



Washington Association of  
**SHERIFFS &  
POLICE CHIEFS**

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Steven D. Strachan  
Executive Director

November 30, 2020

Mr. Bernard Dean  
Chief Clerk of the House  
Bernard.Dean@leg.wa.gov

Mr. Brad Hendrickson  
Secretary of the Senate  
Brad.Hendrickson@leg.wa.gov

Dear Mr. Dean and Mr. Hendrickson:

The Washington Association of Sheriffs and Police Chiefs is required to report to the **appropriate committees of the legislature**, the **joint legislative task force** on sexual assault forensic examination best practices, and the **governor** by December 1, 2017.

We are further required to report each December 1st of each subsequent year the project is funded and operating, regarding the status of grant awards, the progress of the grant recipients toward the identified goals in this section, the data required by subsection (4) of this section, and any other relevant information or recommendations related to the project or sexual assault kit policies.

Enclosed is our report for 2020.

Sincerely,

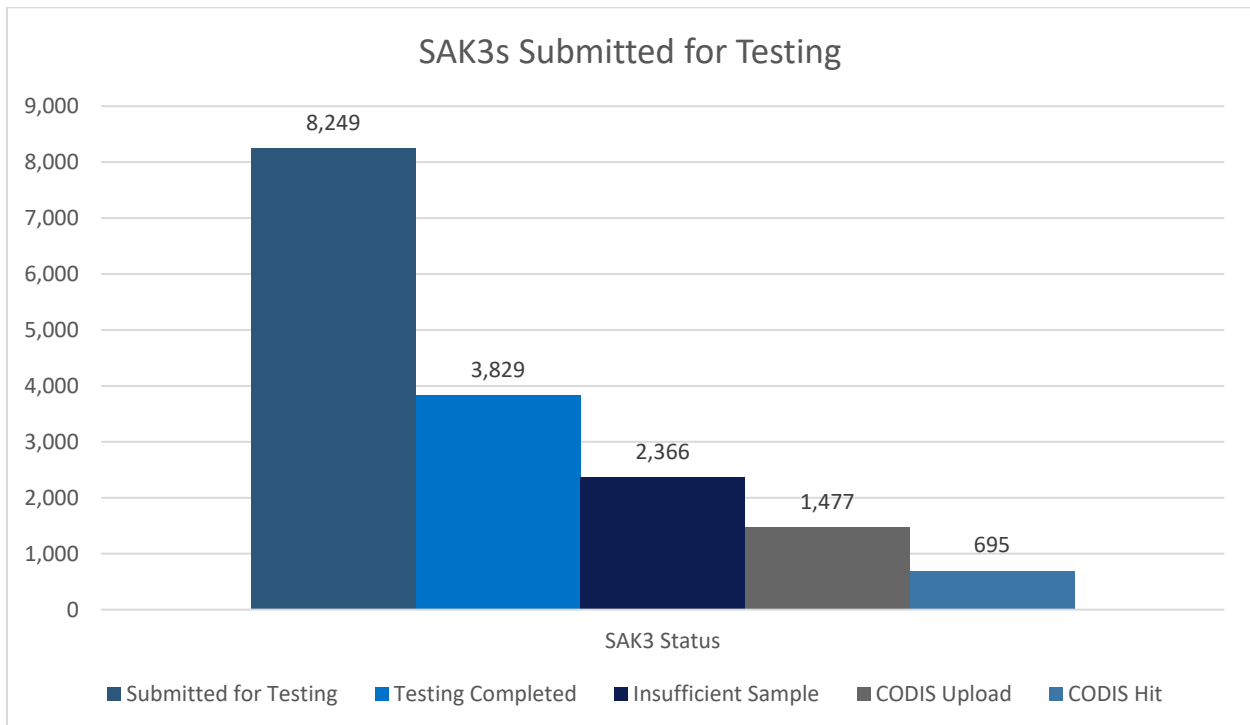
Steven D. Strachan  
Executive Director

SDS:dg  
Enclosure

# Washington State Sexual Assault Kit Initiative Project—2020 Annual Report

In 2017, the Washington State Legislature established the Sexual Assault Kit Initiative Project. The Project is codified in [RCW 36.28A.430](#). When funded, the legislation directs the Washington Association of Sheriffs and Police Chiefs (WASPC) to administer a grant program to support multidisciplinary community response teams engaged in seeking a just resolution to sexual assault cases resulting from evidence found in previously un-submitted sexual assault kits—these kits are commonly referred to as a SAK3. For the first time since adopting the program in 2017, the Washington State Legislature, via budget proviso, funded the project for \$2 million for the fiscal year beginning July 1, 2020.

