

FISCAL YEAR 2021

TORT CLAIM INDEMNITY PAYOUT ANALYSIS

Office of Risk Management

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# Statewide Indemnity Payouts for Fiscal Years 2014-2021

This data includes WSDOT Marine Division Payouts which are reimbursed to the self-insurance fund and excludes UW and Excess Insurance refunds.

The table below contains payout dollars for the top four agencies with the highest indemnity payouts. It also includes indemnity payout dollars for all other agencies combined.

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Agency** | **FY 2014** | **FY 2015** | **FY 2016** | **FY 2017** | **FY 2018** | **FY 2019** | **FY 2020** | **FY 2021** |
| **WSU** | 434,412 | 243,924 | 486,769 | 288,381 | 202,300 | 637,447 | 1,979,235 | 3,390,795 |
| **DCYF** | 0 | 0 | 0 | 0 | 0 | 84,231,789 | 72,203,621 | 70,741,311 |
| **DOT** | 9,439,229 | 14,352,216 | 64,311,819 | 6,129,090 | 15,254,486 | 56,987,071 | 28,593,397 | 14,082,392 |
| **DSHS** | 17,735,832 | 27,394,840 | 21,894,312 | 37,262,249 | 42,910,700 | 13,965,032 | 11,810,843 | 5,228,304 |
| **All Others** | 5,314,248 | 12,090,114 | 6,607,157 | 76,159,009 | 7,571,290 | 21,260,749 | 12,808,066 | 6,493,022 |
| **Totals** | **48,488,613** | **59,503,089** | **102,792,268** | **133,785,218** | **72,471,394** | **179,005,775** | **132,725,174** | **99,935,824** |

Summary: Total statewide indemnity payouts for fiscal years 2014 through 2017 increased every year. Fiscal year 2018 resulted in a 47 percent decrease in indemnity payout amounts. Fiscal year 2019 resulted in a considerable increase due to two claims. The first was a vehicle accident claim settled for 29 million dollars of which the state’s insurance carrier contributed 16.5 million dollars toward the claim. The second was a landslide claim from 2014 settled for 11.87 million dollars of which the state’s insurance carrier contributed the full amount, 11.87 million dollars. Fiscal year 2020 resulted in a 26% decrease and fiscal year 2021 resulted in a further reduction of 25% in total indemnity payout amount.

# Fiscal Year 2021 Indemnity Payout Distribution

The table below contains fiscal year 2021 payout dollars for the top four agencies with the highest indemnity payouts. It also includes payout dollars for all other agencies combined.

This data includes WSDOT Marine Division Payouts which are reimbursed to the self-insurance fund and excludes UW and excess insurance refunds.

| **Agency** | **FY 2021** |
| --- | --- |
| **WSU** | 3,390,795 |
| **DCYF** | 70,741,311 |
| **DOT** | 14,082,392 |
| **DSHS** | 5,228,304 |
| **All Others** | 6,493,022 |
| **Total** | **99,935,824** |
|  |  |

DCYF contributed to 71 percent of the total fiscal year 2021 total indemnity payout amount. Respectively, DOT contributed 14 percent, DSHS 5 percent, WSU 3 percent and all other agencies combined contributed 7 percent.

# All Other State Agency Indemnity Payouts for Fiscal Years 2014-2021

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **FY 2014** | **FY 2015** | **FY 2016** | **FY 2017** | **FY 2018** | **FY 2019** | **FY 2020** | **FY 2021** |  |
| **20,879,140** | **17,512,108** | **16,099,368** | **90,105,497** | **14,103,908** | **23,184,436** | **18,138,079** | **6,493,022** |  |

Summary: There was a spike in fiscal year 2017. Of the fiscal year 2017 40 million dollar payout, a WSP class action settlement accounts for 13 million dollars, a Board of Pilotage Commissioners settlement accounts for 6.1 million dollars and a discovery sanction against the AGO accounts for 1.2 million dollars. Fiscal year 2018 resulted in a 65 percent decrease in payout amount. There was a spike in fiscal year 2019 and 40 percent decrease in fiscal year 2020. In 2021 there was another decrease of 64% from 2020 in total payout amounts.

# Fiscal Year 2021 Frequency / Severity

84 percent of event payouts are less than 100,000 dollars each and make up 3 percent of total dollars paid out for indemnities. The remaining 16 percent of event payouts make up 97 percent of total dollars paid out for indemnities.

| **FY2020** | **Total # of Events** | **Total Payouts** |
| --- | --- | --- |
| **Events < $100K** | 413 | 3,123,562 |
| **Events >= $100K** | 76 | 96,812,263 |

Summary: Only a few events resulting in claims paid are greater than 100,000 dollars and most of the events resulting in claims paid are for less than 100,000 dollars.

# Tort Indemnity Payouts for Fiscal Years 2013-2020 by Event

Large payouts result from a small number of events

This data includes WSDOT Marine Division Payouts which are reimbursed to the self-insurance fund and excludes UW and excess insurance refunds.

