



Washington Association of
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POLICE CHIEFS**

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December 1, 2022

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Subject: RCW 36.28A.430, Sexual Assault Kit Initiative—Annual Report

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Steven D. Strachan
Executive Director

Chief Clerk Dean and Secretary Bannister:

Pursuant to Chapter 290, Laws of 2017, the Washington Association of Sheriffs and Police Chiefs (WASPC) is submitting its annual report on the Sexual Assault Kit Initiative. This report is submitted in accordance with RCW 43.01.036.

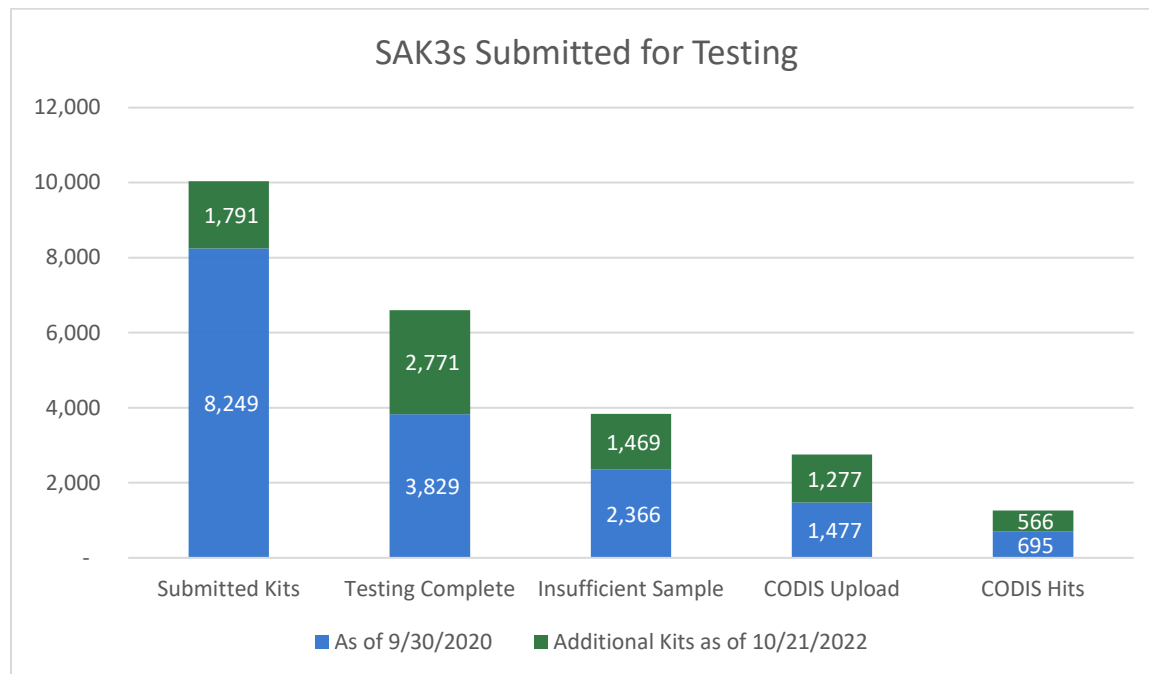
Sincerely,

Steven D. Strachan
Executive Director

Washington State Sexual Assault Kit Initiative—2022 Annual Report

In 2017, the Washington State Legislature established the Sexual Assault Kit Initiative (SAKI). 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 SAK3s. 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 and 2023 state fiscal years.

In 2019, the Washington State Legislature adopted [RCW 70.125.100](#) (now [RCW 5.70.050](#)), requiring all SAK3s to be submitted to the Washington State Patrol (WSP) Crime Laboratory for testing by October 1, 2019. In October 2022, the Washington State Patrol (WSP) provided an updated report to WASPC outlining the SAK3 cases submitted to the WSP Crime Laboratory for testing, the testing status, and if any Combined DNA Index System (CODIS)¹ matches, more commonly referred to as “CODIS hits,” were made. The total number of SAK3s submitted for testing as of October 21, 2022 was 10,040. Of those, testing has been completed for 6,600 SAK3s. Of the SAK3s that have been tested, 3,835 SAK3s were found insufficient to upload to CODIS, while 2,754 SAK3s were uploaded to CODIS. Of the CODIS uploads, 1,261 hits were made to 1,548 profiles.



