



Washington Association of  
**SHERIFFS &  
POLICE CHIEFS**

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Executive Director

February 10, 2023

Bernard Dean  
Chief Clerk of the House  
Deliver to: [clerk.chief@leg.wa.gov](mailto:clerk.chief@leg.wa.gov)

Sarah Bannister  
Secretary of the Senate  
Deliver to: [senate.secretary@leg.wa.gov](mailto:senate.secretary@leg.wa.gov)

Subject: RCW 5.70.060—Case Status Updates

Chief Clerk Dean and Secretary Bannister:

RCW 5.70.060 requires the Washington Attorney General's Office (AGO) to report, quarterly, on the investigational status of any sexual assault kit under RCW 5.70.050 to the Washington Association of Sheriffs and Police Chiefs (WASPC). RCW 5.70.060 also requires the WASPC to submit reports on the information collected to the Governor and appropriate committees of the Legislature. Please accept our report detailing our collective efforts regarding the status of sexual assault kits under RCW 5.70.050.

The AGO's cumulative report of data from January 1, 2022 to date is attached for your review.

WASPC looks forward to our continued partnership with the AGO on this important issue. Please let us know if you have any questions regarding this report. Please direct questions to Jamie Weimer at the WASPC, [jweimer@waspc.org](mailto:jweimer@waspc.org) or Laura Twitchell at the AGO, [laura.twitchell@atg.wa.gov](mailto:laura.twitchell@atg.wa.gov).

Sincerely,

Steven D. Strachan  
Executive Director

CC: James McMahan, WASPC  
Jamie Weimer, WASPC  
Laura Twitchell, AGO



**Bob Ferguson**  
**ATTORNEY GENERAL OF WASHINGTON**

Criminal Justice Division  
800 Fifth Avenue • Suite 2000 • MS TB 14 • Seattle WA 98104-3188  
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Dear Colleagues:

As you know, in 2015, Washington State began the process of testing all previously unsubmitted sexual assault kits across the state. In 2019, pursuant to RCW 5.70.050, the Washington State Patrol was required to facilitate the testing of those kits by December 1, 2021.

In 2021, the legislature passed RCW 5.70.060. This statute requires the Attorney General's Office to follow up on CODIS hits from sexual assault kits tested pursuant to RCW 5.70.050. Specifically, RCW 5.70.060 directs the Attorney General's office to collect information from the applicable law enforcement and prosecuting attorney agencies about the investigational status of cases arising from the hits. Currently, as of December 21, 2022, there have been 1451 CODIS hits to the offender database from the tested kits. The CODIS hits are to cases from 74 law enforcement agencies across the state. This number is likely to increase month to month. Additionally, as convicted offender profiles are uploaded into the CODIS offender database, cases currently in the forensic database may return a hit.

The roll-out for backlog CODIS hits took place in the first quarter of 2022. Backlog hits, for the purposes of this report, are hits received by our office prior to January 2022. We reached out to each applicable agency with the data request form. There are 1,044 backlog CODIS hits from 52 Law Enforcement Agencies across Washington State. Out of the 1,044 hits, 995 individual requests have been made directly to applicable agencies. Out of the 995 requests, 789 have been returned. Seattle and Tacoma asked us to send their backlog requests in batches. As a result, thus far we have sent Seattle Police Department requests for 169 out of their 218 backlog hits and Tacoma Police Department all 168 out of their 168 backlog hits.

49/52	Agencies responded with completed forms for backlog cases
3/52	Agencies have not submitted any completed forms for backlog cases

In the fourth quarter, our office has continued to request current CODIS hit forms from agencies. *Current* hits, for the purposes of this report, are hits received by our office January 2022 or later. There are 362 *current* hits from 54 agencies throughout the state. 333 of these have been requested and 159 completed forms returned. Our office is now tracking Backlog and Current CODIS hits together. The following charts are comprised of all cases received year-to-date in all four quarters of 2022, regardless of their “Backlog” or “Current” status.

