



# KING COUNTY AUDITOR'S OFFICE

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## Sex Offense Cases: Some Victims and Their Cases May Be Harmed by Gaps

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### Executive Summary

King County is a national leader in bringing together agencies and organizations to support victims of sex offenses. The King County Sheriff's Office and Prosecuting Attorney's Office work to connect victims with advocacy and other resources that they need to recover from their traumatic experience. However, we found that some victims may miss out on key services due to process and training gaps, particularly if their cases are not assigned to detectives or prosecuted. Also, limited resources and heavy workloads make it difficult for detectives and prosecutors to meet established best practices and resolve cases in a timely manner.



**King County**

# Sex Offense Cases: Some Victims and Their Cases May Be Harmed by Gaps

## REPORT HIGHLIGHTS

### What We Found

We found gaps at the patrol, investigation, and prosecution levels in processes intended to connect victims with advocates and meet standards for timely work. King County Sheriff's Office (Sheriff's Office) patrol deputies do not always provide victims with information on advocacy, as required under state law. This is especially problematic for the 25 percent of cases where the initial law enforcement response is the victim's only contact with the criminal justice system. Existing informational materials for victims are not user-friendly and the infrequency of sex offense calls and inconsistent training mean that patrol deputies may not always follow correct procedures when responding to calls. The Prosecuting Attorney's Office only connects victims with advocacy information after it has filed a case, meaning that victims whose cases are not filed may miss out on this information and those who it does connect get the information late in the process.

Heavy workloads and staff turnover at the Sheriff's Office Special Assault Unit (SAU) and the Prosecuting Attorney's Office make it difficult to meet standards for best practices. In cases we reviewed, one-third of SAU investigations did not conduct the victim interview within the recommended timeframe.<sup>1</sup> The Prosecuting Attorney's Office also doesn't fully meet timeline standards, although it does meet them for two-thirds of cases. Meeting these standards is sometimes outside the control of the agencies and limited resources are a factor.

### What We Recommend

We recommend the Sheriff's Office develop and give information to all victims of sex offenses and institute a training and guidance strategy to ensure deputies effectively respond to sex offense calls. The Sheriff's Office and Prosecuting Attorney's Office should assess resources allocated to investigation and prosecution in order to better meet service and timeliness goals.

### Why This Audit Is Important

In 2018, the U.S. Department of Justice estimated that a sex assault occurs every 43 seconds in the United States. Impacts of sex offenses can be devastating. The U.S. Department of Justice also reports that 75 percent of victims experience moderate to severe distress, or problems with relationships, work, or school problems following an assault. Victim services are a vital part of sex offense response. Advocates, in particular, help support victims through the criminal justice process and connect them with additional services that can help them recover, such as counseling.

Reports of sex offenses in King County increased by 27 percent between 2015 and mid-2018.

Based on our sample of case files, we found that victims in 25 percent of reported sex offenses only had one contact with law enforcement.



Source: King County Auditor's Office analysis of Sheriff's Office data of cases reported from January 2015 to July 2018.

<sup>1</sup> Of cases assigned to detectives that had a victim interview.

# Sex Offense Cases: Some Victims and Their Cases May Be Harmed by Gaps in Process, Information, and Training

## TABLE OF CONTENTS

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- 1 Sex Offenses in King County
- 10 Connecting Victims With Services
- 19 Case Duration
- 27 Case Outcomes

## APPENDICES

- 36 Appendix 1: Case Report Analysis Results
- 47 Appendix 2: Resources for Sex Offense Victims
- 53 Sheriff's Office Response
- 58 Prosecuting Attorney's Office Response
- 62 Statement of Compliance, Scope, Objective & Methodology
- 64 List of Recommendations



# Sex Offenses in King County

## SECTION SUMMARY

**Reports of sex offenses have been increasing in King County since 2015.** Despite this growth, the increasing volume of reports may not represent an increase in actual sex crimes in King County. More likely, the trend reflects that more victims are choosing to report offenses to law enforcement. In this section, we track what happened to the reports of sex offenses that the King County Sheriff's Office (Sheriff's Office) received from 2015 to mid-2018. We also provide an overview of how sex offense cases are investigated and prosecuted and discuss the points in the process where cases can drop out of the system.

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### What types of sex offenses are reported in King County?

**In this audit, we use the term "sex offense" to refer to a range of crimes, including rape, child molestation, indecent exposure, and indecent liberties.<sup>2</sup>**

From 2015 to mid-2018, about 25 percent of the sex offenses reported to the Sheriff's Office were categorized as adult rapes. One-third of the reported offenses were initially categorized as non-specific sex crimes, meaning that the crime does not fit into the other reporting categories or that law enforcement does not know enough about the case to identify what type of crime occurred, if any.<sup>3</sup> The remaining reports fell into other categories. For a more detailed breakdown of the types of sex offenses reported (see Appendix 1, Exhibit 1).

As opposed to some other types of crimes, the Sheriff's Office accepts all reports of sex offenses for review. As a result, some of these cases may not meet the Sheriff's Office standards for criminal investigation.

### What is the process to investigate and prosecute sex offenses?

**The investigation process in King County begins when someone reports a sex offense to the Sheriff's Office** (see Exhibit A). Sometimes victims report offenses themselves, and other times a family member or authority figure reports the offense. For instance, state law requires service providers such as doctors, school officials, and therapists to report suspected crimes against children to law enforcement.

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<sup>2</sup> Indecent liberties are instances of non-consensual sexual contact that do not fall into the category of rape.

<sup>3</sup> SAU sergeants stated that detectives often determine what type of crime occurred upon further investigations, but that the data is not updated to reflect that new information.

EXHIBIT A: The process of investigation and prosecution for a sex offense case in King County:



Source: King County Auditor's Office.

**Once the Sheriff's Office receives a report, a patrol deputy is often the first to respond.** After that, a Special Assault Unit (SAU) detective may be assigned to investigate the case.<sup>4</sup> Detective assignment decisions are typically made through review of the patrol report by an SAU sergeant. An SAU detective or other detective will further investigate a case, including arranging and conducting interviews with the victim, suspect, and other witnesses, and collecting other evidence from the crime scene. Detectives will also coordinate with other stakeholders such as Child Protective Services, if necessary. For cases where detectives can gather sufficient evidence, they make a referral to the Prosecuting Attorney's Office with recommended criminal charges.

**The Prosecuting Attorney's Office receives case referrals from the Sheriff's Office as well as the other law enforcement agencies within King County.**<sup>5</sup> Once the Prosecuting Attorney's Office receives a referral, a filing attorney, who specializes in special assault cases, reviews the information and decides whether to file criminal charges or decline the case (see Exhibit A, above). The decision is based on an assessment of whether some or all the charges the law enforcement agency recommends have strong enough evidence to prove the crime. Sometimes, the Prosecuting Attorney's Office will return the case to the Sheriff's Office (or other law enforcement agency) with a request for more information. This means that the law enforcement agency needs to gather more investigative information before the Prosecuting Attorney's Office can make a filing decision.

**After a case is filed, the Prosecuting Attorney's Office can resolve the case either through a plea agreement or a trial.** To reach a plea agreement, the Prosecuting Attorney's Office must negotiate with the defense attorney and the defendant to plead guilty to mutually agreed-upon charges. If the case is resolved through a trial, a jury or a judge determines if the defendant will be acquitted or found guilty. Alternately, the charges may be dismissed, meaning the case does not end in an acquittal or conviction (see Exhibit A, above).

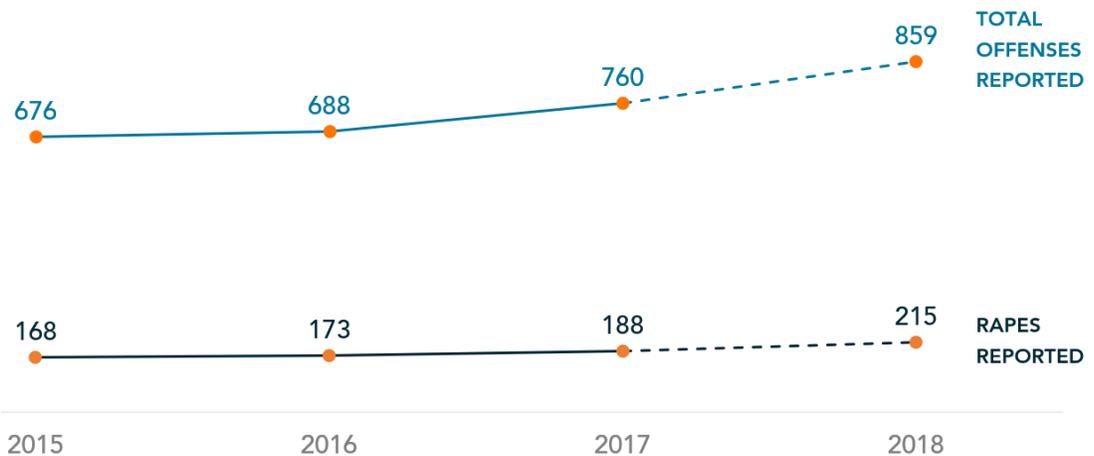
<sup>4</sup> Sometimes other detectives investigate these cases instead. For example, the Metro Transit Police Department has recently started investigating transit-related offenses within its unit. Also, in some cases a detective is dispatched for immediate response.

<sup>5</sup> The Prosecuting Attorney's Office receives about one-quarter of its sex offense cases from the Seattle Police Department, about one-quarter from the Sheriff's Office, and about one-half from other law enforcement agencies in the county. There are 38 law enforcement agencies in King County that refer cases to the Prosecuting Attorney's Office.

How many sex offenses were reported to the Sheriff's Office?

The Sheriff's Office received 676 reports of sex offenses in 2015, and the number rose to 760 by 2017 (see Exhibit B). Our data included reports through the first half of 2018, and we used trend data from the first half of the year to project numbers for the second half of the year. Using this approach, we estimated that the Sheriff's Office received over 850 reports of sex offenses in 2018.<sup>6</sup> Adult rapes make up about one-quarter of reported sex offenses in King County each year, and that percentage remained steady over the years we assessed. There were 168 rapes reported to the Sheriff's Office in 2015, and more than 200 estimated for 2018 (see Exhibit B).<sup>7</sup>

EXHIBIT B: Reports to the Sheriff's Office of sex offenses, including rape, have increased since 2015.



Source: King County Auditor's Office analysis of Sheriff's Office data of cases reported from January 2015 to July 2018 and KCAO projections for the second half of 2018.

<sup>6</sup> We did not include the second half of 2018 Sheriff's Office data in our analysis because the office switched to a different case management system as of July 1, 2018. Our estimate assumes that case reports stayed constant throughout 2018.

<sup>7</sup> These counts only include offenses reported to the Sheriff's Office, not all offenses within King County. The Sheriff's Office has jurisdiction over sex offenses that occur in unincorporated King County and in the cities or agencies that contract with it.

Is the amount of sex offenses taking place in King County increasing?

**Sheriff’s Office sergeants in charge of the Special Assault Unit noted that the increasing volume of reports does not necessarily represent an increase in actual sex offenses in King County.**<sup>8</sup> More likely, the trend reflects a greater rate of reporting incidents to the police. Cultural changes, including the “Me Too” movement, have encouraged more victims to come forward to law enforcement. A 2019 study by researchers at Yale University found that the movement, which became widespread in October 2017, increased sex offense reporting globally.<sup>9</sup>

Out of all reported cases, how frequently were suspects convicted?

**During the three-and-a-half-year timeframe we analyzed, there were 163 sex offense convictions in Superior Court, representing six percent of the sex offense reports to the Sheriff’s Office.**<sup>10</sup> The Sheriff’s Office received 2,571 sex offense cases between January 2015 and July 2018 (see Exhibit C). National statistics estimate that less than 25 percent of sex offenses are reported to police, which means that more than 10,000 sex offenses may have occurred in the King County Sheriff’s Office’s jurisdiction during this timeframe.

Exhibit C shows that of the 2,571 cases reported to the Sheriff’s Office, we found that 56 percent, or 1,436 cases, had an SAU detective assigned to investigate them. Detectives then referred 27 percent (693) of reported cases to the Prosecuting Attorney’s Office SAU, which handles sex offenses, and the Prosecuting Attorney’s Office filed charges in Superior Court in 10 percent (252) of cases.<sup>11</sup> Defendants in these cases either pled guilty or were convicted at trial of at least one charge in six percent (163) of total cases. King County’s results fall within the wide range of national estimates for rape prosecution and conviction rates.<sup>12</sup>

As we discuss in more detail below, the 2,571 cases include all reports of sex offenses made to the Sheriff’s Office over a period of three-and-a-half years. This includes instances where there was no crime, sex offenses that occurred outside King County’s jurisdiction, and reports involving children that practitioners are required by law to forward to the Sheriff’s Office even though they may not think criminal activity occurred.

<sup>8</sup> Most sex offense cases in King County are referred to the SAU in the Sheriff’s Office. SAU detectives investigate sex crimes, domestic violence, child abuse, and other neglect or abuse crimes. SAU also investigates serious crimes against youth under the age of 18 and monitors registered sex offenders. In this audit, our scope was limited to sex crime cases SAU investigated.

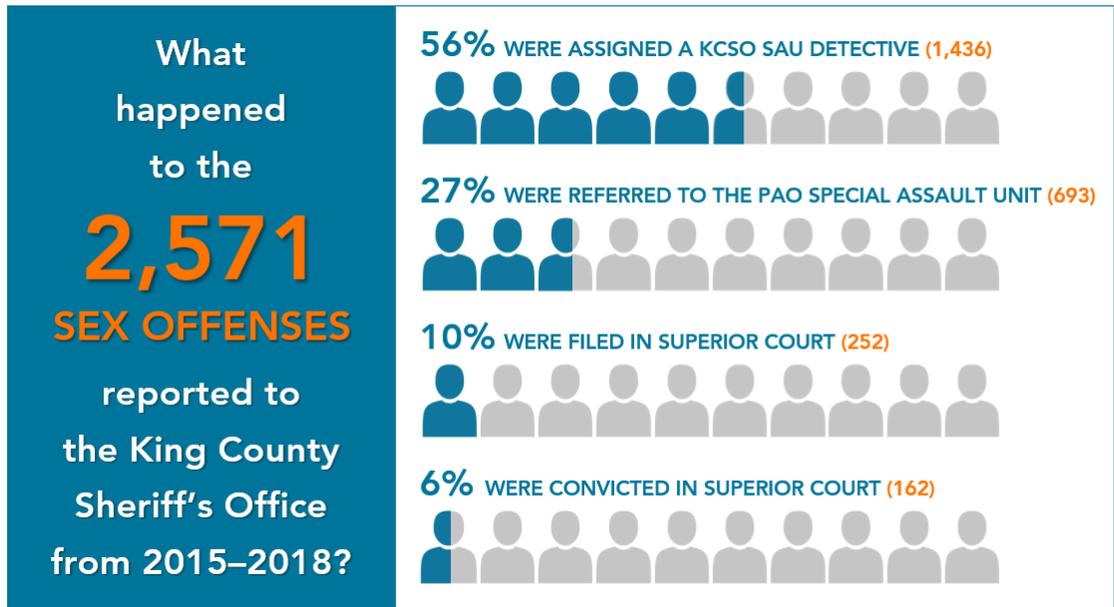
<sup>9</sup> Levy, Ro’ee, and Mattsson, Martin, 2019, *The Effects of Social Movements: Evidence from #MeToo*. [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3496903](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3496903)

<sup>10</sup> This analysis represents a snapshot in time and some cases were still open when we obtained the data. As of May 2019, eighty-nine cases were open in Superior Court, representing 3 percent of all reports to law enforcement from 2015 to mid-2018.

<sup>11</sup> We found that while the vast majority of referrals to the Prosecuting Attorney’s Office went to its SAU, a few cases with misdemeanor charges went to its Juvenile and District Court units. The Prosecuting Attorney’s Office SAU reviews referrals for all sex offense felonies and files charges in Superior Court.

<sup>12</sup> Studies of national trends estimated that 4 to 27 percent of reported rapes were referred for prosecution, and 2 to 26 percent of reported rapes resulted in a conviction.

EXHIBIT C: Total cases, case referrals, and convictions in Superior Court of all reports of sex offenses to the Sheriff's Office between 2015 and mid-2018.



Source: King County Auditor's Office analysis of national statistics, and Sheriff's Office, Prosecuting Attorney's Office, and Department of Judicial Administration data for cases reported to the Sheriff's Office between January 2015 and July 2018.

Note: While we have used person symbols to represent cases, some cases have more than one victim and other cases—such as sting operations—do not necessarily have any victims.

Note: This is a snapshot of the progression of cases from the Sheriff's Office through the Prosecuting Attorney's Office Special Assault Unit as of July 2018. Some of the offenses reported were routed to other law enforcement jurisdictions or courts, where there may have been investigations and/or convictions. Additionally, 72 cases were still open in Superior Court as of May 2019.

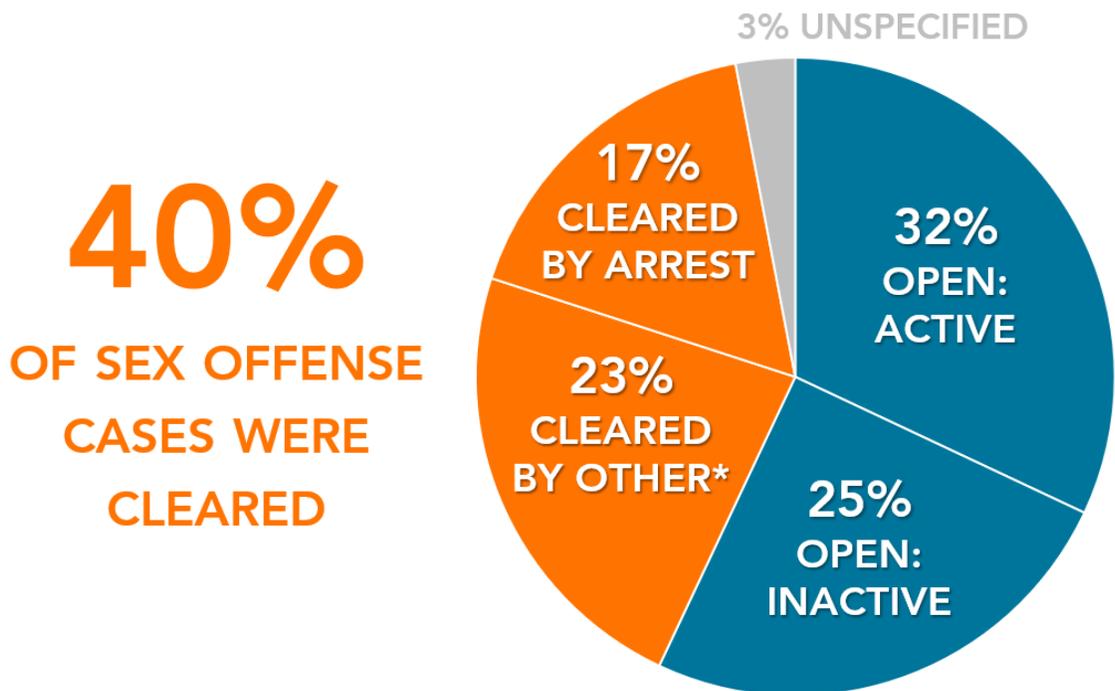
### How should I interpret this graphic?

