



Close-in-Time Filing Policy June 2022 Report

SEATTLE CITY ATTORNEY'S OFFICE
ANN DAVISON

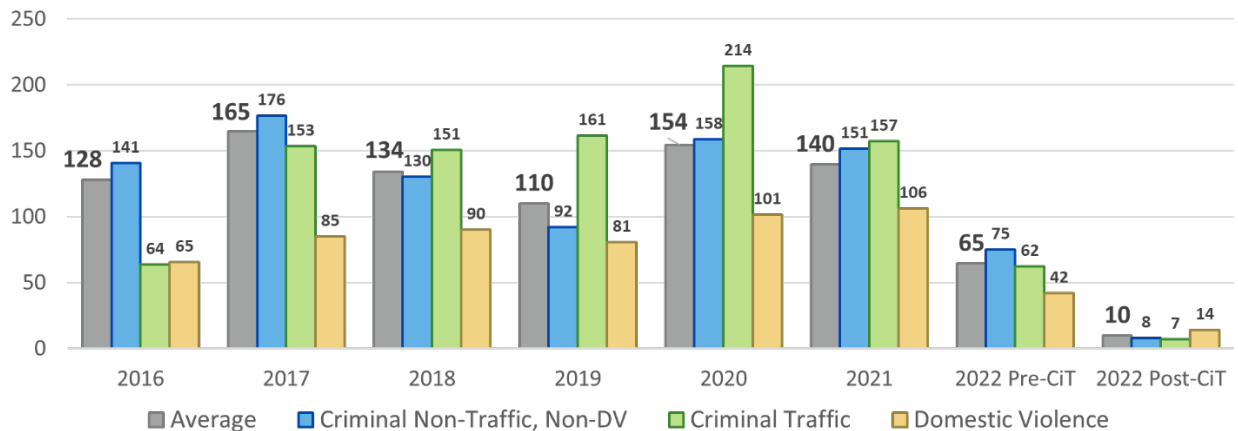


On February 7th, 2022, City Attorney Ann Davison announced a new close-in-time policy for the Criminal Division of the CAO to make filing decisions on most referrals within five business days (seven calendar days). The goal of this policy was twofold: first, to reduce the number of cases getting added to the significant backlog of criminal referrals left by the previous administration; and second, to begin rebuilding real time accountability in Seattle's criminal justice system. Prior to enacting this change, new cases were placed at the end of a queue of nearly 5,000 referrals, which meant that victims would wait upwards of two years before a charging decision in their case was made.

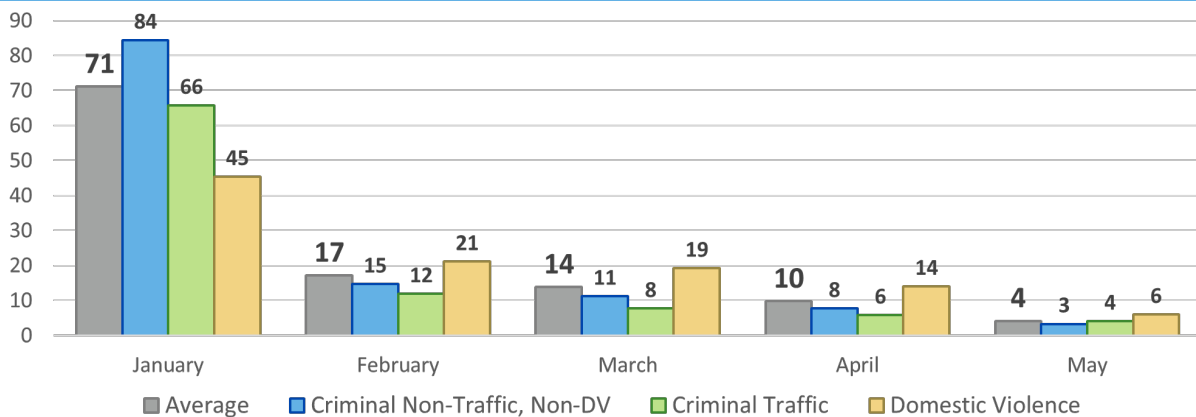
Stale cases, or cases which have been sitting waiting for a filing decision, are typically much harder to prosecute. Typically, the longer a case sits before it is reviewed, the more difficult it is to contact victims and witnesses alike; in some cases, they may not respond to contact from the City Attorney's Office because of a lack of progress from the criminal justice system. The close-in-time policy, in combination with additional policy changes announced earlier this year have made it possible for the Criminal Division to clear over 1,000 cases from the criminal case backlog.

This report reviews CAO's historical time-to-file and analyzes the extent to which the new close-in-time policy has improved time-to-file while also reducing the number of cases in the criminal backlog from February through the end of May. Additionally, this report includes real-world examples of how the implemented policy has improved victim and community safety. Data shows the close in time filing policy has been highly successful and has decreased the time required for a filing decision from the historical average by 93%.

