



**Mark K. Roe
Snohomish County
Prosecuting Attorney**



Snohomish County Courthouse

2010 Annual Report

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August 18, 2011

The Honorable Christine Gregoire
Governor, State of Washington
PO Box 40002
Olympia, WA 98504-0002

Dear Governor Gregoire:

This letter represents my 2010 Annual Report to you concerning the Snohomish County Prosecuting Attorney's Office. Of paramount concern to this office's ability to carry out its constitutional and statutory obligations is the continuing decline in resources due to the downturn of the local economy. As we prepare for the 2012 budget, we are dealing with the loss of approximately 21.5 employees over the past three years. These cuts affect the operational effectiveness of the office every day.

Despite the economic challenges confronting the office, I take great satisfaction that we have employed the innovation that results from necessity. In the first 18 months of my administration, we have taken the lead in developing several efficiencies within the criminal justice system. We are continuing our efforts at reducing the amount of paper we process through a pilot project with local law enforcement agencies and the defense bar by receiving and transmitting police reports electronically. We have worked with the Courts to adjust calendars to allow fewer attorneys to cover court calendars. We have worked with the District Court to eliminate in-custody transport of misdemeanants, thereby saving transportation costs and reducing potential liability. We have maintained our virtually non-existent backlog of priority misdemeanor cases like DUI and Domestic Violence Assault by re-adjusting our priorities, and been the lead county in the very successful Target Zero Operation to reduce DUI-related fatalities. We have also seen our felony trial rate increase as we have been less willing to reduce charges, or recommend lighter sentences.

While I take great pride in the innovations we have launched in 2010/2011, some of which were discussed above, I am most proud of the women and men of the Snohomish County Prosecuting Attorney's Office who have stepped up on so many occasions to serve the citizens of Snohomish County. Attorneys and staff have made personal sacrifices, working late into the night or on weekends, to ensure that the job is getting done. Despite having less people, our charging and trial rates are up, and charging backlog down.

We look forward to the return of Washington's robust economy, and with it, our ability to provide an enhanced level of service to the community we are honored to serve. Until that occurs, however, we will continue to do more with less; choose innovation over desperation; and seek justice on behalf of the citizens of Snohomish County and the State of Washington.

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We will also continue to seek funding assistance from our Native American neighbors, as well as state and federal agencies like the Washington State Traffic Safety Commission. We owe it to the citizens who are also struggling with this economy, to spend less time whining, and more time mining other sources of support for the core services we provide.

Very truly yours,

A handwritten signature in blue ink, appearing to be 'M. K. Roe', written over a light blue horizontal line.

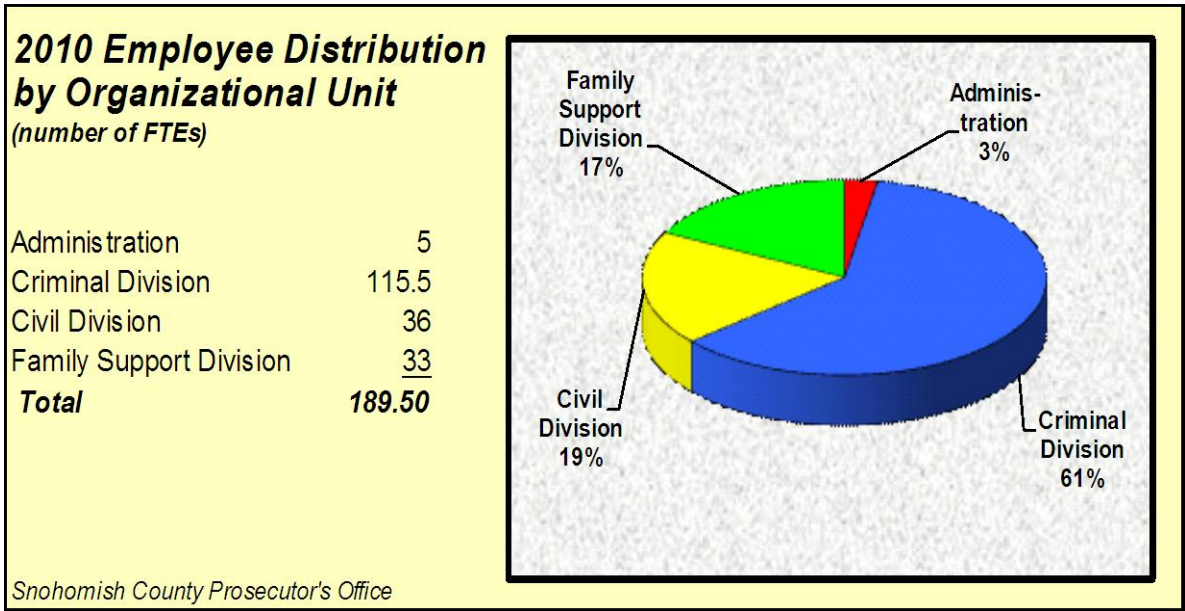
Mark K. Roe
Snohomish County Prosecuting Attorney

Mission Statement

It is the mission of the Snohomish County Prosecuting Attorney's Office to fulfill its legal and constitutional obligations to the citizens of the County and the State; to vigorously, fairly, and efficiently prosecute those who commit crimes in Snohomish County; to provide high quality professional advice and service to Snohomish County and State of Washington governments; and to be knowledgeable advocates for improvements in the justice system.

Fulfilling our legal and constitutional obligations...

The Snohomish County Prosecuting Attorney's Office meets the expectations of its clients and the community it serves through the vigorous efforts of the office's 94.5 deputy prosecuting attorneys and 95 support staff members. Those duties include prosecutorial authority over Snohomish County felony criminal matters and those misdemeanor and gross misdemeanor matters that occur in unincorporated Snohomish County; seeking to promote the care of children and the protection of the State of Washington/DSHS's financial interests in child support matters; and providing advice and representation to the legislative, executive, and judicial branches of Snohomish County government.

