

100 - Office of Attorney General

A001 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.

	FY 2006	FY 2007	Biennial Total
FTE's	85.0	85.0	85.0
GFS	\$126,000	\$0	\$126,000
Other	\$11,476,000	\$10,756,000	\$22,232,000
Total	\$11,602,000	\$10,756,000	\$22,358,000

*FTE is second year only

Statewide Result Area: Strengthen government's ability to achieve results efficiently and effectively

Statewide Strategy: Improve decision support for government decision makers

Expected Results

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

Percentage of Professional Development Plans (PDP) completed.				
Biennium	Period	Target	Actual	Variance
2005-07	4th Qtr	0%	98.7%	98.7%

A002 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 sexual assaults that happened several years ago and convince them to testify in the commitment proceedings.

Appropriation Period: 2005-07 Activity Version: 81 - 2007 Enacted Supplemental Budget

	FY 2006	FY 2007	Biennial Total
FTE's	16.7	17.7	17.7
GFS	\$0	\$0	\$0
Other	\$2,181,000	\$2,324,000	\$4,505,000
Total	\$2,181,000	\$2,324,000	\$4,505,000

*FTE is second year only

Statewide Result Area: Improve the safety of people and property
Statewide Strategy: Support crime response and recovery

Expected Results

Because of the Sexually Violent Predator Unit, 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.

Percentage of commitments achieved in Sexually Violent Predator (SVP) cases out of cases closed.				
Biennium	Period	Target	Actual	Variance
2005-07	4th Qtr	0%	100%	100%
2003-05	8th Qtr	0%	71%	71%
	4th Qtr	0%	74%	74%
2001-03	8th Qtr	0%	57%	57%
	4th Qtr	0%	145%	145%

Percentage can exceed 100% as cases can take several years to get a commitment.

A003 Criminal Investigation and Prosecution

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.

	FY 2006	FY 2007	Biennial Total
FTE's	4.2	4.2	4.2
GFS	\$482,000	\$478,000	\$960,000
Other	\$141,000	\$165,000	\$306,000
Total	\$623,000	\$643,000	\$1,266,000

*FTE is second year only

Statewide Result Area: Improve the safety of people and property
Statewide Strategy: Support crime response and recovery

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.

Percentage of referred criminal litigation cases resulting in defendant charged with crime.				
Biennium	Period	Target	Actual	Variance
2005-07	4th Qtr	0%	28%	28%
2003-05	8th Qtr	0%	83%	83%
	4th Qtr	0%	60%	60%
2001-03	8th Qtr	0%	50%	50%
	4th Qtr	0%	70%	70%

A004 Enforcement of Anti-Trust Laws

The Antitrust Division of the Office of the Attorney General 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 filed and settled cases 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. Although amounts of recoveries are unpredictable, the division 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.

	FY 2006	FY 2007	Biennial Total
FTE's	12.8	12.8	12.8
GFS	\$0	\$0	\$0
Other	\$1,383,000	\$1,385,000	\$2,768,000
Total	\$1,383,000	\$1,385,000	\$2,768,000

*FTE is second year only

Statewide Result Area: Improve the economic vitality of businesses and individuals
Statewide Strategy: Regulate the economy to ensure fairness, security and efficiency

Expected Results

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.

Dollars recovered in Anti-Trust per AGO dollar spent.				
Biennium	Period	Target	Actual	Variance
2005-07	4th Qtr	0	8.18	8.18

A005 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.

	FY 2006	FY 2007	Biennial Total
FTE's	56.5	56.5	56.5
GFS	\$4,307,000	\$4,366,000	\$8,673,000
Other	\$679,000	\$654,000	\$1,333,000
Total	\$4,986,000	\$5,020,000	\$10,006,000

**FTE is second year only*

Statewide Result Area: Improve the economic vitality of businesses and individuals
Statewide Strategy: Provide consumer protection

Expected Results

Appropriation Period: 2005-07 Activity Version: 81 - 2007 Enacted Supplemental Budget

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 provide consumers with the tools to educate themselves and make better decisions.

Consumer dollars recovered per Attorney General's Office dollar spent.				
Biennium	Period	Target	Actual	Variance
2005-07	8th Qtr	0	2.77	2.77
	4th Qtr	0	3.55	3.55
<i>Consumer dollars recovered through Consumer Protection Program divided by total cost to run Consumer Protection Program.</i>				

A006 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 informal advice and formal 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 ongoing training and educational workshops as well as teaching individualized agency training sessions. 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 Office of the Attorney General 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.

	FY 2006	FY 2007	Biennial Total
FTE's	4.7	4.7	4.7
GFS	\$0	\$0	\$0
Other	\$472,000	\$469,000	\$941,000
Total	\$472,000	\$469,000	\$941,000

*FTE is second year only

Statewide Result Area: Strengthen government's ability to achieve results efficiently and effectively

Statewide Strategy: Support democratic processes and government accountability

Expected Results

Appropriation Period: 2005-07 Activity Version: 81 - 2007 Enacted Supplemental Budget

The Board is currently handling significantly greater numbers of ethics cases in the last two years, then 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.

