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POLICE CHIEFS**

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November 30, 2023

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Secretary of the Senate

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Subject: RCW 36.28A.430, Sexual Assault Kit Initiative—Annual Report

Chief Clerk Dean and Secretary Bannister:

Pursuant to Chapter 290, Laws of 2017, the Washington Association of Sheriffs and Police Chiefs (WASPC) is submitting its annual report on the Sexual Assault Kit Initiative. This report is submitted in accordance with RCW 43.01.036.

Sincerely,

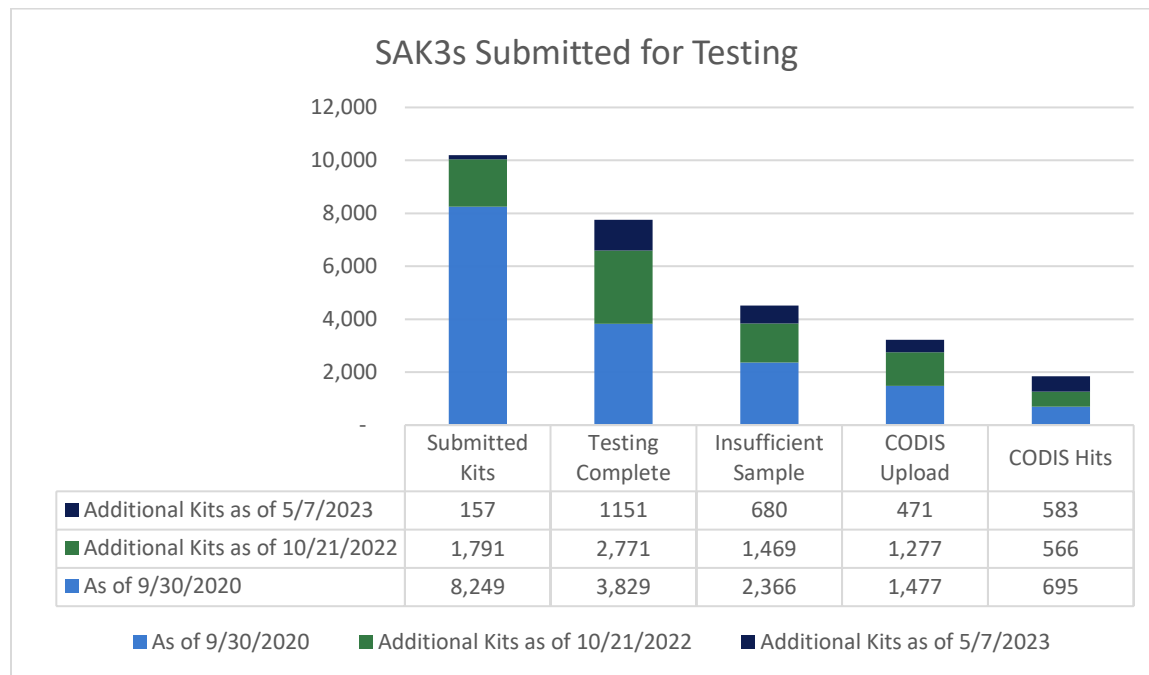
Steven D. Strachan

Executive Director

Washington State Sexual Assault Kit Initiative—2023 Annual Report

In 2017, the Washington State Legislature established the Sexual Assault Kit Initiative (SAKI). 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 SAK3s. 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 2021 state fiscal year. The Washington State Legislature provided \$750,000 in continued funding for the 2022 and 2023 state fiscal years. In the 2023 session, the legislature did not continue to fund this project, funding ended on June 30, 2023.

In 2019, the Washington State Legislature adopted [RCW 70.125.100](#) (now [RCW 5.70.050](#)), requiring all SAK3s to be submitted to the Washington State Patrol (WSP) Crime Laboratory for testing by October 1, 2019. In May 2023, the Washington State Patrol (WSP) provided an updated report to WASPC outlining the SAK3 cases submitted to the WSP Crime Laboratory for testing, the testing status, and if any Combined DNA Index System (CODIS)¹ matches, more commonly referred to as “CODIS hits,” were made. The total number of SAK3s submitted for testing as of May 7, 2023 was 10,197. Of those, testing has been completed for 7,751 SAK3s. Of the SAK3s that have been tested, 4,515 SAK3s were found insufficient to upload to CODIS, while 3,225 SAK3s were uploaded to CODIS. Of the CODIS uploads, 1,509 hits were made to 1,844 profiles.