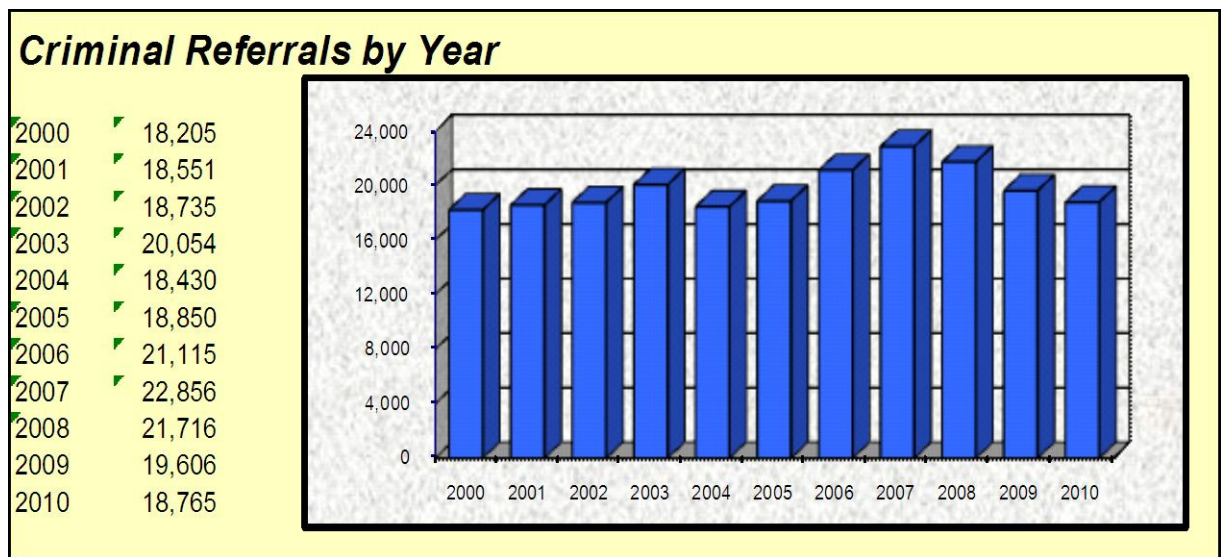


Fulfilling our commitment to vigorously, fairly, and efficiently prosecute those who commit crimes in Snohomish County...

The Criminal Division

The Criminal Division prosecutes felony, misdemeanor, and gross misdemeanor offenses that have taken place in Snohomish County. In addition to the Chief Criminal Deputy, 57 deputy prosecuting attorneys and 57.5 support staff are organized into 15 Units and programs. During 2010, the Criminal Division managed 18,765 criminal referrals from 25 law enforcement agencies. Of the referrals, 6,460 were for adult felony offenses, 10,399 were for adult misdemeanors, and 1,906 were for felony and misdemeanor juvenile crimes.

A description of the work of each Criminal Division Unit follows.



➤ **SPECIAL ASSAULT UNIT**

The Special Assault Unit is dedicated to felony sexual and physical assault cases involving children and vulnerable adults. It also manages adult sexual assault cases. The Unit consists of five deputy prosecutors, two victim advocates, one legal assistant, one legal secretary, and one law office assistant. We strive to always maintain the strongest possible lineup of staff and services for these cases because they involve the most vulnerable victims. Cases are generally prosecuted vertically, with the same deputy prosecutor and advocate remaining with the victim from charging until the conclusion of the case. In addition, the Special Assault Unit has one grant-funded deputy prosecutor who prosecutes Failure to Register cases.

The Special Assault Unit is housed at Dawson Place, our nationally accredited Child Advocacy Center. Dawson Place celebrated its opening on June 15, 2006 and is the only Child Advocacy Center in Washington State to co-locate the medical, mental health, law enforcement, prosecution, victim advocacy and social services needed by physical and sexual abuse victims. Dawson Place supports a multi-disciplinary approach to these cases, an approach that emphasizes the dual goals of restoring health and achieving justice for child abuse victims. Dawson Place received accreditation from the National Children's Alliance in 2007.

During 2010, Dawson Place served a total of 997 unduplicated cases, involving 507 medical evaluations, 170 individual therapy sessions/referrals to ongoing therapy, 256 certified child interviews, and 740 victim advocacy services to abuse victims. During 2010, SAU prosecutors conducted 28 jury trials. The unit received 578 criminal referrals (by suspect) from police to make a charging decision, filed 339 charges (by count), and obtained 232 convictions (by count).

➤ **VIOLENT CRIME UNIT**

Five deputy prosecutors, one legal secretary, and a shared paralegal manage the homicides, robberies, assaults, vehicular assaults, vehicular homicides, and violent offenses not characterized as domestic. Kidnappings and most armed crimes are also handled by this unit. Many of these offenses are "strikes," and a considerable number are offenses that arise out of the controlled substance trade. Mental illness is also a contributing factor in a number of violent crimes so the attorneys have to interact with the mental health system as well. As with the Special Assault and Domestic Violence Units, only experienced felony deputies are assigned to this unit. Cases are prosecuted vertically, with in-person victim interviews being a critical component of pre-charging case evaluation. With the recent increase in violence against police officers, the violent crimes unit has been especially vigilant in pursuing charges against those who assault or threaten police officers.

We continued to approve search warrants and to send experienced deputy prosecutors to homicide scenes to provide on-scene assistance to law enforcement. The prosecutor's handle many non-business hour requests for assistance with search warrants and for legal advice at homicides scenes. The Violent Unit lead prosecutor (along with the Nonviolent Trial Unit lead prosecutor) also participate in SMART (Snohomish Multiple Agency Response Team), and thus responds to scenes involving injury or death from use of deadly force by police officers.

➤ **DOMESTIC VIOLENCE FELONY UNIT**

The Domestic Violence Felony Unit has 5 full-time deputy prosecutors, two victim advocates, one legal secretary, and shares one paralegal with the Violent Crime Unit. One of these prosecutors is partially funded by STOP Grant funds. Only experienced felony prosecutors are assigned to this unit. In addition to domestic violence cases, this Unit handles sexually violent predator cases, custodial interference cases, certain cases where firearms are involved, and several homicide cases. In addition to their caseloads, the attorneys in this Unit are also involved in coordinating multi-agency teams to better combat domestic violence countywide. For example, one attorney is a member of the South Snohomish County Domestic Violence Task Force; another is a member of the Snohomish County Domestic Violence Fatality Review Panel, and another on the Snohomish County Elder Abuse Task Force and serves on the Attorney General's Domestic Violence Advisory Group.

Cases are prosecuted vertically, with early victim contact being a top priority. While many victims are frightened of their abuser, they may also be conflicted in their feelings about him/her, and thus are frequently reluctant to cooperate with prosecution efforts. This unit strives for swift action and victim advocacy in every case in order to assess the needs of the victim and to interrupt the cycle of domestic violence before it escalates further. Prosecution of these cases has been made more difficult in recent years because of rulings from the United States Supreme Court that limit certain types of evidence that prosecutors previously were able to rely upon.

During 2010, Violent and Domestic Violence Unit prosecutors together conducted 56 jury trials. The two units received 1,499 criminal referrals (by suspect) from police to make a charging decision, filed 1174 charges (by count), and obtained 758 convictions (by count).

