

**Statement of Irvin B. Nathan
Attorney General for the District of Columbia**

Before the

**Committee on the Judiciary and Public Safety
Tommy Wells, Chairperson**

**Bill 20-13, the Attorney General Subpoena Authority Authorization
Amendment Act of 2013**



**Office of the Attorney General
for the District of Columbia**

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**Room 412
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Introduction

Good morning Chairman Wells, Councilmembers, and staff. I am Irv Nathan, Attorney General for the District of Columbia. On behalf of the Executive Branch, I am pleased to testify today on Bill 20-13, the Attorney General Subpoena Authority Authorization Amendment Act of 2013. Restoring and improving the Office of the Attorney General (OAG)'s subpoena authority for its critical criminal and civil investigative work is one of my highest priorities and we are grateful to you, Chairman Wells, for holding a hearing on this legislation and for your public support for this long-overdue measure.

In every single state in the country where the Attorney General has criminal enforcement jurisdiction, the Attorney General's office has far broader criminal subpoena than the District's OAG. What we are asking for in Bill 20-13 is that the Council provide the District's executive with the investigative tools to be on par with the states and give us the necessary tools to carry out our responsibilities. The bill would provide the necessary subpoena authority by making clear that the OAG's subpoena power extends to include any matter for which the OAG has responsibility. The bill would authorize the OAG to issue subpoenas for witnesses and the production of documents concerning criminal offenses, acts of delinquency, or any other matter being investigated by the OAG.

The status quo is extremely problematic. Under current law, OAG lacks sufficient subpoena authority in both criminal and civil cases.

Our criminal prosecutions on behalf of the District of Columbia are handled by the OAG's Public Safety Division. The Division handles a wide variety of criminal offenses of adults with public safety implications, from criminal traffic offenses, such as drunk driving and leaving after colliding, to government fraud, such as tax and welfare fraud, to miscellaneous offenses, such as failure to report child abuse. The Division also handles all juvenile prosecutions in the District of Columbia – from felonies to misdemeanors, for a variety of offenses including: murder, rape, other sex offenses, armed robbery, assault offenses, weapons offenses, drug offenses, and unauthorized use of a motor vehicle. However, due to the 2010 amendments by the Council, which I will discuss in more detail later, our prosecutors have, as a practical matter, no meaningful ability to compel witnesses to provide information or to access critically needed documents during a criminal investigation.

This is a major impediment to effective law enforcement and places our prosecutors in an unjustified situation of weakness where they have either to rely on the good grace of voluntary witnesses, have the voluntary cooperation of the U.S. Attorneys' office sharing material learned through their investigation with

grand jury authority, or they are stuck having to decide whether to file or not file a case without the benefit of a fully and properly developed investigation.

Take just one recent well-known example of a case our office has had to handle– the case arising from the November 2012 killing by a group of teenagers of Olijawen Griffen at the Woodley Park metro station. As has been publicly discussed, our office has played a role in prosecuting some of the juveniles involved in this violent crime. Yet, prior to any charge, we lacked any meaningful power to require during our investigation a witness to give us testimony or to provide us documents or tangible physical evidence. In that case, absent the cooperation of the federal prosecutors, who were pursuing an investigation of adult co-defendants, we would have had no ability to require witnesses to tell us what happened that night in the metro that led to the death of Mr. Griffen. In our juvenile cases, we face this problem constantly, and sometimes have to abandon investigations because we have no ability to get the needed information.

Or take the more garden variety case – for example, cases involving an allegation of a false report to the fire or police department; our criminal prosecutors are regularly asked by the police or fire departments to investigate such cases, typically a week or more after the report; what they tell us is that they will need to obtain phone records and other documents to investigate the cases and have a chance at successfully pursuing the case. But under the current law, we

have no way to compel this information in our criminal investigation, and in many potential cases, the investigation as a result can not go forward. , As a result, persons who may have diverted scare police or fire resources and may have lied to the District government face no consequence, and may elect to continue their behavior, creating potential public safety risks.

This is no way to run a criminal justice system, and it is certainly not a recipe for the kind of efficient, comprehensive investigations that need to occur *before* a decision is made about whether to charge and what to charge a defendant in the District. This point applies fully to each of the other types of criminal cases – both juvenile and adult - that our office is assigned to handle. We also have responsibility to bring civil cases against public nuisances, another area of our work that would be much enhanced by the ability to compel the testimony of witnesses and to obtain important documents, including video tapes. As we enter our fourth decade of Home Rule, it makes no sense that the Council would enfeeble the District’s prosecutors in this way. The Council should give the OAG the right tools to carry out our assigned missions.

