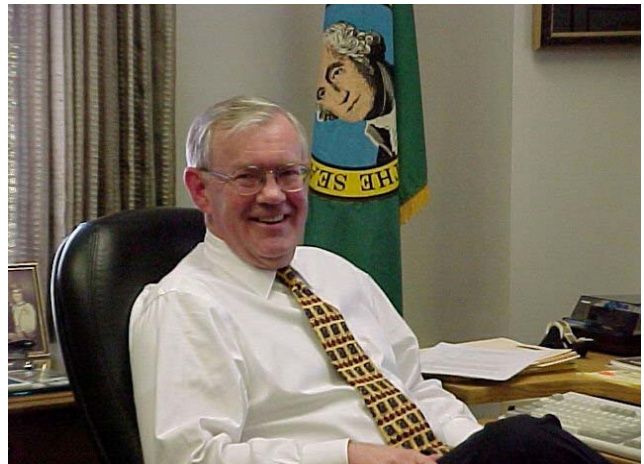


Message from Norm Maleng...

I am pleased to present the 2002 Annual Report of the King County Prosecuting Attorney's Office.

I am proud of the men and women of our office who have diligently served the citizens of King County. Our mission is to be the finest public law office in the nation, dedicated to justice, fairness, and the highest quality of legal practice. Our goal is not just to win cases but to do justice. To this end, we continuously look for opportunities to improve the criminal justice system in ways that are effective, innovative, fair, and efficient.

For example, our office played a major role in getting legislation passed that reformed our drug sentencing laws. The legislation reduces sentences for certain drug crimes, captures the resulting savings, and invests those savings into drug treatment. This legislation is a clear example of what kinds of changes the criminal justice system can accomplish if we are innovative.



I am proud of the work our office has accomplished this past year, and as we look toward the future, I am certain that we will continue to be innovative leaders and meet the challenges that 2003 presents.

To learn more about our remarkable office, please be sure to check our website at www.metrokc.gov/proatty. Our website provides links to information regarding community and crime victim services, recent press releases, and special programs.

Sincerely,

Norm Maleng
King County Prosecuting Attorney

Criminal Division

The Criminal Division represents the state and the county in criminal matters in the King County District and Superior Courts, the state and federal courts of appeal, and the Washington and U.S. Supreme Courts. With 159 attorneys, the Criminal Division is the largest of the four divisions in the King County Prosecutor's Office and is organized in several different units.

Trial Teams

The deputies in this unit prosecute felony cases, which are drug, nor special assault cases (i.e., theft, robbery, assault, and homicide).

Most Dangerous Offender Project

The Most Dangerous Offender Project (MDOP) is comprised of seven deputies who are available seven days a week, 24 hours a day, to respond to every homicide scene in King County. The responding deputy works as part of an investigation team, which includes the detectives, the medical examiner, and forensic scientists. The deputy responding to the homicide scene assumes immediate responsibility for the prosecution-- preparing search warrants, coordinating the efforts of law enforcement and forensic scientists, and offering legal advice to investigators. This deputy's responsibility includes the charging decision and extends to all subsequent legal proceedings from arraignment through trial to sentencing.

Filing Unit

This unit screens for prosecution all adult felony referrals except domestic violence, special assault, and drug crimes. When referrals are legally sufficient, this unit drafts and files all the necessary charging documents. This unit also handles preliminary appearance calendars, arraignments, bond hearings, proceedings relating to competency of defendants, the early plea project, sentence violation calendars, and the case-scheduling calendar. Further, this unit consults regularly with law enforcement agencies and individual officers to provide training and general advice.

Early Plea Unit

The deputies working in the Early Plea Unit (EPU) conduct plea negotiations with defense counsel and attempt to resolve mainstream and drug cases before a trial date is set.

Special Assault Unit

The King County Prosecutor's Office prides itself for creating one of the first specialized units in the country to deal exclusively with cases involving the sexual and physical abuse of children, as well as sexual offenses against adults. Specially trained prosecutors, who are uniquely qualified to deal with the complex and sensitive nature of these cases, staff the Special Assault Unit at both the downtown courthouse and the Regional Justice Center.

Highly skilled forensic interviewers are available at both sites to assist law enforcement with interviewing children. The interview specialists, each having received their Masters in Social Work, employ research-based interview techniques designed to achieve accuracy and objectivity.

