

GOVERNMENTAL OPERATIONS

Agency 100

Office of Attorney General

Recommendation Summary

Dollars in Thousands

	Annual FTEs	General Fund State	Other Funds	Total Funds
2005-07 Expenditure Authority	1,126.4	11,570	201,808	213,378
Total Maintenance Level	1,138.9	11,306	209,401	220,707
Difference	12.5	(264)	7,593	7,329
Percent Change from Current Biennium	1.1%	(2.3)%	3.8%	3.4%
Performance Changes				
Computer System Upgrade			200	200
Attorney Salary Increases			6,200	6,200
Revise Pension Gain-Sharing #		(32)	(563)	(595)
Nonrepresented Staff Health Benefit		66	1,042	1,108
Nonrepresented Staff Salary Change		813	14,496	15,309
Subtotal		847	21,375	22,222
Total Proposed Budget	1,138.9	12,153	230,776	242,929
Difference	12.5	583	28,968	29,551
Percent Change from Current Biennium	1.1%	5.0%	14.4%	13.8%
Total Proposed Budget by Activity				
Administrative Activity	88.0	89	21,963	22,052
Civil Commitment of Sexually Violent Predators	17.7		4,465	4,465
Criminal Investigation and Prosecution	4.2	976	276	1,252
Enforcement of Anti-Trust Laws	12.8		2,622	2,622
Enforcement of Consumer Protection Laws	56.5	7,979	1,287	9,266
Executive Ethics Board	4.7		955	955
Homicide Investigation Tracking System	9.6		1,625	1,625
Investigation and Defense of Tort Lawsuits			274	274
Investigation and Prosecution of Medicaid Fraud and Resident Abuse	22.0	921	4,187	5,108
Legal Services to State Agencies	923.4	1,004	175,822	176,826
Other Statewide Adjustments		1,184	17,300	18,484
Total Proposed Budget	1,138.9	12,153	230,776	242,929

PERFORMANCE LEVEL CHANGE DESCRIPTIONS

Computer System Upgrade

The agency's timekeeping and billing systems are currently written in PowerBuilder V 7.0, a language that is no longer supported. Funding is provided for the Office of Attorney General to convert these systems to Microsoft.Net, which is the agency's standard system. (Legal Services Revolving Account-State)

GOVERNMENTAL OPERATIONS

Attorney Salary Increases

Attorney salaries will be increased to levels that are competitive with other public law offices in Washington State. (General Fund-State, Anti-Trust Revolving Account-State, Legal Service Revolving Account-State)

ACTIVITY DESCRIPTIONS

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.

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.

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.

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.

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.

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.

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.

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.

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.

GOVERNMENTAL OPERATIONS

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, 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.

Other Statewide Adjustments

This item reflects proposed compensation and other adjustments that were not allocated to individual agency activities. The agency will assign these costs to the proper activities after the budget is enacted.