**This graphic is a snapshot of the progression of cases from the Sheriff's Office through the Prosecuting Attorney's Office as of July 2018 and should be interpreted with care.** There are sometimes valid reasons that cases may not progress at each stage, and part of the function of the Sheriff's and Prosecuting Attorney's Offices is to appropriately determine which cases should move forward. Understanding the numbers and percentages in the graphic requires a more detailed explanation of the wide variety of situations represented in the 2,571 sex offense cases reported to the Sheriff's Office during the timeframe of our analysis, which we provide in this report. For example, this analysis only tracks cases that were prosecuted in Superior Court—misdemeanor cases (lower level crimes) that went to District Court instead are not captured in referrals, filings, or convictions. We provide more information on how and why cases drop out of the process on pages 8 and 9. As we discuss in greater detail below, both agencies do their best to keep victims at the forefront of these decisions.

What is the status of cases reported to the Sheriff's Office?

Between 2015 and mid-2018, the Sheriff's Office cleared or closed 17 percent of sex offense cases by arrest and 23 percent by other means, for an overall clearance rate of 40 percent. Clearing a case by arrest means identifying a suspect and referring the case to prosecutors with recommended criminal charges. For rape cases, clearance rates in King County were slightly higher than for sex offenses in general, with 19 percent of rape cases cleared by arrest, and 23 percent cleared by other means (for an overall 42 percent clearance rate). King County's clearance rate for rape cases is similar to national statistics.<sup>13</sup> The other means by which the Sheriff's Office clears cases are exceptional, unfounded, and administrative clearances. Exceptional clearances are used when law enforcement could not make an arrest due to factors outside its control.<sup>14</sup> Unfounded clearances are used when detectives determine that a crime did not occur.<sup>15</sup>

EXHIBIT D: Of cases reported to the Sheriff's Office between 2015 and mid-2018, 40 percent were cleared and nearly 60 percent were open as of October 2019.



Source: King County Auditor's Office analysis of Sheriff's Office data for cases reported between January 2015 and July 2018.

Note: "Cleared by Other" includes exceptional, unfounded, and administrative clearances.

<sup>13</sup> Nationally, 34.5 percent of rape cases were cleared by arrest and exceptional means in 2017. In King County, 30 percent of rape cases were cleared by arrest and exceptional means between January 2015 and July 2018.

<sup>14</sup> These factors include the offense having occurred outside of King County's jurisdiction, the suspect being deceased, or the victim not wanting to participate in the investigation.

<sup>15</sup> Additionally, administrative clearances accounted for one percent of cleared cases.

We found that about one-quarter of sex offense cases reported to the Sheriff’s Office between 2015 and mid-2018 were categorized *Open Inactive* as of December 2019. Detectives or supervisors assign a case this status when there is nothing more detectives can do on the case until something changes, such as DNA test results identifying a suspect, or a victim deciding they want the case to go further.

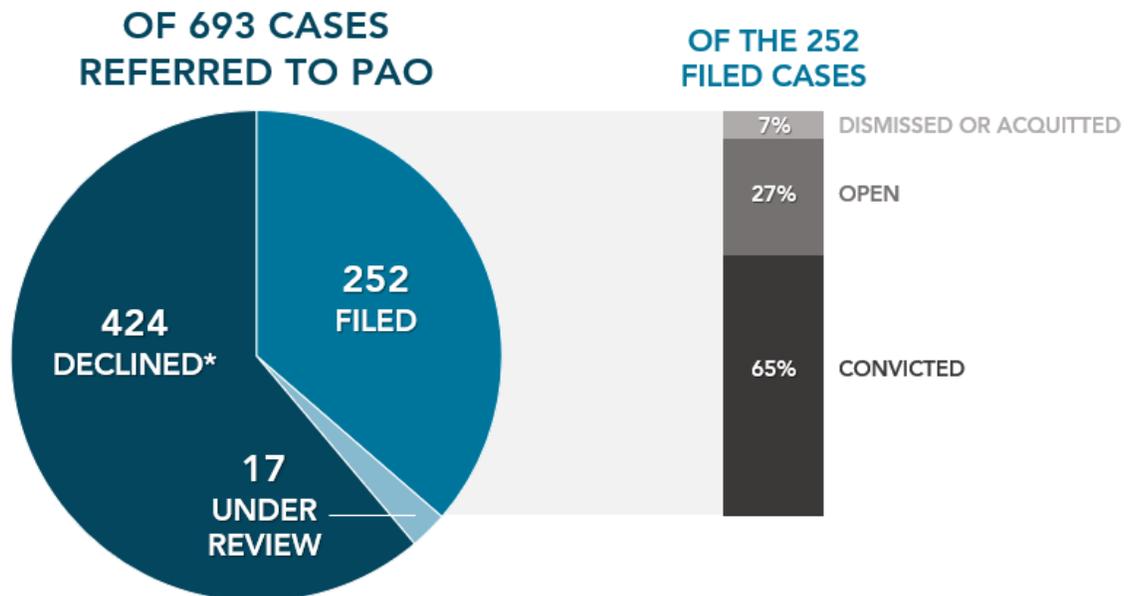
**What is the status of cases the Sheriff’s Office sends to the Prosecuting Attorney’s Office?**

**The Prosecuting Attorney’s Office obtained a conviction in 24 percent of the sex offense cases referred to it by the Sheriff’s Office.** Of the 693 cases reported to the Sheriff’s Office between 2015 and mid-2018 that detectives referred to the Prosecuting Attorney’s Office, prosecutors filed charges in Superior Court for 36 percent (252) and defendants pled guilty or were found guilty of at least one charge in 65 percent (163) of the filed cases (see Exhibit E).

Many reported sex offense cases may not be prosecutable. The Prosecuting Attorney’s Office files charges only for cases where its filers feel there is sufficient evidence available to support a conviction. When we just look at the cases that the Prosecuting Attorney’s Office chose to file that were resolved as of May 2019, the conviction rate was about 90 percent.

For a full description of our objectives, scope, and methodology, see page 50.

**EXHIBIT E:** The Prosecuting Attorney’s Office filed about a third of cases referred to it by the King County Sheriff’s Office. As of May 2019, 65 percent of those filing had resulted in a conviction.



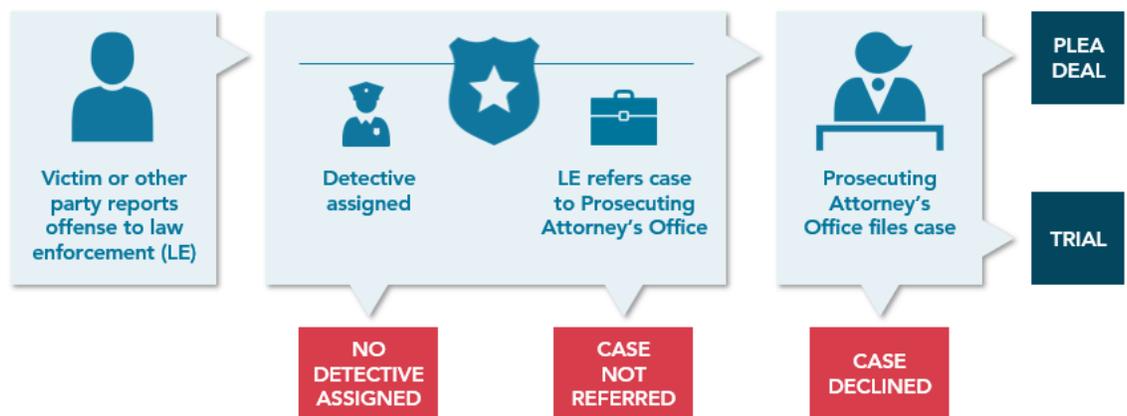
\*According to the Prosecuting Attorney’s Office, half of all declines are statutory referrals, which are cases involving children that law enforcement was legally required to refer the case regardless of whether there is evidence that a crime has been committed.

Source: King County Auditor’s Office analysis of national statistics, and Sheriff’s Office, Prosecuting Attorney’s Office, and Department of Judicial Administration data reported to the Sheriff’s Office between January 2015 and July 2018.

How do cases drop out of the system?

Once a case is reported, there are several points in the progression of a case that can cause it to end without a conviction. Exhibit F, below, describes the points in the progression from law enforcement investigation through criminal prosecution, where a case can drop out before reaching a trial or plea agreement. When a case drops out at any of these points, that marks the end of the criminal justice system’s interaction with the victim (with the potential exception of victim advocacy services, which we discuss in detail in the next section).

EXHIBIT F: Sex offense cases can drop out of the criminal justice system at several points



Source: King County Auditor’s Office.

Why do some cases drop out of the system?



The Sheriff’s Office is tasked with determining if a crime occurred in King County’s jurisdiction and collecting evidence for possible prosecution.<sup>16</sup> Sergeants review all reported cases and determine whether or not to assign a detective to investigate it further. Cases where law enforcement cannot find evidence that a crime was committed, or where victims indicate that they do not want police to investigate, might not get assigned a detective.



The Sheriff’s Office may choose not to refer the case to the Prosecuting Attorney’s Office for several reasons. For instance, if the victim does not wish to pursue the case, if the victim is unreachable, if the investigation cannot determine that a crime occurred, or if detectives have not identified a suspect.<sup>17</sup>

<sup>16</sup> Some examples of cases we reviewed that did not get assigned detectives were reports of incidents that happened outside of King County, occurred too long ago to prosecute (past the statute of limitations), or lacked investigative leads but were kept for information only in case the report could be of use in a subsequent case.

<sup>17</sup> In instances where victims decline police involvement or do not respond to efforts to contact them, the Sheriff’s Office puts the case on indefinite hold. The Sheriff’s Office can reopen a case at any time if a victim decides they wish to pursue an investigation.



CASE  
DECLINED

The Prosecuting Attorney's Office may decline to file a case if there is insufficient evidence to meet its filing and disposition standards, or if the victim does not want criminal charges filed against the suspect. Sometimes prosecutors request more information from law enforcement before deciding whether they have enough evidence to file charges.

Some sex offense cases reported to law enforcement come from mandatory reporters such as doctors and counselors, and, following investigation by law enforcement, must be referred to the Prosecuting Attorney's Office regardless of whether there is evidence that a crime has been committed.<sup>18</sup> These are called statutory referrals. According to the Prosecuting Attorney's Office, about 35 percent of the cases referred to it by the Sheriff's Office in 2019 were declined as statutory referrals. Statutory referrals accounted for half of all sex offense case declines.

### Do victims have input into case decisions?

**Both the Sheriff's Office and the Prosecuting Attorney's Office consider the wishes of the victims when making decisions about how and whether cases will progress.** Some victims may not want to file charges or go through the prosecution process. In our focus group discussions with victim advocates, some said that the criminal justice system is not designed around victim needs, which can make it hard for victims to participate in the investigation and prosecution processes. Some victims and families may prioritize police intervention to stop abuse or connection with services to help move on with their lives over pursuing a conviction. We discuss these services in the next section of the report.

<sup>18</sup> As per RCW [26.44.030](#), mandatory reporters include medical practitioners, law enforcement officer, school staff, nurses, counselors, psychologists, child care providers, and probation officers, among others.



# Connecting Victims With Services

## SECTION SUMMARY

**Lack of connections to support services through the complicated criminal justice process may contribute to sex offense victims deciding not to participate in investigations and missing out on resources that would help them recover** The Sheriff's and Prosecuting Attorney's offices partner with the King County Sexual Assault Resource Center (KCSARC) to support victims through the legal process and connect them with important services. However, we found gaps at the patrol, investigation, and prosecution levels in processes intended to connect victims with advocates, particularly for cases that do not progress. Patrol deputies—usually the first contact victims have with the criminal justice system—do not always provide victims with information on advocacy, as required under state law. This is especially problematic for the 25 percent of cases where the patrol deputy is the victim's only contact with the criminal justice system. We also found that existing informational materials for victims are not user-friendly, and the infrequency of sex offense calls and inconsistent training means that patrol deputies may not always follow correct procedures when responding to calls. At the case investigation level, there is no process in place to ensure detectives are connecting victims with advocates. At the prosecution level, the Prosecuting Attorney's Office only connects victims whose cases it files with advocacy resources, sometimes many months after receiving the case. As the office filed charges in just 36 percent of cases referred to it over the period we examined, this means hundreds of victims may not have received connections to services.

We make recommendations to both the Sheriff's Office and Prosecuting Attorney's Office to revise their processes to ensure that more victims are connected with services earlier and that deputies are trained to respond to victim needs.

## King County stakeholders work together to support victims

**King County is a leader in bringing together stakeholders to better support victims. Detectives, prosecutors, advocates, hospital staff, and Child Protective Services social workers all take part in the King County Special Assault Network** (see Exhibit G, below). The King County Special Assault Network (Network) helps coordinate stakeholders' efforts to serve victim needs more efficiently. Specifically, members jointly developed and agreed to abide by a protocol that provides guidelines for cooperative investigations and victim services in sex offense cases. By clearly defining procedures, roles, and responsibilities, the protocol helps ensure that the actions of one agency do not compromise the goals of another, and that appropriate services are available to all victims and their families.

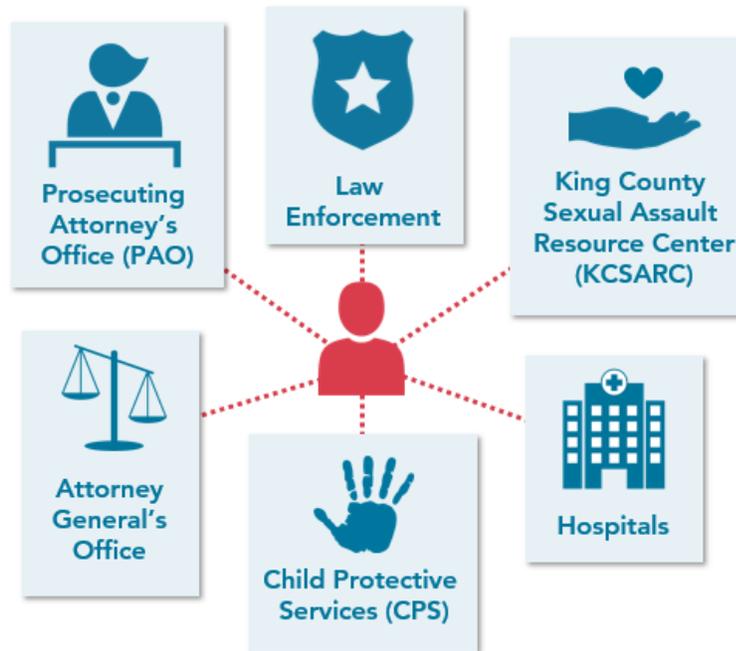
Advocates can serve as guides to connect victims with services

**A key member of the Network is the King County Sexual Assault Resource Center.**

The King County Sexual Assault Resource Center (KCSARC) advocates provide a personal contact to guide victims through the legal process and help them find the services they need to move on with their lives. KCSARC is a nonprofit entity that is the primary provider of sex offense victim advocacy services for King County.<sup>19</sup> Advocates can act as liaisons between victims and their case detectives and prosecutors. They help keep victims informed of case developments, communicate the victims’ wishes to detectives and prosecutors, and provide on-going emotional support.<sup>20</sup>

Advocates also play an active role in connecting victims to other services they may need to recover from sex offenses, such as protection orders, counseling, and financial compensation for medical expenses and lost wages. Network protocol states that all victims should be referred to a victim services program such as KCSARC. As we discuss below, the Sheriff’s and Prosecuting Attorney’s offices could improve their processes to provide referrals to this key service earlier. KCSARC provides services to all victims regardless of whether they have a case progressing in the criminal justice system. For more detail on victim resources, including contact information, see Appendix 2.

EXHIBIT G: Multiple stakeholders work together in the King County Special Assault Network



Source: King County Auditor's Office

<sup>19</sup> KCSARC is partially funded by King County through the Best Starts for Kids levy, the Mental Illness and Drug Dependency (MIDD) Behavioral Health Sales Tax Fund, the Prosecuting Attorney's Office, and the Department of Community and Human Services

<sup>20</sup> KCSARC's communication with victims is confidential.

### Early connection to advocates is important for victims

**Advocates stated that connecting with victims early in the case helps them provide support when victims need it and build trust that can help victims persist through the stages of the criminal justice process.** They said victims share information more effectively when they feel supported by someone who is not a member of a law enforcement agency. For victims who do take the difficult first step of reporting to police, the initial contact may be the only opportunity to meet their needs. This means that connecting victims with advocacy and other services at the time of reporting is crucial. Early connection to victim services may be particularly significant for people of color. The Washington Coalition of Sexual Assault Programs states that African American women may be less likely to seek help from law enforcement, though they may experience higher rates of sexual violence than other women. KCSARC also noted that there are a variety of reasons people may not report a sex offense, including having a primary language other than English, immigration status, drug or alcohol involvement, and perceptions of the criminal justice system.

