



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

September 13, 2016

Motion 14728

Proposed No. 2016-0432.1

Sponsors Dembowski and Kohl-Welles

1 A MOTION accepting a progress report and a final report
2 related to the referral of untested sexual assault kits in the
3 possession of the sheriff's office.

4 WHEREAS, the state Legislature in 2015 enacted Substitute House Bill 1068,
5 which became Chapter 247, Laws of Washington 2015, to require law enforcement
6 agencies to submit a request for laboratory analysis to the Washington State Patrol Crime
7 Laboratory for DNA testing of sexual assault examination kits in the possession of the
8 law enforcement agency, and

9 WHEREAS, the sheriff's office in July 2015 conducted an audit of its property
10 management unit and found that the number of unREFERRED sexual assault kits was three
11 hundred and seventy-eight, and

12 WHEREAS, Ordinance 18110, Section 6, Proviso P3. which amended the
13 2015/2016 Biennial Budget Ordinance, Ordinance 17941, Section 20, is a \$200,000
14 proviso requiring the sheriff's office to review and refer for testing previously untested
15 sexual assault examination kits, and to send to the council two progress reports, a final
16 report and motions that accepted each of the reports, and

17 WHEREAS, the sheriff's office requires \$50,000 to review and refer all untested
18 kits and to perform potential follow up investigations on kits that yield viable suspects,
19 and

20 WHEREAS, the sheriff's office submitted in August 2016 a final report that
21 indicates that the agency has referred to the Washington State patrol crime lab all of the
22 sexual assault kits associated with the sheriff's office audit, and

23 WHEREAS, the council has not accepted any of the reports associated with the
24 2015/2016 Biennial Budget Ordinance proviso;

25 NOW, THEREFORE, BE IT MOVED by the Council of King County:

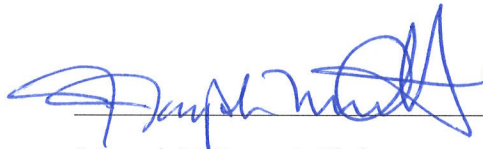
26 A. The council recognizes that the King County sheriff's office has met the
27 primary intent of the proviso in the 2015/2016 Biennial Budget Ordinance, Ordinance
28 17941, Section 20, as amended by Ordinance 18110, Section 6, Proviso P3, by submitting
29 one progress report and a final report that indicates that the agency has referred to the
30 State patrol crime lab the untested sexual assault kits associated with the 2015 audit.

31 B. The council accepts the March 2015 progress report, Attachment A to this
32 motion, and the August 2016 final report, Attachment B to this motion.
33

Motion 14728 was introduced on 8/29/2016 and passed by the Metropolitan King
County Council on 9/12/2016, by the following vote:

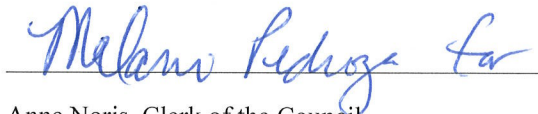
Yes: 9 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn,
Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles
and Ms. Balducci
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



J. Joseph McDermott, Chair

ATTEST:



Anne Noris, Clerk of the Council

Attachments: A. Sexual Assault Kit Project - March 2016, B. Sexual Assault Kit Project - August 2016



Report to Council
Sexual Assault Kit Project
March 2016

Background

In January 2015, the King County Sheriff's Office conducted an audit of the sexual assault kits stored at the Property Management Unit. At that time, it appeared 432 kits had never been sent to the Washington State Patrol Crime Lab (WSPCL) for forensic testing. In July, the Property Management Unit provided an inventory list which showed 378 sexual assault kits were in evidence and had not been sent to the WSPCL. The discrepancy is attributable to the fact a number of kits were processed as part of ongoing investigations between January 2015 when the initial audit was conducted and July 2015.

On July 24, 2015, Substitute House Bill 1068 went into effect requiring all sexual assault kits in police custody to be submitted to the WSPCL for testing. This legislation applies to kits received by law enforcement prospectively. The King County Sheriff's Office has implemented new protocols to comply with the new legislation.

The bill also created a task force to address the untested kits already in the custody of law enforcement prior to the July 24 effective date. The task force was required to submit a preliminary report to the Governor by December 1, 2015, with a final report due by September 30, 2016.