➤ **FELONY TRAFFIC DEATH AND INJURY CASES**

One senior deputy prosecutor reviews and manages all vehicular homicide, vehicular assault, and felony hit-and-run cases from submission by law enforcement through sentencing. In 2010, this deputy also was assigned non-violent and drug cases, and a five-defendant murder case. Vehicle cases are among the most complex managed by the Criminal Division. The investigations are typically lengthy and victims' families experience staggering grief. In 2010, 42 cases were opened with allegations of vehicular assault or vehicular homicide. Family members of vehicular homicide victims, and victims of vehicular assault that suffer significant injuries, continue to express frustration and anger about sentence ranges that they feel are inadequate to hold the offender sufficiently accountable.

➤ **NON-VIOLENT/DRUG CHARGING UNIT**

Non-violent and drug felony cases are prosecuted horizontally, with 7 prosecutors receiving and reviewing these cases from law enforcement. The prosecutors in this unit are supported by 1.5 legal secretaries and 1 legal assistant. The Non-Violent/Drug Charging Unit consists of only experienced attorneys. Making correct charging decisions is essential for proving cases at trial and for obtaining guilty pleas as charged. In addition to making the initial charging decision on non-violent and drug felony cases, this unit also handles the probable cause/bail review hearings for persons booked on new felony charges. Each week, they review numerous search warrant applications upon request of the police, and answer numerous legal inquiries from police officers regarding the investigation of non-violent and drug crimes.

The Charging Unit screened 4,383 cases in 2010. The Unit filed 3,257 non-violent and drug felony charges in 2010. 2,168 of the charges filed were for non-violent crimes and 1,089 were drug charges.

Due to the economic recession, the prosecutor's office lost funding for the Identity Theft Unit, consisting of two DPAs and one secretary. In 2009, the cases that would have been handled by the Identity Theft Unit were added to the caseload of the Nonviolent/Drug Charging and Trial Units. To handle these cases with less personnel, charging and disposition standards for some property and drug felonies were amended, allowing for more misdemeanor dispositions in what otherwise would have been felony prosecutions.

➤ **NON-VIOLENT/DRUG TRIAL UNIT**

This Unit receives cases from the Non-Violent/Drug Charging Unit with plea offers already made and trial dates set. The unit is comprised of 8 trial prosecutors, 1 legal assistant, 3 legal secretaries, and 1 law office assistant.

The prosecutors in this unit, at any given time during 2010, carried an average caseload of 75 cases set for trial, in addition to cases set for sentencing and restitution hearings. Time for trial rules and other constraints require the prosecutors to spend a great deal of time in court as they attempt to resolve each case or take it to trial. This unit is made up of both experienced felony-level attorneys and those new to felony practice. These prosecutors conducted 30 jury trials in 2010. The unit obtained 2,326 convictions (by count). (Note that the Non-Violent/Drug criminal referral, jury trial, and conviction-by-count statistics listed above include the cases handled by Drug Court, SRDTF and SNOCAT prosecutors, who are described separately below.)

➤ **DRUG COURT**

Both the Adult Drug Court and the Juvenile Drug Court have been resounding successes in Snohomish County. Deputy prosecutors screen, process, and monitor these cases in an intensive "hands-on" manner. One prosecutor is dedicated to adult drug court, and this prosecutor also monitors the progress of adult offenders in traditional court who have received a treatment-oriented alternative sentence (Drug Offender Sentencing Alternative). In 2010, the Drug Court DPA was funded by a federal ARRA grant, which also partially funded a secretary who supports the Drug Court work. The juvenile drug court cases are handled by a Juvenile Unit prosecutor, along with other Juvenile Unit duties.

The re-offense rate for Snohomish County Drug Court graduates is 3%, a much lower rate than defendants convicted of similar crimes in traditional courts. During 2010, Adult Drug Court accepted 84 new participants into the program, 90 were terminated or opted out of the program and 21 graduated from the program. During 2010, Juvenile Drug Court accepted 37 participants into the program and graduated 7. Re-offense rate for juveniles who are graduated from Drug Court is 7%.

➤ **SNOHOMISH REGIONAL DRUG TASK FORCE**

In 2010, three deputy prosecutors were dedicated to the work of the Snohomish Regional Drug Task Force (SRDTF) and were assisted by one legal secretary. One deputy prosecutor handles the federal criminal cases resulting from SRDTF investigations, one handles the state criminal cases, and the third attorney addresses drug house abatement and real and personal property forfeiture actions. In 2010, all but the abatement/forfeiture prosecutor were funded through the SRDTF, largely from federal grant funds.

The SRDTF investigated approximately 404 cases (and 6 Drug Trafficking Organizations) during 2010. An estimated 101 state prosecution files were opened during the year, many of which encompassed multiple investigations and/or suspects, and out of those cases there were 93 defendants charged.

The abatement/forfeiture deputy issued 7 abatement notices and obtained \$499,344.18 worth of personal and real property through forfeiture proceedings, including 83 vehicles.

During 2010, the SRDTF prosecutors worked on two major multi-suspect drug ring cases in the investigation stage that are headed toward federal prosecution. In addition, SRDTF prosecutors, through the U. S. Attorney's Office, obtained the indictment or conviction of 12 SRDTF defendants.

➤ **SNOHOMISH COUNTY AUTO THEFT TASK FORCE**

The goal of the Snohomish County Auto Theft Task Force (SNOCAT) is to eliminate auto theft in Snohomish County. It is funded through State grant funds. Since its inception in late 2008, SNOCAT has proven its effectiveness in targeting the most prolific vehicle thieves. One prosecutor and one legal secretary are assigned to the Snohomish County Auto Theft Task Force. In 2010, the SNOCAT prosecutor filed 62 cases, obtained 54 vehicle theft convictions, with an average incarceration time of 30.3 months.

➤ **JUVENILE UNIT**

Three prosecutors managed all of the felony and misdemeanor juvenile referrals throughout 2010 with support from one legal assistant, 1.5 legal secretaries, one victim advocate, one half-time restitution specialist, and one law office assistant. One deputy primarily handled sexual assault cases as well as other sensitive child-victim cases and was

assisted by the victim advocate. The other two prosecutors screened, reviewed, charged, tried, and otherwise managed the other juvenile offender cases. Additionally, the lead prosecutor participates in Juvenile Drug Court, which continues to operate near capacity, and provides legal advice to the Juvenile Probation Department.

The Juvenile Unit processed 1,906 referrals and filed 1,485 criminal charges in 2010.