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | | | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | | | |
| **FY2014** | **WSP** | **Amount** | **Percent** | **DSHS** | **Amount** | **Percent** | **DOC** | **Amount** | **Percent** | **DOT** | **Amount** | **Percent** | **All Others** | **Amount** | **Percent** |
| Events > $100K | 1 | 370,001 | 57% | 14 | 17,285,641 | 97% | 10 | 15,523,181 | 97% | 6 | 8,425,000 | 89% | 13 | 3,488,818 | 75% |
| Events < $100K | 36 | 279,557 | 43% | 56 | 450,191 | 3% | 186 | 476,123 | 3% | 194 | 1,014,229 | 11% | 40 | 1,175,873 | 25% |
| Total FY2014 | 37 | 649,558 |  | 70 | 17,735,832 |  | 196 | 15,999,304 |  | 200 | 9,439,229 |  | 53 | 4,664,690 |  |
|  | | | | | | | | | | | | | | | |
| **FY2015** | **WSP** | **Amount** | **Percent** | **DSHS** | **Amount** | **Percent** | **DOC** | **Amount** | **Percent** | **DOT** | **Amount** | **Percent** | **All Others** | **Amount** | **Percent** |
| Events > $100K | 2 | 5,272,877 | 96% | 12 | 26,733,397 | 98% | 5 | 5,013,910 | 88% | 16 | 12,861,588 | 90% | 17 | 5,170,221 | 78% |
| Events < $100K | 36 | 211,669 | 4% | 48 | 661,443 | 2% | 178 | 652,009 | 12% | 215 | 1,490,628 | 10% | 45 | 1,435,347 | 22% |
| Total FY2015 | 38 | 5,484,546 |  | 60 | 27,394,840 |  | 183 | 5,665,919 |  | 231 | 14,352,216 |  | 62 | 6,605,568 |  |
|  | | | | | | | | | | | | | | | |
| **FY2016** | **WSP** | **Amount** | **Percent** | **DSHS** | **Amount** | **Percent** | **DOC** | **Amount** | **Percent** | **DOT** | **Amount** | **Percent** | **All Others** | **Amount** | **Percent** |
| Events > $100K | 3 | 665,000 | 60% | 24 | 21,184,206 | 97% | 9 | 9,425,000 | 94% | 13 | 63,027,201 | 98% | 12 | 3,798,515 | 69% |
| Events < $100K | 48 | 434,895 | 40% | 71 | 710,106 | 3% | 220 | 553,979 | 6% | 193 | 1,284,619 | 2% | 43 | 1,708,748 | 31% |
| Total FY2016 | 51 | 1,099,895 |  | 95 | 21,894,312 |  | 229 | 9,978,979 |  | 206 | 64,311,819 |  | 55 | 5,507,263 |  |
|  | | | | | | | | | | | | | | | |
| **FY2017** | **DNR** | **Amount** | **Percent** | **DSHS** | **Amount** | **Percent** | **DOC** | **Amount** | **Percent** | **DOT** | **Amount** | **Percent** | **All Others** | **Amount** | **Percent** |
| Events > $100K | 21 | 36,648,745 | 98% | 10 | 13,751,530 | 97% | 9 | 4,942,459 | 81% | 1 | 50,000,000 | 100% | 13 | 23,863,222 | 92% |
| Events < $100K | 70 | 613,505 | 2% | 197 | 483,339 | 3% | 238 | 1,186,631 | 19% | 9 | 87,041 | 0% | 44 | 2,208,745 | 8% |
| Total FY2017 | 91 | 37,262,249 |  | 207 | 14,234,869 |  | 247 | 6,129,090 |  | 10 | 50,087,041 |  | 57 | 26,071,968 |  |
|  | | | | | | | | | | | | | | | |
| **FY2018** | **DNR** | **Amount** | **Percent** | **DSHS** | **Amount** | **Percent** | **DOC** | **Amount** | **Percent** | **DOT** | **Amount** | **Percent** | **All Others** | **Amount** | **Percent** |
| Events > $100K | 22 | 42,076,618 | 98% | 4 | 5,923,738 | 88% | 13 | 13,979,904 | 92% | 0 | 0 | 0% | 13 | 6,111,105 | 81% |
| Events < $100K | 77 | 834,082 | 2% | 177 | 811,181 | 12% | 182 | 1,274,582 | 8% | 9 | 59,549 | 100% | 43 | 1,400,637 | 19% |
| Total FY2018 | 99 | 42,910,700 |  | 181 | 6,734,919 |  | 195 | 15,254,486 |  | 9 | 59,549 |  | 56 | 7,511,741 |  |
|  | | | | | | | | | | | | | | | |
| **FY2019** | **DNR** | **Amount** | **Percent** | **DSHS** | **Amount** | **Percent** | **DCYF** | **Amount** | **Percent** | **DOT** | **Amount** | **Percent** | **All Others** | **Amount** | **Percent** |
| Events > $100K | 2 | 12,275,000 | 100% | 6 | 13,584,279 | 97% | 26 | 83,954,194 | 100% | 20 | 56,124,708 | 98% | 17 | 8,953,346 | 78% |
| Events < $100K | 11 | 28,348 | 0 | 42 | 380,753 | 3% | 21 | 277,595 | 0 | 160 | 862,363 | 2 | 42 | 2,565,189 | 22% |
| Total FY2017 | 13 | 12,303,348 |  | 48 | 13,395,032 |  | 47 | 84,231,789 |  | 180 | 56,987,071 |  | 59 | 11,518,535 |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| **FY2020** | **DOC** | **Amount** | **Percent** | **DSHS** | **Amount** | **Percent** | **DCYF** | **Amount** | **Percent** | **DOT** | **Amount** | **Percent** | **All Others** | **Amount** | **Percent** |
| Events > $100K | 15 | 6,800,486 | 93% | 17 | 11,211,391 | 95% | 28 | 71,962,191 | 100% | 14 | 27,691,231 | 97% | 17 | 11,037,963 | 86% |
| Events < $100K | 182 | 508,762 | 7% | 40 | 599,452 | 5% | 23 | 241,430 | <1% | 128 | 902,166 | 3% | 176 | 1,770,103 | 14% |
| Total FY2012 | 197 | 7,309,248 |  | 57 | 11,810,843 |  | 51 | 72,203,621 |  | 142 | 28,593,397 |  | 193 | 12,808,066 |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| **FY2021** | **WSU** | **Amount** | **Percent** | **DSHS** | **Amount** | **Percent** | **DCYF** | **Amount** | **Percent** | **DOT** | **Amount** | **Percent** | **All Others** | **Amount** | **Percent** |
| Events > $100K | 3 | 3,247,500 | 96% | 8 | 4,841,784 | 93% | 39 | 70,546,293 | 100% | 11 | 13,393,750 | 95% | 15 | 4,782,936 | 74% |
| Events < $100K | 8 | 143,295 | 4% | 25 | 386,521 | 7% | 11 | 195,018 | 0% | 88 | 688,642 | 5% | 281 | 1,710,086 | 26% |
| Total FY2012 | 11 | 3,390,795 |  | 33 | 5,228,305 |  | 50 | 70,741,311 |  | 99 | 14,082,392 |  | 296 | 6,493,022 |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |

