000	
<b>TOTAL FTE</b>	<b>1.8</b>	<b>1.8</b>	<b>1.8</b>	<b>1.8</b>	
<b>TOTAL A &amp; B</b>	<b>197,000</b>	<b>197,000</b>	<b>197,000</b>	<b>197,000</b>	

Agency administration support FTEs are included in the tables using a Management Analyst 5 as a representative classification.

## Strategic and Performance Outcomes

### Strategic framework:

#### RESULTS WASHINGTON:

Goal 3: Sustainable Energy & a Clean Environment.

Sub-Topic: Clean and Restored Environment - Healthy Lands; Clean, Cool Water

## Outcome Measures:

- 3.1: Increase the number of contaminated sites cleaned up by 17% from 5,815 to 6,803 by 2020.  
 3.2: Increase the percentage of rivers meeting good water quality from 43% to 55% by 2020.

## Goal 4: Healthy &amp; Safe Communities.

## Sub-Topic: Healthy People

## Outcome Measures:

- 1.2: Decrease percentage of adults reporting fair or poor health from 15% in 2011 to 14% by 2020.

**AGO STRATEGIC PLAN:**

## Priority 2 – Protect the People

Goal 2: Protect Washington’s Environment and Public Health

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

Objective 2-2-2: Investigate and prosecute environmental crimes.

**AGO ACTIVITY:**

Activity	Fund	FY2020	FY2021	FY2021	FY2021
A.0001 Administration	001	30,000	30,000	30,000	30,000
A.0005 Consumer Protection	001	200,000	200,000	200,000	200,000
<b>TOTAL</b>		<b>230,000</b>	<b>230,000</b>	<b>230,000</b>	<b>230,000</b>

**Performance Measure Detail**

Performance Measure	Unit	Incremental Change FY1	Incremental Change FY2	Incremental Change FY3	Incremental Change FY4
002534 - Direct Restitution Provided to Consumers through Litigation and Complaint Resolution	\$	0	0	0	0
002533 - Total AG Formal and Informal Opinions Issued	#	0	0	0	0

**Performance outcomes:**

This package advances Performance Measure 2534 - Direct Restitution Provided to Consumers through Litigation and Complaint Resolution. By providing high quality legal representation to the citizens of the State of Washington the AGO improves government services, increases government efficiency, and manages the costs of lawsuits. The legal services provided by the AGO in this lawsuit will promote the public interest in a clean and healthy environment.

This package includes administration functions that are reported in performance Measure 2533. This request is not assumed to result in any requested AG opinions.

Incremental impact to this performance measure is indeterminate.

**Other Collateral Connections****Intergovernmental:**

This lawsuit, if successful, would result the defendant’s payment of funds to the state that could be used for toxic site cleanup, water treatment, and other benefits to tribal governments or local governments.

There is no client agency to bill for this legal work.

**Stakeholder response:**

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

**Legal or administrative mandates:**

N/A

**Changes from current law:**

N/A

**State workforce impacts:**

N/A

**State facilities impacts:**

N/A

**Puget Sound recovery:**

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



## 2019-21 Biennium Budget Decision Package

**Agency:** 100 - Office of Attorney General  
**Decision Package Code-Title:** KN - Skagit River Bridge Collapse  
**Budget Session:** 2019-21 Regular  
**Budget Level:** Maintenance Level  
**Contact Info:** Edd Giger  
 (360) 586-2104  
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### Agency Recommendation Summary

The Office of the Attorney General (AGO) requests funding to continue its efforts to recover more than \$17 million dollars expended by the Washington State Department of Transportation (WSDOT) and the federal government to replace a span of the Skagit River Bridge that collapsed after being struck by an over-height commercial truck on May 23, 2013. This matter is on appeal to the Court of Appeals, Division One, which may result in WSDOT facing liability that will require a longer trial, more experts, and additional discovery.

### Fiscal Summary

*Dollars in Thousands*

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 405 - 1	\$1,086	\$0	\$0	\$0
<b>Total Expenditures</b>	<b>\$1,086</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Biennial Totals</b>		<b>\$1,086</b>		<b>\$0</b>
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	8.5	0.0	0.0	0.0
<b>Average Annual</b>		<b>4.3</b>		<b>0.0</b>
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Obj. A	\$689	\$0	\$0	\$0
Obj. B	\$238	\$0	\$0	\$0
Obj. E	\$141	\$0	\$0	\$0
Obj. G	\$9	\$0	\$0	\$0
Obj. J	\$9	\$0	\$0	\$0
Revenue	FY 2020	FY 2021	FY 2022	FY 2023
405 - 0420	\$1,086	\$0	\$0	\$0
<b>Total</b>	<b>\$1,086</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Biennial Totals</b>		<b>\$1,086</b>		<b>\$0</b>

### Package Description

The AGO requests funding to continue its efforts to recover more than \$17 million dollars expended by the WSDOT and the federal government to replace an entire span of the Skagit River Bridge that collapsed after being struck by an over-height commercial truck on May 23, 2013.

At least seven full time attorneys, whose clients are solely responsible for the collapse of the Skagit River Bridge, are defending this matter. The defendants collectively have over \$100 million in insurance coverage. The State has retained preeminent experts in the fields of engineering, metallurgy, and accident reconstruction to support the recovery effort. An upcoming motion will require WSDOT to expend considerable expert costs in its recovery action. This trial is currently stayed pending the appeal and is initially estimated to take 16 days. WSDOT will present several experts who will need to respond to defenses of multiple experts from each of the four sets of defendants. If the Court of Appeals finds that WSDOT can be held liable, then the trial will be considerably longer, include six additional experts and additional discovery.

[Background](#)

This litigation arises from a May 23, 2013, incident in which a tractor/trailer combination hauling a large metal casing shed from Canada to Vancouver, Washington struck the Skagit River Bridge on Interstate 5. The combined height of the trailer and metal shed exceeded the legal limit prescribed by Washington law for vehicles that travel on public highways. Although the permit from WSDOT repeatedly warned the driver to ensure there was vertical height clearance across the bridges on his chosen route, the driver conducted no research. The bridge accommodated the height of the oversize load in the left south-bound lane, but was not built to accommodate the height of this vehicle combination in its right south-bound lane.

The driver hired a pilot car driver who had the responsibility to warn the truck driver of bridges with inadequate vertical clearance. The pilot car driver did not hear the vertical height pole on her car repeatedly bang against the sway braces of the bridge because she was having a phone conversation. The commercial truck driver drove his over-height vehicle in the right lane and struck the overhead structure causing a sudden collapse of the bridge.

Three people in two separate vehicles fell through the void created by the bridge's collapse into the Skagit River below. At least one additional vehicle was damaged by the bridge debris. More than \$17 million in state and federal dollars were spent removing the demolished bridge, rerouting traffic, and installing a temporary, then a permanent replacement.

WSDOT filed suit in Skagit County Superior Court against the truck driver, the company he worked for, the pilot car driver and a second commercial truck driver who contributed to the extensive bridge damage. Early attempts at formal mediation all failed.

The Superior Court found as a matter of law on a motion for summary judgment that WSDOT cannot be held liable. The case was appealed and will be heard by the Court of Appeals.

## Assumptions and Calculations

### Expansion or alteration of a current program or service:

Not applicable.

### Detailed assumptions and calculations:

The AGO is requesting 4.0 Assistant Attorneys General (AAG) and supporting staff. The AAG will be preparing, taking and defending depositions. AAGs and Paralegals (PL) will be propounding and answering interrogatories, requests for production, and requests for admissions. The AAGs and PLs will be organizing, summarizing, and analyzing documents. The AAGs will be developing trial strategies and preparing for trial. The PLs will assist with all pretrial work. The Legal Assistants will be responsible for scheduling, calendaring, preparing documents, and filing documents.

Agency administration support FTEs are included in the table above, using a Management Analyst 5 as a representative classification.

On behalf of WSDOT, the AGO has retained structural engineering experts to investigate, analyze and present the mechanism of the bridge collapse and the condition of the steel members of the bridge at the time of the collision. The AGO has also retained an accident reconstruction expert, highway and bridge design standards and practices engineering experts, and an expert to testify to the industry standards that all commercial truck drivers must satisfy.

At least seven full-time attorneys, whose clients are solely responsible for the collapse of the Skagit River Bridge, are defending this matter. The defendants collectively have over \$100 million in insurance coverage. Because two of the named defendants are Canadian, many of the depositions must be held in Calgary and/or Toronto. The experts are located throughout the country including Pennsylvania, Colorado, Montana, and California. The costs for experts, travel, and prosecuting the case will be relatively small until the appeal has concluded. The appeal timeframe is estimated to extend beyond FY 2019. Once the appeal has concluded, the costs for experts, travel, and discovery will resume to previous pre-trial levels of active litigation.

These costs are not assumed to carry forward into future biennia. All costs are one-time projections.

### Workforce Assumptions:

FTE	FY2020	FY2021	FY2022	FY2023	Ongoing ?
AAG	4.0				N
Object A & B	539,000				
LA	2.0				N
Object A & B	146,000				
PL	1.5				N
Object A & B	138,000				
MA5	1.0				N
Object A & B	105,000				
<b>TOTAL FTE</b>	<b>8.5</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	
<b>TOTAL A &amp; B</b>	<b>928,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	

Costs associated with this request will be billed to WSDOT.

Agency administration support FTEs are included in the tables using a Management Analyst 5 as a representative classification.

## Strategic and Performance Outcomes

### Strategic framework:

**Relationship to Results Washington:**

1. Goal 2 – Prosperous Economy

Sustainable, Efficient Infrastructure:

- 3.1: Maintain the percent of Washington infrastructure assets in satisfactory condition at 2013 baseline levels through 2020.

1. Goal 4 – Healthy and Safe Communities

Safe People

- 2.4: Decrease number of traffic related fatalities on all roads.

1. Goal 5 – Efficient, Effective, and Accountable Government

This request advances Goal 5 by reflecting actual costs of the lawsuit. It clarifies how funding is being spent, shows accountability and responsibility in spending, and offers transparency resulting in customer satisfaction and confidence in legal services provided

**Relationship to the AGO Strategic Plan:**

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.

Priority – Protect the People

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

Goal 3 – Promote Good Government

Priority – Empower our Employees

Goal 4 – Ensure employees have the tools and work space they need to be efficient and effective.

This request supports the AGO Strategic Plan by ensuring adequate funding to provide high-quality, timely, and efficient legal services to agencies thereby allowing agencies to focus on their core missions.

Activity	Fund	FY2020	FY2021	FY2022	FY2023
A0001 Administration	405	120,000			
A0010 Legal Services	405	966,000			
<b>TOTAL</b>		<b>1,086,000</b>	-	-	-

**Performance Measure Detail**

Performance Measure	Unit	Incremental Change FY1	Incremental Change FY2	Incremental Change FY3	Incremental Change FY4
002539 - Cases Open at End of Fiscal Year	#	0	0	0	0

**Performance outcomes:**

Performance Measure	Fund	FY2019	FY2020	FY2021	FY2022
2539: Cases Open at End of Fiscal Year	405				
<b>TOTAL</b>		-	-	-	-

This package advances Performance Measure 2539: Cases Open at the End of Fiscal Year. By providing high quality legal assistance and representation to the state, the AGO improves government services, increases government efficiency, and manages the costs of lawsuits. The legal services provided by the AGO in this lawsuit will protect the public interest and taxpayer dollars. The goal in this lawsuit is to resolve the case effectively and efficiently for the benefit of the state, its agencies, and its citizens.

**Performance Measure detail:**

**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

Indeterminate incremental adjustments for this Performance Measure.

**Other Collateral Connections****Intergovernmental:**

This requested funding is critical to the continued prosecution of WSDOT’s claims. WSDOT hopes to recover more than \$17 million dollars from the defendants. The Governor signed the declaration of emergency that triggered and enabled the State to receive emergency federal assistance from the federal government. WSDOT has an obligation to pursue recovery in this lawsuit as a condition of its acceptance of emergency federal funding to effect the immediate replacement of the damaged bridge span.

The AGO will bill WSDOT for legal services rendered. Recovered funds can be used by WSDOT for other transportation projects.

CLIENT	Fund	FY2020	FY2021	FY2022	FY2023
DOT		1,086,000			
<b>TOTAL</b>		<b>1,086,000</b>	-	-	-

WSDOT is in agreement with these legal services needs and fully support the AGO request.

**Stakeholder response:**

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

**Legal or administrative mandates:**

The AGO filed suit in Skagit County Superior Court on behalf of WSDOT and the federal government to recover more than \$17 million dollars expended to replace a span of the Skagit River Bridge that collapsed after being struck by an over-height commercial truck on May 23, 2013.

This matter is currently on appeal to the Court of Appeals, Division One, which may result in WSDOT facing liability that will require a longer trial, more experts, and additional discovery.

**Changes from current law:**

Not applicable.

**State workforce impacts:**

Not applicable.

**State facilities impacts:**

This decision package includes anticipate lease and maintenance costs of \$8,300 per fiscal year per FTE. The AGO will submit a FY 2020 supplemental decision package if additional lease space and maintenance costs are identified.

**Puget Sound recovery:**

Not applicable

## 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



## 2019-21 Biennium Budget Decision Package

**Agency:** 100 - Office of Attorney General  
**Decision Package Code-Title:** KQ - Education Legal Services  
**Budget Session:** 2019-21 Regular  
**Budget Level:** Maintenance Level  
**Contact Info:** Edd Giger  
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### Agency Recommendation Summary

Demand for education-related legal services from the Attorney General's Office (AGO) has exceeded the ability to meet needs of client agencies. The Education Division (EDU) serves over 50 separate education-related agencies. In the last three biennia, the State has established new educational agencies to be served without a corresponding increase in staff. During the same period, the legal landscape pertaining to higher education institutions has steadily increased in complexity resulting in increased volume of work. Adding a new Assistant Attorney General (AAG) accommodates the increased workload to provide legal services for effective risk management and meeting time sensitive deadlines.

### Fiscal Summary

*Dollars in Thousands*

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 405 - 1	\$148	\$148	\$148	\$148
<b>Total Expenditures</b>	<b>\$148</b>	<b>\$148</b>	<b>\$148</b>	<b>\$148</b>
<b>Biennial Totals</b>		<b>\$296</b>		<b>\$296</b>
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	1.8	1.8	1.8	1.8
<b>Average Annual</b>		<b>1.8</b>		<b>1.8</b>
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Obj. A	\$95	\$95	\$95	\$95
Obj. B	\$32	\$32	\$32	\$32
Obj. E	\$18	\$18	\$18	\$18
Obj. G	\$1	\$1	\$1	\$1
Obj. J	\$2	\$2	\$2	\$2
Revenue	FY 2020	FY 2021	FY 2022	FY 2023
405 - 0420	\$148	\$148	\$148	\$148
<b>Total</b>	<b>\$148</b>	<b>\$148</b>	<b>\$148</b>	<b>\$148</b>
<b>Biennial Totals</b>		<b>\$296</b>		<b>\$296</b>

### Package Description

The following is a list of increased work for the AGO EDU division:

A. Charter School Commission. In 2012, the voters passed Initiative 1240 creating the Charter Schools Act (Act). In addition to creating a process for authorizing the operation of public charter schools, the Act created a new state agency—the Charter School Commission (Commission)—and added some additional duties for other EDU clients, the State Board of Education and the Office of the Superintendent of Public Instruction (OSPI). Because the Act was passed by Initiative, there was no opportunity to provide a fiscal note for impacts on AGO legal services. Since the passage of the Act, EDU has provided legal services, including defense of two constitutional challenges to the Act, from AAG FTE resources that were intended to support other state education clients. After two biennia of operation, the level of resources necessary to support the ongoing work of the

Commission has become clearer. In addition to general government advice to the Commission, EDU anticipates the Commission having an ongoing need for legal services as it exercises its regulatory duties within the K-12 system in coming years as additional schools come online. EDU cannot sustain the level of legal services needed to serve the Commission without additional resources.

