



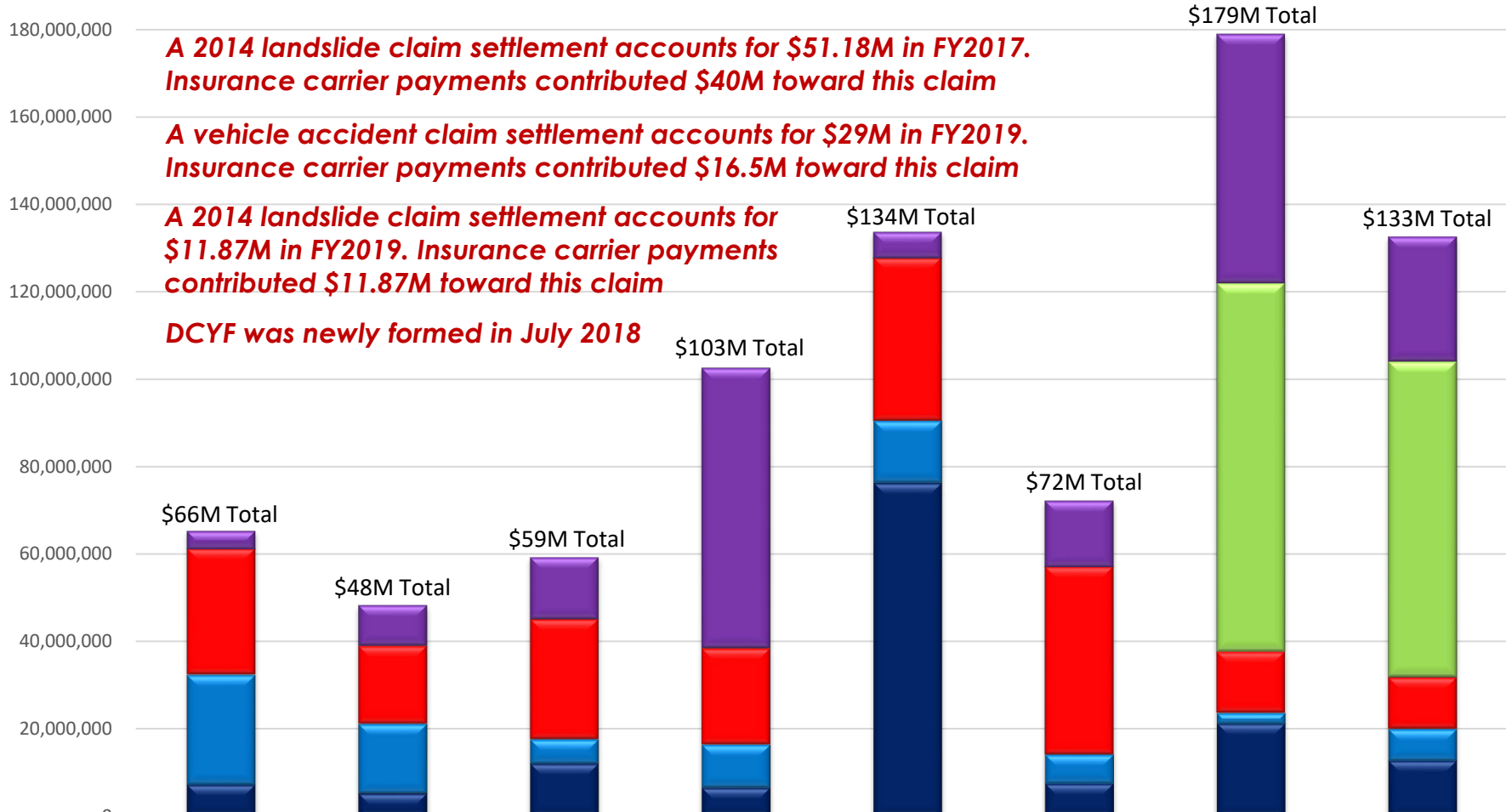
FISCAL YEAR 2020 TORT CLAIM INDEMNITY PAYOUT ANALYSIS

OFFICE OF RISK MANAGEMENT
Jason Siems, State Risk Manager
360-407-8729

September 11, 2020

Statewide Indemnity Payouts for FY 13-20

(Includes WSDOT Marine Division Payouts* and Excludes UW and Excess Insurance Refunds)

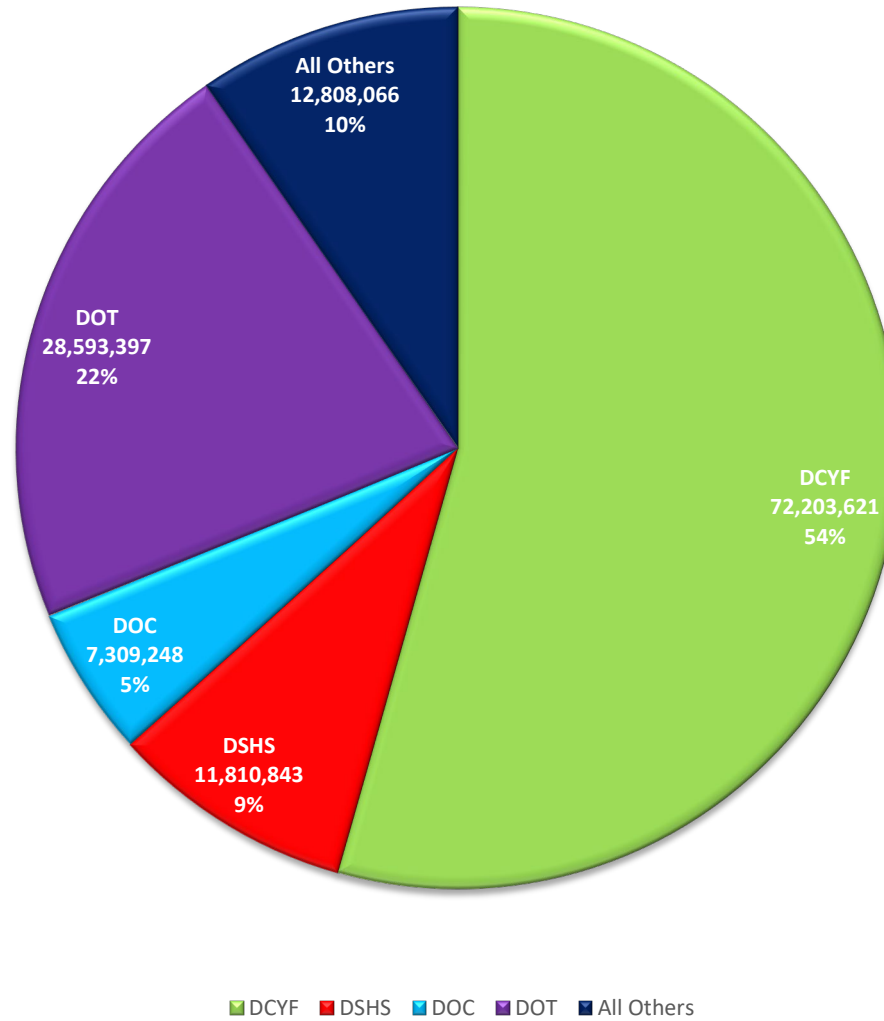


	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020
■ DOT	4,237,470	9,439,229	14,352,216	64,311,819	6,129,090	15,254,486	56,987,071	28,593,397
■ DCYF	0	0	0	0	0	0	84,231,789	72,203,621
■ DSHS	28,792,362	17,735,832	27,394,840	21,894,312	37,262,249	42,910,700	13,965,032	11,810,843
■ DOC	25,195,682	15,999,304	5,665,919	9,978,979	14,234,869	6,734,919	2,561,134	7,309,248
■ All Others	7,320,544	5,314,248	12,090,114	6,607,157	76,159,009	7,571,290	21,260,749	12,808,066

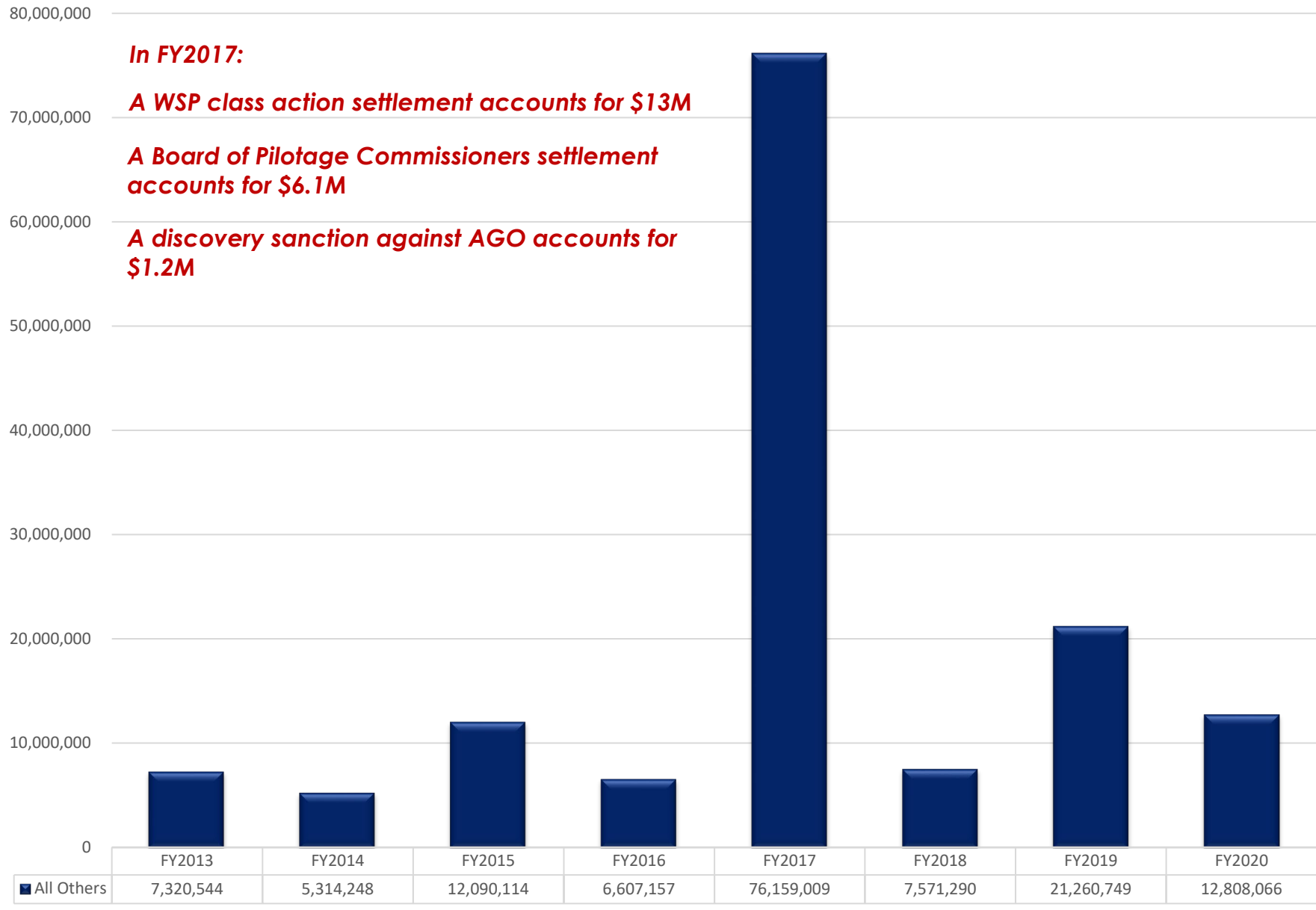
*Marine Division reimburses the self insurance fund for claims submitted after 06/30/2018.

