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State v. Ridgway:
Prosecuting Attorney's Office Extraordinary Budget Request

A. Case Overview

After 19 years of investigation by the King County Sheriff's Office, Gary Leon Ridgway has been charged with four counts of first-degree aggravated murder. While it is the normal practice of the King County Prosecuting Attorney's Office to absorb the impact of complex, high profile criminal prosecutions within its existing budget, this is by no measure an ordinary case. This memo outlines the unique features of this prosecution and ongoing investigation that require immediate resources not available in the adopted 2002 PAO budget.

B. PAO Trial Team Resources Necessary for the Case

As with any other aggravated murder case, we will assign two senior trial deputies to this case and absorb their costs within our adopted 2002 budget. These senior deputies have other responsibilities in addition to this case, but it will be their top priority.

The many unique factors of this case require additional resources beyond the two senior deputies, not anticipated in the 2002 budget, that we are compelled to request from the Executive and the Council. We are mindful of the County's fiscal crisis and have trimmed our extraordinary request to the minimum necessary to handle this enormous case.

The extra needs are:

1. Two trial deputies: annual cost: \$116,000 for entry level dpas to backfill Ridgway team seniors;
2. One paralegal: annual cost \$55,000
3. Technology package: laptops, servers and printers for the team: \$26,000 (one time)

Total: **\$197,000**

C. Unique Features of This Case

As with "routine" aggravated murder cases, the deputy prosecutors must focus on marshalling the evidence on the four charged counts and preparing the case for presentation in court. Beyond this critical task are additional roles for the deputy prosecutors that are not found in other aggravated murder cases.

The first unique aspect to this case is the sheer volume of material that constitutes the "discovery". The investigative reports of the four charged homicides, the police reports on

dozens of other homicides investigated by the Green River Task Force during the 1980's, and other potentially relevant evidence fill several rooms. When all relevant documents are finally tallied, there may be close to **one million** pieces of paper that constitute discovery.

There are also thousands of items of evidence seized at the crime scenes and pursuant to search warrants. The deputy prosecutors and the sheriff's deputies will review all of the documents and all of the evidence for potential forensic and evidentiary value.

One immediate role for the trial deputies is to begin to understand the nature and extent of the physical evidence and review all of the documents for potential trial value. They must be prepared to afford the defendant his right to a speedy trial and also be prepared to meet anticipated defense motions on all potential legal issues.

The second unusual aspect to this case is the on-going nature of the investigation. While we are preparing the case for trial, we are also assisting the Sheriff's task force with reviewing other unsolved homicides from the Puget Sound region and beyond. The Sheriff has expanded the investigation to include cases from Canada, Lewis County, Oregon and California. Scores of unsolved homicides will be re-opened and reviewed as part of this effort. One of the extraordinary functions of the Ridgway trial team will be to provide legal advice and assistance on these investigations. This includes reviewing the evidence collected at old crime scenes and evaluating it for potential forensic science laboratory testing. It includes help in obtaining search warrants that may be necessary, and assisting in the evaluation and prioritization of the thousands of tips from the public that have come in since the arrest.

**D. Document Management Project
\$1 million (estimated)**

Before we can accomplish anything significant in trial preparation or in re-investigating unsolved cases, we must assemble the paperwork related to this case in a form that is usable and accessible to all. For more than 19 years, the King County Sheriff's Office has been creating and maintaining all investigative reports and other documentary evidence as a part of the Green River Task Force. Today, these reports total, by conservative estimate, 930,000 pages, with more being created every day. These reports are kept in notebooks and file drawers at the Task Force offices. They vary in investigative value, from unverified tips to reports key in establishing probable cause. The papers the reports are printed on also vary in quality, depending on age and other factors.

It is imperative that these pieces of paper be transformed into an electronic database through modern imaging technology. It is the first step that must be taken in the litigation, but it is not a technology that is available within King County government.

Reducing the rooms full of paper into a database will be expensive, but it will fulfill at least three crucial functions:

First, it will meet our mandatory duty to provide discovery to the defense. In any criminal case, the prosecution must provide a copy of the evidence, or "discovery", to the defense. Using a digital scanner to copy the paperwork created over the last two decades by the Task Force is the

only feasible way to meet this duty. Providing a couple of CDs to the defense, instead of truckloads of paper in boxes, will also present the discovery in a useful format that should minimize trial delays based on discovery issues.

Second, it will greatly assist the deputy prosecuting attorneys assigned to try this case. Once an electronic database is created, both the defense and the prosecution can design search programs that they each believe will best organize and retrieve the documents. With nearly a million pages virtually at their fingertips, the attorneys will be able to pull together their cases with speed and precision. They can search the work product of the Task Force and bring together documents that may have never been compared before.

