



## Prosecuting Attorney - Operations 00100.841.

### Mission Statement

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Seek the just result.

### Function

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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

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#### Trends - Criminal Division

- There has been a recent increase in homicidal violence over the last 18 months.
- There has been a steady increase in felony violent crimes in the last five years.
- Domestic violence crimes appear to be on the rise.
- Driving under the influence crimes appear to be on the rise.
- 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 182 felony cases (note that each case can and often does include multiple counts).
- Filed 629 district/municipal court cases (note that each case can and often does include multiple counts).
- Filed 31 juvenile court cases (note that each case can and often does include multiple counts).

- A significant volume of work for the Criminal Division has resulted from the decision in State v. Blake, including quashing bench warrants, dismissing cases, resentencing cases, and vacating conviction. Such cases continue to be received.
- Provided at least four 24/7 responses to suspected homicide/suspicious death scenes to provide real time legal support to law enforcement.
- Provided at least 92 24/7 responses to calls from law enforcement for legal support.
- Observed at least 46 forensic interviews of child survivors of sexual assault and abuse.
- Presented at least 10 trainings to local law enforcement or community groups on topics including, but not limited to: search warrants practices, open view vs. plain view, updated legislation and child forensic interviewing.
- Presented at least two trainings through the Washington Association of Prosecuting Attorneys - Tommy Ross homicide case study and guidance for Victim Witness Coordinators and Advocates for Cases on Appeal.
- Participated in numerous trainings addressing topics including, but not limited to: firearm forfeiture, dui prosecution, impact of childhood trauma, investigating and prosecuting non-fatal strangulation cases, addressing post-pandemic backlogs, understanding systemic racism in the law, sex trafficking, and investigating and prosecuting medical abuse.
- Participated in eight Multidisciplinary Team (MDT) meetings (multiple PAO members).
- Participated in two Peer Reviews for Child Forensic Interviewing (multiple PAO members).
- Participated in two quarterly Services Training Officers Prosecutors (STOP) Grant Meetings (multiple PAO members).
- Participated in 18 Olympic Peninsula Narcotics Enforcement Team (OPNET) meetings.
- Filed at least one RALJ appeals from District Court to Superior Court.
- Filed six briefs before the Washington State Court of Appeals.
- Argued one case before the Washington State Court of Appeals.
- Published updates reflecting the work of the office's criminal division to the Prosecuting Attorney's Office website.
- Administered written annual performance evaluations.
- Destroyed greater than 100 case files 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 2021) - Civil Division

- David Alvarez retired which resulted in a Civil attorney vacancy for four months.
- 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.

- Responded to 264 requests for legal advice. Requests have been received from every Department and from several of the Boards and Committees
- Processed 70 Single Bed Certifications from Peninsula Behavioral Health and West End Outreach Services and provided legal representation in eight ITA Petition hearings in Superior Court.
- Other litigation - Handled ongoing Code Enforcement matters in District Court and major litigation before the Pollution Control 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. Held a Zoom training for all County Boards and Committees that was attended by over 50 people.
- Attended 25 weekly Public Records Reviews with the whole public records team and conducted at least 10 evaluations of responses for public records staff member.
- Attended 45 Clallam County Board of County Commissioner Work Sessions and Regular Meetings

## Goals

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### 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.
- Re-evaluate compensation for all positions to ensure the office remains competitive in the labor market.
- 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 recent 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.
- The Criminal Division has been operating with one 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.
- 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.
- 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

	2019 Actual	2020 Actual	6/30/21 Actual
<b>Criminal Division:</b>			
Felonies Filed	553	445	182
Felony Hearings	6077	5184	2403
Felony Trials (Bench & Jury)	25	26	7
Juvenile Offenses Filed	134	100	31
Juvenile Offenses Referred	295	98	31
Juvenile Hearings	1,241	1,241	494
Juvenile Truancy Hearings	715	103	31
Juvenile Drug Court Hearings	414	361	189
District Court Crimes Filed and Citations	1854	1135	629
District Court Profile Diversion Returns/Declines	147		
District Court Profile Diversion Completions	26		
<b>Civil Division:</b>			
Public Record Requests	99	93	31
Legal Action Requests - Excluding Public Works	414	558	245
Legal Action Requests - Public Works	62	50	19
Forfeitures	2	3	3

## Grant Funding Sources

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

## Revenues

	2019 Actual	2020 Actual	6/30/21 Actual	2022 Budget
Taxes	0	0	0	0
Licenses and Permits	0	0	0	0
Intergovernmental Revenues	120,889	97,665	49,919	100,710
Charges for Goods and Services	140,811	166,366	34,890	142,125
Fines and Forfeits	10,627	115	100	1,200
Miscellaneous Revenues	2,169	9,378	7,825	3,200
Other Financing Sources	0	0	0	0
Transfers In	0	0	0	0
General Tax Support	2,366,762	2,488,558	1,223,787	2,838,796
Total	2,641,258	2,762,082	1,316,521	3,086,031

## Expenditures

	2019 Actual	2020 Actual	6/30/21 Actual	2022 Budget
Salaries and Wages	1,781,094	1,869,754	868,995	2,128,583
Personnel Benefits	706,326	734,146	342,127	793,047

Supplies	12,313	59,803	4,444	33,199
Other Services and Charges	96,417	98,379	100,956	131,202
Intergovernmental Services	0	0	0	0
Capital Outlays	45,108	0	0	0
Interfund Payments for Services	0	0	0	0
Transfers Out	0	0	0	0
Total	2,641,258	2,762,082	1,316,521	3,086,031

## Staffing

	2019 Budget	2020 Budget	2021 Budget	2022 Budget
Full Time Equivalents	24.10	24.10	24.10	24.10