➤ **DISTRICT COURT UNIT**

The District Court Unit is the largest and highest volume part of the Criminal Division. It receives all adult misdemeanor referrals, including traffic and domestic violence cases, as well as some juvenile traffic referrals. In 2010, 10,399 misdemeanor cases were referred to the District Court Unit. During 2010, 9 deputies were assigned to this Unit, including 1 supervisor, 1 infraction DPA, 1 charging DPA, and 6 DPAs assigned to individual courts. They were supported by 1 legal assistant, 2 victim advocates, 4 legal secretaries, and 3 law office assistants.

Management of the case volume is complicated by the outlying location of 3 of the 4 district court divisions. The District Court Unit is where most deputy prosecutors begin their legal careers, although some of the attorneys have significant felony trial experience. DUI and domestic violence cases are this unit's top priorities. The District Court Unit lead prosecutor and one other unit prosecutor are members of the Target Zero Team and participate in monthly meetings with the Snohomish County Target Zero Team. The lead prosecutor also participates in the Tri-County Target Zero activities.

Since 2008, our District Court Unit has continued to use the prosecutor-initiated complaint filing procedure rather than the police-initiated citation procedure. The efficiencies achieved by this change in business practice were substantial. The change has streamlined the work for our office, enabling us to reduce the number of prosecutors assigned to the unit. In addition, because we are able to weed out cases with insufficient proof at the beginning of the process, we are saving the county the costs associated with court hearings and public defenders on those matters. In 2010, our District Court Unit completely eradicated the DUI backlog and instituted a policy requiring all DUI cases be either filed or declined within one business day of assignment.

The prosecutor's office began appearing on non-criminal contested traffic infractions in 2006. This project has been successful since its inception, by increasing accountability of traffic rule violators, increasing traffic safety, and increasing traffic fine collection. During 2008, the program exceeded all expectations, and garnered national attention. During 2010, one of the prosecutors and a part-time legal secretary in the District Court Unit, as well as several volunteer attorneys and legal interns, were assigned to this project.

➤ **PRE-PROSECUTION DIVERSION UNIT**

The Pre-Prosecution Diversion Program has proven to be a successful program that promotes positive changes in the lives of first-time adult felony offenders while holding them accountable for their criminal behavior. It provides a non-prosecutorial form of justice to offenders who admit guilt for non-violent types of felony offenses. Diversion candidates are generally first-time adult felony offenders who take responsibility for their actions and are willing to make necessary life changes that will prevent recidivism. The program is cost effective for reducing the recidivism rate for those who successfully complete it.

The Pre-Prosecution Diversion Unit is comprised of 3.5 counselors and one legal secretary. The diversion counselors screen, meet with, and supervise these clients. This work typically results in more timely restitution payments, participation in counseling,

continued employment, community service, and before completion of the program within three years, restitution paid in full.

In addition to on-going cases, the Diversion staff handled 138 new case referrals in 2010. They closed 64 cases in which the client satisfactorily completed the program. The Diversion staff collected \$208,228 in restitution from participants in 2010. These funds were forwarded to the crime victims. Diversion clients also paid Diversion participation fees totaling \$102,627 to the County General Fund.

➤ **APPEALS UNIT**

The Appeals Unit has 3 prosecutors and one legal assistant. The unit is responsible for responding to appeals filed by defendants who have been convicted in either Superior Court or District Court. The unit also prosecutes State's appeals from dismissals, suppressions of evidence, or sentences that are excessively lenient. During 2010, 166 new appeals were handled by the Appeals Unit. Of these, 132 were felony cases and 34 were district court cases. Prosecutors in the unit filed approximately 174 written appellate briefs.

The unit also responds to defendant requests filed at the trial court level to have convictions vacated, for restoration of firearm rights, and for waiver of legal financial obligations. There were approximately 400 of these in 2010. Also, the Appeals Unit is responsible for responding to post-conviction motions, such as motions for DNA testing. Additionally, the unit serves as a resource for addressing legal issues arising in the other Criminal Division units.

***Fulfilling our commitment to provide high quality professional advice
and service to Snohomish County government...***

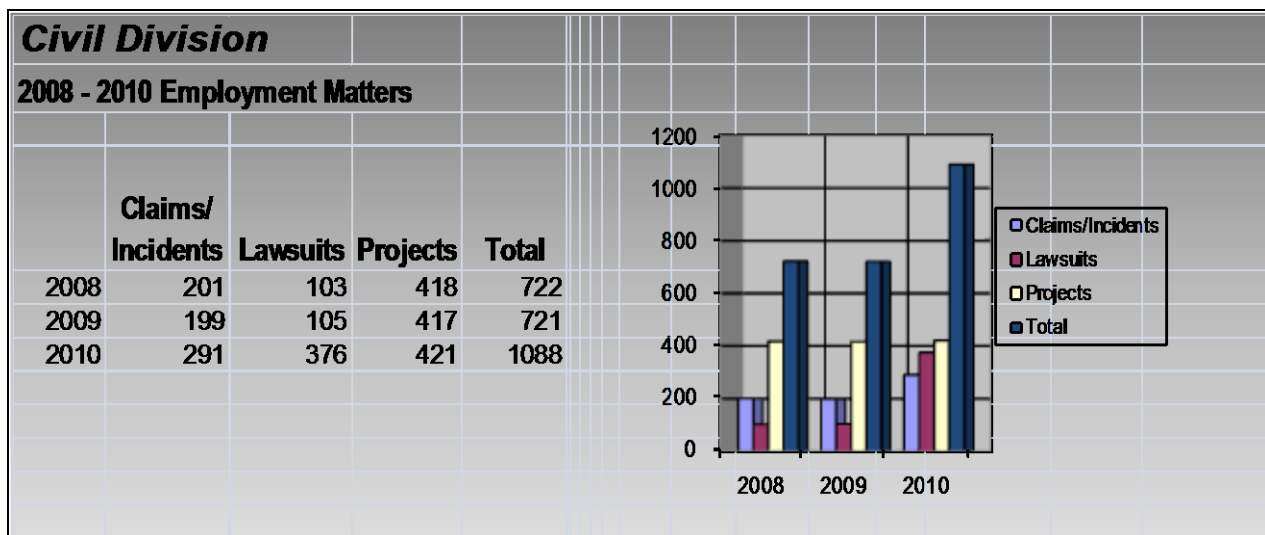
The Civil Division

The Civil Division is the in-house law firm for Snohomish County. Comprised of one Chief Deputy, 23 lawyers and 8 support staff, the mission of the Civil Division is to provide outstanding and comprehensive legal services to Snohomish County government. Despite continuing reductions in attorneys and staff due to budget cuts, the Civil Division continues to use its best efforts in providing core legal services to its clients. The Civil Division is divided into three Units, each of which is described below.

