



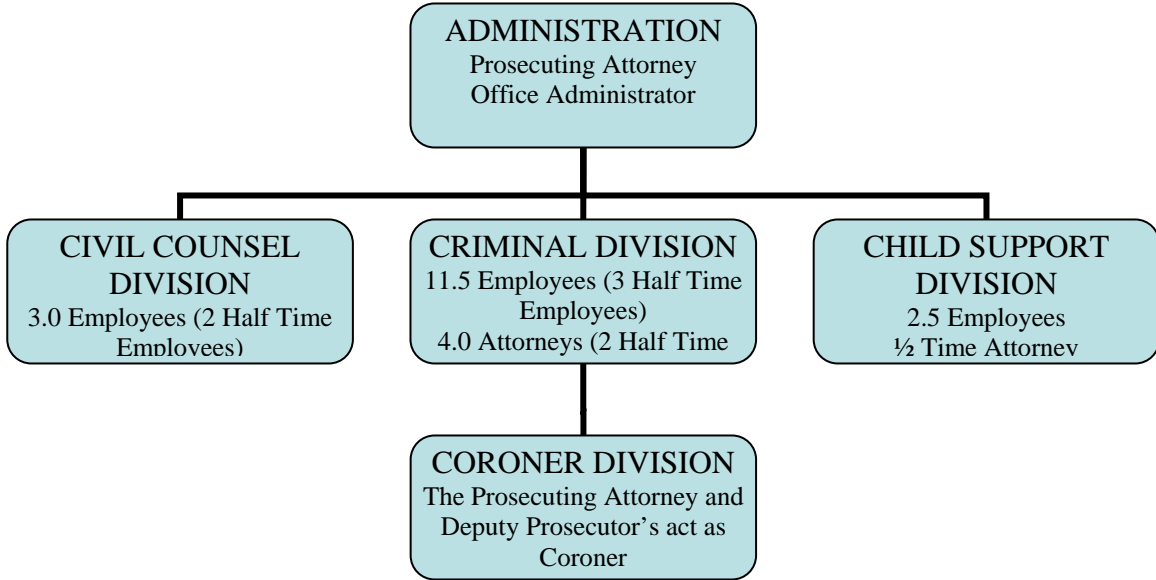
KITTITAS COUNTY OFFICE OF THE PROSECUTING ATTORNEY
2005 ANNUAL REPORT

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1. OFFICE STRUCTURE AND RESPONSIBILITIES

Chart 1



The Prosecutor's Office is comprised of four main divisions: the civil division, the criminal division, the child support division, and the coroner division. The administration of the office is responsible for the daily operation of each division and consists of the Prosecuting Attorney and Office Administrator. The civil and criminal divisions are each overseen by a chief deputy prosecutor who assists staff and co-workers and ensures compliance with all state laws, county ordinances, and county policies in the absence of the Prosecutor. The Chief Deputy Prosecutor's are also responsible for a full case load in addition to their supervisory responsibilities. The criminal division consists of 2 felony prosecutors, 2 misdemeanor prosecutors (one of which works part-time for the child support division), and 1 juvenile prosecutor (who also works part-time for the civil division). The criminal division also consists of 5 and 1 half-time Legal Secretaries, the Victim/Witness Assistant and the Child Sexual Assault Interviewer (who is also a part-time Victim/Witness Assistant). The civil division employs 2 full-time prosecutor's and is assisted by one part-time secretary who also assists one of the misdemeanor prosecutor's. The Child Support Division is comprised of one half-time prosecutor and 2 paralegals.

2. MISSION STATEMENT

In order to provide for the public health, safety, and general welfare of the people of Kittitas County and the state of Washington, the primary missions of the Kittitas County Prosecuting Attorney's Office are to:

1. Provide quality legal advice to our statutory clients, as enumerated in RCW 36.27.020;
2. Provide quality legal services for the protection of our community through vigorous prosecution aimed at holding offenders accountable while supporting the rights of victims;
3. Provide necessary legal services in a timely and cost-efficient manner, realizing that the public desires to be protected from crime, but also that they desire that their public servants perform their functions in a fiscally responsible fashion. The Office of the Kittitas County Prosecuting Attorney's Office will strive to use the people's resources in a responsible fashion, while assisting the people in making sure that all expenditures of their money, by county government, is done so in a legal and responsible fashion;
4. Uphold the election and public disclosure laws in a fashion that supports public involvement in the governmental process, which involvement is based upon full disclosure of, and knowledge of, how the people's representatives run their government;
5. Support the future of our country, by vigorously pursuing the establishment of paternity and imposition of support orders for our children in need of financial assistance;
6. Provide quality investigations, in conjunction with law enforcement, into the causes of unattended deaths taking place in Kittitas County, such that we are able to ascertain a cause of death in a fashion that is respectful to the deceased and their family;
7. Seek to reform and improve the administration of the civil and criminal justice system, and stimulate efforts to remedy inadequacies or injustice in substantive or procedural law; and
8. Serve as a model employer, dealing with all employees in a just, fair, and equitable fashion.

