



Washington State Attorney General's Office

MEDIA RESOURCE GUIDE

Contact: Communications Director Brionna Aho, 360-753-2727, Brionna.Aho@atg.wa.gov

This media resource guide is intended to provide members of the media with general information about the Washington Attorney General's Office and helpful links for records and information. If you have further questions, please reach out to Communications Director Brionna Aho at 360-753-2727, or by email at Brionna.Aho@atg.wa.gov.

Office Overview

Washington's Attorney General serves the people and the state of Washington. As the state's largest law firm, the Attorney General's Office provides legal representation to every state agency, board and commission in Washington.

Additionally, the office serves the people directly by enforcing consumer protection, civil rights and environmental protection laws. The office also prosecutes elder abuse, Medicaid fraud, and handles sexually violent predator civil commitment cases in 38 of Washington's 39 counties.

Media Policy

The communications team is the first point of contact for members of the media. In order to ensure the timeliest response, reporters should reach out directly to Communications Director Brionna Aho, Brionna.Aho@atg.wa.gov, 360-753-2727. Inquiries directed to other staff will be referred to the communications team, which may result in delays.

FAQ: Attorney General's Office Role & Authority

Criminal Jurisdiction

The Attorney General's Office has broad civil powers, but does not have original criminal jurisdiction. Under state law and the Washington State Constitution, the Attorney General's Office cannot investigate or prosecute a criminal violation without receiving and accepting a referral from a county prosecutor or the Governor. Without accepting a referral, the Attorney General's Office has no jurisdiction over criminal matters.

Unlike some state attorneys general, the Washington Attorney General does not employ general authority peace officers. Consequently, generally speaking, the office does not have the authority or personnel to investigate alleged criminal conduct. The Attorney General's Office has broad authority, however, to investigate certain civil matters such as consumer protection and civil rights violations.

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Criminal Jurisdiction

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The Attorney General's Office has no oversight role over local prosecutors, sheriffs or police chiefs.

Out of approximately 800 attorneys, the Attorney General's Office employs approximately two dozen prosecutors across three legal divisions:

- The Medicaid Fraud Control Division, which specializes in health care fraud and elder abuse;
- The Environmental Protection Division, which specializes in environmental crimes, including derelict vessels and violations of the Washington Animal Trafficking Act; and
- The Bob Keppel Criminal Justice Division, which provides client advice to the Washington State Patrol and Criminal Justice Training Commission, handles Sexually Violent Predator quasi-criminal civil commitment proceedings in 38 of Washington's 39 counties, oversees the Attorney General's Sexual Assault Kit Initiative, and prosecutes cases for smaller Washington counties that do not have the resources to handle major cases, or require assistance due to a conflict of interest.

Attorney-Client Privilege & Our Duty to Represent Our Clients

The Attorney General's Office provides legal representation to every state agency, board, and commission in Washington. This includes providing legal advice, appearing on behalf of the client in litigation, or pursuing litigation at the direction of the client, on the client's behalf and/or under the client's authority.

The Attorney General's Office provides options-based legal advice. The office does not direct client agencies to take certain action, or block them from taking action. Instead, the office advises clients about legal risks. All clients make their own decisions with respect to actions and policy, and do not always consult their legal counsel on every agency decision.

The Attorney General's Office is prohibited by state statute and ethics rules from discussing information that falls under attorney-client privilege, including any advice given to clients. This is not discretionary on the part of the Attorney General's Office. There is no exception or exemption under the rules for public law offices. Violation of these rules can result in discipline for the attorneys involved up to and including disbarment. Clients are free to waive attorney-client privilege and share legal counsel, but as a best practice this is rarely advisable.

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Attorney-Client Privilege & Our Duty to Represent Our Clients

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The Washington State Supreme Court unanimously held that the Attorney General's Office is duty-bound to represent the wishes of its client-agencies, provided the direction is lawful and ethical. ("This duty is mandatory." (*Goldmark v McKenna*))

Where the office represents a client, as opposed to exercising its independent authority, the office generally does not offer public comment on behalf of the client. The office does not serve as spokesperson for clients.

The Attorney General's Office also has a duty to represent initiatives passed by the people when they receive a legal challenge.

The Attorney General's Office does issue Attorney General Opinions, which it publishes for the benefit of the courts and the public. This is one of the ways the office balances its dual roles as the state's lawyer, while remaining accountable to the public.

Open Investigations

As a longstanding policy, the Attorney General's Office does not comment on ongoing investigations, including confirming whether or not they exist. This policy exists both to protect the integrity of investigations, and out of fairness to targets. When sufficient evidence of legal violations has been uncovered, those allegations will be made in the form of a lawsuit. If, however, a target reveals the existence of an investigation, the Attorney General's Office may confirm the investigation at that time.

Consumer Complaints

General information about consumer complaints received by the Attorney General's Office is available via a searchable website maintained by the State of Washington, data.wa.gov. The database serves as a useful starting point for determining whether complaints exist regarding a given company, and some basic information about the complaints.

More detailed information, such as the full text of complaints, and information about the complainants, is available through public records request (see Page 4).

Consumer complaint database: <https://data.wa.gov/Consumer-Protection/Attorney-General-Consumer-Complaints/gpri-47xz/data>



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Public Records & Open Government

Generally, requests for records must be processed through the Public Records Unit. However, the Public Affairs team can provide some documents, such as legal complaints, briefs, or other publicly filed documents, to media directly on a limited basis. In addition, court filings are generally linked in the relevant press releases on the Attorney General's Office website. All other document requests should be made with the Public Records Unit.

Request public records: <https://www.atg.wa.gov/request-ago-public-records>

The Attorney General's Office employs an Open Government Ombuds to assist citizens, public agencies and elected officials with Open Public Meetings Act and Public Records Act questions and compliance. Members of the public and media with questions about open government laws should contact our office. This is an important public service that we offer Washingtonians.

Contact form: <https://fortress.wa.gov/atg/formhandler/ago/ContactForm.aspx>

The Attorney General's Office provides open government training to local elected officials, and consults with local governments regarding compliance with the Public Records Act. The office does not have an assigned role within the Open Public Meetings Act or Public Records Act to conduct investigations into allegations of improper practices by local governments. These laws contains similar enforcement structures placing individual requesters in the enforcement role through filing suit in the appropriate Superior Court.

Interpretations of State Law

The Attorney General's Office generally does not offer interpretations of state law or regulations outside of client advice or the formal Attorney General Opinion process.

As part of their role as the chief law officer of the state, the Attorney General provides official opinions on questions of law at the request of designated public officials on issues arising in the course of their duties.

While these formal legal opinions are not binding in any way, they have historically been given "great respect" and "great weight" by the courts.

More information about the Attorney General Opinions, including a link to a searchable database of opinions issued since 1949, can be found here: <https://www.atg.wa.gov/agoopinions>