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15 December 2003

Steve Call, Director  
Office of Management and Budget  
32<sup>nd</sup> Floor, Bank of America Tower  
701 5<sup>th</sup> Avenue  
Seattle WA 98104

**Re: State v. Ridgway Plans for 2003 and 2004: Budget Proviso Compliance**

Dear Steve,

This submittal is designed to comply with the proviso in the 2004 PAO budget and provide detail on the PAO's budget needs for 2003 and 2004 with regard to the additional work necessary to finish the PAO's legal and public records act obligations on this case.

**I. The Prosecution Team and the Workplan**

The remaining work on the criminal case includes:

- 1) the sentencing hearing, set for December 18;
- 2) preparation of legal documents, including the aggravated murder report for the court;
- 3) victim-family notification and advocacy throughout the sentencing;
- 4) victim-family restitution, which has been ordered by the court to be compiled through affidavits;
- 5) completion of the scanning project for transcripts and reports not yet in the database;
- 6) organizing the prosecution's work product for storage

We anticipate that the bulk of the work on the criminal prosecution part of this case will be completed by mid-January.

We have five deputy prosecutors assigned to the case. Four of the five will be returned to an assignment within the PAO in early 2004. The fifth deputy is managing the public records act project detailed below.

There is one senior paralegal assigned to the project. The other paralegals have returned to other units of the PAO.

We have two employees who have expertise in database management. They will continue to work on the public records act project though at least the first quarter of 2004. We will be making a proposal to you that we bring their skills in document-intensive litigation management

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in-house in the PAO. We believe we could save the county hundreds of thousands of dollars annually that is now spent on private companies that provide litigation management services.

## **II. The Public Records Act Project**

Under this state's unique approach to public records, most of the documents, recordings and exhibits in this case are presumptively public and must be provided upon request by any citizen. The statute provides only the ability to recover the cost of the medium upon which the record is printed (e.g. 15 cents per page or the cost of a blank CD-ROM). We cannot charge a requesting party the actual costs of organizing the records, or the cost of removing from the records that which is prohibited by law from being disclosed, such as medical reports, non-conviction criminal information, or private data such as social security numbers.

A significant effort has already begun to comb through the hundreds of thousands of documents and hundreds of hours of recordings to identify and redact impermissible records, and prepare a complete public record copy. As you know, failure to meet our legal obligations can carry significant financial penalties under the state's Public Records Act, RCW 42.17.

As of today there are more than 43 separate requests from journalists for access to the investigative documents and recordings in this case. The law presumes that these materials are public documents, but the law also mandates that certain categories of documents (e.g. non-conviction data, medical examiners' reports, and private information such as social security numbers) be withheld. There are also open and unsolved crimes that are part of the voluminous materials that are necessary to redact for effective law enforcement.

As part of this memo, I have outlined the resources needed to fund a small team from the PAO to meet the incoming requests for production of these materials. Like everything else in this case, the size and scope of public records amassed is unprecedented. At this stage it is not possible to predict precisely how long this project will take to complete. I anticipate that the team will need to be funded through at least the first quarter of 2004. Out of an abundance of caution, assumptions have been made in the accompanying budget reports that take this project through the first two quarters of 2004. There is no one in the PAO who wants the project to last that long.

### **Inventory and Scope of Presumptively Public Records**

Below is a list of the categories of records subject to public disclosure requests:

1. Interview transcripts: 6,600 pages (approx.)
2. Recorded interviews: 248 tapes/DVDs
3. Ridgway suspect file: 26,000 pages
4. Victim files: 65,000 pages
5. "Tips" Files: 86,000 pages
6. Other suspect files: 160,000 pages
7. GRTF correspondence: 10,000 pages
8. Other archived materials: 53,000 pages
9. Misc. archived materials: 36 boxes not scanned into database

### **PAO Public Records Team**

The Public Records Project team will need these resources:

1. One deputy prosecutor;
2. Two technical staff who have experience with the electronic database for the first quarter of 2004;
3. One senior paralegal for the first quarter of 2004;
4. An extra-help budget of up to \$85,000 to hire temporary help to "code" the otherwise public documents for necessary redaction;
5. Additional costs of document processing into the database;
6. Significant time from Civil Division deputies familiar with public records act requirements (no additional costs);
7. Significant assistance from PAO IT staff (no additional costs)

### **III. Additional Work still to be performed in 2003**

The sentencing hearing on the 18<sup>th</sup> of December marks a significant milestone in this case, but does not signal the end of our work. Another critical task is the presentation of the aggravated murder report for the court's approval. This report becomes part of the database of aggravated murder cases in Washington and will become the official record for court review.

The court has ordered restitution to be paid to the families of victims for actual costs related to funeral expenses. PAO staff is working with families to provide the court with loss statements for calculation and presentation at a time after sentencing.

There also remains a significant amount of work left to enter the transcripts of the interviews with the defendant into the database. This is necessary for the public records compliance and for the benefit of ongoing investigations. Due to security concerns, transcripts were not sent to the vendor during the six months of interviews prior to the plea on November 5<sup>th</sup> to be scanned and integrated into the Summation Database. These consist of approximately 2700 pages of "new victim" documents, 6500 pages of Ridgway Interview Transcripts, and about 500 pages of new Tip Sheets. Additionally, the detectives have yet to submit Follow-up Report Forms for the past five months – estimated (based on past volume) to be about 4000 pages. This approximate total of 13,700 pages will cost between \$15,000 and \$20,000 (depending on document complexity) to process and can probably be accomplished in time to be billed by the end of December.

We will also need to acquire additional storage capacity on the file server that hosts the database and video editing equipment to make appropriate redaction in the DVDs containing the interviews with the defendant where details of unsolved homicides were discussed.

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#### **IV. 2003 Budget -- Unspent Line Items**

The 2003 budget for this case for the PAO totaled \$1,267,338, not including the PAO absorption of the costs of two full-time senior deputy prosecutors. The staffing and technology costs for 2003 have met the projections and will be fully expended.

The one area where fewer funds were expended as a result of the plea agreement is in the area of expert witness costs and trial exhibit preparation. **We estimate that we will under-spend our 2003 budget on this case by about \$310,000.**

#### **V. 2004 Budget**

For 2004 the Executive and Council had reserved \$1,174,350 for prosecution staffing and trial costs. The 2004 budget proviso set aside \$295,323 to cover PAO costs associated with closing out this case. We anticipate that this amount will more than cover the cost of the Public Records Project for 2004. We look forward to finishing our work on this case, complying with our obligations under the public records act, and re-integrating our prosecution team into the office.

The Executive and the Council have provided exemplary leadership in responding to the needs of the PAO since this case was filed in late 2001. We look forward to the conclusion of this project, and will fully participate in budget reconciliation to account for resources provided that were not utilized.

Sincerely,

Norm Maleng  
King County Prosecuting Attorney

Cc: The Honorable Ron Sims, King County Executive  
The Honorable Larry Phillips, Chair, Budget and Fiscal Management Committee  
Rebecha Cusack, Lead Analyst, Budget and Fiscal Management Committee