¹ [CODIS and NDIS Fact Sheet — FBI](#)

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 Laboratory 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 the initial application for funding on October 5, 2020.

With continued funding in state fiscal years 2021, 2022 and 2023, WASPC has maintained an open application window for any agency seeking funds to support a just resolution on sexual assault cases resulting from evidence found in previously un-submitted sexual assault kits.

(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 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 did 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 2022, WASPC received two renewal applications and two new applications for 2022-2023 SAK3 grant funds. All 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 July 1, 2021 to June 30, 2022 grant period and utilized \$13,526.00 of its available funding. Seattle has re-applied and has been awarded \$100,000 for the July 1, 2022 to June 30, 2023 grant period.

The Spokane Police Department (Spokane) was awarded \$208,000 for the July 1, 2021 to June 30, 2022 grant period and utilized \$127,248.65 of its available funding. Spokane has re-applied and has been awarded \$173,000 for July 1, 2022 to June 30, 2023 grant period.

As of October 3, 2022, Tukwila Police Department has applied for and has been awarded \$39,427.00 for the July 1, 2022 to June 30, 2023 grant period.

As of October 25, 2022 Auburn Police Department has applied for and has been awarded \$45,000.00 for the July 1, 2022 to June 30, 2023 grant period.

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

WASPC has existing policies and procedures 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 to 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. Again, with the understanding that the current funding allocation is the final funding allocation for the SAKI project, WASPC will not be hosting a Sexual Assault Kit Summit in fiscal year 2023.

- (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.*

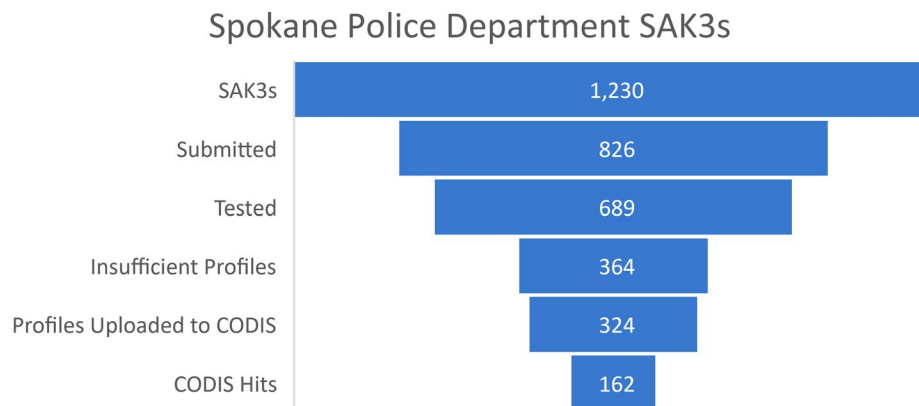
In light of the Legislature's enactment of [RCW 70.125.100](#) (now [RCW 5.70.050](#)), requiring that all SAK3s be submitted for forensic examination by October 1, 2019, and the enactment of [RCW 70.125.090](#) (now [RCW 5.70.040](#)), requiring that all sexual assault kits must be submitted for forensic examination within 30 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.*

Spokane Police Department

The Spokane Police Department grant includes salaries, benefits, and overtime; a small training budget; funds to support familial DNA testing; and funding support for a local victim advocacy organization to participate as part of their multi-disciplinary team.

At the time of this report, and according to data available to WASPC², the Spokane Police Department has identified 1,230 SAK3s. Of those, 826 have been submitted to the Washington State Patrol Crime Lab for testing. 689 of the kits submitted have been tested. 364 of the tested kits have yielded an insufficient profile. 324 profiles have been uploaded to CODIS, yielding 162 CODIS hits.