Third, the database will be of immense value to the ongoing investigation. The work of the Sheriff's Task Force did not end with the apprehension of Gary Ridgway. In many ways, that event was just the beginning of a second phase of this massive investigation. There are scores of unsolved homicides currently under investigation, and, in each case, a need to compile and compare information, both old and new. A searchable electronic database will make the ongoing investigators much more efficient and effective as they vigorously re-new their attempt to solve these tragic cases.

The PAO has invited several vendors with experience in complex litigation and document management to engage in a limited competitive bidding process to perform this service. Because we are under time constraints imposed by court rule and case law for providing discovery, and because this legal service as it relates to PAO needs to develop searching software implicates our work-product case theories and impressions, we chose not to invoke the county's regular purchasing process. Instead, we invited four companies, each with a track record in managing document-intensive civil litigation, to review our needs and present a bid. Our prosecution team has met with representatives of each vendor, and also taken several on site visits of the document storage rooms to get the best estimates of the scope and costs of the work. Two of the vendors made presentations to the GRTF and the prosecution team in the final stage of the process.

We have selected the law firm of Preston Gates and Ellis to perform the document management function for this case. The exact parameters of the work and the price per document are the subjects of current negotiations with Preston Gates and Ellis.

The specific work to be performed includes:

- a) document preparation;
- b) sequential numbering of the pages (also called Bate's stamping);
- c) digital scanning of the document;
- d) optical character referencing (OCR);
- e) coding/categorizing of the information on each document;
- f) application of search engine software.

The production of discovery in a potential capital murder case is a critical function. Errors in discovery are unacceptable to prosecutors, defense attorneys, and to reviewing courts. Preston Gates and Ellis not only has the most competitive financial bid, but also has the most impressive procedure in place to accurately produce the work. The Preston firm also has a reputation for

excellence in the legal community based on familiarity and success with the requirements and demands of court rules, judges and attorneys.

The costs of this project will depend on the number of pages of investigative reports that need to be included in discovery. For planning purposes, we should adopt an estimate of \$1 per page to prepare, scan, OCR, and code the documents. We will not know precisely how many documents are in the discovery until we are well underway with the scanning project. The estimated range of pages of discovery is between 700,000 and one million. We should plan to budget one million dollars. If the project ends up costing less, we will account for the unexpended funds and return the money to the current expense funds.

The obligation to produce on-going documents created by the current investigation must also be planned for in the budget. Our best estimate of the cost of document production for years two and three of this case is a total of \$250,000.

E. **PAO Extraordinary Budget Needs**

1. **Two Deputy Prosecutor Positions to backfill two added to Ridgway Team**
Costs: \$116,000 Annual

The PAO is prepared to absorb the impact of putting two senior deputy prosecutors on the Ridgway case, as this is the normal impact of an aggravated murder prosecution. Because of the massive volume of documentary and physical evidence, and because of the need to provide ongoing advice and assistance to investigators looking at scores of unsolved homicides, the usual deployment of two attorneys is not sufficient. Two additional deputies must be devoted to the effort so that the team can meet the demands and expectations of these discreet tasks:

First, preparing for trial;

Second, reviewing the other cases in the GRTF files;

Third, assisting in the ongoing investigation of the defendant;

Fourth, reviewing other unsolved cases that may be brought to the GRTF by other law enforcement agencies.

2. **One full-time experienced paralegal to assist with all functions described above.**
Cost: \$55,000 Annual

The work of the deputy prosecutors must be supported by an experienced paralegal. We have already assigned the lead paralegal in the Criminal Division to the Ridgway trial team. We need a paralegal FTE to backfill her position and provide support for the other work of the Division.

3. **Budget for Information Technology Hardware and Software**
Cost: \$26,200 one-time

The PAO trial team will require a modest budget for computers to allow them to operate effectively on site with the Task Force and in their own "war room" office in the Administration Building.

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IT support for operations in their new offices in the Admin Bldg., continued operations in the Fraud Division office, and off-site activities including work at the evidence warehouse maintained by the King County Sheriff. This requires the following capital purchases:

Item	Quantity	Aprox cost/item	Total
Desktop PC	5	\$1,000	\$5,000
Notebook PC	3	\$2,000	\$6,000
File Server	1	\$10,000	\$10,000
Printer	1	\$1,700	\$1,700
LCD Projector	1	\$3,500	\$3,500
			\$26,200 Total

Prosecuting Attorney Costs for Ridgway

2 Year Financial Plan

	2002	2003
<u>Staff Costs</u>		
<u>Salaries</u>		
2 Attorneys	\$ 87,800	\$ 94,800
Paralegal	\$ 48,241	\$ 50,653
Subtotal Salaries	\$ 136,041	\$ 145,453
<u>Benefits</u>	\$ 42,023	\$ 44,322
Subtotal Salaries and Benefits	\$ 178,063	\$ 189,776
Furniture & Other Operating	\$ 12,500	0
Other Equipment & Peripherals	\$ 25,000	0
Total PAO Request	\$ 215,563	\$ 189,776

Document Production Project

Total Costs	\$ 1,000,000	\$ 150,000
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