Since its creation, the King County Prosecutor's Office Special Assault Unit has worked collaboratively, with law enforcement, Child Protective Services and local advocacy groups. In 2000, the King County Special Assault Network Protocol, which provides guidance and structure for investigators of sexual assault, became the model for State mandated protocols.

Sexually Violent Predator Unit

The Sexually Violent Predator Unit prosecutes civil commitments under RCW 71.09. In addition to handling initial commitment trials, the unit handles all appeals, annual reviews and conditional release trials associated with the commitment. The unit has developed a national reputation in the civil commitment of sexually violent predators and has been in the forefront in defending such commitment laws against constitutional challenge.

Domestic Violence Unit

In the 1990's, the number of domestic violence felony cases in King County doubled from approximately 740 in 1994 to over 1500 in 1999. In response to this alarming trend, the King County Prosecutors office created the Domestic Violence Unit in early 2000. The Domestic Violence Unit is responsible for handling all felony domestic violence cases, and all misdemeanor domestic violence cases in King County. In addition, the Protection order Program provides services to victims of domestic violence who are seeking a civil protection order. Furthermore, the Domestic Violence Unit was a founding partner in the newly created domestic violence courts in District Court, and the specialized domestic violence case management system in Superior Court.

Special Drug Unit

A Special Drug Unit (SDU) was formed in 1986 to concentrate on swifter charging and tougher sentencing of drug dealers. This unit focuses exclusively on the prosecution of drug crimes. The Special Drug Unit works closely with narcotics detectives and other law enforcement officers in developing strategies that target major drug distributors and manufacturers, marijuana grow farms, and street dealers. The success of this unit prompted the creation of two specialized drug prosecution projects:

- *Drug Case Development*

The collaborative effort between police and prosecutors evolved into the Drug Case Development Section. This section provides legal advice and assistance to four law enforcement agencies: Seattle Police Department, King County Police, South King County Task Force and Eastside Task Force.

- *Drug Court*

In 1994, the office, along with Superior Court, created an alternative to traditional prosecution for drug possession crimes. Defendants are offered an opportunity to enter a court-monitored drug treatment program. If they successfully complete the one-year program, the charges are dismissed. If they fail the program, they are returned to the court for a stipulated trial and sentencing.

Appellate Unit

The Appellate Unit represents the Criminal Division in all appeals and Personal Restraint Petitions (PRP) filed in the Court of Appeals and the Washington Supreme Court. The deputies on the Appellate Unit also serve as a resource for other deputies in the office when complex legal issues arise.

District Court Unit

The District Court Unit is responsible for screening and prosecuting all DUI's and other misdemeanor traffic cases occurring on state highways, as well as all other misdemeanors arising in unincorporated King County. The unit staffs ten separate district courts. It also handles appeals to the Superior Court from convictions in District Court.

Juvenile Unit

The Juvenile Unit is responsible for the prosecution of all juvenile offenders in King County. Eighteen deputy prosecutors, two legal interns and a support staff of twenty-three, including victim advocates, are responsible for case processing and the prosecution of all felonies and misdemeanors committed by persons under the age of eighteen. The office of the Juvenile Unit is located on the Fifth floor of the King County Department of Youth Services Complex in Seattle. Deputy prosecuting attorneys handle a high volume of cases, including violent crimes and sexual assaults. Juvenile Unit deputies also participate in Options, Choices, Consequences program and train community members who participate on diversion committees.

Records and Information Section

The Records & Information Section is responsible for maintaining Criminal Division files and records. Records Section Legal Specialists have the responsibility of assisting deputy prosecuting attorneys on court calendars,(providing information to all parties, preparing files and documents). Section personnel dispense information to the public and other agencies within the criminal justice system.

Civil Division

The civil division is the county's in-house law firm. It serves as legal counsel to the Metropolitan King County Council, the County Executive and all Executive departments, the Sheriff, the Superior and District Courts, the County Assessor, certain independent boards and commissions, and some school districts. The division litigates cases on behalf and in defense of the county, provides legal advice and counsel to hundreds of county clients, and issues formal written opinions as needed.

Civil Division deputies deal with a wide range of subject areas arising from the county's various departments, including Transportation, Natural Resources, Parks and Recreation, and Public Health, to name a few.