### Deputies do not always provide victims with information on advocacy and other resources

**Although the Sheriff's Office publishes a handout for victims, as required by state law, deputies do not consistently provide it to victims, which means many victims may never be connected with advocacy services.** In our analysis of a generalizable sample of case files of sex offenses reported to the Sheriff's Office in 2017, we did not find evidence of patrol deputies providing this information to victims upon initial report of a sex offense, despite it being required by state law.<sup>21 22</sup> For victims whose cases are not assigned to a detective, this initial interaction may represent the only opportunity to learn about advocacy and victim services. Based on our sample of case files, we found that 25 percent of sex offense cases were not assigned to a detective for further investigation.

Sheriff's Office patrol sergeants we interviewed stated that deputies do not provide this information when responding to sex offense calls unless they are also part of a domestic violence situation. However, Network protocol states that victims should be connected with advocates upon initial contact with law enforcement. The Sheriff's Office's General Orders Manual echoes this directive, mentioning KCSARC specifically. However, patrol deputies may not all be aware of advocacy services. Two ranking officers in SAU commented that despite having served as King County patrol deputies for many years, they had not heard of KCSARC until they started working in SAU. We make training recommendations to address this issue below.

<sup>21</sup> We reviewed a generalizable sample of 259 Sheriff's Office sex offense cases from 2017. From our data on 2015 to 2018 cases, 2017 was the most recent year that included case reports for the entire year. Only half of 2018 included cases and so did not provide a representative sample. The case reporting and investigations process are largely unchanged since 2017. See Appendix 1 for more details about our case coding sample.

<sup>22</sup> RCW 7.69.030 requires police to provide victims of sex crimes a statement of their rights at the time they report a crime, including information about advocate services.

**Sheriff’s Office patrol sergeants said that one of the reasons deputies do not regularly distribute the handout to all crime victims is that they have been trained that the handout specifically pertains to domestic violence victims.** The handout’s title is specific to domestic violence victims and deputies do not provide it when responding to sex offense calls that are not also domestic violence. During a call, patrol deputies focus on determining the basic facts of the incident, securing the crime scene, collecting evidence, and getting contact information for witnesses and victims. They expect detectives to provide more specialized information to victims. Patrol sergeants stated it would be helpful to have a handout with information specific to victims of sex offenses that they could give out when responding to those calls. We make recommendations below that the Sheriff’s Office should develop such a handout and ensure that deputies provide it to sex offense victims.

Existing materials are not user-friendly

**The Sheriff’s Office handout about advocacy and other services for victims is dense and difficult to follow.** This means that victims may miss opportunities to connect with important resources. For example, the listing for KCSARC, a nonprofit entity that is the primary provider of sex offense victim advocacy services for King County, is listed near the bottom margin of the second page (see Exhibit H).<sup>23</sup>

EXHIBIT H: Within the Sheriff’s Office’s current handout for victims, titled *Domestic Violence Prevention Act Victim’s Rights*, key resources for sex offense victims are difficult to find.

**Domestic Violence Prevention Act Victim's Rights**  
 VICTIM OF DOMESTIC VIOLENCE, you may ask the city or county prosecutor. You also have the right to file a petition in Superior, District, or Municipal court domestic abuse, which could include any of the following:

**Handout title does not reference sexual assault victims**

**King County Sexual Assault Resource Center: www.kcsarc.org**

**Crime Victim's Compensation (w/Family Resources): www.lni.wa.gov/Claims/Ins/CrimeVictims**

**Key resources for sexual assault victims are buried beneath other information**

Source: King County Auditor’s Office analysis of Sheriff’s Office handout C-113.

<sup>23</sup> KCSARC also provides a 24-hour crisis response phone line, legal advocacy, therapy, and family services.

**Victims could be missing out on available resources.** In another example, the handout pictured in Exhibit H, above, lists the Washington State’s Crime Victims Compensation program, but there is nothing showing what kind of assistance it offers.<sup>24</sup> This may be affecting how many victims are accessing the program. Analysis of program data from 2017 and 2018 showed that less than 20 percent of victims who had the costs of their sexual assault exams covered made reimbursement claims for other eligible services. These victims could have applied for reimbursement for counseling and medical expenses not covered by insurance. One reason for this low rate might be that, in addition to many victims never receiving the handout, those that do may not find this resource in the handout. See Appendix 2 for a list of resources for sex offense victims, including services and contact information.

**KCSARC has partnered with the County in the past to develop materials telling victims of their services.** Specifically, they collaborated with King County Metro Transit (Transit) and the Sheriff’s Office on its *Report it to Stop it* campaign to encourage riders to report sex offenses. As part of this campaign, KCSARC provided Transit Police with a contact card they could hand out in sex offense cases. KCSARC reported 33 cases involving Transit services since the campaign began in mid-2018.<sup>25</sup> Of those cases, more than half of the victims received multiple services from KCSARC. This shows that efforts to publicize KCSARC’s services resulted in victims successfully accessing its support. KCSARC leaders stated that they would like to work with the County on a broader campaign to advertise its services, so that it could help more victims.

## Recommendation 1

**The King County Sheriff’s Office should work with the King County Sexual Assault Resource Center to develop a handout targeted to the needs of sex offense victims that meets requirements in RCW 7.69.030.**

## Recommendation 2

**The King County Sheriff’s Office should ensure that victims are provided with the handout developed in Recommendation 1 at the time of first reporting.**

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<sup>24</sup> The Crime Victims Compensation Program pays for all sexual assault exams directly to medical providers. If victims have reported a felony or gross misdemeanor to law enforcement and participated in a resulting investigation, they may be eligible for reimbursement of a variety of other expenses. See Appendix 2 for details.

<sup>25</sup> For more information, see <https://kingcounty.gov/depts/transportation/metro/about/safety-security/stop-now.aspx>

### Inconsistent training for patrol deputies can harm investigations

**The Sheriff's Office does not give regular training to patrol deputies on sex offense response, which can negatively impact investigations and victims.** Since patrol deputies are a victim's first contact with the Sheriff's Office in over half of cases, patrol plays an important role in setting the tone for the victim's future interactions with the criminal justice system. SAU sergeants said that they regularly see or hear of instances where poor training resulted in patrol deputies missing opportunities to appropriately serve victims. This can leave victims with an unpleasant experience of law enforcement, or, in the worst instances, can actually damage the case. SAU sergeants emphasized that every opportunity to build trust with victims is important to being able to investigate cases effectively.

Two experienced SAU detectives developed an online training for patrol deputies covering how to respond to sex offense calls and what information to provide. The Sheriff's Office last required deputies to take the training in 2016. SAU sergeants said that they have given short trainings for patrol deputies at roll calls in the past. They have not, however, set up a schedule of recurring trainings.

State law requires annual training for patrol deputies on a victim-centered, trauma-informed approach to interacting with victims, responding to sex offense calls, and providing information about advocacy.<sup>26</sup> The Washington State Criminal Justice Training Commission is designing this training to be delivered in small increments by law enforcement agencies, including at roll calls. Training commission staff indicated hope it would be ready to implement this training in 2020.

### Recommendation 3

**The King County Sheriff's Office should ensure that patrol deputies receive recurring trainings on how to respond to sex offenses and what information to provide to victims. This should include advocacy information and the sex offense handout discussed in Recommendation 1.**

### Deputies do not always follow correct procedure in responding to sex offense calls

**Individual patrol deputies respond to sex offense cases infrequently and may lack the knowledge or tools to ensure they follow correct procedures, which can potentially harm cases.** Deputies are not called to respond to sex offenses very frequently in comparison to other types of calls and do not have a reference tool to help them remember the steps to take when responding to a sex offense. As a result, they may not remember all the required procedures and could make mistakes. According to patrol and SAU sergeants, some Sheriff's Office precincts receive sex offense calls as infrequently as once a month, while others receive them on a weekly basis. Given the infrequency of these calls and the lack of readily available reference materials, deputies may miss key steps or make other errors that can significantly impact the ability of the Prosecuting Attorney's Office to prove a case.

<sup>26</sup> RCW [43.101.276](#) requires training for commissioned patrol officers not regularly assigned to investigate sexual assault cases on a victim-centered, trauma-informed approach to interacting with victims and responding to sexual assault calls.

For example, in one instance, a deputy interviewed a victim in the presence of a suspect. The victim denied that the offense occurred, possibly due to the presence of the suspect, which made future prosecution extremely difficult. These actions were not in alignment with best practices for case investigation and could have potentially been avoided with a reference checklist for the deputy. A checklist for deputies could remind them of specific procedural requirements for sex offense calls, such as to interview witnesses but not the victim, and to distribute the victim resource handout we recommend above.

Sheriff's Office supervisors and leaders said that deputies use checklists for other high-risk call types, such as death investigations and domestic violence calls. They agreed that a checklist for sex offense calls would be helpful given the fact that victims' first interaction with patrol is often sensitive and has significant impact on the rest of the case. Sergeants said that the best way to ensure that all patrol deputies remember to use the checklist is to train the police training officers who mentor new deputies and the sergeants who supervise them.

#### Recommendation 4

**The King County Sheriff's Office should develop and distribute a checklist detailing key steps for patrol deputies on how to respond in sex offense cases.**

#### Recommendation 5

**The King County Sheriff's Office should ensure training officers and sergeants receive training on the new sex offense checklist (Recommendation 4) and handout (Recommendation 1).**

SAU does not have a process to ensure victims are referred to advocates

**SAU sergeants expect detectives to inform every victim whose case comes to SAU about KCSARC's advocacy services, but SAU does not have a process to ensure that detectives make referrals in every case.** In 75 percent of the cases assigned to SAU detectives in our case coding sample, we did not see documentation confirming that advocates were involved. Network protocol requires detectives to offer victims the opportunity to have an advocate present at the first investigative interview. Sergeants stated that they emphasize KCSARC's role when training new detectives and instruct them to make referrals to KCSARC on behalf of victims in every case they are assigned. When informed that we did not find evidence that detectives always connect victims with advocates, sergeants stated that they would require detectives to document KCSARC referrals in their investigative reports going forward.

#### Recommendation 6

**The King County Sheriff's Office should develop and implement a process to ensure detectives refer victims to advocacy services in all sex offense cases.**

### Deadline approaching for three-day training requirement for SAU detectives

**The Sheriff's Office has limited time to comply with a new training requirement for sex offense investigators, as required under RCW 43.101.272.** The time needed for this three-day training could delay case work unless managers have a plan to get everyone trained before the deadline. State law requires all SAU detectives to receive a three-day training on a victim-centered approach to responding to sex offense cases by July 1, 2020, or within one year of starting work investigating sex offense cases.<sup>27</sup>

Working with victims of sexual violence requires a special skill set including familiarity with how trauma affects memory and behavior. The new training includes content on the neurobiology of trauma and trauma-informed interviewing, counseling, and investigative techniques. Of the nine detectives in the unit, two have served for 20 years or more, but the other seven average two years of experience. As of December 2019, none of the detectives in the unit had taken the training, but sergeants were working to get them registered.

### Recommendation 7

**The King County Sheriff's Office should ensure all detectives take the new victim-centered training as required by RCW 43.101.272.**

### The Prosecuting Attorney's Office does not provide advocacy and resource information to all victims

**The Prosecuting Attorney's Office does not ensure that victims have an advocate unless and until it files charges in their case.** This means that victims in the cases prosecutors declined to file (424 cases out of 693 cases referred to the Prosecuting Attorney's Office) may not receive information about advocacy. According to one study, rape victims who worked with advocates reported receiving more services from the legal and medical systems than those without advocates.<sup>28</sup> A manager at the Prosecuting Attorney's Office Victim Assistance Unit stated that because KCSARC is the regional expert on issues related to sex offenses, it is important for victims to connect with advocates and begin to establish a relationship for long-term resources and support.

While the Prosecuting Attorney's Office did provide some resource information to victims in the 36 percent of King County sex offense cases it filed, it did not provide that information until its office made a filing decision, which was often months after law enforcement referred the case to its office.<sup>29</sup> The average duration from initial police report to filing decision was nearly five months. (For more information on case duration and its impact on victims, see the Case Outcomes section of this report).

<sup>27</sup> RCW [43.101.272](#) requires law enforcement officers regularly assigned to investigate sexual assault involving adult victims to take a three-day course with 4-5 hours of prerequisites on a victim-centered, trauma-informed approach to responding to sexual assault. While the course is offered at no cost for officers, prosecutors, and advocates working in sexual assault cases in Washington state, it could require the Sheriff's Office to pay overtime for detectives to attend.

<sup>28</sup> Campbell, Rebecca (2006) Rape Survivors' Experiences with the Legal and Medical Systems Do Rape Victim Advocates Make a Difference? Violence Against Women Volume 12 Number 1 January 2006 30-45.

<sup>29</sup> Senior staff at the Prosecuting Attorney's Office said that it expected law enforcement agencies to connect most victims with advocates, who would in turn provide access to other victim services. As discussed above, however, we found gaps in law enforcement processes that may leave some victims without connection to advocates and other resources.

If the Prosecuting Attorney's Office instead provided information connecting victims with services to all cases *upon referral*, victims who may have suffered trauma from experiencing a sex offense can be connected with services that could provide them with protection and help them recover, whether or not prosecutors ever file charges in their case.

KCSARC leaders commented that other jurisdictions in King County do not refer victims to its services as readily as Sheriff's Office SAU detectives do. Since the Prosecuting Attorney's Office receives sex offense referrals from all 38 law enforcement agencies in King County, a shift in its process could better ensure that victims across the County are connected with services as soon as their case is referred.

As of December 2019, the Prosecuting Attorney's Office had a committee in place to review its communications with victims.

### Recommendation 8

**The Prosecuting Attorney's Office should provide all victims whose cases are referred to its office with information on advocacy and other resources at the time it receives a sex offense case referral.**



# Case Duration

## SECTION SUMMARY

**The amount of time it takes for sex offense cases to resolve in King County varies widely. Long waits for closure can have a negative impact on victims and cases.** A single case can take more than two years to resolve, and victims can wait for more than a year from the time of their initial police report to learn if their case will be prosecuted. This can be difficult for victims and may sometimes discourage them from continuing to participate in the investigation or prosecution. Data show that the Sheriff's Office and the Prosecuting Attorney's Office do not consistently meet timeline expectations set by the King County Special Assault Network. For both the Sheriff's and Prosecuting Attorney's offices, limited resources for investigating and filing sex offense cases, the nuanced and specialized nature of the work, and factors external to the Sheriff's and Prosecuting Attorney's offices all contribute to performance challenges. We make recommendations for both offices to take steps to improve the transparency and monitoring of their performance in order to inform future resource decisions.

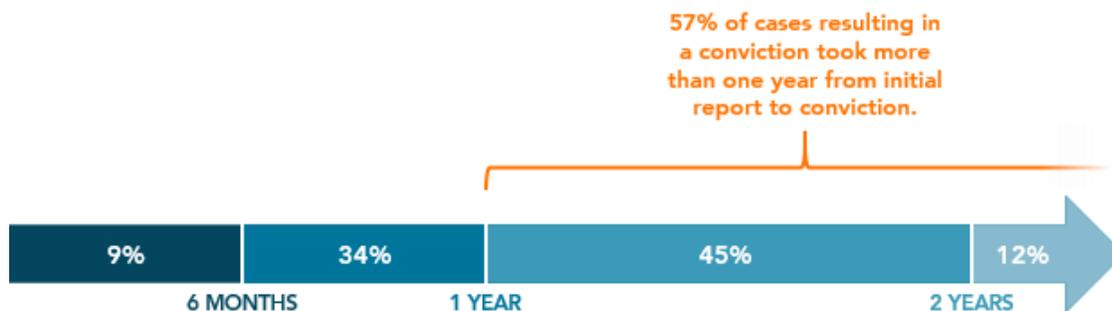
Long case durations can be difficult for victims and may negatively impact cases

**From initial police report to a final court outcome, some cases can resolve in as little as three months while others take up to three years.** Long case durations can deter victims from participating in prosecution. Over the time period we analyzed, 57 percent of sexual assault convictions for sex offenses reported to the Sheriff's Office took more than one year from the time of the initial police report to case conviction (Exhibit I).<sup>30</sup> According to advocates, long case durations like these can be difficult for victims: as cases continue, victims have to repeatedly revisit the details of the sex offense, which can cause additional trauma. They can also spend significant periods of time waiting for an update on their case. Waiting can be emotionally draining and difficult for victims who are seeking closure, which can discourage them from continuing with prosecution. Without the victim's participation, the Prosecuting Attorney's Office may not be able to prosecute the case.

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<sup>30</sup> Cases reported to the Sheriff's Office between January 2015 and July 2018.

EXHIBIT I: The majority of cases reported to the Sheriff’s Office between 2015 and mid-2018 that resulted in a conviction took more than one year from initial report to conviction.



Source: King County Auditor’s Office analysis of Sheriff’s Office and Prosecuting Attorney’s Offices data for cases reported between January 2015 and July 2018.

To understand why cases can take so long to conclude, it is helpful to break out the case process into three main phases:



**PHASE I:  
Sheriff’s Office’s  
Investigation**

Spans initial report to referral to the Prosecuting Attorney’s Office



**PHASE II:  
Prosecuting Attorney’s  
Office Filing**

Spans referral to filing decision



**PHASE III:  
Prosecuting Attorney’s  
Office Prosecution**

Spans filing decision to conviction



**PHASE I: Sheriff’s Office’s Investigation**

The Sheriff’s Office does not always meet the goal for timely referrals; not all delays are under their control

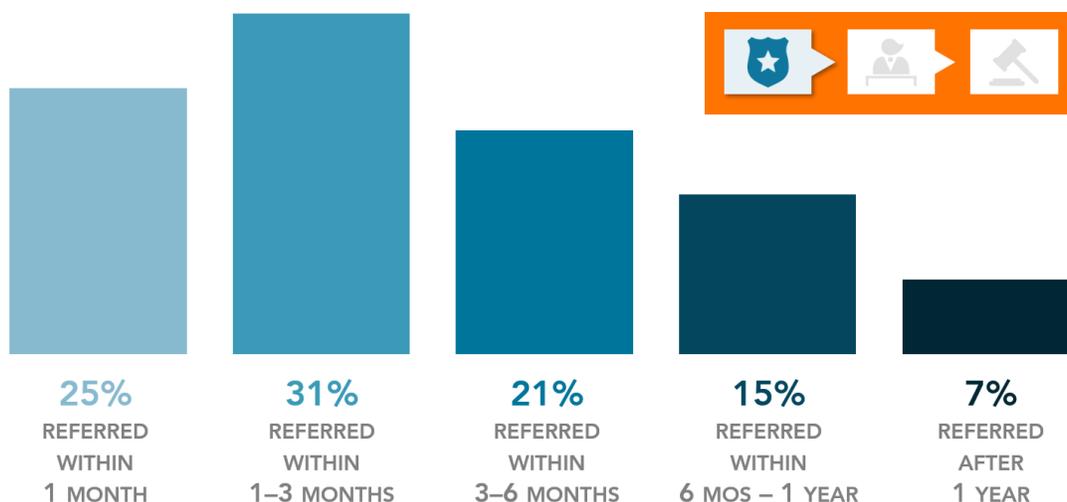
After a victim reports a crime to the Sheriff’s Office, it usually takes months for detectives to gather the information necessary to refer a case to the Prosecuting Attorney’s Office. This sometimes exceeds the Network’s goal for timely referrals to the Prosecuting Attorney’s Office. For about half of cases in our sample, the Sheriff’s Office took more than 60 days after the victim interview to refer the case to the Prosecuting Attorney’s Office, exceeding the benchmark established by the Network.<sup>31</sup>

While the Sheriff’s Office referred one-quarter of cases to the Prosecuting Attorney’s Office within one month of report, it took more than six months to investigate another 22 percent of cases (sum of the last two columns in Exhibit J, below).