# Statewide Tort Claim Filing for Fiscal Years 2014-2021

The table below contains the number of tort claims filed for fiscal year 2014 through 2021 for the top four agencies with the highest number of tort claims filed. It also includes the number of tort claims filed for all other agencies combined.

This data excludes UW, counties, cities, public school districts and non-state entities.

| **Agency** | **FY 2014** | **FY 2015** | **FY 2016** | **FY 2017** | **FY 2018** | **FY 2019** | **FY2020** | **FY2021** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **DOC** | 1,536 | 1,459 | 1,533 | 1,104 | 1,138 | 1,106 | 1,042 | 1,073 |
| **DOT** | 822 | 958 | 1,008 | 1,010 | 1,004 | 1,040 | 845 | 642 |
| **DSHS** | 196 | 163 | 204 | 230 | 270 | 174 | 122 | 102 |
| **DCYF** | 0 | 0 | 0 | 0 | 0 | 132 | 172 | 233 |
| **All Others** | 513 | 603 | 607 | 551 | 635 | 531 | 490 | 425 |
| **Totals** | **3,067** | **3,183** | **3,352** | **2,895** | **3,047** | **2,983** | **2,671** | **2,475** |

Summary: There has been a steady decline of tort claims filed over the last eight fiscal years. Claim filings are declining due primarily to a decrease in non-personal property claims from incarcerated individuals. The decrease in fiscal years 2020 and 2021 was primarily due to the COVID-19 economic shutdown.

# Fiscal Year 2021 Tort Claim Filing by Investigative Office Assigned

There are four investigative offices. The table below shows the percentage of claims investigated by each office in fiscal year 2021. Fifty four percent of all tort claims filed in fiscal year 2021 were administratively handled (denied or settled) by the DES Office of Risk Management.

|  | **FY 2021** |
| --- | --- |
| **AGO Program** | 9% |
| **AGO Torts** | 13% |
| **DES/ORM** | 54% |
| **DOT** | 24% |

# Fiscal Years 2014-2021 Tort Claim Filing by Investigative Office Assigned

The table below shows which of the four investigative offices investigated what number of tort claims for fiscal years 2014 through 2021.

|  | **FY 2014** | **FY 2015** | **FY 2016** | **FY 2017** | **FY 2018** | **FY 2019** | **FY2020** | **FY2021** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **AGO Program** | 11 | 16 | 8 | 9 | 8 | 7 | 188 | 215 |
| **AGO Torts** | 486 | 357 | 466 | 398 | 486 | 483 | 257 | 313 |
| **DES/ORM** | 2,030 | 1,891 | 1,942 | 1,645 | 1,884 | 1,656 | 1,408 | 1,344 |
| **DOT** | 775 | 919 | 936 | 843 | 669 | 837 | 818 | 599 |
| **Totals** | **3,067** | **3,183** | **3,352** | **2,895** | **3,047** | **2,983** | **2,671** | **2,471** |

# Distribution of DOC Claims filed for Fiscal Years 2014-2021

The table below contains the number of tort claims filed for fiscal years 2014 through 2021 by the categories of non-incarcerated, incarcerated personal property and incarcerated non-personal property.

|  | **FY 2014** | **FY 2015** | **FY 2016** | **FY 2017** | **FY 2018** | **FY 2019** | **FY2020** | **FY2021** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Non Incarcerated** | 60 | 63 | 71 | 102 | 95 | 116 | 76 | 75 |
| **Incarcerated**  **Personal Property** | 1,000 | 909 | 824 | 708 | 716 | 645 | 590 | 661 |
| **Incarcerated Non- Personal Property** | 476 | 487 | 638 | 294 | 327 | 345 | 376 | 337 |
| **Totals** | **1,536** | **1,459** | **1,533** | **1,104** | **1,138** | **1,106** | **1,042** | **1,113** |

Summary: DOC has seen a steady decline of tort claims filed over the last eight fiscal years. Non-personal property claims from incarcerated individuals decreased in fiscal year 2017 however have risen over the last two fiscal years.

# DOC Indemnity Payouts for Fiscal Years 2014-2021

The table below contains the dollar amount of indemnity payouts for fiscal years 2014 through 2021 for the Washington State Department of Corrections.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **FY 2014** | **FY 2015** | **FY 2016** | **FY 2017** | **FY 2018** | **FY 2019** | **FY2020** | **FY2021** |
| 15,999,304 | 5,665,919 | 9,978,979 | 14,234,869 | 6,734,919 | 2,561,134 | 7,309,248 | 1,412,958 |

Summary: DOC experienced a decline in the dollar amount of indemnity payouts from fiscal years 2014 through 2019 however, they experienced a 65 percent increase in fiscal year 2020. Fiscal year 2021 resulted in an 81 percent reduction in indemnity payouts over fiscal year 2020.

# Distribution of DOT Claims filed for Fiscal Years 2014-2021

The table below contains the number of tort claims filed for fiscal years 2014 through 2021 by the categories of non-road construction maintenance claims and road construction maintenance claims.

