



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

- There has been an unprecedented increase in homicidal violence over the last 18 months.
- There has been a steady increase in felony violent crimes over the last 18 months.
- Domestic violence crimes appear to be on the rise in 2020.
- Driving under the influence crimes appear to be on the rise in 2020.
- There has been an increase in capacity evaluations over the last several years.
- There has been an increase in insanity evaluations over the last several years.
- There has been a general increase in the display of decompensating behaviors by criminal defendants indicative of underlying mental health disorders over the last several years.
- Trauma informed prosecutions have become the norm.
- There has been an increase in the number of child forensic interviews.
- Jurors have come to demand more forensic evidence in criminal trials as a result of the CSI effect.
- Outside agencies are transitioning away from paper practice and desiring to submit information electronically.
- There is more training occurring between prosecutors and law enforcement.

Events (first six months of 2020) - Criminal Division

- Filed 213 felony cases (note that each case can and often does include multiple counts).
- Filed 634 district/municipal court cases (note that each case can and often does include multiple counts).
- Filed 48 juvenile court cases (note that each case can and often does include multiple counts).

- Provided eight 24/7 responses to suspected homicide/suspicious death scenes to provide real time legal support to law enforcement.
- Provided 90 24/7 responses to calls from law enforcement for legal support.
- Observed 36 forensic interviews of child survivors of sexual assault and abuse.
- Presented 12 trainings to local law enforcement or community groups on topics including, but not limited to: search warrants practices, human trafficking and child forensic interviewing.
- Participated in numerous trainings addressing topics including, but not limited to: human trafficking, trial strategy, opening and closing statements, homicide training, DUI investigation and prosecution, DNA analysis, prosecutorial ethics, attorney ethics, child forensic interviewing, WAPA criminal track, COVID related victim services, jury trials during COVID-19, strategies to remediate criminal case backlog during COVID-19, white collar crimes, financial crimes, social media and criminal law, hate crimes, domestic violence sentencing, juror communication, homicide litigation and technology in the courtroom.
- Participated in eight Multidisciplinary Team (MDT) meetings.
- Participated in two Peer Reviews for Child Forensic Interviewing.
- Participated in two quarterly Services Training Officers Prosecutors (STOP) Grant Meetings.
- Participated in one Sexual Assault Protocol (SAP) Meeting.
- Participated in 18 Olympic Peninsula Narcotics Enforcement Team (OPNET) weekly meetings.
- Filed six RALJ appeals from District Court to Superior Court.
- Filed eight briefs before the Washington State Court of Appeals.
- Filed 3 briefs before the Washington State Supreme Court.
- Argued one case before the Washington State Supreme Court.
- Provided 25 hours of criminal law instruction (following 10 hours of preparation time) during evenings and weekends for the local law enforcement reserve academy.
- Published quarterly updates reflecting the work of the office's criminal division to the Prosecuting Attorney's Office website.
- Administered written annual performance evaluations.
- Destroyed 67 banker boxes worth of records that were eligible for destruction under applicable archive retention schedules.

Trends - Civil Division

- There has been an increase in requests for legal advice from county offices and departments.
- There has been a significant increase 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.

Events (first six months of 2020) - Civil Division

- Responded to 281 requests for legal advice. Requests have been received from every Department and from several of the Boards and Committees
- Processed 38 Single Bed Certifications from Peninsula Behavioral Health and West End Outreach Services, Filed 5 ITA Petitions with the Superior Court, Provided legal representation at one 14-day involuntary commitment hearings

- Handled 34 Single Bed Certifications from Peninsula Behavioral Health and West end Outreach Services, Filed 5 ITA Petitions with the Superior Court, Provided legal representation at one 14-day involuntary commitment hearings.
- Other litigation – Handled ongoing Code Enforcement matters in District Court and major litigation before the Pollution Control Hearings Board
- Participated in 2 Policy workgroup sessions – Policy Workgroup has been on hold during COVID and only met in January and February. We are scheduled to start meeting again on August 14.
- Presented trainings to Board and Committees addressing topics including, but not limited to Open Public Meetings Act and Public Records Act. Presented at 15 Boards and Committees meetings in 2019.
- Attended weekly Public Records Reviews with the whole public records team and conducted monthly evaluations of responses for each public records staff member.
- Attended weekly Clallam County Board of County Commissioner Work Sessions and Regular Meetings (26 of each)
- Attended 10 Charter Review Commission Meetings.