<sup>31</sup> We compiled data on the time between victim interview and case referral for the sample of 259 cases we reviewed manually. The Sheriff’s Office does not maintain data on victim interview dates for all its cases. See the Statement of Compliance, Scope, Objective & Methodology for more information about our case sample.

Several factors contribute to this, many of which are not under the control of the Sheriff’s Office. Cases reported long after an offense occurred are associated with longer investigation times. For example, cases reported to the Sheriff’s Office several years after the offense tended to take longer to investigate than cases reported within a few days. In addition, investigation steps such as collecting evidence, waiting for results of DNA tests or digital forensic analysis of cell phones and social media, and arranging time to talk to victims or witnesses all take time. In particular, advocates and Sheriff’s Office detectives stated it can be challenging and time consuming to stay in contact with victims experiencing homelessness. These victims are less likely to have a phone number and more likely to move after their initial report.

**EXHIBIT J:** After a victim reports an incident to the Sheriff’s Office, it usually takes months before the Sheriff’s Office refers the case to the Prosecuting Attorney’s Office.



Source: King County Auditor’s Office analysis based on Sheriff’s Office and Prosecuting Attorney’s Office data for cases reported between January 2015 and July 2018.

Sheriff’s Office SAU sergeants indicated that although detectives work as fast as they can, the 60-day target is not always realistic given the case characteristics and the unit’s workload. They stated that always trying to stay within 60 days for an investigation would harm some cases because it would mean less thorough investigations. A national victim rights expert stated that long timeframes during investigations are one of the most difficult parts of the criminal justice process for victims, but that it is hard to speed things up when a jurisdiction has few detectives.

Detectives are not always able to meet standards for investigations

**Detectives do not conduct one-third of victim interviews within recommended timeframes, which can negatively impact investigations and victims.** Network protocol recommends that victim interviews take place within two weeks of an offense being reported. However, SAU conducted about a third of victim interviews in our case sample after this two-week window.<sup>32</sup> SAU sergeants noted that sometimes the timing is out of their control. A victim might not be available or ready to talk about the offense until more than two weeks after reporting. However, SAU sergeants also said that large caseloads make it difficult for detectives to meet timeliness goals. For example, victim interviews might be delayed while detectives prioritize the most time-sensitive cases, such as situations with a child victim living in the same home with a suspect. The more time passes after a sex offense report, the more likely victims and witnesses are to change their phone numbers, move, or start to forget the details of the offense. Any of these effects make investigation and potential prosecution more difficult.

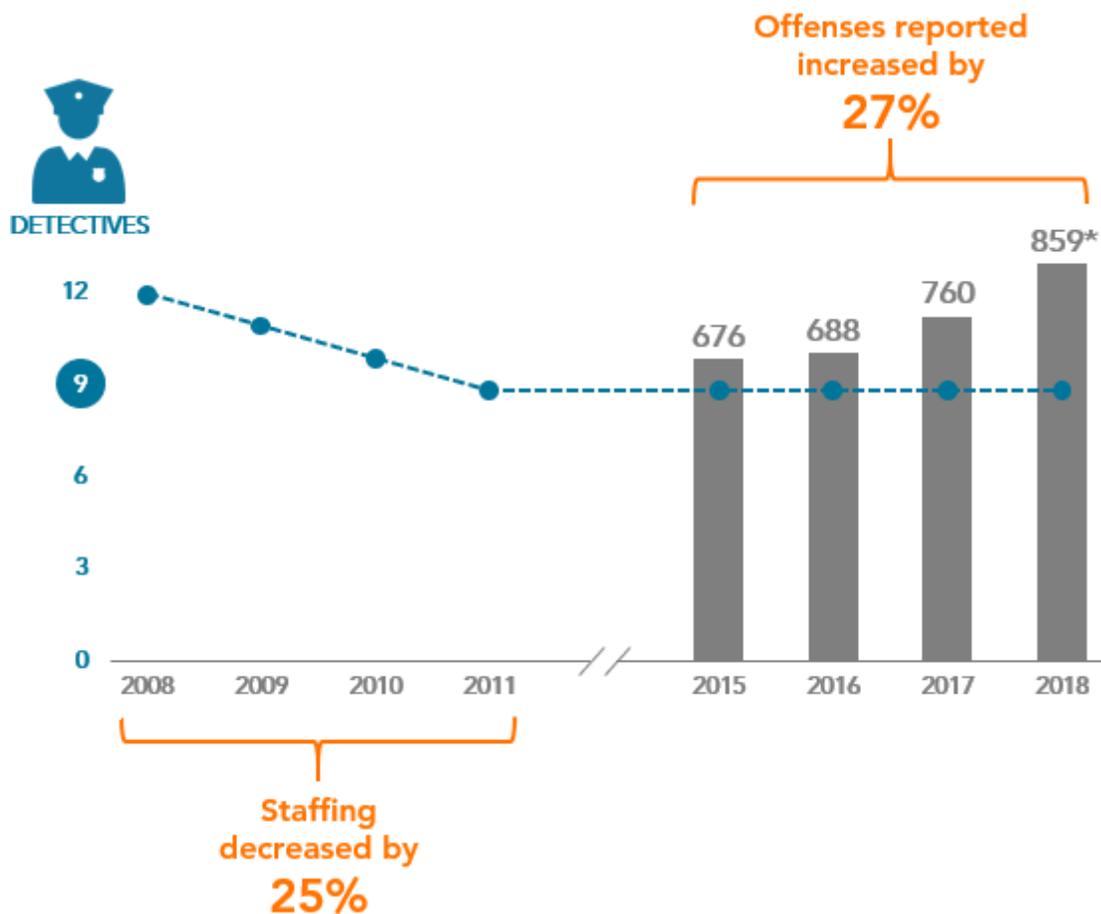
Fewer detectives and increased workload may impact investigation quality

**Increased caseloads and fewer detectives than in past years may impact the quality of SAU investigations.** According to a 2018 memo from SAU to Sheriff's Office leadership requesting more staff, the Sheriff's Office cut three detective positions from SAU between 2008 and 2011, leaving the unit with nine detectives—and staffing has not changed since then. Meanwhile, case volumes have increased, with the number of cases reported in 2017 and 2018 higher than any other years in the past decade (see Exhibit K).

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<sup>32</sup> Based on cases assigned to detectives that had a victim interview.

EXHIBIT K: Despite increased reports of sex offenses, Sheriff's Office's Special Assault Unit staffing has remained constant since staff cuts occurred between 2008 and 2011.



\*2018 data includes projection for the last half of the year.

Source: King County Auditor's Office analysis based on Sheriff's Office data.

The average SAU detective has 27 to 32 open cases at a time. In comparison, the Seattle Police Department's special assault detectives have 12-17 open cases at a time. Seattle SAU sergeants stated that this number can fluctuate, and that they get concerned about investigation quality if caseloads get above 20 per detective. In addition, staff turnover in King County SAU reduces the functional capacity of the unit because sergeants avoid assigning cases in the months leading up to a detective's departure, and new detectives need time to come up to speed on the work. SAU has nine full-time detectives and anticipates at least two positions will turn over 2020. Since SAU work is highly specialized, detectives from other units cannot step in to help during periods of turnover.

SAU leaders stated that detectives struggle to manage their caseload and they believe that they could provide better and faster service to both victims and prosecutors if they had more staff and less turnover. While our audit did not include a comprehensive review of investigation practices, we did see examples of investigations not meeting standards, as discussed above.

SAU does not have guidance on how to triage work

**SAU lacks guidance for how to triage investigation activities when the unit is faced with more work than can be accomplished.** As stated above, detectives are not always able to meet timeliness goals and best practices for investigations, because of low staffing. Detectives said they prioritize certain cases over others during heavy work periods, but there are no documented criteria to guide how they do this. The lack of documented criteria for triage could lead to inconsistent or inefficient decision-making in case management. In addition, documenting criteria for triage would enable SAU to communicate the impacts of managing workload to Sheriff's Office leadership.

### Recommendation 9

**The King County Sheriff's Office Special Assault Unit should develop and document criteria for how they triage case investigations.**

### Recommendation 10

**The King County Sheriff's Office Special Assault Unit should communicate to Sheriff's Office leadership how it triages its resources and associated impacts on case investigations.**



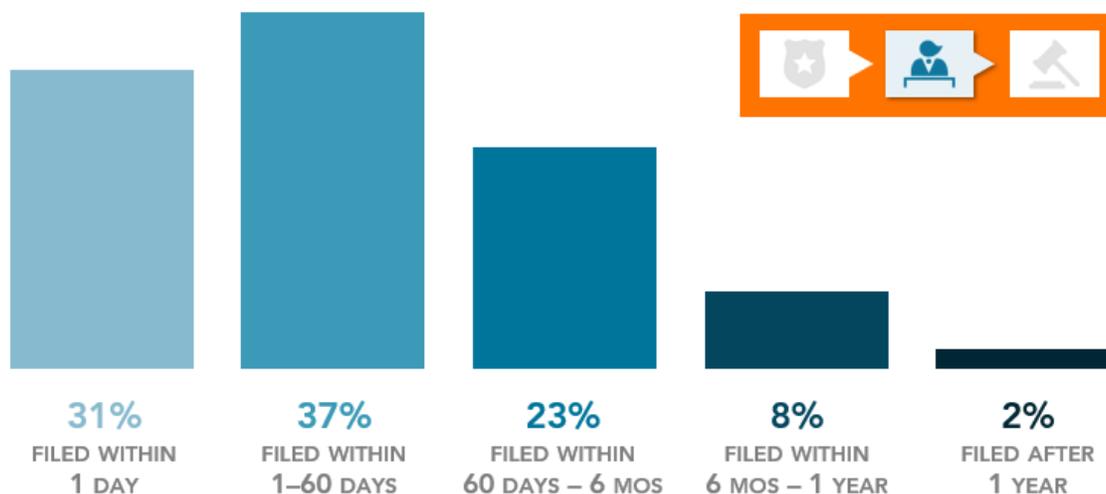
### PHASE II: Prosecuting Attorney's Office Filing

Prosecutors usually meet filing timeliness standards

**Time to reach a filing decision varies across cases.** The Prosecuting Attorney's Office usually, but not always, meets Network standards for timely filing decisions. Network protocol states that the Prosecuting Attorney's Office should make a filing decision within 60 days of receiving a case from law enforcement. Prosecutors met this standard for two-thirds of cases in the period we analyzed. For the remaining one-third of cases, the Prosecuting Attorney's Office took more than 60 days after receiving the referral to make a filing decision (see Exhibit L).

**Some delays are the result of prioritizing victim needs over greatest efficiency.** The Prosecuting Attorney's Office prioritizes meeting with victims and families, hearing their preferences and concerns, and explaining their filing decisions over making filing decisions as fast as possible. They acknowledge that this important work does extend timeframes for cases waiting for processing, but meetings with victims play an important role because they help victims and prosecutors understand each other's perspectives.

**EXHIBIT L:** The time between referral to the Prosecuting Attorney's Office and filing varies greatly, but most cases meet the 60-day benchmark.



Source: King County Auditor's Office analysis based on Prosecuting Attorney's Office data for cases reported between January 2015 and July 2018.

Note: Prosecuting Attorney's Office is required to make a quick filing decision on cases where the suspect is incarcerated. These account for many of the cases filed within one day of referral.

Specialized nature of filing sex offense cases can contribute to delays

**While the Prosecuting Attorney's Office generally meets Network timeliness standards, the complexity of the work and resource limitations make filing a point in the process that is susceptible to delay.** The Prosecuting Attorney's Office's units in Seattle and Kent each have one attorney who reviews sex offense cases referred by all 38 law enforcement agencies in the county. This person decides whether to file the case and, if so, which charges to file against the defendant. Making filing decisions is highly specialized work with consequences for both victims and the agency if a filer makes a poor decision. For instance, if a filing attorney declines a case that should have been prosecuted, victims are denied a chance of seeing their perpetrator brought to justice. If a filer accepts a case that does not have sufficient evidence to reach a conviction, the victim's and County's time and resources may be wasted in unsuccessful efforts.

**Prosecuting Attorney's Office leadership explained that limited filing resources require them to triage their filing decisions.** This means that some victims may wait a very long time to find out whether prosecutors will accept their case. Some cases require quick filing decisions by law. For example, the filing attorney must make their filing decision within 72 hours if a suspect is in custody, or else the suspect will be released. As shown in Exhibit L, above, nearly one-third of cases were filed within a day of referral. However, the Prosecuting Attorney's Office can take months (and in rare cases more than a year) to reach a filing decision for many other cases that do not have this strict legal requirement for filing time.

Prosecuting Attorney’s Office leaders say only a few of the 175 attorneys on staff are qualified to perform this duty, so there are few people to provide backup if a filer is unable to work. The Prosecuting Attorney’s Office recently began tracking its filing backlog and used that data to help obtain resources from a state grant to add a temporary, part-time filing attorney to help address the heavy filing caseload. The office began tracking some aspects of case duration in 2019, but the agency does not have formal timeliness metrics for case filing. Without metrics in place, it may be difficult to assess whether the temporary case filing staff are sufficient to reduce case backlogs.

### Recommendation 11

**The Prosecuting Attorney’s Office should develop and use case filing timeliness metrics to assess its effectiveness, including whether the strategy of using additional case filing staff is successfully reducing case backlog.**

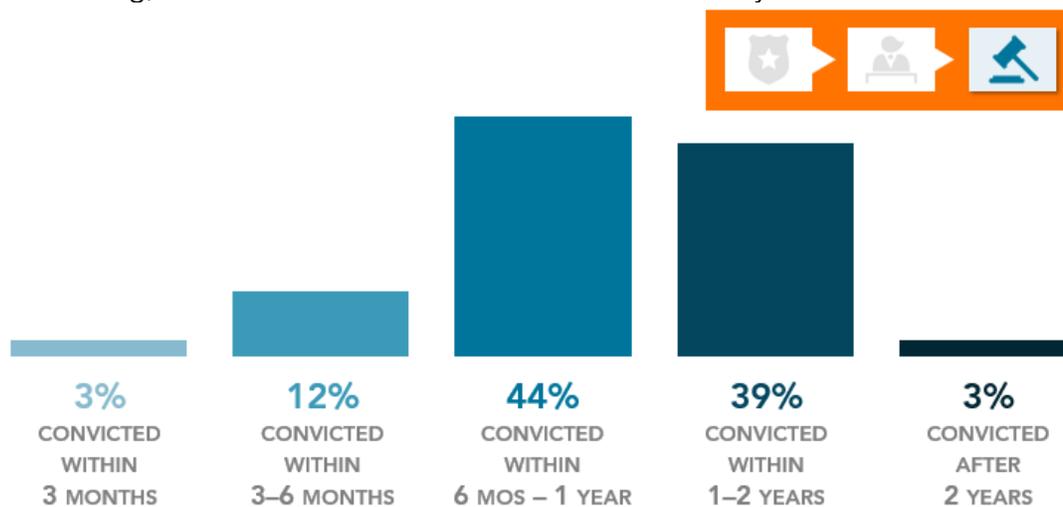


#### PHASE III: Prosecuting Attorney’s Office Prosecution

External factors influence prosecution duration

**From the time a case is filed to the time of a conviction or other resolution, the Sheriff’s Office and the Prosecuting Attorney’s Office have less control over case duration.** In the period we analyzed, this process typically took from three months to more than two years (see Exhibit M). On the low end, one case reached a resolution in just over a month. At the other extreme, two cases took over two and a half years to prosecute. Timelines can extend due to court calendars, long waits for external examinations, case continuances, the legal rights of the defendant, and other aspects of the criminal justice system. Since these factors are largely out of the Sheriff’s and Prosecuting Attorney’s offices’ control, it is especially important that victims are connected with advocates and other services to support them through the long process.

EXHIBIT M: After filing, most cases take between six months and two years to reach a conviction.



Source: King County Auditor’s Office analysis of Prosecuting Attorney’s Office data for cases reported between January 2015 and July 2018.



## Case Outcomes

### SECTION SUMMARY

**Charges can change over the course of a case, and the Prosecuting Attorney's Office does not have demographic information about victim and suspect race to ensure that its practices do not contribute to systemic inequities.** In our review of how the set of charges in a case changes from referral by law enforcement agencies through the filing and prosecution processes, we found that the number and severity of charges often decrease over the course of a case. While the Prosecuting Attorney's Office's initial filed charges are usually at a comparable level to those referred by law enforcement, the charge severity often decreases by the time of conviction. Following best practice, the Prosecuting Attorney's Office prioritizes communication with victims to explain these changes. The Prosecuting Attorney's Office does not collect race data for victims or defendants. By using data from the Department of Public Defense, we found that defendants of color may be less likely to have cases resolved through plea agreements than white defendants.<sup>33</sup> Tracking and analyzing race data would help the Prosecuting Attorney's Office identify and address potential inequities.

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The majority of this audit has focused on cases reported to the Sheriff's Office, but this section focuses on Prosecuting Attorney's Office charging practices for all King County cases referred to the Prosecuting Attorney's Office between 2015 and mid-2019. This includes over 4,000 cases referred by 38 local, state, and federal law enforcement agencies, including the Seattle Police Department.