Attorneys work closely with clients to address complex issues such as land use planning and growth management, laws against discrimination, taxation, grant administration, construction of all sorts of public works, condemnation, purchasing and procurement, leasing, employment and labor legal matters, public disclosure issues, and tort law. To meet these demands for legal services in these and other diverse subject areas, individual deputy prosecuting attorneys develop areas of specialization and particular expertise.

The Division supports its clients from the early stage of the decision-making process. By becoming involved in this process of governance at an early phase, legal issues can be anticipated and addressed as the client's course of action is developed. The Division is committed to continuing the performance of this critically important, forward-looking function.

Handling the county's litigation, whether as a plaintiff or defendant, has evolved into a dominant part of the Civil Division's professional activities. While most of the litigation occurs in King County Superior Court, Civil Division deputies are also active in litigation elsewhere in the state, federal courts, and courts of appeal. Additionally, Civil deputies appear regularly before county, state, and federal administrative bodies.

Contracts, Procurement and Court Services Section

This section is responsible for handling complex and demanding legal issues relating to the procurement of goods and services and the construction of county capital improvement projects. It also handles the legal needs of the King County Superior and District Courts and the Department of Judicial Administration.

County Services and Finance Section

This section provides legal counsel to a diverse and interesting array of Executive Departments and independently elected officials. County Services advises the Departments of Public Health, Adult and Juvenile Detention, Community and Human Services, and Finance. County Services also represents the Sheriff's Office, Assessor's Office, Office of Civil Rights Enforcement, Budget Office, Personnel Board and the Harborview Medical Center Board of Trustees. In addition to providing client advice on matters such as contracting and public disclosure, this section is frequently involved in litigation ranging from administrative hearings to practice before the Washington State Supreme Court.

Labor and Employment Section

This section provides legal representation to King County in all facets of labor and employment law. Deputies in this section litigate cases in both federal and state court and represent King County at administrative hearings and arbitrations. This section also provides legal advice to Executive Branch Departments, the Metropolitan King County Council, King County Superior Court, King County Sheriff's Office, and King County District Court regarding all aspects of employment law, including discrimination, wage and hour compliance, discipline, industrial insurance, policy development and review, contingent work force issues, and other personnel matters. With an emphasis on preventative personnel measures, this section provides training to King County managers and supervisors, including an annual seminar on emerging trends in labor and employment law.

Land Use Section

This section represents both Council and Executive clients with respect to land use matters. Deputies in this section represent the County in a broad array of land use litigation, ranging from defending challenges to County Comprehensive Plan provisions and permit decisions to initiating code enforcement proceedings to enforce the County's zoning code. This section also advises Council and Executive clients regarding land use matters, including issues related to proposed new land use legislation, issues related to permit processing, and issues related to zoning code interpretation. Additionally, the land use section represents the King County International Airport. This section also advises County clients on compliance with the State Environmental Policy Act and the federal Endangered Species Act. Primary clients of the land use section include the County Council, the Office of the Zoning and Subdivision Examiner, the Department of Development and Environmental Services, and the King County International Airport.

Natural Resources and Endangered Species Act Section:

This section advises and represents the Department of Natural Resources, which includes the Wastewater Treatment Division, the Water and Land Resources Division and the Solid Waste Division. This section advises the county on complex matters such as the siting of the County's third regional wastewater treatment plant, the development of a

Habitat Conservation Plan under the ESA, the cleanup of the Lower Duwamish River, the development of alternative energy sources, and the redevelopment of contaminated lands. This section also represents and defends the county in litigation.

Tort Section

The hallmark of this section is litigation. This ten lawyer section, comprised exclusively of experienced senior deputies, defends the county against most personal injury and property damage claims or suits, as well as litigating for the county in cases where money damages are sought under constitutional torts. The section specifically advises and represents the county's Risk Management Division. As the litigation specialists in the Civil Division, deputies in the Tort Section also consult with and assist their colleagues throughout the division on litigation questions and issues.

Since its inception, the Tort Section has also advised county leaders on liability issues and insurance matters. Tort attorneys regularly provide training at the police academy, and to various county departments. Lawyers in this section also draft ordinances and review various county standard operating procedures, road standards, driving policies and numerous police policies and procedures.