Similarly, our affirmative civil prosecutions also require meaningful subpoena authority. Through our OAG Public Interest Division, we investigate and litigate affirmative cases in which the residents of the District of Columbia or the DC Government are harmed by companies or individuals engaging in illegal or

fraudulent activities. This includes a wide range of cases, including pursuing violations of the antitrust laws, consumer protection laws, and antifraud laws, as well as matters related civil forfeiture of seized assets arising from activities involving weapons possession, prostitution, drugs, and gambling; occupational and professional licenses; medicaid and other health care assistance recovery, and collection matters for the District government. Other than some limited specified statutory areas, which I'll discuss shortly, our civil enforcement attorneys likewise lack meaningful subpoena authority, and are unnecessarily hampered in their effectiveness in fighting for the District and its residents.

Enactment of Bill 20-13 will provide the necessary criminal and civil subpoena authority OAG needs to carry out more effectively and efficiently its mission of protecting and serving the District. This is authority possessed by every state Attorney General throughout the country with criminal responsibility, including those in our neighboring jurisdictions like Maryland, Virginia, and Delaware. (Attached is a chart that shows that all 48 state AGs with criminal responsibility have compulsory process, either grand jury subpoenas or the subpoena authority; the other two states, West Virginia and Connecticut ,lack criminal enforcement authority, and as a result do not have criminal subpoena power.)

The District will hold its first election for the Attorney General in 2014 and the newly elected Attorney General will assume office in January 2015. Restoring OAG's subpoena authority is critical to ensure that OAG has the necessary tools as the District transitions to an elected Attorney General with a strong independent mandate and the ability to carry out that mandate.

The Solutions Provided by Bill 20-13

Bill 20-13 would address fully OAG's concerns about the lack of subpoena authority related to criminal and certain civil investigations. The bill would authorize the OAG to issue subpoenas for witnesses and the production of documents concerning criminal offenses, acts of delinquency, or any other matter, civil or criminal in nature, being investigated by the Attorney General. This approach, if adopted, would in our view be consistent with and augment the long-held authority, prior to the Council's unfortunate amendments in 2010, of the executive branch to conduct investigations using subpoenas.¹

Bill 20-13 would define "municipal matter" for these purposes as "any matter for which the Executive Branch of the District of Columbia government has charge or responsibility." The phrase "municipal matter", as explained in the subpoena provision, includes the Mayor's responsibilities that are set forth in

¹ See D.C. Official Code § 1-301.21 ("[t]he Mayor of the District of Columbia shall have the power to issue subpoenas to compel witnesses to appear and testify and/or to produce all books, records, papers, or documents in any investigation or examination of *any municipal matter* with respect to functions transferred to the Mayor by Reorganization Plan No.3 of 1967 or by the District of Columbia Home Rule Act (Chapter 2 of this title)" [emphasis added].

Section 422 of the Home Rule Act for “the proper execution of all laws relating to the District, and for the proper administration of the affairs of the District coming under his jurisdiction or control...”² Within the Mayor's authority are his law enforcement duties, including preservation of the public peace, prevention of crime, and the arrest of offenders.³ Historically, these duties originated, long before Home Rule, with the Board of Metropolitan Police, then transitioned to the Commissioners of the District of Columbia, the Mayor-Commissioner of the District of Columbia, and finally to the Mayor pursuant to the Home Rule Act four decades ago.

A broad reading of “municipal matter”, consistent with what we propose in Bill 20-13, is justified as well on policy grounds, and no court decision in the District before or in the forty years since Home Rule has ever indicated otherwise. It is a self-inflicted wound for the District government to fail to empower OAG to use effectively compulsion of documents and witnesses in its criminal and civil investigations. It makes us less efficient and less effective than we could and should be, and in some instances reduces our negotiating leverage on behalf of the District. I note also that subpoena authority rests with several other agencies, under laws passed by this Council. The Inspector General, the D.C. Auditor -- as well as the Board of Ethics and Government Accountability, and the Office of

² D.C. Official Code § 1-204.22 (2006 Repl. & 2008 Supp.).