### Charges can change over the course of a case

**The Prosecuting Attorney's Office can drop, add, or amend charges over the course of a case.** The Sheriff's Office and other law enforcement agencies often recommend criminal charges when they refer cases to the Prosecuting Attorney's Office.<sup>34</sup> If the Prosecuting Attorney's Office decides to file the case, it may choose to file the same charges recommended by law enforcement, some of those charges, or different ones (see Exhibit N for an example). How the Prosecuting Attorney's Office decides what charges to file and prosecute is complicated. It considers the strength of evidence, plausible defense strategies, how it thinks a jury might view the case, and the victim's wishes. After filing, charges may change again. The Prosecuting Attorney's Office can amend the filed charges based on new information or as part of a plea agreement. If the case goes to trial, the jury can convict the defendant on all charges or on a subset of the filed charges. Charges may be removed completely if the case is dismissed or if the defendant is acquitted.

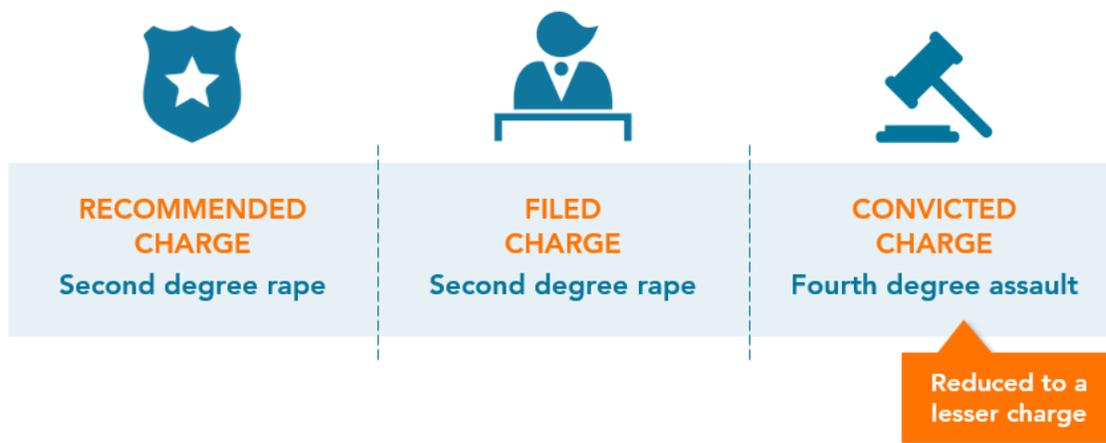
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<sup>33</sup> The Department of Public Defense collects its race data primarily during telephone screening conversations where potential clients self-identify their race.

<sup>34</sup> Law enforcement can also refer a case without any recommended charges. For example, Washington state law requires law enforcement to refer certain child cases to prosecutors regardless of the investigation's results.

EXHIBIT N: Charges can increase or decrease over the course of a case, from law enforcement's recommended charges in its referral to final charges at conviction.

### EXAMPLE CASE



Source: King County Auditor's Office.

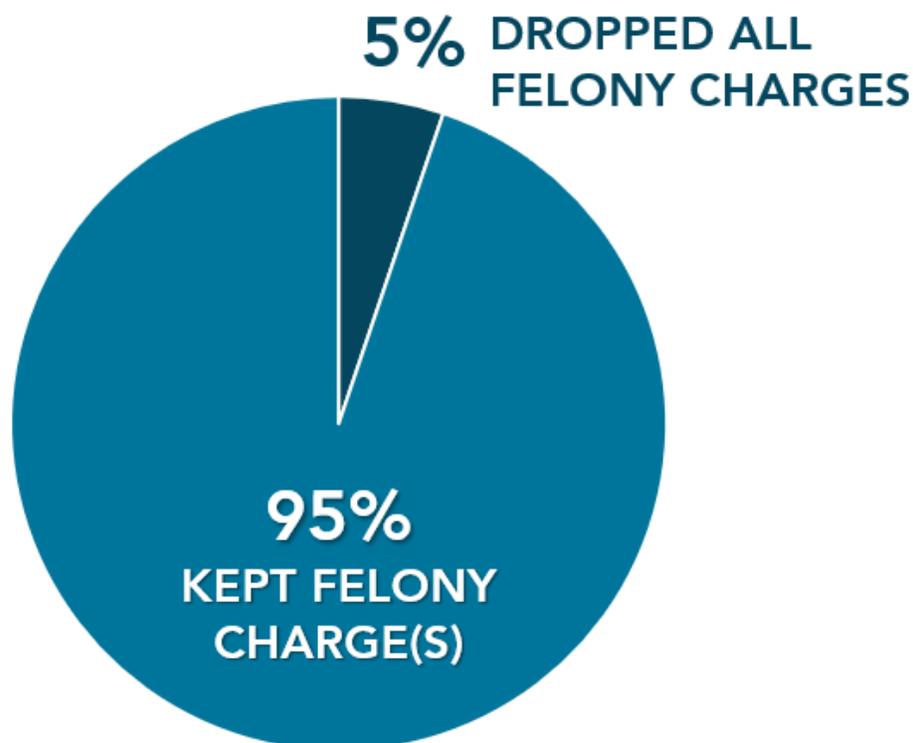
Charges often remain similar from referral to filing

**Filed charges from the Prosecuting Attorney's Office are often similar to the charges recommended by law enforcement.** In 95 percent of cases where law enforcement agencies recommended felony charges, the Prosecuting Attorney's Office filed felony charges (see Exhibit O).<sup>35</sup> In other words, the Prosecuting Attorney's Office dropped all felony charges recommended by law enforcement in only five percent of cases. In terms of the total number of felony charges filed, 18 percent of cases were filed with a greater number of felony charges than referred by law enforcement, 17 percent with fewer felonies, and 66 percent with the same number of felony charges.<sup>36</sup>

<sup>35</sup> Out of 1,000 cases that the Prosecuting Attorney's Office filed between January 2015 and May 2019, from all law enforcement agencies in King County.

<sup>36</sup> In this analysis, we did not differentiate between which specific felony charge(s) law enforcement recommended and which the Prosecuting Attorney's Office chose to file.

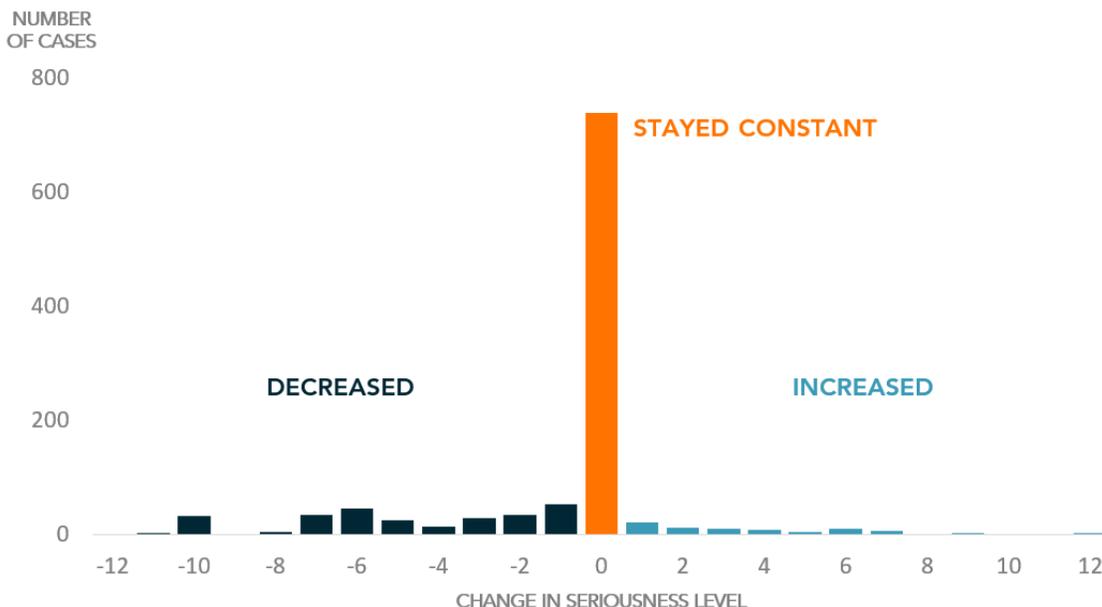
EXHIBIT O: The Prosecuting Attorney's Office files felony charges for nearly all cases in which law enforcement recommends felony charges.



Source: King County Auditor's Office analysis of Prosecuting Attorney's Office data for all referred cases from January 2015 to May 2019.

For a more in-depth understanding of the charges, we can look at how the seriousness level changed from referral to filing. The Washington State Adult Sentencing Manual designates a seriousness level for charges, ranging from 1 to 16. For example, rape in the first degree has a seriousness level of 12, while rape in the second degree has a seriousness level of 11, and rape in the third degree has a seriousness level of 5. The change in sentencing for different seriousness levels can be large, with rape in first degree carrying a minimum sentence of 7.75 years and rape in the third degree carrying a minimum sentence of 6 months. From 2015 to mid-2019, the seriousness of the highest charge filed by Prosecuting Attorney's Office stayed the same from referral to filing for 67 percent of cases (see Exhibit P).

EXHIBIT P: The most serious filed charge is equal to the most serious recommended charge for the majority of cases.



Source: King County Auditor’s Office analysis of Prosecuting Attorney’s Office data for all referred cases from January 2015 to May 2019.

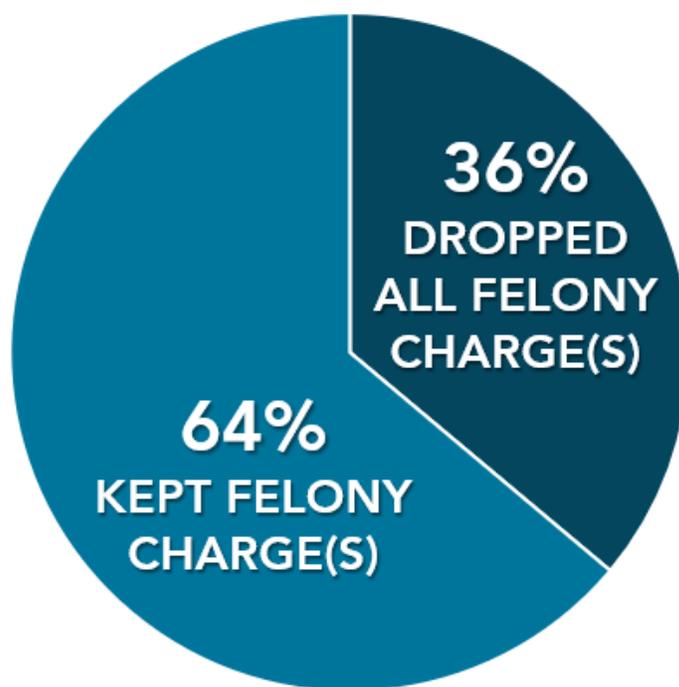
Prosecuting Attorney’s Office staff explain charging decisions to victims

**Consistent with best practices, the Prosecuting Attorney’s Office prioritizes communication with victims about charging decisions.** Advocates emphasized that it is often important to victims for the filed charges to reflect their experience of the crime. According to victim advocates, when the Prosecuting Attorney’s Office reduces charges at filing, victims can feel invalidated. As a result, it is especially helpful that the Prosecuting Attorney’s Offices communicates with victims about its filing decisions. Despite its heavy workload, the Prosecuting Attorney’s Office prioritizes this communication by working with advocates and offering to meet with victims and families to explain how it made charging decisions. This approach can help make victims’ experiences with sex offense prosecution more manageable.

### Charges often decrease from filing to conviction

**As a case moves from filing to conviction, the seriousness and number of charges often decrease, meaning that a case usually results in a lower sentence than originally charged.** While negotiation over charges is a part of the criminal justice process, victims may feel that decreases in charges and sentences undermine their experience of the crime. For example, between 2015 and mid-2019, the Prosecuting Attorney's Office dropped all felony charges for more than one-third of cases between filing and conviction (see Exhibit O). The maximum seriousness score decreased for more than two-thirds of cases and increased for only one percent of cases (see Exhibit O). This means that the charge with the highest seriousness level was reduced to a less serious charge in more than two-thirds of cases, such as from second degree rape to indecent liberties, in which the minimum sentence changes from six and a half years to a little over a year.<sup>37</sup> Victim advocates said that some victims feel discouraged when the charges decrease because it invalidates their experience of the crime, for example, when a rape charge changes to assault.

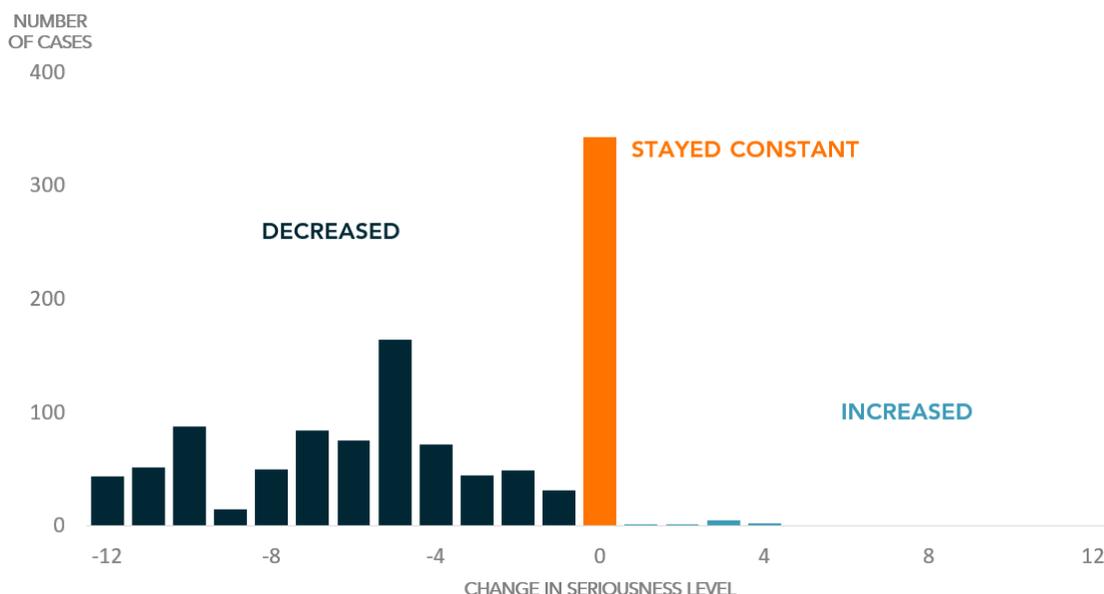
EXHIBIT Q: More than one-third of cases filed with felony charges had all felony charges dropped at conviction.



Source: King County Auditor's Office analysis of Prosecuting Attorney's Office data for all referred cases from January 2015 to May 2019.

<sup>37</sup> This sentence assumes no prior criminal history for the defendant. More criminal history would increase the sentence time.

EXHIBIT R: Maximum charge seriousness decreased for more than two-thirds of cases from filing to conviction.



Source: King County Auditor's Office analysis of Prosecuting Attorney's Office data for all referred cases from January 2015 to May 2019.

### Charges can change for many reasons

**Charges can decrease from filing to conviction for many reasons.** The Prosecuting Attorney's Office says that cases tend to become harder to prosecute as more time elapses, as we described in the previous section, which can result in lower charges. Sometimes, new information can emerge that changes the facts of the case. If a case goes to trial, the jury can convict the defendant on lesser charges. Plea agreements (mutual decisions between the prosecutor and defense attorney to resolve cases outside of trial) often require a reduction in charges in order for the defendant to accept.

According to the Prosecuting Attorney's Office, a plea agreement is not necessarily a negative outcome for the victim because different victims have different preferences. Although a plea agreement might reduce the charges, some victims prefer not to go through a trial, which is often a traumatic experience. Plea agreements offer the certainty of a conviction, unlike the risk of going to trial, where a jury could find the defendant not guilty. The Prosecuting Attorney's Office explained that it is in regular communication with victims and takes victim preferences into account when deciding how to prosecute a case. However, it cannot always pursue the victim's first choice.

The Prosecuting Attorney's Office does not track race information or analyze charging trends

**The Prosecuting Attorney's Office does not collect race data on victims or defendants, making it difficult to assess any disproportionate impacts of charging decisions and case outcomes.** This can allow implicit and systemic biases to persist without detection or intervention. We obtained race data from the Department of Public Defense to explore potential racial disparities in charging outcomes for this subset of defendants.<sup>38</sup> We found that cases involving white defendants represented by public defenders were 10 percent more likely to resolve through a plea agreement compared to cases with non-white defendants.<sup>39</sup> A plea agreement is a mutual decision between the prosecutor and defense attorney to resolve a case, and it usually involves lesser charges and associated jail or prison time for the defendant than if the case were convicted at trial.<sup>40</sup> Our analysis is limited because we did not have data to control many factors that affect charging and disposition decisions. For example, the Prosecuting Attorney's Office noted that plea decisions are informed by the victim's wishes, the evidentiary strength of the case, and the defendant's criminal history, among other considerations. Still, this preliminary result is something that the Prosecuting Attorney's Office should investigate further. For more details on our methodology, see the Statement of Compliance, Scope, Objective & Methodology at the end of this report.

**The Prosecuting Attorney's Office also does not analyze charging trends in aggregate.** Tracking criminal charging information for defendants is especially important due to Washington state sentencing laws: penalties for criminal offenses in Washington state are determined by both a crime's severity and the defendant's criminal history. As either one increases, the defendant's punishment will also increase. Because of well-documented biases in the criminal justice system, defendants of color may be more likely to have a criminal history than white defendants. As a result, defendants of color may face harsher punishments on average than white defendants for the same crime.

The County's equity and social justice goals highlight the importance of racially-just policies and practices, and emphasize the need for county programs to evaluate their progress toward achieving these goals. The Prosecuting Attorney's Office has authority to charge defendants and set the initial parameters for plea agreements. Due to this role and the potential for bias in the criminal justice system, it is important that the Prosecuting Attorney's Office evaluate its practices to evaluate for disproportionate outcomes on people of color.