The Commission received a legal services allocation in the 2017-19 biennium, but the AGO did not receive an increase in FTE to provide legal services. This request includes 0.35 AAG and support staff for Commission legal services, but Legal Services Revolving Fund (LSRA) costs are not included. LSRA billing authority was provided in the current Central Service Model.

B. The Evergreen State College (TESC). The current level of legal services allocation is insufficient to support the level of services needed to serve TESC and ensure an appropriate level of risk management. As a four-year higher education institution, TESC has sufficient legitimate need to support a full attorney FTE to handle the broad scope of legal issues associated with labor and employment, student housing, a campus police force, athletic programs, and a childcare center in addition to its academic programs and business functions. Legal issues associated with institutions of higher education have become increasingly complex in the last ten years with additional federal regulatory activity, an increased focus and litigation risk associated with student conduct, including Title IX complaint resolution, a rise in data and security issues associated with nearly all business transactions and increased activity concerning public records. In addition, TESC houses the Washington Institute for Public Policy (WSIPP). The attorney assigned to TESC is expected to handle matters when WSIPP experiences a need for legal services to consult on data security, personnel or other issues. In general, higher education institutions operate in a more litigious environment than in the past, requiring increased interaction with college attorneys, particularly in human resources and student affairs.

None of the other public four-year institutions of higher education have less 1.0 AAG FTE budgeted, and two of the regional universities are now at 2.0 AAG FTEs. TESC is currently budgeted for approximately 0.65 AAG FTE. To continue to serve TESC in a timely and effective manner, EDU needs to dedicate another 0.35 attorney FTE to the institution. The current shortage of attorney availability compared to demand is putting a great strain on the AGO's EDU division.

C. Opportunity Scholarship Board: In 2011, the Legislature enacted the Opportunity Scholarship Act and created a new agency-- the Opportunity Scholarship Board (OSB). The OSB is appointed by the Governor. The Washington State Opportunity Scholarship program (WSOS) is a public-private partnership in which the OSB is staffed by a private non-profit program administrator. Immediately after the OSB was appointed, the Governor contacted the AGO to ensure the new agency would receive legal services. Although EDU has not received any additional FTE for this work, this unique public-private partnership has a small, but regular need for legal services at a level of approximately 0.1 AAG FTE.

D. Washington Student Achievement Council (WSAC): WSAC concluded the 2015-17 biennium having been billed and paid 550% of its legal services allocation. In the 2017-19 biennium, WSAC has used approximately 52% of its allocation at 41% of the way through the biennium. EDU anticipates steady usage of legal services for WSAC at a slightly increased level due to the operation of the new College Savings Plan through Guaranteed Education Tuition and new regulatory authority from ESSHB 1439 (Regulating Higher Education Institutions from Unfair Business Practices). EDU has historically been providing legal services equivalent to 0.1 AAG FTE.

E. State Board for Community and Technical Colleges (SBCTC): The AGO serves the community and technical colleges efficiently by spreading approximately 8.9 AAG FTE between the 34 college districts and SBCTC through an allocation to the State Board. As described above, legal issues in higher education are becoming more complex. Specific to the community and technical colleges, more campuses are adding student housing which brings additional student conduct issues. With increased focus on student conduct procedures in higher education due to the *Arishi* case and focus on Title IX of the Education Amendments of 1972, EDU is called upon more often to provide a screened "conflict attorney" to advise a hearing tribunal while another EDU AAG assists the college administration in presenting the charges against students. Increasingly, there are not enough AAGs to send to institutions when such conflicts arise. EDU requires 0.1 AAG FTE to provide appropriate legal services to SBCTC,

F. Several other small agencies occasionally call upon EDU for legal services, but are not budgeted. These include the Washington State School Directors Association, the Office of the Education Ombuds and the Education Research and Data Center (ERDC) in OFM. ERDC work has been on an upward trend as demand for education data continues to increase at the same time that federal and state confidentiality laws place constraints on disclosure of personally identifiable information.

The addition of 1.0 AAG FTE will accommodate the current increased workload brought by clients and provide EDU with enough flexibility to serve the small intermittent users who do not have an allocation. EDU will have more flexibility to avoid scheduling conflicts in responding to client needs and provide timely, efficient and effective legal services and to meet time sensitive deadlines, lessening the risk to the state.

## Assumptions and Calculations

### Expansion or alteration of a current program or service:

This proposal seeks to maintain the level of services needed to ensure appropriate levels of risk management for the array of client agencies served by the AGO EDU division. The combination of new education client agencies and escalating legal complexity in higher education requires additional resources to maintain service levels that allow for effective risk management.

### Detailed assumptions and calculations:

The addition of an AAG will allow the AGO EDU division to redistribute work to provide timely, effective and efficient services to the client agencies and increase risk management effectiveness. There is currently not enough AAG staffing to respond to statewide needs. These costs are ongoing and will carry forward into future biennia. One-time costs are not included in this request.

### Workforce Assumptions:

FTE	FY2020	FY2021	FY2022	FY2023	Ongoing ?
AAG	1.0	1.0	1.0	1.0	Yes
Object A & B	88,000	88,000	88,000	88,000	
LA	0.5	0.5	0.5	0.5	Yes
Object A & B	23,000	23,000	23,000	23,000	
MA5	0.3	0.3	0.3	0.3	Yes
Object A & B	16,000	16,000	16,000	16,000	
<b>TOTAL FTE</b>	<b>1.8</b>	<b>1.8</b>	<b>1.8</b>	<b>1.8</b>	
<b>TOTAL A &amp; B</b>	<b>127,000</b>	<b>127,000</b>	<b>127,000</b>	<b>127,000</b>	

**CLIENT****PERCENT FTE**

Charter School Commission	0.35 AAG
The Evergreen State College	0.35 AAG
Opportunity Scholarship Board	0.10 AAG
Washington Student Achievement Council	0.10 AAG
State Board for Community and Technical Colleges	0.10 AAG

Agency administration support FTEs are included in the tables using a Management Analyst 5 as a representative classification.

**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

**AGO STRATEGIC PLAN:**

Priority 1: 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.

**AGO ACTIVITIES:**

Activity	Fund	FY2020	FY2021	FY2022	FY2023
A010 Legal Services to State Agencies	405	148,000	148,000	148,000	148,000
<b>TOTAL</b>		<b>148,000</b>	<b>148,000</b>	<b>148,000</b>	<b>148,000</b>

**Performance Measure Detail**

Performance Measure	Unit	Incremental Change FY1	Incremental Change FY2	Incremental Change FY3	Incremental Change FY4
002539 - Cases Open at End of Fiscal Year	#	0	0	0	0

**Performance outcomes:**

Indeterminate incremental adjustments for this Performance Measure.

**Other Collateral Connections****Intergovernmental:**

CLIENT	Fund	FY2020	FY2021	FY2022	FY2023
CSC	405	-	-	-	-
TESC	405	80,000	80,000	80,000	80,000
OSB	405	24,000	24,000	24,000	24,000
WSAC	405	22,000	22,000	22,000	22,000
SBCTC	405	22,000	22,000	22,000	22,000
<b>TOTAL</b>		<b>148,000</b>	<b>148,000</b>	<b>148,000</b>	<b>148,000</b>

Commission (CSC) funding was provided in the Central Service Model. This request only includes AGO FTE needs for CSC legal services.

TESC, OSB, WSAC and SBCTC are in agreement with these legal services needs and fully support the AGO request.

**Stakeholder response:**

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

**Legal or administrative mandates:**

N/A

**Changes from current law:**

N/A

**State workforce impacts:**

N/A

**State facilities impacts:**

N/A

**Puget Sound recovery:**

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



## 2019-21 Biennium Budget Decision Package

**Agency:** 100 - Office of Attorney General  
**Decision Package Code-Title:** KP - Natural Resources Legal Services  
**Budget Session:** 2019-21 Regular  
**Budget Level:** Maintenance Level  
**Contact Info:** Edd Giger  
 (360) 586-2104  
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### Agency Recommendation Summary

The Department of Natural Resources (DNR) has been funding an additional attorney since November 2015 for increased client advice and litigation legal services needs related to DNR aquatic land management. This request provides permanent funding for this position and expands the scope to include legal services related to all lands managed by DNR. Land management activities of DNR generate significant income for the State and permanently funding this attorney position enables the Attorney General's Office (AGO) to continue to provide quick turnaround on client advice, more ability to pursue plaintiff litigation, and more timely response to litigation deadlines.

### Fiscal Summary

*Dollars in Thousands*

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 405 - 1	\$186	\$186	\$186	\$186
<b>Total Expenditures</b>	<b>\$186</b>	<b>\$186</b>	<b>\$186</b>	<b>\$186</b>
<b>Biennial Totals</b>		<b>\$372</b>		<b>\$372</b>
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	1.3	1.3	1.3	1.3
<b>Average Annual</b>		<b>1.3</b>		<b>1.3</b>
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Obj. A	\$122	\$122	\$122	\$122
Obj. B	\$39	\$39	\$39	\$39
Obj. E	\$21	\$21	\$21	\$21
Obj. G	\$2	\$2	\$2	\$2
Obj. J	\$2	\$2	\$2	\$2
Revenue	FY 2020	FY 2021	FY 2022	FY 2023
405 - 0420	\$186	\$186	\$186	\$186
<b>Total</b>	<b>\$186</b>	<b>\$186</b>	<b>\$186</b>	<b>\$186</b>
<b>Biennial Totals</b>		<b>\$372</b>		<b>\$372</b>

### Package Description

The AGO's Natural Resources Division (RES) provides client advice and litigation support to the Commissioner of Public Lands of DNR and related Boards. DNR has increased its demand for both client advice and litigation legal services related to DNR land management activities on all lands managed by DNR. DNR's upland activities include timber sales, purchases, sales, exchanges, leases, and easements involving forestland, commercial properties, and agricultural lands. DNR also has several major trust land initiatives in process, including:

1. Updating its long-term conservation strategy for marbled murrelets (required by its federal Endangered Species Act Habitat Conservation Plan).
2. Development of a new sustainable harvest calculation required by state statute.

These efforts require significant client advice in the planning phase and will likely be subject to complex litigation in state and federal courts once

adopted.

DNR has also had an increase in legal services needs related to its aquatic land management involving lease disputes and defaults, boundary and title issues, hazardous waste, tribal issues, and aquaculture issues. These increases do not appear to be isolated events, but a reflection of more public focus on natural resource issues.

Like many agencies, DNR has seen a steady increase in public records legal issues. These legal issues have increased in complexity, and the need for client advice to avoid litigation is extremely time sensitive.

In the past, DNR had Special Assistant Attorney General (SAAG) contracts to handle some high priority work. SAAG contracts are much more expensive than increasing Assistant Attorney General (AAG) staff within the RES division, and outside attorneys rarely have the expertise to address the multitude of unique DNR legal issues. The last SAAG contract was terminated in September 2015, and the SAAG's legal work is now being provided by existing RES staff, yet there has not been a permanent increase in FTE to provide these legal services.

The AGO RES division has attempted to prioritize work consistent with client objectives and has sought extensions in litigation in the hopes that the increased workload was transitory. RES has an interagency agreement through the end of the current biennium that has funded 1.0 AAG to support aquatics legal services. The interagency agreement has made a difference in RES's ability to address the increase in workload, has resulted in quicker turnaround on client advice matters, reduced needs for litigation extensions, allowed filing of several new cases, and resulted in more manageable staff workloads. Permanent funding of this AAG position allows efficient and effective delivery of legal services to continue while expanding the scope to include all the lands managed by DNR to allow flexibility to focus on the greatest need. Because of the State's fiduciary duty related to trust lands, the AGO needs to have adequate capacity to handle trust legal services. The land management activities of DNR generate significant income for the state and increased resources can result in more efficient, effective delivery of legal services.

Funding this request will allow the AGO to deliver appropriate legal services to DNR, better response times for recovery and/or protection of trust assets, less need for litigation extensions, and for client advice. The AGO will also have more capacity to assist DNR with public records issues and risk management. Properly managing workload also helps the AGO RES division to meet the legal needs of the client agency while avoiding morale and attrition issues.

## Assumptions and Calculations

### Expansion or alteration of a current program or service:

There is no funding in the AGO's base budget for costs identified in this request. DNR has been funding additional AAG work through an IAA since November 2015 for increased client advice and litigation legal services needs related to DNR aquatic land management. This request will provide permanent funding for this position and expands the scope to include legal services needs related to all lands managed by DNR.

### Detailed assumptions and calculations:

This request assumes that the demand for increased legal resources will continue indefinitely and will make the IAA funded position permanent. Increased direct litigation costs are assumed nominal and are not included in this request.

RES is funded through the Legal Services Revolving Account. This additional funding will support 1.0 AAG FTE.

These costs are ongoing and will carry forward into future biennia. One-time costs are not included in this request.

### Workforce Assumptions:

FTE	FY2020	FY2021	FY2022	FY2023	Ongoing ?
AAG	1.0	1.0	1.0	1.0	Yes
Object A & B	135,000	135,000	135,000	135,000	
MA5	0.25	0.25	0.25	0.25	Yes
Object A & B	26,000	26,000	26,000	26,000	
<b>TOTAL FTE</b>	<b>1.3</b>	<b>1.3</b>	<b>1.3</b>	<b>1.3</b>	
<b>TOTAL A &amp; B</b>	<b>161,000</b>	<b>161,000</b>	<b>161,000</b>	<b>161,000</b>	

Costs associated with this request will be billed to DNR.

Agency administration support FTE are included in the tables using a Management Analyst 5 as a representative classification.

## Strategic and Performance Outcomes

### Strategic framework:

#### RESULTS WASHINGTON:

Goal 3: Sustainable energy & a clean environment. Subtopic: Working and Natural Lands. This proposal will provide the client advice and litigation legal services needed to support DNR's land management activities. Information about the income generated from the management of DNR land can be found in DNR's Annual Reports. These activities contribute to Results Washington Goal 3 (Sustainable energy and a clean environment) because DNR manages significant working and natural lands that provide farmland, forests, recreational opportunities, and habitat protection. DNR strives to manage these lands responsibly, while generating income from aquatic and upland leases, and product sales. These activities not only support Washington schools, county services, and other trust beneficiaries, but also help create quality jobs throughout the state.

**AGO STRATEGIC PLAN:**

Priority #1 to “Serve the State: Provide excellent, independent, and ethical legal advice and representation to our client, the State of Washington.” Within that Strategic Priority, it furthers “Goal 1: Deliver High Quality, Timely, and Efficient Legal Services.”

Priority #2 to “Protect the People: Protect the legal rights of the people of the State of Washington.” Within that Strategic Priority, it furthers Goal 3 to “Promote good government,” Objective 2-3-3 “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. It also furthers Objective 2-3-4 “Assist with collecting state revenue, and protecting and ensuring proper administration of funds” – 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.