² WASPC relies on information from the Washington State Patrol totaling the number of SAK3 cases that have been identified for testing. The data available to WASPC may differ from data reported directly from local agencies.

The Spokane Police Department Reports the following case statuses for each of the 1,230 SAK3s.

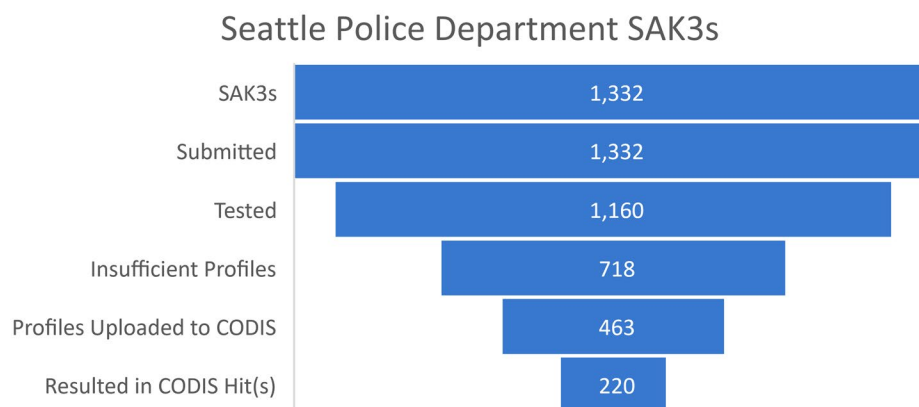
Closed - Insufficient	255
Closed - Lack of Victim Participation	55
Closed - Other	164
Closed - Pending Prosecutor Review	0
Closed - Prosecutor Accepted	23
Closed - Referred to Prosecutor	5
Closed - Prosecutor Declined (Legally Insufficient)	30
Closed - Prosecutor Declined per Charging Standards	5
Closed - Unable to Locate Victim	1
Open - Active Investigation	31
Open - Inactive	116
Open - Pending Results from WSP/AFIS	111
Unreported	434
Total	1,230

With the Sexual Assault Kit Initiative funding, Spokane Police Department investigators are examining each case and bringing it to a meaningful conclusion. In July 2022, the Spokane Police Department Reported three cases with CODIS hits have been or will be charged as a result of the grant funds awarded to focus on these cases. Click [here](#) to see local media coverage of the Spokane Police Department's efforts under the Sexual Assault Kit Initiative.

Seattle Police Department

The Seattle Police Department grant includes funding to support investigator, administrative, advocate and supervisor overtime; out of state travel; DNA collection; familial DNA; equipment; and training.

At the time of this report, and according to data available to WASPC², the Seattle Police Department has identified 1,332 SAK3s. Of those, 1,332 have been submitted to the Washington State Patrol Crime Lab for testing. 1,160 of the kits submitted have been tested. 718 of the tested kits have yielded an insufficient profile. 463 profiles have been uploaded to CODIS, yielding 220 CODIS hits.



The Seattle Police Department Reports the following case statuses for each of the 1,332 SAK3s.

Closed - Insufficient	732
Closed - Lack of Victim Participation	28
Closed - Other	21
Closed - Pending Prosecutor Review	-
Closed - Prosecutor Accepted	14
Closed - Referred to Prosecutor	28
Closed - Prosecutor Declined (Legally Insufficient)	20
Closed - Prosecutor Declined per Charging Standards	2
Closed - Unable to Locate Victim	12
Open - Active Investigation	24
Open - Inactive	208
Open - Pending Results from WSP/AFIS	238
Unreported	5
Total	1,332

In their final report for the July 1, 2021 to June 30, 2022 funding cycle, the Seattle Police Department reported the following:

