



Washington Association of
**SHERIFFS &
POLICE CHIEFS**

3060 Willamette Drive NE
Lacey, WA 98516
360-486-2380 (Phone)
360-486-2381 (Fax)
www.waspc.org

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September 4, 2024

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Subject: RCW 5.70.060—Case Status Updates

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Executive Director

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 March 31, 2024 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

800 Fifth Avenue • Suite 2000 • MS TB 14 • Seattle WA 98104-3188
(206) 464-6430

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 first quarter of 2024, our office has continued to request the CODIS hit investigational status forms from agencies. As of March 31st, 2024, there have been 1852 CODIS hits to the offender database from the tested kits. The CODIS hits are to cases from 113 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, 2023 and the first quarter of 2024.

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.

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

88/373	RE-OPENED due to the CODIS hit and became an ACTIVE INVESTIGATION	
122/373	RE-OPENED due to the CODIS hit and were referred to the Prosecutor's Office	
6/373	RE-OPENED due to the CODIS hit and currently INACTIVE	
157/373	RE-OPENED due to the CODIS hit, not referred and currently CLOSED	
	18	CODIS hit was to a consensual partner
	130	Lack of probable cause
	23	Victim or suspect deceased
	105	Lack of victim participation or inability to locate the victim
	15	Suspect was convicted previously or already known
	12	Statute of limitations expired or other
	0	Report was courtesy for another agency, no further information
	0	Agency unable to locate case file

1174 CASES WERE NOT RE-OPENED BY LAW ENFORCEMENT AGENCY DUE TO THE CODIS HIT

504	NOT RE-OPENED-Previously referred to the Prosecutor's Office	
78	NOT RE-OPENED-CODIS hit was to a consensual partner	
253	NOT RE-OPENED-Lack of probable cause	
291	NOT RE-OPENED-lack of victim participation or inability to locate the victim	
105	NOT RE-OPENED- Statute of limitations expired or other	
3	NOT RE-OPENED- Report was courtesy for another agency, no further information	
61	NOT RE-OPENED-Victim or suspect deceased	
168	NOT RE-OPENED-Suspect was convicted previously or already known	
4	NOT RE-OPENED-Currently listed as INACTIVE	
17	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. 652 of the 1550 returned LEA cases had been referred to the Prosecutor's Office at some point in time. Our office has followed-up on 640 cases, which are comprised of 29 counties, 26 of which have responded to 563 of the 640 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
225	CHARGES WERE FILED	
	15	DISMISSED
	207	CONVICTION
	3	AQUITTAL
	0	MISTRIAL
198	DECLINED TO FILE CHARGES	
	134	LEGALLY INSUFFICIENT
	77	FAILED TO MEET PROSECUTORIAL STANDARDS
	2	NEEDS FURTHER INVESTIGATION
	27	UNABLE TO LOCATE VICTIM OR UNCOOPERATIVE
	17	OTHER, NON-EVIDENTIARY REASON
9	NO RECORDS LOCATED	

PROSECUTOR'S OFFICE

CASE STATUS AFTER RECEIVING THE CODIS HIT

17	CHARGES WERE FILED	
	1	DISMISSED
	16	CONVICTION
	0	AQUITTAL
	0	MISTRIAL
11	CURRENTLY REVIEWING/PENDING	
58	DECLINED TO FILE CHARGES	
	36	LEGALLY INSUFFICIENT
	14	FAILED TO MEET PROSECUTORIAL STANDARDS
	2	NEEDS FURTHER INVESTIGATION
	16	UNABLE TO LOCATE VICTIM OR UNCOOPERATIVE
	9	OTHER, NON-EVIDENTIARY REASON

Focus for 2024 2nd 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.