In September 2015, the Council appropriated \$200,000 for KCSO to review the case files associated with untested kits, prioritize those cases for testing and investigate any subsequent leads. This report is responsive to King County Ordinance 18110 Section 6, P3 amending the 2015/2016 Biennial Budget Ordinance, Ordinance 17941, Section 20.

Progress Report

In October 2015, five Major Investigations sergeants began the review of cases in which sexual assault kits had not been tested. The review of these cases so far has taken 150.25 hours at an approximate cost of \$13,600 (based on a sergeant's overtime rate of \$90 per hour) as of January 2016. Of the kits previously believed to have been untested, the case reports indicated 112 of those kits may have actually been sent to WSPCL, dropping the number of untested kits in KCSO evidence by nearly 30 percent. After testing, the WSPCL sends the physical kits back to the KCSO Property Management Unit with markings indicating that the kit has been tested. Additionally, WSPCL sends a report with the test results to the detective investigating the case. If the marking on the kits are unclear, or if the report does not provide information of investigatory value, the kits may remain in the Property Management Unit undisturbed.

KCSO is currently reviewing the additional 112 kits and the cases associated with them to verify their testing and determine appropriate next steps.

Because in some instances a single case report can have multiple sexual assault kits associated with it, the numbers do not always even out based on cases reviewed versus sexual assault kits tested.

In January 2016, the WSPCL and the Washington Association of Sheriffs and Police Chiefs (WASPC) notified KCSO they anticipated resources to outsource the testing of previously unsubmitted kits. KCSO committed to submit kits for 215 cases (the number designated by WSPCL and WASPC) at a rate of 43 per month between February 1, 2016 and June 30, 2016. See Appendix A.

Eight KCSO detectives began the process of submitting the untested sexual assault kits to WSPCL. The first 43 cases were submitted in February and required 30.75 hours to complete. The next 43 cases are in process for March. Based on the agreement, the untested KCSO kits will nearly be eliminated by June 30, 2016. We project the submission of these cases to WSPCL will take approximately 155 hours of staff time at an estimated cost of \$13,175 (based on a detective's overtime rate of \$85 per hour).

After submission of the 215 cases utilizing the WASPC grant, that leaves KCSO with 34 kits associated with sexual assault cases that have already been adjudicated.

Next Steps

KCSO will seek the King County Council's guidance on whether to utilize proviso funds for the remaining 34 kits for already adjudicated cases. KCSO will include its findings on the 112 kits that may have already been submitted in its final September 2016 report.



Report to Council

Sexual Assault Kit Project

Appendix A

WASHINGTON ASSOCIATION OF SHERIFFS & POLICE CHIEFS

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

Serving the Law Enforcement Community and the Citizens of Washington



MEMORANDUM

TO: Sheriff John Urquhart, King County Sheriff's Office
FROM: Mitch Barker, Executive Director, WASPC
CC: Joe Hodgson, Captain, King County Sheriff's Office
Jamie Yoder, Member Outreach and Programs Manager, WASPC
Jean Johnston, CODIS Laboratory Manager, WSP
DATE: January 29, 2016
SUBJECT: DNA Testing of Untested Sexual Assault Kits—SAK3 Project

Thank you for your interest in the SAK3 project. As we discussed, the Washington State Patrol (WSP) Crime Lab anticipates resources to outsource the testing of approximately 1,300 sexual assault kits, specifically kits that were received by agencies prior to July 24, 2015 and have not been submitted for forensic examination. Your agency has been identified as a participant for the first round of testing. Per our conversation, you are committing your agency to submit 215 previously unsubmitted sexual assault kits for DNA testing. These should be kits that your agency has medical authorization to submit for testing. You are also committing to investigate any potential investigative leads, including CODIS hits, resulting from the testing of those kits.

The Crime Lab will begin accepting requests for testing on February 1, 2016. All requests for testing must be submitted to the Crime Lab by June 30, 2016. Case requests should be submitted at a rate of approximately 43 per month. Due to the nature of the funding stream for this project, we are working on a very tight turnaround for the testing of these kits. Once you have submitted your requests for testing, the Crime Lab will contact you with further instructions for submitting the actual sexual assault kits to the Crime Lab's outsourcing vendor.