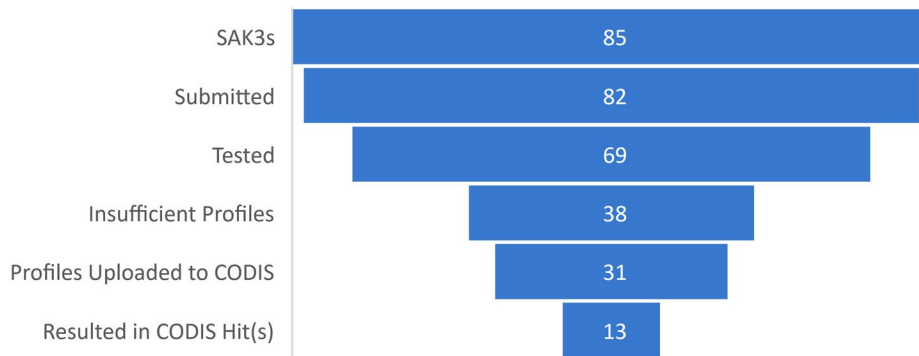
- Detectives in the unit have contacted victims outside of the city, even flying to other states for interviews.
- Detectives have been able to interview victims, and then file cases with King County Prosecuting Attorney for charging considerations.
- While completing LE Questionnaires for the Attorney General’s Office (see RCW 5.70.060 for reference), Seattle Police Department discovered that one of the suspects who Seattle Police Department received a CODIS hit on had recently been arrested for a new sexual assault, auto theft, possession of dangerous weapon, and possession of stolen property.
- Seattle Police Department has had some cases where the detectives had reached out to the victims to begin work with them, and then later discovered that the suspect was deceased. In these cases, advocates continued to work with victims. Seattle Police Department also had several cases where the CODIS hit came back and they later found that the victim was deceased.

Tukwila Police Department

The Tukwila Police Department grant includes funding to support investigator overtime; familial DNA; and training.

At the time of this report, and according to data available to WASPC², the Tukwila Police Department has identified 85 SAK3s. Of those, 82 have been submitted to the Washington State Patrol Crime Lab for testing. Sixty-nine of the kits submitted have been tested. Thirty-eight of the tested kits have yielded an insufficient profile. Thirty-one profiles have been uploaded to CODIS, yielding 13 CODIS hits.

Tukwila Police Department SAK3s

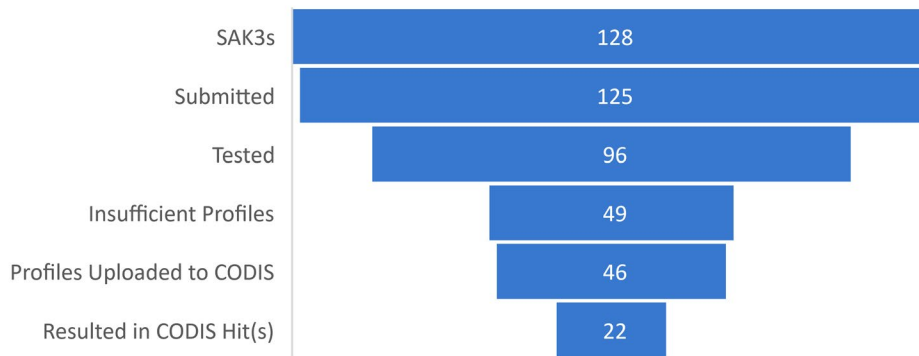


Auburn Police Department

The Auburn Police Department grant includes funding to support investigator overtime and training.

At the time of this report, and according to data available to WASPC², the Seattle Police Department has identified 128 SAK3s. Of those, 125 have been submitted to the Washington State Patrol Crime Lab for testing. 96 of the kits submitted have been tested. 49 of the tested kits have yielded an insufficient profile. 46 profiles have been uploaded to CODIS, yielding 22 CODIS hits.

Auburn Police Department SAK3s



Moving Forward:

In late 2021/early 2022, agencies began to receive requests from the Attorney General’s Office pursuant to RCW 5.70.060 to collect data regarding cases with CODIS hits. In light of this requirement, WASPC has fielded questions from multiple local law enforcement agencies about the availability of SAKI funds. 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.