

From: [Antoinette Bonsignore](#)
To: [KCC - Committee Assistants \(Email Group\)](#); [Zahilay, Girmay](#); [Dembowski, Rod](#); [Dunn, Reagan](#); [Kohl-Welles, Jeanne](#); [Upthegrove, Dave](#); [Lambert, Kathy](#); [Bowman, Nick](#); [Steadman, Marka](#)
Subject: King County Council - Law and Justice Committee - Public Comment Submission
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Dear Members of the King County Council Law and Justice Committee:

I have attached a copy of my public comment in response to today's Special Meeting.

Thank you for your time and consideration.

Sincerely,
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The Underpinning of Intersectional Sexism, Racism, and Classism In the Law Enforcement and Prosecutorial Response to Sexual Assault Cases in Washington State: The Need for A Statewide External Review of the Law Enforcement and Prosecutorial Response to Sexual Assault Cases in Washington State

King County Council - Law and Justice Committee

Antoinette Bonsignore - June 12, 2020

A 2018 [national investigation](#) by ProPublica, Newsy, and Reveal from The Center for Investigative Reporting reveals how police departments are misrepresenting rape clearance rates to indicate that police are solving far more rape cases than the actual number of arrests in these cases.

The [ProPublica](#) national study reviewed rape data from three police jurisdictions in Washington State, including the Seattle Police Department, Snohomish County, and Pierce County. Rape arrest rates were calculated from the data provided by each police jurisdiction for 2014, 2015, and 2016. The most recent surprising data from 2016 indicates that the percentage of rape arrests by Pierce County and Seattle P.D. were only 7 percent and 8 percent, respectively. By contrast, Snohomish County had a 44 percent rape arrest rate in 2016. Out of the 64 police jurisdictions evaluated by [ProPublica](#), each jurisdiction serving a population of at least 300,000 people, only four other police jurisdictions (Suffolk County, St. Louis County, Greenville County, South Carolina, and Indianapolis) had a higher arrest rate than Snohomish County.

In reporting rape clearance rates to the federal government, police jurisdictions are permitted to report rape cases as cleared or closed even when no arrests have been made. In the national federal reporting of this data for 2016, Seattle reported a 13 percent clearance rate while Pierce

County reported a clearance rate of 42 percent. Snohomish County reported a clearance rate of 49 percent.

Law enforcement agencies are permitted to declare cases closed or cleared through what is known as “exceptional clearance”. [Federal guidelines](#) authorize the “[exceptional clearance](#)” classification for use by police departments to “...clear cases when they have enough evidence to make an arrest and know who and where the suspect is, but can’t make an arrest for reasons outside their control.” Notably, the public cannot freely access exceptional clearance data.

The [ProPublica](#) national investigation concluded:

Although criminal justice experts say the designation is supposed to be used sparingly, our data analysis shows that many departments rely heavily on exceptional clearance, which can make it appear that they are better at solving rape cases than they actually are.

Both the Seattle and the Snohomish County police departments reported 5 percent of rape cases as closed or cleared when those cases were in fact “exceptionally cleared” and no arrest had been made. By contrast, the Pierce County police department reported 35 percent of rape cases as closed or cleared when those cases were in reality exceptionally cleared and no arrest had been made.

In classifying rape cases as [exceptionally cleared](#), police departments most often indicate that arrests were not made in those cases because the victim was no longer cooperating with the investigation or the prosecutor’s office declined to prosecute.

In both instances, further investigation and review is warranted to determine why victims are dropping out of investigations and why prosecutors are declining to prosecute these rape cases.

These findings clearly identify an imperative for an annual statewide external review of police practices in the investigation of reported rapes and sexual assaults throughout Washington State.

The [Police Executive Research Forum](#) (PERF) recently determined that the external review of sexual assault cases should be routine in law enforcement. In its May 2018 report on police practices for the investigation of sexual assault cases, [PERF](#) determined:

[to]...ensure that cases are properly classified throughout the police process; that investigators are conducting thorough, victim-centered investigations; and that police actions are appropriate based on the evidence collected. These reviews can help strengthen department policies and practices, and foster stronger partnerships and mutual understanding among all involved.

Understanding how the existence of intersectional sexism, racism, and classism informs the law enforcement and prosecutorial response to sexual assault cases is critical to understanding the need for external annual reviews of that law enforcement and prosecutorial response to sexual assault cases.

Improving the law enforcement and prosecutorial response to sexual assault cases in Washington State via external annual reviews will provide the necessary tools to advance justice for survivors of sexual violence. That advancement will engender trust in the criminal justice system and thereby promote the increased reporting of sexual assaults. Ultimately, a statewide external review model will establish a foundation for increased public awareness and understanding of the prevalence of sexual assaults in Washington State.

The degree of sexual assault case attrition by law enforcement and prosecutors has been analyzed in two studies funded by the U.S. Department of Justice. In both studies, the factors leading to the substantial attrition of sexual assault cases reveals a confluence of gatekeeping decision making by law enforcement that is directly linked to gatekeeping decision making exercised by prosecutors.

A comprehensive evaluation of the statewide response to sexual assault cases cannot be accomplished without a thorough examination of the overall interdependent gatekeeping decision making process from both law enforcement and prosecutors.

Finally, sexual assault case attrition studies have examined the interconnected gatekeeping between the decision to make an arrest by law enforcement and the prosecutorial charging decision, in order to better understand where, when, and why sexual assault cases drop out of the criminal justice system. A review of sexual assault cases at the initial stage of law enforcement gatekeeping should be examined to determine the nexus of that decision making with prosecutorial gatekeeping.

Respectfully Submitted,

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