Funding this request will allow us to deliver appropriate high quality legal services to DNR, with more timely delivery of client advice, less need for litigation extensions, and more timely recovery or protection of trust assets. We also would have more capacity to assist DNR with public records issues and risk management, reducing exposure to claims. Properly managing workload also helps us meet the legal needs of the client agency while avoiding morale and attrition issues.

Failure to fund this position would result in a return to continual reprioritizing of legal services to ensure resources are spent on top priorities, slower turnaround on client advice and risk management, a need for more requests for litigation extensions, and delay in filing plaintiff litigation necessary to protect DNR’s interests.

**AGO ACTIVITIES:**

Activity	Fund	FY2020	FY2021	FY2022	FY2023
A010 Legal Services to State Agencies	405	186,000	186,000	186,000	186,000
<b>TOTAL</b>		<b>186,000</b>	<b>186,000</b>	<b>186,000</b>	<b>186,000</b>

**Performance Measure Detail**

Performance Measure	Unit	Incremental Change FY1	Incremental Change FY2	Incremental Change FY3	Incremental Change FY4
002539 - Cases Open at End of Fiscal Year	#	0	0	0	0

**Performance outcomes:**

This request impacts the legal services provided to DNR. Permanent funding this AAG position (currently funded by an IAA) will sustain efficient and effective delivery of legal services, and expands the scope to include all the lands managed by DNR, allowing more flexibility to focus the resources on the greatest need. Because of the State’s fiduciary duty related to trust lands, the AGO needs to have adequate capacity to handle trust legal services needs. The land management activities of DNR generate significant income for the state and increased resources can result in more efficient, effective delivery of legal services.

**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

Indeterminate incremental adjustments for this Performance Measure.

**Other Collateral Connections****Intergovernmental:**

CLIENT	Fund	FY2020	FY2021	FY2022	FY2023
DNR	405	186,000	186,000	186,000	186,000
<b>TOTAL</b>		<b>186,000</b>	<b>186,000</b>	<b>186,000</b>	<b>186,000</b>

DNR is in agreement with these legal services needs and fully support the AGO request.

A significant percentage (50-75%) of the income generated from trust lands managed by DNR supports trust beneficiaries, including common schools, state higher education institutions, prisons and other state institutions, and counties and their junior taxing districts. DNR frequently works in partnership with other state agencies, tribes, and local governments to provide recreation, and aquatic land habitat improvement and commerce, navigation, and public access. Increased resources can result in more efficient, effective delivery of legal services, and ultimately foster DNR land management.

**Stakeholder response:**

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

**Legal or administrative mandates:**

N/A

**Changes from current law:**

N/A

**State workforce impacts:**

N/A

**State facilities impacts:**

N/A

**Puget Sound recovery:**

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



## 2019-21 Biennium Budget Decision Package

**Agency:** 100 - Office of Attorney General  
**Decision Package Code-Title:** KR - WSU Legal Services  
**Budget Session:** 2019-21 Regular  
**Budget Level:** Maintenance Level  
**Contact Info:** Edd Giger  
 (360) 586-2104  
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### Agency Recommendation Summary

Washington State University (WSU) has an acute and urgent need for additional legal services. First, with the opening of the Elson S. Floyd College of Medicine (ESFCOM) and the relocation of the Colleges of Pharmacy and Nursing to the WSU Spokane campus, there is now a need for legal services housed on that campus with specialization in the health sciences and health care fields. Second, due to the Arishi v. WSU decision, universities are now required to conduct formal adjudications for serious student conduct matters. These adjudications require legal representation of WSU.

### Fiscal Summary

*Dollars in Thousands*

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 405 - 1	\$187	\$187	\$187	\$187
<b>Total Expenditures</b>	<b>\$187</b>	<b>\$187</b>	<b>\$187</b>	<b>\$187</b>
<b>Biennial Totals</b>		<b>\$374</b>		<b>\$374</b>
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	1.3	1.3	1.3	1.3
<b>Average Annual</b>		<b>1.3</b>		<b>1.3</b>
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Obj. A	\$122	\$122	\$122	\$122
Obj. B	\$39	\$39	\$39	\$39
Obj. E	\$22	\$22	\$22	\$22
Obj. G	\$2	\$2	\$2	\$2
Obj. J	\$2	\$2	\$2	\$2
Revenue	FY 2020	FY 2021	FY 2022	FY 2023
405 - 0420	\$187	\$187	\$187	\$187
<b>Total</b>	<b>\$187</b>	<b>\$187</b>	<b>\$187</b>	<b>\$187</b>
<b>Biennial Totals</b>		<b>\$374</b>		<b>\$374</b>

### Package Description

With the opening of ESFCOM and the development of a campus dedicated to health sciences, there is now an acute need for legal services housed on the WSU Spokane campus with specialization in the health sciences and health care fields. Federal and state laws and regulations pertaining to the health sciences and health care professions are numerous and complex, and current AGO staff does not have the expertise or capacity to adequately serve WSU in this area. WSU has been relying solely on an outside health care attorney via a Special Assistant Attorney General appointment for these services; however, these services are limited in scope and are very costly. Specialized legal services provided through the AGO and housed on the WSU-Spokane campus will be more comprehensive and cost effective. The presence of an Assistant Attorney General (AAG) will help WSU comply with the myriad of regulations and laws pertaining to the operations on that campus, and will greatly reduce the University's liability exposure.

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At the same time, there are increased legal requirements and changes in the law regarding student conduct. In December 2016, Division III of the Washington Court of Appeals decided the *Arishi v. WSU* case, which held that a student facing expulsion for alleged sexual misconduct is entitled to a formal adjudicative hearing under the Washington Administrative Procedure Act (RCW 34.05). Based on this decision, WSU has implemented formal adjudications for all students facing possible suspension or expulsion. These adjudications are similar to mini trials in that they involve discovery, cross-examination, understanding of evidentiary issues, working with and against opposing counsel, and trial advocacy skills. WSU's Office of Student Affairs requires legal representation in these adjudications and has requested that the WSU Division of the AGO provide that service; however, the AGO WSU Division does not currently have the capacity to do so. Having trained and experienced AAGs conduct these adjudications will help ensure compliance with Washington laws and due process, thereby greatly reducing WSU's liability exposure and allowing WSU Student Affairs staff to focus their time and attention on their core missions of student development and education. The AGO WSU Division has had the same staffing level since 1995, despite a considerable increase in both state and federal legal and regulatory burdens, as well as significant growth of WSU itself. Currently, the AGO WSU Division only has five full-time attorneys. WSU is mirroring this biennial budget request, and will also request funding for an additional 0.5 FTE Legal Assistant (LA) (employed by WSU, as are all support staff in the AGO WSU Division) who will provide the additional administrative support necessitated by the new AAG and the additional workload. The AGO supports WSU's need for 0.5 LA.

## Assumptions and Calculations

### Expansion or alteration of a current program or service:

There is no funding in the AGO's base budget for the costs included in this request. The AGO and WSU have initiated an Interagency Agreement to fund the cost of these services through June 30, 2019. However, this is a stop-gap measure, as WSU cannot continue to absorb this cost.

### Detailed assumptions and calculations:

First, the workload associated with the new ESFCOM will involve advising on health care and health professions regulatory and legal compliance, as well as faculty, staff, and student matters pertaining to the colleges on the WSU Spokane campus (including Pharmacy and Nursing). The new AAG will advise on issues related to ESFCOM's relationship with its faculty practice plan, the Spokane Teaching Health Center (the medical clinic located on the WSU Spokane campus), and a proposed medical technology incubator, as well as assisting with issues arising from the numerous affiliations of the Colleges of Medicine, Nursing, and Pharmacy with other entities and health care providers for student clinical experiences.

Second, the workload associated with conducting formal adjudications for student conduct matters is anticipated to be up to 40 adjudications per year. This will include pre-hearing preparation, negotiations with opposing parties, conducting discovery, advocacy at the hearing, managing post-hearing appeals and communications, and assistance with implementation of sanctions.

It is anticipated that the AAG workload increases described above can be met by adding a 1.0 AAG FTE, with a cost of \$186,000 per fiscal year. These costs are ongoing and will carry forward into future biennia. One-time costs are not included in this request.

### Workforce Assumptions:

FTE	FY2020	FY2021	FY2022	FY2023	Ongoing ?
AAG	1.0	1.0	1.0	1.0	Yes
Object A & B	135,000	135,000	135,000	135,000	
MA5	0.3	0.3	0.3	0.3	Yes
Object A & B	26,000	26,000	26,000	26,000	
<b>TOTAL FTE</b>	<b>1.3</b>	<b>1.3</b>	<b>1.3</b>	<b>1.3</b>	
<b>TOTAL A &amp; B</b>	<b>161,000</b>	<b>161,000</b>	<b>161,000</b>	<b>161,000</b>	

Costs associated with this request will be billed to WSU.

## Strategic and Performance Outcomes

### Strategic framework:

**Results Washington:** By providing legal services to support WSU's new Elson S. Floyd College of Medicine (ESFCOM) and assisting WSU in adjudicating student conduct matters, this request directly relates to the Governor's Results Washington goals.

Goal 1 (World Class Education)

Goal 4 (Healthy and safe communities), 1.3c: ESFCOM's goals include "Increase the number of physicians serving in Washington State's workforce" and "Align our education, research and clinical service missions to converge on solutions to the health care triple aim of improving the patient experience of care, keeping populations healthy, and decreasing the cost of care." <https://medicine.wsu.edu/about/leadership-mission/mission-goals/> (<https://medicine.wsu.edu/about/leadership-mission/mission-goals/>)

Specialized legal services in the area of health care will assist WSU and ESFCOM in navigating the complex legal and regulatory environment surrounding health care education and the provision of health care services, thereby supporting WSU's expanded operations and greatly reducing liability exposure. By providing representation to WSU in formal adjudications of student conduct matters, which is now required by the 2016 court decision of *Arishi vs. WSU*, the additional legal services will help ensure that these cases are handled equitably, consistently, and in accordance with legal requirements, thereby facilitating WSU's operations and reducing liability exposure.

**AGO Strategic Plan:**

1. Priority – Serve the State

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

The new AAG will be housed on the WSU Spokane campus and will have specialization in health care, which is needed to ensure that ESFCOM and the other health professions on that campus are receiving high quality legal services in this specialized area. Having the AAG housed on that campus also will improve access, timeliness, and efficiency, in direct support of Priority 1, Goal 1 of the AGO's strategic plan.

**Activity Funding:**

Activity	Fund	FY2020	FY2021	FY2022	FY2023
A010 Legal Services to State Agencies	405	187,000	187,000	187,000	187,000
<b>TOTAL</b>		<b>187,000</b>	<b>187,000</b>	<b>187,000</b>	<b>187,000</b>

**Performance Measure Detail**

Performance Measure	Unit	Incremental Change FY1	Incremental Change FY2	Incremental Change FY3	Incremental Change FY4
002539 - Cases Open at End of Fiscal Year	#	0	0	0	0

**Performance outcomes:**

Indeterminate incremental adjustments for this Performance Measure.

**Other Collateral Connections**

**Intergovernmental:**

CLIENT	Fund	FY2020	FY2021	FY2022	FY2023
WSU	405	187,000	187,000	187,000	187,000
<b>TOTAL</b>		<b>187,000</b>	<b>187,000</b>	<b>187,000</b>	<b>187,000</b>

WSU will submit a decision package in their budget request for funding to pay for these legal services.

**Stakeholder response:**

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

**Legal or administrative mandates:**

The portion of this request relating to legal services for formal adjudications of student conduct matters is a result of the 2016 Division III Court of Appeals Decision *Arishi vs. WSU*.

**Changes from current law:**

N/A

**State workforce impacts:**

N/A

**State facilities impacts:**

The new 1.0 FTE AAG will work out of WSU's Spokane campus. Associated facility costs will be paid by the University.

**Puget Sound recovery:**

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





## 2019-21 Biennium Budget Decision Package

**Agency:** 100 - Office of Attorney General  
**Decision Package Code-Title:** KS - Lemon Law Administration  
**Budget Session:** 2019-21 Regular  
**Budget Level:** Maintenance Level  
**Contact Info:** Edd Giger  
 (360) 586-2104  
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### Agency Recommendation Summary

Since 2014, the Lemon Law Administration (Program) has experienced more than a 200% increase in requests for arbitration under RCW 19.118. An increase in FTE will allow the Program to keep pace with the increasing requests for arbitration and improve customer service. Increased funding will allow the Program to pay for increased arbitration costs and to produce an improved, comprehensive statutorily required Consumer Rights Notice to clearly inform consumers of their legal rights and to develop an online portal for accepting requests for arbitration electronically.

### Fiscal Summary

*Dollars in Thousands*

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 154 - 1	\$264	\$264	\$264	\$264
<b>Total Expenditures</b>	<b>\$264</b>	<b>\$264</b>	<b>\$264</b>	<b>\$264</b>
<b>Biennial Totals</b>		<b>\$528</b>		<b>\$528</b>
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	1.6	1.6	1.6	1.6
<b>Average Annual</b>		<b>1.6</b>		<b>1.6</b>
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Obj. A	\$114	\$114	\$114	\$114
Obj. B	\$41	\$41	\$41	\$41
Obj. C	\$52	\$52	\$52	\$52
Obj. E	\$54	\$54	\$54	\$54
Obj. G	\$1	\$1	\$1	\$1
Obj. J	\$2	\$2	\$2	\$2

### Package Description

The Program enforces the Washington new motor vehicle warranty program, which provides a mandatory arbitration process for purchasers of new motor vehicles whose vehicles have a defect, serious safety defect, or condition that substantially impairs the use, value, or safety of the vehicle within the first 24 months or 24,000 miles, whichever occurs first. Within 10 days of receiving a request for arbitration from a consumer, the Program must make a reasonable determination of the cause of the arbitration request and provide the consumer with information about the consumer's rights and remedies under the Lemon Law. The Program must accept all requests for arbitration unless the request is untimely, incomplete, frivolous, fraudulent, or in bad faith. The Program must assign each accepted request for arbitration to the arbitration board. If requested by either party, the Program must resolve disputes regarding compliance with an arbitration decision. The Program is authorized to fine manufacturers that do not comply with arbitration decisions.

Since 2014, the number of requests for arbitration and arbitration costs have grown significantly:

Fiscal Year	Requests for Arbitration Received	Arbitration Costs
2014	93	\$42,974
2015	121	\$55,008
2016	170	\$129,926
2017	177	\$126,431

2018	203	\$145,000 (estimate)
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Not all requests for arbitration result in an arbitration hearing; in some cases, the manufacturer will resolve the dispute after the request for arbitration is filed and the Program has determined that the consumer is eligible for restitution, but before the arbitration hearing is scheduled. In those situations, the Program avoids paying the vendor for the arbitration hearing. The average cost of an arbitration hearing is \$1,800. We project requests for arbitration and hearing costs will increase by approximately 20% per fiscal year.

In addition to higher arbitration costs, the Program must incur costs to improve customer service. The Program is required to prepare a written statement explaining the procedures and remedies under the Lemon Law. The Program must provide this statement to manufacturers, who are required to provide a copy of the statement to each consumer who purchases a new motor vehicle.

The current consumer rights notice is inconspicuous when provided to consumers by the dealer with the sales contract and all other paperwork signed by a consumer during the purchase of a new vehicle. The current notice is less than the size of a regular sheet of paper and the font size on the notice is 10 points in black ink on the first cover page, the information about consumer rights under the law is printed on the back of the first page in less than 10 point font in grey ink. The information about consumer rights is provided in English language only. The notice lacks important information that a consumer would need to know to preserve and exercise their rights under the lemon law and that cannot be added to the notice in its current form.