This data excludes UW, counties, cities, public school districts and non-state entities.

|  | **FY 2014** | **FY 2015** | **FY 2016** | **FY 2017** | **FY 2018** | **FY 2019** | **FY2020** | **FY2021** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Non-road Construction Maintenance Claims** | 139 | 131 | 179 | 162 | 195 | 134 | 199 | 211 |
| **Road Construction Maintenance Claims** | 592 | 720 | 739 | 749 | 690 | 820 | 646 | 485 |
| **Totals** | **731** | **851** | **918** | **911** | **885** | **954** | **845** | **696** |

Summary: Tort claims filed against DOT have remained relatively flat over fiscal years 2014 through 2021. Road construction maintenance personal property claims inflate the number of DOT claims.

# Distribution of DCYF Claims filed for Fiscal Years 2014-2021

The table below contains the number of tort claims filed for fiscal years 2014 through 2021 by the categories of non-Children’s Administration and Children’s Administration.

|  | **FY 2014** | **FY 2015** | **FY 2016** | **FY 2017** | **FY 2018** | **FY 2019** | **FY2020** | **FY2021** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Non Children’s Administration** | 26 | 18 | 17 | 32 | 18 | 27 | 27 | 41 |
| **Children’s Administration** | 66 | 57 | 76 | 81 | 114 | 130 | 145 | 192 |
| **Totals** | **92** | **75** | **93** | **113** | **132** | **157** | **172** | **233** |

Summary: Non-Children’s Administration tort claims have remained relatively flat from fiscal year 2014 to fiscal year 2020. Children’s Administration tort claims have steadily increased over the last eight fiscal years. Fiscal year 2021 resulted in a 27 percent increase over fiscal year 2020.

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# DCYF Payout Amounts for Fiscal Years 2014-2021

The table below contains payout dollars for fiscal years 2014 through 2021 by the categories of non-Children’s Administration and Children’s Administration.

This data excludes UW, counties, cities, public school districts and non-state entities.

|  | **FY 2014** | **FY 2015** | **FY 2016** | **FY 2017** | **FY 2018** | **FY 2019** | **FY2020** | **FY2021** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Non Children’s Administration** | 948,625 | 978,356 | 164,690 | 155,331 | 2,861,932 | 4,554 | 1,011,759 | 5,424,972 |
| **Children’s Administration** | 16,364,831 | 23,442,525 | 16,069,135 | 34,210,194 | 36,420,092 | 84,231,153 | 71,191,862 | 65,316,338 |
| **Totals** | **17,313,456** | **24,420,881** | **16,233,825** | **34,365,525** | **39,282,024** | **84,235,707** | **72,203,621** | **70,741,311** |

Summary: DCYF Children’s Administration payout dollars remained relatively flat over fiscal years 2014 through 2016. There has been a significant increase in payout dollars every year thereafter.

# Employment Tort Claims Filed for Fiscal Years 2014-2021

The table below contains the number of employment tort claims filed for fiscal years 2014 through 2021 for the top four agencies with the highest number of employment tort claims filed. It also includes the number of employment tort claims filed for all other agencies combined.

| **FY 2014** | | **FY 2015** | **FY 2016** | **FY 2017** | **FY 2018** | **FY 2019** | **FY 2020** | **FY2021** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **DOT** | 8 | 4 | 11 | 4 | 4 | 10 | 4 | 5 |
| **WSU** | 3 | 3 | 2 | 1 | 8 | 10 | 4 | 4 |
| **DOC** | 13 | 5 | 11 | 12 | 12 | 20 | 5 | 20 |
| **DSHS** | 19 | 10 | 19 | 26 | 29 | 22 | 15 | 21 |
| **All Others** | 29 | 38 | 40 | 43 | 58 | 71 | 63 | 45 |
| **Totals** | **72** | **60** | **83** | **86** | **111** | **133** | **91** | **95** |

Summary: Employment tort claims remained relatively flat through fiscal years 2014 through 2016. Fiscal years 2017 through 2019 resulted in a 37 percent increase. Fiscal year 2020 resulted in a 32 percent decrease and fiscal year 2021 remained flat.

# Employment Tort Claims Paid for Fiscal Years 2014-2021

The table below contains the number of employment tort claims paid for fiscal years 2014 through 2021 for the top four agencies with the highest number of employment tort claims paid. It also includes the number of employment tort claims paid for all other agencies combined.

| **Agency FY 2014** | | **FY 2015** | **FY 2016** | **FY 2017** | **FY 2018** | **FY 2019** | **FY 2020** | **FY2021** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **DCYF** | 0 | 0 | 0 | 0 | 0 | 6 | 4 | 1 |
| **WSP** | 1 | 1 | 3 | 3 | 0 | 2 | 0 | 1 |
| **DSHS** | 3 | 8 | 16 | 18 | 11 | 6 | 13 | 12 |
| **Olympic College** | 0 | 2 | 3 | 0 | 1 | 4 | 8 | 1 |
| **All Others** | 16 | 30 | 30 | 42 | 32 | 40 | 27 | 26 |
| **Totals** | **20** | **41** | **52** | **63** | **44** | **58** | **52** | **41** |

Summary: Employment tort claims paid spiked in fiscal year 2017 otherwise they have remained relatively flat through fiscal year 2021.