All kits submitted for testing will need the standard documentation as required by the WSP Crime Lab. Those forms and documents can be found at the WSP Crime Lab's web page (links provided below). It is crucial that agencies submit the information listed below. Kit requests not supported by necessary documentation will be returned to your agency.

- Request For Laboratory Examination (RLE)
- DNA Case Supplemental Information form including the written case scenario that speaks to the investigation of the reported crime (critical to determination of CODIS eligibility).
- Authorization for Consumption of DNA Evidence form.
- All RLEs submitted within the parameters of this project should be identified as "SAK3 Project."

Once your agency receives results from the WSP Crime Lab, we expect that your agency will provide status updates to WASPC on any further investigation of these cases.

Jamie Yoder will be the point of contact for agencies participating in the SAK3 Project. Jamie can be reached at 360.486.2419 or [jyoder@waspc.org](mailto: jyoder@waspc.org). If you have any questions or concerns please let us know as soon as possible.

President CASEY SALISBURY <i>Sheriff—Mason County</i>	President Elect KEN HOHENBERG <i>Chief—Kennebeck</i>	Vice President BRIAN BURNETT <i>Sheriff—Chelan County</i>	Past President ED HOLMES <i>Chief—Mercer Island</i>	Treasurer KEN THOMAS <i>Chief—Kent</i>
DUSTY PIERPOINT <i>Chief—Lacey</i>	BONNIE BOWERS <i>Chief—Anacortes</i>	Executive Board STEVE STRACHAN <i>Chief—Bremerton</i>	MARK NELSON <i>Sheriff—Cowlitz County</i>	JOHN TURNER <i>Sheriff—Walla Walla County</i>
JOHN SNAZA <i>Sheriff—Thurston County</i>	MARK COUEY <i>Director—OIC</i> <i>Special Investigations Unit</i>	JOHN BATISTE <i>Chief—WA State Patrol</i>	FRANK MONTOYA, JR. <i>SAC—FBI, Seattle</i>	MITCH BARKER <i>Executive Director</i>



Report to Council

Sexual Assault Kit Project

August 2016

Background

In January 2015, the King County Sheriff's Office conducted an audit of the sexual assault kits stored at the Property Management Unit. At that time, it appeared 432 kits had never been sent to the Washington State Patrol Crime Lab (WSPCL) for forensic testing. In July 2015, the Property Management Unit provided an inventory list which showed 378 sexual assault kits were in evidence and had not been sent to the WSPCL. This number has since been reduced to 248 through additional verification and auditing efforts. The discrepancy is also partially attributable to the fact a number of kits were processed as part of ongoing investigations between the January 2015 when the initial audit was conducted and July 2015.

On July 24, 2015, Substitute House Bill 1068 went into effect requiring all sexual assault kits in police custody to be submitted to the WSPCL for testing. This legislation applies to kits received by law enforcement prospectively. The King County Sheriff's Office has implemented new protocols to comply with the new legislation.

The bill also created a task force to address the untested kits already in the custody of law enforcement prior to the July 24 effective date. The task force was required to submit a preliminary report to the Governor by December 1, 2015, with a final report due by September 30, 2016.

In September 2015, the Council appropriated \$200,000 for KCSO to review the case files associated with untested kits, prioritize those cases for testing and investigate any subsequent leads. This report is responsive to King County Ordinance 18110 Section 6, P3 amending the 2015/2016 Biennial Budget Ordinance, Ordinance 17941, Section 20.

Progress Report

With the help of a grant from the Washington Association of Sheriffs and Police Chiefs (WASPC), eight KCSO detectives began the process of referring paperwork for the untested sexual assault kits to WSPCL in February 2016. To date, every outstanding sexual assault kit has been referred to WSPCL, or an outside lab with the help of the WASPC grant. So far, no new leads have been developed from testing of these kits. It's important to note that just because the kits have been referred to a lab does not necessarily mean that the kits have yet been tested. Labs have their own protocols for prioritization that KCSO has zero control over. Due to the full referral of sexual assault kits to labs, this report will serve as both the second and final reports required by the proviso.