The new consumer rights notice would be a multiple page pamphlet/booklet that would include a carbonless carbon signature page to be used at the time of sale for the consumer to sign and acknowledge receipt of the notice. The new notice would be printed in Spanish and English. This new notice will provide consumers with conspicuous documentation that will provide them with information necessary to exercise and preserve their rights under the Lemon Law. The cost of the new pamphlets (200,000) will be approximately \$64,000 per biennium. The improved statement may result in more requests for arbitration as more consumers learn about their rights and remedies under the Lemon Law.

In order to meet the increasing workload resulting from the steadily growing number of requests for arbitration, which in turn increases the number of subpoenas, requests for special master, and pre-hearing disputes, and improved consumer education, the Program requires additional resources as follows: 0.25 FTE Assistant Attorney General (AAG), 0.5 FTE Program Specialist 5 (PS5), 0.5 FTE Program Coordinator (PC), 0.25 FTE Washington Management Service (WMS) Program Manager (PM).

## Assumptions and Calculations

### Expansion or alteration of a current program or service:

There is no funding in the AGO's base budget for the costs included in this request. The program will be unable to pay for the increased costs within the program's current appropriation.

### Detailed assumptions and calculations:

Workload assumptions. The Program requests 0.25 AAG to provide legal advice to the Program and assist with legal issues arising in pre-arbitration disputes. The Program requests 0.5 FTE PS5 to oversee the day-to-day operations of the Program and review the increasing number of requests for arbitration for eligibility; 0.25 WMS PM to provide high-level management and strategic support and issue subpoenas; and 0.5 FTE PC or to assist with growing intake and administration of growing number of requests for arbitration.

Arbitration cost assumptions: The Program assumes that arbitration costs will continue to increase by \$105,000 per biennium. The Program assumes that it will cost approximately \$64,000 per biennium to produce and distribute the notice of consumer rights to manufacturers.

Attachment 1 is the quote from DES for the cost of the new notice of consumer rights to manufacturers pamphlets.

These costs are ongoing and will carry forward into future biennia. One-time costs are not included in this request.

### Workforce Assumptions:

FTE	FY2020	FY2021	FY2022	FY2023	Ongoing ?
AAG	0.3	0.3	0.3	0.3	Yes
Object A & B	34,000	34,000	34,000	34,000	
WMS	0.3	0.3	0.3	0.3	Yes
Object A & B	32,000	32,000	32,000	32,000	
PS5	0.5	0.5	0.5	0.5	Yes
Object A & B	51,000	51,000	51,000	51,000	
PC	0.5	0.5	0.5	0.5	Yes
Object A & B	31,000	31,000	31,000	31,000	
MA5	0.1	0.1	0.1	0.1	Yes
Object A & B	7,000	7,000	7,000	7,000	
<b>TOTAL FTE</b>	<b>1.6</b>	<b>1.6</b>	<b>1.6</b>	<b>1.6</b>	
<b>TOTAL A &amp; B</b>	<b>155,000</b>	<b>155,000</b>	<b>155,000</b>	<b>155,000</b>	

These FTE are funded by the New Motor Vehicle Arbitration Account (Fund 154) and no clients will be billed.

## Strategic and Performance Outcomes

**Strategic framework:**  
**RESULTS WASHINGTON:**

Goal 2: Prosperous Economy. Subtopic Expanding Opportunities.

Increasing the median income of affected consumers by helping them recover the costs associated with a major purchase – motor vehicle – that has a major defect that substantially impairs the use, value, or safety of the vehicle.

Goal 5: Efficient, effective, and accountable government. Subtopics Customer Satisfaction and Service Reliability.

The request will help ensure consumers receive the full-intended benefit of the Lemon Law by improving customer notice of their rights and a more efficient means to take advantage of their rights.

**AGO STRATEGIC PLAN:**

Priority 2 to Protect the People – Goal 4 Protect all Washington consumers.

As noted above, the DP will allow the Program to provide increased consumer benefit, projected to be approximately \$9,000 per FY by making consumers more aware of their rights and affording a more efficient method for exercising those rights.

Projected Outcomes. The Program expects that implementing online filing for requests for arbitration and improving consumer notice will increase the number of requests for arbitration by 10-15% per biennium.

Consumers receive considerable benefit from the Program. Over the past six fiscal years, the average consumer recovery from a request for arbitration was \$22,500. By increasing the number of requests for arbitration filed by 20% over the 203 requests filed in FY 2018, the Program will increase the amount of relief for Washington consumers by approximately \$900,000 beginning in FY 2020 and continuing for each successive fiscal year (not accounting for the currently experienced upward trend in the number of requests for arbitration filed).

The Program has issued more compliance fines to manufacturers when they fail to comply with arbitration decisions. From FY 2013 through FY 2017, the Program imposed \$37,500 in compliance fines against manufacturers. In FY 2018, the Program imposed \$73,000 in compliance fines and projects that amount to be approximately \$90,000 in FY 2019. The Program anticipates manufacturer compliance fines through the 2019 to 2021 biennium to be approximately \$150,000 and will level off to about \$80,000 per biennium beginning in the 2021 to 2023 biennium as a result of increased enforcement efforts afforded by the additional Program resources.

**AGO ACTIVITIES:**

Activity	Fund	FY2020	FY2021	FY2022	FY2023
A005 Enforcement of Consumer Protection Laws	154	264,000	264,000	264,000	264,000
<b>TOTAL</b>		<b>264,000</b>	<b>264,000</b>	<b>264,000</b>	<b>264,000</b>

**Performance Measure Detail**

Performance Measure	Unit	Incremental Change FY1	Incremental Change FY2	Incremental Change FY3	Incremental Change FY4
002534 - Direct Restitution Provided to Consumers through Litigation and Complaint Resolution	\$	0	0	0	0

**Performance outcomes:**

The additional funding will allow the Program to broaden the reach and effectiveness of the state Lemon Law by making it easier and more efficient for consumers to request arbitration through an online web portal and by providing consumers with improved notice of their rights to request arbitration. Increased funding will allow the Program to better enforce vehicle manufacturer compliance with the Lemon Law by issuing fines for failure to comply. These specific outcomes will provide more direct restitution to consumers.

The Program will develop and implement a web portal that will allow consumers to file their requests for arbitration online. The Program anticipates that this will increase the number of requests for arbitration filed by consumers.

The Program will update and enhance the legally required notice of consumer Lemon Law rights, a copy of which manufacturers must provide to each new car purchaser. Better notice will result in more consumers knowing about their rights under the Lemon Law and will result in more requests for arbitration.

Indeterminate incremental adjustments for this Performance Measure.

**Other Collateral Connections**

**Intergovernmental:**

N/A

**Stakeholder response:**

There is no known opposition to this request at this time. We do not anticipate that manufacturers will object to this request.

**Legal or administrative mandates:**

N/A

**Changes from current law:**

N/A

**State workforce impacts:**

N/A

**State facilities impacts:**

N/A

**Puget Sound recovery:**

N/A

**Reference Documents**

- Attachment #1.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



**Washington State Department of Enterprise Services**  
**Printing and Imaging, 7580 New Market ST SW, Tumwater, WA 98501**  
**Front Desk Phone: 360-664-4343**

Wednesday, April 18, 2018

Estimate : 74136

Attorney General, Office of (ATG)

We are pleased to submit the following quote as requested, based on the specifications provided:

**Description:**

Saddlestitched Booklet with Carbonless Form Tearout  
 8pgs 5 1/2 x 8 3/8 be + cover + 2 part carbonless insert  
 Cover on 65# cover white and Text on 50#offset,  
 prints Black Ink Only  
 2 part carbonless form white and canary.  
 prints Black Ink Only common face, no backprinting  
 Both parts microperf leaving stub at spine  
 Production Proof

**We understand that you will be providing:**

Final Electronic Art File  
 Sample/Mockup

<b>Quantity</b>	<b>36,000</b>	<b>50,000</b>	<b>75,000</b>	<b>100,000</b>
Price	13,408.57	17,273.80	24,616.75	31,994.20

If you have any questions or need additional information, please feel free to call. Thank you for the opportunity to serve you.

Quantities are subject to the industry standard of 5% Over/Under Allotment. You will be billed on actual quantity shipped.

This estimate does not include costs for postage or distribution charges unless otherwise noted.

This quote is good for 30 calendar days after the above date

Sincerely,

Jennifer Forte





## 2019-21 Biennium Budget Decision Package

**Agency:** 100 - Office of Attorney General  
**Decision Package Code-Title:** 9F - Federal Funding Adjustment  
**Budget Session:** 2019-21 Regular  
**Budget Level:** Maintenance Level  
**Contact Info:** Edd Giger  
 (360) 586-2104  
 EdwardG@atg.wa.gov

### Agency Recommendation Summary

The Attorney General's Office (AGO) requests a no cost adjustment to transfer unexpended Federal Sexual Assault Kit Initiative (SAKI) three-year grant funding to the 2019-2021 Biennium. SAKI funding provides investigation and analysis services for conducting a statewide inventory of all previously in-submitted and partially submitted sexual assault kits and the testing of those kits. Providing appropriation authority into the 2019-2021 Biennium permits the AGO to continue to clear the backlog of untested kits and to further unresolved sexual assault related investigations and to develop cross discipline training which focuses on the victims of sexual assault.

### Fiscal Summary

*Dollars in Thousands*

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001 - 2	\$1,270	\$1,270	\$0	\$0
<b>Total Expenditures</b>	<b>\$1,270</b>	<b>\$1,270</b>	<b>\$0</b>	<b>\$0</b>
<b>Biennial Totals</b>		<b>\$2,540</b>		<b>\$0</b>
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	3.5	3.5	0.0	0.0
<b>Average Annual</b>		<b>3.5</b>		<b>0.0</b>
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Obj. A	\$272	\$272	\$0	\$0
Obj. B	\$96	\$96	\$0	\$0
Obj. C	\$650	\$650	\$0	\$0
Obj. E	\$150	\$150	\$0	\$0
Obj. G	\$88	\$88	\$0	\$0
Obj. J	\$14	\$14	\$0	\$0
Revenue	FY 2020	FY 2021	FY 2022	FY 2023
001 - 0316	\$1,270	\$1,270	\$0	\$0
<b>Total</b>	<b>\$1,270</b>	<b>\$1,270</b>	<b>\$0</b>	<b>\$0</b>
<b>Biennial Totals</b>		<b>\$2,540</b>		<b>\$0</b>

### Package Description

The purpose of this budget request is to seek a no-cost continuance of the 2017-2019 Biennium's unexpended Sexual Assault Kit Initiative appropriation into the 2019-2021 Biennium. The AGO estimates \$2.54 million will remain unexpended at the end of the current biennium. In September 2017 the US Department of Justice notified the WA State Attorney General's Office (AGO) that the AGO's application for the Federal Sexual Assault Kit Initiative grant had been approved. The purpose of the grant is to provide financial resources to clear the state-wide backlog of un-submitted and partially submitted sexual assault kits and to further sexual assault investigations. The AGO was the only state level office to receive the maximum amount authorized under this grant.

In March 2018, the Washington State Legislature and the Governor granted appropriation authority for the AGO to begin expending the three-year

**225**

\$3 million grant.

Since March 2018, the AGO has hired two investigators who work solely on the SAKI grant. Their job duties include inventorying the un-submitted sexual assault kits (SAKs), working with local jurisdictions to submit those SAKs for testing to the Washington State Patrol (WSP) Crime Lab, participating in training, and assisting in investigations where requested.

The AGO will hire a Violent Crime Analyst. The crime analyst enters the information gathered from the SAKs into the Homicide Investigation Tracking System (HITS) database and looks for connections between cases in order to assist with suspect identification. The crime analyst is able to analyze both forensic and non-forensic information that could help identify suspects in serial offenses. Additionally, the crime analyst reviews this data from multiple jurisdictions across the state in an effort to connect offenders who offend in different areas of the state.

The AGO will provide a sub-award to the WSP Crime Laboratory Division to test the un-submitted SAKs. The WSP Crime Lab Division operates five multi-service crime laboratories in Seattle, Tacoma, Marysville, Spokane, and Vancouver, all of which provide forensic DNA typing to criminal justice agencies within Washington State.

The DNA sections are responsible for the analyses of body fluids, stains, and cellular material (not associated with bodily fluids) and DNA typing on a wide variety of biological evidence, including SAKs. SAKI grant funds will be used to outsource testing of the un-submitted SAKs, currently estimated at more than 7,000. The AGO in partnership with the WSP Crime Lab expects to use the full \$1.5 million allowed under this grant to test as many SAKs as possible.

As kits are tested and their information is entered into the AGO's HITS database, the crime analyst will review the data for possible patterns and connections between cases. As patterns and connections are found, the SAKI HITS investigators will work with local law enforcement agencies to assist with investigations. The investigators will provide advice on investigations, including resources or tactical advice. They will also review the investigation and provide a written report and face-to-face meetings, if necessary, with the agencies about their findings.

Additionally, the SAKI team will develop a cross-disciplinary training model to provide to law enforcement, prosecutors, victim advocates and medical personal to ensure all disciplines are prepared to manage the emerging casework in a victim-centered manner. This training will include assistance in producing victim notification procedures, instruction on the effect of trauma on a victim and its relationship to re-victimization, information on the effective use of advocates, and will stress the need to communicate with victims early and often, and that victim cooperation should always be a significant factor in determining the course of an investigation.

## Assumptions and Calculations

### Expansion or alteration of a current program or service:

There was no funding for this initiative prior to the award of the three-year \$3 million federal grant in 2017. This is a request for continuance of the unexpended appropriation from the 2017-2019 Biennium to the 2019-2021 Biennium.

### Detailed assumptions and calculations:

The AGO will need to conduct various tasks to fulfill the grants requirements. The investigators will assist local law enforcement with submission of sexual assault kits for testing, assist in the investigation of cases where DNA hits have occurred and provide training to all disciplines involved in the investigation and prosecution of sexual assault cases.

### Workforce Assumptions:

There is no client appropriation to bill these legal services to. The fund source is Fund 001-2.

FTE	FY2020	FY2021	FY2022	FY2023	Ongoing ?
INV	2.5	2.5			No
Object A & B	293,000	293,000			
VCA	1.0	1.0			NO
Object A & B	75,000	75,000			
<b>TOTAL FTE</b>	<b>3.5</b>	<b>3.5</b>	<b>0.0</b>	<b>0.0</b>	
<b>TOTAL A &amp; B</b>	<b>368,000</b>	<b>368,000</b>	<b>0</b>	<b>0</b>	

## Strategic and Performance Outcomes

### Strategic framework:

Relationship to Results Washington

Goal 4: Healthy and Safe Communities

Safe People: Help keep people safe in their homes, on their jobs and in their communities.

Relationship to AGO Strategic Plan:

Priority 2 – Protect the People

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

Objective 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; enter those results into the HITS; assist local law enforcement in the commitment or recommitment of sexually violent predators and; develop cross discipline training which focuses on the victims of sexual assault.