➤ **THE LITIGATION AND EMPLOYMENT LAW UNIT**

The Litigation and Employment Law Unit of the Civil Division is principally responsible for defending damage claims and lawsuits filed against Snohomish County. The Litigation and Employment Law Unit also provides employment law advice to Snohomish County agencies. The Litigation and Employment Law Unit is supported by ten attorneys and four support staff to defend Snohomish County in large claims, employment cases and litigation. Small damage claims were managed by an adjuster in the Finance Department with assistance from the Litigation and Employment Unit when requested.

During 2010, the Litigation and Employment Law Unit handled 421 projects, 376 lawsuits and 291 claims/incidents for a total of 1,088 matters, many of which were still ongoing as of 2011. The number of matters resolved and closed by the unit included 103 claims/incidents and 45 lawsuits. 9 lawsuits were dismissed by the Court. 4 of the lawsuits were dismissed on appeal in favor of Snohomish County. 6 lawsuits were dismissed on summary judgment motions in favor of Snohomish County, 13 lawsuits were resolved by the parties, and 13 lawsuits were disposed of with zero payout. In addition to the totals above which include litigation (tort) matters, the Litigation and Employment Law Unit also handled 279 projects, 89 lawsuits and 12 claims related to employment matters.



➤ **THE LAND USE AND ENVIRONMENTAL LAW UNIT**

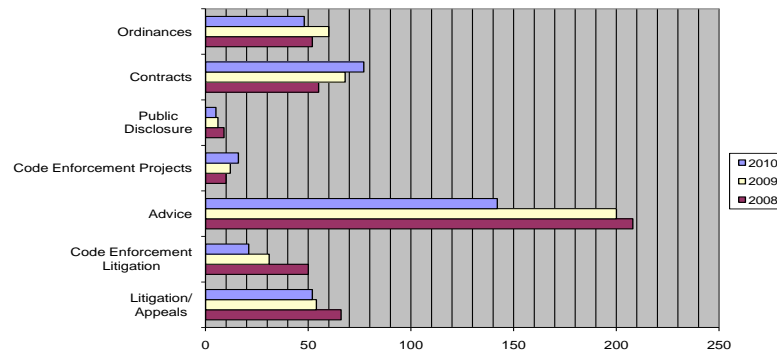
The Land Use and Environmental Law Unit provides a comprehensive range of legal services related to land use and environmental law issues to Snohomish County government and its officials. The eight-attorney, two-support staff Unit provides legal advice regarding state and federal land use and environmental law compliance, assistance with legislative drafting, contract review, code enforcement, and other legal services to the Executive and County Council, their staff, and other elected officials, department heads and boards. The Unit also handles a wide variety of litigation in administrative tribunals and state and federal trial and appellate courts, including administrative hearings before the County Hearing Examiner, the State Growth Management Hearings Board, the Pollution Control Hearings Board, and the Shorelines Hearings Board.

The Land Use Unit had another busy year in 2010. The Unit assisted the County Council and the Planning and Development Services Department (PDS) in adopting several notable pieces of legislation, including new development regulations for urban centers and a revised Shoreline Management Master Program (SMMP), the first major revision to that document in 35 years. The SMMP is currently undergoing review by the State Department of Ecology.

The County had several successful outcomes in land use litigation. In Stafne v. Snohomish County, the Court of Appeals rejected a property owner’s claim that the County had an obligation to process his docket request under the Growth Management Act. In Hopper v. Snohomish County, a superior court judge granted summary judgment to the County, dismissing a class action challenge to the County’s development permit fee structure.

Finally, the Unit continued providing day-to-day advice to its three major clients, the County Council, PDS and the Surface Water Management (SWM) Division of the Public Works Department. We assisted the Council with drafting a number of ordinances and with several closed record land use appeals. We assisted PDS with advice on a number of thorny permitting issues, continued to assist in drafting interlocal agreements with cities related to annexation issues, and conducted a training session for PDS employees on considering greenhouse gases in doing SEPA threshold determinations. The County reviewed dozens of contracts and grant agreements for SWM.

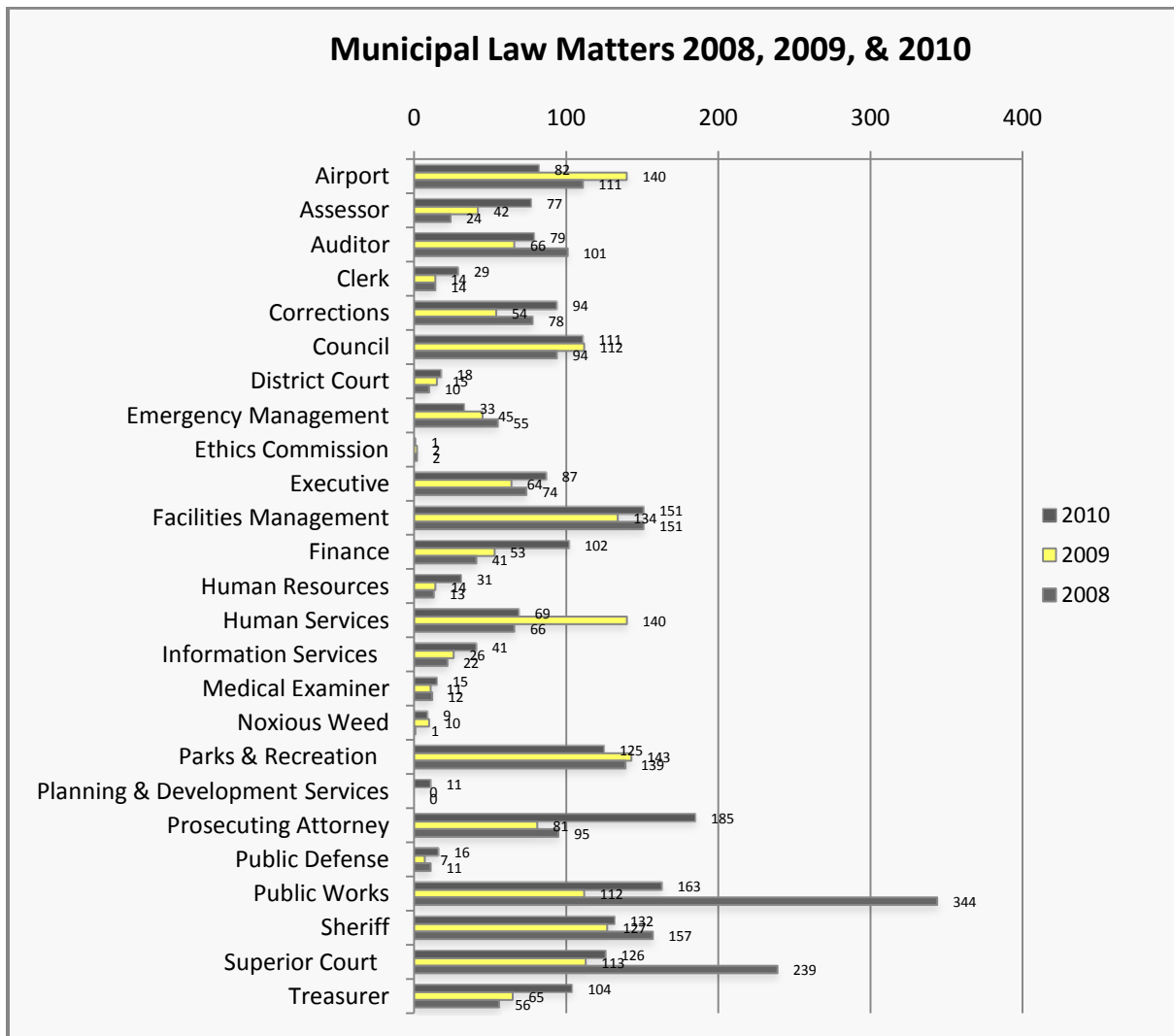
Civil Division Active Land Use & Environmental Law Cases and Projects
2008-2010