# Employment Indemnity Payouts by Agency for Fiscal Years 2014-2021

The table below contains payout dollars for the top four agencies with the highest employment indemnity payouts. It also includes employment indemnity payout dollars for all other agencies combined.

|  | **FY 2014** | **FY 2015** | **FY 2016** | **FY 2017** | **FY 2018** | **FY 2019** | **FY 2020** | **FY 2021** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **DCYF** | 0 | 0 | 0 | 0 | 0 | 709,941 | 52,873 | 210,793 |
| **WSP** | 370,001 | 272,877 | 425,000 | 13,110,000 | 0 | 511,432 | 0 | 1,911,230 |
| **DSHS** | 267,348 | 1,100,756 | 2,186,522 | 2,898,412 | 1,150,469 | 394,664 | 2,427,512 | 1,100,518 |
| **Olympic College** | 0 | 1,166 | 1,977 | 0 | 914 | 419,531 | 2,345,796 | 247,500 |
| **All Others** | 2,253,389 | 5,526,052 | 5,239,787 | 10,017,965 | 3,121,126 | 7,320,730 | 2,852,645 | 1,373,522 |
| **Totals** | 2,890,738 | 6,900,850 | 7,851,309 | 26,026,376 | 4,272,509 | 9,356,298 | 7,678,826 | 4,843,562 |
|  |  |  |  |  |  |  |  |  |

Summary: Dollars paid out on employment claims have significantly increased since fiscal year 2014. Of the fiscal year 2017 26 million dollar payout, a WSP class action settlement accounted for 13 million and a Board of Pilotage Commissioners settlement accounted for 6.1 million. Fiscal year 2018 resulted in an 83% reduction in dollars paid out while fiscal year 2019 resulted in a 55% increase over fiscal year 2018. Fiscal year 2020 resulted in a slight decrease in dollars paid out over fiscal year 2019. Fiscal year 2021 resulted in 37 percent decrease from fiscal year 2020.

# Total AGO Defense Costs for Fiscal Year 2014-2021

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **FY 2014** | **FY 2015** | **FY 2016** | **FY 2017** | **FY 2018** | **FY 2019** | **FY 2020** | **FY 2021** |
| **19,830,237** | **20,454,642** | **23,211,301** | **19,355,595** | **21,973,571** | **24,611,048** | **26,626,386** | **28,583,638** |

Summary: AGO defense costs have steadily risen over the last eight years. Total defense costs for fiscal years 2014 through 2021 total 185,413,972 dollars.

# Fiscal Year 2021

**July 1, 2020 – June 30, 2021**

# Highest Tort Indemnity Payouts

## **Washington State Department of Children, Youth and Families Claims and Litigation**

| **Claim:** | 30072094 |
| --- | --- |
| **Claimants:** | D.H.  K. W.  J. H.  A. H. |
| **Date of Incident:** | 01/01/1983 |
| **Date Claim Filed:** | 05/23/2018 |
| **Indemnity Paid:** | $16,500,000 |

Plaintiffs, mother and three daughters, alleged that DCYF was negligent in placing them in a foster home. Plaintiffs allege the foster parents sexually abused them over many years. The mother alleges she was forced to bear several children. Three of those children, named in this lawsuit, were allegedly abused/raped by the foster father. Plaintiffs alleged emotional and psychological injuries and financial liability.

| **Claim:** | 3071002734 |
| --- | --- |
| **Claimants:** | D.W. |
| **Date of Incident:** | 04/08/1998 |
| **Date Claim Filed:** | 05/14/2020 |
| **Indemnity Paid:** | $ 3,425,000 |

Plaintiff, an autistic vulnerable adult, alleged DCYF and DSHS negligently placed him multiple times with various family members causing plaintiff to endure neglect and physical abuse. Plaintiff further alleged DCYF and DSHS negligently investigated claims of abandonment, physical and medical neglect, and emotional and physical abuse. Plaintiff claimed emotional, psychological, and physical damages, and financial liability. The indemnity paid on this lawsuit was split proportionally between DSHS and DCYF.

| **Claim:** | 30071676 |
| --- | --- |
| **Claimants:** | R. P. |
| **Date of Incident:** | 05/01/1992 |
| **Date Claim Filed:** | 10/06/2016 |
| **Indemnity Paid:** | $1,500,000 |

Plaintiff was a dependent youth placed by DCYF at the Kiwanis Vocational Home for Youths (KVH), in Centralia. Plaintiff alleged that he was sexually and physically abused by staff while there. Plaintiff claimed emotional, psychological and physical damages and financial liability.

|  |  |
| --- | --- |
| **Claim:** | **30770126** |
| **Claimant:** | F.O. |
| **Date of Incident:** | 10/01/1987 |
| **Date Claim Filed:** | 06/05/2019 |
| **Indemnity Paid:** | $900,000 |

Plaintiff was a dependent youth placed by DCYF at the Kiwanis Vocational Home for Youths (KVH), in Centralia. Plaintiff alleged that he was sexually and physically abused by staff while there. Plaintiff claimed emotional, psychological and physical damages and financial liability.

| **Claim:** | 30770084 |
| --- | --- |
| **Claimants:** | J.A. |
| **Date of Incident:** | 01/01/1989 |
| **Date Claim Filed:** | 02/05/2019 |
| **Indemnity Paid:** | $2,000,000 |

Plaintiff was a dependent youth placed by DCYF at the Kiwanis Vocational Home for Youths (KVH), in Centralia. Plaintiff alleged that he was sexually and physically abused by staff and other residents while there. Plaintiff claimed emotional, psychological and physical damages and financial liability.

| **Claim:** | 3071000876 |
| --- | --- |
| **Claimant:** | R.N. |
| **Date of Incident:** | 01/01/1986 |
| **Date Claim Filed:** | 10/02/2019 |
| **Indemnity Paid:** | $500,000 |

Plaintiff was a dependent youth placed by DCYF at the Kiwanis Vocational Home for Youths (KVH), in Centralia. Plaintiff alleged that he was sexually and physically abused by staff and other residents while there. Plaintiff claimed emotional, psychological and physical damages and financial liability.

| **Claim:** | 3071001008 |
| --- | --- |
| **Claimant:** | P.H. |
| **Date of Incident:** | 01/01/1985 |
| **Date Claim Filed:** | 10/14/2019 |
| **Indemnity Paid:** | $950,000 |

