

KING COUNTY PROSECUTING ATTORNEY'S OFFICE



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The Prosecuting Attorney's Office Proviso Response Ordinance 19861

A. BACKGROUND:

This report is in response to Ordinance 19861, which set forth the following:

SECTION 31. PROSECUTING ATTORNEY - From the general fund there is hereby appropriated to:

Prosecuting attorney	\$ 112,018,000
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The maximum number of FTEs for prosecuting attorney shall be:	551.5
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ER 1 EXPENDITURE RESTRICTION:

Of this appropriation, \$85,000 shall be expended or encumbered solely to support 0.5 FTE primarily dedicated to expanding and improving public access to the prosecuting attorney's office data on criminal cases in King County.

P1 PROVIDED THAT:

Of this appropriation, \$50,000 shall not be expended or encumbered until the King County prosecuting attorney transmits a plan for expanding and improving public access to criminal data information on the prosecuting attorney's office data dashboard for juvenile cases. The plan shall include, but not be limited to:

A. A summary of the data available on the prosecuting attorney's office data dashboard for juvenile cases, any improvements that have been made to the juvenile data dashboard since its inception, the limitations of the data available on the juvenile data dashboard, and opportunities for expanding the juvenile data dashboard;

B. Detailed action steps the prosecuting attorney's office plans to take to expand the

available data and improve the juvenile data dashboard with the goal of providing public users with the ability to access and analyze juvenile cases in a manner consistent with the adult felony cases section of the adult data dashboard; and

C. Barriers that the prosecuting attorney's office has identified to expanding public access to the agency's data on criminal cases involving juvenile respondents and improving the juvenile data dashboard.

The prosecuting attorney's office should protect the privacy of individual juvenile respondents while, to the greatest extent possible, preserving the dashboard categories and subcategories used in the adult data dashboard. To protect the privacy of individual juvenile respondents, the prosecuting attorney may combine data subcategories; however, that combining should be done at the lowest subcategory possible.

The prosecuting attorney should electronically file the plan by June 30, 2025, with the clerk of the council, who shall retain an electronic copy and provide an electronic copy to all councilmembers, the council chief of staff, and the lead staff for the law and justice committee or its successor.

P2 PROVIDED FURTHER THAT:

Of this appropriation, \$100,000 shall not be expended or encumbered until the prosecuting attorney transmits a report on sexual assault cases and a motion that should acknowledge receipt of the report, and a motion acknowledging receipt of the report is passed by the council. The motion should reference the subject matter, the proviso's ordinance, ordinance section, and proviso number in both the title and body of the motion.

The report shall include, but not be limited to:

A. Data on sexual assault cases with adult defendants referred to the prosecuting attorney's office from January 1, 2023, to January 1, 2025, including:

1. The number of sexual assault cases referred;
2. Of the cases referred, the number that were charged;

3. Of the cases charged, the number resolved at trial;
4. Of the cases charged, the number resolved through a plea to a lesser charge;
5. Of the cases pleaded to a lesser charge, the most-common lesser charge pleaded;
6. The percentage of sexual assault cases in which the initial charge was never modified;
7. The average wait time from arraignment to trial in sexual assault cases;
8. The number of acquittals after trial for cases charged as sexual assault, and an explanation of how that compares to other types of crime; and

9. Demographic information of victims including race, ethnicity, gender, and age;

B. Data on sexual assault cases with juvenile respondents referred to the prosecuting attorney's office from January 1, 2023, to January 1, 2025, including:

1. The number of sexual assault cases referred;
2. Of the cases referred, the number that were statutorily required to be referred;
3. Of the cases referred, the number that were charged;
4. Of the cases charged, the number resolved at trial;
5. Of the cases charged, the number resolved through a plea to a lesser charge;
6. Of the cases pleaded to a lesser charge, the most-common lesser charge pleaded;
7. The percentage of sexual assault cases in which the initial charge was never modified;
8. Of the cases not statutorily required to be referred, the percentage rate of charging and an explanation of how that compares to other types of crime;
9. The average wait time from arraignment to trial in sexual assault cases;
10. The number of acquittals after trial for cases charged as sexual assault and an explanation of how that compares to other types of crime; and

11. Demographic information of victims including race, ethnicity, gender, and age;

C. For sexual assault cases with juvenile respondents not filed due to insufficient evidence, describe the steps taken to systemically address the gathering of sufficient evidence either internally or

with external partners; and

D. A copy of the written guidance maintained by the prosecuting attorney's office regarding charging standards for juvenile sexual assault cases;

E. Information on the prosecuting attorney's partnership with sex offender treatment providers and the treatment offered to adult defendants, juvenile respondents, and victims, including:

1. A summary of the prosecuting attorney's office work and partnership with sex offender treatment providers;

2. A summary the prosecuting attorney's office work and partnership with community-based organizations serving domestic violence and sexual assault survivors, including how communication and transparency is developed;

3. A description of the treatment that the prosecuting attorney's office most commonly refers sexual offenders to; and

4. The number of adult defendants and the number of juvenile respondents charged with sexual assault from January 1, 2023, to January 1, 2025, who were referred to sexual offender treatment and the completion rate for each; and

F. Information on data collection, resources, and continuous improvement processes related to the prosecuting attorney's office gender-based violence work, including:

1. A summary of findings related to any surveys of victims of sexual assault conducted by the prosecuting attorney's office;

2. A narrative detailing the last time the prosecuting attorney's office reviewed or revised its practices and charging standards for sexual assault cases, including the date of the review or revision and whether the Aequitas standards were reviewed when performing this work;

3. An explanation of how current the prosecuting attorney's data dashboards are and if there are any gaps in the data dashboards that the prosecuting attorney plans to address;

4. A description of how the resources allocated to the gender-based violence division

compares to other divisions of the criminal practice within the prosecuting attorney's office; and

5. A description of the continuous improvement process used, if any, on prosecuting sexual assault cases, including how data is used to identify and address barriers to conviction and the frequency of which the continuous improvement process is applied.

For the purposes of this proviso, "sexual assault cases" include sex offenses as described in chapter 9A.44 RCW. The report requested by this proviso need only include data and information held or reasonably obtained by the prosecuting attorney's office and shall not include any identifying information or other information prohibited from being released by state law.

The prosecuting attorney should electronically file the report and a motion required by this proviso by July 31, 2025, with the clerk of the council, who shall retain an electronic copy and provide an electronic copy to all councilmembers, the council chief of staff, and the lead staff for the law and justice committee or its successor.

