

Ferguson talks about courthouse security, legal costs



MACLEOD PAPPIDAS | THE DAILY WORLD

Washington State Attorney General Bob Ferguson speaks with The Daily World's editorial board.

By Brionna Friedrich
The Daily World

Attorney General Bob Ferguson made a stop on Grays Harbor Tuesday, talking with prosecutors and police about legal issues impacting the county. Ferguson took office in January.

“It’s been a busy four months, it’s been great. I’m really enjoying it. There’s no lack of interesting issues going on,” he said.

Ferguson discussed several with *The Daily World’s* Editorial Board, including courthouse security, an issue of pressing importance on Grays Harbor.

Today, Gov. Jay Inslee is scheduled to sign into law a bill Ferguson pushed this session on courthouse safety. There were already sentencing enhancements in place for attacks on courthouse staff in the course of their duties, but Senate Bill 5484 extends those penalties to attacks on anyone in the area of a courthouse.

“My view was, and the view of law enforcement was, ‘Hey, that should be enhanced for anyone in the courthouse,’ ” Ferguson explained. “It was the one piece of legislation that I made AG request legislation.”

Support for the expansion was “very bipartisan, which was fantastic,” he said.

“Courthouses are different places, where we’re dispensing justice. We have stressful situations. Victims are facing folks who have inflicted violence upon them in some cases, so to have that be really clear that’s a place you can have enhanced penalties,” Ferguson said.

Going forward, anyone who commits what would be a fourth-degree assault, a gross misdemeanor, in the area of a courthouse can be charged instead with third-degree assault, a felony. Prosecutors can also use it as an aggravating factor, allowing sentencing above the normal sentencing range.

“Folks, particularly in Grays Harbor, have an interest in that,” he said, referring to the March 9, 2012, attack where Steven D. Kravetz stabbed and shot Dep. Polly Davin and stabbed Superior Court Judge David Edwards.

Kravetz is scheduled to be sentenced Friday afternoon in Grays Harbor Superior Court, but this bill won’t factor into his sentence. It isn’t set to go into effect before 90 days after the Legislature adjourns, and prosecutors must argue for aggravating factors during trial in most cases. Kravetz does face enhancements for using a firearm and a deadly weapon.

Judges’ lawsuit

At last tally, the Attorney General’s Office has spent nearly \$400,000 on legal expenses representing the Grays Harbor County Superior Court judges in a lawsuit against the county over budgetary authority.

Ferguson has requested another \$600,000 from the Legislature for the 2013-2015 biennium to continue the suit.

“That’s just money out of our agency that we can’t bill, and that’s a huge hit. That’s \$400,000 of things that we can’t do on law enforcement or consumer protection. So what we’ve asked the Legislature is, from our perspective, give us some assistance here, so we can cover these bills,” Ferguson said.

A proposal has been put forward to relieve the Attorney General of the obligation to represent state officers in lawsuits regarding fiscal appropriations. House Bill 2024 has already passed the House, and the Senate passed a similar bill in March. It could throw the future of the Grays Harbor judges’s suit in question, but Ferguson declined to

speculate on what his office would do if it were no longer required to foot the bill for the case.

“It would be a priority for us to make sure folks have representation on that, but until we see a final outcome on that, I think it would be a little premature to speculate,” he said.

Ferguson did say that the case hasn’t had a specific impact on his office since he’s been Attorney General.

“A lot of the costs were borne before I became AG ... but one thing I can tell you is there’s been a salary freeze in place for state employees now for a few years, so the fact that salaries have been capped has left some room in the budget,” he explained.

With another \$6 million to \$7 million in other budget cuts possibly coming, the strain will likely get tougher.

“It won’t be easy. But understand, that’s a reality of state government right now,” Ferguson said.

Open Government

Depending on what happens with his office’s budget, Ferguson said he’d like to see the open records ombudsman position extended to full-time. Currently, the ombudsman splits his time between interacting with the public and handling cases.

“I think it’s fair to say it’s a priority and I’m fairly determined to make that happen, but obviously we have to balance out all sorts of things in our budget,” he said.

Recently, he’s been discussing the idea of a mediation process with his staff for people dealing with public records requests. It would serve as an alternative to litigation for citizens were having a dispute with a public agency over their right to certain records.

It’s been proposed before, but was never adopted by the Legislature. Ferguson said his staff is looking into it.

“It has an intrinsic appeal to me partly because before I ran for King County Council, I was in private practice,” he said. “A lot of cases I worked on were big interest, millions of dollars at stake, and I’d have a client where I thought that there’s no way that this client

is going to agree to any settlement with the other side. But you know what, if you go to a mediation, if you have a good mediator, it's amazing.

"A good mediator brings parties together and finds a resolution where maybe no one's completely happy but they get to an agreement. ... It's remarkable how well an effective mediator can work even for complex civil litigation with millions of dollars at stake."

Ferguson recalled times where, as an attorney, he was at the point of filing a suit before an agency would agree to give his client the requested documents. "These were documents (that) 100 percent, they were entitled to, but who has the resources to hire an attorney? ... They shouldn't have to," he said.

Marijuana legalization

Shortly after they took office, Ferguson and Inslee met with U.S. Attorney General Eric Holder on the state's legalization of marijuana. The federal government still hasn't given a clear answer on how it will handle legalization in Washington and Colorado, but Ferguson said that could be a good thing.

"A lot of folks are very anxious or even impatient to hear from the federal government on this. ... My perspective is, I'm glad they're taking their time. It's a complex set of issues, and I don't begrudge them taking their time and trying to really understand what our initiative does or doesn't do. And so really, from my standpoint, I thought Eric Holder was really thoughtful in his approach, trying to see what we're doing and why we're doing it," Ferguson said.

Just in case, he said he has a team of attorney's preparing the state's plan for the "worst-case scenario."

"While we hope to avoid litigation with the federal government, my job is pretty clear on this. The voters have spoken and my job is to uphold the will of the voters," Ferguson said. "We've had communication with the federal government to answer all their questions about our initiative, make sure they understand we have a robust system in place to manage that. But at the end of the day it's going to be their call, and I don't know what that's going to be."