Plaintiff was a dependent youth placed by DCYF at the Kiwanis Vocational Home for Youths (KVH), in Centralia. Plaintiff alleged that he was sexually and physically abused by staff and other residents while there. Plaintiff claimed emotional, psychological and physical damages and financial liability.

| **Claim:** | 3071001447 |
| --- | --- |
| **Claimants:** | C.J. |
| **Date of Incident:** | 01/01/1987 |
| **Date Claim Filed:** | 12/04/2019 |
| **Indemnity Paid:** | $900,00 |

Plaintiff was a dependent youth placed by DCYF at the Kiwanis Vocational Home for Youths (KVH), in Centralia. Plaintiff alleged that he was sexually and physically abused by staff and other residents while there. Plaintiff claimed emotional, psychological and physical damages and financial liability.

| **Claim:** | 3071002738 |
| --- | --- |
| **Claimant:** | A.M. |
| **Date of Incident:** | 01/01/1985 |
| **Date Claim Filed:** | 05/14/2020 |
| **Indemnity Paid:** | $900,000 |

Plaintiff was a dependent youth placed by DCYF at the Kiwanis Vocational Home for Youths (KVH), in Centralia. Plaintiff alleged that he was sexually and physically abused by staff and other residents while there. Plaintiff claimed emotional, psychological and physical damages and financial liability.

| **Claim:** | 30770080 |
| --- | --- |
| **Claimant:** | M.G. |
| **Date of Incident:** | 12/01/2003 |
| **Date Claim Filed:** | 01/29/2019 |
| **Indemnity Paid:** | $5,700,000 |

Plaintiff alleged DCYF negligently investigated reports of parental neglect, resulting in severe abuse and neglect of plaintiff. Plaintiff claimed emotional, physical and psychological injuries and financial liability.

| **Claim:** | 3071001283 |
| --- | --- |
| **Claimants:** | K.R. |
| **Date of Incident:** | 01/01/1997 |
| **Date Claim Filed:** | 11/13/2019 |
| **Indemnity Paid:** | $1,250,000 |

Plaintiff alleged that DCYF negligently placed her in foster care where she endured sexual and physical abuse. Plaintiff claimed emotional, physical and psychological damages and financial liability.

| **Claim:** | 3071001284 |
| --- | --- |
| **Claimant:** | G.M. |
| **Date of Incident:** | 01/01/1997 |
| **Date Claim Filed:** | 11/13/2019 |
| **Indemnity Paid:** | $1,250,000 |

Plaintiff alleged that DCYF negligently placed her in foster care where she endured sexual and physical abuse. Plaintiff claimed emotional, physical and psychological damages and financial liability.

| **Claim:** | 3071004339 |
| --- | --- |
| **Claimants:** | T.L. |
| **Date of Incident:** | 01/01/2008 |
| **Date Claim Filed:** | 12/18/2020 |
| **Indemnity Paid:** | $2,500,000 |

The claimant alleged that when she was a dependent youth, she was placed by DCYF into a foster home where she was subjected to repeated sexual abuse. The claimant alleged DCYF knew or should have known that the foster parents were unfit to be licensed foster parents and that the foster father engaged in inappropriate behaviors that should have alerted DCYF to his inability to provide proper care. The claimant further alleged DCYF ignored multiple red flags and warning signs that abuse was occurring; failed to properly investigate numerous allegations against the foster father; and failed to protect claimant from further abuse. The claimant alleged that due to DCYF's gross negligence and breach of duty, she suffered sexual and emotional trauma. The claimant alleged damages of physical, emotional and psychological injuries.

| **Claim:** | 3071000153 |  | |
| --- | --- | --- | --- |
| **Claimants:** | E.B. |  |
| **Date of Incident:** | 01/01/1975 |
| **Date Claim Filed:** | 07/25/2019 |
| **Indemnity Paid:** | $2,500,000 |

The plaintiff alleged that when he was a dependent youth, he was placed by DCYF into a foster home where he was subjected to repeated physical and sexual abuse. Plaintiff alleged DCYF’s negligent investigation of the foster parent lead to sexual and physical abuse. Plaintiff alleged damages of physical, emotional and psychological injuries.

| **Claim:** | 3071001370 |
| --- | --- |
| **Claimant:** | K.D. |
| **Date of Incident:** | 07/16/2017 |
| **Date Claim Filed:** | 11/25/2019 |
| **Indemnity Paid:** | $2,360,000 |

Claimant alleged that DCYF gathered incomplete or biased information when investigating abuse of the claimant which resulted in a placement decision which harmed the claimant. Specifically, claimant alleged that DCYF’s placement decision led to physical, sexual and emotional abuse. The claimant alleged damages of physical, emotional and psychological injuries.

| **Claim:** | 3071002206 |
| --- | --- |
| **Claimant:** | C.U. |
| **Date of Incident:** | 01/01/1989 |
| **Date Claim Filed:** | 02/28/2020 |
| **Indemnity Paid:** | $2,025,000 |

The claimant alleged the Washington State Department of Corrections (DOC) and DCYF failed to protect him from his abusive biological father. The claimant alleged that his father acknowledged the abuse, yet DCYF failed to remove him from the home. The claimant alleged that after his father was found guilty of 4th degree assault of a minor and put on community supervision/probation, he continued to assault him. The claimant alleged that, if DOC and DCYF had followed through on leads, he would not have been subjected to the years of abuse he suffered. Claimant alleged emotional and psychological injuries and financial liability. The indemnity paid on this claim was split proportionally between DOC and DCYF.

| **Claim:** | 3071001462 |
| --- | --- |
| **Claimant:** | A. H. |
| **Date of Incident:** | 12/01/2015 |
| **Date Claim Filed:** | 12/06/2019 |
| **Indemnity Paid:** | $2,250,000 |