Goals

Goals - Criminal Division

- Conduct timely review all criminal referrals made to the Prosecuting Attorney's Office by law enforcement.
- Convince the county to fund a mental health court in Clallam County.
- Train all staff to 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 pandemic.
- 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 unprecedented increase in 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.

- Several employees within the Criminal Division will be taking statutorily authorized leave in the months to come, thereby increasing the magnitude and severity of the present resource challenge.
- The Criminal Division has been operating with two open unfilled positions (one deputy prosecuting attorney and one senior support staff position) for months, further increasing the magnitude and severity of the present resource challenge.
- Remediating the backlog of criminal referrals that have accumulated due to COVID-19.
- One or more employees of the Prosecuting Attorney's Office have put us on notice that they are considering whether they can continue to work full time moving forward based on childcare and other considerations that have arisen as a result of the pandemic. A resignation or even request to work on a part time versus full time basis by any employee of the PAO at this juncture will have the effect of converting the present resource challenge into resource crises that will severely and negatively impact the provision of criminal justice services to communities across the county.
- Lack of childcare resources within the community has emerged as a significant challenge for employees of the Prosecuting Attorney's Office.
- Employee retention has been a challenge (several employees have left over the last few years for higher paying jobs with other public sector employers).
- 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.
- 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).

Workload Indicators

	2018 Actual	2019 Actual	6/30/20 Actual
Criminal Division:			
Felonies Filed	548	553	213
Felony Hearings	5642	6077	2202
Felony Trials (Bench & Jury)	34	25	12
Juvenile Offenses Filed	138	134	48
Juvenile Offenses Referred	252	295	99
Juvenile Hearings	1,392	1,241	563
Juvenile Truancy Hearings	692	715	89
Juvenile Drug Court Hearings	447	414	173
District Court Crimes Filed and Citations	2050	1854	634
District Court Profile Diversion Returns/Declines	72	147	193
District Court Profile Diversion Completions	63	26	14
Civil Division:			
Public Record Requests	83	99	43
Legal Action Requests - Excluding Public Works	309	414	259
Legal Action Requests - Public Works	48	62	22
Forfeitures	1	2	0

Grant Funding Sources

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

Revenues

	2018 Actual	2019 Actual	6/30/20 Actual	2021 Budget
Taxes	0	0	0	0
Licenses and Permits	0	0	0	0
Intergovernmental Revenues	85,157	120,889	47,746	102,084
Charges for Goods and Services	148,234	140,811	97,265	142,125
Fines and Forfeits	7,716	10,627	15	10,200
Miscellaneous Revenues	675	2,169	0	3,200
Other Financing Sources	0	0	0	0
Transfers In	0	0	0	0
General Tax Support	2,237,021	2,366,762	1,277,744	2,891,339
Total	2,478,803	2,641,258	1,422,770	3,148,948

Expenditures

	2018 Actual	2019 Actual	6/30/20 Actual	2021 Budget
Salaries and Wages	1,710,704	1,781,094	958,888	2,053,590
Personnel Benefits	613,351	706,326	376,366	812,556

Supplies	56,684	12,313	50,021	18,900
Other Services and Charges	83,984	96,417	37,495	263,902
Intergovernmental Services	0	0	0	0
Capital Outlays	14,080	45,108	0	0
Interfund Payments for Services	0	0	0	0
Transfers Out	0	0	0	0
Total	2,478,803	2,641,258	1,422,770	3,148,948

Staffing

	2018 Budget	2019 Budget	2020 Budget	2021 Budget
Full Time Equivalents	24.58	24.10	24.10	24.10