



Prosecuting Attorney - Operations 00100.841.

Mission Statement

Seek the just result.

Function

The Criminal Division prosecutes virtually all felonies committed in Clallam County and all gross misdemeanor and misdemeanor offenses committed in unincorporated Clallam County and the incorporated Cities of Port Angeles and Sequim. Additional duties are set forth in RCW 36.27.020. The Civil Division provides legal advice to the County organization acting by and through its duly authorized constituents and appears for and represents the County in civil proceedings in which the County is a party. Additional duties are set forth in RCW 36.27.020.

Trends/Events

Trends - Criminal Division

- Homicidal violence continues with three (3) thus far in 2022; one double homicide and a single homicide preceding an officer involved shooting.
- While the double homicide has not yet become a case in our office, we are actively working with law enforcement and the multiple survivors in anticipation of a referral.
- Two (2) attempted murders – both domestic violence.
- Carry-over of homicides still pending trial – two (2).
- Felony violent offenses continue - 77 violent cases referred in Jan-Jun 2022 with 49 cases filed. In 2021, there were 145 referred with 105 filed.
- Firearm offenses and drug cases with firearms are increasing; including cases with up to 13 firearms stolen.
- Domestic violence and DUIs continue to account for a large amount of our caseload.
- Increase in legal drug use by adults and our children has led to increased property crimes, violent crimes, overdoses and deaths.
- Two controlled substance homicide convictions in 2021; first ever in Clallam County. At least 4 overdose deaths are being investigated for potential controlled substance homicide charges.
- There is an exorbitant amount of competency evaluations ordered in our courts daily. Many return competent and it leads to further delay and access to justice for the victims, survivors and the defendants.
- There is a continuing trend of increased mental health concerns and many mental health concerns that turn to extreme violence or homicides.

- There is a trend of many defendants targeting the Sequim area from Tacoma. These crimes include attempted murder over drugs, robberies, theft of heavy equipment and burglaries of firearms.
- Trauma informed and victim centric prosecutions continue.
- There is a continual need for child forensic interviews and the assistance of the PAO. Of the 50 interviews conducted at the CAC from Jan – June 30, 2022; the PAO was present for the majority; in excess of 40.
- Seven of the DPAs and one of the VWCs are qualified as child forensic interviewers and assist law enforcement with the interviews via earpieces.
- Jurors continue to demand forensic evidence and every stone unturned before a willingness to convict which translates to more detective work and lengthier trials.
- Jurors have begun to demand much more from sexual assault survivors; to the point of an eyewitness sometimes; which has led to hung juries and not guilty verdicts.
- The status of the law on juvenile offenders has moved towards lack of accountability and no means to hold them accountable. To include re-sentencings for those who were sentenced years ago as adults. Which translates into experts on the juvenile brain and full day sentencing hearings and no incentive to negotiate in cases wherein the offender was a juvenile but is seen in adult court due to age or crime.
- To date, two offenders have petitioned for re-sentencings – these cases require the DPA to get up to speed on the case again, locate and contact original investigators, find the survivors, advise them, brief the case and prepare for another sentencing. All this is done with the assistance of the VWC and is not counted towards new case counts.
- Continued collaboration with fire departments and police departments for processing of incendiary fires. This includes two arson-specialized DPAs trained to work with law enforcement, fire and certified fire investigators.
- Continued specialized training of DPAs.

Events (first six months of 2022) - Criminal Division

- 358 cases referred to Superior Court (554 all last year).
- 741 cases referred to District Court I (1540 all last year).
- 71 cases referred to District Court II (95 all last year).
- The Superior Court backlog has decreased from 254 referrals (June 2021) to 203 (July 2022).
- The District Court (I and II) backlog has decreased from 814 referrals (June 2021) to 481 (July 2022).
- Successfully concluded Clallam County's first ever triple homicide prosecution with over 90 witnesses, over 900 exhibits, 3 prison transports, 6 weeks during 3 holidays, during a pandemic and 5 different survivor groups. All three defendants convicted and sentenced. Countless hours expended by 2 DPAs, Michele Devlin and Jesse Espinoza, to include weekends and after hours.
- Resolved large marijuana grow case. Working with Marijuana Eradication Team on another marijuana grow case with a drug trafficking organization involvement.
- Still receiving volume of work based upon *State v. Blake* requesting vacated convictions, sentences, resentences, requests for refunds and appeals on other counts attendant with the POCS. One DPA assigned per month (in addition to their regular caseload). In 2021, we received about 166 Blake cases. In 2022, we've received 111.