In 2019, the Washington State Legislature adopted [RCW 70.125.100](#) (now [RCW 5.70.050](#)), requiring that all SAK3s to be submitted to the Crime Lab for testing by October 1, 2019. In September 2020, the Washington State Patrol (WSP) provided a report to WASPC outlining the SAK3 cases submitted to the WSP Crime Lab for testing, the testing status, and if any [CODIS](#) hits were made. The total number of SAK3s submitted for testing is 8,249. Of those, testing has been completed for 3,829 SAK3s. Of the SAK3s that have been tested, 2,366 SAK3s were found insufficient to upload to CODIS, while 1,477 SAK3s were uploaded to CODIS. Of the CODIS uploads, 695 hits were made to 1,010 profiles.



WASPC is statutorily required to perform the actions provided below. WASPC's progress toward each of the actions is provided for your consideration.

*(a) Design and implement the grant project with the elements included in this section.*

With SAK3s being submitted to the WSP Crime Lab for testing, the focus on these cases has shifted to investigation, or reinvestigation, of the cases. In August 2020, WASPC requested updates from agencies with more than 100 SAK3s where testing has been completed and a profile has been uploaded into CODIS for input on the development of the newly funded grant program established under [RCW 36.28A.430\(3\)](#). Based on the feedback provided by those agencies, WASPC launched an [application](#) for funding on October 5, 2020.

*(b) Screen and select eligible applicants to receive grants.*

WASPC has identified all agencies where testing has been completed on SAK3s, regardless of a CODIS hit, and has encouraged each of those agencies to apply for SAKI grant funds to reinvestigate each of the underlying cases, regardless of the ability to prosecute. Multiple agencies have expressed challenges to WASPC as it relates to their ability to utilize the SAKI grant funds by June 30, 2021. Specific concerns include the availability of staff suitable for the nature of the work—these investigations require a high level of technical skill and training, and allocating these resources with current staffing challenges is a challenging component. The short-term nature of the SAKI grant funds also poses a challenge to agencies as the timeline for establishing a multidisciplinary team with the appropriate training and protocols requires time, let alone the time necessary for an investigation, victim notification and any subsequent legal proceedings. Lastly, the COVID-19 pandemic and ongoing civil unrest are unprecedented in the impact to local law enforcement agency funds and demands on limited staffing. Local law enforcement agencies continue to experience budget constraints unlike any they have experienced before. Most agencies simply do not have the staff necessary to conduct these investigations and respond to the current needs of their communities. However, there is a continued commitment to work to find justice and complete this critical work.

As of November 2020, WASPC has received one application for grant funds. WASPC determined the application was eligible for grant funds.

*(c) Award grants and disburse funds to at least two eligible applicants, at least one located in western Washington and at least one located in eastern Washington.*

The Seattle Police Department was awarded \$100,000. WASPC is in the process of finalizing award agreements with the Seattle Police Department.

WASPC is actively working to identify at least one eligible eastern Washington agency to apply for SAKI grant funds.

WASPC has submitted a decision package to re-appropriate unspent funds from the 2021 state fiscal year to the next biennium. We hope this will be helpful to address some of the concerns expressed by local law enforcement agencies.

*(d) Adopt necessary policies and procedures to implement and administer the program.*

The Washington Association of Sheriffs and Police Chiefs has existing policies and procedures being utilized for this grant program. WASPC will adopt any additional policies and procedures to administer this grant program, as necessary.

*(e) Monitor use of grant funds and compliance with the grant requirements.*

Grantees are required to submit monthly reports and invoices for reimbursement.

*(f) Create and implement reporting requirements for grant recipients.*

Within two months of the grant award, grantees are required to provide the names of multidisciplinary cold case or sexual assault investigation team members; status of victim-centered, trauma informed trainings attended by team members and adopted protocols for victim notification.

Grantees are required to submit monthly reports documenting any case updates, including case investigation and conviction status. Grantees are also required to complete a monthly outlining any changes in multidisciplinary cold case or sexual assault investigation team members; additional victim-centered, trauma informed trainings attended by team members; any changes to adopted protocols; and the number of advocate contacts with victims during reporting period.

*(g) Facilitate the hosting of a sexual assault kit summit in the state of Washington through a grant recipient or directly through the Washington Association of Sheriffs and Police Chiefs, subject to the availability of funds, which may include a combination of public and private dollars allocated for the particular purpose.*

In light of the COVID-19 pandemic, including restrictions on business meetings and events, and the one-time allocation of funds for the SAKI project, WASPC made the decision to not to pursue hosting a Sexual Assault Kit Summit for state fiscal year 2021.

