



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

APPLICABILITY  
**DEPARTMENT WIDE**

REVISION DATE  
7/11/24

PAGE NUMBER  
1 of 3

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
- Revised: 8/16/19
- Revised: 7/11/24

**SUMMARY OF REVISION/REVIEW:**


I.A., - Adjusted language for clarification  
 Added I.A.2. that formal opinions are reserved for important issues of broad public significance  
 II.B. - Adjusted procedures for requesting informal advice from the AGO  
 Removed II.F. that notification will be emailed to the Legislative Policy distribution list  
 Removed III.A. & B. that employees will email responses within one week and that the LPM will maintain AGO responses  
 Added III.A. that any advice or written opinions will be maintained per the Records Retention Schedule

**APPROVED:**

Signature on file

\_\_\_\_\_  
**CHERYL STRANGE**, Secretary  
 Department of Corrections

6/17/24  
 \_\_\_\_\_  
 Date Signed

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**REFERENCES:**


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

**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
  - 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 Washington Attorney General.
    1. Formal written opinions are official opinions that can be considered by the courts and are available on the AGO website.
    2. Formal opinions are reserved for important issues of broad public significance.
- 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.

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B. Informal advice may be requested from the AGO as follows:

1. Board members/designees may request advice as needed for Board-related issues.
2. Executive leadership/designees may request advice as needed for agency-related issues.
3. Designated employees may also request that the AGO:
  - a. Answer questions regarding legal issues,
  - b. Review letters or documents regarding legal issues,
  - c. Attend meetings where legal issues may arise, and
  - d. Attend depositions, hearings, or other proceedings where advice may be needed.
4. Employees may contact the AGO in the performance of their duties as described in their position description (e.g., discovery, subpoenas, document reviews).
5. 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.

C. Advice may be sought in person, by phone, or through email.

D. Advice sought from the AGO will be regarding Departmental matters only.

### III. Documentation

- A. Any advice or written opinions requested or received to/from the AGO will be maintained per the Records Retention Schedule.

### DEFINITIONS:

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

### ATTACHMENTS:

None

### DOC FORMS:

None