



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.

The Support Staff Division is comprised of administrative professionals who assist attorneys in the delivery of legal services. Through formal education, training, and experience, support staff possess knowledge and expertise regarding the legal system and substantive and procedural law which qualify them to do work under the supervision of an attorney. Support staff are responsible for carrying out a variety of day to day functions in the office such as directly assisting attorneys, preparing pleadings and other documents, filing paperwork with the court, answering calls, scheduling appointments, and maintaining case files. Support staff multitask effectively and have strong organizational skills and attention to detail.

Trends/Events

Trends - Criminal Division

- Clallam County has experienced an overall increase in violent crime over the last several years (See e.g., WASPC's Crime in Washington 2022 Annual Report, pgs. 120-124; 2019 saw 170 referrals and 125 cases charged; 2022 saw 261 referrals and 160 charged) and violent offenses against persons now comprise the bulk of criminal filings, especially within the adult felony division. This is occurring by design as the office contends with a lingering pandemic backlog and unprecedented attorney shortage that has developed within prosecutor offices around the state.
- Mental illness continues to be inextricably intertwined with the criminal justice system. Competency evaluations are routinely ordered by the courts, which result in significant delay in time for trial calculations given the wait times at Western State Mental Hospital.
- Drug use continues to feature prominently in many of the cases charged within the court system.

- Prosecutions for Possession with Intent to Deliver are with increasing frequency yielding large amounts of fentanyl in pill, powder, and chalk form. Cocaine appears to be experiencing a resurgence as well.
- SB 5536, otherwise known as the “Blake fix” now criminalizes Possession of a Controlled Substance as a gross misdemeanor as compared to a class C felony offense. The new legislation focuses on harm reduction and urges use of diversionary programs. It is unclear at this point whether Clallam County is resourced/equipped to provide the envisioned level of harm reduction through appropriate substance use disorder (SUD) treatment facilities. The prosecuting attorney’s office is preparing for an influx of referrals from law enforcement following the temporary reprieve that occurred in the aftermath of the State Supreme Court’s decision in State v. Blake.
- The State Supreme Court’s decision in State v. Blake has and will continue to require a re-deployment of attorney and staff resource within the prosecuting attorney’s office. We are routinely contending with petitions to vacate convictions, sentences, resentences, requests for refunds and appeals. One Deputy Prosecuting Attorney is assigned per month (in addition to their regular caseload) to handle Blake matters. To provide a sense of scale, and by way of example only, in 2023, we've received 163 cases through July.
- Demand for child forensic interviews conducted in connection with child sexual assault cases continues to increase. This has a direct impact on attorney workload within the prosecuting attorney’s office. (Seven Deputy Prosecuting Attorneys and one Victim Witness Coordinator have been qualified as child forensic interviewers and assist law enforcement with the interviews via earpiece.) By way of example only, Deputy Prosecutor Attorneys were present in person, and often times with little to no notice, for the majority of the 44 interviews conducted at the Child Advocacy Center (CAC) from January – June 2023.
- State law regarding juvenile offenders has shifted, with a renewed emphasis on rehabilitation. New legislation requires re-sentencing juvenile offenders who were sentenced years ago as adults. These hearings can require extensive preparation time, often involve expert witnesses, and are extremely time consuming.
- The exaggerated portrayal of forensic science on crime television shows such as CSI: Crime Scene Investigation continue to influence jurors, who have come to expect an unrealistic level of forensics in law enforcement investigations as a pre-condition to finding guilt.
- The prosecuting attorney’s office continues to actively collaborate with fire departments and police departments for processing of incendiary fire scenes. Two of our Deputy Prosecuting Attorneys are now specialty trained in relation to the crime of Arson.
- Personalized trauma informed decline meetings with victims and survivors when a case is not prosecuted. These meetings do not count towards active cases but still take time for the review and for the meeting to explain the reasons and make sure the victim/survivor are aware of services available even without a prosecution.
- Trauma informed and victim centric prosecutions continue with full awareness and support of the vicarious trauma to those working cases including, but not limited to: Deputy Prosecuting Attorney’s, Legal Assistants, and Victim Witness Coordinators.