FY 20 Statewide Indemnity Payout Distribution (\$132,725,174)

(Includes WSDOT Marine Division Payouts and Excludes UW and Excess Insurance Refunds)



All Other State Agency Indemnity Payouts FY 13-20

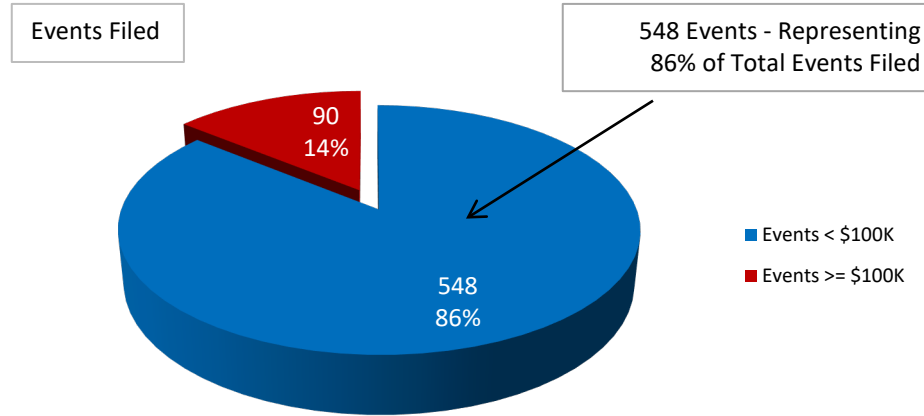


Fiscal Year 2020 Frequency / Severity

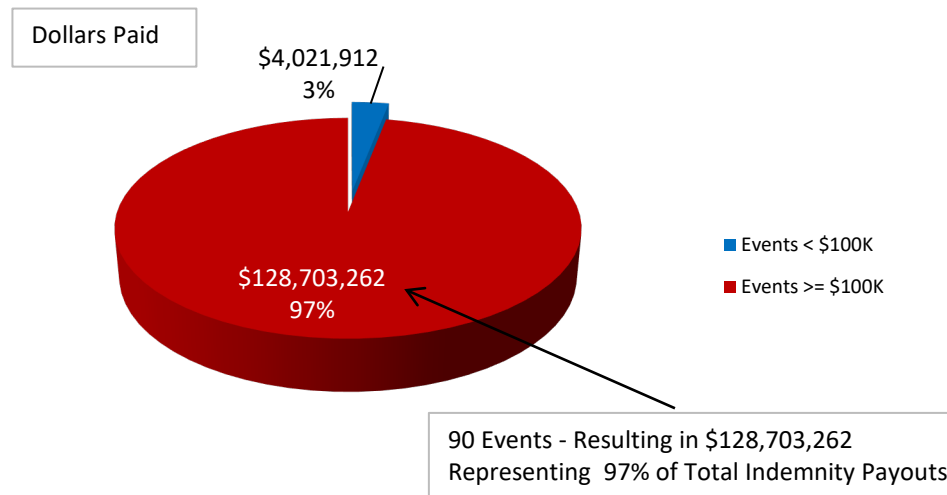
86% of event payouts are less than \$100,000 each and make up 3% of total dollars paid out for indemnities

The remaining 14% of event payouts make up 97% of total dollars paid out for indemnities

Only a few of the events resulting in claims paid are greater than \$100,000



Most of the events resulting in claims paid are for less than \$100,000



Large Payouts Result from a Small Number of Events (Severity = High / Frequency = Low)

(Includes WSDOT Marine Division Payouts and Excludes UW and Excess Insurance Refunds)

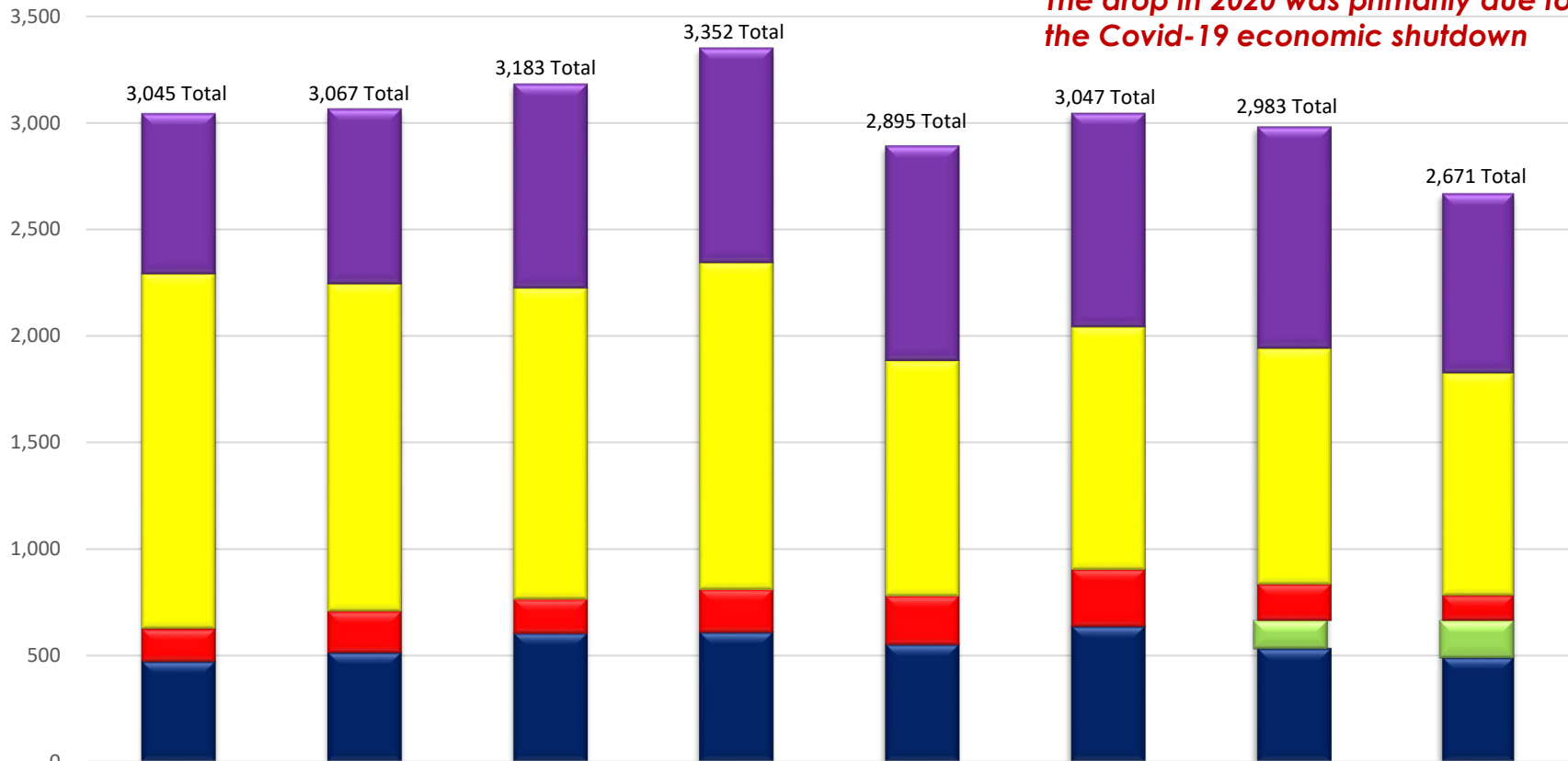
FY 2013	WSP	Amount	Percent	DSHS	Amount	Percent	DOC	Amount	Percent	DOT	Amount	Percent	All Others	Amount	Percent
Events > \$100K	3	3,227,000	85%	18	28,230,000	98%	11	24,685,736	98%	9	3,361,612	79%	8	2,147,620	61%
Events < \$100K	45	565,894	15%	63	562,362	2%	229	509,946	2%	205	875,859	21%	51	1,381,265	39%
Total FY 2013	48	3,792,894		81	28,792,362		240	25,195,682		214	4,237,470		59	3,528,885	
FY 2014	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 FY 2014	37	649,558		70	17,735,832		196	15,999,304		200	9,439,229		53	4,664,690	
FY 2015	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 FY 2015	38	5,484,546		60	27,394,840		183	5,665,919		231	14,352,216		62	6,605,568	
FY 2016	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 FY 2016	51	1,099,895		95	21,894,312		229	9,978,979		206	64,311,819		55	5,507,263	
FY 2017	DNR	Amount	Percent	DSHS	Amount	Percent	DOC	Amount	Percent	DOT	Amount	Percent	All Others	Amount	Percent
Events > \$100K	1	50,000,000	100%	21	36,648,745	98%	10	13,751,530	97%	9	4,942,459	81%	13	23,863,222	92%
Events < \$100K	9	87,041	0%	70	613,505	2%	197	483,339	3%	238	1,186,631	19%	44	2,208,745	8%
Total FY 2017	10	50,087,041		91	37,262,249		207	14,234,869		247	6,129,090		57	26,071,968	
FY 2018	DNR	Amount	Percent	DSHS	Amount	Percent	DOC	Amount	Percent	DOT	Amount	Percent	All Others	Amount	Percent
Events > \$100K	0	0	0%	22	42,076,618	98%	4	5,923,738	88%	13	13,979,904	92%	13	6,111,105	81%
Events < \$100K	9	59,549	100%	77	834,082	2%	177	811,181	12%	182	1,274,582	8%	43	1,400,637	19%
Total FY 2018	9	59,549		99	42,910,700		181	6,734,919		195	15,254,486		56	7,511,741	
FY 2019	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 FY 2019	13	12,303,348		48	13,965,032		47	84,231,789		180	56,987,071		59	11,518,535	
FY 2020	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	0%	128	902,166	3%	176	1,770,103	14%
Total FY 2020	197	7,309,248		57	11,810,843		51	72,203,621		142	28,593,397		193	12,808,066	