³ See D.C. Official Code § 5-101.03.

Campaign Finance -- all have subpoena authority to compel witnesses or documents to be examined in matters within their respective jurisdictions.⁴ In addition, OAG has long had some subpoena authority in certain instances in its civil enforcement work. There is thus a history of responsible use of subpoena authority by OAG and other District of Columbia agencies, a use that is, and would remain, subject to the check of the court system through motions to quash and to full Council oversight, as is appropriate in our system of checks and balances.

Bill 20-13, if adopted, would maintain the robust rights under current law of the recipients of OAG subpoenas to move to quash or limit the subpoena. Current law provides that a person to whom a subpoena has been issued may move to quash or modify the subpoena in the Superior Court of the District of Columbia on grounds including: (1) [t]he Attorney General failed to follow or satisfy the procedures set forth in [the] section for issuance of a subpoena; (2) [t]he Attorney General lacked the authority to issue the subpoena under subsection (c) of [the] section; or (3) [a]ny other grounds that exist under statute or common law for the quashing or modification of a subpoena.⁵

We support the Council retaining these protective procedures for subpoena recipients to ensure the availability of prompt judicial oversight. Further, the bill would add a provision to current law that would require that any subpoena issued

⁴ See D.C. Official Code § 1-301.115A; 1-301.171.

⁵ See D.C. Official Code § 1-301.89a(d).

must contain a short, plain statement of the recipient's rights and the procedure for enforcing and contesting the subpoena.

In addition to current protections, the Council retains its full legislative oversight to determine if there has been any abuse of the subpoena power – in individual cases or when viewed in the aggregate. Judicial and Council oversight of the OAG's use of subpoenas are appropriate and productive, and we welcome both to ensure that the subpoena authority that we urge the Council to grant to OAG is used appropriately.

Further, as noted, it is logical to lodge expressly these powers with the OAG since this office will be out of the Mayoral reporting line as of January 2015 with an elected Attorney General at the helm. The subpoena authority proposed by Bill 20-13 is needed because the subpoena authority under current law is inadequate for OAG effectively to protect and represent the interests of the District of Columbia in both the criminal and civil realms.

Problems under current law related to OAG criminal investigations

Under current law, OAG's subpoena authority in the criminal investigations context is extraordinarily limited. While current law sets out a broad general rule that allows for the issuance of subpoenas for the production of documents concerning criminal and delinquent offenses that the Attorney General has the

authority to prosecute⁶, a provision of the law carves out an exception that makes the general rule virtually worthless. D.C. Code § 1-301.89a(c) provides that the Attorney General does not have the authority to issue a subpoena if: “(A) [a]n indictment, information, or petition has been filed with the court formally charging the target of the investigation; (B) [t]hree business days have elapsed since the underlying offense was committed; or (C) [o]ther means are available to obtain the documents sought in the subpoena.”

Each of these three limitations, enacted in late 2010, is problematic and unjustifiably undermines OAG's ability to carry out its mandate. Taken together, which they must be, since the statute by use of the disjunctive "or" bars a subpoena from issuing if *any* of the three conditions obtains, they make it nearly impossible, as a practical matter, for OAG to use subpoenas meaningfully in its criminal investigations. For the good of the District, the law should be changed. I'll describe each of the three problematic limitations.

1. Three business days have elapsed since the underlying offense was committed.

One of the most problematic provisions in the current law is the three-business day time limit. Crimes frequently go undetected for more than three business days or leads may develop more than three days after a crime has been committed in both juvenile delinquency and adult criminal cases. Accordingly, the

⁶ See D.C. Official Code § 1-301.89a(a).

knowledge of the existence of witnesses and/or documentary evidence may not arise until after the three-day limit – both as to OAG's juvenile and adult-related criminal investigations.

In juvenile cases, for example, a juvenile may rob a person, and the victim's credit cards and phone are not found until weeks later. In this situation, a proper investigation would include subpoenaing credit card and phone records to see if the information obtained can be used to identify the person who committed the robbery or who illegally used the credit cards or phone. Video recordings may also be discovered more than three days after offenses are committed. Similarly, as part of an investigation, police may obtain evidentiary photographs or tapes or texts from social networking sites and the three day limitation would prevent the use of subpoenas to identify IP addresses and the names of those who are associated with the particular account. More and more, perpetrators are putting video of crimes or discussing crimes on-line and police do not necessarily find these items within three days. We need tools for the 21st century.

