

Agency Activity Inventory by Agency

Appropriation Period: 2003-05 Activity Version: 2004 Sup w/ Alloc & Activities

Agency: 100 - Office of Attorney General

Administrative Activity

The administrative function of the Office of the Attorney General, include the Attorney General's office, deputies and administrative support, and fiscal, human resources, and facilities staff.

Statewide Result Area: Improve the ability of State Government to achieve its results efficiently and effectively

Category: Provide support services to government agencies

FY 2004				FY 2005			
Total	GFS	Other	FTEs	Total	GFS	Other	FTEs
\$13,827,000	\$0	\$13,827,000	130.5	\$13,967,000	\$0	\$13,967,000	130.5

Expected Results:

Provide continued high quality leadership and infrastructure support for agency in an efficient and effective manner.

Civil Commitment of Sexually Violent Predators

This unit is responsible for investigating, filing, and prosecuting all sexually violent predator cases in 38 of the 39 counties in Washington. The unit was created to enhance public protection by developing and maintaining a group of highly trained and experienced attorneys and support staff who have expertise in those unique legal and mental health issues associated with sexually violent predator cases. The highly specialized Sexually Violent Predator Unit (SVPU) uses its expertise to efficiently and effectively prosecute sexually violent predator cases. The unit handles all aspects of each sexually violent predator case referred to it. This includes pre-filing investigation, consultation with mental health experts, and records review; pre-trial discovery, motions, and evidentiary hearings; trial; appeals; and annual review and less restrictive alternative proceedings. Especially challenging is the need to locate witnesses to victims of sexual assaults that happened several years ago and convince them to testify in the commitment proceedings.

Statewide Result Area: Improve the safety of people and property

Category: Support the judicial process

FY 2004				FY 2005			
Total	GFS	Other	FTEs	Total	GFS	Other	FTEs
\$1,575,000	\$0	\$1,575,000	13.5	\$1,688,000	\$0	\$1,688,000	13.5

Expected Results:

Because of the SVPU, the most dangerous and violent sexual predators in the state are detained, evaluated, and treated. They are held until they no longer constitute a threat. Consequently, fewer people are victimized, and the public is better protected from those who are most likely to reoffend.

Criminal Investigation and Prosecution

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The staff of this unit investigates and/or brings charges upon request of the Governor, a prosecuting attorney, or a legislative committee, against those who have violated criminal statutes. Typically, this unit assists local criminal justice agencies when there is a conflict that prevents them from moving forward, or requires the assistance of the experienced investigators and prosecutors that staff this unit. Examples are the investigations of serial killings in Pacific County, the prosecution of a defendant who shot a Washington State trooper in the Tri-Cities area, and a defendant who killed a young mother in Wenatchee. Cases include governmental corruption, white-collar crimes having a multi-county or statewide impact, organized crime, and other cases with special circumstances. Staff also provides training to criminal justice professionals through the Washington State Criminal Justice Training Commission. In addition, staff may respond to several hundred informal requests for assistance.

Statewide Result Area: Improve the safety of people and property

Category: Support the judicial process

FY 2004				FY 2005			
Total	GFS	Other	FTEs	Total	GFS	Other	FTEs
\$622,000	\$418,000	\$204,000	4.5	\$613,000	\$398,000	\$215,000	4.5

Expected Results:

This unit assures that where a prosecution can not proceed because of conflict or lack of experience, there is a competent, highly-skilled prosecutor to represent the people. On occasion, the local prosecutor may not be able or may refuse to act, and if so requested, the existence of the unit guarantees that matters can be prosecuted even if the local prosecutor does not wish them to be. This unit raises the level of prosecution and this results in greater public protection.

Enforcement of Anti-Trust Laws

The Antitrust Division of the Attorney General's Office enforces state and federal antitrust laws against such practices as monopolization, price-fixing and anticompetitive mergers. Working alone or with other states or federal agencies, the division has litigated against major corporations such as oil companies, drug companies, music compact disc manufacturers and vitamins manufacturers. Such litigation efforts are time-consuming and expensive. The division also responds to consumer complaints and inquiries, advises state agencies when necessary, and provides educational outreach to local business and consumer groups. In the 2001-03 Biennium, the division enjoyed tremendous success. The division filed cases and settled them for consumer restitution, state agencies' damages recoveries, civil penalties and costs and fees totaling \$33,395,574. Additionally, the historic tobacco settlement was one of the Antitrust Division's cases; during the 2001-03 biennium, total tobacco money scheduled to go into the General Fund was \$310 million. The division will continue to investigate and litigate cases involving anticompetitive activity. Although amounts of recoveries are unpredictable, the division always prioritizes cases in which damages to consumers or state agencies are significant, or when egregious behavior must be stopped. Although consumer, educational, and outreach services do not provide any source of funding and thus, require the division to incur a net loss on those programs, the importance to the community demands that they be continued. In the litigation context, the division always requests that defendants reimburse costs and attorneys fees if matters are successfully resolved.

