



Bob Ferguson

## ATTORNEY GENERAL OF WASHINGTON

800 Fifth Avenue #2000 • Seattle WA 98104-3188

TO: Sue Rahr, Executive Director, Criminal Justice Training Commission  
FROM: Yasmin Trudeau, Legislative Director, Washington State Office of the Attorney General  
DATE: October 25<sup>th</sup>, 2019  
RE: Limits on Attorney General Role in Independent Investigations

Director Rahr,

Thank you so much for highlighting the various ways that our office has come up in conversations in regard to independent investigations in instances of police use of deadly force. It has been an honor to serve as a member of the statutory rulemaking on this issue with such a diverse and compassionate group of people. Our office also deeply appreciates the respect and trust that communities have in our ability to be fair and objective in any project we take on and every analysis we give.

However, keeping true to that reputation, the office must also admit where its jurisdictional authority and resources are limited. We want to be transparent about our limitations to ensure that we can always meet the expectations of the people of Washington State and our law enforcement partners. That is why we have provided an explanation of the most significant limitations below.

While the Attorney General has broad authority to enforce civil statutes, the Attorney General has no original criminal jurisdiction. Consequently, the Attorney General's Office may only exercise criminal jurisdiction to launch a criminal investigation upon the written request of an elected county prosecutor or the governor. Since the Attorney General's criminal authority is limited by statute, the status quo cannot change without legislation and a statutory amendment.

Furthermore, the Attorney General's Office is not a General Law Enforcement Agency, and does not employ any general authority Washington peace officers. The only commissioned law enforcement in the Attorney General's Office are limited-commissioned Medicaid Fraud Control Unit investigators, whose lawful authority extends only to Medicaid fraud investigations. Since statute governs which agencies are designated General Law Enforcement Agencies, the status quo cannot change without legislation and a statutory amendment.

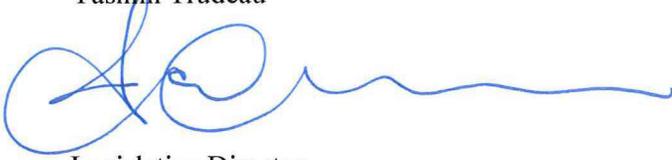
Even if legislation passed to provide the Attorney General's Office with original criminal jurisdiction and also designate the Attorney General's Office as a General Authority Law Enforcement Agency, the Legislature has not provided the Attorney General's Office with funding to investigate the use of deadly force by law enforcement. Only the Legislature can provide the necessary funding. Because the Attorney General's Office would be starting from scratch, rather than building onto an existing criminal investigative organization, the resources required would be significant.



ATTORNEY GENERAL OF WASHINGTON

This letter is not intended to inhibit discussions that are currently taking place in the rulemaking process nor is it a reflection of the values or position of the Attorney General. It is simply an explanation what is and is not possible, based on our current structure and resources.

Yasmin Trudeau

A handwritten signature in blue ink, appearing to read 'Yasmin Trudeau', with a long horizontal flourish extending to the right.

Legislative Director

Washington State Office of the Attorney General