



Washington Association of
**SHERIFFS &
POLICE CHIEFS**

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Executive Director

August 18, 2022

Bernard Dean

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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.

In late 2021, the AGO and WASPC convened to discuss the data collection process for obtaining case status updates from law enforcement and prosecutors regarding sexual assault kits. The AGO created a form for consistent data collection and reporting requirements. A soft rollout of the form occurred in December 2021 with a full rollout of the form in January 2022.

- WASPC received the first report under RCW 5.70.060 in December 2021.
- WASPC received data for the period of January 1, 2022 to March 31, 2022 in April 2022. At this point, WASPC and the AGO realized the seemingly low participation rate of law enforcement agencies. WASPC aided the AGO to increase law enforcement response rates.
- WASPC received the next quarterly report in July 2022. This report included significantly higher law enforcement response rates. Following WASPC receipt of the July report, WASPC and the AGO met to discuss the best format to submit the required semi-annual reports to the Governor and appropriate committees of the Legislature. Our organizations collectively agreed that a cumulative report would best relay the data.

The AGO's cumulative report of data from January 1, 2022 to date is attached for your review. Future reports will follow the same format.

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". The signature is written in a cursive, flowing style.

Steven D. Strachan
Executive Director

CC: James McMahan, WASPC
Jamie Weimer, 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. Currently there have been 1,233 CODIS hits to the offender database from the tested kits. The CODIS hits are to cases from 67 law enforcement agencies across the state. This number is likely to increase month to month. As of June 2022, approximately 67% of submitted kits were fully tested and sexual assault kits will continue to match DNA as they upload into the forensic CODIS database. 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, 844 individual requests have been made directly to applicable agencies. Out of the 844 requests, 455 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 90 out of their 218 backlog hits and Tacoma Police Department 96 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 second quarter, our office began requesting 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 155 current hits from 38 agencies throughout the state. 105 of these have been requested and 52 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 both the 1st and 2nd quarters of 2022, regardless of their "Backlog" or "Current" status.

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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 chart will not match the total number of questionnaires returned.

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

25/112	RE-OPENED due to the CODIS hit and are an ACTIVE INVESTIGATION
31/112	RE-OPENED due to the CODIS hit and referred to the Prosecutor's Office
1/112	RE-OPENED due to the CODIS hit and currently INACTIVE
55/112	RE-OPENED due to the CODIS hit, not referred and currently CLOSED
5	CODIS hit was to a consensual partner
8	Lack of probable cause
7	Victim or Suspect deceased
29	Lack of victim participation or inability to locate the victim
5	Suspect was convicted previously or already known
4	Other

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

211	NOT RE-OPENED-PREVIOUSLY REFERRED to the Prosecutor's Office
17	NOT RE-OPENED-CODIS hit was to a consensual partner
31	NOT RE-OPENED-Lack of Probable Cause
99	NOT RE-OPENED-lack of victim participation or inability to locate the victim
30	NOT RE-OPENED- listed as "OTHER".
11	NOT RE-OPENED-Victim of Suspect deceased
27	NOT RE-OPENED-Suspect was convicted previously or already known
6	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. 243 of the 486 returned LEA cases had been referred to the Prosecutor's Office. Our office has followed-up all 243 cases, which are comprised of 18 counties, 15 of which have responded to 110 of the 243 cases. Many Prosecutor Offices marked multiple selections on each form under "declined to file

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charges”. Therefore the totals of the statuses in the below chart will not match the total number of questionnaires returned.

PROSECUTOR’S OFFICE
THE CODIS HIT

CASE STATUS BEFORE RECEIVING

47	Charges were filed	
	3	DISMISSED
	43	CONVICTION
	1	AQUITTAL
46	Declined to file charges	
	32	LEGALLY INSUFFICIENT
	19	FAILED TO MEET PROSECUTORIAL STANDARDS
	1	NEEDS FURTHER INVESTIGATION
	3	UNABLE TO LOCATE VICTIM OR UNCOOPERATIVE
	2	OTHER, NON-EVIDENTIARY REASON
4	No records located	

PROSECUTOR’S OFFICE
CODIS HIT

CASE STATUS AFTER RECEIVING THE

4	Charges were filed	
	0	DISMISSED
	4	CONVICTION
	0	AQUITTAL
3	Currently reviewing the case	
6	Declined to file charges	
	3	LEGALLY INSUFFICIENT
	2	FAILED TO MEET PROSECUTORIAL STANDARDS
	0	NEEDS FURTHER INVESTIGATION
	2	UNABLE TO LOCATE VICTIM OR UNCOOPERATIVE
	2	OTHER, NON-EVIDENTIARY REASON

Focus for 2022 3rd Quarter:

- Continue communication with Agencies who have not returned requested forms.
- Continue requests to Prosecutor Offices for referred cases.
- Continue requests for 2022 Offender Database CODIS hits.