



Washington Association of
**SHERIFFS &
POLICE CHIEFS**

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Steven D. Strachan
Executive Director

November 30, 2021

The Honorable Jay Inslee
Governor, State of Washington
Office of the Governor
PO Box 40002
Olympia, WA 98504-0002

Dear Governor Inslee:

The Washington Association of Sheriffs and Police Chiefs is required to report to the **appropriate committees of the legislature**, the **joint legislative task force** on sexual assault forensic examination best practices, and the **governor** by December 1, 2017.

We are further required to report each December 1st of each subsequent year the project is funded and operating, regarding the status of grant awards, the progress of the grant recipients toward the identified goals in this section, the data required by subsection (4) of this section, and any other relevant information or recommendations related to the project or sexual assault kit policies.

Enclosed is our report for 2021.

Sincerely,

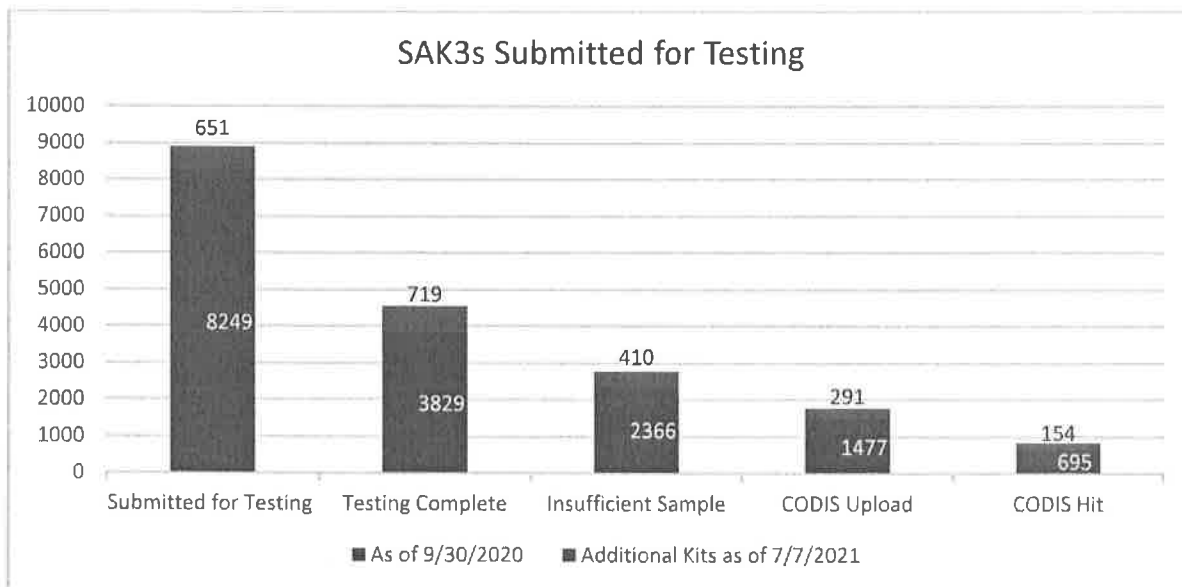
Steven D. Strachan
Executive Director

SDS:dg
Enclosure

Washington State Sexual Assault Kit Initiative Project—2021 Annual Report

In 2017, the Washington State Legislature established the Sexual Assault Kit Initiative Project. The Project is codified in [RCW 36.28A.430](#). When funded, the legislation directs the Washington Association of Sheriffs and Police Chiefs (WASPC) to administer a grant program to support multidisciplinary community response teams engaged in seeking a just resolution to sexual assault cases resulting from evidence found in previously un-submitted sexual assault kits. These kits are commonly referred to as a SAK3. For the first time since adopting the program in 2017, the Washington State Legislature, via budget proviso, funded the project for \$2 million for the 2021 state fiscal year. The Washington State Legislature provided \$750,000 in continued funding for the 2022 state fiscal year.

In 2019, the Washington State Legislature adopted [RCW 70.125.100](#) (now [RCW 5.70.050](#)), requiring all SAK3s to be submitted to the Crime Lab for testing by October 1, 2019. In July 2021, the Washington State Patrol (WSP) provided an updated report to WASPC outlining the SAK3 cases submitted to the WSP Crime Lab for testing, the testing status, and if any [CODIS](#) hits were made. The total number of SAK3s submitted for testing as of July 7, 2021 was 8,900. Of those, testing has been completed for 4,548 SAK3s. Of the SAK3s that have been tested, 2,776 SAK3s were found insufficient to upload to CODIS, while 1,768 SAK3s were uploaded to CODIS. Of the CODIS uploads, 849 hits were made to 2,041 profiles.