Statewide Tort Claim Filing for FY 13-20

(Excludes UW, Counties, Cities, Public School Districts, and Non State Entities)

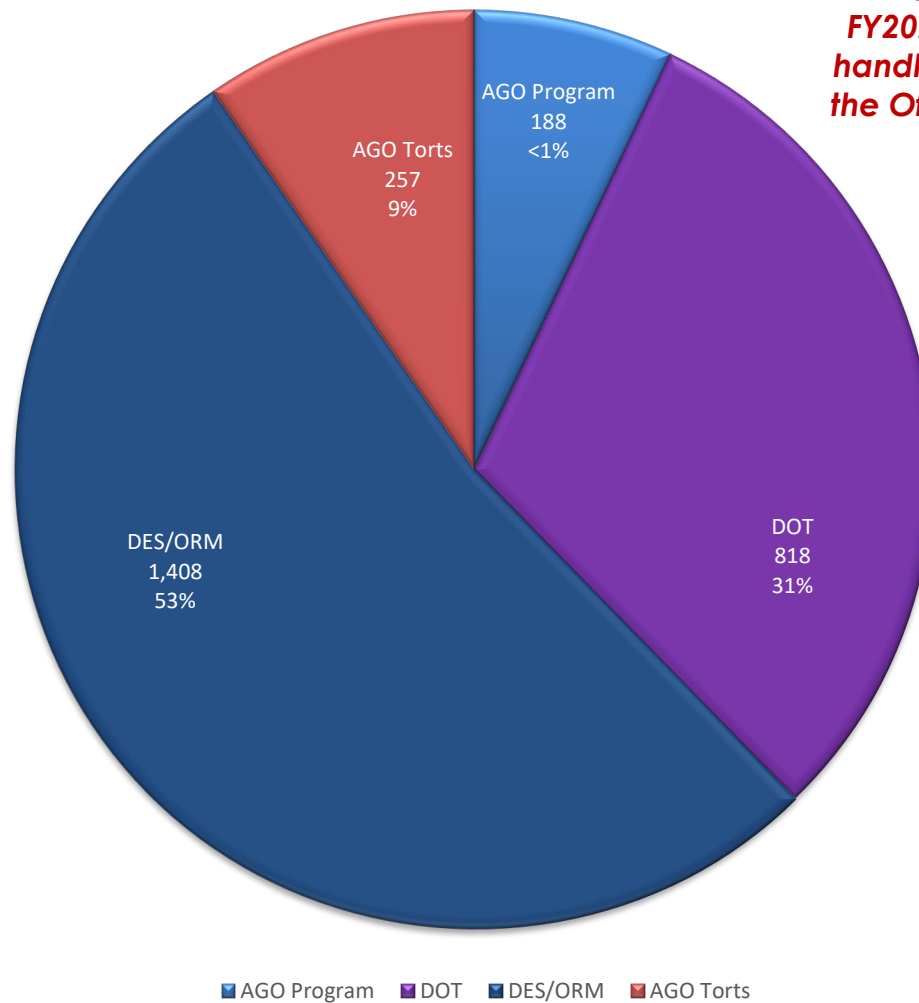
Claim filings are declining due primarily to a decrease in non-personal property claims from incarcerated individuals

The drop in 2020 was primarily due to the Covid-19 economic shutdown



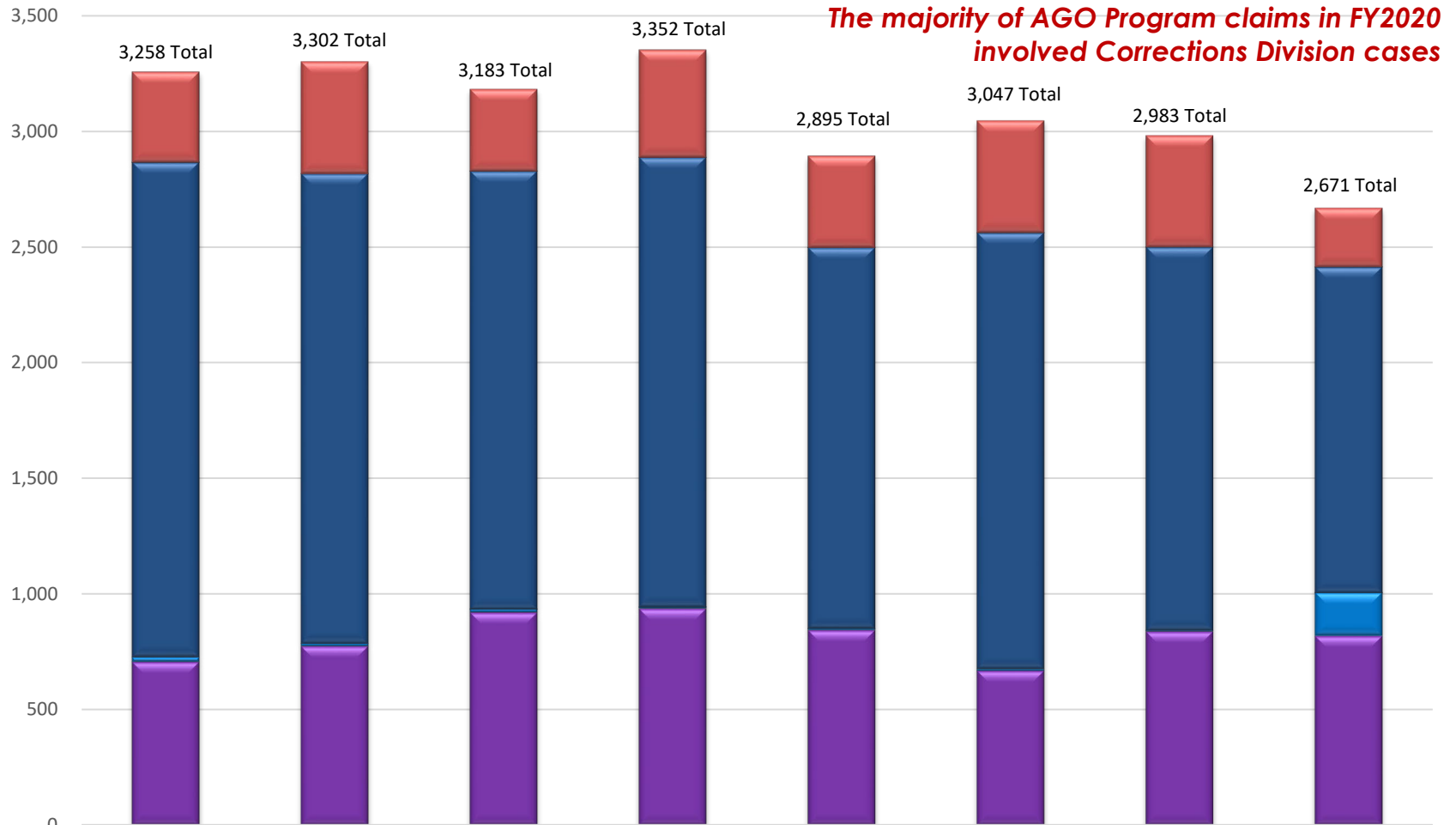
	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020
■ DOT	753	822	958	1,008	1,010	1,004	1,040	845
■ DOC	1,664	1,536	1,459	1,533	1,104	1,138	1,106	1,042
■ DSHS	156	196	163	204	230	270	174	122
■ DCYF	0	0	0	0	0	0	132	172
■ All Others	472	513	603	607	551	635	531	490