PAO RESPONSE TO P1 (DATA DASHBOARD):

The King County Prosecuting Attorney's office (PAO) has, without any dedicated funding, developed one of the first, most comprehensive, and most meaningful prosecutorial dashboards in the country¹, based on the feedback and requests from the PAO program needs, partner agencies, King County Executive's Office and Council, and King County communities and media. Since its launch in 2021, the dashboard has been improved and expanded to meet additional needs and requests. The addition of data on juvenile court cases (launched on March 1, 2024) to the dashboards was one example. The PAO had been working on the rollout of a juvenile dashboard since August 2023. Below are some specific details about the juvenile dashboard:

Currently, the Juvenile Court Section of the PAO's data dashboard contains data from 2019 to present on the number of cases referred to the PAO by law enforcement, filed into juvenile court, diverted, and resolved by other outcome (legally insufficient, juvenile under 12 years old, etc.). This data can be further broken down into four general crime categories: crimes against persons or involving a weapon, misdemeanors, sex offenses, and property, drug and other felonies.

There are also pages dedicated to diversions, sex offenses, and demographics.

- The diversions page explains what diversion programs are and shows the number of cases sent to each of the diversion programs.
- The sex offenses page details the numbers of those cases by the pathways that those cases can take and the unique considerations they involve.
- Finally, there are two pages detailing the demographics of juveniles with cases referred to

¹ <https://kingcounty.gov/en/dept/pao/about-king-county/about-pao/data-reports/dashboard>

the PAO by race², gender, and age. This information is accompanied by a glossary that provides further explanations.

The PAO's data collection and management work, including data dashboard, is primarily limited and constrained by a lack of resources and the sensitivity of juvenile data.³ Despite data requests increasing each year, no meaningful additional resources have been provided to the PAO to improve our capacity for data collection and process redesign, data reporting and analysis, data sharing, and related communication. The PAO uses existing funding for data collection and management work. As such, our capacity for this data work is extremely limited and must be balanced between the *many* different responsibilities necessary to produce quality data and complete the PAO's mission critical tasks. As a result, time available for the PAO to work on the public data dashboard is even more limited. Additionally, the sensitive nature of juvenile data and the rules governing it mean that it takes substantially longer to create public dashboards that present juvenile data in an appropriate and meaningful way.

The PAO will continue to improve and expand its data dashboard in appropriate ways and would be happy to explain the dashboard as our resources allow. One of the recent improvements (February 2025) is: a month-to-month analysis of juvenile cases referred and the demographics of those juveniles with cases referred.

PAO RESPONSE TO P2 (SEXUAL ASSAULT CASES):

A. CONTEXT

The Special Assault Unit (SAU) of the King County Prosecuting Attorney's Office (PAO) handles most sexual assault related and child abuse cases in King County. Some sexual assault cases, that occur between intimate partners, are handled by the Domestic Violence Unit. Generally, the PAO has reported cases via its public dashboard under the umbrella category of "Sexual Assault and Child Abuse" or for Juvenile Court cases "Sex Offenses". This work is generally reported out as cases referred to the PAO by law enforcement and work done by the KCPAO in the specified time period.

The King County Council's proviso request required a different form of analysis that took substantial work to pull together. The data included in this report tracks cases by year of referral to their ultimate outcome. So, every date listed corresponds to the date the cases were referred to the KCPAO.

As with any data, it is always important to put numbers in context. In 2020, the King County Auditor performed a thorough audit of sexual assault investigations including but not limited to many of the data points below as well as case specific reviews and numerous interviews with system and community partners.⁴

² For the race/ethnicity and gender of defendants the KCPAO must rely entirely on what law enforcement reports. The KCPAO's ethical and legal responsibilities prohibit us from speaking directly with youth in criminal cases. Over 30 separate law enforcement agencies submit cases to the KCPAO; each of those agencies has separate policies and systems for collecting demographic data, which can result in varying levels of reporting. Law enforcement currently reports seven categories of race/ethnicity: White/Caucasian, Black/African American, Asian/Pacific Islander, American Indian/Alaska Native, Hispanic/Latino, Unknown, Other, and no value at all. These categories create data quality problems by only allowing a single selection, being generally outdated, and grouping race and ethnicity together. These data problems are compounded by inconsistent reporting and collection of this data. Unfortunately, this results in the PAO having very unreliable and inaccurate race and ethnicity data.

³ Juvenile Data, particularly for cases not filed with the court, is particularly sensitive and protected by statute (RCW 13.50.050). Accordingly the PAO applies the [Washington State Department of Health guidelines for small numbers on sensitive data](#), for reports involving juvenile data.

⁴ <https://cdn.kingcounty.gov/-/media/king-county/independent/governance-and-leadership/government-oversight/auditors-office/reports/audits/2020/sai/sai-2020.pdf?rev=6d65142379ef4af58794853c90dfc77b&hash=ABB4907231B568CEE4246067CC61807A>

Among other things, the auditor found King County data results fall within the wide range of national estimates for rape prosecution and conviction rates. The audit also noted a rise in sexual assault reports to police. While not every report constitutes a chargeable crime, even with a strong investigation, the auditors opined that per recent studies, cultural changes including the “Me Too” movement, encouraged more victims to come forward globally. Some of this is reflected in the rise in statutory referrals (cases where law enforcement are required to submit the case by law even though they do not believe charges should be filed) described below.

In the years following the report, the PAO has provided annual updates responding to recommendations the auditor made to improve sexual assault investigations.

The data in this report includes cases that are defined by RCW 9.94A.030 as sex offenses, and crimes like Assault in the Fourth Degree with Sexual Motivation or Voyeurism in the Second Degree, which are considered sexual assaults, but do not meet the legal definition of “sex offense.” Where the term “sex offense” is used, that refers to crimes identified by RCW 9.94A.030.

B. FILING DECISIONS

Sexual assault cases, like other cases, are referred to the PAO when law enforcement formally submits a case to the PAO for review. The PAO and the other Prosecuting Attorney’s Offices in Washington State are not investigative agencies; prosecutors review investigations done by law enforcement (typically police) to determine if there is sufficient legally admissible evidence to support the charges as outlined in state law. The PAO also determines whether the case meets our office’s publicly posted Filing and Disposition Standards in light of the evidence presented.

Law enforcement typically submits a case to the PAO for review under one of the following circumstances: (1) they believe charges should be filed, (2) they would like legal review of an investigation but are not recommending charges, or, (3) when they are required by law to submit the case even though they do not believe charges should be filed (these are often referred to as “Statutory Referrals”).

The below table shows how many “sexual assault” cases were referred to the PAO from law enforcement per year:

	2019	2020	2021	2022	2023	2024	Total
Adult Superior Court	1093	1039	894	942	1099	1181	6248
Juvenile Court	233	168	165	221	214	232	1233
Total	1326	1207	1059	1163	1313	1413	7481

Adult Superior Court referrals are those with adult suspects and, if it is appropriate to file charges, cases would be filed in King County Superior Court. Juvenile Court cases are typically those with juvenile suspects.