In addition, when police know about a crime, it takes time to do a proper investigation. Frequently, the investigation is not completed within three days. Further, even if the investigation takes a day or two to develop the need for subpoenaed information, the police still have to come to OAG to present the case so that OAG can make an independent evaluation of whether the requested

information should be subpoenaed. As OAG has limited resources, we may not always have an attorney available to review a subpoena request made by law enforcement within the remaining portion of the limited timeframe.

The ability of OAG to issue investigatory subpoenas in adult criminal cases is not novel. For example, OAG prosecutes certain welfare fraud offenses. In these cases, pursuant to D.C. Code, there is no time limitation and a subpoena can issue at any time during the course of the investigation.⁷ The proposal in Bill 20-13 simply applies this sensible rule to the broad range of other potential criminal investigations by OAG.

2. Other means are available to obtain the documents sought in the subpoena.

This carve out in the current law is also problematic. The statute provides that documents are deemed available by other means if: (A) [t]he documents may be sought by means of a grand jury subpoena and are being sought during business hours on a business day; (B) [t]he documents have been unsuccessfully sought by means of a grand jury subpoena; (C) [t]he documents may be sought, or have been unsuccessfully sought, by means of a search warrant for information falling within the categories listed in [D.C. Code] § 23-521 (d); or (D) [c]onsent has not been sought for the release of the documents, unless a determination has been made that requesting such consent would threaten or impede the investigation.

⁷ See D.C. Official Code § 4-218.04.

This provision is problematic for two main reasons. First, it appears to have been drafted on the assumption that OAG has access to a grand jury. OAG does not. While the Office of the United States Attorney (USAO) does have access, OAG is not generally given access to USAO grand jury investigations. Thus, it will not be possible for us to know whether there is an ongoing grand jury investigation pertinent to the facts in question. Nor is it feasible as a practical matter for OAG to regularly seek the assistance of the very busy and pre-occupied USAO to use its grand jury authority to assist in OAG investigations, particularly because USAO is only likely to use its grand jury authority to investigate offenses for which it has jurisdiction to prosecute, not ones which OAG is authorized to charge.

Second, the search warrant requirement is problematic in its current form because it causes government inefficiency with little-to-no public benefit. In some instances, a search warrant may be used to obtain the same evidence that can be acquired by the use of an investigatory subpoena. However, this option wastes police time and needlessly costs the taxpayer extra money. The District's costs are minimal when one compares OAG filling out and emailing a subpoena to a credit card company versus MPD having to obtain an OAG-approved search warrant, going to Court, waiting to be seen by a judge, meeting with the judge, physically taking the search warrant to the location where it is to be served and then waiting while the records are produced. Since a search warrant is more intrusive than a

subpoena, a Court will want to know why the subpoena approach is unavailable before authorizing a search warrant.

3. An information or petition has been filed with the court formally charging the target of the investigation.

There are many legitimate reasons why further investigation, including the issuance of subpoenas for testimony and/or documents, may be necessary after the filing of charges in court in both juvenile delinquency and adult criminal cases. For example, once OAG has probable cause, it may file a charge allowing it to obtain stay-away orders to protect a victim and the community or to prevent a respondent or defendant from fleeing. Notwithstanding the filing of charges in these situations, OAG may often need additional information to further develop or investigate the case either to obtain additional evidence on the charged offense or to determine if additional charges are warranted. It is frequently the case in the federal system and around the country that when a prosecutor brings charges, the office discloses that the investigation “is continuing.” This means that additional subpoenas may be issued to investigate either further charges or additional defendants or both.

Other examples of records for which OAG may use subpoena authority, after charges are brought, include bank records, utility records (to prove who resides at a location), and ATM video tapes. Post-filing subpoena power prevents

prosecutors from having to decide if they should bring a case on minimum evidence – often without access to all available witnesses -- to protect the community or to leave a dangerous youth or adult at large while additional evidence is sought. In addition, it will provide needed authority to obtain key information from individuals other than the target - third-party witnesses or custodians of relevant custodians -- that the discovery rules may not necessarily provide to the OAG, and are entirely appropriate sources of information for such investigations.⁸ We agree that after charges are brought, a subpoena to the defendant to testify would be inappropriate, but that does not extend to subpoenas for documents or for the testimony of others.