FY 20 Tort Claim Filing by Investigative Office Assigned



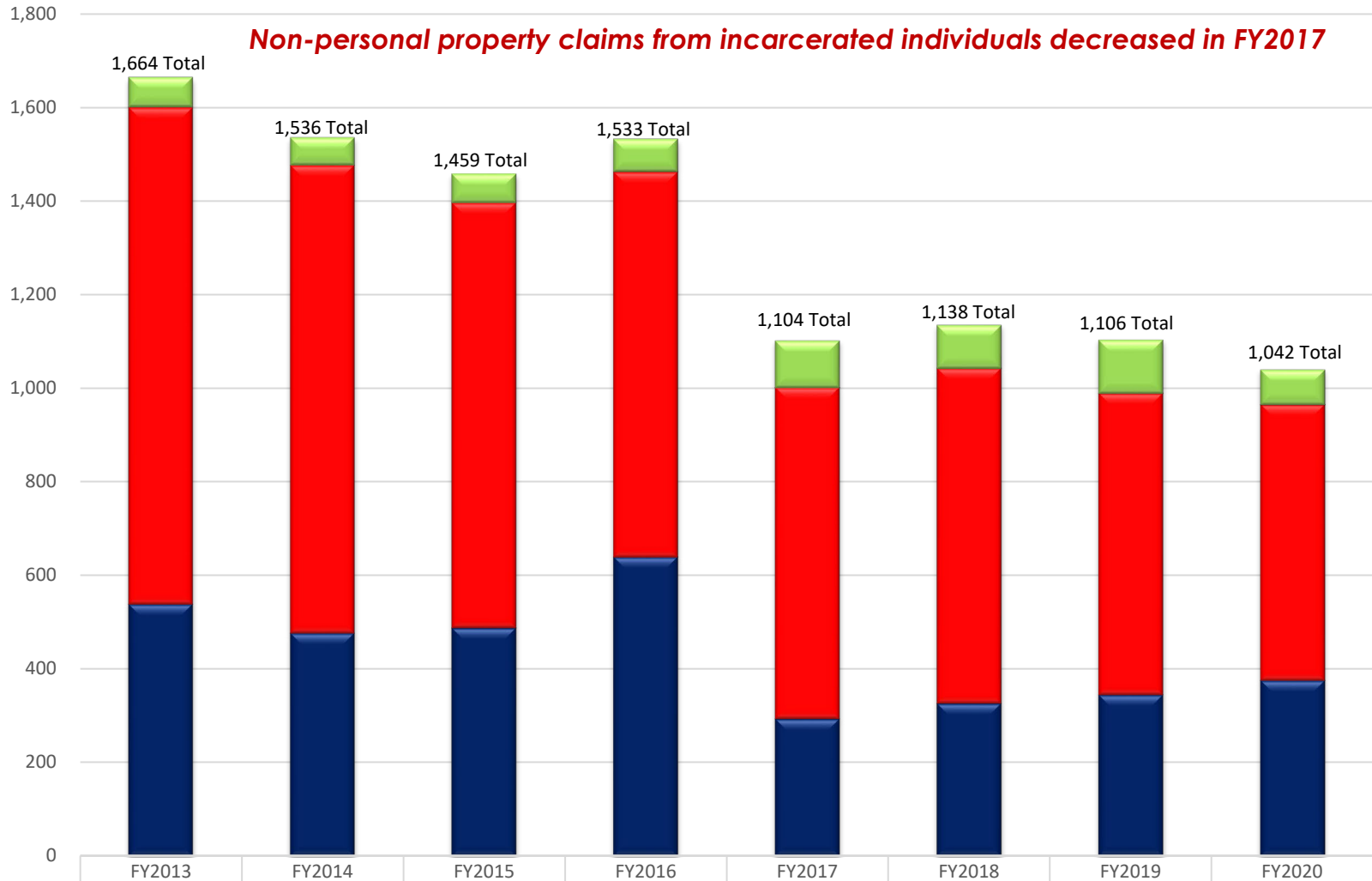
53% of tort claims filed in FY2020 were administratively handled (denied or settled) by the Office of Risk Management

FY 13 - 20 Tort Claim Filing by Investigative Office Assigned



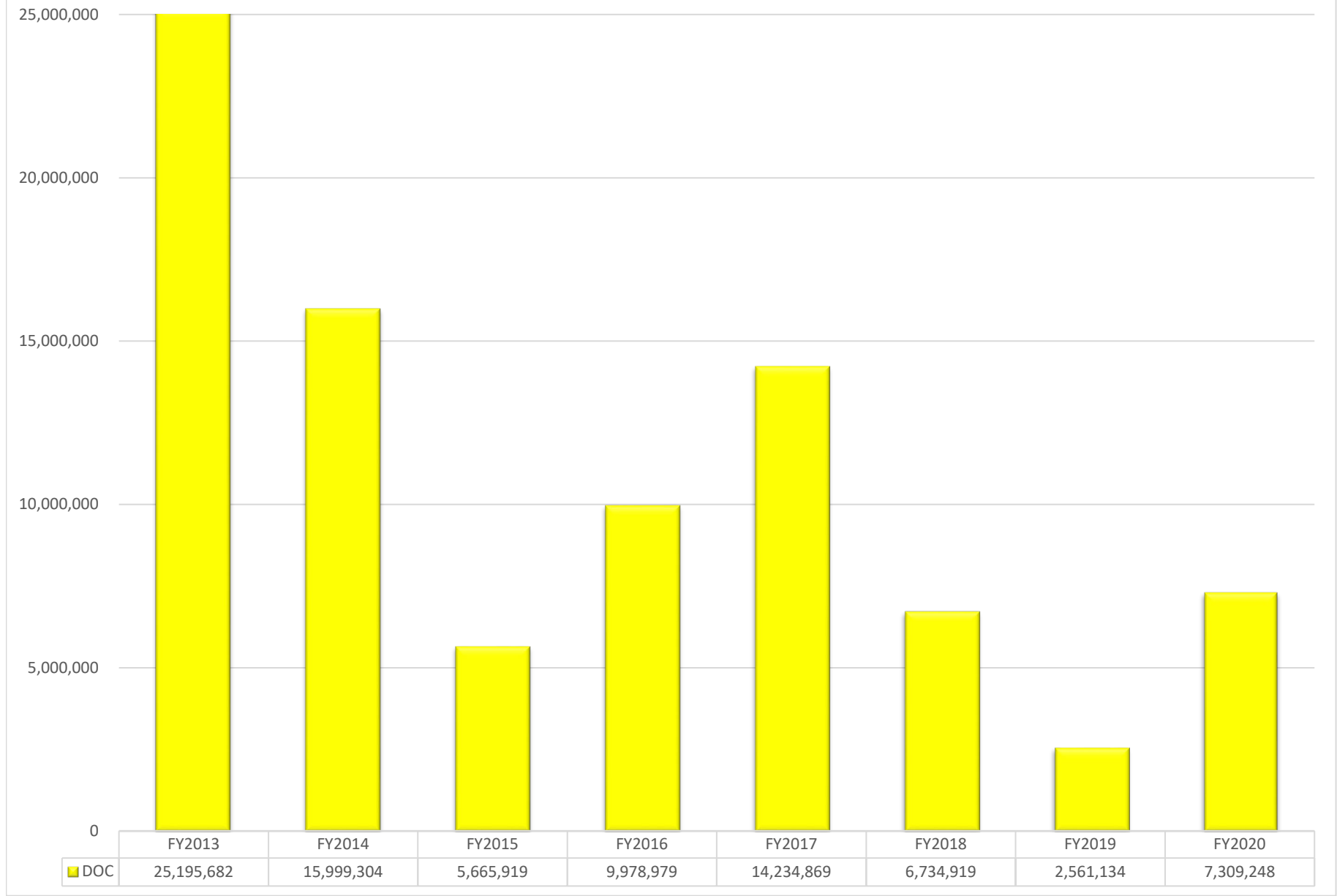
	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020
AGO Torts	394	486	357	466	398	486	483	257
DES/ORM	2,136	2,030	1,891	1,942	1,645	1,884	1,656	1,408
AGO Program	21	11	16	8	9	8	7	188
DOT	707	775	919	936	843	669	837	818

Distribution of DOC Claims Filed FY 13 - 20



Non-incarcerated	65	60	63	71	102	95	116	76
Incarcerated PP	1,061	1,000	909	824	708	716	645	590
Incarcerated Non-PP	538	476	487	638	294	327	345	376