¹ [CODIS and NDIS Fact Sheet — FBI](#)

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 Laboratory for testing, the focus on these cases has shifted to investigation, or reinvestigation, of the cases. In August 2020, agencies with more than 100 kits (where testing has been completed and a profile has been uploaded into CODIS) were asked by WASPC to provide 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 the initial application for funding on October 5, 2020.

With continued funding in state fiscal years 2021, 2022 and 2023, WASPC maintained an open application window for any agency seeking funds to support a just resolution on sexual assault cases resulting from evidence found in previously un-submitted sexual assault kits.

With funding discontinued beyond June 30, 2023, the application for funding is now closed.

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

In late 2020, WASPC identified all agencies (where testing had been completed on SAK3s, regardless of a CODIS hit), and encouraged each to apply for SAKI grant funds to reinvestigate each of the underlying cases, regardless of the ability to prosecute. Multiple agencies expressed challenges about their ability to utilize the SAKI grant funds by June 30, 2021. Specific concerns included 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 is a challenge. The short-term nature of the SAKI grant funds posed a challenge to agencies as the timeline for establishing a multidisciplinary team with the appropriate training and protocols can be lengthy. Investigation, victim notification and any subsequent legal proceedings can also require significant time. Lastly, the COVID-19 pandemic and ongoing civil unrest are unprecedented in the impact on local law enforcement agency funds and demands on limited staffing. Most agencies reported they simply did not have the staff necessary to conduct these investigations and respond to the current needs of their communities.

Over the course of funding, 4 agencies requested grant funds to support their efforts.

(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 Spokane Police Department (Spokane) was awarded \$173,000 for the July 1, 2022 to June 30, 2023 grant period and utilized \$94,514.40 of its available funding.

The Seattle Police Department (Seattle) was awarded \$100,000 for the July 1, 2022 to June 30, 2023 grant period and utilized \$77,260.38 of its available funding.

The Tukwila Police Department (Tukwila) was awarded \$39,427.00 for the July 1, 2022 to June 30, 2023 grant period and utilized \$24,829.75 of its available funding.

The Auburn Police Department (Auburn) was awarded \$45,000 for the July 1, 2022 to June 30, 2023 grant period and utilized \$19,523.14 of its available funding.

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

WASPC relied on existing policies and procedures for this grant program.

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

Grantees were 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 were 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 were required to submit monthly reports to document:

- any case updates, including case investigation and conviction status,
- 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. With continued complications related to the COVID-19 pandemic and the understanding that this will be the final funding allocation for the SAKI project, WASPC again made the decision to not pursue hosting a Sexual Assault Kit Summit for state fiscal year 2022. Again, with the understanding that the fiscal year 2023 funding allocation was the final funding allocation for the SAKI project, WASPC did not host a Sexual Assault Kit Summit in fiscal year 2023.

(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.

Annual reports were submitted in 2020, 2021, 2022, and 2023.

Statutory Requirements of the grant program were provided. WASPC expected 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 its 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.*