The KCPAO does not divert cases involving juveniles accused of sexual assaults to Restorative Community Pathways (RCP) or any other community-based diversion program. The KCPAO does not, has not, and will not refer sex assaults involving juveniles to community-based diversion programs. Previous, we have seen the claim that the KCPAO has diverted at least 20 individuals accused of sexual assault to RCP. That is simply not true. There are some misdemeanor juvenile cases that are subject to mandatory court diversion under state law—including Assault in the Fourth Degree with Sexual Motivation, which we include in our data but that state lawmakers do not define

as a “sex offense.” In other words, the KCPAO has no choice but to divert these crimes to comply with state law, and we divert them to Juvenile Court Services, where they are assigned a juvenile probation officer. Including those mandatory diversion cases in a criticism of our charging rate is misleading.

Each referral undergoes **review** by Deputy Prosecuting Attorneys (DPAs) and can have one of several outcomes. It takes time for the PAO to conduct an individual review and to determine the appropriate course of action in each individual matter. The amount of time it takes to conduct this review varies depending on the complexity of case, the amount of evidence presented, whether follow up investigation is required, and other factors. Many sexual assault referrals contain voluminous amounts of information – hours of video and hundreds of pages of documents – which, accordingly, involves significant time for review and follow up with police investigators. As a result, a case may not have a filing decision in the same year that it is referred. Adult cases are listed as having one of the following outcomes or case statuses: Declined, Statutory Referral Only (SRO), Filed, Merged into another case, or Under Review.

A case is “**Declined**” when the PAO determines that it will not or cannot file charges. Cases are declined when there is insufficient admissible evidence to prove a felony crime beyond a reasonable doubt, or when the case does not meet our office’s [Filing and Disposition Standards](#). In these instances, the PAO sends a notice of the decline and an explanation for its decision to the investigating law enforcement agency. These declines can come after requests to law enforcement for more information that could provide the necessary evidence to charge the case. Sometimes, even with excellent police work, that evidence is not available. There also is no requirement for law enforcement to act on a PAO request. When there is a decline, the PAO also notifies the victim—typically through both a letter and through the victim’s advocate. DPAs also make themselves available to answer any questions a victim may have about the PAO’s decision to decline a charge. DPAs also make themselves available for questions from the investigating detective/agency. A more detailed discussion of the different reasons that a case may be declined can be found on the [PAO’s public dashboard and its associated glossary](#).

“**Statutory referral only**” or “SRO” is in reference to RCW 26.44.030, which requires law enforcement to submit certain cases to prosecutors regardless of whether they believe charges should or can be filed.

Statutory referrals frequently involve alleged harm to children or vulnerable adults. Statutory referrals require law enforcement to make a referral regardless of whether they believe there is insufficient evidence that a crime has been committed. When submitting the case for review, law enforcement chooses to submit it as an SRO, rather than naming a potential crime.

SROs receive the same level of scrutiny by the PAO as other referrals because prosecutors may disagree with a law enforcement officer’s assessment that a case is an SRO. In these situations, a DPA may ask for follow-up investigation or may file the case based on information originally submitted by law enforcement.

Law enforcement can also label some referrals as SROs when the referral does not meet the statutory definition of SRO. Law enforcement may do this because they do not believe that charges should be filed but *do* want a prosecutor’s review. These SROs may include sexual assaults that do not meet the statutory definition of an SRO, may include behavior that is not sexual in nature (such as alleged physical abuse of a child or vulnerable adult), may include some non-SAU cases where law enforcement simply wanted a referral reviewed, and may include some referrals that are incorrectly labeled as SRO.

Including statutory referral numbers in the calculation of our charging rate of sexual assault cases is misleading because it can appear as if the PAO is declining an unusually high number of sexual assault cases. **As the 2020 King County audit showed, the PAO's case numbers are in line with Prosecuting Attorney's Offices in other jurisdictions.**

A case is only counted as a "Statutory Referral only" if/when the PAO has finished its review of the case and determined that the PAO agree with law enforcement investigators that charges should not be filed.

A case is **filed** when the PAO formally files paperwork with the Court alleging that one or more persons (typically referred to as the "defendant" or "defendants" in adult cases or the "respondent" in Juvenile Court cases) committed a crime or crimes and a judge finds that there is probable cause to believe a crime was committed.

Law enforcement conducts all investigations and can make initial arrest decisions; however, no charge/case can be filed without prosecutor review and approval. The PAO independently reviews law enforcement investigations and determines the appropriate course of action. There is a common misconception that victims "press charges." This is not the case. Victims play an important role in providing input on how they may like a case to progress, and in many cases, a victim's testimony may be necessary to prove charges beyond a reasonable doubt. However, it is the PAO's legal and ethical duty/obligation to determine whether charges should be filed based on admissible evidence and in accordance with the office's Filing and Disposition Standards (which are published on the PAO's website).

A case can be "**merged into another case**" in certain instances where a defendant has two or more closely related cases, and it is legally appropriate to combine them. When this occurs, one case will have another filing decision outcome (filed, declined, or SRO) and the other(s) will be listed as having been merged into another case.

Some of the cases that are listed as "**under review**" are awaiting additional investigation from law enforcement before a filing decision can be made. Declined cases can be reopened if new evidence is presented. This frequently happens after law enforcement has completed necessary and/or additional investigation. It can also happen if a victim or investigator requests the PAO to reconsider its decision to decline and changes surrounding the investigation change (for instance, when a victim who had initially not wanted the PAO to file charges later changes their mind). In these situations, the case returns to "under review" status and the referral date will be the original referral date, not the date the case was reopened.

The below table shows the filing decision outcome for sexual assault referrals involving adult suspects by the year that the case was referred.

Adult Referral Outcome:	2019	2020	2021	2022	2023	2024	Total
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Declined	418	417	313	307	308	294	2057
Filed	405	370	347	308	286	288	1997
Statutory Referral Only (SRO) - never intended for prosecution	268	248	230	320	477	521	2064
Merged into another case	2	4	3	7	18	21	53
Under Review			1		10	57	77
Total	1093	1039	894	942	1099	1181	6248

Referrals involving juvenile suspects have a different set of procedural rules and legal requirements. As a result, juvenile referrals have different outcome types. For example, there are different reasons (that do not apply to adult suspects) as to why a case might be declined for prosecution. For example, when a suspect is under twelve (12) years-old charges, generally, cannot be legally brought (see RCW 9A.04.050) in accordance with state law.

Additionally, there are cases where the PAO is statutorily required to divert a case away from formal prosecution. This includes circumstances when the allegations involve misdemeanor level conduct and the referral is the juvenile's first legal referral. These cases are listed as "Legally required misdemeanor diversion." In this type of diversion, the juvenile suspect is referred to Superior Court probation, where they are required to engage in treatment or other programing.

There is no statutory authority to divert a felony sex offense, and the PAO does not, under any circumstance, divert felony sex offenses involving juvenile suspects.