DOC Indemnity Payouts FY 13-20

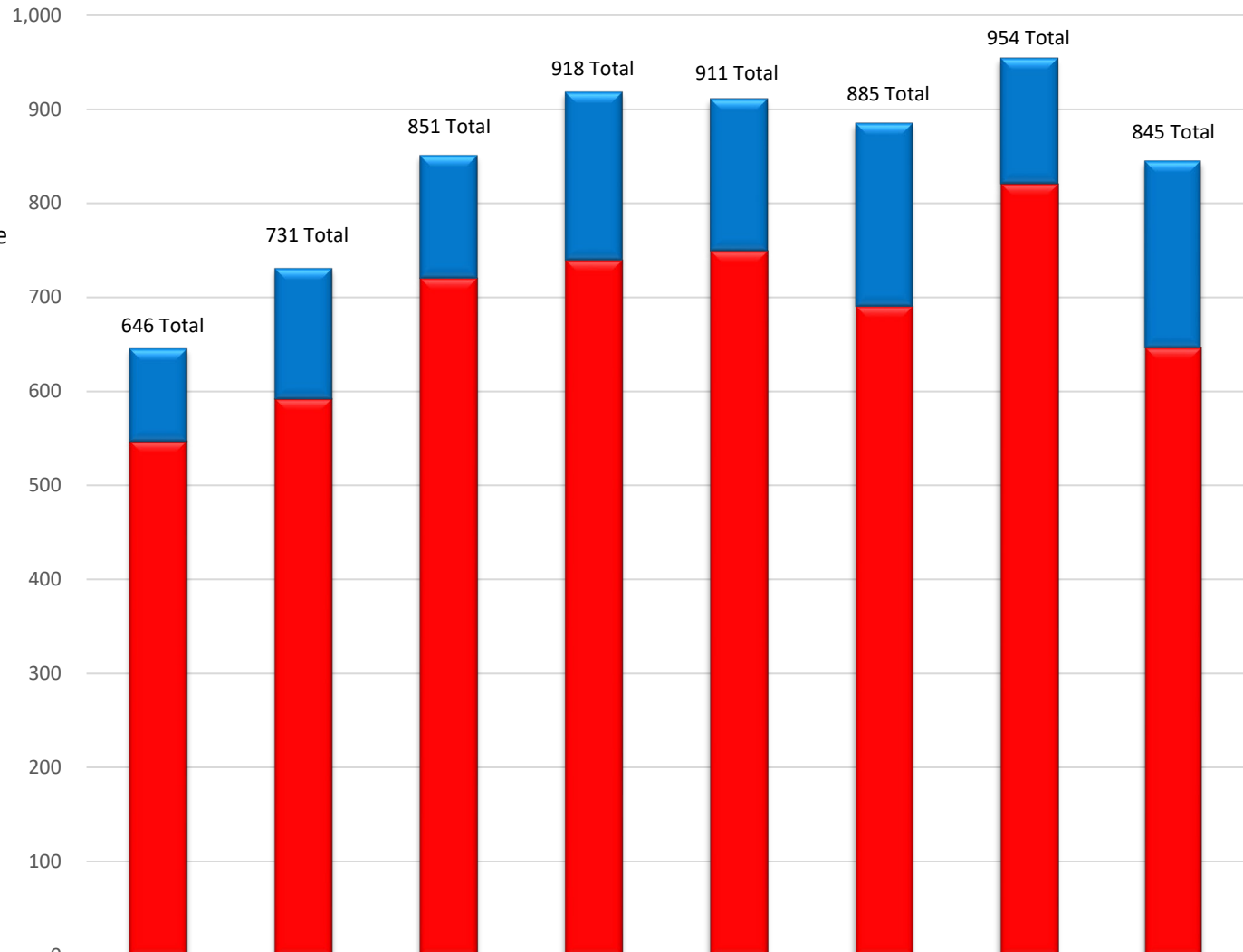


Distribution of DOT Claims Filed FY 13 - 20

(Includes WSDOT Ferries Claims)

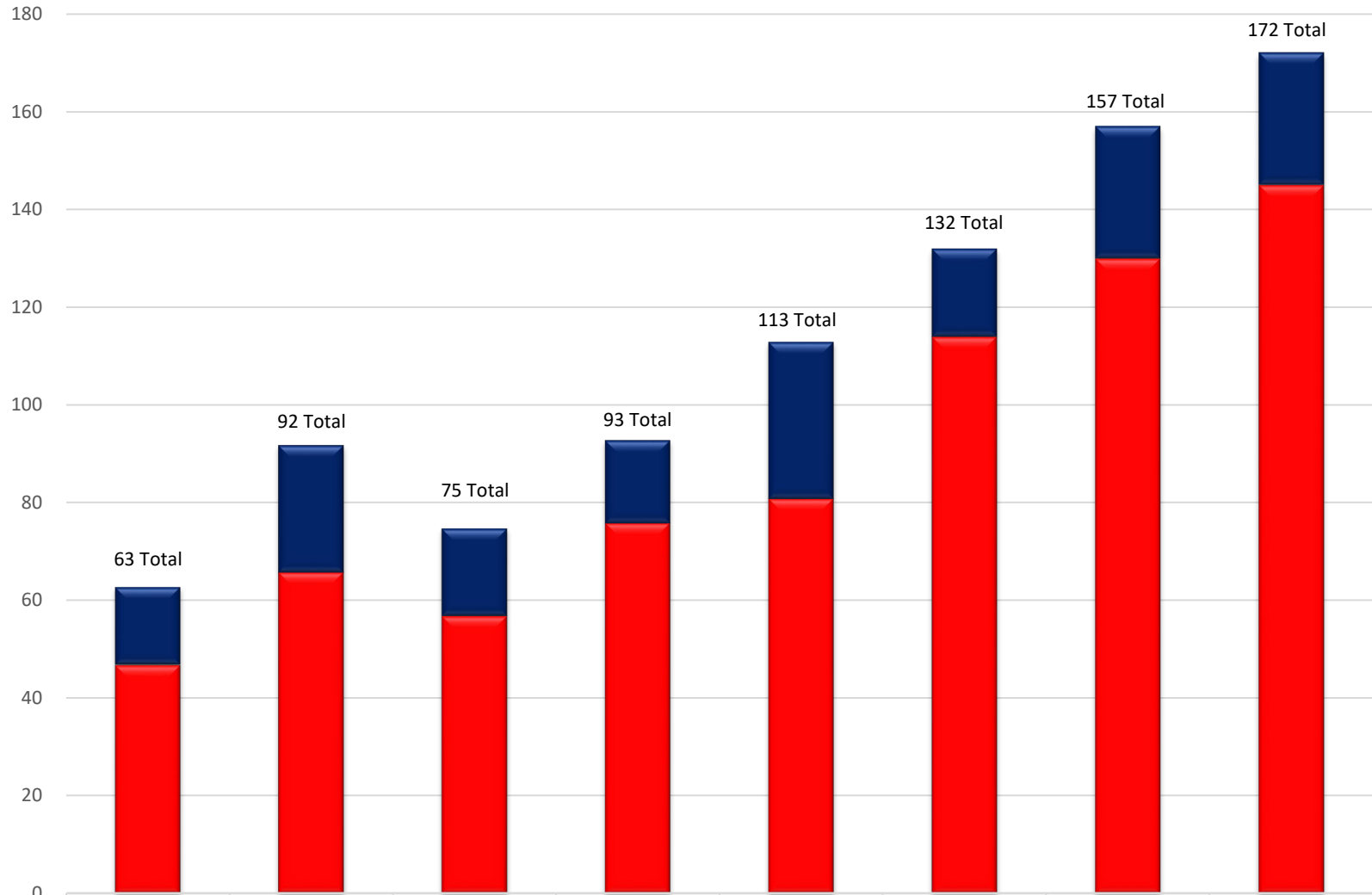
Road construction and maintenance personal property claims inflate the number of DOT claims.

Road construction claims increased since FY2015. These are the majority of DOT claims.



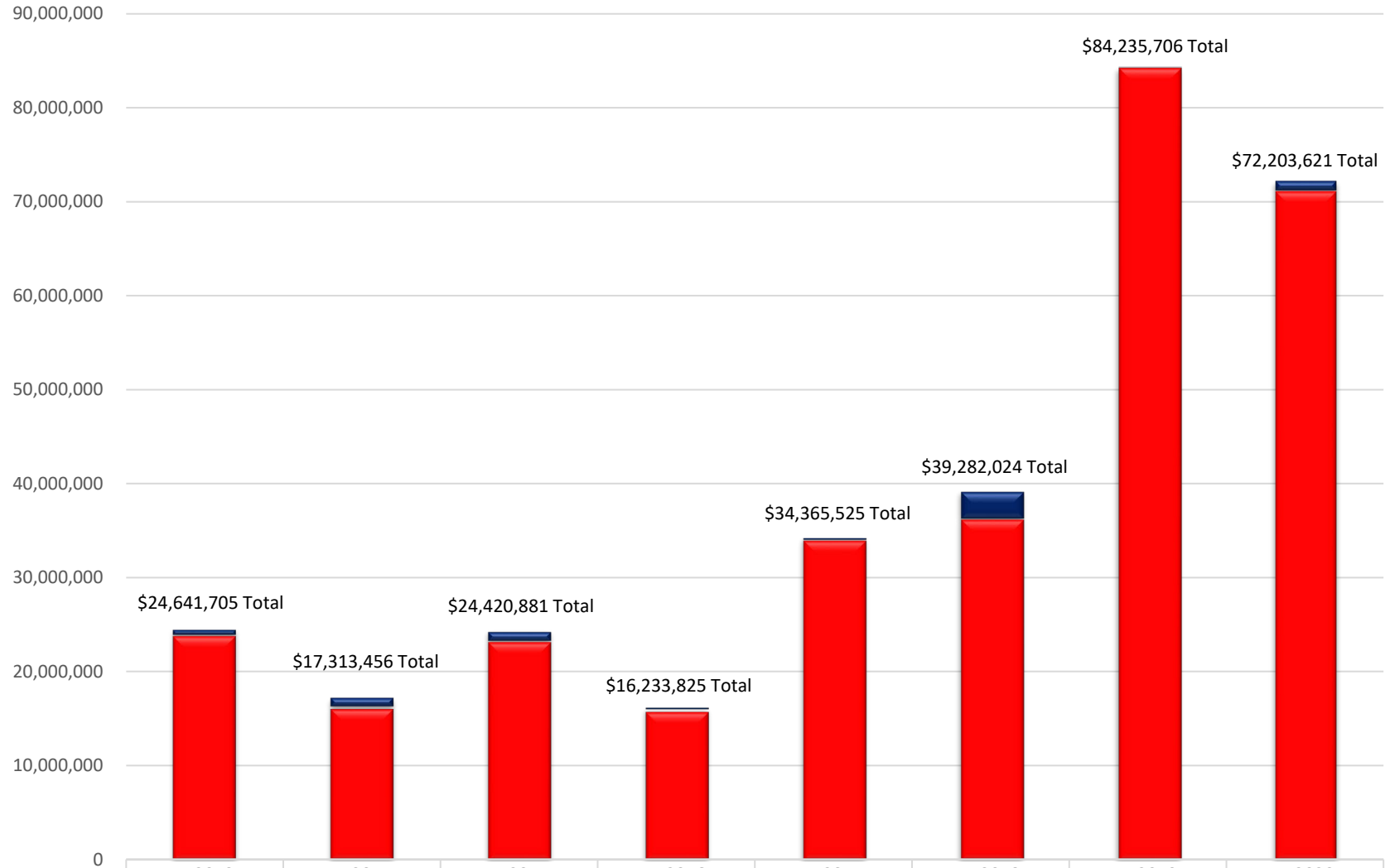
	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020
Non Road Construction Maintenance Claims	99	139	131	179	162	195	134	199
Road Construction Maintenance Claims	547	592	720	739	749	690	820	646