Activity	Fund	FY2020	FY2021	FY2022	FY2023
A0001 Administration	001-2	127,000	127,000		
A0002 Civil Commitment of Sexually Violent Predators	001-2	100,000	100,000		
A0003 Criminal Investigations and Prosecutions	001-2	945,000	945,000		
A0007 Homicide Investigation Tracking System	001-2	98,000	98,000		
<b>TOTAL</b>		<b>1,270,000</b>	<b>1,270,000</b>	-	-

### Performance Measure Detail

Performance Measure	Unit	Incremental Change FY1	Incremental Change FY2	Incremental Change FY3	Incremental Change FY4
002535 - Total Successful Commitments	#	0	0	0	0
000021 - HITS Requests from Law Enforcement	#	0	0	0	0
002536 - Criminal Cases Closed	#	0	0	0	0

#### Performance outcomes:

This package supports the following Performance Measures:

Homicide Investigation Tracking System Measure 0021: Biennial requests for HITS data by local, state, and federal law enforcement agencies per biennium.

Civil Commitment of Sexually Violent Predators Measure 2535: Sexual Commitment Center commitments or recommitments.

Criminal Investigation and Prosecution Measure 2536: Criminal cases closed or investigation reviews completed.

The services provided by the SAKI will enhance public safety by reducing the backlog of un-submitted and partially submitted SAKs; providing the additional HITS data to law enforcement agencies; assisting law enforcement in the investigation and closure of sexual assault cases and homicide cases; assisting local prosecuting offices with the prosecution of the cases arising from these investigations; providing additional information to assist in the commitment or recommitment of sexually violent predators and; developing cross training for all disciplines that is centered on a victim centered, trauma informed approach to the investigation and prosecution of sexual assault cases.

Incremental impacts for these performance measures are indeterminate at this time. Estimates for statewide un-submitted and partially submitted SAKs exceed 7,000. At this time there is no certain methodology to estimate how many additional requests for HITS Data, Special Commitment Center Commitments or Recommitments, Criminal Cases Closed or Investigation Reviews Completed may result from the testing of previously un-submitted or partially submitted SAKs.

### Other Collateral Connections

#### Intergovernmental:

The WSP is a sub-recipient and will manage the testing of un-submitted and partially submitted SAKs.

This is a Federal grant; there are no client agencies to bill for these services.

#### Stakeholder response:

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

#### Legal or administrative mandates:

N/A

#### Changes from current law:

N/A

#### State workforce impacts:

N/A

#### State facilities impacts:

N/A

#### Puget Sound recovery:

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



## 2019-21 Biennium Budget Decision Package

**Agency:** 100 - Office of Attorney General  
**Decision Package Code-Title:** 8L - Lease Adjustments < 20,000 sq. ft.  
**Budget Session:** 2019-21 Regular  
**Budget Level:** Maintenance Level  
**Contact Info:** Edd Giger  
 (360) 586-2104  
 EdwardG@ATG.WA.GOV

### Agency Recommendation Summary

This request covers the expected increases and decreases in annual lease contracts that will come up for renewal in the 2019-2021 Biennium. These requested funding changes are to sustain leases in buildings around the state where Attorney General's Office (AGO) divisions are currently located. These facilities are all in the AGO six-year lease facility plan. The AGO has limited control over increases in lease costs.

### Fiscal Summary

*Dollars in Thousands*

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001 - 1	\$-198	\$-196	\$144	\$107
Fund 001 - 2	\$14	\$40	\$28	\$3
Fund 111 - 1	\$-20	\$-20	\$5	\$7
Fund 12F - 6	\$-13	\$-13	\$3	\$4
Fund 154 - 1	\$-14	\$-17	\$4	\$6
Fund 17L - 6	\$-3	\$-3	\$1	\$1
Fund 19A - 1	\$6	\$15	\$10	\$1
Fund 405 - 1	\$988	\$1,234	\$764	\$761
Fund 424 - 6	\$-45	\$-45	\$11	\$15
<b>Total Expenditures</b>	<b>\$715</b>	<b>\$995</b>	<b>\$970</b>	<b>\$905</b>
<b>Biennial Totals</b>		<b>\$1,710</b>		<b>\$1,875</b>
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Obj. E	\$715	\$995	\$970	\$905
Revenue	FY 2020	FY 2021	FY 2022	FY 2023
001 - 0393	\$14	\$40	\$28	\$3
405 - 0420	\$988	\$1,234	\$764	\$761
<b>Total</b>	<b>\$1,002</b>	<b>\$1,274</b>	<b>\$792</b>	<b>\$764</b>
<b>Biennial Totals</b>		<b>\$2,276</b>		<b>\$1,556</b>

### Package Description

This request covers the expected increase and decrease in annual lease contracts that will come up for renewal in the 2019-21 biennium including contractually scheduled rate increases. It also includes projected increases in the 2021-23 biennium in accordance with the Office of Financial Management's (OFM) budget request instructions.

All 2019-21 and 2021-23 increases are either existing in existing leases, or are projections based on assumed percentage increases that were provided by OFM Facility Oversight section.

The Department of Enterprise Services (DES) negotiates new lease costs with property owners on behalf of the AGO. The AGO has limited control over the increase in lease costs and this request does not duplicate any funding proposed in any other decision packages within the 2019-2021 biennium budget request. These facilities are all in the AGO six-year lease facility plan.

The increases identified in this request are to continue occupancy in buildings around the state where AGO divisions are currently located to provide services to client agencies and the citizens of Washington State.

**Bellingham:** The current Bellingham lease agreement expires March 31, 2020. The enacted 2018 Supplemental Budget included allocation for relocating the Bellingham AGO office to a newer and safer location in the 2017-19 biennium. DES Real Estate Services, OFM and the AGO are actively pursuing a lease for new location.

Bellingham's lease rate increased on July 1, 2017 to \$12,167 per fiscal month (FM). This will be the lease rate through the end of the lease on March 31, 2020.

This request assumes a new annual lease rate of \$170,000 per fiscal year (FY) beginning on April 1, 2020.

**Bristol Court:** The current Bristol Court lease in west Olympia expires July 31, 2020. Bristol Courts' lease rate is \$72,992 per FM for the duration of the lease.

**Everett:** The current Everett lease expires July 31, 2021. Everett's lease rate is \$25,257 per FM for the duration of the lease.

**Highway License Building:** There is no lease for the Highway License Building (HLB) office space on Capital Campus. DES states they will only bill the AGO for the funding totals allotted in the Central Service Model for office space. This request does not include any adjustments for the HLB.

**Kennewick:** The current Kennewick lease agreement expires February 28, 2019. Kennewick's lease rate is \$12,400 per FM for the duration of the lease.

**Kent:** The current Kent lease agreement expires April 31, 2021. Kent's current lease rate is \$228 per FM for the duration of the lease.

**Kitsap County Juvenile Court:** The current Kitsap County lease agreement expires March 31, 2019. Kitsap County's current lease rate is \$200 per FM for the duration of the lease.

**Port Angeles:** The current Port Angeles lease agreement expires July 31, 2022. Port Angeles's current lease rate is \$5,569 per FM for the duration of the lease.

**Port Orchard:** The current Port Orchard lease agreement expires October 31, 2019. Port Orchard's current lease rate is \$130 per FM for the duration of the lease.

**Seattle:** The current Seattle lease agreement expires June 30, 2022 and includes parking costs.

- July 1, 2019 through June 30, 2020: Seattle's lease rate increases from \$453,459 per FM to \$484,886 per FM
- July 1, 2020 through June 30, 2021: Seattle's lease rate increases from \$484,886 per FM to \$485,460 per FM.
- July 1, 2021 through June 30, 2022: Seattle's lease rate increases from \$485,460 per FM to \$515,296 per FM.

NOTE: The 2019 Supplemental budget request includes a performance level decision package for the Medicaid Fraud Control Unit. This DP, among other things, includes additional office space in Seattle. The AGO assumes the lease rates identified in this request will be included in the Carry Forward Level into the 2019-21 biennium and beyond.

**Spokane:** The current Spokane lease agreement expires October 31, 2019. Spokane's current lease rate is \$42,177 per FM for the duration of the lease.

**Tacoma:** The current Tacoma lease agreement expires June 30, 2020. Tacoma's lease rate is \$95,713 per FM for the duration of the lease.

**Tumwater:** The current Tumwater lease agreement expires November 30, 2021. Tumwater's lease rate is \$296,375 per FM for the duration of the lease.

**Vancouver:** The current Vancouver lease agreement expires March 31 2019. Vancouver's lease rate is \$18,521 per FM for the duration of the lease.

**Warehouse (Facilities):** The AGO's Facilities Unit lease expires June 30, 2019. The FST Warehouse's lease rate is \$9,394 per FM for the duration of the lease.

**Warehouse (Information Services):** The AGO's Information Services Division lease expires June 30, 2019. The ISD Warehouse's lease rate is \$15,430 per FM for the duration of the lease.

**Wenatchee:** The current Wenatchee lease agreement expires October 31, 2019. Wenatchee's lease rate is \$6,004 per FM for the duration of the lease.

**Yakima:** The current Yakima lease agreement expires July 31, 2020. Yakima's lease rate is \$8,514 per FM for the duration of the lease.

The AGO is obligated to pay lease costs negotiated by DES. There is no viable alternative to fully funding leased facility cost requirements. A failure to fully fund contractual lease payments will result in reduction in legal services proportionate to the funding shortfall. This will also hinder our ability to meet performance measures and to support the Governor's Results Washington goals. The AGO is unable to address this issue within its current appropriation levels without having a detrimental impact on the delivery of legal services. A lease funding shortfall will have a greater negative impact on programs with smaller funding sources and include, but are not limited to the services of Mobile Home Disputes, Lemon Law enforcement, Fairness Foreclosure and Civil Rights.

Funding this request provides resources necessary to protect the state from adverse judgements. The increasing cost of leased space is an unavoidable cost that must be incurred by the AGO to provide legal services to its client agencies. Diverting funds originally intended for legal service costs to pay for lease funding shortfall will result in a reduced level of legal advice and other legal services. This will increase risk to the state and will lead to avoidable legal issues of client agencies.

Attachment 1 shows each facilities cost increase by Fiscal Year.

## Assumptions and Calculations

### Expansion or alteration of a current program or service:

AGO facility leases have been fully funded in the last two biennia.

2015-17: \$20,656,000;

2017-19: \$25,807,000.

This request does not include any expanded office space, but identifies lease increases in existing contracts and projected costs of lease renewals.

### Detailed assumptions and calculations:

All projections are for costs generated in lease contracts, or projected rates of new leases. There are no discrete, or one-time costs included in this request.

The following funding is required to pay for lease rates beginning in FY 2020 based on percentage increases as provided by the OFM Facility Oversight section. See Attachment 1 for each facilities annual lease costs and projected costs.

	2019-21 Budget Request			
	(Excludes sub-lease and Tort IAA Costs)			
	FY2020	FY2021	FY2022	FY2023
TOTAL REQUEST	713,000	995,000	908,000	912,000

**Bellingham:** Effective April 1, 2020, a 13.5% increase is assumed to the current monthly lease rate.

**Bristol Court:** Effective August 1, 2020, a 13.5% increase is assumed to the current monthly lease rate.

**Everett:** Effective August 1, 2021, a 13.6% increase is assumed to the current monthly lease rate.

**Kennewick:** Effective March 1, 2019, a 12.4% increase is assumed to the current monthly lease rate.

**Kent:** Effective May 1, 2021, a 13.6% increase is assumed to the current monthly lease rate.

**Kitsap County Juvenile Court:** Effective April 1, 2019, a 5.3% increase is assumed to the current monthly lease rate

**Port Angeles:** Effective August 1, 2022, a 12.7% increase is assumed to the current monthly lease rate.

**Port Orchard:** Effective November 1, 2019, a 5.3% increase is assumed to the current monthly lease rate.

**Seattle:** Includes contractually scheduled lease increases in July 2019, July 2020 and July 2021. Effective July 1, 2022, a 2.1% increase is assumed to the current monthly FY 2021 lease rate.

**Spokane:** Effective November 1, 2019, a 12.4% increase is assumed to the current monthly lease rate.

**Tacoma:** Effective July 1, 2020, a 13.5% increase is assumed to the current monthly lease rate.

**Tumwater:** Effective December 1, 2021, a 13.6% increase is assumed to the current monthly lease rate.

**Vancouver:** Effective April 1, 2019, a 12.4% increase is assumed to the current monthly lease rate.

**Warehouse (Facilities):** Effective July 1, 2019, a 12.4% increase to the current monthly lease rate.

**Warehouse (Information Services):** Effective July 1, 2019, a 12.4% increase is assumed to the current monthly lease rate.

**Wenatchee:** Effective November 1, 2019, a 12.4% increase is assumed to the current monthly lease rate.

**Yakima:** Effective August 1, 2020, a 13.5% increase is assumed to the current monthly lease rate.

### Workforce Assumptions:

There is no workload or policy assumptions associated with this request. This request is to obtain appropriate allocations to pay for contractual facilities lease costs.

## Strategic and Performance Outcomes

**Strategic framework:****Relationship to 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 aligns the actual cost of AGO facility leases with funding to sustain the current workload. It clarifies how state resources are spent, shows accountability and responsibility in spending, and offers transparency resulting in customer satisfaction and confidence in legal services provided.

**Relationship to the AGO Strategic Plan:**

Every aspect of the AGO's Strategic Plan is affected by the availability of appropriate office space for each Division to function and funding being available to pay for this space. Funding the projected lease shortfalls will empower the AGO to sustain current legal efforts across the state, thus enabling employees to meet Strategic Plan goals and objectives.

## 1. Priority – Serve the State:

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

## 2. Priority – Protect the People:

- a. Goal 1 - Defend the civil rights and stand up for all Washingtonians.
- b. Goal 2 – Protect Washington's environment and public health.
- c. Goal 3 – Promote good government.
- d. Goal 4 – Protect all Washington consumers.

## 3. Priority – Empower Our Employees:

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

**Performance Measure Detail**

Performance Measure	Unit	Incremental Change FY1	Incremental Change FY2	Incremental Change FY3	Incremental Change FY4
002534 - Direct Restitution Provided to Consumers through Litigation and Complaint Resolution	\$	0	0	0	0
000011 - Antitrust Restitution to the Citizens of the State	\$	0	0	0	0
000018 - Average Number of Days to Complete an Ethics Investigation	#	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
002535 - Total Successful Commitments	#	0	0	0	0
002539 - Cases Open at End of Fiscal Year	#	0	0	0	0
000021 - HITS Requests from Law Enforcement	#	0	0	0	0
002536 - Criminal Cases Closed	#	0	0	0	0

Performance Measure	Unit	Incremental Change FY1	Incremental Change FY2	Incremental Change FY3	Incremental Change FY4
002538 - Recoveries to the Medicaid System	\$	0	0	0	0

**Performance outcomes:**

This request directly supports the following AGO Performance Measures.

The AGO submits this request to sustain the current level of legal services to communities statewide without any disruption. The approval of this request will not result in incremental changes to agency performance measures. If a shortfall is generated through a lack of fully funding this request, it will result in a reduction to currently funded legal services, and potentially in the consideration of the costly alternative of moving to different, cheaper facility.

**Other Collateral Connections****Intergovernmental:**

It is assumed that there is no opposition to fully funding AGO lease rate needs. Occupying facilities across the state provides a service to these communities. In example, the AGO Criminal Litigation division supports complex regional and county litigation statewide as requested by local government entities.

Courthouse space leases are a low-cost efficiency for AGO attorneys.

The increasing cost of leased space is an unavoidable cost that must be incurred for the AGO to provide legal services to client agencies and serve the citizens of Washington State. Attachment 2 addresses impacts by clients billed through the Legal Services Revolving Account (Fund 405). These lease costs included in bills to clients in monthly legal services invoices.