For the reasons previously discussed, each of the three exceptions under current law is problematic. Taken together, however, they make it nearly impossible as a practical matter for OAG to use subpoena authority in its criminal investigations. Indeed, the data bears this out. The three exceptions were enacted in 2010 as part of the Attorney General Subpoena Authority Amendment Act of 2010.⁹ Since January 2011, OAG has issued just *two* subpoenas related to criminal or delinquency investigations. In comparison, I am told by the D.C. Inspector

⁸ Some may argue that the post-filing additional subpoena authority granted by Criminal and Juvenile Rule 17 is sufficient. We note that this authority is insufficient to meet OAG's needs. Those Rules require that evidence be brought to a court hearing and prohibits their use to summon evidence to a prosecutor's office. See Criminal Rule 17 (a) (" ... [A subpoena shall] command each person to whom it is directed to attend and give testimony at the time and place specified therein ...").

⁹ Effective June 3, 2011 (D.C. Law 18-376).

General that his office issued close to 200 subpoenas in 2012. This disparity shows that the limitations, which OAG must and does observe scrupulously, make the subpoena authority effectively meaningless for the chief agency charged with conducting the District's law business.

Problems under current law related to OAG civil investigations

For civil cases already filed in court where the District or its agency or official has been sued and OAG is representing the defendant, the current rules of civil procedure (both Federal and District of Columbia) give OAG adequate subpoena authority. There are, however, substantial gaps in OAG's subpoena authority for matters in which it is investigating a potential civil claim *against* wrongdoers in which the District may bring suit. Currently, OAG can rely only on certain narrowly targeted D.C. Code provisions that give OAG authority to issue subpoenas or civil investigative demands in connection with specific types of civil enforcement investigations.¹⁰

¹⁰ These provisions include:

1. D.C. Code § 2-381.07 - False Claims Act investigation (civil investigative demand). This provision authorizes OAG to issue civil investigative demands for documents, oral testimony, or answers to interrogatories, in order to obtain information "relevant to a false claims law investigation."

2. D.C. Code § 4-804 - Medicaid Fraud investigation (subpoena). This provision authorizes OAG, in exercising its power "to investigate all alleged violations" of the Medicaid Provider Fraud Prevention Amendments Act of 1984, to issue subpoenas for documents or oral testimony.

3. D.C. Code § 28-3910 - Consumer Protection investigation (subpoena). This provision authorizes OAG to issue subpoenas for documents or oral testimony "[i]n the course of an investigation to determine whether to seek [judicial] relief pursuant to D.C. Code § 28- 3909 against violations of the Consumer Protection Procedures Act or a number of related consumer protection statutes.

OAG needs the subpoena authority proposed in Bill 20-13 for investigations in all civil matters where we have jurisdiction. In the early stages of investigating civil matters, it is not possible to know which precise statutory offense we may be able to invoke later once we find out the relevant information. Therefore, the fact that OAG has several specific statutory areas may not be of any help. In most cases, unless we get essentially lucky to fall within one of statutorily specified areas, we have no subpoena authority, our hands are tied, and our effectiveness is reduced. For example, in the matter involving former councilmember Harry Thomas, Jr., OAG fortuitously had subpoena authority because of the coincidence that the investigation as originally initiated related to charitable solicitations, one of the few areas where current law allows us some civil investigative authority. We did not know at the outset that this investigation would lead to the discovery of the misappropriation of public funds and a possible false claims act violation. Had we not had the “hook” of charitable solicitations, our office may not have been

4. D.C. Code § 28-4505 - Antitrust investigation (civil investigative demand). This provision authorizes OAG to issue civil investigative demands for documents, oral testimony, or answers to written interrogatories, in order to obtain information "relevant to a civil antitrust investigation."

5. D.C. Code § 29-412.20(b) - Investigation of nonprofit corporation (subpoena). This provision authorizes OAG to issue subpoenas for documents or oral testimony "in the course of an investigation to determine whether to bring a court action" against a nonprofit corporation that has exceeded or abused its authority or continued to act contrary to its nonprofit purposes.

6. D.C. Code § 44-1712(c) - Charitable Solicitations investigation (subpoena). This provision authorizes OAG to issue subpoenas for documents or oral testimony "in the course of an investigation to determine whether to bring a court action" against unlawful charitable solicitations.

able to issue subpoenas that led to bank records that uncovered the theft of hundreds of thousands of dollars of taxpayer dollars.