Average number of days to complete an investigation of an ethics complaint.				
Biennium	Period	Target	Actual	Variance
2005-07	4th Qtr	0	525	525
2003-05	8th Qtr	0	511	511
	4th Qtr	0	512	512
2001-03	8th Qtr	0	561	561
<i>In the last 4 years (2003 - 2006) the average has been 500+ days.</i>				

A007 Homicide Investigation Tracking System

The Homicide Investigation Tracking System (HITS) is a program in the Office of the Attorney General that consists of two functions 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 in HITS. In a typical year, HITS responds to almost 800 requests for assistance or information by law enforcement officers. The investigators who work in HITS also provide expertise to local and national jurisdictions on homicide and rape investigations, which is especially beneficial in smaller jurisdictions. 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.

	FY 2006	FY 2007	Biennial Total
FTE's	9.6	9.6	9.6
GFS	\$0	\$0	\$0
Other	\$835,000	\$845,000	\$1,680,000
Total	\$835,000	\$845,000	\$1,680,000

**FTE is second year only*

Statewide Result Area: Improve the safety of people and property

Statewide Strategy: Support crime investigation

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.

Appropriation Period: 2005-07 Activity Version: 81 - 2007 Enacted Supplemental Budget

Number of requests for information from the Homicide Investigation Tracking System.				
Biennium	Period	Target	Actual	Variance
2005-07	4th Qtr	0	634	634
2003-05	8th Qtr	0	777	777
	4th Qtr	0	540	540
2001-03	8th Qtr	0	615	615
	4th Qtr	0	364	364

A008 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.

	FY 2006	FY 2007	Biennial Total
FTE's	0.0	0.0	0.0
GFS	\$0	\$0	\$0
Other	\$137,000	\$137,000	\$274,000
Total	\$137,000	\$137,000	\$274,000

*FTE is second year only

Statewide Result Area: Strengthen government's ability to achieve results efficiently and effectively

Statewide Strategy: Improve decision support for government decision makers

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.

Percent of successful Tort appeals.				
Biennium	Period	Target	Actual	Variance
2005-07	8th Qtr	0.85%		
	4th Qtr	0.85%	93%	92.15%
2003-05	8th Qtr	0%	81%	81%
	4th Qtr	0%	86%	86%
<i>Number of tort appeal cases (claim against the State in which the State is named as a defendant) closed in State's favor divided by number of tort appeal cases closed.</i>				

Appropriation Period: 2005-07 Activity Version: 81 - 2007 Enacted Supplemental Budget

Percentage of Tort cases resolved through early resolution.				
Biennium	Period	Target	Actual	Variance
2005-07	4th Qtr	0%	37%	37%
2003-05	8th Qtr	0%	37%	37%
	4th Qtr	0%	26%	26%

A009 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. 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.

	FY 2006	FY 2007	Biennial Total
FTE's	19.0	22.0	22.0
GFS	\$307,000	\$461,000	\$768,000
Other	\$1,617,000	\$2,075,000	\$3,692,000
Total	\$1,924,000	\$2,536,000	\$4,460,000

*FTE is second year only

Statewide Result Area: Improve the health of Washingtonians

Statewide Strategy: Provide access to appropriate health care

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.

Dollars recovered by Medicare Fraud Control Unit per State dollar spent.				
Biennium	Period	Target	Actual	Variance
2005-07	4th Qtr	0	11.87	11.87

A010 Legal Services to State Agencies

Appropriation Period: 2005-07 Activity Version: 81 - 2007 Enacted Supplemental Budget

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, 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.

	FY 2006	FY 2007	Biennial Total
FTE's	914.1	934.6	934.6
GFS	\$502,000	\$541,000	\$1,043,000
Other	\$80,190,000	\$87,567,000	\$167,757,000
Total	\$80,692,000	\$88,108,000	\$168,800,000

**FTE is second year only*

Statewide Result Area: Strengthen government's ability to achieve results efficiently and effectively

Statewide Strategy: Improve decision support for government decision makers

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 its citizens.

Agency wide percentage of favorable appellate outcomes.				
Biennium	Period	Target	Actual	Variance
2005-07	4th Qtr	0%	93%	93%
2003-05	8th Qtr	0%	81%	81%
	4th Qtr	0%	86%	86%

Grand Total

	FY 2006	FY 2007	Biennial Total
FTE's	1,122.6	1,147.1	1,147.1
GFS	\$5,724,000	\$5,846,000	\$11,570,000
Other	\$99,111,000	\$106,377,000	\$205,488,000
Total	\$104,835,000	\$112,223,000	\$217,058,000

**FTE is second year only*