Events (first six months of 2022) - Criminal Division

- 270 cases referred to Superior Court (669 all last year).
- 690 cases referred to District Court I (1402 all last year).
- 65 cases referred to District Court II (145 all last year).
- The Superior Court backlog has decreased from 254 referrals (June 2021) to 203 (July 2022) to 145 new referrals/purposeful delay and 69 more awaiting further information (July 2023).
- The District Court (I and II) backlog has decreased from 814 referrals (June 2021) to 481 (July 2022) to 222 new referrals/purposeful delay and 137 additional awaiting further information, blood/tox results, or evaluation (July 2023).
- Resolved two murder cases. State v. Cowles and State v. Calloway both resolved via a plea to Murder-1 and Manslaughter respectively.
- Charged one murder case (State v. Ojeda-Ibarra) and two counts of attempted murder in the first degree – domestic violence for the Parrish case.
- Provided two (2) on-site responses to homicides/suspicious death scenes to provide real time legal support for law enforcement. These are multiple day responses that usually involve at least two Deputy Prosecuting Attorney's.
- Presented trainings for law enforcement, fire departments and community groups on topics such as legislative updates, child forensic interviewing, lay testimony, expert witness requirements and testimony, strangulation, court process and victim rights. The prosecuting attorney's office is available for trainings as requested by law enforcement and fire departments.
- Participated in multiple training to include topics such as: District Court and Superior Court prosecutions, new legislation, juvenile offender re-sentencings, childhood trauma, strangulations, evidence collection, Rapid DNA, body cams, 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 multi-disciplinary team (MDT) meetings.
- Participate in two peer reviews for child forensic interviewers.
- Participated in two quarterly STOP grant meetings.
- Provided regular appearances on local radio KONP with education about the criminal justice system.
- Participated in 26 OPNET meetings.
- Presented to the Washington Homicide Investigators Association. The quadruple murder case study along with ATF and PAPD.
- Assigned a Deputy Prosecuting Attorney to serve as our Internet Crimes against Children (ICAC) representative.
- Implemented a revised Potential Impeachment Disclosure (PID) protocol.
- Assigned a Deputy Prosecuting Attorney to the implementation and coordination of the mental health court.
- Prepared 10 appeals for the Court of Appeals. Thirteen (13) more appeals requiring briefs in the next couple of months.
- Prepared and sent press releases on cases of community concern.
- Administered approximately nine (9) written annual performance evaluations.

- Provided 24/7/365 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.
- Authored and published a comprehensive report regarding the lawfulness of a local law enforcement officers' use of force under new Washington law.
- Prepared 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.
- Prepared at least three (3) responses to the Indeterminate Sentence Review Board for potential release of sex offenders. These responses included contacting survivors, locating and contacting the original case investigators, reviewing all materials and preparing letters of recommendation.
- Prepared three (3) responses to the Risk Review Board for Western State Mental Hospital (WSH) for the same not guilty by reason of insanity defendant and presented objections in court. This included outreaching to all survivors of the homicide, contacting the original case investigators, preparing recommendations, reviewing all relevant materials and preparation for hearing.

Trends - Civil Division

- There has been a continued high demand for legal advice from county offices, departments, boards, and commissions.
- There has been a significant decrease in the number of petitions for 14 day involuntary commitments. This trend is now starting to turn around with two recent 14 day ITA hearings and a 90 day ITA trial.
- There has been an increase in the number of citizens seeking to have their firearms rights restored and seeking to have prior convictions vacated. Additionally, changes to RCW 9.41.040 now contain unfunded mandates which require the PAO to locate and contact victims in every petition for restoration of firearm rights.
- The PAO Civil Division has actively worked with DCD, CCSO, and HHS on code enforcement policy, practice, and practical enforcement of the county code. Regularly attend departmental meetings, advise the relevant departments, and identify problem cases for further legal action. In addition, the PAO has initiated an executive session for board clearance to begin injunction actions on problem cases.

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 to over 200 requests for legal advice. Requests have been received from every Department and from several of the Boards and Committees. The Civil Division has received 243 legal action requests as of 7/24/23, which is nearly identical to the 248 requests received by the same date last year.

- Single Bed Certifications from Peninsula Behavioral Health and West End Outreach Services have been significantly reduced due to the local hospital's refusal to issue single bed certs until recently. However, ITA hearings have sharply increased in the past two months causing corresponding increases in 14 day ITA trials, in addition to at least one 90 day ITA trial(s) 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.
- Land use related disputes and litigation in the form of LUPA actions have sharply increased. Legal analysis, advice and litigation requests from DCD have greatly increased since the start of the current DCD Director's term in office. This increase is due largely to the fact that the current DCD administration is now seeking legal representation in these matters where the prior DCD director purposefully avoided legal advice and representation.
- Complex litigation is also generally on the rise. The civil division is involved in five appeals to the Board of Tax Appeals currently with the County Assessor as our departmental client.
- 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
- Civil Division Legal Assistant continues to make 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.

Trends - Support Staff Division

- The incorporation of *Legal Files* has created additional work for Legal Assistants – including loading all new referrals into *Legal Files*, actively managing electronic case files throughout the course of the case, creating and updating hearings on the electronic calendar, and closing the file. Even cases that are declined require case management work in *Legal Files*.
- There has been an increase in firearms restoration cases (15 in 2023), which require Legal Assistant work.
- The Civil Division Legal Assistant devotes time to locating and destroying case files (1127 in 2023) from the Civil and Criminal Divisions that are beyond retention.

Events (first six months of 2023) - Support Staff Division

- The Clallam County Sheriff's Office, Port Angeles Police Department, and Sequim Police Department are in the process of implementing body worn cameras, which will greatly increase the amount of discovery submitted to our office.

