



29 March 2021

MEMORANDUM

TO: King County Council

FROM: Dan Satterberg and the KCPAO

SUBJECT: Hate Crime Prosecution - proposal

By all measures, Hate Crimes are on the rise both nationally and locally. And yet, experts agree, Hate Crimes are still significantly underreported. Causes for underreporting include the inescapable fact that many Hate Crimes victims come from historically marginalized communities that do not engage in or trust the criminal justice system. Additionally, because the motive for these crimes is often subtle, law enforcement may not be asking questions to properly identify them as Hate Crimes. Left unchecked, these trends will continue - deepening the divide between communities and exacerbating equity and social justice inequities. Other jurisdictions (Brooklyn, San Diego, etc.) have taken a stand against this trend by actively funding Hate Crime Task Forces in their prosecutor offices. King County has an opportunity to do the same, reinforcing our commitment to marginalized communities, and serving as a national model.

Hate Crime Prosecution in King County:

Currently, there are no funded positions in the KCPAO to address Hate Crimes - no prosecutors, advocates, or support staff. Instead, 2 Deputy Prosecuting Attorneys (DPAs) manage all the Hate Crimes prosecution for the county *in addition* to their other full-time duties. These extra Hate Crime tasks include training and coordinating with law enforcement, reviewing and filing cases, meeting with and supporting Hate Crime victims and concerned family and community members, handling negotiations/trials, and community outreach – all in their spare time. Despite the absence of resources, KCPAO has filed more than double the number of Hate Crimes in the past 6 years (25 in 2014, 59 in 2020) and all estimates are that this exponential growth will continue. The current practice is not sustainable, and we need resources to properly address this growing trend.

Proposal for PAO Hate Crimes Task Force:

Two (2) full time DPAs, one (1) victim advocate and one (1) paralegal are required to support the Hate Crimes work already being done by the PAO and proactively address the growing Hate Crime issues in our community (see Table 1 below for cost estimates). This team will engage in vertical prosecution of the cases by:

- More formally and consistently engaging with our marginalized communities
- Providing more robust training and coordination with law enforcement (especially those without dedicated resources) on investigations of Hate Crimes

- Having more time and resources to fully analyze and potentially strengthen referred Hate Crime cases
- Proactively reaching out to victims to assess needs, provide support services (including crisis stabilization, case management, and safety planning) and supporting victims navigating the court process
- Preparing and presenting Hate Crimes cases in court
- Monitoring and lobbying the legislature about improvements to the Hate Crime bill
- Serving as a state-wide model for other prosecution offices

Table 1: PAO Hate Crime Prosecution Resource Needs 2021						
Positions	No. of positions	Salary 2021	Benefits 2021	Total Labor Costs 2021	Other Misc. Costs 2021 (IT, furniture, PBK etc.) \$8K/yr	Total Costs 2021
Deputy Prosecuting Attorney 5 (step 7), <i>40 hours/week</i>	2	248,402	85,167	333,569	16,000	349,569
Victim Advocate (step 5), <i>35 hours/week</i>	1	61,385	29,537	90,921	8,000	98,921
Step 5 for Paralegal (step 5), <i>35 hours/week</i>	1	62,858	29,843	92,701	8,000	100,701
Total	4	372,645	144,546	517,191	32,000	549,191