- Provided three (3) on-site responses to homicides/OIS/suspicious death scenes to provide real time legal support for law enforcement; multiple day responses.
- Presented trainings for law enforcement and community groups on topics to include updated legislation, child forensic interviewing, court process and victim rights. Available for trainings as requested by law enforcement.
- Presented two training at WAPA. 1) Stalking case study wherein our VWC unit presented with Jeffco and 2) Triple homicide case study to include our criminal, appellate, VWC and CCSO.
- Participated in multiple training to include topics such as: District Court and Superior Court prosecutions, new legislation, juvenile offender re-sentencings, childhood trauma, strangulations, U and T Visas, understanding systemic racism in the law, controlled substance homicides, fentanyl lethality, drug trends, arson, homicide, cold cases, appeals, implicit bias, victim's rights, and DV and SA prosecutions.
- Participated in six MDT meetings. (Multiple PAO members)
- Participate in two peer reviews for child forensic interviewers. (Multiple PAO members).
- Participated in two quarterly STOP grant meetings.
- Participated in 26 OPNET meetings.
- Presented to the Washington Homicide Investigators Association. The quadruple murder case study along with ATF and PAPD.
- Assigned ICAC (Internet Crimes against Children) representative – DPA Steve Johnson.
- Implemented a Potential Impeachment Disclosure protocol and assigned DPA Jesse Espinoza as the PAO representative.
- Assigned a DPA to the implementation and coordination of the mental health court, Tracey Lassus. She has assisted with multiple meetings, reviewing and drafting of policies/procedures, contract and required forms. DPA Tom Garvey is assigned as the backup for mental health court.
- Prepared **11** appeals for the Court of Appeals. **Nine** more appeals requiring briefs in the next couple of months. Awaiting the transcripts from the six six-week trial and conviction of Dennis Bauer.
- Prepared and sent press releases on cases of community concern.
- Administered approximately twelve (12) written annual performance evaluations, one (1) interim evaluation and three (3) six-month probationary evaluations.
- 24/7 communication and collaboration with law enforcement and OPNET on investigations of most Class A felonies, adult and child sexual assaults, suspicious deaths, overdose deaths and officer involved shootings.
- Prepared at least three (3) responses to the Indeterminate Sentence Review Board for potential release of sex offenders; included contact with survivor, locate and contact with original investigators, review of all materials and preparation of letter with recommendation. Not counted towards case numbers!
- Prepared three (3) responses to the Risk Review Board for WSH for the same not guilty by reason of insanity defendant and presented an objection in court. This includes outreach to all survivors of the homicide, contact with original investigators, preparation of a recommendation, review of all materials and preparation for hearing. Not counted towards case numbers!

- Served as liaison between law enforcement brass and the criminal division fielding complaints, concerns, calls and kudos from law enforcement and community. At least three (3) calls/requests per week.

Trends - Civil Division

- There has been a continued high demand for legal advice from county offices and departments.
- There has been a significant decrease in the number of petitions for 14-day involuntary commitments.
- There has been an increase in the number of citizens seeking to have their firearms rights restored and seeking to have prior convictions vacated.

Events (first six months of 2022) - Civil Division

- A significant volume of work for the Civil Division has resulted from the decision in State v. Blake, including policy development, drafting order templates, and participating in a statewide work group. The Felony Division is now handling of individual requests to vacate convictions pursuant to Blake, while the Civil Division handles Blake related policy issues, class-action litigation, and reimbursement management.
- Responded over 200 requests for legal advice. Requests have been received from every Department and from several of the Boards and Committees
- Processed 17 Single Bed Certifications from Peninsula Behavioral Health and West End Outreach Services and provided legal representation in eight ITA Petition hearings in Superior Court.
- Litigation - Handled ongoing Environmental Health matters in District Court and litigation before the Shorelines Hearings Board. Ongoing work with outside counsel Keller Rohrback related to opioid litigation.
- Policy Work Group continues to update County Policy.
- Presented trainings to Board and Committees addressing topics including, but not limited to Open Public Meetings Act and Public Records Act.
- Attended Public Records Reviews with the whole public records team and conducted monthly evaluations of responses for public records staff member.
- Attended weekly Clallam County Board of County Commissioner Work Sessions and Regular Meetings
- New Civil Division Legal Assistant and extra help have made great progress on records management.
- Destroyed in excess of 400 case files that were eligible for destruction under applicable archive retention schedules.
- Administered written annual performance evaluations.

Goals

Goals - Criminal Division

- Conduct timely review all criminal referrals made to the Prosecuting Attorney's Office by law enforcement.
- Continue to gain proficiency in the use of our new electronic case management system.