Statewide Result Area: Improve the economic vitality of businesses and individuals

Category: Maintain a healthy business climate

FY 2004				FY 2005			
Total	GFS	Other	FTEs	Total	GFS	Other	FTEs
\$1,354,000	\$0	\$1,354,000	12.8	\$1,359,000	\$0	\$1,359,000	12.8

Expected Results:

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Protect the citizens of Washington State from antitrust activities such as price-fixing, monopolization, and illegal mergers, resulting in a competitive market, and consumers benefit from that competition in the form of lower prices or better services. Respond to consumer complaints, provide advice to state agencies and provide community education and outreach ensuring that consumers will have problems addressed, agencies will prevent problems from occurring, and businesses will become educated about their responsibilities under the antitrust laws.

Enforcement of Consumer Protection Laws

The Attorney General's staff enforces state laws, recommends changes in existing state law, and provides education to protect consumers and legitimate businesses from unfair or deceptive trade practices. In addition to investigations and litigation, the Office provides extensive information to consumers and businesses, and conciliates consumer/business disputes. The Office recovers restitution and civil penalties for the state and for individual consumers by processing complaints and litigation, most frequently involving mail order, motor vehicle purchase and repair, retail operations, home improvement, mobile homes, real estate, and collections. Under Washington State's Lemon Law, the Office processes and provides arbitration of consumers' complaints concerning new automobiles.

Statewide Result Area: Improve the economic vitality of businesses and individuals

Category: Provide consumer protection

FY 2004				FY 2005			
Total	GFS	Other	FTEs	Total	GFS	Other	FTEs
\$3,950,000	\$3,360,000	\$590,000	49.6	\$4,073,000	\$3,476,000	\$597,000	49.6

Expected Results:

The Consumer Protection Division enforces state and federal laws prohibiting unfair and deceptive business practices in trade or commerce in accordance with the Unfair Business Practices Act and the Consumer Protection Act. The Consumer Protection Division typically recovers more money on behalf of consumers of the state of Washington than the cost of its operations. The current areas of enforcement focus on automobile issues and pharmaceutical companies and continue the division's efforts in the credit and financial industries. The division also takes on nonlitigation matters which benefit consumers, such as fielding customer calls, providing advice to other state agencies, and education and outreach activities. These activities help to eliminate potential problems and to provide consumers with the tools to educate themselves and make better decisions.

Executive Ethics Board

The Executive Ethics Board is a regulatory board responsible for addressing violations of the State Ethics in Public Service Act. It also promotes and supports ethical awareness and principled action through knowledge and understanding of this law. The Board fulfills its mission under specific statutory mandates that include: developing educational materials and training; adopting rules and policies; issuing advisory opinions; investigating and resolving allegations of misconduct through an adjudicative process; reviewing certain contracts between state agencies and state officers and employees; and reviewing agency policies. The Board and its staff conducts on-going training and educational workshops as well as teaching individualized agency training sessions. It also provides informal advice and assistance in addition to formal advisory opinions. It responds to complaints through fair and impartial investigation, settlement, and hearing if settlement cannot be reached. While the Board is an independent body, the Attorney General's Office (AGO) provides its Board staff and its legal representation through two different divisions, one that provides a legal advisor and another that provides a prosecutor for the Board's regulatory actions. Currently, the Board staff consists of an Executive Director, Investigator, and a Training and Information Specialist.

Statewide Result Area: Improve the ability of State Government to achieve its results efficiently and effectively

Category: Provide accountability and oversight of government

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FY 2004				FY 2005			
Total	GFS	Other	FTEs	Total	GFS	Other	FTEs
\$344,000	\$0	\$344,000	3.2	\$353,000	\$0	\$353,000	3.2

Expected Results:

The Board is currently handling significantly greater numbers of ethics cases in the last two years, since its inception in 1995. Over the last biennium, the number of complaints filed by public employees and citizens has averaged over 100 per year which is double the amount prior to 2001. The Board has also seen an increase in the number of referrals from the State Auditor's Office whistleblower cases filed with that office that also raise Ethics Law issues.

Homicide Investigation Tracking System

The Homicide Investigation Tracking System (HITS) is a program in the Attorney General's Office (AGO) that consists of two primary functions that are related to public protection. It is the only statewide central repository for information relating to violent crimes against persons and is extensively used by local law enforcement officers to link offenses and offenders across jurisdictions. Data from more than 7,550 murder cases and 7,760 sexual assault cases have been collected by the HITS Unit and used to assist local law enforcement in the investigation of these crimes. In a typical calendar year, HITS will respond to almost 800 requests for assistance or information by law enforcement officers. Without HITS, these requests would go unanswered because it is the only system that contains this data and is able to provide this assistance. The investigators who work in HITS also provide expertise to local and national jurisdictions on homicide and rape investigations. This is especially beneficial in smaller jurisdictions where they have fewer violent crimes, thus, fewer investigators who have experience in these areas. In 2002, the HITS Unit assisted on such notorious cases as the Robert Yates serial killings, the Washington (D.C.) sniper cases, and the Robert Pickton (aka "Pig Farmer") serial killings in British Columbia, Canada.