Transportation and Administrative Services Section

This section engages in a wide-ranging municipal law practice. The responsibilities of this varied unit include advising clients on constitutional, statutory and regulatory issues, drafting and negotiating contracts, drafting ordinances, advising county boards, and participating in all facets of litigation including arbitration, mediation, administrative hearings, and trials and appeals in state and federal court.

The section represents and advises numerous county clients including: 1) the King County Transportation Department, which consists of the Transit Division and Roads Services Division; 2) the Department of Information and Administrative Services and several of its divisions, including Information Technology Services, Emergency Management, Telecommunications, and the County Recorder's Office; 3) the Office of Cultural Resources; 4) the Ombudsman's Office; 5) the Parks Department; 6) the Property Services Division of the Department of Construction and Facilities Management; 7) real estate activities within the Water and Land Resources Division of the Department of Natural Resources; and 8) the Office of Regional Policy and Planning.

Attorneys and support staff in this section are involved in diverse and technical practice areas that support their clients' varied activities, including procurement of software and technology systems, the implementation of telecommunications and cable agreements, the provision of efficient local and regional public transportation, the construction and maintenance of roads, the development and operation of the county's park and open space land, real estate transactions and intergovernmental agreements.

Fraud Division

The Fraud Division is a special prosecutions unit whose primary mission is to investigate and prosecute criminal cases using specialized lawyer and investigator skills, many of them not normally employed in criminal investigations and prosecutions. The Division employs eight attorneys, an investigator, a financial investigator, and two paralegals.

The Fraud Division develops its own criminal prosecutions in several areas:

- sophisticated, organized criminal activity (theft, fencing, drugs, vice)
- corruption and abuse of office
- complex economic crimes, including:
 - large dollar employee thefts, insurance frauds, and other major thefts
 - investment frauds
 - aggravated consumer frauds
- large dollar thefts from the elderly and disabled
- large dollar thefts by attorneys, guardians, and executors
- significant frauds against government
- significant or novel computer crimes
- environmental crimes

The Fraud Division has investigated and prosecuted all the criminal profiteering cases brought in King County. It often undertakes exemplary prosecutions to send a message that particular kinds of conduct are criminal.

In addition, Fraud Division attorneys and investigators regularly assist police, other agencies, other prosecutors' offices, and the Criminal Division in criminal investigations.

The Division has special expertise in several areas:

- search and seizure law
- Special Inquiry Judge proceedings
- financial investigation and analysis
- electronic surveillance law and techniques
- computer searches and crimes
- dealing with civilian police agents, informants, and turned witnesses or defendants
- financial crimes against the elderly and disabled

Family Support Division

The Family Support Division is a partner with the State Department of Social and Health Services Division of the Child Support Enforcement Program. Family Support handles proceedings in Superior Court for the establishment of paternity and child support orders, enforcement and modification of child support orders, and appears in dissolution cases in which the state has a financial interest. The prosecutor files cases in court on behalf of the State of Washington and represents the best interests of the children throughout the case.

Interstate paternity and enforcement cases under the Uniform Interstate Family Support Act are also part of this division's caseload. Collections in child support cases are a major source of income for many families and help them to avoid the need for public assistance.

The Family Support Division also has a branch office in Kent, Washington that serves all of the same functions at the Regional Justice Center.

Finally, the division also represents the state in involuntary mental commitment cases and handles criminal welfare fraud and custodial interference cases.

Paternity Cases

About one-third of births in the state are to parents who are not married. In those cases, paternity must be established in court unless the parents have voluntarily signed an acknowledgment of parentage. In addition to determining paternity, the court must enter an order for current and back support and approve a parenting plan for the child.

Contempt of Court Cases

Most child support is collected through wage withholding and other administrative proceedings handled by DCS. When those remedies are not effective, DCS can refer the case to the prosecutor to file contempt proceedings in court. The court can use, or threaten to use, various means to coerce the responsible parent into complying with his or her child support obligation.

Modification Cases

Over time, child support obligations require changes to accommodate different circumstances from when they were originally set. The prosecutor files modification petitions when child support orders differ from state guidelines by at least 25%, or when other substantial changes in circumstances have occurred.