➤ **THE MUNICIPAL LAW UNIT**

General municipal legal services, including business advice, document preparation and review, and litigation related to agency services were provided by the six attorneys assigned to the Municipal Law Unit, supported by two staff members, in 2010. This Unit provides a comprehensive range of legal services to the County Council and its staff, the County Executive and his staff, other elected county officials, appointed agency heads, the staff of county agencies (including the county airport and fairgrounds), county boards and commissions, as well as the Superior and District Courts.

Significant 2010 undertakings and accomplishments include providing legal support for county compliance with the Public Records Act; pursuing ongoing litigation over taxation of low income housing projects; providing legal assistance to county policymakers and airport staff in connection with controversial proposals for commercial air service and runway construction problems; providing legal assistance for major revisions to the county’s solid waste flow control ordinances; assisting in preparation and implementation of major revision to county’s grant review process; development of new financial services agreements with numerous special purpose districts; providing legal services to support major legislative initiatives, including establishment of a county human rights commission, development of bidder responsibility criteria, and revision of county apprenticeship programs; and preparation or review of a wide variety of contracts and interlocal agreements.



The Family Support Division

The Family Support Division manages cases referred by the State Division of Child Support (DCS) for the purpose of paternity establishment, child support modification, or collection through the civil contempt process. The Family Support Division also responds to a mixture of cases, such as Snohomish County dissolution actions, motions to vacate child support orders, paternity disestablishment actions, and dependency cases, in which the State of Washington has a financial interest. The State has a direct financial interest in these cases due to public assistance grants being paid or medical assistance being provided for the benefit of the children involved in the case. The State has an interest in all of the Family Support cases in entering orders that are consistent with the best interests of the children of the State of Washington. The Family Support Division is organized into four units, Paternity, Modifications, Contempt, and Dissolution/Responding. A Chief Deputy oversees seven deputy prosecuting attorneys and nineteen support staff. Some of the support staff, such as the front desk staff, function as generalists, supporting the work of the office as a whole. Whenever possible, the office accommodates students who request internships to provide them with actual experience while they obtain their degree in the legal field.

➤ **PATERNITY UNIT**

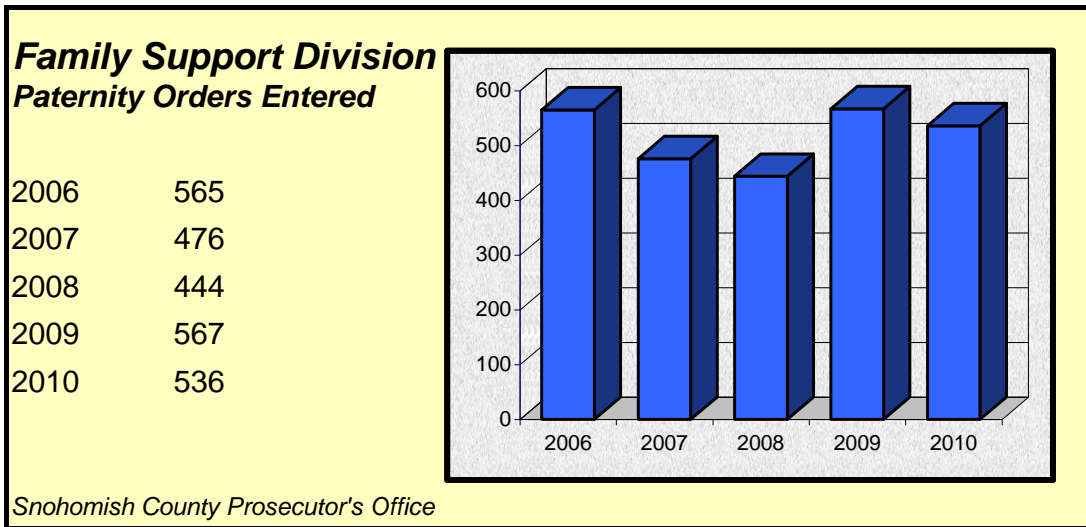
The Paternity Unit establishes paternity in cases where the paternity of a child has not been determined. Cases are referred from the Division of Child Support at the request of either parent, or when a child whose paternity is in question is placed on a TANF or medical grant. The unit is comprised of three attorneys, three legal assistants, and two legal secretaries. The secretaries also perform work for the other units as needed.

The Paternity Unit's caseload tends to fluctuate. In 2010, there were a total of 1,685 paternity referrals from DCS. This is a decrease from 2009 (1,782 referrals), but an increase from 2008 (1,469 referrals). In 2010, 536 orders establishing paternity entered which is a slight decrease from 2009 totals (567). While the unit received over fifteen hundred referrals in 2010, not all referrals result in paternity orders for a variety of reasons, some of which include: (A) the parties were legally married at the time of the child's birth, so there is already a legal, presumed father; (B) the parties subsequently signed a paternity acknowledgment, so paternity is not at issue anymore; (C) one or both parents do not cooperate with our office and we are unable to obtain the necessary information to initiate the paternity action and we close the case. In previous years, the paternity referrals had been decreasing, but then rose again in 2009. The referrals in 2010 decreased, but it is too early to tell if this is a trend or simply a fluctuation in the number of referrals.