Each agency tracks and codes cases in accordance with their individual record management system. Not every agency uses the same records management system. Many agencies marked multiple selections on each form. Therefore the totals of the statuses in the below charts will not match the total number of questionnaires returned.

**229 CASES WERE RE-OPENED BY LAW ENFORCEMENT AGENCY DUE TO THE CODIS HIT**

38/229	RE-OPENED due to the CODIS hit and are an ACTIVE INVESTIGATION
98/229	RE-OPENED due to the CODIS hit and referred to the Prosecutor’s Office
3/229	RE-OPENED due to the CODIS hit and currently INACTIVE
90/229	RE-OPENED due to the CODIS hit, not referred and currently CLOSED
8	CODIS hit was to a consensual partner
15	Lack of probable cause
15	Victim or Suspect deceased
53	Lack of victim participation or inability to locate the victim
11	Suspect was convicted previously or already known
7	Other

**718 CASES WERE NOT RE-OPENED BY LAW ENFORCEMENT AGENCY DUE TO THE CODIS HIT**

322	NOT RE-OPENED-PREVIOUSLY REFERRED to the Prosecutor’s Office
48	NOT RE-OPENED-CODIS hit was to a consensual partner
146	NOT RE-OPENED-Lack of Probable Cause
196	NOT RE-OPENED-lack of victim participation or inability to locate the victim
75	NOT RE-OPENED- listed as “OTHER”.
27	NOT RE-OPENED-Victim or Suspect deceased
111	NOT RE-OPENED-Suspect was convicted previously or already known
1	NOT RE-OPENED-Currently listed as INACTIVE
2	NOT RE-OPENED-Agency unable to locate file

Agency cases requiring follow-up will occur continuously and on an as-needed basis. If a case is open and/or is currently with the prosecutor’s office, we will collect the data and continue to intermittently follow up with the agency or prosecutor until the case is closed. Cases submitted for prosecutorial review, whether or not it was prosecuted, will have follow-up data collected directly from the Prosecutor’s Office.

Requests to Prosecutor Offices are made once a Law Enforcement Agency returns a completed form that shows the case had been forwarded to prosecutors for consideration. 428 of the 948 returned LEA cases had been referred to the Prosecutor’s Office at some point in time. Our office has followed-up on 420 cases, which are comprised of 21 counties, 19 of which have responded to 299 of the 420 cases. Many Prosecutor Offices marked multiple selections on each form under “declined to file charges”. Therefore the totals of the statuses in the below charts will not match the total number of questionnaires returned.

PROSECUTOR’S OFFICE		CASE STATUS BEFORE RECEIVING THE CODIS HIT
107	Charges were filed	
	8	DISMISSED
	97	CONVICTION
	2	AQUITTAL
134	Declined to file charges	
	87	LEGALLY INSUFFICIENT
	73	FAILED TO MEET PROSECUTORIAL STANDARDS
	1	NEEDS FURTHER INVESTIGATION
	22	UNABLE TO LOCATE VICTIM OR UNCOOPERATIVE
	11	OTHER, NON-EVIDENTIARY REASON
5	No records located	

PROSECUTOR'S OFFICE

CASE STATUS AFTER RECEIVING THE CODIS HIT

9	Charges were filed	
	1	DISMISSED
	8	CONVICTION
	0	AQUITTAL
13	Currently reviewing/pending	
33	Declined to file charges	
	14	LEGALLY INSUFFICIENT
	9	FAILED TO MEET PROSECUTORIAL STANDARDS
	1	NEEDS FURTHER INVESTIGATION
	14	UNABLE TO LOCATE VICTIM OR UNCOOPERATIVE
	7	OTHER, NON-EVIDENTIARY REASON

Focus for 2023 1st Quarter:

- Continue requests to Law Enforcement Agencies for Offender Database CODIS hits.
- Continue communication with Law Enforcement Agencies reference past CODIS hits.
- Continue requests to Prosecutor Offices for referred cases.