- Update processes and procedures for monitoring and reporting statistics using our new electronic case management system.
- Cross-train attorneys and staff within the Criminal Division.
- Collaborate with the county's Internet Technology Department to develop a plan that will allow local law enforcement to submit information electronically.
- Expand the scope of prosecutor trainings afforded to all branches of tribal, federal, state and local law enforcement operating on the North Olympic Peninsula.
- Destroy all records that are beyond archive retention requirements.
- Attract, retain, and support employees to advance career service in the Prosecutor's Office.
- Maximize support for employees of the Prosecuting Attorney's Office through the challenging cases we prosecute.
- Collaborate with the county to address any budget shortfall without compromising either public safety or the quality of justice for the citizens of Clallam County.

Challenges - Criminal Division

- The steady incidence of homicidal violence coupled with the steady increase in felony violent crimes has resulted in a significant increase in workload that has created a significant resource challenge within the Criminal Division.
- The Criminal Division is currently operating with two open unfilled deputy prosecuting attorney position for over a year, further increasing the magnitude and severity of the present resource challenge.
- Remediating the backlog of criminal referrals that have accumulated due to COVID-19.
- Limitation in the county's technology infrastructure has hampered our ability to convert from paper to electronic practice and combat the *CSI effect*.

Goals - Civil Division

- Advise the county on the myriad of legal issues that arise from the COVID-19 pandemic.
- Assist the county in updating development regulations and specifically those pertaining to storm water and shorelines.
- Train county staff on the ever-changing rules regarding open government and public records compliance.
- Re-evaluate compensation for all positions to ensure the office remains competitive in the labor market.
- Destroy all records that are beyond archive retention requirements.
- Cross-train attorneys and staff within the Civil Division.
- Review and revise county policies through participation in the Policy Work Group.

Challenges - Civil Division

- Not being alerted by clients as to the existence of a matter until after it has developed into a problem with attendant liabilities.
- Preventing and/or mediating intramural disputes between county officials and/or department heads.
- Negotiating the myriad of ethical dilemmas that present when intramural disputes between county officials and/or department heads occur.

- The COVID-19 pandemic has required legal analyses on a broad array of issues that are extremely time consuming to research because of their novelty.
- The lack of childcare resources within the community has emerged as a significant challenge for one or more employees of the Civil Division.
- Employee retention has been a challenge (two or more employees have left the Civil Division over the last few years for higher paying jobs with other public sector employers or retirement).

Workload Indicators

	2020 Actual	2021 Actual	6/30/22 Actual
Criminal Division:			
Felonies Filed	445	363	215
Felony Hearings	5184	4635	1856
Felony Trials (Bench & Jury)	26	17	8
Juvenile Offenses Filed	100	60	52
Juvenile Offenses Referred	98	122	128
Juvenile Hearings	1,241	913	
Juvenile Truancy Hearings	103	69	
Juvenile Drug Court Hearings	361	270	90
District Court Crimes Filed and Citations	1135	1191	608
District Court Profile Diversion Returns/Declines		8	7
District Court Profile Diversion Completions			
Civil Division:			
Public Record Requests	93	66	54
Legal Action Requests - Excluding Public Works	558	400	198
Legal Action Requests - Public Works	50	28	13
Forfeitures	3	3	0

Grant Funding Sources

1. Washington State Legislature and Its Committees
2. Department of Justice (Federal)

Revenues

	2020 Actual	2021 Actual	6/30/22 Actual	2023 Budget
Taxes	0	0	0	0
Licenses and Permits	0	0	0	0
Intergovernmental Revenues	97,665	99,837	49,919	101,580
Charges for Goods and Services	166,366	146,884	43,973	142,125
Fines and Forfeits	115	666	573	1,200
Miscellaneous Revenues	9,378	8,783	775	3,200
Other Financing Sources	0	0	0	0
Transfers In	0	0	0	0
General Tax Support	2,488,558	2,459,084	1,325,758	3,111,440
Total	2,762,082	2,715,254	1,420,998	3,359,545

Expenditures

	2020 Actual	2021 Actual	6/30/22 Actual	2023 Budget
Salaries and Wages	1,869,754	1,829,526	964,797	2,243,148
Personnel Benefits	734,146	703,749	363,316	856,111

Supplies	59,803	22,616	8,729	12,800
Other Services and Charges	98,379	159,363	84,156	232,236
Intergovernmental Services	0	0	0	
Capital Outlays	0	0	0	15,250
Interfund Payments for Services	0	0	0	0
Transfers Out	0	0	0	0
Total	2,762,082	2,715,254	1,420,998	3,359,545

Staffing

	2020 Budget	2021 Budget	2022 Budget	2023 Budget
Full Time Equivalents	24.10	24.10	24.10	24.10