Attachment 2 details adjustments to the Central Service Model based of this request.

**Stakeholder response:**

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

**Legal or administrative mandates:**

N/A

**Changes from current law:**

N/A

**State workforce impacts:**

N/A

**State facilities impacts:**

Attachment 2 includes the details of current facility leases. There are no one-time costs included in this request.

**Puget Sound recovery:**

N/A

**Reference Documents**

- DP - Lease Rate Adjustments-ATTACHMENT 1 - Lease Projections.pdf
- DP - Lease Rate Adjustments-ATTACHMENT 2 - Client Legal Services CSM Adjustments.pdf
- DP - Lease Rate Adjustments-ATTACHMENT 3 - Current Lease Details.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



AGO Facilities	2017-19 Biennial Budget Request: (DP) Lease Projections			2019-21 Biennial Lease Projections			2021-23 Biennial Lease Projections			2019-21 Budget Request (Excludes sub-lease and Tort IAA Costs)			
	FY2018	FY2019	2017-19	FY2020	FY2021	2019-21	FY2022	FY2023	2021-23	FY2020	FY2021	FY2022	FY2023
Bellingham	145,998	145,998	<b>291,996</b>	151,637	170,000	<b>321,637</b>	170,000	170,000	<b>340,000</b>	6,000	25,000	19,000	0
Bristol Court - Olympia	875,904	875,904	<b>1,751,808</b>	875,904	984,072	<b>1,859,976</b>	993,906	993,906	<b>1,987,812</b>	0	108,000	118,000	10,000
Everett	303,087	303,087	<b>606,174</b>	303,087	303,087	<b>606,174</b>	340,786	344,213	<b>684,999</b>	9,000	9,000	38,000	41,000
Kennewick	148,800	154,784	<b>303,584</b>	167,248	167,248	<b>334,496</b>	167,248	167,248	<b>334,496</b>	30,000	25,000	0	0
Kent	2,730	2,730	<b>5,460</b>	2,730	2,792	<b>5,522</b>	3,101	3,101	<b>6,201</b>	0	0	0	0
Kitsap County Juvenile Court	2,400	2,400	<b>4,800</b>	2,559	2,659	<b>5,218</b>	2,659	2,659	<b>5,318</b>	0	0	0	0
Port Angeles	66,829	66,828	<b>133,657</b>	66,828	66,828	<b>133,656</b>	66,828	74,629	<b>141,457</b>	0	0	0	8,000
Port Orchard	1,628	1,659	<b>3,287</b>	1,620	1,647	<b>3,267</b>	1,647	1,647	<b>3,295</b>	0	0	0	0
Seattle	5,435,016	5,441,509	<b>10,876,526</b>	5,818,631	5,825,519	<b>11,644,150</b>	6,183,549	6,313,032	<b>12,496,581</b>	584,000	584,000	342,000	456,000
Spokane	506,123	506,123	<b>1,012,246</b>	547,955	568,872	<b>1,116,827</b>	568,872	568,872	<b>1,137,743</b>	22,000	40,000	18,000	1,000
Tacoma	1,148,561	1,148,561	<b>2,297,122</b>	1,148,561	1,303,295	<b>2,451,856</b>	1,303,295	1,303,295	<b>2,606,590</b>	0	132,000	132,000	0
Tumwater	3,556,498	3,556,498	<b>7,112,996</b>	3,556,498	3,556,498	<b>7,112,995</b>	3,838,003	4,039,079	<b>7,877,082</b>	0	0	225,000	388,000
Tumwater Warehouse-FST	121,731	121,731	<b>243,462</b>	126,708	126,708	<b>253,416</b>	126,708	126,708	<b>253,416</b>	5,000	5,000	0	0
Tumwater Warehouse-ISD	185,161	185,161	<b>370,322</b>	208,117	208,117	<b>416,235</b>	208,117	208,117	<b>416,235</b>	23,000	23,000	0	0
Vancouver	222,257	227,831	<b>450,088</b>	249,812	249,812	<b>499,625</b>	249,812	249,812	<b>499,625</b>	28,000	22,000	0	0
Wenatchee	72,053	72,053	<b>144,105</b>	78,008	80,986	<b>158,994</b>	80,986	80,986	<b>161,971</b>	6,000	9,000	3,000	0
Yakima	99,790	99,790	<b>199,580</b>	99,790	112,113	<b>211,903</b>	113,234	113,234	<b>226,467</b>	0	12,000	13,000	1,000
<b>TOTAL OF REQUEST</b>	<b>12,894,566</b>	<b>12,912,647</b>	<b>25,807,213</b>	<b>13,405,694</b>	<b>13,730,253</b>	<b>27,135,948</b>	<b>14,418,750</b>	<b>14,760,537</b>	<b>29,179,287</b>	<b>713,000</b>	<b>994,000</b>	<b>908,000</b>	<b>905,000</b>

**Assumptions**

Bellingham: Assuming a 5.253% lease increase effective April 1, 2020.  
 Bristol Court: Assuming a 13.472% lease increase effective August 1, 2020.  
 Everett: Assuming a 13.569% lease increase effective August 1, 2021.  
 Kennewick: Assuming a 12.398% lease increase effective March 1, 2019.  
 Kent: Assuming a 13.569% lease increase effective March 1, 2021.  
 Kitsap County: Assuming a 5.253% lease increase effective April 1, 2019.  
 Port Angeles: Assuming a 12.714% lease increase effective August 1, 2022.  
 Port Orchard: Assuming a 5.253% lease increase effective November 1, 2019.  
 Seattle: Includes contractually scheduled lease increases in July 2019, July 2020 and July 2021. Assuming a 2.094% lease increase effective July 1, 2022.  
 Spokane: Assuming a 12.398% lease increase effective November 1, 2019.  
 Tacoma: Assuming a 13.472% lease increase effective July 1, 2020.  
 Tumwater: Assuming a 13.569% lease increase effective December 1, 2021.  
 Tumwater-FOS: Assuming a 12.398% lease increase effective July 1, 2019.  
 Tumwater-ISD: Assuming a 12.398% lease increase effective July 1, 2019.  
 Vancouver: Assuming a 12.398% lease increase effective April 1, 2019.  
 Wenatchee: Assuming a 12.398% lease increase effective November 1, 2019.  
 Yakima: Assuming a 13.472% lease increase effective August 1, 2020.

All assumed percentage increases were provided by OFM Facility Oversight section.

Torts lease rates have been subtracted from this request . All Tort costs are billed through an interagency agreement with OFM-ORM.

Sublease receipts from the Tumwater Coffee Cart have been subtracted from this request.



**Rent Increase/Decrease for Legal Services (405) for the 2019-21 Biennium**

<b>Client Agency</b>	<b>Number</b>	<b>FY2020</b>	<b>FY2021</b>	<b>2017-19 Totals</b>
House of Representatives	011	12	13	25
Senate	012	21	22	43
Joint Transportation Committee	013	0	0	0
Joint Leg Audit & Rev Comm	014	130	133	263
Leg Eval and Accy Prg Com	020	0	0	0
Office of State Actuary	035	105	106	211
Office of Legislative Support Services	037	0	0	0
Joint Legislative Systems Committee	038	11	13	24
Statute Law Committee	040	25	26	51
Supreme Court	045	303	306	609
State Law Library	046	0	0	0
Court of Appeals	048	194	236	430
Judicial Conduct Commission	050	24	24	48
Administrative Office of the Courts	055	1,071	1,095	2,166
Office of Public Defense	056	0	0	0
Office of Civil Legal Aid	057	0	0	0
Office of the Governor	075	787	921	1,708
Office of Lieutenant Governor	080	4	8	12
Public Disclosure Commission	082	3,458	3,518	6,976
Secretary of State	085	3,267	3,537	6,804
Office of Indian Affairs	086	0	0	0
Commission on Asian-American Affairs	087	0	0	0
Office of State Treasurer	090	2,801	2,833	5,634
Redistricting Commission	091	0	0	0
Office of State Auditor	095	1,849	1,888	3,737
Citizen's Comm on Salaries for Elect Off	099	8	8	16
Office of Attorney General	100	0	0	0
Caseload Forecast Council	101	20	20	40
Department of Financial Institutions	102	6,169	6,301	12,470
Department of Commerce	103	3,755	3,796	7,551
Forecast Council	104	0	0	0
Office of Financial Management	105	2,599	2,833	5,432
Health Care Authority	107	24,949	25,236	50,185
Office of Administrative Hearings	110	631	678	1,309
State Lottery Commission	116	366	375	741
Gambling Commission	117	2,043	2,089	4,132
Commission on Hispanic Affairs	118	7	7	14
Commission on African-Amer Affairs	119	0	0	0
Human Rights Commission	120	1,648	1,687	3,335
Department of Retirement Systems	124	11,210	11,325	22,535
State Investment Board	126	4,480	4,526	9,006
Innovate Washington	135	0	0	0
Department of Revenue	140	19,911	20,220	40,131
Department of Revenue - ECU	141	0	0	0
Board of Tax Appeals	142	30	30	60
Municipal Research Council	144	0	0	0
Office of Min & Women's Bus Enter	147	1,594	1,810	3,404
Insurance Commissioner	160	2,826	2,897	5,723
Consolidated Technology Services	163	414	426	840
Board of Accountancy	165	352	357	709
Forensic Investigations Council	167	0	0	0
Department of Enterprise Services	179	6,215	6,362	12,577
Horse Racing Commission	185	320	327	647
Board of Industrial Insurance Appeals	190	373	382	755
Liquor Control Board	195	17,123	17,527	34,650
Board of Pilotage Commissioners	205	660	667	1,327
Utilities and Transportation Commission	215	17,168	19,435	<b>237</b> 36,603
Board for Volunteer Firefighters	220	201	203	404

**Rent Increase/Decrease for Legal Services (405) for the 2019-21 Biennium**

<b>Client Agency</b>	<b>Number</b>	<b>FY2020</b>	<b>FY2021</b>	<b>2017-19 Totals</b>
Washington State Patrol	225	6,011	6,219	12,230
Criminal Justice Training Commission	227	930	954	1,884
Traffic Safety Commission	228	212	214	426
Department of Labor and Industries	235	75,862	127,930	203,792
Department of Labor and Industries-BCU	236	(2,342)	(2,319)	(4,661)
Department of Licensing	240	18,003	19,186	37,189
Military Department	245	2,913	2,947	5,860
Public Employee Relations Commission	275	381	385	766
Dept of Social & Health Services	300	395,655	499,012	894,667
Department of Health	303	48,537	49,266	97,803
Department of Veterans Affairs	305	543	860	1,403
Department of Corrections	310	51,804	90,460	142,264
Department of Services for the Blind	315	85	86	171
Student Achievement Council	340	886	899	1,785
LEOFF Plan 2 Retirement Board	341	220	232	452
Higher Education Coordinating Board	343	0	0	0
Superintendent of Public Instruction	350	5,541	5,638	11,179
School for the Blind	351	61	66	127
Center for Child Deaf & Hearing Loss	353	303	326	629
Work Force Training & Educ Coord Brd	354	70	72	142
Dept of Arch and Historic Preservation	355	611	617	1,228
Department of Early Learning	357	4,475	5,400	9,875
Charter School Commission	359	577	589	1,166
University of Washington	360	34,625	34,968	69,593
Washington State University	365	10,579	10,804	21,383
UW - Torts	369	0	0	0
Eastern Washington University	370	6,845	7,496	14,341
Central Washington University	375	1,623	2,077	3,700
The Evergreen State College	376	673	693	1,366
Western Washington University	380	6,527	7,097	13,624
Washington State Arts Commission	387	49	50	99
Washington State Historical Society	390	284	306	590
Eastern WA State Historical Society	395	233	267	500
Department of Transportation	405	47,667	48,639	96,306
County Road Administration Board	406	50	50	100
Transportation Improvement Board	407	24	24	48
Transportation Commission	410	116	117	233
Freight Mob Strategic Invest Brd	411	14	14	28
Columbia River Gorge Commission	460	22	23	45
Department of Ecology	461	47,896	84,747	132,643
Pollution Liability Insurance Agency	462	136	245	381
State Parks & Rec Comm	465	2,476	2,516	4,992
Recreation & Cons Funding Board	467	186	189	375
Environmental Hearings Office	468	260	264	524
Conservation Commission	471	91	164	255
Department of Fish and Wildlife	477	19,606	19,848	39,454
Puget Sound Partnership	478	47	84	131
Department of Natural Resources	490	30,231	30,549	60,780
Department of Agriculture	495	3,956	4,019	7,975
Employment Security Department	540	6,842	7,543	14,385
Community and Technical Colleges	699	16,470	17,965	34,435
		<b>988,000</b>	<b>1,234,000</b>	<b>2,222,000</b>

<b>BELLINGHAM</b>			<b>ADDRESS:</b> 103 E. Holly Street, (Suites 301, 302, 303, 305, 308, 309, 310, 316, 320), Bellingham, WA 98015					
<b>ACTION</b>	<b>SQUARE FEET</b>	<b>LEASE START DATE</b>	<b>LEASE END DATE</b>	<b>FY2019 FUNDED LEVEL</b>	<b>RENEWAL INCREASE %</b>	<b>PROJECTED for FY2020</b>	<b>PROJECTED for FY2021</b>	<b>REQUESTED 1-TIME COSTS</b>
Renew	8,111	04/01/15	03/31/20	\$ 145,998	13.472%	\$ 151,637	\$ 170,000	\$ -
<b>SERVICES INCLUDED IN LEASE:</b>			Insurance, storm water, sewer, garbage, maintenance and repairs, natural gas, electricity, elevator, window washing (interior and exterior), landscape & irrigation, restroom supplies and light bulb replacement, janitorial services.					
<b>RELEVANT NOTES:</b>			Monthly lease cost is \$12,166.50 per month for the remainder of the lease (through March 2020). New monthly lease rate assumed to be \$13,806 per month.					

<b>BRISTOL COURT</b>			<b>ADDRESS:</b> 2425 Bristol Court SW, Olympia. WA					
<b>ACTION</b>	<b>SQUARE FEET</b>	<b>LEASE START DATE</b>	<b>LEASE END DATE</b>	<b>FY2019 FUNDED LEVEL</b>	<b>RENEWAL INCREASE %</b>	<b>PROJECTED for FY2020</b>	<b>PROJECTED for FY2021</b>	<b>REQUESTED 1-TIME COSTS</b>
Renew	54,744	08/01/15	07/31/20	\$ 875,904	13.472%	\$ 875,904	\$ 984,072	\$ -
<b>SERVICES INCLUDED IN LEASE:</b>			Includes water, sewer, garbage, electricity, natural gas, janitorial services, and restroom supplies.					
<b>RELEVANT NOTES:</b>			Monthly lease cost is \$72,992 per month for the remainder of the lease (through July 2020). New monthly lease rate assumed to be \$82,825 per month.					

<b>EVERETT</b>			<b>ADDRESS:</b> 3501 Colby Ave, Suite 100A, Everett, WA 98201					
<b>ACTION</b>	<b>SQUARE FEET</b>	<b>LEASE START DATE</b>	<b>LEASE END DATE</b>	<b>FY2019 FUNDED LEVEL</b>	<b>RENEWAL INCREASE %</b>	<b>PROJECTED for FY2020</b>	<b>PROJECTED for FY2021</b>	<b>REQUESTED 1-TIME COSTS</b>
Renew	14,433	08/01/16	07/31/21	\$ 303,087	13.569%	\$ 303,087	\$ 303,087	\$ -
<b>SERVICES INCLUDED IN LEASE:</b>			Includes taxes, assessments, insurance, storm water, maintenance and repairs.					
<b>RELEVANT NOTES:</b>			Monthly lease cost is \$25,257.25 per month for the remainder of the lease (through July 2021). New monthly lease rate assumed to be \$28,684 per month.					