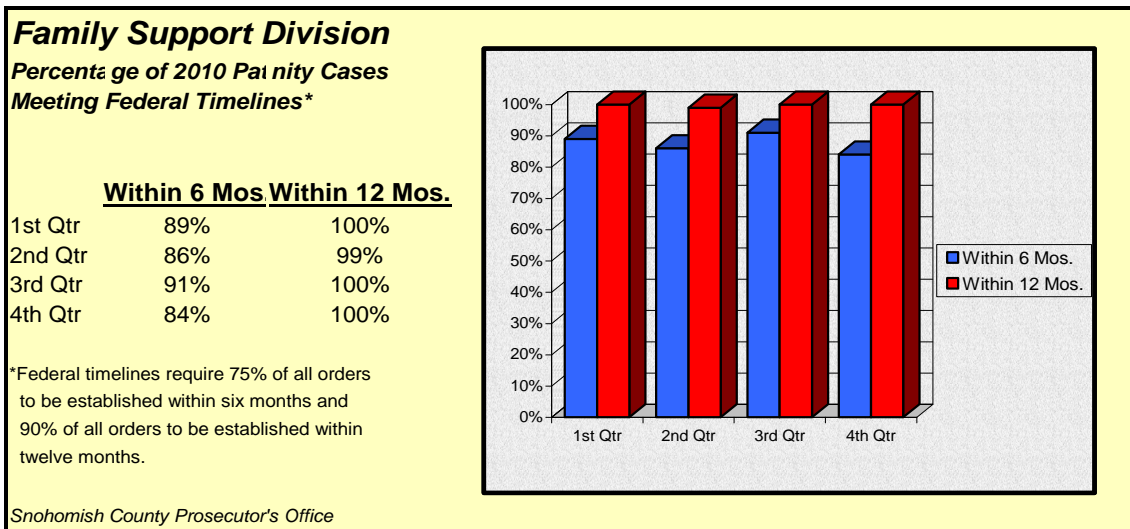
In 2010, the State of Washington continued to offer free genetic testing prior to signing the paternity affidavit. Any doubts about paternity are able to be addressed prior to signing a conclusive paternity affidavit. However, there are still cases where genetic testing was done through DCS, but there was no resulting paternity acknowledgment. Therefore, paternity remained at issue and our office received a referral to establish paternity.

The obligation of the State in paternity cases is to enter orders establishing legal paternity, child support, and designating the historical custodial parent of the child as the legal custodian in the absence of any request from the parents for a parenting plan. The State does not take a position on custody and visitation; however, the Family Support Division does provide information about parenting plans to any party who requests it. The Family Support Coordinator answers the parties' general questions about completing a

proposed parenting plan and often assists in the mediation of agreed parenting plans (in State initiated paternity actions only).



There are Federal time lines, tied to the funding the Family Support Division receives through a contract with the Division of Child Support, which requires the unit to enter orders establishing paternity within six months of service in at least 75% of its cases, and within twelve months of service in at least 90% of its cases. The unit was well within those timelines again this year, as they have been consistently for many years.



➤ **MODIFICATION UNIT**

The Modification Unit handles cases in which one of the parents, or the State in public assistance situations, requests that an existing Child Support Order be reviewed for possible modification due to changed circumstances of the parties. The unit is comprised of one attorney, two legal assistants, and one law office assistant. In 2009, the unit screened over 808 requests for modification, and ultimately entered 308 orders modifying child support. In 2010, this unit also did work in Island County. The total number of requests screened in 2010 was 767 with 46 of those being Island County cases. The number of orders entered modifying child support increased to 353. The reason that requests for review decreased from 2009 may have been that 2009 was the peak of the economic downturn. The layoffs which occurred in 2008 and 2009 caused many people to seek modification of support orders. The increase of the orders entered despite a lower number of referrals in 2010 can

be contributed in part to ongoing efforts to coordinate review of modification requests with the Division of Child Support. These efforts have resulted in more modification requests being screened out before sending them to the Family Support Division to review.

➤ CONTEMPT UNIT

The Contempt Unit is the child support collection unit of the office and works cases referred from the Division of Child Support. Referrals from the Division of Child Support are the cases determined to be the most problematic for collection. The unit pursues collection through the filing of civil contempt proceedings against the non-paying parent. This initiates a process of court oversight of the individual's activities until their payments are current for a satisfactory period of time, at which point the case is closed and sent back to the Division of Child Support for regular collection. The unit is comprised of two attorneys, one paralegal, one judicial technician, and occasional help from a law office assistant. For 2010, the Contempt Unit managed an average caseload of 412 cases. This is a considerable drop from 2009 when the average caseload in this unit was 1,023 cases. This drop occurred in part because the length of the "satisfactory period of time" of compliance was shortened by half from 12 months to 6 months. This reduced the overall number of cases since we closed compliance cases sooner. Additionally, the number of attorneys in the Unit was reduced from two to one in 2010 due to budget cuts. This reduced the amount of cases our office was able to handle in 2010.

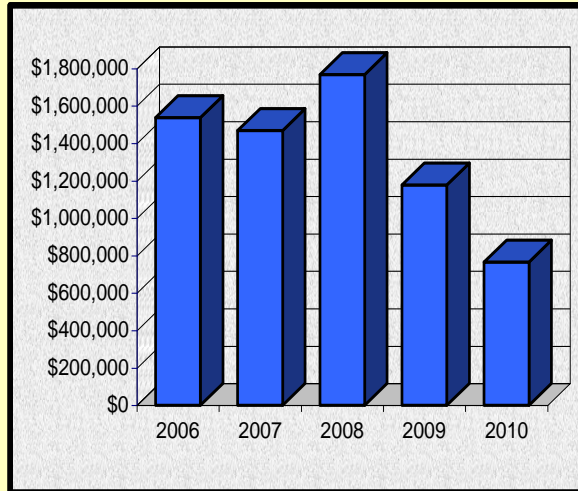
Approximately 90% of the total funds collected by the contempt unit are passed through directly to the households where the children in the cases reside. For custodial parents not receiving public assistance, 100% of the money collected is passed through to the custodial parent. Under State/Federal distribution rules, for custodial parents on public assistance, in addition to the assistance grant, \$100.00 to \$200.00 of the child support collected each month will also be passed through to the public assistance custodial parent. With this distribution rule, the State will retain less money and pass through more to the public assistance custodial parent in an effort to improve the family's economic status and assist those families in becoming financially independent of public assistance.

Bail forfeiture payments continued to be a valuable collection tool for the unit. Bail forfeitures are the result of non-paying parents having been arrested after non-payment of child support and posting bail to obtain their release from jail. In many instances, bail forfeitures are the only form of payments received on a case – all other collection action is ineffective. Unfortunately, due to budget cuts in all County departments, we have had to make efforts to obtain payments using the tool of arrest, jail, and in-custody hearings less often because this has a financial impact on other County departments.