Juvenile Referral Outcome:	2019	2020	2021	2022	2023	2024	Total
Declined	81	40	39	51	69	106	386
Statutory Referral Only (SRO) - never intended for prosecution	58	71	73	115	92	72	481
Filed	88	51	49	47	43	41	319
Legally required misdemeanor diversion	*	*	*	*	10	*	*
Under Review	*	*	*	*	*	*	*
Total	233	168	165	221	214	232	1233

Juvenile Data, particularly for cases not filed with the court, is particularly sensitive and protected by statute (RCW 13.50.050). Accordingly, and in compliance with the [Washington State Department of Health guidelines for small numbers on sensitive data](#), any values less than 10 (including 0) and any values that would necessarily reveal what a value less than ten would be have been redacted and replaced with a "".

C. FILED CASE DISPOSITIONS

Once a case is **filed**, it can take a substantial period of time to resolve (reach a disposition). A disposition is the final result in a case.

The time to resolution can vary greatly among individual cases, depending on the complexity of the case and many other factors. A case is only counted as being resolved/disposed once (even when

there are multiple charges in a single case). Resolutions/dispositions are categorized by the most consequential or impactful disposition in the case. For example, if a defendant is charged with two different crimes in one case and pleads guilty to one crime and has the other dismissed, the case would count as one plea (not one plea and one dismissal).

Each victim is entitled to work with an advocate and almost all SAU victims work with a community or system-based advocate. Advocates are the primary points of contact for victims throughout the court process/course of their case.

Consistent with the Victim Bill of Rights, DPAs work with victim advocates to keep victims updated about proceedings and to seek victim input on any potential case disposition or outcome.

Below are potential case outcomes in the order used to determine how a case disposition is counted:

- **Trial** - There are two types of trials: **jury trials** and **bench trials**. Jury trials are far more common. In a jury trial, a jury of 12 lay persons from the community decides whether a defendant is guilty or not guilty of the crimes charged. A jury makes an individual decision on each charged crime. If a defendant is charged with multiple crimes, a jury could find the defendant guilty of some crimes and not guilty of others. The jury's decision must be unanimous to convict; if the jury cannot reach a unanimous decision on one or more crimes, the case is not disposed and will need to be resolved in another way (an additional trial, plea, or dismissal).

Bench trials are far less common and can only occur if the defendant requests a bench trial and specifically waives their constitutional right to a jury trial. In a bench trial, the judge acts as the jury, in addition to being the judge. All Juvenile Court trials are “bench trials.”

- **We do not report the outcomes of trials.** The PAO does this because we do not want to unduly characterize or incentive convictions or long prison sentences as “wins.” DPAs are directed and encouraged to pursue the just result in an ethical manner, rather than simply seek convictions. Any case that is resolved by a trial is counted as a trial, regardless of whether the verdict was guilty, not guilty, or a mix.
- **Plea** – In a plea, the defendant or respondent pleads guilty to one or more crimes. This is also typically referred to as a “plea agreement” because the defendant or respondent and the PAO usually come to an agreement on the details of the plea. This can involve a plea agreement to the crimes as charged, to a less serious crime than the defendant or respondent was originally charged with or may also involve having some charges dismissed. This can include cases where witnesses are no longer available, or where additional evidence changes a case. Plea agreements can also involve the defendant pleading guilty to the crime(s) they were originally charged with. A plea is not always a reduced charge.

A plea cannot be entered unless a Judge finds the defendant or respondent has made a knowing, intelligent, and voluntary decision to do so. Victims often support resolution by plea because it provides for a certain outcome compared to what can be perceived as the relatively uncertain outcome of a trial.

In situations when the PAO resolves a case in a manner that is contrary to a victim’s wishes,

the PAO makes those decisions based on concerns about our ability to prove the charge(s) beyond a reasonable doubt based upon on all available *and* admissible evidence. DPAs make themselves available to both victims and law enforcement to answer questions about resolutions. DPAs do this to hear feedback and concerns and to answer questions about the PAO's decisions.

- **Dismissal** - A case may be dismissed upon a motion by the PAO, defense, or the court. The dismissal of a case or crimes means that the defendant is no longer charged with the crime; in other words, the legal case is ended.

Some cases are dismissed in order to be referred to, or upon completion of, an alternative program such as Mental Health Court, Drug Court, or Veteran's Court, but that does not mean the case goes away. In these types of circumstances, the case is handled in the alternative, therapeutic courts because those are not specifically available in Superior Court. If an individual does not complete the alternative, therapeutic court requirements and conditions, the Superior Court felony case can resume.

Sometimes, there are other nuances with dismissed cases. For example:

- It is not uncommon for defendants have multiple criminal cases pending at the same time. In this type of situation, a case may resolve with the defendant pleading guilty to some of the cases in exchange for the dismissal of some charges. For example, if a defendant pleaded guilty to two cases in exchange for the dismissal of a third, those three cases would each be counted separately, two as pleas and one as a dismissal.
- Cases are sometimes dismissed when the Court finds that an individual is incompetent to stand trial (after an evaluation by the Washington State Department of Social and Health Service). These types of dismissals can come with an order for the defendant to be sent to Western State Hospital for civil commitment (mandatory treatment). If the defendant's competency is restored, the PAO may refile the criminal case.
- The PAO may also dismiss a case if new information comes to light that causes the PAO to conclude that the defendant did not commit the charged offense, that the case can no longer be proven beyond a reasonable doubt, or that the interests of justice no longer warrant prosecution.
- Judges can also make legal rulings that result in dismissing of the case.

Cases that are not yet resolved are listed as "**Open**". Cases may be open because the defendant failed to appear for court for a substantial period (a criminal case generally cannot proceed without the defendant's presence) or other complications may have prevented a disposition.

The tables below show case dispositions based on the year of law enforcement referral (not the year of the disposition). Cases are often referred in one year, but resolved in another. Therefore, this table should not be used to analyze the number of pleas, dismissals or trials in any given calendar year.

Status of Filed Adult Cases by the Year the Case was Referred to the KCPAO							
	2019	2020	2021	2022	2023	2024	Total
Plea	272	229	201	175	102	36	1015
Open	34	46	61	74	149	232	596
Dismissal	61	57	66	46	31	14	275
Trial	38	38	19	12	3	1	111
Total	405	370	347	307	285	283	1997

In addition to the categories listed above, Juvenile Court cases can also be resolved/dispensed through a “Deferred Disposition” or the completion of a post-filing diversion (“Post-Filing Diversion Completed”).

A **Deferred Disposition** is a juvenile disposition outcome that is set forth in statute (see RCW 13.40.127) and where a guilty finding is entered, and the imposition of sentence is deferred for some period of supervision. If the juvenile successfully completes the conditions of supervision, then the court may dismiss the guilty finding.