Plaintiff alleged DCYF negligently placed her in a foster home wherein another minor resided who had a history of sexual offenses. The other minor in the home was later convicted of rape of a minor friend of plaintiff and incarcerated. After the other minor was released he was negligently returned to the home where plaintiff lived. Plaintiff alleged that this placement resulted in her being sexually assaulted by the other minor on multiple occasions. Plaintiff claimed emotional, physical and psychological damages and financial liability.

| **Claim:** | 30072009 |
| --- | --- |
| **Claimant:** | V.O. |
| **Date of Incident:** | 08/17/1995 |
| **Date Claim Filed:** | 01/26/2018 |
| **Indemnity Paid:** | $2,000,000 |

Plaintiff alleged that DCYF failed to investigate complaints regarding her home and failed to remove her. As a result, plaintiff alleged she was sexually, physically and emotionally abused which has caused her severe depression, anxiety, PTSD and suicidal thoughts.

| **Claim:** | 30770128 |
| --- | --- |
| **Claimants:** | C.W. |
| **Date of Incident:** | 01/01/1994 |
| **Date Claim Filed:** | 06/12/2019 |
| **Indemnity Paid:** | $1,900,000 |

Plaintiff alleged that DCYF negligently investigated reports of abuse and failed to remove her from the care of her stepfather, resulting in plaintiff being subjected to repeated physical, sexual, and psychological abuse. Plaintiff claimed physical, emotional and psychological damages and financial liability.

| **Claim:** | 30770103 3071003399 |
| --- | --- |
| **Claimants:** | V.R.  C.R. |
| **Date of Incident:** | 01/01/1996 07/23/1996 |
| **Date Claim Filed:** | 04/10/2019 08/19/2020 |
| **Indemnity Paid:** | $1,725,000 |

Plaintiffs alleged DCYF negligently placed them in a foster home where they were subjected to severe sexual and physical abuse. Plaintiffs further alleged they disclosed this abuse, but DCYF failed to investigate. Plaintiffs claimed physical, emotional and psychological injuries and financial liability.

| **Claim:** | 3071001230 |
| --- | --- |
| **Claimants:** | C.P. |
| **Date of Incident:** | 02/02/1991 |
| **Date Claim Filed:** | 11/07/2019 |
| **Indemnity Paid:** | $1,700,000 |

Plaintiff alleged DCYF failed to timely remove her from the care of her biological mother, negligently investigated allegations of abuse, and negligently placed her in multiple foster homes, all resulting in the continuous abuse of plaintiff. Plaintiff claimed physical, emotional and psychological damages and financial liability.

| **Claim:** | 3071002386 |
| --- | --- |
| **Claimants:** | M.B. |
| **Date of Incident:** | 06/01/2003 |
| **Date Claim Filed:** | 03/20/2020 |
| **Indemnity Paid:** | $1,575,000 |

The claimant alleged that, as a youth, he contacted DCYF to seek assistance regarding the physical abuse and neglect he was experiencing in his parents' homes. The claimant alleged that, before he could discuss the sexual abuse he was experiencing, DCYF dismissed his allegations and accused him of being the problem. The claimant alleged DCYF wrongfully ignored multiple red flags and warnings; failed to conduct a proper investigation into the allegations of abuse; and failed to protect him from further abuse and neglect. The claimant alleged that due to DCYF's gross negligence and breach of duty, he suffered years of neglect, physical and sexual abuse, and severe emotional trauma. The claimant alleged damages of physical, emotional and psychological injuries and financial losses.

| **Claim:** | 30770048 |
| --- | --- |
| **Claimants:** | K. T. |
| **Date of Incident:** | 04/15/1994 |
| **Date Claim Filed:** | 10/19/2018 |
| **Indemnity Paid:** | $1,500,000 |

Plaintiff alleged DCYF failed to investigate multiple allegations of sexual abuse and failed to remove plaintiff from her mother’s home. Plaintiff claimed emotional and psychological injuries and financial liability.

| **Claim:** | 3071001979 |
| --- | --- |
| **Claimants:** | T.C. |
| **Date of Incident:** | 09/24/1980 |
| **Date Claim Filed:** | 02/07/2020 |
| **Indemnity Paid:** | $1,475,000 |

Plaintiff alleged that DCYF negligently investigated numerous referrals of abuse as well as failed to run a background check on the residents of her biological mother's home, all resulting in the continued abuse of plaintiff. Plaintiff claimed emotional, psychological and physical damages and financial liability.

| **Claim:** | 3071001808 |
| --- | --- |
| **Claimants:** | N. S. |
| **Date of Incident:** | 09/23/1990 |
| **Date Claim Filed:** | 01/17/2020 |
| **Indemnity Paid:** | $1,466,000 |

The claimant alleged that DCYF was negligent in placing him in a foster home with older, sexually aggressive foster siblings. The claimant alleged DCYF knew or should have known that the older children were sexually aggressive. The claimant alleged emotional, physical and psychological injuries and financial liability.

| **Claim:** | 30770100 |
| --- | --- |
| **Claimants:** | R. A. |
| **Date of Incident:** | 05/01/1996 |
| **Date Claim Filed:** | 04/02/2019 |
| **Indemnity Paid:** | $1,350,000 |

Plaintiff alleged DCYF negligently placed him in various foster homes and failed to monitor those placements, resulting in the severe sexual and physical abuse of plaintiff. Plaintiff claimed physical, emotional, psychological and financial damages.

| **Claim:** | 30071930 |
| --- | --- |
| **Claimants:** | J. Y. |
| **Date of Incident:** | 05/21/2012 |
| **Date Claim Filed:** | 10/12/2017 |
| **Indemnity Paid:** | $1,000,000 |

Plaintiff alleged that, after she disclosed to high school staff that she had been sexually abused, high school employees reported the allegations to DCYF, but no investigation was performed. The abuser was ultimately convicted of Rape of a Child in 2017. Plaintiff claimed physical, emotional and psychological injuries, negligent investigation and supervision, breach of duty, economic and non-economic damages.