*(h) Report to the appropriate committees of the legislature, the joint legislative task force on sexual assault forensic examination best practices, and the governor by December 1, 2017, and each December 1st of each subsequent year the project is funded and operating, regarding the status of grant awards, the progress of the grant recipients toward the identified goals in this section, the data required by subsection (4) of this section, and any other relevant information or recommendations related to the project or sexual assault kit policies.*

Statutory Requirements of the grant program are provided. WASPC expects each of the SAKI grantees to adhere to these requirements, except as noted below.

- (a) Perform an inventory of all unsubmitted sexual assault kits in the jurisdiction's possession regardless of where they are stored and submit those sexual assault kits for forensic analysis through the Washington state patrol or another laboratory with the permission of the Washington state patrol.*

WASPC conducted an inventory of unsubmitted SAK3s from September 2014 to January 2015. The Washington State Attorney General's Office completed a subsequent inventory for their Sexual Assault Kit Initiative as funded by the Bureau of Justice Assistance. It is WASPC's belief that this requirement has been satisfied.

- (b) Establish a multidisciplinary cold case or sexual assault investigation team or teams for follow-up investigations and prosecutions resulting from evidence from the testing of previously unsubmitted sexual assault kits. Cold case or sexual assault investigative teams must: Include prosecutors, law enforcement, and victim advocates for the duration of the project; use victim-centered, trauma-informed protocols, including for victim notification; and use protocols and policies established by the Washington association of sheriffs and police chiefs. The grant funds may support personnel costs, including hiring and overtime, to allow for adequate follow-up investigations and prosecutions. Grant awards must be prioritized for eligible applicants with a commitment to co-locate assigned prosecutors, law enforcement, and victim advocates for the duration of the grant program.*
- (c) Require participants in the multidisciplinary cold case or sexual assault investigation team or teams to participate in and complete specialized training for victim-centered, trauma-informed investigation and prosecutions.*
- (d) Identify and address individual level, organizational level, and systemic factors that lead to unsubmitted sexual assault kits in the jurisdiction and development of a comprehensive strategy to address the issues, including effecting changes in practice, protocol, and organizational culture, and implementing evidence-based, victim-centered, trauma-informed practices and protocols.*

In light of the Legislature's enactment of [RCW 70.125.100](#) (now [RCW 5.70.050](#)), requiring that all SAK3s be submitted for forensic examination by October 1, 2019, and the enactment of [RCW 70.125.090](#) (now [RCW 5.70.040](#)), requiring that all sexual assault kits must be submitted for forensic examination within thirty days of receipt, it appears that the Legislature has addressed systemic factors leading to unsubmitted kits through the enactment of legislation subsequent to the enactment of the provision requiring grantees to address said systemic factors.

- (e) Appoint an informed representative to attend meetings of and provide information and assistance to the joint legislative task force on sexual assault forensic examination best practices.*
- (f) Identify and maintain consistent, experienced, and committed leadership of their sexual assault kit initiative.*

*(g) Track and report the following data to the Washington association of sheriffs and police chiefs, in addition to any data required by the Washington association of sheriffs and police chiefs: The number of kits inventoried; the dates collected and submitted for testing; the number of kits tested; the number of kits with information eligible for entry into the combined DNA index system; the number of combined DNA index system hits; the number of identified suspects; including serial perpetrators; the number of investigations conducted and cases reviewed; the number of charges filed; and the number of convictions.*

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### **Moving Forward:**

In November 2020, WASPC requested case status updates from all seventeen local law enforcement agencies where WSP has reported that testing has been completed on any submitted SAK3s, regardless of the status of a CODIS hit. WASPC has encouraged each of those agencies to review SAK3 cases to determine if a just resolution for the victim is possible, regardless of the ability to prosecute. WASPC encouraged each of these agencies to apply for grant funds to support the investigation or reinvestigation of SAK3 cases.

As additional testing is completed, WASPC expects that more local law enforcement agencies may be interested in the available funds to support the investigation of SAK3s to conclusion. WASPC has been clear to local law enforcement agencies that the purpose of the Sexual Assault Kit Initiative Projects is a just resolution to sexual assault cases resulting from evidence found in previously unsubmitted sexual assault kits.

Multiple agencies have expressed challenges to WASPC as it relates to their ability to utilize the SAKI grant funds by June 30, 2021. Specific concerns include the availability of staff suitable for the nature of the work—these investigations require a high level of technical skill and training, and allocating these resources with current staffing challenges is a challenging component. The short-term nature of the SAKI grant funds also poses a challenge to agencies as the timeline for establishing a multidisciplinary team with the appropriate training and protocols requires time, let alone the time necessary for an investigation, victim notification and any subsequent legal proceedings. Lastly, the COVID-19 pandemic and ongoing civil unrest are unprecedented in the impact to local law enforcement agency funds and demands on limited staffing. Local law enforcement agencies continue to experience budget constraints unlike any they have experienced before. Most agencies simply do not have the staff necessary to conduct these investigations and respond to the current needs of their communities. However, there is a continued commitment to work to find justice and complete this critical work.

