



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
DEPARTMENT WIDE

REVISION DATE
8/16/19

PAGE NUMBER
1 of 4

NUMBER
DOC 130.010

POLICY

TITLE
ATTORNEY GENERAL OPINION AND ADVICE

REVIEW/REVISION HISTORY:

Effective: 1/4/82
Revised: 10/1/85
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Revised: 7/1/15
Revised: 3/16/16
Revised: 8/16/19

SUMMARY OF REVISION/REVIEW:


I.A., II.B., II.B.1. & 2., II.B.3.a., and III.A. & B. - Adjusted language for clarification
Added II.H. that notification of informal advice will be emailed to Legislative Policy

APPROVED:

Signature on file

STEPHEN SINCLAIR, Secretary
Department of Corrections

7/17/19
Date Signed

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY DEPARTMENT WIDE		
	REVISION DATE 8/16/19	PAGE NUMBER 2 of 4	NUMBER DOC 130.010
	TITLE ATTORNEY GENERAL OPINION AND ADVICE		

REFERENCES:


DOC 100.100 is hereby incorporated into this policy; [RCW 43.10.030\(5\)](#); [RCW 42.56](#)

POLICY:


- I. To efficiently and effectively use Attorney General's Office (AGO) services, only designated employees may request written or verbal opinions/advice from the AGO.
- II. The Department will use the services of the AGO to:
 - A. Formulate Department policy and Washington Administrative Code (WAC) rules,
 - B. Advise on individual cases, claims, or lawsuits against the Department or its personnel,
 - C. Advise on Departmental operations and administration,
 - D. Interpret case law, statutes, rules, and regulations,
 - E. Represent the Department in legal proceedings and other matters as required, and
 - F. Advise on bills under consideration by the legislature.

DIRECTIVE:

- I. Formal Written Opinions
 - A. Only the Secretary and the Indeterminate Sentence Review Board (Board) chair may request a formal written opinion by the Attorney General's Office.
 1. Formal written opinions are official opinions that can be considered by the courts and are available through public disclosure.
- II. Informal Advice
 - A. Informal advice is any written communication provided by the AGO that is attorney-client privileged communication requested by the Department and is not disclosable under RCW 42.56. Dissemination should be limited to employees, contract staff, and volunteers who need the information in the performance of their duties.
 - B. Informal advice may be requested from the AGO as follows:
 1. Board members/designee may request advice as needed for Board - related issues.

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	<p>APPLICABILITY DEPARTMENT WIDE</p>		
	<p>REVISION DATE 8/16/19</p>	<p>PAGE NUMBER 3 of 4</p>	<p>NUMBER DOC 130.010</p>
	<p>TITLE ATTORNEY GENERAL OPINION AND ADVICE</p>		

2. The Deputy Secretary, Assistant Secretaries, and Director of Executive Policy may request advice as needed for agency-related issues and a direct report may be designated to seek informal advice on their behalf.
 - a. The Legislative Policy Manager (LPM) will be notified of authorized designees.
 - b. Designees will inform their supervisor of advice sought and provide AGO responses to their supervisor within one week of receiving the response.
 3. The LPM, Field Administrators, and Superintendents may seek informal advice for agency-related issues.
 - a. AGO responses will be forwarded to the appropriate Deputy Director or Assistant Secretary within one week of receiving the response.
 - C. Legal Liaison Officers may contact the AGO in performance of their duties (e.g., discovery, subpoenas).
 - D. Employees, contract staff, and volunteers preparing to testify as witnesses/ respondents involved in tort claims or litigation against the Department may contact the AGO regarding the claim or lawsuit.
 - E. Advice may be sought in person, by phone, or through email.
 - F. Advice sought from the AGO will be regarding Departmental matters only.
 - G. Designated employees may also request that the AGO:
 1. Answer questions regarding legal issues,
 2. Review letters or documents regarding legal issues,
 3. Attend meetings where legal issues may arise, and
 4. Attend depositions, hearings, or other proceedings where advice may be needed.
 - H. Notification of informal advice requests will be emailed to [DOC Legislative Policy](#).
- III. Documentation
- A. Employees will email AGO responses (e.g., email, letter) to [DOC Legislative Policy](#) within one week of receipt.

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY DEPARTMENT WIDE		
	REVISION DATE 8/16/19	PAGE NUMBER 4 of 4	NUMBER DOC 130.010
	TITLE ATTORNEY GENERAL OPINION AND ADVICE		

- B. Except for advice received by the Board, the LPM will maintain AGO responses on the Executive Policy Office SharePoint site for future reference by employees authorized to seek advice.

DEFINITIONS:

Words/terms appearing in this policy may be defined in the glossary section of the Policy Manual.

ATTACHMENTS:

None

DOC FORMS:

None