



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
DEPARTMENT WIDE

REVISION DATE
3/16/16

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
Revised: 2/12/01
Revised: 9/24/01
Revised: 12/7/06
Revised: 1/30/08
Revised: 3/16/09
Revised: 11/23/09
Revised: 7/1/15
Revised: 3/16/16

SUMMARY OF REVISION/REVIEW:

Added Policy Statement II.F. that the Department will use the services of the AGO to advise on bills under consideration by the legislature
II.A. - Added language for clarification
II.B. - Adjusted employees allowed to seek informal advice
Removed II.E. that other employees may obtain Appointing Authority approval either verbally or in writing, before seeking informal advice from the AGO
Added III. that the LPM will maintain AGO responses


APPROVED:

Signature on file

DAN PACHOLKE, Secretary
Department of Corrections

3/9/16

Date Signed

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY DEPARTMENT WIDE		
	REVISION DATE 3/16/16	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](#); [ACA 4-4023](#)

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 Attorney General's Office.
- II. [4-4023] 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 [4-4023]
 - A. Only the Secretary and the Indeterminate Sentence Review Board (ISRB) 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 [4-4023]
 - 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. The Secretary and direct reports are authorized to request informal advice from the AGO as follows:
 1. ISRB Board members/designee may request advice as needed for ISRB-related issues.


 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	<p>APPLICABILITY DEPARTMENT WIDE</p>		
	<p>REVISION DATE 3/16/16</p>	<p>PAGE NUMBER 3 of 4</p>	<p>NUMBER DOC 130.010</p>
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2. The Deputy Secretary, Assistant Secretaries, and Director of Executive Policy may request advice as needed for agency-related issues and may designate a direct report to seek informal advice.
 - 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 and will provide AGO responses 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.

III. Documentation

- A. Employees will provide the LPM with AGO responses (e.g., email, letter) that has agency impact (i.e., not associated with an individual offender/employee) within one week of receipt.
- B. Except for advice received by the ISRB, the LPM will maintain AGO responses in a database for future reference by employees authorized to seek advice.

DEFINITIONS:

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

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

ATTACHMENTS:

None

DOC FORMS:

None