<sup>38</sup> Our analysis used race data provided by the Department of Public Defense, so it does not include all defendants prosecuted by Prosecuting Attorney's Office, some of whom hire private attorneys. Anyone booked into jail on suspicion of having committed a crime can be represented by a public defender, even if they would otherwise not meet low-income criteria for representation.

<sup>39</sup> We performed a regression analysis that controlled for severity of the filed charge and for child versus adult cases, as well as a Chi-square test. The correlation between defendant race and plea agreements was statistically significant at the 99 percent confidence level. In raw percentages, 82 percent of white defendants in the subgroup accepted the plea agreement compared with 71 percent of non-white defendants.

<sup>40</sup> Cases not resolved by plea agreement may instead be resolved in a trial or a dismissal. There was no statistical difference between the two groups in dismissal rates, but white defendants in the sample were about 8 percent less likely to go to trial (significant at the 99 percent confidence level).

The Prosecuting Attorney's Office states that they plan to review historical plea agreement data in order to analyze trends and identify potential areas for improvement. They state that they intend to implement a new method for tracking the details of the plea agreement offers. In addition, they are exploring potential sources of information on defendant and victim demographic data. Gathering and analyzing these pieces of data together would help the Prosecuting Attorney's Office identify potential inequities in outcomes and identify strategies to mitigate them.

## Recommendation 12

**The Prosecuting Attorney's Office should collect and track demographic data about defendants and victims, use the information to assess outcomes, and develop plans to respond to any identified disparities.**

### Conclusion

The number of sex offenses reported in King County climbed by more than 20 percent between 2015 and mid-2018. This makes it especially timely to ensure that investigations and prosecutions are effectively serving victims, defendants, and the public. King County is a leader in coordinating agencies to better assist victims of sex offenses. However, under the existing process, some victims may never be connected with advocates who can link them to other important services, such as counseling and financial support programs. Gaps in the process in both the Sheriff's Office and the Prosecuting Attorney's Office mean that some victims of sex offenses might either never be connected with services or might be connected late in the progression of their case through the criminal justice system. This could leave victims of sex offense without crucial services.

Investigating and prosecuting sex offense cases is highly specialized work, often requiring careful training to ensure victims are not retraumatized and cases are resolved in a timely manner. Recognizing the need for high-quality work in these cases, the Sheriff's Office and Prosecuting Attorney's Office put emphasis on training and collaboration in sex offense cases, but heavy workloads and staff turnover can make it difficult to sustain good practices, hindering quality investigations that could have helped victims achieve healing and justice. The Prosecuting Attorney's Office has taken steps to collect data to analyze its case backlog and used that data to help secure additional resources. Specifically, the Prosecuting Attorney's Office won a grant for temporary help by an experienced and trained attorney who can make filing decisions. The Sheriff's Office has a similar workload issue but does not have data on the impacts of the lack of staff on case timing and investigation quality. Collecting data on resource gaps is critical so that these gaps can be filled and to ensure the best possible process for victims and their families.

Finally, opportunities exist to improve King County's approach to criminal justice for sex offenses. The Prosecuting Attorney's Office can help address potential racial disparities in case outcomes by tracking and analyzing demographic data on victims and defendants. Well-documented systemic biases and racism in the criminal justice system make it even more important to collect race data and evaluate disproportionate impacts by race. Addressing these data gaps can help ensure that the Prosecuting Attorney's Office serves victims, families, defendants, and communities effectively and equitably in response to sex offenses.



# Appendix 1

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## Case Report Analysis Results

### BACKGROUND AND METHODOLOGY

To learn more detailed information than aggregate case data can provide, we reviewed the narrative case files for a sample of more than 250 sex offense cases. We selected a random sample of cases reported to the King County Sheriff's Office in 2017. Out of 787 cases, we reviewed 256. This sample size is generalizable to the overall population of 2017 cases with 95 percent confidence. We coded for 78 different characteristics for this case file review, including victim demographics and investigative steps. This appendix is an overview of some of the results of our case review and coding.

### FINDINGS: OFFENSE CHARACTERISTICS

Our sample of cases included a range of sex offenses, including rape, child molestation, and non-specific offenses. Offenses took place in both public and private locations, the victims did not always know the suspects, and few cases involved more than one victim.

EXHIBIT 1: The most common crime reporting codes for Sheriff's Office cases in 2017 were rapes and non-specific sex offenses.

Case types based on Federal Crime Reporting Codes (FCRs)	Frequency	Percentage
Non-specific sex offense	83	32%
Rape	77	30%
Child molestation	26	10%
Rape of a child	23	9%
Indecent liberties	18	7%
Indecent exposure	17	7%
Voyeurism	7	3%
Child luring	4	2%
Attempted rape	1	<0%

Source: King County Auditor's Office analysis of a generalizable sample of Sheriff's Office case files from 2017.

EXHIBIT 2: Twenty percent of cases were cleared by arrest, while 28 percent were open and active as of October 2019.

Case Status	Frequency	Percentage
Cleared by arrest	50	20%
Cleared exceptionally	23	9%
Cleared administratively	5	2%
Cleared unfounded	34	13%
Open and active	72	28%
Open and inactive	65	25%
Open (information only)	2	1%
Unspecified	5	2%

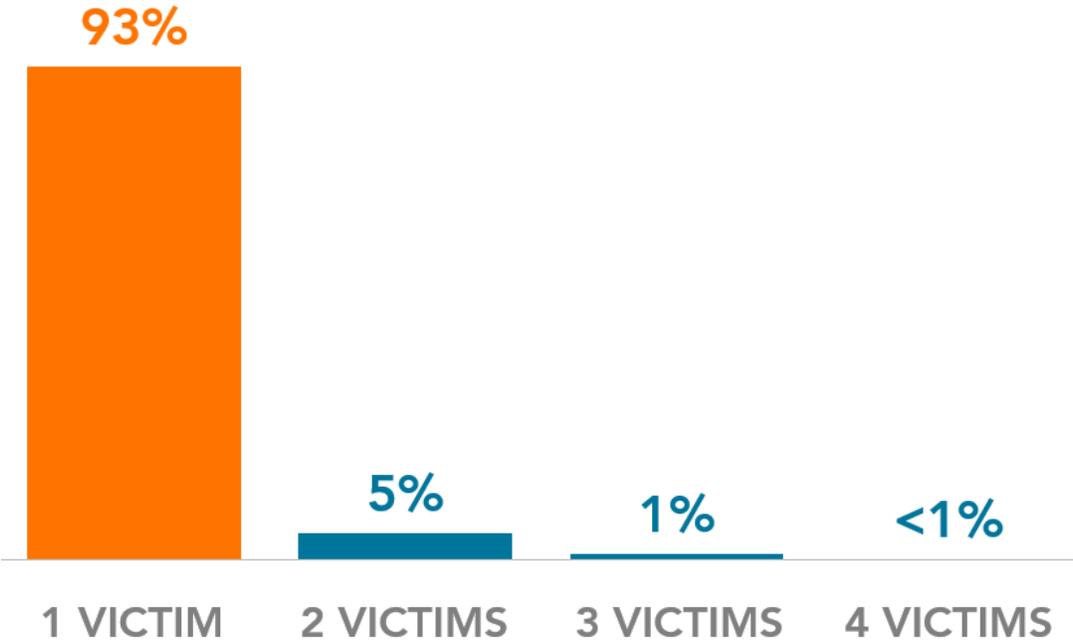
Source: King County Auditor’s Office analysis of a generalizable sample of Sheriff’s Office case files from 2017.

EXHIBIT 3: In 2017, offenses took place in private residences, as well as public locations like transit, school, or work. Some victims reported multiple assaults that took place at multiple locations.

Offense Location	Frequency	Percentage
Shared residence between suspect and victim	48	19%
Unspecified public location	46	18%
Suspect's residence	35	14%
Victim's residence	28	11%
Other residence	28	11%
Transit	16	6%
School	14	5%
Work	3	1%
Multiple locations	9	4%
Other	7	3%
Location unspecified	22	9%

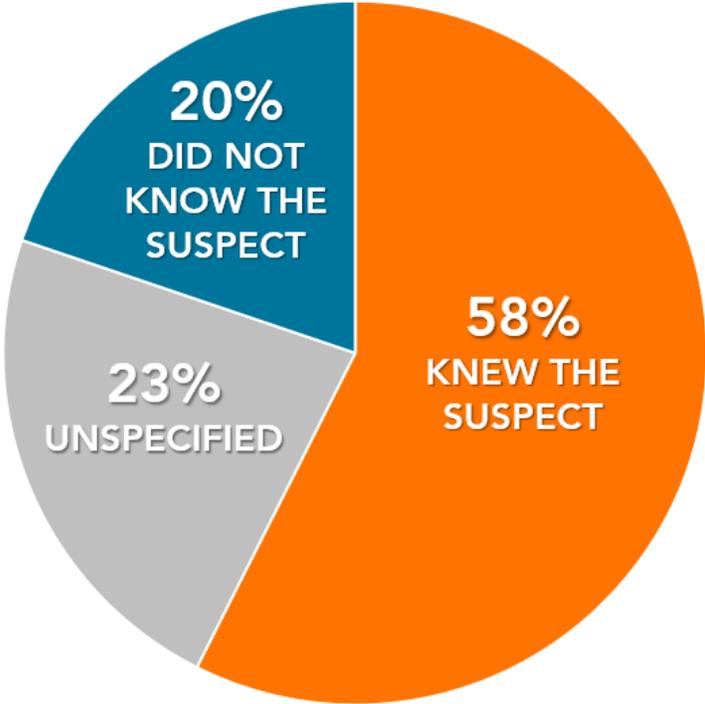
Source: King County Auditor’s Office analysis of a generalizable sample of Sheriff’s Office case files from 2017.

EXHIBIT 4: Most sex offenses reported to the Sheriff's Office in 2017 involved one victim.



Source: King County Auditor's Office analysis of a generalizable sample of Sheriff's Office case files from 2017.

EXHIBIT 5: The victim knew the suspect in more than half of sex offenses reported to the Sheriff's Office in 2017.



Source: King County Auditor's Office analysis of a generalizable sample of Sheriff's Office case files from 2017.

## FINDINGS: VICTIM CHARACTERISTICS

Victims in our sample were predominantly English-speaking females. The sample included more child victims than adult victims. A small number of the victims in the sample had experienced homelessness.

**EXHIBIT 6:** A majority of victims in sex offenses reported to the Sheriff's Office in 2017 were white. The case files we reviewed did not consistently provide race information about victims, as evidenced by the 18 percent of cases with unspecified suspect race.

Victim Race or Ethnicity	Frequency	Percentage
White	151	55%
Black	25	9%
Hispanic	23	8%
Asian	20	7%
American Indian/Alaska Native	4	1%
Native Hawaiian/Pacific Islander	2	1%
Multiple	1	0%
Unspecified	51	18%

Source: King County Auditor's Office analysis of a generalizable sample of Sheriff's Office case files from 2017.

**EXHIBIT 7:** Victims of sex offense cases reported to the Sheriff's Office in 2017 were predominantly female.

Victim Gender	Frequency	Percentage
Female	229	83%
Male	31	11%
Other	2	1%
Unspecified	15	5%

Source: King County Auditor's Office analysis of a generalizable sample of Sheriff's Office case files from 2017.

**EXHIBIT 8:** There were more child sex offense cases (cases with victims under 18 years old) than adult sex offense cases reported to the Sheriff's Office in 2017.

Victim Age	Frequency	Percentage
Adult	98	35%
Child	162	58%
Unspecified	17	6%

Source: King County Auditor's Office analysis of a generalizable sample of Sheriff's Office case files from 2017.

**EXHIBIT 9:** The majority of victims in sex offense cases reported to the Sheriff's Office in 2017 spoke English.

Victim Language	Frequency	Percentage
English	237	86%
Spanish	5	2%
English and Spanish	3	1%
Pur'hepecha	1	0%
Chinese	1	0%
Unspecified	30	11%

Source: King County Auditor's Office analysis of a generalizable sample of Sheriff's Office case files from 2017.

**EXHIBIT 10:** Six percent of victims of sex offenses reported to the Sheriff's Office in 2017 reported experiencing housing instability.

Victim Housing Status	Frequency	Percentage
Housing instability	18	6%
No housing instability	229	83%
Unspecified	30	11%

Source: King County Auditor's Office analysis of a generalizable sample of Sheriff's Office case files from 2017.

**FINDINGS: SUSPECT CHARACTERISTICS**

The majority of suspects in the sample were adult males; less than one-quarter had a criminal history.

**EXHIBIT 11:** Nearly half of suspects of sex offenses reported to the Sheriff's Office in 2017 were white. The case files we reviewed did not consistently provide race information about suspects, as evidenced by the 20 percent of cases with unspecified suspect race.

Suspect Race	Frequency	Percentage
White	118	45%
Black	39	15%
Hispanic	39	15%
Asian	10	4%
Native Hawaiian/ Pacific Islander	3	1%
Multi	1	0%
Unspecified	54	20%

Source: King County Auditor's Office analysis of a generalizable sample of Sheriff's Office case files from 2017.

**EXHIBIT 12:** The majority of suspects of sex offenses reported to the Sheriff's Office in 2017 were male.

Suspect Gender	Frequency	Percentage
Male	226	86%
Female	11	4%
Unspecified	27	10%

Source: King County Auditor's Office analysis of a generalizable sample of Sheriff's Office case files from 2017.

**EXHIBIT 13:** About one-quarter of suspects of sex offenses reported to the Sheriff's Office in 2017 were under 18 years old.

Suspect Age	Frequency	Percentage
Adult	170	64%
Juvenile	72	27%
Unspecified	22	8%

Source: King County Auditor's Office analysis of a generalizable sample of Sheriff's Office case files from 2017.

**EXHIBIT 14:** Most suspects of sex offenses reported to the Sheriff's Office in 2017 spoke English, but one-quarter of case files did not include language information about suspects.

Suspect Language	Frequency	Percentage
English	186	70%
Spanish	11	4%
English and Spanish	1	0%
Unspecified	66	25%

Source: King County Auditor's Office analysis of a generalizable sample of Sheriff's Office case files from 2017.

**EXHIBIT 15:** Less than five percent of suspects of sex offenses reported to the Sheriff's Office in 2017 reported experiencing housing instability, but nearly 30 percent of case files did not include housing information about suspects.

Suspect Housing Status	Frequency	Percentage
Housing instability	10	4%
No housing instability	177	67%
Unspecified	77	29%

Source: King County Auditor's Office analysis of a generalizable sample of Sheriff's Office case files from 2017.

**EXHIBIT 16:** Less than 20 percent of suspects of sex offense reported to the Sheriff's Office in 2017 had a criminal history.

Suspect History	Frequency	Percentage
Criminal history	46	17%
No criminal history	135	51%
Unspecified	83	31%

Source: King County Auditor's Office analysis of a generalizable sample of Sheriff's Office case files from 2017.

## FINDINGS: INVESTIGATION CHARACTERISTICS

Cases were reported to law enforcement and responded to in a variety of ways. Just over half of cases had an in-depth victim interview as part of the investigation.

**EXHIBIT 17:** Most cases were reported by an authority figure (such as a school counselor), the victim, or a friend or family member of the victim.

Person reporting to Sheriff's Office	Frequency	Percentage
Authority figure	106	41%
Victim	72	28%
Family or friend	48	19%
Other	16	6%
Unspecified	14	5%

Source: King County Auditor's Office analysis of a generalizable sample of Sheriff's Office case files from 2017.

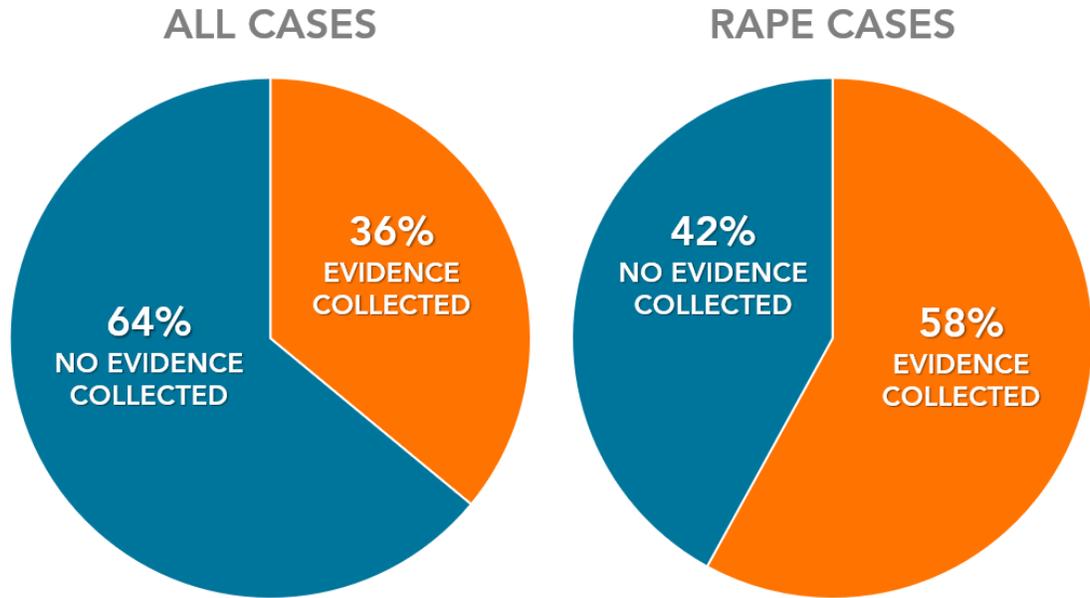
**EXHIBIT 18:** Patrol deputies responded initially to over half of sex offense cases reported to the Sheriff's Office in 2017. In other cases, a detective or 9-1-1 operator was usually the first person to take a report.<sup>41</sup>

Initial Report Taker	Frequency	Percentage
Patrol	136	53%
SAU detective	43	17%
9-1-1 operator	29	11%
Other detective	5	2%
Other	18	7%
Unspecified	25	10%

Source: King County Auditor's Office analysis of a generalizable sample of Sheriff's Office case files from 2017.