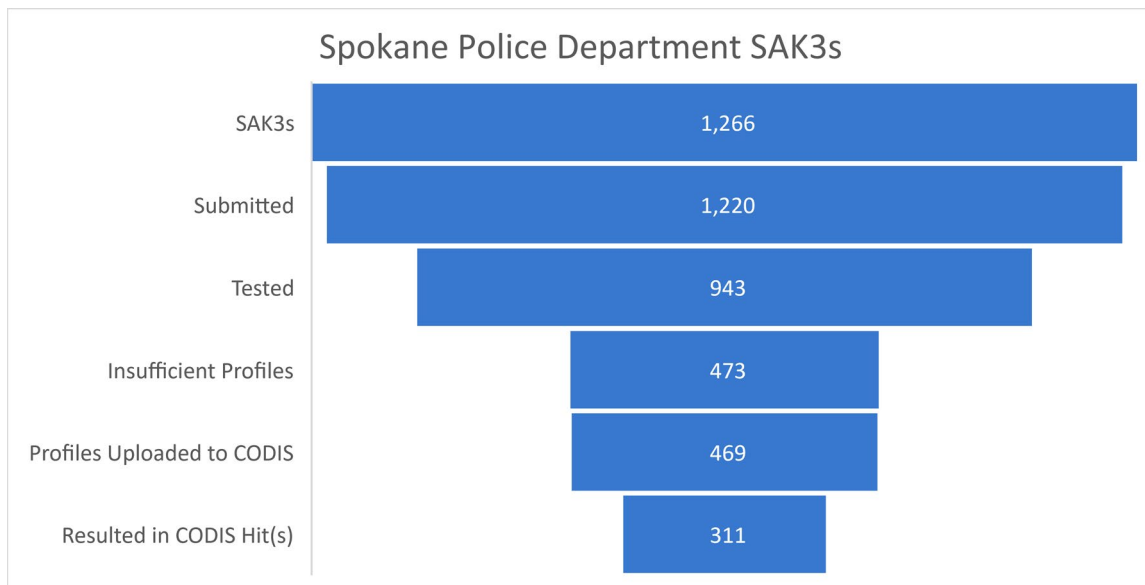
In light of the Legislature's enactment of [RCW 70.125.100](#) (now [RCW 5.70.050](#)), requiring that all SAK3s be submitted for forensic examination by October 1, 2019, and the enactment of [RCW 70.125.090](#) (now [RCW 5.70.040](#)), requiring that all sexual assault kits must be submitted for forensic examination within 30 days of receipt, it appears that the Legislature has addressed systemic factors leading to unsubmitted kits through the enactment of legislation subsequent to 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 WASPC: 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.*

Spokane Police Department

The Spokane Police Department grant included salaries, benefits, and overtime; a small training budget; funds to support familial DNA testing; and funding support for a local victim advocacy organization to participate as part of their multi-disciplinary team.

At the time of this report, and according to data available to WASPC, the Spokane Police Department identified 1,266 SAK3s. Of those, 1,220 have been submitted to the Washington State Patrol Crime Lab for testing. 943 of the kits submitted have been tested. 473 of the tested kits have yielded an insufficient profile. 469 profiles have been uploaded to CODIS, yielding 311 CODIS hits.



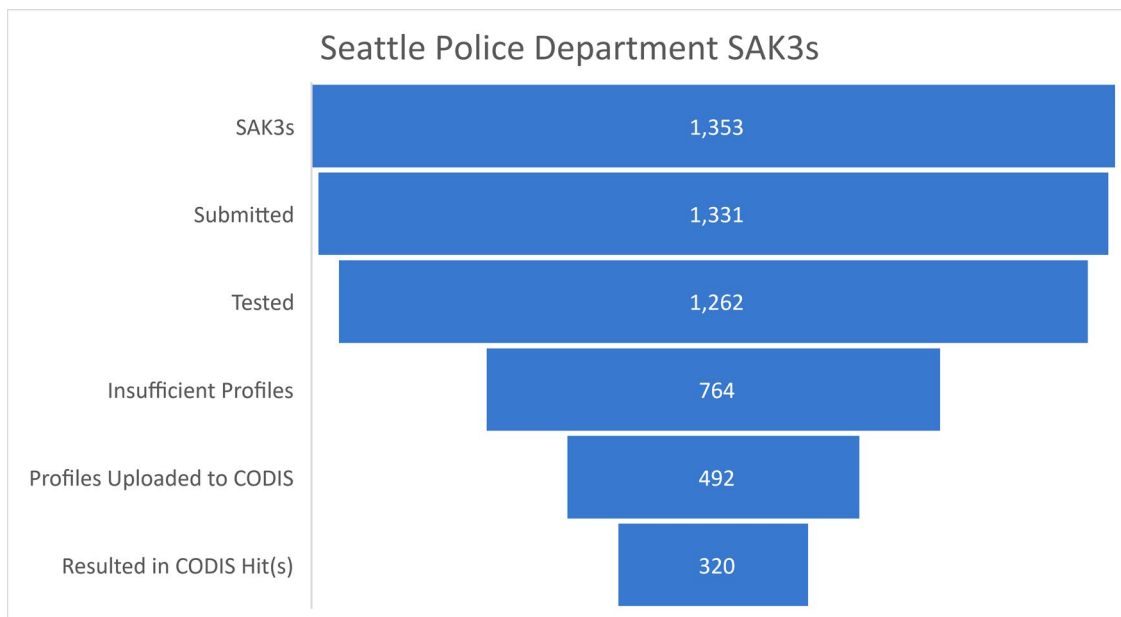
With the Sexual Assault Kit Initiative funding, Spokane Police Department investigators examined each case and came to a meaningful conclusion. In July 2023, the Spokane Police Department Reported six cases with CODIS hits have been or will be charged as a result of the grant funds awarded to focus on these cases, with approximately 65 referrals to their local victim advocacy program. Additionally, they