Dissolution Appearances

In a dissolution of marriage case in which there are children of the marriage and public assistance has been or is being paid on behalf of the children, the state must be given notice of the divorce proceedings. The prosecutor will become involved in the case to make sure that any money owed to the state for back child support is preserved by judgment, and the prosecutor will advise the court regarding any other issues that may affect the validity and fairness of the proposed dissolution decree.

Involuntary Mental Commitment Cases

Those people who present a substantial risk of harm to themselves or others due to a mental disease may be committed involuntarily for mental illness treatment. Two deputy prosecutors in the Family Support Division represent the state in mental commitment proceedings at Harborview Hospital.

Victim Assistance

Mission Statement

For many years victims and witnesses of crimes have been neglected and mistreated by the criminal justice system. When the victim's movement was founded over twenty years ago, the idea of legal rights for victims of crime was a distant ring of hope for those who had suffered the trauma of victimization.

In 1975, the King County Prosecutor's Office was a front-runner in responding to victims of violent crime by giving a helping hand and addressing the special needs of these victims. Our mission today is to alleviate the trauma and the frequently devastating effects of crime on the lives of victims and their families.

We believe victims deserve a safe place where they will be respected, listened to, and supported. The Victim Assistance Unit of the King County Prosecutor's Office furnishes needed information, advocacy, and the opportunity to participate more effectively within the criminal justice system.

Victim Notification

The King County Prosecutor's Office Victim Assistance Unit automatically notifies victims and survivors of victims when charges are filed, and of trial and sentencing dates. A 1989 constitutional amendment provides for notification of other court proceedings upon request of the victim.

Notification is done with an initial letter that is sent to victims. In addition, a medical and/or property claim form is mailed, along with a Victim Impact Statement form.

Criminal Restitution

It is the right of the victim of a crime to be reimbursed for losses caused directly by the commission of the crime. Restitution is the amount of money ordered by the court to repay the victim or the victim's insurance company for financial losses caused directly by the commission of the crime. If there is a conviction or guilty plea from the defendant (s) or respondent (s), the Victim Assistance Unit works with the victim to insure proper restitution is asked at the sentencing.

Crime Victims Rights

If you are a crime victim, a survivor of a crime victim, or a witness to a crime, the State of Washington provides that reasonable efforts be made to ensure you the following rights:

1. To be informed of the final outcome of the case;
2. To be informed of changes in court dates for which you have been subpoenaed;
3. To receive protection from harm and threats of harm arising from your cooperation with law enforcement and prosecution;
4. To receive witness fees to which you are entitled;
5. To have, whenever practical, a secure waiting area during court proceedings;
6. To have any stolen or other personal property used as evidence returned to you as soon as possible after completion of the case;
7. To have someone intervene with your employer if necessary when you are required to be in court;
8. To have access to immediate medical assistance without unnecessary delay;
9. To be present in court during trial if you are a victim or survivor of a victim, after your testimony has been given and no further testimony is required;
10. To be informed of the date, time and location of the trial and, if requested, of the sentencing hearing in felony cases if you are the victim or survivor of the victim;
11. To present a statement in person or in writing at the sentencing hearing in felony cases if you are the victim or survivor of the victim;
12. To submit a victim impact statement to the court;
13. To have restitution ordered by the court, unless the court finds this inappropriate, in felony cases if you are the victim or survivor of a victim.

Domestic Violence Advocacy

Protection Order Advocacy Programs

The King County Prosecuting Attorney's Office offers three protection order advocacy programs to assist victims of domestic violence through the protection order process. The Programs are located in the Superior Courts of the King County Courthouse in Seattle and at the Regional Justice Center in Kent, as well as at Northeast District Court in Redmond. The advocates provide assistance in filing emergency orders, crisis intervention, information and referrals to social service agencies, education and preparation prior to court hearings and advocacy during and after court hearings.

District Court Advocacy Services

In June of 2000, King County created three specialized Domestic Violence District Courts (Seattle, RJC, Redmond). Our office now files all domestic violence misdemeanor cases into one of the three Domestic Violence Courts. Each Domestic Violence Court office is staffed by specialized prosecutors and court based legal advocates who work as a team. The advocates:

- ◆ Assist victims through the criminal proceedings and keep victims informed of the status of the case.
- ◆ Represent the wishes and best interests of victims throughout the court process.
- ◆ Appear with and support the victim at court hearings
- ◆ Consult and coordinate with the prosecutor on criminal cases.
- ◆ Do safety planning with victims and provide referrals to community agencies.
- ◆ Provide coordination of domestic violence services within their court division.