Post-Filing Diversion Completed are resolutions where charges have been initially filed into juvenile court, but where the parties agree to resolve the case as a diversion rather than as a formal, legal adjudication. These types of resolutions usually involve cases that would otherwise be eligible for diversion at the time of charging, but the PAO exercised its discretion to formally file charges (as opposed to diverting charges up front) in order to have more control over the intervention/outcome.

Status of Filed Juvenile Cases by the Year the Case was Referred to the KCPAO							
	2019	2020	2021	2022	2023	2024	Total
Deferred Disposition	35	18	16	*	*	*	81
Dismissal	19	*	*	10	*	*	49
Open	*	*	*	*	18	32	50
Plea	26	18	20	26	16	*	*
Post-Filing Diversion Completed	*	*	*	*	*	*	*
Trial	*	*	*	*	*	*	16
Total	88	51	49	47	43	41	319

Juvenile Data, including that for filed cases that do not result in a conviction or are sealed or vacated, is particularly sensitive and protected by statute (RCW 13.50.050). Accordingly, and in compliance with the [Washington State Department of Health guidelines for small numbers on sensitive data](#), any values less than 10 (including 0) and any values that would necessarily reveal what a value less than ten would be have been redacted and replaced with a “”.

D. DETAIL ON PLEA DISPOSITIONS

When a defendant or respondent enters a plea of guilty, they can do so to the charge(s) they were originally charged with, a greater charge, or a lesser charge.

The data listed below shows cases that were resolved by a plea, displayed by the most serious class of

offense that was originally filed (labeled Original File Class) and the most serious class of offense that was pleaded (guilty) to (labeled Plea Disposition Class). The classes involved are A, B, C, and M (in order of severity) which are defined as:

- **A** refers to class A felonies. Class A felonies are the most serious alleged offenses and can include sex offenses and non-sex offenses. Some common sex offense Class A felonies include Rape in the First Degree, Indecent Liberties (with force), Rape of a Child in the First or Second Degree, and Child Molestation in the First Degree. A conviction of a class A felony could result in a sentence of life imprisonment, a fine of up to \$50,000, or both.
- **B** refers to class B felonies, which are less serious, but still very serious offenses. Class B felonies include sex offenses and non-sex offenses. Some common Class B felonies include Rape in the Second Degree, Indecent Liberties (without force), and Child Molestation in the Third Degree. A conviction of a Class B felony can result in imprisonment of up to ten years and/or a \$20,000 fine.
- **C** refers to class C felonies, which can include sex offenses and non-sex offense. Some common sex offense Class C felonies include Rape in the Third Degree, Rape of a Child in the Third Degree, and Child Molestation in the Third Degree. A conviction of a Class C felony could result in up to five years in prison and a \$10,000 fine.
- **M** refers to gross misdemeanors and misdemeanors, which can include sex offenses and non-sex offenses. Gross misdemeanors carry a maximum sentence of 364 days in jail and/or a \$5,000 fine. Misdemeanors carry a maximum sentence of 90 days in jail and/or a \$1,000 fine. Some common SAU gross misdemeanor crimes are Communicating with a Minor for Immoral Purposes, Assault in the Fourth Degree with Sexual Motivation, and Sexual Misconduct with a Minor in the Second Degree.
- **SA** refers to sex offenses that require sex offender registration upon conviction. RCW 9.94A.030(47) defines crimes that qualify as sex offenses.

The PAO has attempted to calculate how many cases resulted in a plea to a “sexual assault” offense (SA at Disposition) and how many cases did not involve a plea to a “sexual assault” offense (NOT SA at Disposition).

Some of the cases in the “NOT SA” column were resolved with charges that reflect the sexual nature of the crime, even though they do not qualify as sex offenses. For example, a defendant may plead guilty to Assault in the Second Degree (a class B felony “strike” offense) with the admission that the defendant assaulted the victim with the intent to commit the crime of rape. In this example, a disposition would be counted in the “NOT SA” column.

Adult Plea Dispositions:

Original Filed Class	Plea Disposition Class	Cases	Defendants	SA at Disposition	NOT SA at Disposition
A	A	82	81	78	4
A	B	140	140	99	41
A	C	151	150	90	61
A	M	103	103	76	27
B	A	1	1	1	
B	B	50	50	33	17
B	C	113	112	87	26
B	M	75	75	49	26
C	B	8	8	3	5
C	C	128	112	104	24
C	M	130	129	96	34
M	C	30	4	3	1
M	M	30	30	26	4

Adult Plea Disposition Breakdown by Year of Referral:							
Original Plea	2019	2020	2021	2022	2023	2024	Total
A	127	126	88	78	46	11	476
A	24	13	19	14	8	4	82
B	40	46	22	22	9	1	140
C	33	42	31	24	19	2	151
M	30	25	16	18	10	4	103
B	68	44	51	43	24	9	239
A			1				1
B	12	10	10	8	8	2	50
C	35	22	22	21	11	2	113
M	21	12	18	14	5	5	75
C	61	50	60	50	29	16	266
B	2	2	1	1	1	1	8
C	32	19	25	21	21	10	128
M	27	29	34	28	7	5	130
M	16	9	2	4	3		34
C	1	1		2			4
M	15	8	2	2	3		30
Total	272	229	201	175	102	36	1015

Juvenile Data, including for filed cases that do not result in a conviction or are sealed or vacated, is

particularly sensitive and protected by statute (RCW 13.50.050). Accordingly, and in compliance with the Washington State Department of Health guidelines for small numbers on sensitive data, any values less than 10 (including 0) have been redacted and replaced with a “*” **along with any values that would necessarily reveal what a value less than ten would be.**

However, the number of juvenile plea dispositions where the resulting charge was not classified as a “sexual assault” was so small that all of that information had to be redacted from the report. So, the columns for that listed the number of case that were a sexual assault charge at disposition are not included for juveniles.

Juvenile Plea Dispositions:			
Original Filed Class	Plea Disposition Class	Cases	Respondents
A	A	16	16
A	B	*	*
A	C	22	22
A	M	33	33
B	B	*	*
B	C	*	*
B	M	*	*
C	C	*	*
C	M	14	14
M	M	*	*

*Juvenile Data, including that for filed cases that do not result in a conviction or are sealed or vacated, is particularly sensitive and protected by statute (RCW 13.50.050). Accordingly, and in compliance with the [Washington State Department of Health guidelines for small numbers on sensitive data](#), any values less than 10 (including 0) **and any values that would necessarily reveal what a value less than ten would be** have been redacted and replaced with a “*”.