were able to help identify a homicide suspect out of California who was identified as a result of a listed suspect and DNA profile developed from a SAK3 case. Spokane Police Department plans to continue to review and evaluate future lab results for further criminal investigations and to continue their partnership with their local victim advocacy program.

Seattle Police Department

The Seattle Police Department grant included funding to support investigator, administrative, advocate and supervisor overtime; out of state travel; DNA collection; familial DNA; equipment; and training.

At the time of this report, and according to data available to WASPC, the Seattle Police Department identified 1,353 SAK3s. Of those, 1,331 have been submitted to the Washington State Patrol Crime Lab for testing. 1,262 of the kits submitted have been tested. 764 of the tested kits have yielded an insufficient profile. 492 profiles have been uploaded to CODIS, yielding 320 CODIS hits.



In their final report for the July 1, 2022 to June 30, 2023 funding cycle, the Seattle Police Department reported the following:

- Staffing levels have greatly impacted SPD's ability to investigate these cold cases.
- During this time the unit has new detectives joining the unit, and several cold cases have been assigned to them for continued investigation.
- Several CODIS hits were for cases that had already been prosecuted or suspects were identified during the original investigation, so statute of limitations had been met.
- Funds were reallocated to subcontract with the King County Sexual Assault Resource Center

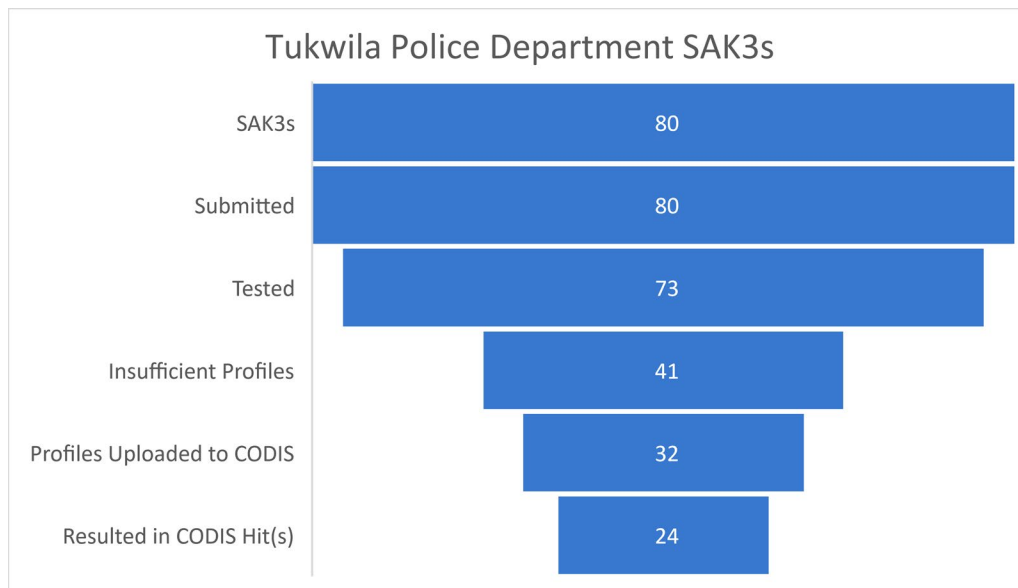
(KCSARC) to create and manage a Seattle Sexual Assault Resource Connection tool².

Tukwila Police Department

The Tukwila Police Department grant included funding to support investigator overtime; familial DNA; and training.