- Between January and June 2023, Legal Assistants have processed 1,159 referrals. Of the new referrals, 639 have been charged. In 2022, legal assistants processed 2,440 referrals and 1598 cases were charged.
- Additional Legal Assistant support work has been required on Blake cases (163 through July) and juvenile resentencings (2), which are not tallied as new referrals or new cases charged.

Goals

Goals - Criminal Division

- Conduct timely review of all criminal referrals made to the Prosecuting Attorney's Office by law enforcement.
- Continue to gain proficiency in the use of Legal Files, which is our new electronic case management system.
- Update processes and procedures for monitoring and reporting statistics using Legal Files.
- 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 Prosecuting Attorney's Office trainings afforded to all branches of tribal, federal, state and local law enforcement, as well as fire departments, 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 Prosecuting Attorney's Office.
- Maximize trauma 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 down 30% of its attorney resource. There are three open unfilled deputy prosecuting attorney positions, two of which have been vacant for over a year.
- 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".
- The increase in violent crime has had a disproportionate impact on attorneys and staff workload within the office's Criminal Division.
- The lack of childcare resources within the community has emerged as a significant challenge for one or more employees of the office.

Goals - Civil Division

- Provide quality advice to the county and county departments on diverse legal issues that arise in all county departments.
- 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 significant increase in land use related disputes, and issues present many extremely complicated legal questions which require an inordinate amount of attorney time in research, writing, and litigation representation.
- The lack of childcare resources within the community has emerged as a significant challenge for one or more employees of the office.
- Employee retention has been a challenge with the recent loss of two civil attorneys and an ongoing challenge in finding qualified attorneys to fill the currently vacant position.

Goals - Support Staff Division

- Fill the open Legal Assistant position in the District Division.

Challenges - Support Staff Division

- The implementation of body worn cameras will increase the discovery submitted to our office, which will create extra work for the legal assistants. The video footage will need to be documented, stored, and duplicated for defense. Additionally, we will need to acquire and learn a new software program (Evidence.com) in order to efficiently store and access electronic discovery such as body worn camera videos.
- We anticipate more discovery to be received from law enforcement electronically (in addition to body worn camera videos) – including reports. This will also create additional work in the near term, as we will similarly need to document receipt of the discovery, store it in the appropriate location, and print or download to provide to the defense.
- Cases with significant discovery require an inordinate amount of legal assistant time. Documents need to be bates stamped (numbered), copied for defense, and uploaded electronically for attorney access. Media needs to be uploaded for attorney access, copied and labelled appropriately for defense.

- The District Division is expected to receive an influx of new referrals for drug possession as a result of the “Blake fix” legislation.
- The lack of childcare resources within the community has emerged as a significant challenge for one or more employees of the office.

Workload Indicators

	2021 Actual	2022 Actual	6/30/23 Actual
Criminal Division:			
Felonies Filed	363	401	159
Felony Hearings	4635	4279	1354
Felony Trials (Bench & Jury)	17	29	8
Juvenile Offenses Filed	60	102	46
Juvenile Offenses Referred	122	227	134
Juvenile Hearings	913	906	500
Juvenile Truancy Hearings	69	142	184
Juvenile Drug Court Hearings	270	204	162
District Court Crimes Filed	1191	867	393
District Court Prefile Diversion	8	12	23
District Court Prefile Diversion Completions	3	5	10
Civil Division:			
Public Record Requests	66	119	57
Legal Action Requests - Excluding Public Works	400	412	187
Legal Action Requests - Public Works	28	28	10
Forfeitures	3	4	1

Grant Funding Sources

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

Revenues

	2021 Actual	2022 Actual	6/30/23 Actual	2024 Budget
Taxes	0	0	0	0
Licenses and Permits	0	0	0	0
Intergovernmental Revenues	99,837	100,711	50,792	114,131
Charges for Goods and Services	146,884	177,120	88,846	178,125
Fines and Forfeits	666	1,579	1,000	1,200
Miscellaneous Revenues	8,783	2,704	360	3,200
Other Financing Sources	0	0	0	0
Transfers In	0	0	0	0
General Tax Support	2,459,084	2,581,404	1,265,008	3,123,567
Total	2,715,254	2,863,519	1,406,006	3,420,223

Expenditures

	2021 Actual	2022 Actual	6/30/23 Actual	2024 Budget
Salaries and Wages	1,829,526	1,936,756	942,423	2,328,193
Personnel Benefits	703,749	731,566	360,128	850,429
Supplies	22,616	20,050	10,776	13,150
Other Services and Charges	159,363	175,147	84,887	228,451
Intergovernmental Services	0	0	0	0
Capital Outlays	0	0	7,792	0
Interfund Payments for Services	0	0	0	0
Transfers Out	0	0	0	0
Total	2,715,254	2,863,519	1,406,006	3,420,223

Staffing

	2021 Budget	2022 Budget	2023 Budget	2024 Budget
Full Time Equivalents	24.10	24.10	24.10	23.10