Juvenile Plea Disposition Breakdown by Year of Referral:							
Original Plea	2019	2020	2021	2022	2023	2024	Total
A	23	12	13	13	13	*	*
A	*	*	*	*	*	*	16
B	*	*	*	*	*	*	*
C	*	*	*	*	*	*	22
M	10	*	*	*	*	*	33
B	*	*	*	*	*	*	*
B	*	*	*	*	*	*	*
C	*	*	*	*	*	*	*
M	*	*	*	*	*	*	*
C	*	*	*	*	*	*	22
C	*	*	*	*	*	*	*
M	*	*	*	*	*	*	14
M	*	*	*	*	*	*	*
M	*	*	*	*	*	*	*
Total	26	18	20	25	16	*	*

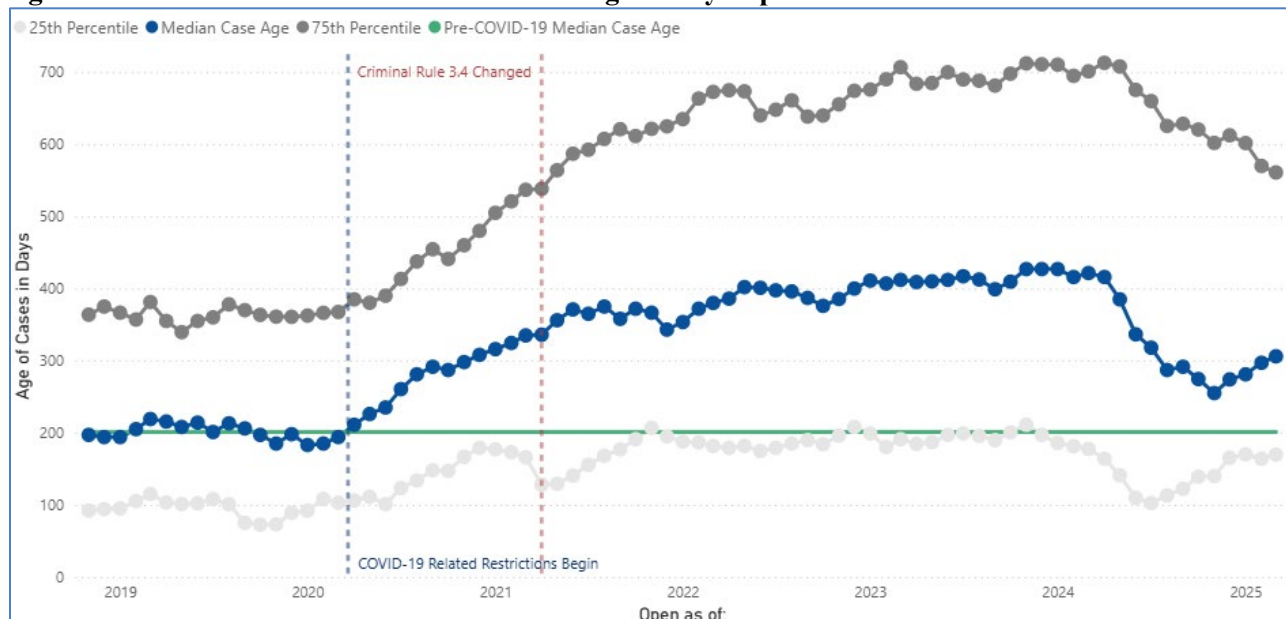
Juvenile Data, including that for filed cases that do not result in a conviction or are sealed or vacated, is particularly sensitive and protected by statute (RCW 13.50.050). Accordingly, and in compliance with the [Washington State Department of Health guidelines for small numbers on sensitive data](#), any values less than 10 (including 0) and any values that would necessarily reveal what a value less than ten would be have been redacted and replaced with a “”.

E. AGE OF THE CASELOAD AND TIME TO DISPOSITION

The PAO measures the age of the pending caseload from the date the case is filed. The age of the pending (also called open) cases gives us a picture of how fast cases are proceeding through the system right now, the trend as to how long cases are pending before resolution, and how many new cases are entering the system relative to the overall caseload. The time to disposition provides you information what happened leading up to the disposition (how fast were cases processed in the past). The time it takes to process a case is influenced by many factors including, but not limited to: the complexity of the case, the engagement of the defendant (generally, a criminal case cannot proceed without the defendant’s participation), defense engagement/strategy, and the court management of the caseload. In recent years, the most significant factors impacting the age of the caseload were the COVID-19 public health restrictions and the changes to Criminal Rule 3.4, which reduced the number of times a defendant had to appear for court and resulted in a reworking of general court processing.

The below visualizes the age of the open and active caseload of sexual assault cases in King County Superior Court over time. The PAOs efforts to resolve older cases and reduce the backlog of sexual assault cases to be filed can be seen in the changes that occurred over 2024.

Age Distribution of Sexual Assault Cases in King County Superior Court



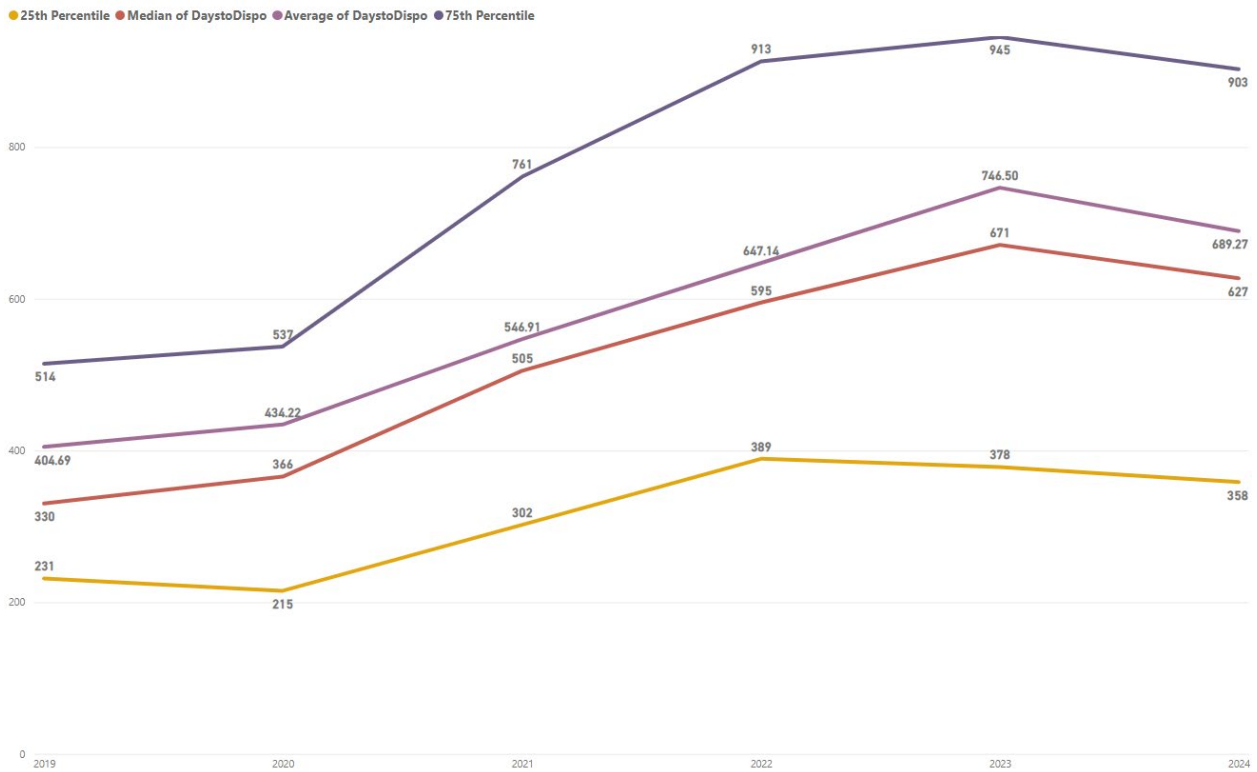
In addition to the overall median age of the caseload pre-Covid-19, the visual displays 3 different measures:

- **25th Percentile**
 - The 25th Percentile is the number of days where 25% of the open cases are that old or less. So, if the 25th Percentile were 68 days, you would know that 25% of the open cases were filed 68 or less days ago and 75% of cases were filed more than 68 days ago.
- **Median Case Age**
 - The Median is the point at which half the cases are older than it and half the cases are younger than it. So, if the median were 140 days, you would know that half the cases were filed less than 140 days ago and half the cases were filed more than 140 days ago.
- **75th Percentile**
 - The 75th Percentile is the number of days where 75% of the open cases are that old or less. So, if the 75th Percentile were 257 days, you would know that 75% of the cases were filed less than 257 days ago and 25% of the cases were filed more than 257 days ago.

These three measures together show a band or range of the ages of the open caseload. As the cases get older and take longer to resolve the values of all three tend to increase and spread out. When a significant number of new cases are filed the 25th Percentile tends to decrease because you have increased the percent of cases that have recently been filed. This can in turn reduce the values for the Median and 75th Percentiles as their portions of the total change. Similar changes can sweep through all three measures when large numbers of cases resolve (depending on the age of the cases that resolved) and when policies or practices change.

A similar trend can be seen in the distribution of the days to disposition for sexual assault cases in King County Superior Court. Unlike the age of the open caseload, which looks at the ages of all open active cases on the first of each month, the days to disposition visual below looks at the cases resolved in each year. This is done to have enough data points to reach significance.

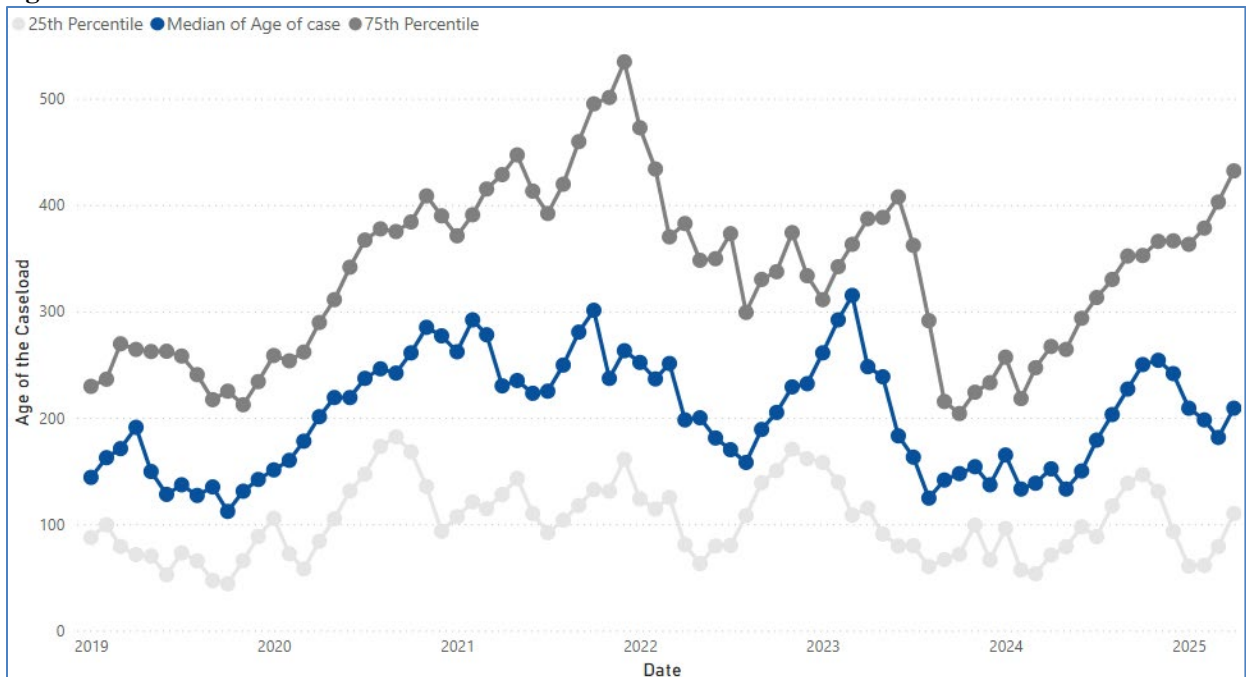
Days to Disposition of Sexual Assault Cases in King County Superior Court by Year of Resolution



The number of open and active sexual assault cases in juvenile court and the number of dispositions of those cases is much smaller than those in adult King County Superior Court.⁵ These small numbers mean that a change in just a few cases or a single respondent returning after a long period of failing to appear can drastically change the distribution of the age of the caseload. As a result, little meaningful information can be drawn from the data, which can be seen in the below visuals showing the age distribution of open and active sexual assault cases in juvenile court and the following visual shows days to disposition.

⁵ At times there have been fewer than 30 sexual assault cases pending in juvenile court. In contrast, since Covid-19 in adult King County Superior there has been around 400 to 550 sexual assault cases pending at any given time.

Age Distribution of Sexual Assault Cases in Juvenile Court*



*The statistically small number of cases in juvenile court make it hard to draw reliable conclusions as to trends because changes in just a few cases can drastically impact these values.