WASPC is statutorily required to perform the actions provided below. WASPC's progress toward each of the actions is provided for your consideration.

(a) Design and implement the grant project with the elements included in this section.

With SAK3s being submitted to the WSP Crime Lab for testing, the focus on these cases has shifted to investigation, or reinvestigation, of the cases. In August 2020, agencies with more than 100 kits (where testing has been completed and a profile has been uploaded into CODIS) were asked by WASPC to provide input on the development of the newly funded grant program established under RCW 36.28A.430(3). Based on the feedback provided by those agencies, WASPC launched an application for funding on October 5, 2020.

With continued funding for the 2022 state fiscal year, WASPC offered grant renewals to participating agencies in June (with a start date of July 1, 2021) and launched another application for funding in August 2021.

(b) Screen and select eligible applicants to receive grants.

In late 2020, WASPC identified all agencies (where testing had been completed on SAK3s, regardless of a CODIS hit), and encouraged each to apply for SAKI grant funds to reinvestigate each of the underlying cases, regardless of the ability to prosecute. Multiple agencies expressed challenges about their ability to utilize the SAKI grant funds by June 30, 2021. Specific concerns included the availability of staff suitable for the nature of the work. These investigations require a high level of technical skill and training, and allocating these resources with current staffing is a challenging component. The short-term nature of the SAKI grant funds also posed a challenge to agencies as the timeline for establishing a multidisciplinary team with the appropriate training and protocols can be lengthy. Investigation, victim notification and any subsequent legal proceedings can also require significant time. Lastly, the COVID-19 pandemic and ongoing civil unrest are unprecedented in the impact to local law enforcement agency funds and demands on limited staffing. Most agencies reported they simply do not have the staff necessary to conduct these investigations and respond to the current needs of their communities. However, there is a continued commitment to work to find justice and complete this critical work.

As of October 2021, WASPC received two renewal applications for 2021-2022 SAK3 grant funds. Both applications have been determined eligible for grant funds.

(c) Award grants and disburse funds to at least two eligible applicants, at least one located in western Washington and at least one located in eastern Washington.

The Seattle Police Department (Seattle) was awarded \$100,000 for the 2020-2021 grant period and utilized \$21,494.54 of its available funding. Seattle has re-applied and has been awarded \$100,000 for the 2021-2022 grant period.

The Spokane Police Department (Spokane) was awarded \$100,000 for the 2020-2021 grant period and utilized \$49,552.50 of its available funding. Spokane has re-applied and has been awarded \$208,000 for 2021-2022 grant period.

(d) Adopt necessary policies and procedures to implement and administer the program.

WASPC has existing policies and procedures being utilized for this grant program. WASPC will adopt any additional policies and procedures to administer this grant program, as necessary.

(e) Monitor use of grant funds and compliance with the grant requirements.

Grantees are required to submit monthly reports and invoices for reimbursement.

(f) Create and implement reporting requirements for grant recipients.

Within two months of the grant award, grantees are required to provide the names of multidisciplinary cold case or sexual assault investigation team members; status of victim-centered trauma informed trainings attended by team members and adopted protocols for victim notification.

Grantees are required to submit monthly reports to document

- any case updates, including case investigation and conviction status,
- any changes in multidisciplinary cold case or sexual assault investigation team members,
- additional victim-centered, trauma informed trainings attended by team members,
- any changes to adopted protocols, and
- the number of advocate contacts with victims during reporting period.

(g) Facilitate the hosting of a sexual assault kit summit in the state of Washington through a grant recipient or directly through the Washington Association of Sheriffs and Police Chiefs, subject to the availability of funds, which may include a combination of public and private dollars allocated for the particular purpose.

In light of the COVID-19 pandemic, including restrictions on business meetings and events, and the one-time allocation of funds for the SAKI project, WASPC made the decision to not pursue hosting a Sexual Assault Kit Summit for state fiscal year 2021. With continued complications related to the COVID-19 pandemic and the understanding that this will be the final funding allocation for the SAKI project, WASPC has again made the decision to not pursue hosting a Sexual Assault Kit Summit for state fiscal year 2022.

(h) Report to the appropriate committees of the legislature, the Joint Legislative Task Force on Sexual Assault Forensic Examination best practices, and the governor by December 1, 2017, and each December 1st of each subsequent year the project is funded and operating, regarding the status of grant awards, the progress of the grant recipients toward the identified goals in this section, the data required by subsection (4) of this section, and any other relevant information or recommendations related to the project or sexual assault kit policies.