<b>HIGHWAY LICENSE BLDG</b>			<b>ADDRESS:</b> 1125 Washington SE, Olympia, WA					
<b>ACTION</b>	<b>SQUARE FEET</b>	<b>LEASE START DATE</b>	<b>LEASE END DATE</b>	<b>FY2019 FUNDED LEVEL</b>	<b>RENEWAL INCREASE %</b>	<b>PROJECTED for FY2020</b>	<b>PROJECTED for FY2021</b>	<b>REQUESTED 1-TIME COSTS</b>
NA	72,639					\$ -	\$ -	
<b>SERVICES INCLUDED IN LEASE:</b>								
<b>RELEVANT NOTES:</b>			Beginning June 30, 2013, DES began billing for the facility based on Central Services Model allocations.					

<b>KENNEWICK</b>			<b>ADDRESS:</b> 8127 W. Klamath Court, Bldg 6, Suite A, Kennewick, WA 99336					
<b>ACTION</b>	<b>SQUARE FEET</b>	<b>LEASE START DATE</b>	<b>LEASE END DATE</b>	<b>FY2019 FUNDED LEVEL</b>	<b>RENEWAL INCREASE %</b>	<b>PROJECTED for FY2020</b>	<b>PROJECTED for FY2021</b>	<b>REQUESTED 1-TIME COSTS</b>
Renew	6,200	03/01/14	02/28/19	\$ 154,784	12.398%	\$ 167,248	\$ 167,248	\$ -
<b>SERVICES INCLUDED IN LEASE:</b>			Includes taxes, assessments, insurance, storm water, exterior window washing, landscape & irrigation, maintenance and repairs.					
<b>RELEVANT NOTES:</b>			Monthly lease cost is \$121,400 per month for the remainder of the lease (through February 2019). New monthly lease rate assumed to be \$13,937 per month.					

<b>KENT</b>			<b>ADDRESS:</b> 401 4th Ave N, Room 1261, Kent, WA 98032					
<b>ACTION</b>	<b>SQUARE FEET</b>	<b>LEASE START DATE</b>	<b>LEASE END DATE</b>	<b>FY2019 FUNDED LEVEL</b>	<b>RENEWAL INCREASE %</b>	<b>PROJECTED for FY2020</b>	<b>PROJECTED for FY2021</b>	<b>REQUESTED 1-TIME COSTS</b>
Renew	190	05/01/16	04/30/21	\$ 2,730	13.569%	\$ 2,730	\$ 2,792	\$ -
<b>SERVICES INCLUDED IN LEASE:</b>			Full service lease.					
<b>RELEVANT NOTES:</b>			Monthly lease cost is \$227.52 per month for the remainder of the lease (through April 2021). New monthly lease rate assumed to be \$258 per month.					

<b>Kitsap Co. Juvenile Court</b>			<b>ADDRESS:</b> 1338 SE Old Clifton Road, Port Orchard, WA, 98367					
<b>ACTION</b>	<b>SQUARE FEET</b>	<b>LEASE START DATE</b>	<b>LEASE END DATE</b>	<b>FY2019 FUNDED LEVEL</b>	<b>RENEWAL INCREASE %</b>	<b>PROJECTED for FY2020</b>	<b>PROJECTED for FY2021</b>	<b>REQUESTED 1-TIME COSTS</b>
Renew	100	04/01/17	03/31/19	\$ 2,400	5.253%	\$ 2,559	\$ 2,659	\$ -
<b>SERVICES INCLUDED IN LEASE:</b>			Full service lease.					
<b>RELEVANT NOTES:</b>			Monthly lease cost is \$210.51 per month for the remainder of the lease (through March 2020). New monthly lease rate assumed to be \$212 per month.					

<b>PORT ANGELES</b>			<b>ADDRESS:</b> 115 E. Railroad, Suite 306, Port Angeles, WA 98362					
<b>ACTION</b>	<b>SQUARE FEET</b>	<b>LEASE START DATE</b>	<b>LEASE END DATE</b>	<b>FY2019 FUNDED LEVEL</b>	<b>RENEWAL INCREASE %</b>	<b>PROJECTED for FY2020</b>	<b>PROJECTED for FY2021</b>	<b>REQUESTED 1-TIME COSTS</b>
Renew	3,052	08/01/17	07/31/22	\$ 66,828	12.714%	\$ 66,828	\$ 66,828	\$ -
<b>SERVICES INCLUDED IN LEASE:</b>			Taxes and assessments, insurance, storm water, water, sewer, garbage, maintenance and repair, natural gas, electricity, janitorial services and restroom supplies, elevator, landscape and irrigation.					
<b>RELEVANT NOTES:</b>			Monthly lease cost is \$5,569.90 per month for the remainder of the lease (through July 31, 2022). New monthly lease rate assumed to be \$6,278 per month.					

<b>PORT ORCHARD</b>			<b>ADDRESS:</b> 614 Division Street, Port Orchard, WA 98366					
<b>ACTION</b>	<b>SQUARE FEET</b>	<b>LEASE START DATE</b>	<b>LEASE END DATE</b>	<b>FY2019 FUNDED LEVEL</b>	<b>RENEWAL INCREASE %</b>	<b>PROJECTED for FY2020</b>	<b>PROJECTED for FY2021</b>	<b>REQUESTED 1-TIME COSTS</b>
Renew	100	11/01/17	10/31/19	\$ 1,659	5.253%	\$ 1,620	\$ 1,647	\$ -
<b>SERVICES INCLUDED IN LEASE:</b>			Taxes and assessments, insurance, storm water, water, sewer, garbage, maintenance and repair, natural gas, electricity, janitorial services and restroom supplies, elevator, landscape and irrigation.					
<b>RELEVANT NOTES:</b>			Monthly lease cost is \$130.42 per month for the remainder of the lease (through October 2019). New monthly lease rate assumed to be \$137 per month.					

<b>SEATTLE</b>			<b>ADDRESS:</b> 800 5th Ave, Seattle, WA 98104					
<b>ACTION</b>	<b>SQUARE FEET</b>	<b>LEASE START DATE</b>	<b>LEASE END DATE</b>	<b>FY2019 FUNDED LEVEL</b>	<b>RENEWAL INCREASE %</b>	<b>PROJECTED for FY2020</b>	<b>PROJECTED for FY2021</b>	<b>REQUESTED 1-TIME COSTS</b>
Renew	137,528	07/01/17	06/30/22	\$ 5,441,509	2.094%	\$ 5,818,631	\$ 5,825,519	\$ -
<b>SERVICES INCLUDED IN LEASE:</b>			Full service lease, including parking fees.					
<b>RELEVANT NOTES:</b>			Includes contractually scheduled lease increases in July 2019 (to 484,885.91/FM), July 2020 (to \$485,459.91/FM) and July 2021 (to \$515,295.74). New monthly lease rate in July 2023 is assumed to be \$526,086 per month.					

SPOKANE			ADDRESS: W. 1116 & 1124 Riverside Ave, Spokane, WA 98201					
ACTION	SQUARE FEET	LEASE START DATE	LEASE END DATE	FY2019 FUNDED LEVEL	RENEWAL INCREASE %	PROJECTED for FY2020	PROJECTED for FY2021	REQUESTED 1-TIME COSTS
Renew	28,009	11/01/14	10/31/19	\$ 506,123	12.398%	\$ 547,955	\$ 568,872	\$ -
SERVICES INCLUDED IN LEASE:			Taxes and assessments, insurance, storm water, water, sewer, garbage, maintenance and repair, natural gas, electricity, janitorial services and restroom supplies, elevator, landscape and irrigation.					
RELEVANT NOTES:			Monthly lease cost is \$42,176.88 per month for the remainder of the lease (through October 31, 2019). New monthly lease rate assumed to be \$47,406 per month.					

TACOMA			ADDRESS: 1250 Pacific Ave, Tacoma, WA 98402					
ACTION	SQUARE FEET	LEASE START DATE	LEASE END DATE	FY2019 FUNDED LEVEL	RENEWAL INCREASE %	PROJECTED for FY2020	PROJECTED for FY2021	REQUESTED 1-TIME COSTS
Renew	32,768	07/01/10	06/30/20	\$ 1,148,561	13.472%	\$ 1,148,561	\$ 1,303,295	\$ -
SERVICES INCLUDED IN LEASE:			Taxes and assessments, insurance, storm water, water, sewer, garbage, maintenance and repair, natural gas, electricity, janitorial services and restroom supplies, elevator, landscape and irrigation.					
RELEVANT NOTES:			Monthly lease cost is \$95,713.40 per month for the remainder of the lease (through June 30, 2020). New monthly lease rate assumed to be \$108,608 per month.					

TUMWATER			ADDRESS: 7141 & 7153 Cleanwater Lane, Tumwater, WA 98501					
ACTION	SQUARE FEET	LEASE START DATE	LEASE END DATE	FY2019 FUNDED LEVEL	RENEWAL INCREASE %	PROJECTED for FY2020	PROJECTED for FY2021	REQUESTED 1-TIME COSTS
Renew	148,311	12/01/06	11/30/21	\$ 3,556,498	13.569%	\$ 3,556,498	\$ 3,556,498	\$ -
SERVICES INCLUDED IN LEASE:			Maintenance and repair.					
RELEVANT NOTES:			Monthly lease cost is \$296,374.80 per month for the remainder of the lease (through November 2021). New monthly lease rate assumed to be \$336,590 per month.					

TUMWATER WH -FST			ADDRESS: 818 79th Ave, Unit C, Olympia, WA 98501					
ACTION	SQUARE FEET	LEASE START DATE	LEASE END DATE	FY2019 FUNDED LEVEL	RENEWAL INCREASE %	PROJECTED for FY2020	PROJECTED for FY2021	REQUESTED 1-TIME COSTS
Renew	10,678	01/01/15	06/30/19	\$ 121,731	12.398%	\$ 126,708	\$ 126,708	\$ -
SERVICES INCLUDED IN LEASE:			Taxes and assessments, insurance, storm water, water, sewer, maintenance and repair, landscape and irrigation, and lightbulbs					
RELEVANT NOTES:			This monthly lease cost of \$9,394.29 will remain in place through remainder of the lease (through June 2019). New monthly lease rate assumed to be \$10,559 per month.					

TUMWATER WH -ISD			ADDRESS: 818 79th Ave, Unit A, B & D, Olympia, WA 98512					
ACTION	SQUARE FEET	LEASE START DATE	LEASE END DATE	FY2019 FUNDED LEVEL	RENEWAL INCREASE %	PROJECTED for FY2020	PROJECTED for FY2021	REQUESTED 1-TIME COSTS
Renew	12,494	07/01/14	06/30/19	\$ 185,161	12.398%	\$ 208,117	\$ 208,117	\$ -
SERVICES INCLUDED IN LEASE:			Taxes and assessments, insurance, storm water, water, sewer, maintenance and repair, landscape and irrigation, and lightbulbs					
RELEVANT NOTES:			This monthly lease cost of \$15,430.09 per month will remain in place through remainder of the lease (through June 30, 2019). New monthly lease rate assumed to be \$17,343 per month.					

<b>VANCOUVER</b>			<b>ADDRESS:</b> 1220 Main Street, Suite 510, Vancouver, WA 98660					
<b>ACTION</b>	<b>SQUARE FEET</b>	<b>LEASE START DATE</b>	<b>LEASE END DATE</b>	<b>FY2019 FUNDED LEVEL</b>	<b>RENEWAL INCREASE %</b>	<b>PROJECTED for FY2020</b>	<b>PROJECTED for FY2021</b>	<b>REQUESTED 1-TIME COSTS</b>
<i>Renew</i>	9,486	04/01/14	03/31/19	\$ 227,831	12.398%	\$ 249,812	\$ 249,812	\$ -
<b>SERVICES INCLUDED IN LEASE:</b>			<i>Taxes and assessments, insurance, storm water, water, sewer, garbage, maintenance and repair, natural gas, electricity, elevator, exterior &amp; interior window washing, landscape and irrigation, janitorial service with supplies and lightbulbs.</i>					
<b>RELEVANT NOTES:</b>			<i>This monthly lease cost of \$18,521.42 per month will remain in place through remainder of the lease (through June 2019). New monthly lease rate assumed to be \$20,818 per month.</i>					

<b>WENATCHEE</b>			<b>ADDRESS:</b> 139 S. Worthen, Suite 200, Wenatchee. WA 98801					
<b>ACTION</b>	<b>SQUARE FEET</b>	<b>LEASE START DATE</b>	<b>LEASE END DATE</b>	<b>FY2019 FUNDED LEVEL</b>	<b>RENEWAL INCREASE %</b>	<b>PROJECTED for FY2020</b>	<b>PROJECTED for FY2021</b>	<b>REQUESTED 1-TIME COSTS</b>
<i>Renew</i>	3,695	11/01/14	10/31/19	\$ 72,053	12.398%	\$ 78,008	\$ 80,986	\$ -
<b>SERVICES INCLUDED IN LEASE:</b>			<i>Water, sewer, garbage, natural gas, electricity, janitorial services &amp; supplies.</i>					
<b>RELEVANT NOTES:</b>			<i>This monthly lease cost of \$6,004.38 per month will remain in place through remainder of the lease (through October 2019). New monthly lease rate assumed to be \$6,749 per month.</i>					

<b>YAKIMA</b>			<b>ADDRESS:</b> 1433 Lakeside Court, Suite 102, Yakima, WA 98902					
<b>ACTION</b>	<b>SQUARE FEET</b>	<b>LEASE START DATE</b>	<b>LEASE END DATE</b>	<b>FY2019 FUNDED LEVEL</b>	<b>RENEWAL INCREASE %</b>	<b>PROJECTED for FY2020</b>	<b>PROJECTED for FY2021</b>	<b>REQUESTED 1-TIME COSTS</b>
<i>Renew</i>	5,870	08/01/15	07/31/20	\$ 99,790	13.472%	\$ 99,790	\$ 112,113	\$ -
<b>SERVICES INCLUDED IN LEASE:</b>			<i>Taxes and assessments, insurance, storm water, landscape and irrigation, water, sewer, garbage, maintenance and repair.</i>					
<b>RELEVANT NOTES:</b>			<i>This monthly lease cost of \$8,315.83 per month will remain in place through remainder of the lease (through July 2020). New monthly lease rate assumed to be \$9,436 per month.</i>					



Agency Code and Title: 100 - Office of the Attorney General  
 Agency Contact: Edd Giger  
 Contact Email: [EdwardG@atg.wa.gov](mailto:EdwardG@atg.wa.gov)  
 Contact Phone: 360.586.2104