Days to Disposition of Sexual Assault Cases in Juvenile Court* by Year of Resolution



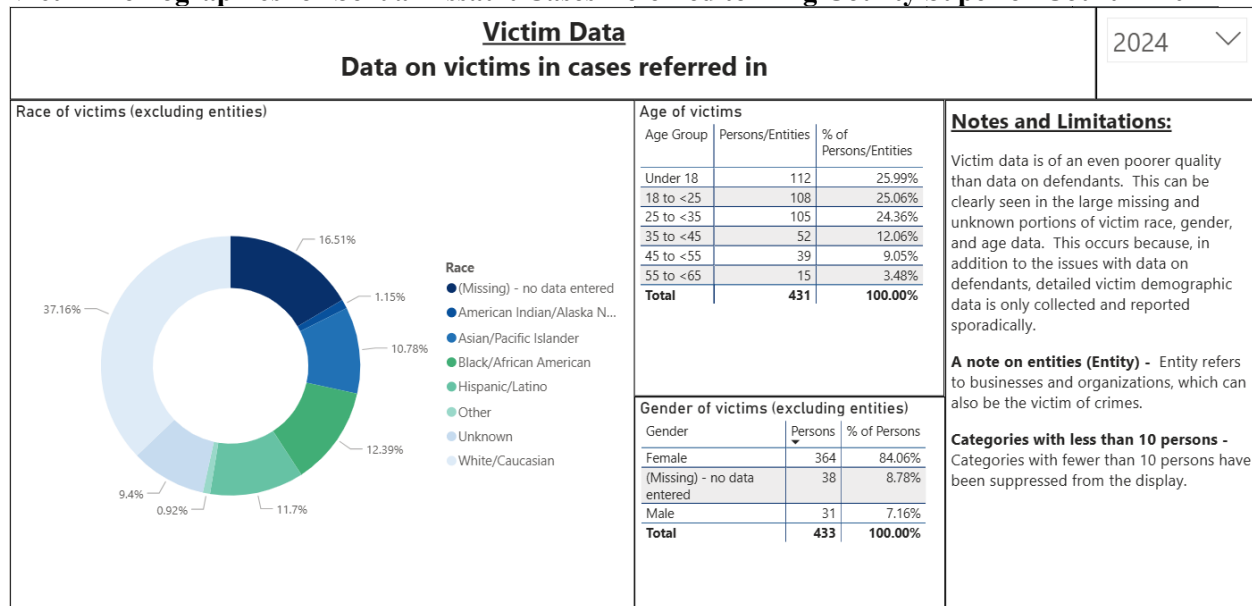
*The statistically small number of cases in juvenile court make it hard to draw reliable conclusions as

to trends because changes in just a few cases can drastically impact these values.

F. VICTIM DEMOGRAPHICS

As noted in the PAO data dashboard, data on victim demographics is often of even poorer quality than that of defendants/respondents. There tends to be relatively high levels of missing data and even lack of any entry of victims, particularly on cases that are referred but not filed. There are many contributing factors to the poor quality of victim demographic data including, sporadic reporting, inconsistent data collection standards across agencies, insufficient funding for victim services, limited capacity of law enforcement and the PAO, and more. The PAO has made efforts to improve the quality of its data on victims; however, challenges remain. This can be seen in the below screenshot from the PAO's data dashboard.

Victim Demographics for Sexual Assault Cases Referred to King County Superior Court in 2024



The victim data on juvenile cases suffers from the same issues outlined above. The below summarizes available data for victims on juvenile court sexual assault cases.

Victim Demographics for Sexual Assault Cases Referred to Juvenile Court 2024

Age Group	Number of Victims	Race	Number of Victims	Gender	Number of Victims
Under 18	180	(Missing) - no data entered	21	Female	147
18 to <25	*	American Indian/Alaska Native	*	Male	43
25 to <35	*	Asian/Pacific Islander	12	Unknown	*
35 to <45	*	Black/African American	20		
45 to <55	*	Hispanic/Latino	17		
55 to <65	*	Other	*		
Over 65	*	Unknown	42		
Unknown	*	White/Caucasian	74		

*Juvenile Data, including that for filed cases that do not result in a conviction or are sealed or vacated, is particularly sensitive and protected by statute (RCW 13.50.050). Accordingly, and in compliance with the [Washington State Department of Health guidelines for small numbers on](#)

sensitive data, any values less than 10 (including 0) **and any values that would necessarily reveal what a value less than ten would be** have been redacted and replaced with a “*”.

The PAO plans to continue its efforts to improve the consistency and quality of the reporting and collection of victim data.

G. TREATMENT PROVIDERS (QUESTION P2 PART E)

The PAO does not partner with sex offender treatment providers in criminal cases and does not refer criminal defendants to providers. When defendants engage in sex offender treatment—either proactively or because it is court required—they work with their attorneys to choose a certified sex offender treatment provider. PAO receives evaluations and treatment updates if they are required to be provided. The PAO does not track treatment referrals or completion rates for those engaged in sex offender treatment because we do not have staffing necessary to do so, we do not necessarily or routinely get information about completion, and the amount of information the PAO receives on violations varies depending on whether the court must rule on a sentence violation or if DOC handles any violations administratively. The Washington State Department of Corrections the Washington State Department of Social Health Services (DSHS) may track treatment referrals and/or completion for those sentenced to DOC or committed as Sexually Violent Predators under RCW 71.09.

H. COMMUNITY-BASED ORGANIZATIONS (P2 PART E.2)

The PAO interacts with many community-based service organizations serving domestic violence and sexual assault survivors. The most formal relationships are with the King County Sexual Assault Resource Center and the City of Seattle Crime Survivors Services, who provides legal advocacy for survivors on sexual assault cases. PAO also works with many other service organizations who provide resources to survivors or raise awareness of issues through smaller, niche efforts with the YWCA and Sexual Violence Law Center.

I. CONTINUOUS IMPROVEMENT (P2 PART F)

The PAO utilizes a continuous improvement model. We regularly review and update our practices as it relates to prosecuting sexual assault cases as part of our day-to-day work. This is done based on experiences of PAO attorneys, employees, and victims as they arise and based the review of our data. Data is always looked at in the context of national standards, best practices, and the daily realities of the work.

The King County Special Assault Protocol, which provides guidelines for cooperative investigations and support of survivors, was last updated in 2021. The PAO is in the process of updating it this year.

The PAO has not conducted surveys of sexual assault survivors.

J. DATA DASHBOARDS (P2 PART F)

The PAO public data dashboard contains data on multiple aspects of sexual assault cases. The data therein is generally updated at least once a month. The PAO work in on data collection and management, including the data dashboard, is primarily limited and constrained by a lack of resources and the sensitivity of the data. Despite the number of detailed data requests increasing annually over

at least the last five years, no meaningful additional resources have been provided to the PAO to improve our capacity for data collection, process redesign, data reporting and analysis, and data sharing and related communication. The PAO uses existing funding for the data collection and management work. As such, our capacity for this data work is extremely limited and must be balanced between many different responsibilities necessary to produce quality data and complete the PAO mission critical tasks. As a result, time available for the PAO to work on the public data dashboard is limited.

K. GENDER BASED VIOLENCE DIVISION RESOURCES (P2 PART F)

As with other areas, the PAO monitors staffing levels of each division and their workload. The PAO makes necessary staffing adjustments based on operation priorities and other emergent needs. Given the PAO current resources (as set by the King Council), and balancing the PAO's other responsibilities, currently, the GBVD has 42 attorneys assigned to it (plus legal service professionals such as paralegals) to handle their workload. However, as noted in the PAO's prior budget requests, the PAO needs additional staffing in many areas.