Statutory Requirements of the grant program are provided. WASPC expects each of the SAKI grantees to adhere to these requirements, except as noted below.

- (a) *Perform an inventory of all unsubmitted sexual assault kits in the jurisdiction's possession regardless of where they are stored and submit those sexual assault kits for forensic analysis through the Washington State Patrol or another laboratory with the permission of the Washington State Patrol.*

WASPC conducted an inventory of unsubmitted SAK3s from September 2014 to January 2015. The Washington State Attorney General's Office completed a subsequent inventory for its Sexual Assault Kit Initiative as funded by the Bureau of Justice Assistance. It is WASPC's belief that this requirement has been satisfied.

- (b) *Establish a multidisciplinary cold case or sexual assault investigation team or teams for follow-up investigations and prosecutions resulting from evidence from the testing of previously unsubmitted sexual assault kits. Cold case or sexual assault investigative teams must: Include prosecutors, law enforcement, and victim advocates for the duration of the project; use victim-centered, trauma-informed protocols, including for victim notification; and use protocols and policies established by the Washington Association of Sheriffs and Police Chiefs. The grant funds may support personnel costs, including hiring and overtime, to allow for adequate follow-up investigations and prosecutions. Grant awards must be prioritized for eligible applicants with a commitment to co-locate assigned prosecutors, law enforcement, and victim advocates for the duration of the grant program.*
- (c) *Require participants in the multidisciplinary cold case or sexual assault investigation team or teams to participate in and complete specialized training for victim-centered, trauma-informed investigation and prosecutions.*
- (d) *Identify and address individual level, organizational level, and systemic factors that lead to unsubmitted sexual assault kits in the jurisdiction and development of a comprehensive strategy to address the issues, including effecting changes in practice, protocol, and organizational culture, and implementing evidence-based, victim-centered, trauma-informed practices and protocols.*

In light of the Legislature's enactment of [RCW 70.125.100](#) (now [RCW 5.70.050](#)), requiring that all SAK3s be submitted for forensic examination by October 1, 2019, and the enactment of [RCW 70.125.090](#) (now [RCW 5.70.040](#)), requiring that all sexual assault kits must be submitted for forensic examination within thirty days of receipt, it appears that the Legislature has addressed systemic factors leading to unsubmitted kits through the enactment of legislation subsequent to the provision requiring grantees to address said systemic factors.

- (e) *Appoint an informed representative to attend meetings of and provide information and assistance to the Joint Legislative Task Force on Sexual Assault Forensic Examination best practices.*
- (f) *Identify and maintain consistent, experienced, and committed leadership of their sexual assault kit initiative.*

(g) *Track and report the following data to the Washington Association of Sheriffs and Police Chiefs, in addition to any data required by WASPC: The number of kits inventoried; the dates collected and submitted for testing; the number of kits tested; the number of kits with information eligible for entry into the combined DNA index system; the number of combined DNA index system hits; the number of identified suspects; including serial perpetrators; the number of investigations conducted and cases reviewed; the number of charges filed; and the number of convictions.*

Grantee Updates:

In its final monthly report for the 2020-2021 grant, the Spokane Police Department (Spokane) reported they have reviewed all 693 of its submitted SAK3 cases to determine the status and completeness of the original investigation. Moving forward, Spokane's work will be focused on locating survivors, communicating testing status and planning the next phase of the investigation when applicable. Spokane is also working with survivors and encouraging them to connect with victim advocates. Spokane also reports that most of the survivor contacts to date have been positive. From January 2021 to June 2021, two cases were identified that will likely result in criminal charges.

As of October 2021, one case garnered significant media attention when new charges were filed against a sexually violent predator scheduled for release from the Special Commitment Center on McNeil Island, <https://www.kxly.com/spokane-police-link-cold-case-rape-to-mcneil-island-sex-offender-who-was-about-to-be-released/>.

In the Seattle Police Department's (Seattle) final report for the 2020-2021 grant, Seattle reported that 86 cases were reassigned, 19 are currently active, ten suspects have been arrested or charged, 34 cases have been inactivated at the survivor's request or closed exceptional and 20 cases are still pending location of the survivor.

Moving Forward:

As more testing is completed, WASPC expects that additional local law enforcement agencies may be interested in the available funds to support the investigation of SAK3s to conclusion. WASPC has been clear to local law enforcement agencies that the purpose of the Sexual Assault Kit Initiative Projects is a just resolution to sexual assault cases resulting from evidence found in previously unsubmitted sexual assault kits. WASPC continues to inform agencies of the availability of grant funds to support this work.