Days to Make a Filing Decision by Year, 2016 – Q1 2022



Days to Make a Filing Decision by Month, Jan – May 2022



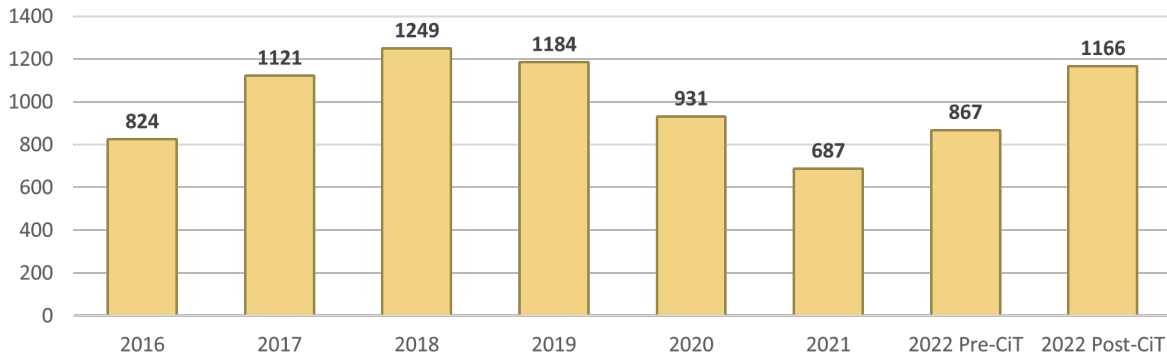
While average filing time dropped significantly as compared to average historical levels (i.e. from the previous administration) when City Attorney Ann Davison entered office, the most substantial change came after the close-in-time policy was enacted. Currently, most referrals have a decision within several days with some exceptions. Domestic violence referrals are first assigned to an advocate within the DV unit at the CAO and are given extra time to allow for extensive contact with the victims. Other instances such as referrals involved with LEAD or diversion programs, as well as referrals involving complex mental health situations are also given more time. These pull the overall average above seven calendar days, but the reduction in filing time from the policy is still very apparent.

The average time to make a filing decision has decreased by 93% over historical levels since the close-in-time policy was enacted.

The City Attorney's Office is committed to continuing process improvements to meet the target of making a charging decision on most criminal referrals within five business days.

The Policy has also helped the department become more efficient in its filing decisions.

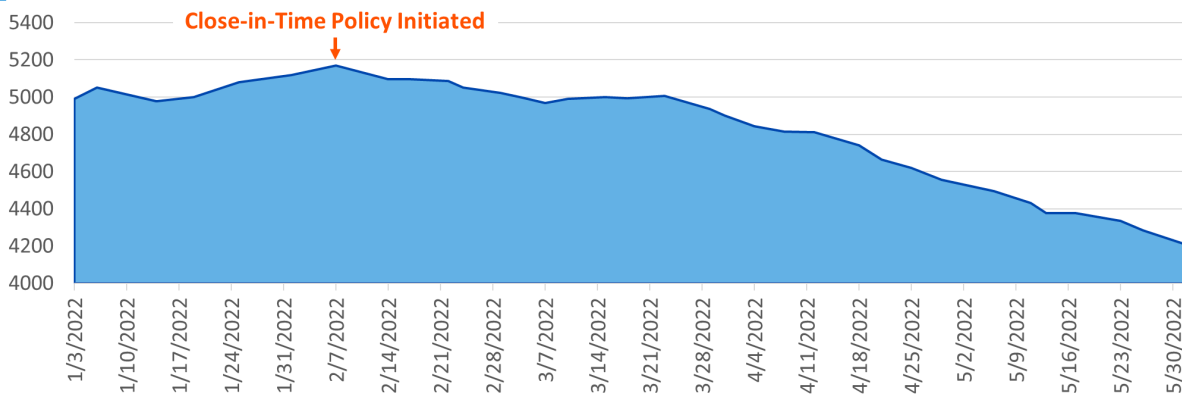
Average Number of Filing Decisions per Month, 2016 – Q1 2022



Significantly more cases receive a filing decision each month under the close-in-time filing policy. Average monthly filing decisions have increased by over 30% since the initiation of the close-in-time policy and by nearly 70% over 2021 levels.

As a reminder, filing decisions include declines, referral to pre-filing diversion programs, referrals to alternatives like mental health courts, community court, or filing a case in the mainstream court system.

Backlog of Police Referrals sent to CAO



The close-in-time policy, in combination with additional policy changes announced earlier this year have made it possible for the Criminal Division to clear over 1,000 cases from the criminal backlog.

Benefits of the Close-in-Time Filing Policy in Practice

While the data included above shows the significant positive impact the close-in-time filing policy has had on reducing the criminal case backlog and time-to-file, many units in the Criminal Division have also seen benefits to community and victim safety as a result of this new policy.

In one case, prosecutors from the review and filing unit reviewed a report of a serious domestic violence assault where an individual knocked the victim unconscious and then stole from the victim's apartment. This assault occurred just two days after the alleged attacker was released from custody on a different DV assault case. Because prosecutors were made aware of this case so quickly, they were able to not only quickly file the case but, also, file a \$30k bench warrant for this individual's arrest.

On a separate case, an incident occurred where a defendant is alleged to have threatened the mother of his child by telling her that he would slit her throat if she fell asleep. He then began to write out a will of sorts that indicated who should take care of their child should they both die. The defendant then assaulted the victim when she tried to call 911. Because prosecutors reviewed the case close in time to the date that the acts occurred, prosecutors were able to file for \$150k bench warrant, and work with a task force in the north precinct to bring the defendant into custody. Domestic Violence advocates in the City Attorney's Office were also able to provide high level safety planning and provide referral services to account for the outstanding warrant.

Under the old guidelines, it would have been months before a prosecutor would have reviewed these cases. The City Attorney's Office's ability to file by warrant and request bail is improved when prosecutors can review the referral close in time to the date of violation.