Distribution of DCYF Claims Filed FY 13 - 20



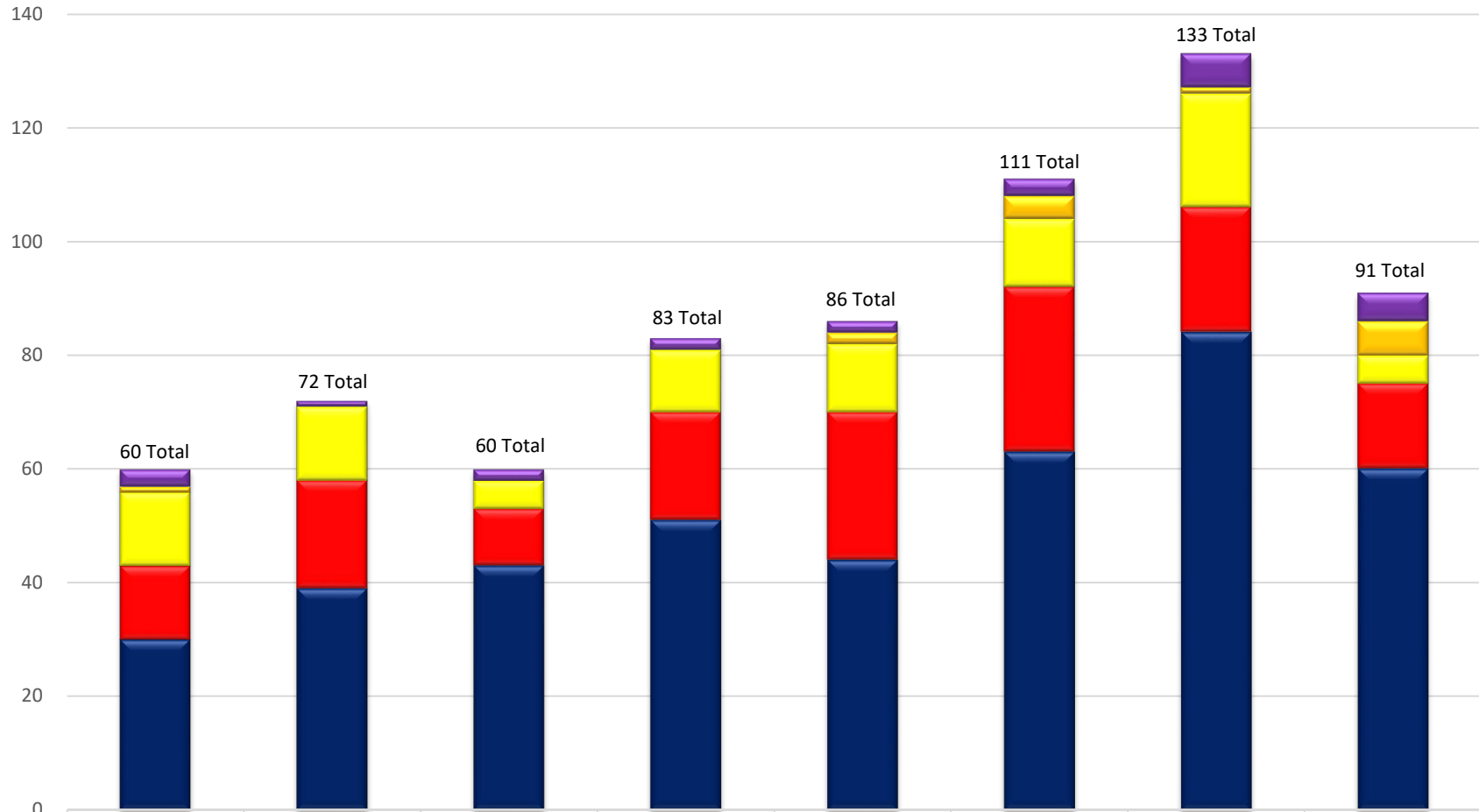
■ Non-Children Admin	16	26	18	17	32	18	27	27
■ Children Admin	47	66	57	76	81	114	130	145

DCYF Indemnity Payouts FY 13-20



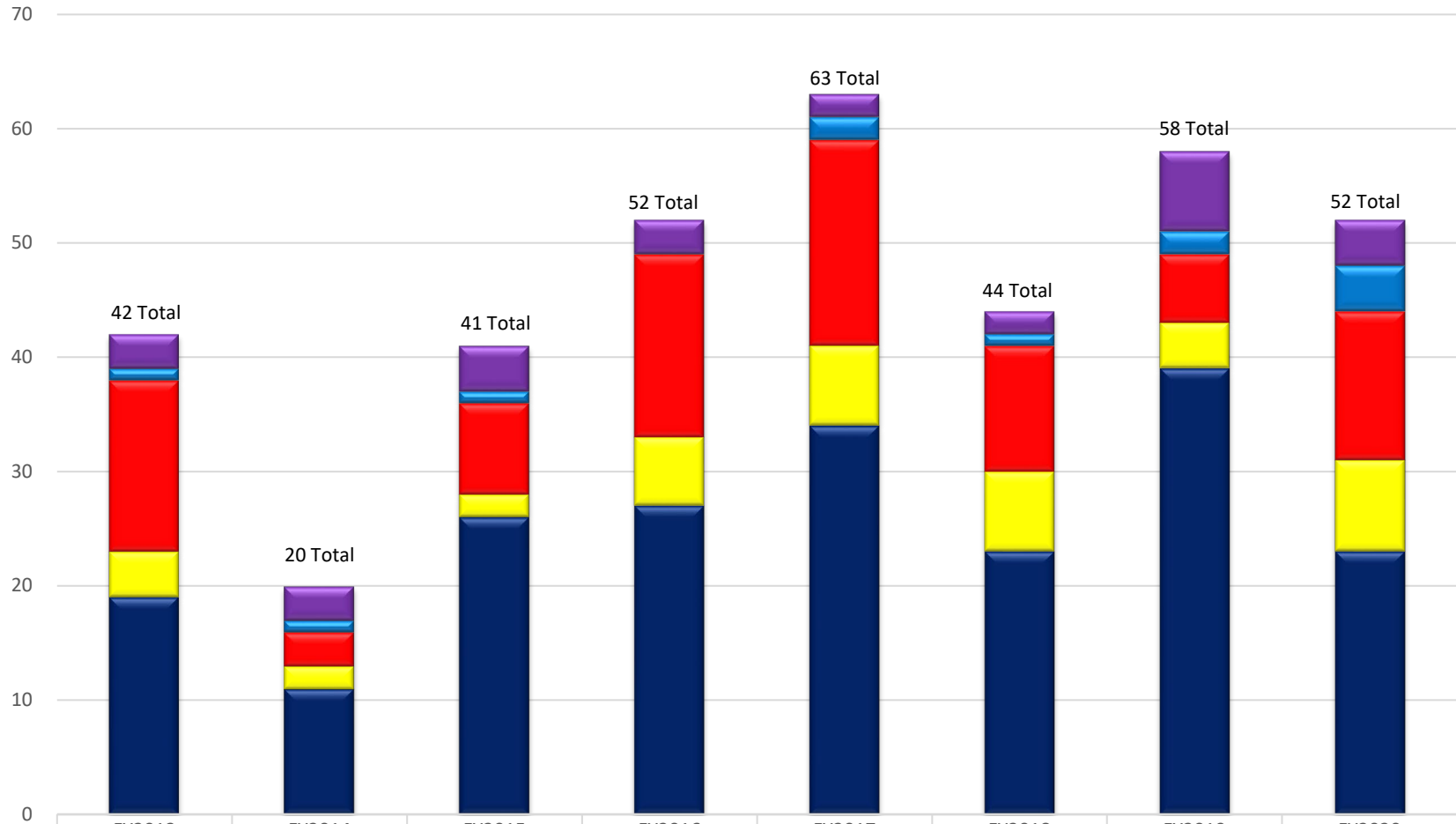
	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020
Non-Children Admin	529,514	948,625	978,356	164,690	155,331	2,861,932	4,554	1,011,759
Children Admin	24,112,191	16,364,831	23,442,525	16,069,135	34,210,194	36,420,092	84,231,153	71,191,862

