



Washington Association of
**SHERIFFS &
POLICE CHIEFS**

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August 2, 2023

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Deliver to: clerk.chief@leg.wa.gov

Sarah Bannister

Secretary of the Senate

Deliver to: 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 or Laura Twitchell at the AGO, laura.twitchell@atg.wa.gov.

Sincerely,

A handwritten signature in black ink that reads "Steven D. Strachan".

Steven D. Strachan

Executive Director

CC: James McMahan, WASPC
Laura Twitchell, AGO



Bob Ferguson
ATTORNEY GENERAL OF WASHINGTON

Criminal Justice Division

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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.

In December 2021, the Attorney General's Office began requesting the information.

In the second quarter of 2023, our office has continued to request the CODIS hit investigational status forms from agencies. As of June 30th, 2023, there have been 1679 CODIS hits to the offender database from the tested kits. The CODIS hits are to cases from 98 law enforcement agencies across the state. These numbers are likely to increase each month. Additionally, as convicted offender profiles are uploaded into the CODIS offender database, cases currently in the forensic database may return a hit.

The following charts are comprised of cases received in all of 2022 and year-to-date in 2023.

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.

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

55/313	RE-OPENED due to the CODIS hit and are an ACTIVE INVESTIGATION
117/313	RE-OPENED due to the CODIS hit and referred to the Prosecutor's Office
6/313	RE-OPENED due to the CODIS hit and currently INACTIVE
135/313	RE-OPENED due to the CODIS hit, not referred and currently CLOSED
13	CODIS hit was to a consensual partner
121	Lack of probable cause
20	Victim or Suspect deceased
96	Lack of victim participation or inability to locate the victim
11	Suspect was convicted previously or already known
8	Statute of Limitations Expired or Other

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

404	NOT RE-OPENED-PREVIOUSLY REFERRED to the Prosecutor's Office
64	NOT RE-OPENED-CODIS hit was to a consensual partner
222	NOT RE-OPENED-Lack of Probable Cause
243	NOT RE-OPENED-lack of victim participation or inability to locate the victim
93	NOT RE-OPENED- Statute of Limitations Expired or Other.
40	NOT RE-OPENED-Victim or Suspect deceased
153	NOT RE-OPENED-Suspect was convicted previously or already known
4	NOT RE-OPENED-Currently listed as INACTIVE
6	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. 528 of the 1272 returned LEA cases had been referred to the Prosecutor's Office at some point in time. Our office has followed-up on 480 cases, which are comprised of 22 counties, 21 of which have responded to 453 of the 480 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
173	CHARGES WERE FILED	
	15	DISMISSED
	155	CONVICTION
	3	AQUITTAL
	0	MISTRIAL
168	DECLINED TO FILE CHARGES	
	116	LEGALLY INSUFFICIENT
	73	FAILED TO MEET PROSECUTORIAL STANDARDS
	2	NEEDS FURTHER INVESTIGATION
	22	UNABLE TO LOCATE VICTIM OR UNCOOPERATIVE
	14	OTHER, NON-EVIDENTIARY REASON
8	NO RECORDS LOCATED	

PROSECUTOR'S OFFICE		CASE STATUS AFTER RECEIVING THE CODIS HIT
15	CHARGES WERE FILED	
	1	DISMISSED
	14	CONVICTION

	0	AQUITTAL
	0	MISTRIAL
13	CURRENTLY REVIEWING/PENDING	
47	DECLINED TO FILE CHARGES	
	27	LEGALLY INSUFFICIENT
	10	FAILED TO MEET PROSECUTORIAL STANDARDS
	2	NEEDS FURTHER INVESTIGATION
	15	UNABLE TO LOCATE VICTIM OR UNCOOPERATIVE
	9	OTHER, NON-EVIDENTIARY REASON

Focus for 2023 3rd 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.