- ◆ Provide training on domestic violence and the legal process for domestic violence cases.

Felony Advocacy Services

The felony advocates work in the Felony Domestic Violence Unit that is staffed by advocates and special deputies who work as a team. The mission of the team is to ensure offender accountability and to provide support and concern for the safety of all victims of domestic violence. Felony advocates are located at the downtown courthouse in Seattle and at the Regional Justice Center in Kent. The advocate's role includes but is not limited to the following:

- ◆ Initiate and maintain contact with the victim .
- ◆ Do safety planning with the victim and make appropriate referrals to community agencies.
- ◆ Provide education on the legal system and the prosecution process to the victim and keep the victim informed at all stages of the prosecution.

- ◆ Appear with and support the victim at court hearings.
- ◆ Gather and provide to the prosecutor information from the victim's perspective that is critical to the assessment, screening, filing, and prosecution of the case.
- ◆ Represent the wishes and needs of the victim with primary attention on the safety of the victim.
- ◆ Coordinate with all members of the domestic violence team (law enforcement, prosecutors, treatment agencies, court staff, etc.)

Juvenile Court Unit

The advocates at Juvenile Court work as a team with the deputy prosecutor during the prosecution process from screening to disposition of the case. Their common goal is the safety of the victim and accountability of the juvenile offender.

The primary goal and duty of the advocates is to focus on the safety of the victim. He/she has the responsibility of representing the wishes and best interests of the victim throughout the court process and work to ensure that the victim's rights are not violated.

YEAR-END STATS AND THREE YEAR COMPARISON

<u>TOTAL</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>% Comparison 2002 to 2001</u>
LODI	14,238	14,014	13,998	- 0.1%
Filings	9,815	9,351	8,261	- 11.7%
Declines	2,673	2,508	2,455	- 2.1%
Decline Rate	21.4%	21.1%	22.9%	+ 8.3%
Total Days in Trial	3,720	3,636	3,315	- 17.8%
Total Trials	1,019	1,117	1,070	- 4.2%
Total Trial Rate	10.4%	11.9%	13.0%	+ 8.4%

<u>DRUGS</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>% Comparison 2002 to 2001</u>
LODI	4,831	4,921	4,874	- 1.0%
Filings	3,710	3,304	2,651	- 19.8%
Declines	704	741	566	- 23.6%
Decline Rate	15.9%	18.3%	17.6%	- 4.0%
Total Trials	318	383	328	- 14.4%
Trial Rate	8.6%	11.6%	12.4%	+ 6.7%

<u>DV</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>% Comparison 2002 to 2001</u>
LODI	1,978	1,834	1,835	+ 0.1%
Filings	1,367	1,193	1,211	+ 1.5%
Declines	570	542	681	+ 25.6%
Decline Rate	29.4%	31.2%	36.06%	+ 15.2%
Total Trials	190	197	203	+ 3.0%
Trial Rate	13.9%	16.5%	16.8%	+ 1.5%

<u>MAINSTREAM</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>% Comparison 2002 to 2001</u>
LODI	6,248	6,252	6,235	- 0.3%
Filings	4,237	4,404	3,895	- 11.6%
Declines	924	869	868	- 3.6%
Decline Rate	17.9%	16.5%	17.7%	+ 7.4%
Total Trials	414	425	431	+ 1.4%
Trial Rate	9.8%	9.7%	11.1%	+ 14.7%

<u>SAU (less DV)</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>% Comparison 2002 to 2001</u>
LODI	1,181	1,007	1,054	+ 4.7%
Filings	501	450	504	+ 12.0%
Declines	475	356	370	+ 3.9%
Decline Rate	48.7%	44.2%	42.3%	- 4.2%
Total Trials	97	112	108	- 3.6%
Trial Rate	19.4%	24.9%	21.4%	- 13.9%

<u>JUVENILE</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>% Comparison 2002 to 2001</u>
Referrals	10,614	9,164	8,715	- 4.9%
Filings	5,423	4,561	4,463	- 2.1%