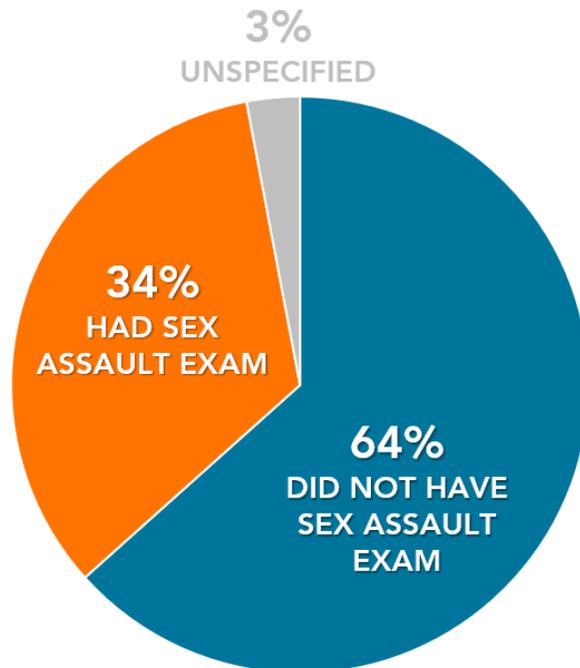
<sup>41</sup> We consider the first responder to be a 9-1-1 operator if the operator does not immediately dispatch an officer to respond. The instances where a 9-1-1 operator takes the first report are when someone calls in about an incident that occurred in the past and there is no patrol deputy available to respond. If a 9-1-1 operator receives a call and dispatches a patrol officer to the scene, we would consider patrol to be the first responder.

EXHIBIT 19: The Sheriff’s Office documented collecting physical, DNA, or electronic evidence for one-third of all reported offenses and over half of reported rapes in 2017.



Source: King County Auditor’s Office analysis of a generalizable sample of Sheriff’s Office case files from 2017.

EXHIBIT 20: Victims in one-third of rape cases reported to the Sheriff’s Office in 2017 had sex assault exams.<sup>42</sup>



Source: King County Auditor’s Office analysis of a generalizable sample of Sheriff’s Office case files from 2017.

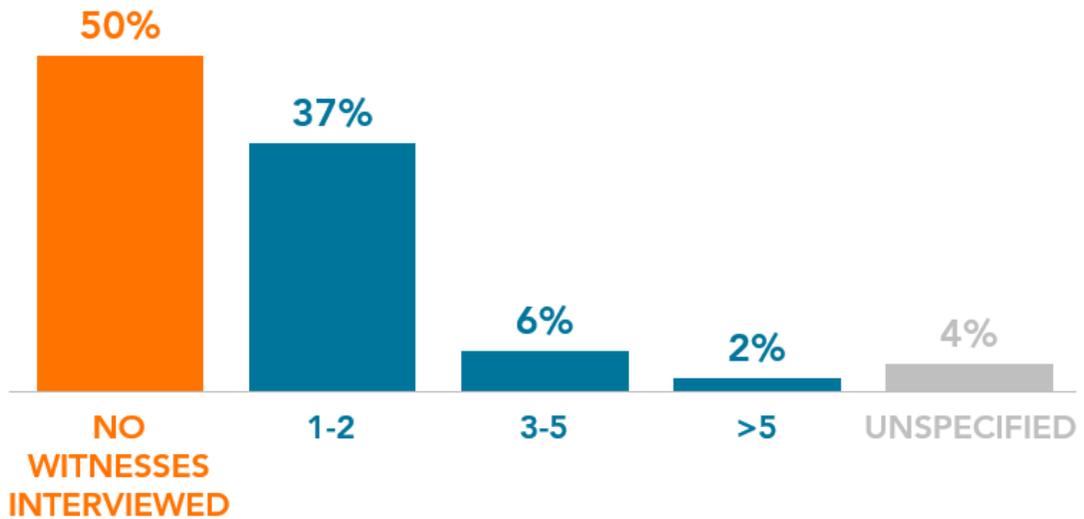
<sup>42</sup> Exams usually need to be conducted within 72 to 120 hours of the assault to produce viable evidence for forensic analysis. For victims reporting more than a week after the assault, an exam is unlikely to be useful for the case.

EXHIBIT 21: SAU detectives and forensic interviewers (those who specialize in child interviews) interviewed victims in over 40 percent of sex offense cases. Patrol conducted interviews for 4 percent of cases, and 45 percent did not have a detailed victim interview.

Victim Interviewer	Frequency	Percentage
None	114	45%
SAU detective	87	34%
Forensic interviewer	23	9%
Patrol	11	4%
Other detective	9	4%
Joint interview	6	2%
Other	6	2%

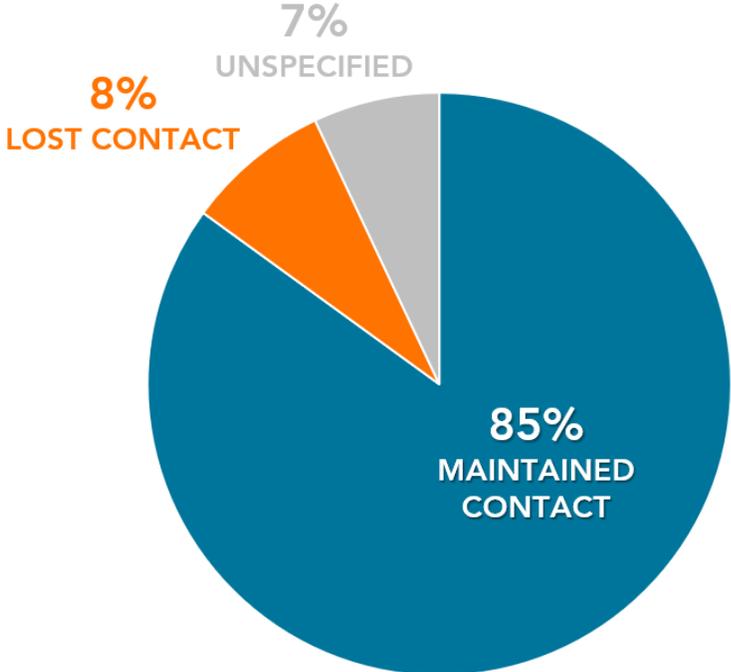
Source: King County Auditor’s Office analysis of a generalizable sample of Sheriff’s Office case files from 2017.

EXHIBIT 22: Half of sex offense cases reported to the Sheriff’s Office in 2017 did not have any witness interviews.



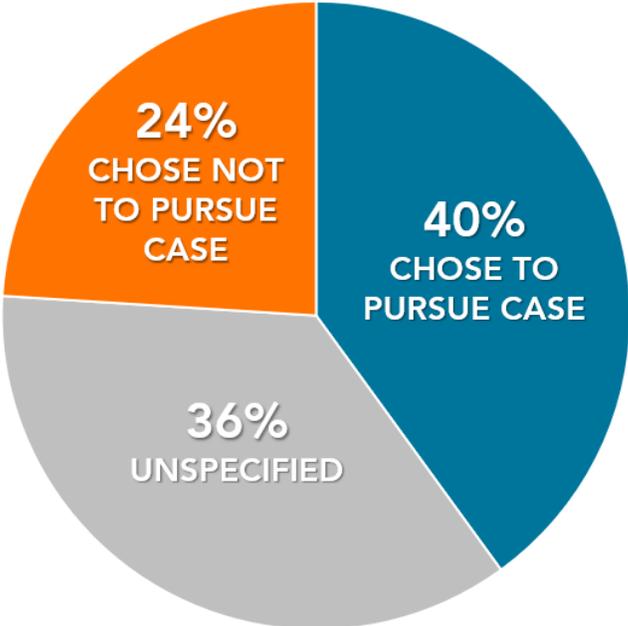
Source: King County Auditor’s Office analysis of a generalizable sample of Sheriff’s Office case files from 2017.

EXHIBIT 23: In eight percent of sex offenses reported in 2017, the Sheriff’s Office lost contact with the victim at some point in the case, despite attempts to contact them.



Source: King County Auditor’s Office analysis of a generalizable sample of Sheriff’s Office case files from 2017.

EXHIBIT 24: In 24 percent of sex offense cases reported to the Sheriff’s Office in 2017, victims chose not to continue forward with the investigation.



Source: King County Auditor’s Office analysis of a generalizable sample of Sheriff’s Office case files from 2017.

## Appendix 2

### Resources for Sex Offense Victims

SERVICES	CONTACT	FEES/INSURANCE	HOURS	
<b>LOCAL RESOURCES</b>				
<b>King County Sexual Assault Resources Center (KCSARC)</b>	<ul style="list-style-type: none"> <li>• 24/7 crisis response</li> <li>• Legal advocacy</li> <li>• Therapy and family services in English and Spanish</li> </ul>	(888) 99-VOICE  <a href="https://www.kcsarc.org/">https://www.kcsarc.org/</a>  Triton Towers Three 707 S. Grady Way Suite 300 Renton, WA 98057	Advocacy & crisis services – Free  Therapy – Insurance or sliding scale	24/7 by phone
<b>Harborview Center for Sexual Assault &amp; Traumatic Stress</b>	<ul style="list-style-type: none"> <li>• Physical examinations</li> <li>• Crisis response</li> <li>• Advocacy with systems (legal, medical, school)</li> <li>• Evaluation and treatment of sexual abuse problems in children</li> <li>• 24/7 medical care</li> <li>• Therapy</li> </ul>	(206) 744-1600  401 Broadway Suite 2075 Seattle, WA 98104	Free telephone consultation. Other services may be reimbursed by Victim’s Compensation Fund*, Medicaid, and other insurance.	24/7 by phone  Mon–Fri: 8 AM – 6 PM

<p><b>Northwest Network For Bi, Trans, Lesbian and Gay Survivors of Abuse</b></p>	<ul style="list-style-type: none"> <li>• Support groups</li> <li>• 24/7 crisis response</li> <li>• Counseling</li> <li>• Legal advocacy</li> </ul>	<p>(206) 568-7777</p> <p>Crisis line: (866) 427-4747</p>	<p>Free</p>	<p>24/7 by phone</p> <p>Mon–Fri: 9 AM – 5 PM</p>
<p><b>Abused Deaf Women’s Advocacy Services (ADWAS)</b></p>	<ul style="list-style-type: none"> <li>• 24/7 crisis response</li> <li>• Children’s programs</li> <li>• Supportive housing</li> <li>• Counseling</li> <li>• Legal advocacy</li> </ul>	<p>Video phone: 206-812-1001</p> <p>8623 Roosevelt NE Seattle, WA 98115</p>	<p>Advocacy services – Free</p> <p>Housing support – Section 8 application</p>	<p>24/7 by phone</p> <p>Mon–Thu: 9 AM – 5 PM Fri: 9 AM – 4 PM</p>
<p><b>New Beginnings</b></p>	<ul style="list-style-type: none"> <li>• 24/7 crisis response</li> <li>• Legal advocacy</li> <li>• Support groups</li> <li>• Housing support</li> <li>• Youth services</li> </ul>	<p>206-522-9472</p>	<p>Free</p>	<p>24/7 by phone</p>
<p><b>Peace in the Home Helpline</b></p>	<ul style="list-style-type: none"> <li>• 24/7 crisis support in 14 languages for victims of domestic violence</li> </ul>	<p>888-847-7205</p>	<p>Free</p>	<p>24/7 by phone for some languages</p>
<p><b>Child Protective Services (CPS) - Children</b></p>	<ul style="list-style-type: none"> <li>• Investigates reports of child abuse and neglect</li> </ul>	<p>Report abuse: (866) 363-4276</p> <p><u>Seattle:</u> King West DCFS – Harrison Building 100 West Harrison South Tower, Suite 200</p>	<p>Free</p>	<p>24/7 by phone</p>

		Seattle, WA 98119		
<b>King County Metro Stop It</b>	<ul style="list-style-type: none"> <li>Report sexual abuse on Metro Transit buses</li> </ul>	206-296-3311  Learn more: <a href="https://kingcounty.gov/depts/transportation/metro/about/safety-security/stop-now.aspx">https://kingcounty.gov/depts/transportation/metro/about/safety-security/stop-now.aspx</a>	Free	24/7 by phone
<b>Crime Victims Compensation Program</b>	<ul style="list-style-type: none"> <li>Reimbursement for services such as medical treatment, medication, mental health treatment, counseling, partial wage loss, and expenses not covered by other insurance</li> </ul>	1-800-762-3716  Apply here: <a href="https://lni.wa.gov/claims/crime-victim-claims/apply-for-crime-victim-benefits/">https://lni.wa.gov/claims/crime-victim-claims/apply-for-crime-victim-benefits/</a>  7273 Linderson Way SW Tumwater, WA 98501	Free	Mon–Fri: 8 AM – 5 PM

SERVICES	CONTACT	FEE/INSURANCE	HOURS
<b>LEGAL RESOURCES</b>			
<b>Sexual Assault Protection Orders (SAPOs) or Domestic Violence Protection (DVPO) Order</b>	<p>A SAPO or DVPO are issued by court to make sure that the person who harmed you stays away from you and your home and place of work.<sup>43</sup></p> <p>Protection Order Advocacy Program:                      Seattle – 206- 477-1103                      Kent – 206-477-3758</p> <p>Seattle:                      King County Courthouse                      516 Third Avenue, Room C213 Seattle, Washington 98104</p> <p>Kent:                      Norm Maleng Regional Justice Center                      401 Fourth Avenue, Room 2B                      Kent, Washington 98032</p>	<p>Free: Fill out a form with a legal advocate or online<sup>44</sup>.</p> <p>A KCSARC advocate can help you complete the form and support you throughout the court process.</p>	<p>Protection Order Advocacy Program is located at King County courthouses in Seattle and Kent.</p> <p>Mon–Fri: 10 AM – 4 PM</p>
<b>Victim Assistance Unit (VAU) in King County Prosecuting Attorney’s Office</b>	<p>The VAU notifies victims of the prosecutor’s charging decision— whether a case will be filed in court— and helps explain why a case was declined.</p> <p>206-477-1200</p> <p>Prosecuting Attorney’s Office                      King County Courthouse                      516 Third Avenue, Room C213 Seattle, Washington 98104</p>	<p>Free</p>	<p>Mon–Fri: 8:30 AM – 4:30 PM</p>

<sup>43</sup> KCSARC accompanies clients to apply for a SAPO and arranges pro bono legal representation where possible. According to KCSARC, these actions increase the likelihood of SAPOs being granted.

<sup>44</sup> Visit the website at <https://www.kingcounty.gov/courts/district-court/protection-order/sexual-assault.aspx>.

<p><b>Sexual Violence Legal Services (SVLS)</b></p>	<ul style="list-style-type: none"> <li>• Legal service</li> <li>• Advocacy</li> <li>• Resource referrals</li> </ul>	<p>844-999-7857 101 Yesler Way, Suite 300, Seattle WA 98104</p>	<p>Free</p>	<p>Open weekdays</p>
<p><b>Neighborhood Legal Clinic</b></p>	<p>Offers free 30-minute legal advice and referrals to King County residents and those with legal issues in King County.</p>	<p>206-267-7070 Seattle: 516 3rd Ave, Room W621 Seattle, WA 98104 Kent: 600 E Smith St Kent, WA 98030</p>	<p>Free</p>	<p>By phone Tue–Thu: 9 AM – 12 PM Seattle – Thu: 12 PM – 2 PM Kent – Wed: 6 PM – 8 PM</p>

SERVICES	CONTACT	FEES/INSURANCE	HOURS
<b>NATIONAL RESOURCES</b>			
<b>Rape, Abuse &amp; Incest National Network (RAINN)</b>	Connect with support specialists throughout the county for information on local services, help reporting to the police and for counseling support.	(800) 656-HOPE En Español: (800) 656-4673  Online chat: online.rainn.org En Español: rainn.org/es	Free  24/7 by phone
<b>Deaf Abused Women's Network (DAWN)</b>	<ul style="list-style-type: none"> <li>• Counseling</li> <li>• Support groups</li> <li>• Advocacy</li> <li>• Case management</li> <li>• Resource referrals</li> <li>• Restorative justice options**</li> </ul>	Video phone: 855-812-1001	Free  24/7 by phone
<b>The NW Network of Bi, Trans, Lesbian and Gay Survivors of Abuse</b>	<ul style="list-style-type: none"> <li>• Advocacy-based counseling</li> <li>• Support groups</li> <li>• Legal advocacy</li> <li>• Resource referrals</li> <li>• Youth programs</li> </ul>	206-568-7777  24/7 crisis line: 866-427-4747	Free  24/7 by crisis line;  Mon–Fri: 9 AM – 5 PM
<b>Victims of Human Trafficking</b>	Immediately connect with a support staff for referral resources and counseling.	(888) 373-7888 or text 233733 TTY: 711	Free  24/7 by phone

\*Crime Victim's Compensation Fund – Washington State fund that provides reimbursements for medical services, mental health counseling and other costs associated with a crime that has affected you.

\*\*Restorative justice – a system of criminal justice that focuses on healing and rehabilitation for the victim and reconciliation with the offender.

# Sheriff's Office Response

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KING COUNTY SHERIFF'S OFFICE  
516 Third Avenue, W-116  
Seattle, WA 98104

Mitzi G. Johanknecht  
Sheriff

March 9, 2020

**KING COUNTY AUDITOR**  
MARCH 10, 2020  
**RECEIVED**

King County Auditor's Office  
516 3<sup>rd</sup> Avenue, Room W-1033  
Seattle, WA 98104

RE: Audit Report, Sex Offense Cases

Dear King County Auditor's Office,

Thank you for providing the final audit report for review by the King County Sheriff's Office (KCSO). We continue to find the audit process to be both informative and productive. We appreciate the effort to assist us with the opportunity to identify areas of improvement with our sexual assault investigation process.

The audit team acknowledges the Sheriff's Office has faced staffing challenges with a 25% reduction of personnel starting in 2008. The lack of personnel, higher rate of sexual assault reporting and the complexity of case work and filing standards has a great deal of impact on all aspects of case investigations. While the challenges loom large and detectives carry sizable caseloads, the work performed by the Sexual Assault Unit is consistently of the highest quality.

Some of the recommendations we will begin to address immediately with no need for additional resources. The King County Sheriff's Office will immediately begin work with our partners at the King County Sexual Assault Center and King County Prosecutors Office to obtain the most current information for the development of a resource guide explicitly designed for sexual assault victims outlined in RCW 7.69.030. In the interim, KCSO will continue to provide sexual assault victims the currently available resource information contained within the Domestic Violence handout. We can also immediately address policy surrounding triage, assignment and case management.