Statewide Result Area: Improve the safety of people and property

Category: Support crime investigation

FY 2004				FY 2005			
Total	GFS	Other	FTEs	Total	GFS	Other	FTEs
\$623,000	\$0	\$623,000	8.5	\$821,000	\$0	\$821,000	8.5

Expected Results:

Because of the assistance provided by the HITS system and investigators, law enforcement has much greater access to information, advice, and assistance that supports them greatly in their investigation of violent crimes. As a result, the best suspects are pursued, which leads to saved time and better public protection.

Investigation and Defense of Tort Lawsuits

The Office of the Attorney General defends tort lawsuits brought against the state, its agencies, and employees. The majority of cases are based upon actions brought under theories of negligence in such matters as highway design, release of inmates, accidents on state property, medical malpractice, child care and custody, auto accidents, false arrests, and unreasonable force cases. Staff also handles employment law and personnel cases.

Statewide Result Area: Improve the ability of State Government to achieve its results efficiently and effectively

Category: Provide support services to government agencies

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FY 2004				FY 2005			
Total	GFS	Other	FTEs	Total	GFS	Other	FTEs
\$604,000	\$0	\$604,000	0.0	\$536,000	\$0	\$536,000	0.0

Expected Results:

Provide high quality and efficient legal services by measuring the age at which lawsuits resolve and by tracking clearance rates on a quarterly basis.

Maintain a high rate of Tort case appeal litigation success.

Investigation and Prosecution of Medicaid Fraud and Resident Abuse

The Medicaid Fraud Control Unit is federally mandated and required to investigate and prosecute crimes of fraud and resident abuse committed by Medicaid providers. The Medicaid Fraud Control Unit is the only criminal justice agency that is devoted to safeguarding the \$3.8 billion state Medicaid budget. The unit works with and serves agencies that include: the Department of Social and Health Services – Division of Medical Assistance, Department of Health, and Department of Licensing. The unit is 75 percent federally funded and operates on one federal grant. From Calendar Year 2002 to date, due to investigations and prosecutions, the Medicaid Fraud Control Unit has returned almost \$9 million to the state. Because of the unit, local law enforcement and social agencies are becoming more aware of the existence and signs of elder abuse. Because of the “network” established and maintained by the unit, the reporting agency or individuals are more expeditiously put in contact with the appropriate investigative body, thus, leading to greater public protection and solvability of these crimes.

Statewide Result Area: Improve the health of Washington citizens

Category: Support crime investigation

FY 2004				FY 2005			
Total	GFS	Other	FTEs	Total	GFS	Other	FTEs
\$1,715,000	\$294,000	\$1,421,000	22.0	\$1,724,000	\$298,000	\$1,426,000	22.0

Expected Results:

Through the unit’s efforts in investigating and prosecuting Medicaid fraud, money that is illegally taken or received is returned to the Medicaid system. Also, because of prosecution, others are deterred from committing similar crimes. This unit also investigates and prosecutes crimes committed against the residents of Medicaid-funded facilities. Oftentimes these are the most vulnerable victims. The unit’s investigation and prosecution of these offences help protect those who cannot protect themselves.

Legal Services to State Agencies

The Office of the Attorney General provides legal advice and representation to over 230 state agencies, boards, and commissions, which collectively have a broad range of program responsibility. In addition to representing agencies in litigation, the office provides legal advice on issues such as personnel, contracts, and public records, and specialized program advice. Some program responsibilities supported by the office include state and federal benefit programs administered by state agencies, state licensing and regulatory programs, state agency custodial programs, higher education institutions, natural resources programs, state agency capital construction and equipment acquisitions, state agency revenue and collection programs, and economic development and enterprise activities.

Statewide Result Area: Improve the ability of State Government to achieve its results efficiently and effectively

Category: Provide support services to government agencies

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FY 2004				FY 2005			
Total	GFS	Other	FTEs	Total	GFS	Other	FTEs
\$67,878,000	\$288,000	\$67,590,000	846.9	\$68,135,000	\$57,000	\$68,078,000	840.9

Expected Results:

The Attorney General's Office expects to provide high quality, option-based legal advice that assists agency decision making, reduces the threat of lawsuits, and saves the state the time, and in many cases the high costs of litigation. If litigation becomes necessary, the office expects to initiate, defend, and resolve its cases effectively and efficiently for the benefit of the state, its agencies, and the citizens of the state.

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