Re-appropriation of any unspent SAKI grant funds from the 2021 state fiscal year to the next biennium will be helpful in addressing some of the concerns expressed by local law enforcement agencies. We are hopeful the re-appropriation of funds will allow for additional case resolutions. Please see included letters from local law enforcement agencies regarding their interest in SAKI grant funds beyond June 30, 2021.



**SPOKANE POLICE DIVISION**  
**CHIEF OF POLICE**  
**CRAIG N. MEIDL**

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November 20, 2020

Steven Strachan  
Washington Association of Sheriffs and Police Chiefs  
3060 Willamette Drive NE  
Lacey, WA 98516

Director Strachan,

The Spokane Police Department is committed to serving the survivors of sexual assault. To date, our agency has submitted 1,254 Kits for testing and have received over 100 CODIS hits. Unfortunately, in many of these cases, we lack resources to conduct a thorough follow-up investigation. In fact, if we were to devote resources to re-investigate SAK3 cases, our current and active cases would have to be set aside.

Our agency has experienced positive outcomes in the testing and follow-up of SAK3 cases. In one instance, a DNA return helped identify a suspect who is currently in prison for 1' Kidnapping and 2' Rape. In another case, the victim was deceased and the prosecutor declined to charge the suspect. In other cases, survivors declined to participate in prosecution due to the time that has elapsed. Although we may not end up holding offenders accountable in every instance, we see the value in providing some form of resolution.

The grant funding offered through WASPC to re-investigate SAK3 cases is something the Spokane Police Department would be interested in taking advantage of. However, the performance based requirements specified by the legislature are cumbersome and restrictive for a grant that will end June 2021. Specifically the multi-disciplinary approach and co-location of the team would be hurdles that could possibly take months to arrange through inter-agency agreements. Additionally it would be problematic to assign properly trained personnel, backfill the open positions, only to reverse course in 6 months. If the funding were available for a longer duration (24 months) it would be more feasible to devote a properly trained investigator to the SAK3 project. I am optimistic the prosecutor's office and our local victim advocacy center would express the same concern.

Thank you for making the Spokane Police Department aware of this opportunity. We appreciate WASPC's support and devotion as we continue to improve our ability to serve victims of sexual assault, hold offenders accountable, and bring closure for survivors.

Sincerely,

A handwritten signature in blue ink, appearing to read "Craig Meidl".

Chief Craig Meidl  
Spokane Police Department

Public Safety Building • 1100 W. Mallon Avenue • Spokane, Washington 99260-0001





**Seattle**  
Police Department

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November 25, 2020

Steven Strachan  
C/O Terrina Peterson, Program Coordinator  
WA Association of Sheriff's and Police Chiefs

Dear Mr. Strachan,

The Seattle Police Department Sexual Assault Unit has applied for the Sexual Assault Kit Grant being awarded by WASPC. Being the largest agency in the state, we have had the most kits processed through the Washington State Patrol Crime Lab than any other agency. We have also had more DNA identifications and case to case matches than any other agency. To date, we have had 213 hits with 78 of those cases reopened. Of those 78 cases, 8 have resulted in the arrests of the identified suspects.

One particular case, with suspect Johnny Lay, was recently convicted of a rape that occurred in 2007. The victim was abducted off a Seattle street, taken to a homeless encampment and sexually assaulted. When the case was reopened in 2018, the suspect was found to be a registered sex offender living in Illinois. He returned to Washington for the first trial which resulted in a hung jury. The second trial resulted in a guilty conviction. Lay absconded from the courthouse and was arrested just this week living in a tent in North Seattle. This is a perfect example of a cold case that ended in gaining justice for the victim. It took many investigative hours, court preparation, interviews, and advocacy for this case to culminate into a victory.

In 2007, Darrin Bolar, another registered sex offender, raped a 13 yr old victim in the yard of a home. He kept her captive for two days before she escaped. In 2018, Bolar was arrested from the same house where the assaults took place and was found guilty in trial. He is currently serving a long sentence.

Sexual Assault Detectives are assigned cold cases in addition to their normal caseload. Caseloads for each detective is abnormally high already due to staffing shortages and overtime unavailability. The Sexual Assault unit can utilize this grant to pay for overtime, travel, investigations, advocacy, equipment, and other needs for cold case investigations. These investigations are lengthy, time consuming, and require multi-disciplined approach to the case and the victim.

We understand this grant has a limited period but would request additional time to spend the money. We currently have four additional cold cases that have been through prosecutorial review and need reassignment. We are hoping for timely implementation of this grant so we may continue to seek justice for these victims.

Sincerely

A handwritten signature in black ink that reads "MS 6026".

Scott Moss  
Captain