This year, the Contempt Unit experienced not only a decrease in cases from 2009, but also a decrease in both collections and bail forfeitures. The decrease in collections is due to several factors. One is that we handled many less cases in 2010. Another is that there continues to be high unemployment. With high unemployment, it has been more difficult to get non-paying parents on track with paying their support obligations. Further, as described above, cases were closed in 2010 after 6 months of compliance rather than 12 months. This meant that 6 months of payments were not counted as collected through our contempt action efforts as they had been in the past. Also, as explained in the preceding paragraph, we have made efforts to use arrest and jail less which results in less bail forfeiture.

**Family Support Division
Contempt Collection by Year**

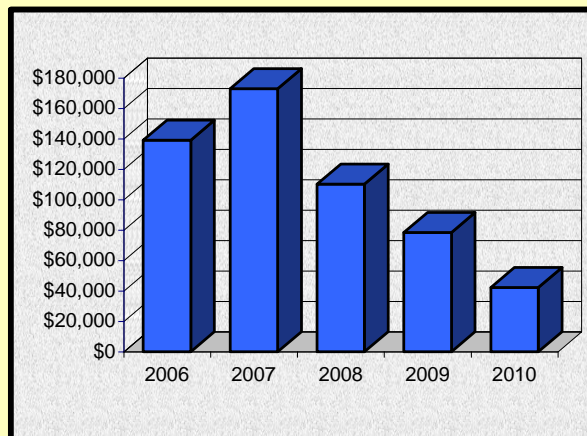
2006	\$1,537,140
2007	\$1,469,662
2008	\$1,768,199
2009	\$1,179,171
2010	\$766,375



Snohomish County Prosecutor's Office

**Family Support Division
Contempt Bail Forfeiture**

2006	\$139,192
2007	\$173,030
2008	\$110,268
2009	\$78,482
2010	\$42,337



Snohomish County Prosecutor's Office

➤ **DISSOLUTION/RESPONDING UNIT**

The Dissolution/Responding Unit represents the State of Washington in all child support actions in which the State has a financial interest that could be affected by new court orders. The Family Support Division should receive notice from the parties in such cases, or directly from the court, so that the attorneys have an opportunity to review and sign off on the orders before entry. In cases where this procedure is not followed and the orders are contrary to the state interests, the unit will file an action to vacate the order and enter a new order with the appropriate changes. The unit is comprised of 2 attorneys and 1 paralegal, with the occasional help of a law office assistant as needed on projects.

While collection is not the primary function of the Disso/Responding unit, it does handle Qualified Domestic Relations Orders (QDROs), which are required in order to withhold funds from non-custodial parents' retirement accounts. The unit also files motions to collect surplus funds after property foreclosures where the State has filed a child support lien on the property and for the court to issue two-year bonds to pay support for two years. There are a few instances where an obligor parent who owes significant back support will be coming into an

inheritance and, as appropriate, the unit will take legal action to have inheritance funds applied to any back support debt.

The Dissolution/Responding Unit's caseload has continued to increase over the last few years. In 2009, the unit closed 596 cases and handled another approximately 500 state review and sign off cases which were not officially referred to the unit. The unit ended the year with 200 active cases. In 2010, there were over 290 referrals, with another approximately 300 other cases which were not officially referred but required some type of action by the office to protect a State interest. This increase in referrals and decrease in un-referred cases being reviewed is related to state-wide changes to the standards of when a case should be referred to the Prosecutor's Office. Additionally, the unit also managed cases from Island County. Nineteen (19) of the referrals were Island County cases. The unit closed 625 cases in 2010. As of December 31, 2010, the unit had 222 active cases. There continues to be a growing awareness on the part of the court and the court facilitators to refer any cases with public assistance involved to the Family Support Division.

***Fulfilling our commitment to be knowledgeable advocates for
improvements in the justice system...***

The Snohomish County Prosecuting Attorney's Office invests significant resources in furtherance of its commitment to be a knowledgeable advocate for improvements in the justice system. Highlights of 2010's initiatives are provided below.

➤ **SMART TASK FORCE**

Since 2001, the Snohomish Multi-Agency Response Team has investigated major incidents involving law enforcement in Snohomish County, including officer-involved shootings, serious injuries involving officers, and officer-involved deaths. On average, there are seven or eight SMART call-outs per year. The SMART Team consists of approximately 28 detectives from several different law enforcement agencies in the county. Typically, 15 to 18 SMART Team members respond to an incident scene, as well as a prosecutor who assists with search warrants and other legal matters. This multi-agency approach ensures that these incidents are investigated by experienced, impartial detectives, separate from any internal investigation initiated by the involved officer's department. The elected prosecutor personally reviews the completed investigations, and after consultation with the lead detectives and other senior prosecutors in the office, makes a determination whether the officer's actions were justified. The lead victim advocate in the Prosecutor's Office keeps the families of injured persons and deceased persons from these incidents apprised of the case status. Once the elected prosecutor makes a decision about whether the officer's actions were justified, the immediate family members of the injured/deceased persons are offered an opportunity to meet with him about the case, before the prosecutor's decision is made public. The public and the media then have the opportunity to review the entire investigation through the Public Records Act disclosure process. In 2010, six SMART cases were referred to the elected prosecutor for review.

➤ **AUTO THEFT TASK FORCE**

The Auto Theft Task Force, established by local law enforcement agencies and led by Snohomish County Sheriff John Lovick, continued to show results. This was despite funding cuts resulting in personnel reductions. In 2010, 2,449 vehicles were stolen in Snohomish County, a 21% increase from the 2,023 stolen in 2009. In 2007, the year prior to its establishment, 4,405 vehicle thefts occurred in the County. Task Force members also utilized their cumulating experience and specialized training to assist and provide training to other local agencies. The Auto Theft Task Force made 106 arrests in 2010.

➤ **REGISTERED SEX OFFENDERS**

The Sex Offender Address Verification program in Snohomish County, established in 2008 thanks to the efforts of Governor Gregoire, continued to produce excellent results in keeping track of sex offenders in Snohomish County by closely monitoring sex offenders who are properly registered and by zealously prosecuting sex offenders who fail to register. Funding for Sheriff's Deputies and one Deputy Prosecuting Attorney dedicated to the task of monitoring and prosecuting sex offenders in our community has created the result the citizens of Snohomish County have come to expect: higher levels of community safety, a greater degree of accountability for sex offenders, and fewer unregistered sex offenders living in our community.