Further, there are substantial gaps in our civil investigation subpoena authority. For example, OAG lacks the necessary civil investigative authority in actions to collect improperly received unemployment compensation, actions to recoup funds for the District in non-resident tuition cases, and in most matters, we lack the authority to compel financial records of private institutions. Such records are often the key to learning the underlying financial information necessary to show which entity owes the District money. Without the civil investigative authority in all civil matters where the OAG has jurisdiction, we will continue to be unduly hampered in our efforts to represent the District in civil enforcement actions against wrongdoers, and both OAG and private parties we face as well as the courts will be stuck with the unnecessary problems that arise when we must file a complaint in court *before* having any legal rights to discover the key information in the matter.

OAG Should Have the Subpoena Authority That Other Jurisdictions' Attorney General Offices Have.

OAG's lack of adequate subpoena authority stands in dramatic contrast to other jurisdictions. As noted, Attorneys General in **every single state in the country** where the Attorney General's office (as opposed to a local office like the District Attorney or county prosecutor) has criminal enforcement jurisdiction have

broader criminal subpoena than the District, either through their direct subpoena power or through their statutory grand jury authority, which nominally issue the subpoenas.

Since this office has no access to grand juries, OAG's attorneys need direct and full statutory subpoena authority. OAG should have authority like that possessed, for example, by the Hawaii Attorney General, who may initiate “a... criminal investigation” into any alleged crimes when he deems it to be in the public interest to do so and in the course of that investigation, may subpoena witnesses and gather testimony and evidence.¹¹ In Alabama, similarly, the AG may issue subpoenas to investigate matters that are not before a grand jury.¹² Indeed, Michigan has found its non-grand jury investigatory powers so helpful, it has nearly abandoned the use of the grand jury process altogether, in favor of “investigative subpoenas”,¹³ similar to the authority that OAG is seeking through Bill 20-13. In Delaware, the Attorney General's subpoena authority is similar to that of a grand jury and that office can “investigate matters involving the public peace, safety and justice and to subpoena witnesses and evidence in connection therewith.”¹⁴

¹¹ See HRS § 28-2.

¹² See ARCrP Rule 17.1.

¹³ See MI ST 767A.4.

¹⁴ 29 Del. C. § 2504.

Since OAG has no grand jury access, the Council should exercise its authority to strengthen the District's prosecutors by providing this type of broad investigative authority to execute fully its public safety and civil investigation functions.

Conclusion

Restoring and enhancing OAG's subpoena power to give the District parity with the states will allow our investigators and attorneys to do their work on behalf of the District more effectively and efficiently. Chairman Wells, thank you for holding today's hearing on Bill 20-13. I am pleased to answer any questions that you may have.

Attachment A

State	Does AG have subpoena authority for criminal investigations (either directly or through the grand jury)?
AL	Yes
AK	Yes
AZ	Yes
AR	Yes
CA	Yes
CO	Yes
CT	No
DE	Yes
FL	Yes
GA	Yes
HI	Yes
ID	Yes
IL	Yes
IN	Yes
IA	Yes
KS	Yes
KY	Yes
LA	Yes
ME	Yes
MD	Yes
MA	Yes
MI	Yes
MN	Yes
MS	Yes
MO	Yes
MT	Yes
NE	Yes
NV	Yes
NH	Yes
NJ	Yes
NM	Yes
NY	Yes
NC	Yes
ND	Yes
OH	Yes
OK	Yes
OR	Yes
PA	Yes
RI	Yes
SC	Yes
SD	Yes
TN	Yes
TX	Yes
UT	Yes
VE	Yes
VA	Yes
WA	Yes
WV	No
WI	Yes
WY	Yes
<p>*The Connecticut and West Virginia AG's have no criminal enforcement authority or jurisdiction. In CT, an independent entity called the Division of Criminal Justice handles criminal prosecutions. This office has subpoena authority. The CT AG can issue civil subpoenas, for example, in the context of state antitrust matters and the sale of nonprofit hospitals. In WV, the local county prosecutors handle criminal matters. WV has grand jury subpoenas. The WV AG can issue civil subpoenas, for example, in the context of state antitrust matters.</p>	