Employment Tort Claims Filed FY 13 - 20



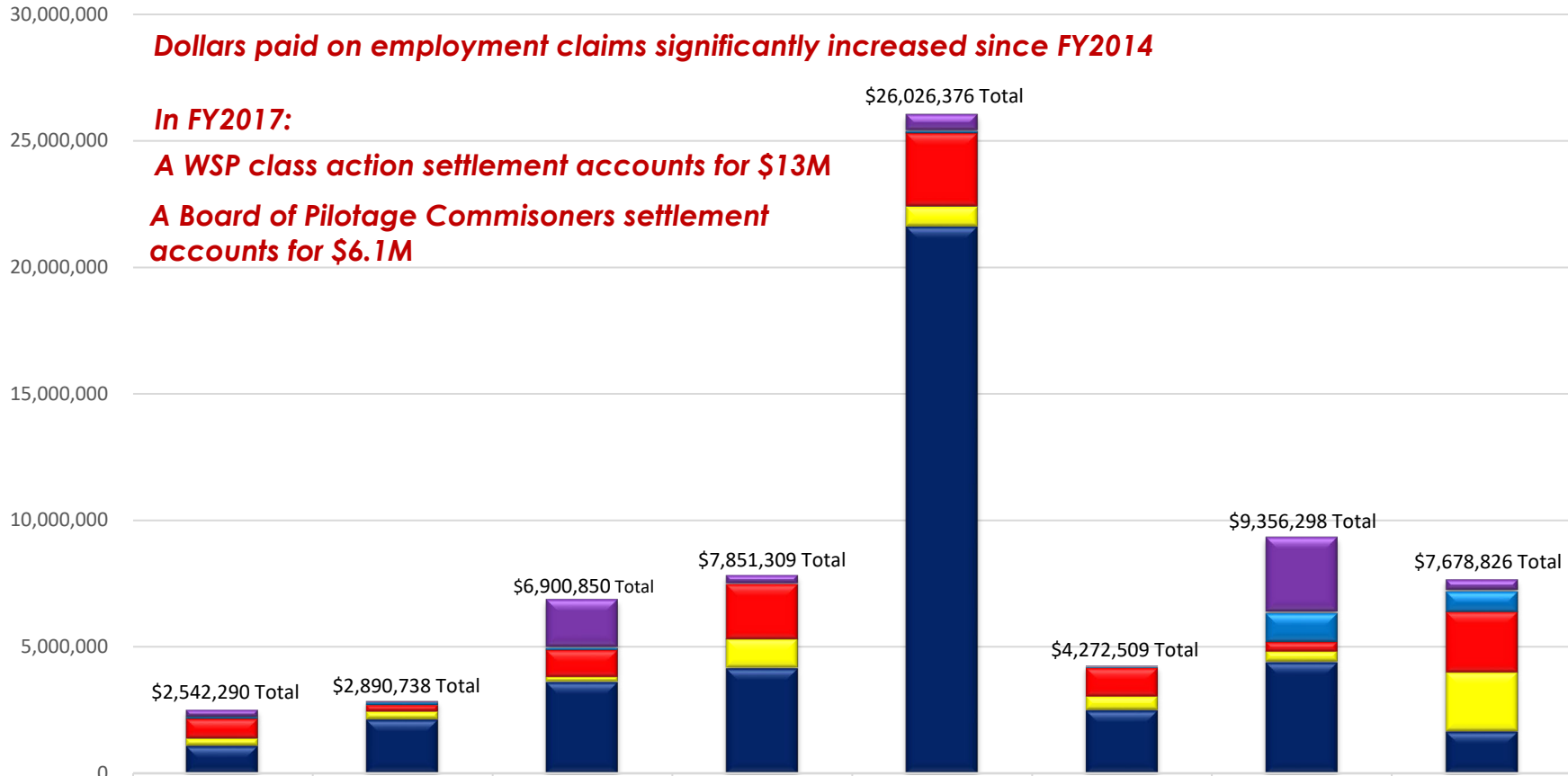
	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020
L&I	3	1	2	2	2	3	6	5
Clark Col	1	0	0	0	2	4	1	6
DOC	13	13	5	11	12	12	20	5
DSHS	13	19	10	19	26	29	22	15
All Others	30	39	43	51	44	63	84	60

Employment Tort Claims Paid FY 13 - 20



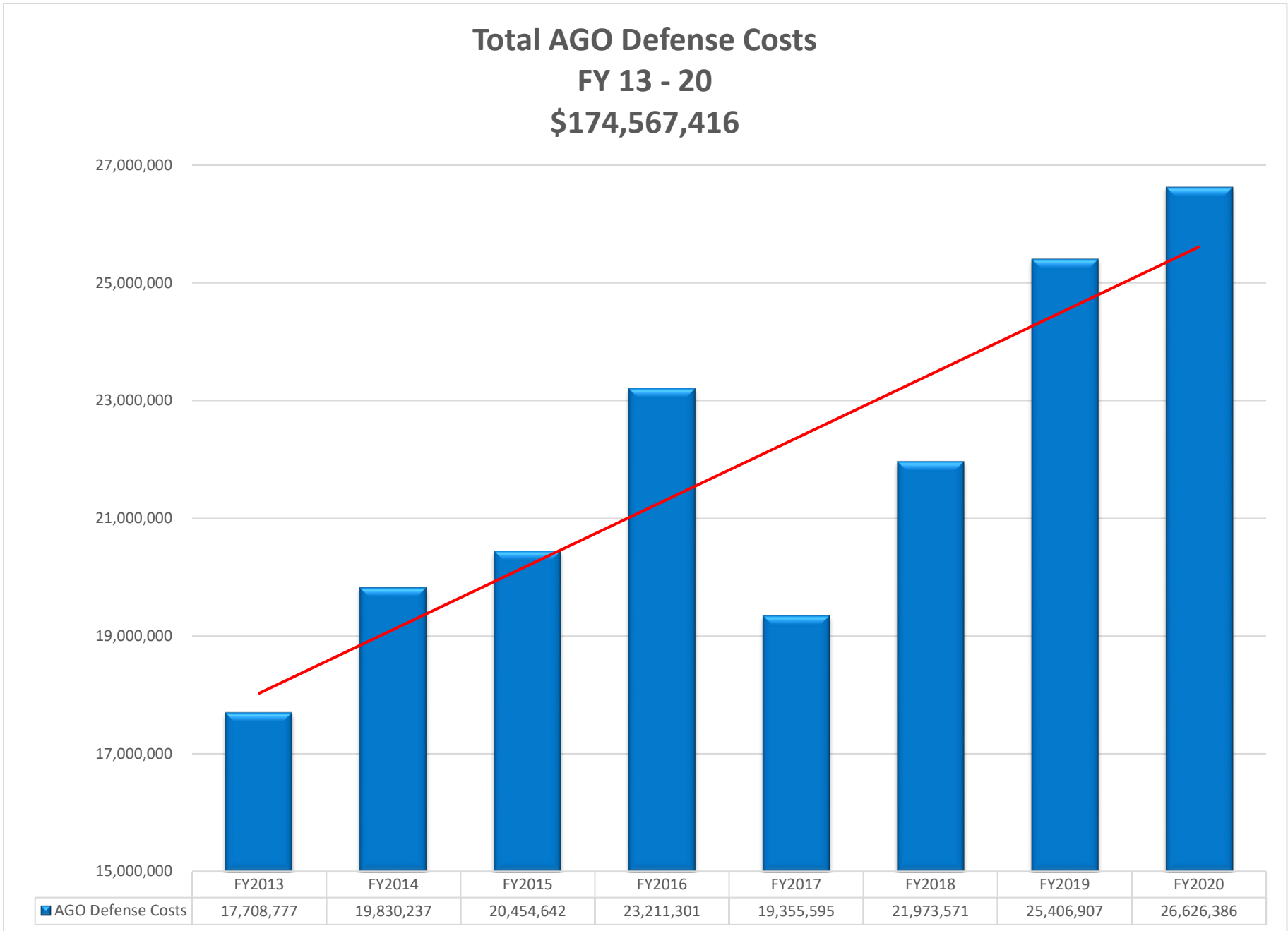
	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020
■ DOT	3	3	4	3	2	2	7	4
■ Bellevue Col	1	1	1	0	2	1	2	4
■ DSHS	15	3	8	16	18	11	6	13
■ DOC	4	2	2	6	7	7	4	8
■ All Others	19	11	26	27	34	23	39	23

Employment Indemnity Payouts by Agency FY 13 - 20



	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020
■ DOT	282,706	50,691	1,886,588	330,000	645,765	37,000	2,957,395	420,963
■ Bellevue Col	80,000	113,627	87,000	0	96,000	24,000	1,160,000	819,801
■ DSHS	797,000	267,348	1,100,756	2,186,522	2,898,412	1,150,469	394,664	2,427,512
■ DOC	284,577	310,188	190,785	1,150,001	785,377	547,955	419,531	2,345,796
■ All Others	1,098,006	2,148,884	3,635,721	4,184,786	21,600,823	2,513,085	4,424,708	1,664,754

**Total AGO Defense Costs
 FY 13 - 20
 \$174,567,416**



Fiscal Year 2020
July 1, 2019 – June 30, 2020
Highest Tort Indemnity Payouts

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

Claim:	30071095
Claimants:	S. S. P. S.
Date of Incident:	04/01/12
Date Claim Filed:	10/10/13
Indemnity Paid:	\$1,187,691

Plaintiffs, on behalf of their three minor children, alleged that DCYF knew of, and failed to disclose, their adoptive son's extensive history of sexual abuse and assaultive behavior in previous foster homes. Plaintiffs alleged that their children were sexually assaulted by the adopted son, forcing plaintiffs to move him to a separate residence to keep the other children safe. Plaintiffs claimed physical and emotional injuries, statutory and regulatory violations, punitive damages, negligent training and misrepresentation.

Claims: 30770069, 30072065
 30770017, 30770091
 30072082, 30770093
 30770064, 30770039
 3071000831, 30770040
 30770083

Claimants:	C. T. D. B. M. S. J. P. P. H. J. P. L. B. M. B. T. S. M. B. C. D.
Date of Incident:	1980 - 1992
Date Claims Filed:	2018 & 2019
Indemnity Paid:	\$4,500,000

Plaintiffs were dependent youths who were placed at the Kiwanis Vocational Home in the 1980s and early 1990s.

Plaintiffs claimed that DCYF failed to monitor the children placed in the facility despite multiple reports of physical and sexual assaults. Plaintiffs further claimed that, while they were residents of the facility, they suffered serious injury and damages after being sexually assaulted by other residents and by staff members.

Claim:	30071706
Claimants:	S. C. M. C.
Date of Incident:	02/15/15
Date Claim Filed:	11/21/16
Indemnity Paid:	\$1,500,000

Plaintiffs allege that a foster child, placed in their home, sexually assaulted all three of their biological children. Plaintiffs allege that DCYF failed to inform them of the foster child's history of sexually acting out. Plaintiffs further alleged that, due to DCYF's failure to disclose the foster child's history, they were unable to make an informed decision about the child's placement in their home. Plaintiffs allege physical, emotional and psychological injuries, loss of consortium, financial damages and attorney fees.