At the time of this report, and according to data available to WASPC, the Tukwila Police Department identified 80 SAK3s. Of those, all have been submitted to the Washington State Patrol Crime Lab for testing. 73 of the kits submitted have been tested. 41 of the tested kits have yielded an insufficient profile. 32 profiles have been uploaded to CODIS, yielding 24 CODIS hits.

Monthly reports show that 23 cases were reviewed to determine if further investigation was warranted. Of those as of June 30, 2023 5 cases were reported to still be open.



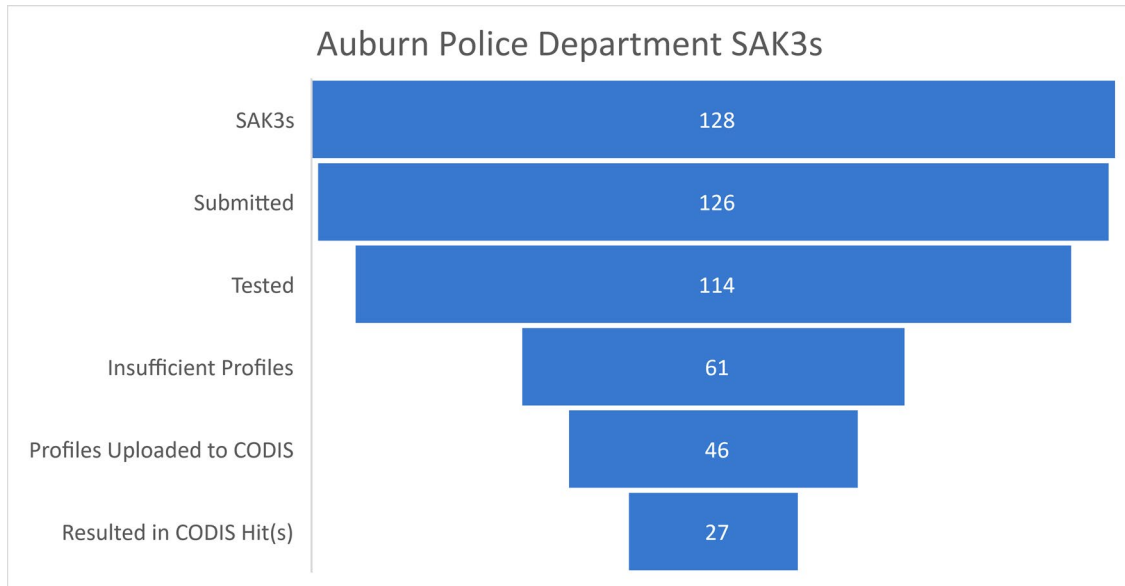
Auburn Police Department

The Auburn Police Department grant included funding to support investigator overtime and training.

At the time of this report, and according to data available to WASPC, the Auburn Police Department has identified 128 SAK3s. Of those, 126 have been submitted to the Washington State Patrol Crime Lab for testing. 114 of the kits submitted have been tested. 61 of the tested kits have yielded an insufficient profile. 53 profiles have been uploaded to CODIS, yielding 27 CODIS hits.

Monthly reports show that 45 cases were reviewed to determine if further investigation was warranted. Of those as of June 30, 2023 five cases were reported to still be open.

² [Community Providers launch Seattle Sexual Assault Resource Connector Tool - KCSARC](#)



Conclusion

With no further funds allocated to support the Sexual Assault Kit Initiative established under [RCW 36.28A.430](#), this will be the final annual report detailing WASPC's efforts on the Sexual Assault Kit Initiative.

In 2022, the Washington State Auditor's Office (SAO) conducted a performance audit, "Sexual Assault Kits: Assessing Washington State Patrol's testing backlog and tracking system." It is WASPC's understanding that the SAO will conduct a performance audit evaluating local law enforcement's timely submission of sexual assault kits in 2024. WASPC intends to assist the SAO in its efforts.

Sexual assault is serious and impacts victims/survivors as well as their significant others and their communities. WASPC encourages the Washington State Legislature to carefully consider any legislative proposals that will negatively impact victims/survivors of sexual assault. WASPC has been and will continue to support justice for victims within our capacity.