**Expected Staffing and Expenditures** - Please include/attach backup models that support the agency's request.

Activity Area	Agency In-Kind	Source of Funds	Fund	Obj of Expenditure	Expenditure and FTE assumption details: Agencies must clearly articulate the workload or policy assumptions used in calculating expenditures and FTEs proposed.	What specific outcomes does the agency expect? Describe and quantify the specific outcomes the agency expects as a result of this funding.	FY20 FTEs	FY20 Amount	FY21 FTEs	FY21 Amount
User Acceptance Test	One Washington DP	State	001	A, B, E, G, J	FY 2020 - 2023 -1.0 Management Analyst 5 positions Costs assume Range 61, Step L (Financial Services)	In consultation with the Subject Matter Experts for Accounts Payable, Accounts Receivable, General Ledger Accounting, Procurement, Contracts, etc. ensure the software can handle required tasks in real-world scenarios, according to specifications. Ensure software is operating properly. Ensure system's compliance with specified requirements.	1.00	\$ 119,828	1.00	\$ 119,828
Integration Test	One Washington DP	State	001	A, B, E, G, J	FY 2020 - 2023 - 1.0 Management Analyst 5 positions Costs assume Range 61, Step L (Financial Services)	In consultation with the Subject Matter Experts for Accounts Payable, Accounts Receivable, General Ledger Accounting, Procurement, Contracts, etc. ensure integration meets agency requirements.	1.00	\$ 119,828	1.00	\$ 119,828
OCM	One Washington DP	State	001	A, B, E, G, J	FY 2020 - 2023 - 1.0 Management Analyst 5 positions Costs assume Range 61, Step L (Financial Services)	In consultation with the Subject Matter Experts for Accounts Payable, Accounts Receivable, General Ledger Accounting, Procurement, Contracts, etc. ensure project communications and training are provided throughout the agency and any agency unique items are clarified.	1.00	\$ 119,828	1.00	\$ 119,828
Integration	One Washington DP	State	001-1	A, B, E, G, J	FY2020-2023: 1.0 Project ITS6 IT Architect position. Cost assumed as Range 70, Step L (Information Services) Complete oversight and technical leader for a seamless transition to the new Enterprise Resource Planning (ERP) solution implemented by One Washington. Work with the OFM project team and AGO business stakeholders to adopt and implement new capabilities where possible, and ensure AGO mission critical applications continue to operate as expected during conversions to new enterprise data sources	<ul style="list-style-type: none"> <li>Identify and document integration impacts and/or changes needed to interface with or replace any existing AGO application functions with capabilities provided by the new Enterprise Resource Planning (ERP) solution implemented by One Washington.</li> <li>Document data crosswalks identifying what data elements will be changing and what changes need to be made to existing AFRS and HRMS interfaces.</li> <li>Document User Acceptance Testing (UAT) requirements, records retention requirements, system architectural design including user workflows</li> <li>Partner with AGO business stakeholders to develop and execute an AGO Change Management Plan, Project Plan, Communication Plan and Transition to Operations Plan.</li> <li>Lead and/or direct all necessary software development, testing, training, and implementation tasks.</li> </ul>	1.00	\$ 140,772	1.00	\$ 140,772

Activity Area	Agency In-Kind	Source of Funds	Fund	Obj of Expenditure	Expenditure and FTE assumption details: Agencies must clearly articulate the workload or policy assumptions used in calculating expenditures and FTEs proposed.	What specific outcomes does the agency expect? Describe and quantify the specific outcomes the agency expects as a result of this funding.	FY20 FTEs	FY20 Amount	FY21 FTEs	FY21 Amount
Integration	One Washington DP	State	001-1	A, B, E, G, J	FY2020: 1.0 Project ITS4 Software Developer position. Cost assumed as Range 62, Step L (Information Services). partner with the ITS6 IT Architect and other stakeholders to ensure application authentication is compatible with or improved in the new Enterprise Resource Planning (ERP) solution implemented by One Washington. Ensure Role-base access to application functionality, Delegation of Authority, Matrix Management, Single Sign On (SSO) and other authentication integration is achieved.	<ul style="list-style-type: none"> <li>Convert critical AGO Application authentication functionality, while retroactively maintaining integrity of historical references. This authentication supports specific role based access which is not supported in Active Directory or HRMS. Ensure this role-based access continues to allow delegation of authority or specific actions.</li> <li>Ensure Matrix Management (multiple supervisors) remains supported or convert to the new model provided by One Washington's ERP solution.</li> <li>Ensure or improve Single Sign On (SSO) functionality to all applications used by AGO staff.</li> <li>Convert to or implement new Hierarchy structure(s) provide in One Washington's ERP solution to support more granular Section or Team definitions not provided with existing Organizational Unit structures.</li> <li>Identify and document integration impacts and/or changes needed to authenticate and securely use AGO applications when using One Washington's ERP solution.</li> <li>Document testing scenarios and configurations necessary to ensure OCIO Security compliance.</li> <li>Provide requested input for AGO Change Management Plan, Project Plan, Communication Plan and Transition to Operations Plan.</li> </ul>	1.00	\$ 120,279	0.00	\$ -
Integration	One Washington DP	State	001-1	A, B, E, G, J	FY2020-2023: 3.0 Project ITS4 Software Developer positions. Cost assumed as Range 62, Step L (Information Services)	Software Development, Documentation, Testing, Training, and Implementation.	3.00	\$ 360,837	3.00	\$ 360,837
							<b>8.00</b>	<b>\$ 981,372</b>	<b>7.00</b>	<b>\$ 861,093</b>

**TAB D**

**REVENUE**





State of Washington  
Summarized Revenue by Account and Source

**Agency: 100 Office of Attorney General**  
**Session: 2019-21 Regular**  
**Version: 1921 - 2019-21 Biennial Budget Request**  
**All Programs at the Program Level**

*Supporting Text Excluded*  
*Dollars in Thousands*

	Maintenance Level				Policy Level				Annual Totals				Total
	FY2020	FY2021	FY2022	FY2023	FY2020	FY2021	FY2022	FY2023	FY2020	FY2021	FY2022	FY2023	
<b>001 - General Fund</b>													
9F - Federal Funding Adjustment	1,270	1,270											
Total - 0316 - Dept of Justice - F	1,270	1,270							1,270	1,270			2,540
8L - Lease Adjustments < 20,000 sq. ft.	14	40	28	3									
KA - Attorney Retention and Salary Grid					80	81	81	81					
KF - MFC Elder and Program Protection					2,060	2,160	2,160	2,160					
Total - 0393 - Health & Human Svc - F	14	40	28	3	2,140	2,241	2,241	2,241	2,154	2,281	2,269	2,244	8,948
<b>001 - General Fund - Federal</b>	<b>1,284</b>	<b>1,310</b>	<b>28</b>	<b>3</b>	<b>2,140</b>	<b>2,241</b>	<b>2,241</b>	<b>2,241</b>	<b>3,424</b>	<b>3,551</b>	<b>2,269</b>	<b>2,244</b>	<b>11,488</b>
<b>Total - 001 - General Fund</b>	<b>1,284</b>	<b>1,310</b>	<b>28</b>	<b>3</b>	<b>2,140</b>	<b>2,241</b>	<b>2,241</b>	<b>2,241</b>	<b>3,424</b>	<b>3,551</b>	<b>2,269</b>	<b>2,244</b>	<b>11,488</b>
<b>405 - Legal Serv Rev Acct</b>													
8L - Lease Adjustments < 20,000 sq. ft.	988	1,234	764	761									
K1 - Family Leave Legal Services	228	457	457	457									
KA - Attorney Retention and Salary Grid					6,020	6,063	6,108	6,154					
KB - Child Permanency & Child Welfare					8,326	13,554	13,554	13,554					
KE - Mental Health Legal Services	459	460	460	460									
KG - L&I Employment Standard Audits					818	818	818	818					
KJ - Davison v. WA State	1,275	132											
KL - Madison v. OSPI Litigation	708	160											
KN - Skagit River Bridge Collapse	1,086												
KP - Natural Resources Legal Services	186	186	186	186									
KQ - Education Legal Services	148	148	148	148									
KR - WSU Legal Services	187	187	187	187									
Total - 0420 - Charges for Services - S	5,265	2,964	2,202	2,199	15,164	20,435	20,480	20,526	20,429	23,399	22,682	22,725	89,235
<b>405 - Legal Serv Rev Acct - State</b>	<b>5,265</b>	<b>2,964</b>	<b>2,202</b>	<b>2,199</b>	<b>15,164</b>	<b>20,435</b>	<b>20,480</b>	<b>20,526</b>	<b>20,429</b>	<b>23,399</b>	<b>22,682</b>	<b>22,725</b>	<b>89,235</b>
<b>Total - 405 - Legal Serv Rev Acct</b>	<b>5,265</b>	<b>2,964</b>	<b>2,202</b>	<b>2,199</b>	<b>15,164</b>	<b>20,435</b>	<b>20,480</b>	<b>20,526</b>	<b>20,429</b>	<b>23,399</b>	<b>22,682</b>	<b>22,725</b>	<b>89,235</b>
<b>Agency: 100 ATG - State</b>	<b>5,265</b>	<b>2,964</b>	<b>2,202</b>	<b>2,199</b>	<b>15,164</b>	<b>20,435</b>	<b>20,480</b>	<b>20,526</b>	<b>20,429</b>	<b>23,399</b>	<b>22,682</b>	<b>22,725</b>	<b>89,235</b>
<b>Agency: 100 ATG - Federal</b>	<b>1,284</b>	<b>1,310</b>	<b>28</b>	<b>3</b>	<b>2,140</b>	<b>2,241</b>	<b>2,241</b>	<b>2,241</b>	<b>3,424</b>	<b>3,551</b>	<b>2,269</b>	<b>2,244</b>	<b>11,488</b>
<b>Total - Agency: 100 ATG</b>	<b>6,549</b>	<b>4,274</b>	<b>2,230</b>	<b>2,202</b>	<b>17,304</b>	<b>22,676</b>	<b>22,721</b>	<b>22,767</b>	<b>23,853</b>	<b>26,950</b>	<b>24,951</b>	<b>24,969</b>	<b>100,723</b>



## Proposed Fee Changes

- Not Applicable -



State of Washington  
Working Capital Reserve

**Agency:** 100 Office of Attorney General

**Session:** 2019-21 Regular

**Version:** 1921 2019-21 Biennial Budget Request

*Dollars in Thousands*

FUND ADMINISTRATOR AGENCY ONLY		RECOMMENDED ENDING FUND BALANCE	
FUND	FUND TITLE	2017-19 Current Biennium	2019-21 Ensuing Biennium
12F	Man/Mobile Home Dispute Resolution	90,000	92,000
154	New Motor Vehicle Arbitration Acct	125,000	128,000
19A	Medicaid Fraud Penalty Account	476,000	555,000
19P	Child Rescue Fund	2,000	2,000
405	Legal Services Revolving Account	24,000,000	27,000,000
424	Anti-Trust Revolving Account	1,100,000	1,300,000



## Revenue Transfer Reconciliation Statement

- Not Applicable -



## Additional Federal Funding Requirement

- Not Applicable -



## Additional Federal Receipts Reporting Requirements

- Not Applicable -



## Non-budgeted Local Fund Summary

- Not Applicable -



## Puget Sound Action Agenda

- Not Applicable -



## JLARC Audit Responses

- Not Applicable -



**TAB E**

**OTHER REQUIRED  
INFORMATION**





**Central Service Fund Splits**

100-Office of the Attorney General



Save/Update

All Columns by Agency must equal 100%

Agency	Program Subprogram	Account and Approp Title	Auditor	AttGen	OAH	Facilities & Services Only	CTS	Debt Services	Workers' Comp	All Other	Risk Mgmt Division	Self Insurance
<b>Percent Totals (only applies when one agency chosen)</b>			100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
100-Office of the Attorney General		001-1 General Fund-State	8.87%	8.87%	0.00%	8.87%	8.87%	8.87%	8.87%	8.87%	8.87%	8.87%
100-Office of the Attorney General		111-1 Public Service Revolving Account-State	0.89%	0.89%	0.00%	0.89%	0.89%	0.89%	0.89%	0.89%	0.89%	0.89%
100-Office of the Attorney General		12F-6 Manufactured/Mobile Home Dispute-Non-Appropriated	0.37%	0.37%	85.71%	0.37%	0.37%	0.37%	0.37%	0.37%	0.37%	0.37%
100-Office of the Attorney General		154-1 New Motor Vehicle Arbitration Acct-State	0.42%	0.42%	0.00%	0.42%	0.42%	0.42%	0.42%	0.42%	0.42%	0.42%
100-Office of the Attorney General		17L-6 Foreclosure Fairness Account-Non-Appropriated	0.28%	0.28%	0.00%	0.28%	0.28%	0.28%	0.28%	0.28%	0.28%	0.28%
100-Office of the Attorney General		405-1 Legal Services Revolving Account-State	88.23%	88.23%	14.29%	88.23%	88.23%	88.23%	88.23%	88.23%	88.23%	88.23%
100-Office of the Attorney General		424-6 Anti-Trust Revolving Account-Non-Appropriated	0.89%	0.89%	0.00%	0.89%	0.89%	0.89%	0.89%	0.89%	0.89%	0.89%
100-Office of the Attorney General		828-1 Tobacco Prevention and Control Acct-State	0.05%	0.05%	0.00%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%





Bob Ferguson

## ATTORNEY GENERAL OF WASHINGTON

7141 Cleanwater Dr SW • PO Box 40107 • Olympia WA 98504-0107

2019-21 Biennium Budget Request

Attorney General's Office Enterprise Risk Management Update

The following are three major risks that could impact the Attorney General Office's (AGO) ability to achieve its strategic objectives on time. For each risk there are a number of initiatives and activities either completed or underway designed to address the concern.

1. The threat of cyber security or network attacks is an issue that faces all state government. Agencies in and out of the state global network have experienced many phishing or malware attacks. The AGO continues to focus on this area in order to protect our Information Technology (IT) infrastructure and data.
  - The AGO prioritizes IT security awareness. The AGO provides mandatory training for employees on IT security. This training addresses physical and technology risk/safety components.
  - As a part of a statewide effort, the AGO has reviewed and updated IT policies. The purpose of the project was to ensure policy language is clear and that all of the policy elements work collectively to ensure that security, data integrity and data privacy are maintained within the agency.
  - The AGO also works collaboratively with the OCIO and CTS to meet all security standards and prevent avert attacks. Table top exercises are held to provide experience and learning opportunities in IT security and safety.
2. A data breach of medical information that is protected by the Health Information Portability and Accountability Act (HIPAA) or other Personal Health Information (PHI) is a serious risk that could result in civil and criminal penalties. In 2010, the AGO established a HIPAA Workgroup that developed policies and practices for handling PHI to assure compliance with the HITECH Act. In addition all AGO employees are required to take HIPAA/HITECH training as well as annually completing IT Security Awareness training. The AGO conducted a HIPAA risk assessment in 2011 and in 2015 and will conduct another risk assessment during this biennium.
  - The AGO developed a HIPAA Medical Information Security and Privacy policy that will be completed in conjunction with the IT policy consolidation project.
  - All AGO Divisions handling PHI have developed or updated their division business rules for PHI.
  - HIPAA training materials are available to all divisions that handle PHI.
  - The AGO continues to refine best practices to including developing division checklists and acknowledgement of accountability for employees in those divisions.
3. Business interruption due to natural disaster or another threat is a risk that could pose a significant impact to the agency's ability to serve our state agency clients.

- Renewed efforts have begun to refresh training and knowledge by agency staff in Emergency Operation Center responsibilities and disaster response plans.
- Agency Continuity of Operations Plans (COOP), division level COOP and Building Safety Plans are updated on an annual basis.
- A table top exercise to test the AGO and Division COOPs will be conducted with the agency executive management team during the biennium. This exercise is designed to expand knowledge, ensure preparedness and to increase awareness of EOC operations and disaster response.