**Washington State Department of Transportation Claims and Litigation**

| **Claim:** | 40578757  40578660  40578674 |
| --- | --- |
| **Claimants:** | Jewel Gilmore (Estate)  Kayden Gilmore  Alaina Lawson (Estate)  Maquaila Stacy (Estate)  Pamela Raab |
| **Date of Incident:** | 09/05/2015 |
| **Date Claim Filed:** | 06/05/2017 |
| **Indemnity Paid:** | $5,250,000 |

Plaintiffs, Alaina Lawson and Kayden and Jewel Gilmore, were passengers in a vehicle driven by Bradley Bower. Maquaila Stacy was also a back-seat passenger. When Bower attempted to cross the intersection at Thorpe Road and SR 195 in Spokane, another vehicle struck Bower’s vehicle causing the deaths of Maquaila Stacy, Jewel Gilmore and Alaina Lawson, and severely injuring Kayden Gilmore. Plaintiff alleged that WSDOT knew about, but failed to make, changes to the intersection. Plaintiffs claimed wrongful death, pain and suffering, permanent disability, emotional distress, financial damages, loss of enjoyment of life and negligent highway design.

| **Claim:** | 40580650 40579489 |
| --- | --- |
| **Claimants:** | Michelle Sorensen  Daniel Legouaille |
| **Date of Incident:** | 03/04/2018 |
| **Date Claim Filed:** | 03/23/2018 &  05/24/2019 |
| **Indemnity Paid:** | $4,300,000 |

Plaintiffs, family of decedent Michelle Sorensen, alleged a WSDOT employee negligently operated a WSDOT dump truck snow plow causing a collision with Co-Defendant William Crow's vehicle, in which Ms. Sorensen and Mr. Legouaille were passengers, resulting in the death of Mr. Crow and Ms. Sorensen. Plaintiff Daniel Legouaille was injured in the accident. Plaintiffs claim emotional, psychological, physical, and financial damages, pain and suffering, loss of enjoyment of life, and loss of consortium.

| **Claim:** | 40580027 |
| --- | --- |
| **Claimants:** | Adam Vogland  Tiffany Jesse |
| **Date of Incident:** | 04/16/2017 |
| **Date Claim Filed:** | 09/11/2018 |
| **Indemnity Paid:** | $1,500,000 |

Plaintiffs alleged that WSDOT was negligent in the design of a specific stretch of SR-167. Plaintiffs asserted that, due to several accidents that happened at the same curve, WSDOT should have installed a centerline barrier. Plaintiffs alleged that, had such a barrier been in place, the head-on collision in which Mr. Vogland was injured, could have been avoided. Plaintiff, and his wife, claimed loss of consortium, emotional and psychological damages and financial damages.

**Washington State University Claims and Litigation**

| **Claim:** | 36570339 |
| --- | --- |
| **Claimants:** | S. F. |
| **Date of Incident:** | 08/21/2017 |
| **Date Claim Filed:** | 11/08/2017 |
| **Indemnity Paid:** | $3,000,000 |

The claimants, parents of S.F., claimed that their daughter, at age four, was left unsupervised on a playground at the WSU Child Development Center. This was the first day of the semester and the child’s first day ever being left in a daycare facility. At some point, someone put a bicycle helmet on the child. The child wandered to the other side of the playground undetected and was playing on a play structure (with the helmet still on which was against policy while on the structure) when the helmet she was wearing became entangled with the structure and she hung until she lost consciousness. The claimants alleged extreme mental and psychological injuries and financial losses.

**Washington State Patrol Claims and Litigation**

| **Claim:** | 22570887 |
| --- | --- |
| **Claimants:** | Ryan Santhuff |
| **Date of Incident:** | 02/26/2016 |
| **Date Claim Filed:** | 02/12/2018 |
| **Indemnity Paid:** | $1,911,229.57 |

Plaintiff, a Washington State Patrol Trooper, alleges that after reporting three separate incidents of illegal conduct in the Aviation Section he was retaliated against, was subjected to intimidation by his supervisors, and was ultimately forced to resign. Plaintiff alleged emotional and psychological injuries and financial liability.

| **Claim:** | 3101002207  3071002206 |
| --- | --- |
| **Claimants:** | C.U. |
| **Date of Incident:** | 01/01/1989 |
| **Date Claim Filed:** | 02/28/2020 |
| **Indemnity Paid:** | $225,000 |

**Washington Department of Corrections Claims and Litigation**

The claimant alleged DOC and DCYF failed to protect him from his abusive biological father. The claimant alleged that his father acknowledged the abuse, yet DCYF failed to remove him from the home. The claimant alleged that after his father was found guilty of 4th degree assault of a minor and put on community supervision/probation, he continued to assault him. The claimant alleged that, if DOC and DCYF had followed through on leads, he would not have been subjected to the years of abuse he suffered. Claimant alleged emotional and psychological injuries and financial liability. The indemnity paid on this claim was split proportionally between DOC and DCYF.

**Washington Department of Social and Health Services Claims and Litigation**

| **Claim:** | 3001002752 |
| --- | --- |
| **Claimants:** | D.W. |
| **Date of Incident:** | 04/08/1998 |
| **Date Claim Filed:** | 05/14/2020 |
| **Indemnity Paid:** | $3,425,000 |

Plaintiff, an autistic vulnerable adult, alleged DCYF and DSHS negligently placed him multiple times with various family members causing plaintiff to endure neglect and physical abuse. Plaintiff further alleged DCYF and DSHS negligently investigated claims of abandonment, physical and medical neglect, and emotional and physical abuse. Plaintiff claimed emotional, psychological, and physical damages, and financial liability. The indemnity paid on this lawsuit was split proportionally between DSHS and DCYF.