The King County Sheriff's Office's Advanced Training Unit will be directed to evaluate and develop the recommended training protocols for Patrol Operations response to sexual assault investigations as well as the reoccurring training. The detective training required by RCW 43.101.272 is periodically offered by the Washington State Criminal Justice Training Center. As classes become available,



available, detective attendance will be coordinated. It is the goal of the King County Sheriff's Office to implement best practice and policies in order to provide victims of sexual assault the maximum efforts of law enforcement and available resources during all phases of the criminal investigation.

While we agree with all the recommendations and will work diligently to implement suggestions, budget considerations for appropriate staffing will be a major determining factor in caseload and case management. In order to meet the growing needs and requirements of our community, to seek justice and treatment referrals for sexual assault victims, the King County Sheriff's Office will develop and submit a request to council for adequate staffing in the future budget process.

Again, we want to thank you for conducting this audit and assisting us with the goal of improving services to the residents of King County.

Very truly yours,



Mitzi G. Johanknecht  
SHERIFF

**Recommendation 1**

The King County Sheriff's Office should work with the King County Sexual Assault Resource Center to develop a handout targeted to the needs of sex offense victims that meets requirements in RCW 7.69.030.

**Agency Response**

Concurrence	<b>Concur</b>
Implementation date	TBD
Responsible agency	KCSO
Comment	We fully concur with this recommendation. Sexual assault resource information is currently contained in a Domestic Violence handout. Creating a separate handout would provide targeted information in a format more conducive to a sexual assault investigation.

**Recommendation 2**

The King County Sheriff's Office should ensure that victims are provided with the handout developed in Recommendation 1 at the time of first reporting.

**Agency Response**

Concurrence	<b>Concur</b>
Implementation date	TBD
Responsible agency	<b>KCSO</b>
Comment	We fully concur with this recommendation. Patrol deputies will be instructed to provide victims with the resource information currently available until such time a new handout is developed.

**Recommendation 3**

The King County Sheriff's Office should ensure that patrol deputies receive recurring trainings on how to respond to sex offenses and what information to provide to victims. This should include advocacy information and the sex offense handout discussed in Recommendation 1.

**Agency Response**

Concurrence	<b>Concur</b>
Implementation date	TBD
Responsible agency	<b>KCSO</b>
Comment	We concur with the recommendation. With new process, education and training is an essential element to ensure appropriate response and initial investigation at the patrol level. Providing victims with the most current information and resources is vital. Additional post academy training is reasonable.

**Recommendation 4**

The King County Sheriff's Office should develop and distribute a checklist detailing key steps for patrol deputies on how to respond in sex offense cases.

**Agency Response**

Concurrence	<b>Partially concur</b>
Implementation date	TBD
Responsible agency	<b>KCSO</b>
Comment	KCSO GOM 17.20.010 is detailed on patrol response to sexual assault investigations. Checklists are often limited to averages and norms. They often don't take into account individual differences between investigation types. Checklists can provide a basic guideline for investigations.

**Recommendation 5**

The King County Sheriff's Office should ensure training officers and sergeants receive training on the new sex offense checklist (Recommendation 4) and handout (Recommendation 1).

**Agency Response**

Concurrence	<b>Concur</b>
Implementation date	TBD
Responsible agency	<b>KCSO</b>
Comment	We concur with this recommendation. Once checklists have been developed, formalized training on the use of the checklists can be implemented. All the recommended training should be coordinated together as initial and reoccurring training.

**Recommendation 6**

The King County Sheriff's Office should develop and implement a process to ensure detectives refer victims to advocacy services in all sex offense cases.

**Agency Response**

Concurrence	<b>Concur</b>
Implementation date	TBD
Responsible agency	<b>KCSO</b>
Comment	We fully concur with the recommendation. By way of implementing recommendation #2. Victims should have received referral information upon initial investigation. During follow-up investigation or contact by detectives, referral information will be confirmed and offered.

**Recommendation 7**

The King County Sheriff's Office should ensure all detectives take the new victim-centered training as required by RCW 43.101.272.

**Agency Response**

Concurrence	<b>Concur</b>
Implementation date	TBD
Responsible agency	<b>WSCJTC and KCSO</b>
Comment	We fully concur with this recommendation. The WSCJTC training class for March 2020 has been postponed. As classes become available, KCSO will coordinate detective attendance.

**Recommendation 8** was sent to the Prosecuting Attorney.

**Recommendation 9**

The King County Sheriff's Office Special Assault Unit should develop and document criteria for how they triage case investigations.

**Agency Response**

Concurrence	<b>Concur</b>
Implementation date	09/01/2020
Responsible agency	<b>KCSO</b>
Comment	We concur with this recommendation. Developing generalized criteria for case triage, assignment and management is reasonable and good business practice. The current Standard Operating Procedures will be reviewed and updated to include basic principles for case triage, assignment and management.

**Recommendation 10**

The King County Sheriff's Office Special Assault Unit should communicate to Sheriff's Office leadership how it triages its resources and associated impacts on case investigations.

**Agency Response**

Concurrence	<b>Concur</b>
Implementation date	Current
Responsible agency	<b>KCSO</b>
Comment	A captain has oversight of two sergeants who supervise the Sexual Assault Unit. KCSO leadership is kept aware of the capacity issue within the Sexual Assault Unit and the need for additional staffing. The number of detectives in the unit versus a higher rate of sexual assault reporting, the complexity of case work and filing standards has a great deal of impact on all aspects of case investigations. The audit team acknowledges the Sheriff's Office has faced staffing challenges after a 25% reduction of personnel starting in 2008. Previous request to return the Sexual Assault Unit to suitable staffing levels has not been successful. Staffing remains status quo while data indicates a greater workload for detectives. The greatest obstacle to meeting the expectation of high quality, thorough and comprehensive investigations for all sexual assault victims is tied to proper and adequate staffing.

**Recommendation 11** was sent to the Prosecuting Attorney.

**Recommendation 12** was sent to the Prosecuting Attorney.

# Prosecuting Attorney's Office Response

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DANIEL T. SATTERBERG  
PROSECUTING ATTORNEY



Office of the Prosecuting Attorney  
CRIMINAL DIVISION  
W554 King County Courthouse  
516 Third Avenue  
Seattle, Washington 98104  
(206) 296-9000

March 22, 2020

King County Auditor Kymber Waltmunson  
King County Courthouse  
516 3<sup>rd</sup> Avenue, Room W-1033  
Seattle, WA 98104

**KING COUNTY AUDITOR**  
**MARCH 23, 2020**  
**RECEIVED**

Dear Auditor Waltmunson,

Attached, please find the King County Prosecutor's Office response to the Sexual Assault Investigations and Case Outcomes report by your office. We appreciate your team's professionalism and thoughtful approach throughout this process. Ultimately, we agree with your findings and recommendations.

As stated in your report, we are proud that King County continues to be a national leader in bringing together response partners in supporting victims of sexual assault. Since the establishment of the Special Assault Network in 1978, prosecutor, law enforcement, medical, CPS, and advocate representatives have been meeting on a monthly basis to address system level issues within a multidisciplinary team model. From this group, we have improved our practice by developing and updating county wide protocols and best practices for investigations, coordination, and care. Through the years, the world has changed but our push to be better and innovate has not.

For this reason, your report is important to us. It highlights priority needs we are already working to address. Our ability to fully investigate, review and make timely charging decisions is a baseline requirement for every survivor that has the courage to come forward. Once victims are involved in the criminal justice system, they should have access to advocacy and service information at every step of the way. And finally, we should be gathering accurate demographic data of both survivors and defendants to ensure that we are culturally competent in our response and mindful of equity and social justice in the decisions we make. We are addressing these issues now, but we will need additional resources to implement the response the community deserves.

As the national conversation about sexual assault continues, it is our hope that this report serves as an instrument for improvement and progress in our county. Our office remains committed to victims of sexual assault. We look forward to working with our government, agency and community partners to better serve survivors and seek justice on every case.

Sincerely,

Ben Santos  
Senior Deputy Prosecuting Attorney  
Special Assault Unit, Chair

**Recommendations 1-7** were sent to the King County Sheriff.

**Recommendation 8**  
 The Prosecuting Attorney's Office should provide all victims whose cases are referred to its office with information on advocacy and other resources at the time it receives a sex offense case referral.

**Agency Response**

Concurrence	<b>Concur</b>
Implementation date	TBD
Responsible agency	<b>PAO</b>
Comment	Historically, the Prosecuting Attorney's Office (PAO) has relied on law enforcement to provide victims with advocacy information at the time of the initial report pursuant to RCW 7.69.030. However, it would be ideal to provide information regarding advocacy and other resources to victims at the time a case is referred as well. Implementing this change will require changes to work flows and additional personnel given that the PAO is referred approximately 1100 special assault cases per year. The PAO has not yet determined a formal implementation date because additional resources are necessary to cover this additional body of work, and the PAO is in the process of exploring how to acquire those resources.

**Recommendation 9** was sent to the King County Sheriff.

**Recommendation 10** was sent to the King County Sheriff.

**Recommendation 11**

The Prosecuting Attorney's Office should develop and use case filing timeliness metrics to assess its effectiveness, including whether the strategy of using additional case filing staff is successfully reducing case backlog.

**Agency Response**

Concurrence **Concur**  
 Implementation date Already begun  
 Responsible agency **PAO**  
 Comment

The PAO is committed to improving its ability to provide a meaningful and timely response to victims that report sexual assaults. For that reason, in 2019, the PAO applied for and received Violence Against Women Act (VAWA) federal funding for a 6 month grant to partially cover a filing deputy to eliminate the backlog. At the same time, the PAO also began comprehensively tracking case referral and filing rates. Procedures are in place to measure the amount of work additional filing staff complete and its impact on the backlog. Timeliness metrics are under consideration but must account for the variation amongst cases. Some cases are much more complicated than others and take significantly longer to review. Other cases rely on follow up work being completed by law enforcement or must await input from the victim before a decision is made. Recent changes in the law (i.e. Rape 3<sup>rd</sup> Degree, Statute of Limitations) as well as increased reporting to law enforcement have made it increasingly difficult to stay current with case filings. Data indicates that at least 1.0 additional FTE is necessary. The PAO intends to seek additional resources in the 2021-2022 budget process.

**Recommendation 12**

The Prosecuting Attorney's Office should collect and track demographic data about defendants and victims, use the information to assess outcomes, and develop plans to respond to any identified disparities.

**Agency Response**

Concurrence	<b>Concur</b>
Implementation date	Development underway
Responsible agency	PAO
Comment	<p>The PAO is fully committed to the Equity and Social Justice goals of King County. We are already working on how to better collect and track demographic information on victims. The PAO has a committee in charge of this effort with representatives from the PAO ESJ committee and has partnered with the Urban Indian Health Institute (uihi.org). From that work the PAO has decided to adopt all demographic requirements from King County, as well as all data collection recommendations from UIHI and the Center for Disease Control, but also recognizes more work is needed as Seattle and greater King County cities contain one of the most diverse communities in the country. The PAO is now seeking recommendations from local Boards of Health, representing the many diverse communities of King County, to make sure any demographic information collected is complete and reflective of how communities identify. This will enable the PAO to not only fulfill new requirements, but by understanding the identities of the King County residents, learn who programs are working for and who we aren't yet reaching.</p>

Collecting and tracking demographic information on defendants is a much more challenging problem. It would be inappropriate, sometimes illegal, and of questionable efficacy for the PAO to contact defendants directly and request demographic information. The current demographic information the PAO has is provided by law enforcement; it is extremely limited and of poor quality. The PAO is exploring partnering with other King County agencies to obtain better demographic information on defendants. Ultimately, the design, implementation and maintenance of this type of important work and data may also require additional resources.



# Statement of Compliance, Scope, Objective & Methodology

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## Statement of Compliance with Government Auditing Standards

We conducted this performance audit in accordance with Generally Accepted Government Auditing Standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

## Scope of Work on Internal Controls

We assessed internal controls relative to the audit objectives. This included review of selected policies, procedures, and protocols, as well as interviews with King County Sheriff's Office (Sheriff's Office) and Prosecuting Attorney's Office staff. In performing our audit work, we identified concerns related to the sufficiency of procedures and training for sharing victim services information at the beginning of investigations.

## Scope

This audit reviewed sexual assault cases handled by the Sheriff's Office and the King County Prosecuting Attorney's Office. We reviewed investigations of adult and child sexual assault incidents reported to the Sheriff's Office between 2015 and mid-2018, and cases referred to the Prosecuting Attorney's Office by all law enforcement agencies in King County between 2015 and mid-2019.

## Objectives

1. How many sexual assault cases are investigated and prosecuted in King County, and what factors are associated with cases continuing through or exiting the criminal justice process?
2. To what extent, if at all, do case outcomes differ systematically based on victim, suspect, or case characteristics?
3. To what extent do the Sheriff's Office and the Prosecuting Attorney's Office provide victim and family services in a manner consistent with best practices?

## Methodology

For this audit, we analyzed case data from the Sheriff's Office and the Prosecuting Attorney's Office and supplemental data from King County's Departments of Public Defense (DPD), Judicial Administration (DJA), and the Washington State Crime Victim Compensation Program. The data included cases reported to the Sheriff's Office between 2015 and mid-2018 (the Sheriff's Office changed data systems in July 2018). Prosecuting Attorney's Office data extended from 2015 to mid-2019 to capture cases that were reported to law enforcement in 2018 and were later referred to the Prosecuting Attorney's Office. We also incorporated data from the DPD and the DJA on defendant demographics and protection orders respectively. We used these combined data sources to calculate descriptive statistics for the types of cases that occurred, how many cases progressed to each step of the criminal justice process, how long

cases took, and what the final charges were. For our primary data sources, we assessed the reliability of the data by comparing the datasets against each other, reviewing for anomalies, and interviewing users of the data. We determined that all the data were sufficient to support our findings and conclusions.

We used the DPD data to assess differences in outcomes based on defendant race. Since we only had race information for defendants represented by public defenders, the analysis is limited to this subgroup. It is not generalizable to all defendants in sex offense cases that PAO prosecutes. We categorized defendants as white if DPD classified them as such and as non-white if DPD classified their race as black, Asian, or Indian or their ethnicity as Hispanic. This provided us 586 cases with defendant race/ethnicity information. There were 159 DPD cases with missing race information, but we tested that these missing observations would not have biased the results in one direction or the other by running the analysis treating the missing observations as all white defendants or all non-white defendants. We ran a Chi-square test to determine if difference in plea agreement resolutions between the groups was statistically significant. We found it to be significant at the 99 percent confidence level ( $p$ -value=0.002). We also ran a regression controlling for child versus adult cases and the seriousness level of the highest filed charge. The low R-squared value (0.03) reflects that there are many other factors that better predict whether a case resolves through a plea agreement, introducing the potential for omitted variable bias. However, the correlation between defendant race and plea agreements was statistically significant at the 99 percent confidence level ( $p$ -value=0.003).

To gain a deeper understanding of sex offense cases and information that was not available in the main datasets, we reviewed a random sample of 256 Sheriff's Office case reports and documentation from 2017. Since 787 cases were reported to the Sheriff in 2017, our sample is generalizable to cases reported to the Sheriff during 2017 with 95% confidence and 5% margin of error. In this review, we coded for 87 variables in four categories: investigation steps, circumstances of the offense, and characteristics of the victims and suspects.

We conducted interviews with staff and leadership in both the Sheriff's Office and Prosecuting Attorney's Office also conducted focus groups and interviews with victim advocates and other stakeholders to understand victim perspectives.



# List of Recommendations

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## Recommendation 1

**The King County Sheriff's Office should work with the King County Sexual Assault Resource Center to develop a handout targeted to the needs of sex offense victims that meets requirements in RCW 7.69.030.**

## Recommendation 2

**The King County Sheriff's Office should ensure that victims are provided with the handout developed in Recommendation 1 at the time of first reporting.**

## Recommendation 3

**The King County Sheriff's Office should ensure that patrol deputies receive recurring trainings on how to respond to sex offenses and what information to provide to victims. This should include advocacy information and the sex offense handout discussed in Recommendation 1.**

## Recommendation 4

**The King County Sheriff's Office should develop and distribute a checklist detailing key steps for patrol deputies on how to respond in sex offense cases.**

## Recommendation 5

**The King County Sheriff's Office should ensure training officers and sergeants receive training on the new sex offense checklist (Recommendation 4) and handout (Recommendation 1).**

## Recommendation 6

**The King County Sheriff's Office should develop and implement a process to ensure detectives refer victims to advocacy services in all sex offense cases.**

## Recommendation 7

**The King County Sheriff's Office should ensure all detectives take the new victim-centered training as required by RCW 43.101.272.**

### Recommendation 8

**The Prosecuting Attorney's Office should provide all victims whose cases are referred to its office with information on advocacy and other resources at the time it receives a sex offense case referral.**

### Recommendation 9

**The King County Sheriff's Office Special Assault Unit should develop and document criteria for how they triage case investigations.**

### Recommendation 10

**The King County Sheriff's Office Special Assault Unit should communicate to Sheriff's Office leadership how it triages its resources and associated impacts on case investigations.**

### Recommendation 11

**The Prosecuting Attorney's Office should develop and use case filing timeliness metrics to assess its effectiveness, including whether the strategy of using additional case filing staff is successfully reducing case backlog.**

### Recommendation 12

**The Prosecuting Attorney's Office should collect and track demographic data about defendants and victims, use the information to assess outcomes, and develop plans to respond to any identified disparities.**



# KING COUNTY AUDITOR'S OFFICE

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## Advancing Performance & Accountability

KYMBER WALTMUNSON, KING COUNTY AUDITOR

**MISSION** Promote improved performance, accountability, and transparency in King County government through objective and independent audits and studies.

**VALUES** INDEPENDENCE - CREDIBILITY – IMPACT

**ABOUT US** The King County Auditor's Office was created by charter in 1969 as an independent agency within the legislative branch of county government. The office conducts oversight of county government through independent audits, capital projects oversight, and other studies. The results of this work are presented to the Metropolitan King County Council and are communicated to the King County Executive and the public. The King County Auditor's Office performs its work in accordance with Government Auditing Standards.



This audit product conforms to the GAGAS standards for independence, objectivity, and quality.