Claim:	30071955
Claimant:	M. J.
Date of Incident:	01/29/89
Date Claim Filed:	11/15/17
Indemnity Paid:	\$3,250,000

Plaintiff alleged that, for 12 years, she was subjected to physical, sexual, and emotional abuse by her biological father. Plaintiff further alleged that DCYF knew that her father was a drug addict, abusive and violent, and an unfit parent, but failed to investigate. Plaintiff claimed damages for physical, emotional, and psychological injuries, loss of enjoyment of life, past and future medical expenses, negligent investigation, wrongful placement, failure to remove and attorney fees.

Claim:	30071973
Claimant:	C. G.
Date of Incident:	01/01/78
Date Claim Filed:	12/04/17
Indemnity Paid:	\$1,500,000

Plaintiff alleged that, when she was five years old in 1977, DCYF negligently placed her with a foster parent who sexually abused her for five years. Plaintiff claimed severe emotional and physical injuries, negligent investigation and wrongful placement.

Claim:	30071996
Claimant:	J. S.
Date of Incident:	01/01/78
Date Claim Filed:	01/09/18
Indemnity Paid:	\$1,500,000

Plaintiff alleged that DCYF negligently placed him in a foster home where he was sexually abused for six years. Plaintiff claimed emotional and psychological injuries and financial damages.

Claim:	30072047
Claimant:	D. G.
Date of Incident:	04/01/12
Date Claim Filed:	03/09/18
Indemnity Paid:	\$4,000,000

Plaintiff alleged DCYF negligently placed plaintiff in a foster home where they knew or should have known that another foster child in the home had a known history of troubling behavior. Plaintiff alleges that the other foster child repeatedly sexually and physically abused plaintiff. Plaintiff claimed emotional, psychological and financial damages.

Claim:	30072048
Claimants:	B. B. J. B.
Date of Incident:	09/01/07
Date Claim Filed:	03/08/18
Indemnity Paid:	\$3,800,000

Plaintiffs alleged that DCYF negligently placed them in foster care where they were sexually abused and raped. Plaintiffs alleged DCYF knew or should have known that the foster father had a criminal history of sexually abusing children and negligently investigated plaintiffs' biological father's suspicions that the foster father was sexually abusing his children. Plaintiffs claimed emotional, physical, and psychological injuries and financial damages.

Claim:	30072083
Claimants:	H. W. A. W. B. W.
Date of Incident:	04/09/15
Date Claim Filed:	05/03/18
Indemnity Paid:	\$7,200,000

Plaintiffs alleged DCYF negligently investigated allegations of abuse and failed to exercise ordinary care in protecting them. Plaintiffs claimed emotional, physical, psychological and financial damages.

Claim:	30770001
Claimant:	C. W.
Date of Incident:	06/06/13
Date Claim Filed:	07/19/18
Indemnity Paid:	\$3,500,000

Plaintiff alleged that DCYF negligently placed her in the custody of her biological father, who subjected her to prolonged and continuous sexual abuse and assault. Plaintiff alleged damages arising from physical, emotional and psychological injuries.

Claim:	30770029
Claimant:	N. U.
Date of Incident:	01/01/89
Date Claim Filed:	09/06/18
Indemnity Paid:	\$1,687,500

Plaintiff alleged that DCYF failed to remove him from his biological father's abusive home. Plaintiff further alleged that after his father was placed on community supervision/probation after being found guilty of 4th degree assault of a minor, he continued to abuse plaintiff. Plaintiff claimed emotional, psychological and financial damages.

Claim:	30770079
Claimants:	R. M. E. L.
Date of Incident:	08/30/09
Date Claim Filed:	01/15/19
Indemnity Paid:	\$3,500,000

Plaintiffs alleged DCYF failed to investigate dozens of reports of abuse and neglect directed toward them by their mother resulting in severe physical, psychological and sexual abuse. Plaintiffs claimed physical, emotional, psychological and financial damages.

Claim:	30770098
Claimants:	L. B. W. C.
Date of Incident:	10/28/81
Date Claim Filed:	03/19/19
Indemnity Paid:	\$2,000,000

Plaintiffs allege DCYF negligently placed them into a foster home where, for years, they were sexually, physically and emotionally abused. Plaintiffs alleged DCYF failed to properly train staff, monitor the home and investigate reported incidents. Plaintiffs claimed emotional, physical, and psychological injuries and financial damages.

Claim:	3071000108
Claimants:	K. T. J. T. C. T. C. T. R. L.
Date of Incident:	04/19/96
Date Claim Filed:	07/22/19
Indemnity Paid:	\$11,000,000

Five plaintiffs alleged they were subjected to physical, sexual and emotional abuse by their biological parents. The plaintiffs claimed that DCYF failed to properly investigate referrals and properly assess prior evidence of abuse and neglect. Plaintiffs claimed damages for physical, sexual and emotional abuse as well as financial damages.

Washington State Department of Natural Resources Claims and Litigation

Claim:	49070712
Claimant:	Ripley, Christopher
Date of Incident:	08/30/17
Date Claim Filed:	02/16/18
Indemnity Paid:	\$5,000,000

Plaintiff was a motorcyclist traveling on State Route 58 near Pleasant Hill Oregon. An employee of the Washington Department of Natural Resources, working in Oregon, pulled out in front of the plaintiff's vehicle causing an accident. Plaintiff sought recovery for severe injuries suffered in the accident.

Washington State Department of Social and Health Services Claims and Litigation

Claim:	30052265
Claimant:	Smith, Kathleen
Date of Incident:	03/21/06
Date Claim Filed:	03/18/09
Indemnity Paid:	\$2,250,000

Plaintiff was a resident of Lakeland Village Residential Habilitation Center—a DSHS facility for developmentally disabled adults in Spokane County. Ms. Smith drowned in a bathtub while under the supervision of facility staff. Her estate claimed damages for wrongful death due to negligent supervision.

Claim:	30071685
Claimant:	McDermond, Joseph
Date of Incident:	03/25/16
Date Claim Filed:	10/18/16
Indemnity Paid:	\$4,255,000

Plaintiff is a wheelchair-bound, developmentally disabled resident of a state facility who fell off of a dock into a lake while on a supervised recreational outing. Plaintiff claimed damages for injuries suffered in the incident.

Washington State Department of Transportation Claims and Litigation

Claim:	40578917
Claimant:	Moniz, Emelita
Date of Incident:	09/26/16
Date Claim Filed:	08/17/17
Indemnity Paid:	\$1,596,874

Plaintiff, a Washington State Ferries employee, alleged she was descending a stairway on the ferry Hyak when her heel missed a step causing her to fall and fracture her right femur and injure her right knee. Plaintiff alleged she fell because of poor lighting and also because the stairway treads were too narrow. Plaintiff claimed psychological and physical injuries, wage loss and financial damages

Claim:	40579132
Claimant:	Sharkey, Christopher
Date of Incident:	09/20/16
Date Claim Filed:	10/30/17
Indemnity Paid:	\$17,500,000

Plaintiff was rear-ended by the driver of a large truck traveling behind plaintiff in the far left lane on northbound I-5 near the Mercer Street exit, when traffic came to an abrupt stop. Plaintiff alleged the Department of Transportation should have posted advance warning signs in the Mercer Street exit area. Plaintiff claimed catastrophic injuries, emotional trauma, medical expenses, wage loss, property damage and loss of consortium.

Claim:	40580278
Claimant:	Dunham, Pamela
Date of Incident:	02/05/18
Date Claim Filed:	01/07/19
Indemnity Paid:	\$5,300,000

Plaintiff alleged that the Department of Transportation failed to provide a reasonably safe, properly-functioning intersection and traffic signal system, causing a rear end collision that severely injured her. Plaintiff claimed physical, emotional and financial damages.

Claim:	36570322
Claimants:	Armon, Sarah J on behalf of 33,303 claimants
Date of Incident:	06/09/17
Date Claim Filed:	07/06/17
Indemnity Paid:	\$1,488,644

Plaintiffs alleged that, after a Washington State University hard drive containing their personal information was stolen, they were subjected to identify theft.

Washington State Department of Corrections and Department of Children, Youth and Families Claims and Litigation

Claim:	31086528
Claimant:	N. U.
Date of Incident:	01/01/89
Date Claim Filed:	09/06/18
Indemnity Paid:	\$187,500

Plaintiff alleged that DCYF failed to remove him from his biological father's abusive home. Plaintiff further alleged that after his father was placed on community supervision/probation after being found guilty of 4th degree assault of a minor, DOC was negligent and his father continued to abuse plaintiff. Plaintiff claimed emotional, psychological and financial damages.

Washington State Department of Corrections Claims and Litigation

Claim:	31084196
Claimant:	K. P.
Date of Incident:	01/01/00
Date Claim Filed:	08/05/16
Indemnity Paid:	\$1,500,000

Plaintiff, a Corrections Officer 2 at Stafford Creek Corrections Center, alleged she had been subjected to gender discrimination, sexual innuendo and misconduct, and sexist remarks, gestures, and overtures in her workplace. Plaintiff further alleged that DOC failed to take prompt remedial action to correct the behavior and that she was being retaliated against for filing reports of violations, infractions, and gender discrimination and harassment. Plaintiff claimed emotional and psychological injuries and financial damages.

Claim:	31086954
Claimant:	L. B.
Date of Incident:	09/01/12
Date Claim Filed:	01/15/19
Indemnity Paid:	\$1,700,000

Plaintiff, who was a minor at the time of the incident, alleged she was raped and sexually assaulted by Jethro Butcher. At the time, Mr. Butcher was under the supervision of the Department of Corrections and had been given a job working with youth. Plaintiff claimed damages for emotional and physical injuries as well as financial damages.