3. THE PROSECUTOR AND OFFICE ADMINISTRATOR

A. THE PROSECUTOR:

The Prosecutor is responsible for oversight of all functions within the office. The Prosecutor has the final authority and responsibility for all actions taken by the office. The Prosecutor is responsible for setting all policies for the office, as well as administrative and budgetary oversight. The Prosecutor is responsible for determining the training needs of his staff, making certain that all deputies maintain their certifications, and assuring that all prosecutors are trained and prepared to perform their functions as coroners.

The Prosecutor carries a full case load, in either the Civil or the Criminal divisions, depending upon the expertise of the other attorneys of the office and the decisions made as to their assignments. The current elected prosecutor, Greg Zempel, has covered assignments in all divisions within the office, and currently carries a full time adult felony crime caseload.

B. THE OFFICE ADMINISTRATOR:

The Office Administrator is the Office Operations Manager. This position has responsibility for budget preparation, grant compliance, supervising non-attorney staff; acts as liaison for the prosecutor and other departments, elected officials, and agencies. The Office Administrator manages the daily operations of the office, assuring adequate resources, and as directed by the Prosecutor. The Office Administrator is also responsible for 1/3 of the adult felony caseload, to include all responsibilities involved in the case from start to finish.

4. CIVIL COUNSEL DIVISION

The Civil Division of the Kittitas County Prosecuting Attorney's Office provides legal advice and representation to all county departments on all county civil legal matters. The scope of this advice and representation includes, but is not limited to, the following:

1. Evaluate county contracts and forms for legality and recommend changes to such documents, to protect the County, and ultimately our citizens from financial liability;
2. Prepare drafts of proposed resolutions and ordinances;
3. Research legal issues on behalf of the County and its various departments, boards, commissions, and agencies;
4. Represent the Prosecutor's office at public meetings and executive sessions;
5. Initiate appropriate County civil lawsuits and appeals and represent the County in all proceedings related to such lawsuits, as desired by our clients;
6. Represent and defend the County in all civil suits and appeals brought against the County;
7. Represent the County in administrative appeals;
8. Provide legal advice to the various clients on all civil matters related to county business.

The various clients served by the prosecutor's office in representing Kittitas County include the following:

Boards and Commissions: Board of County Commissioners, Planning Commission, Board of Adjustment, Board of Equalization, Health Board, Weed Board, Civil Service Commission, and Boundary Review Board.

Departments and elected officials: Assessor, Auditor, Clerk, Commissioners, Community Development Services, Computer Services, District Courts, Fairgrounds, Health, Human Resources, Maintenance, Probation Services, Public Works, Sheriff, Solid Waste, Superior Court, Treasurer, and Weed District.

The Prosecuting Attorney is required, pursuant to statute, to appear for and represent the County in all civil proceedings in which the Court is a party, as requested by our county clients. Additionally, the Prosecuting Attorney is the legal advisor to all County officers and the Board of County Commissioners. In essence, these duties and responsibilities comprise the function of corporation counsel to the County. In Kittitas County, these duties are performed by the Civil Division of the Prosecuting Attorney's Office.

The Civil Division is a full service law firm providing day-to-day legal advice to all Kittitas County elected and appointed officials. Each elected office and department has its unique legal needs established by law or by good business practices. The areas of law in which the attorneys in the Civil Division must be expert are too numerous to be listed.

The duties of the Division are divided into two major categories- civil litigation and general counsel. The first function involves defending the county against legal actions commenced against the County, as well as initiating suits in the name of the County.

In the performance of the second function, the Division is intimately involved in virtually every function of County government and in this capacity advises County officials on how to solve problems that have legal ramifications. Legal opinions are requested which affect both the County or State or a single individual. The Division also prepares and/or reviews County resolutions, ordinances, contracts, leases, and other documents in which the County is a party.

State law requires the prosecuting attorney to be legal advisor to the legislative authority, giving it written opinions when required by the legislative authority or the chairperson thereof touching any subject which the legislative authority may be called or required to act upon relating to the management of county affairs; be legal advisor to all county officers in all matters relating to their official business, and when required draw up all instruments of an official nature for the use of said officers; and prosecute all civil actions and defend all suits brought against the court.

During 2005, the Civil Division represented the County in cases involving a multitude of topics, including creditor claims for bankruptcy filings, civil litigation, land use issues, employment, contract negotiations, assessment and taxation issues, pandemic flu and other contagious diseases, as well emergency management preparedness.

Attorneys in the Division attended meetings of the Board of County Commissioners, reviewed resolutions and ordinances for the County Commissioners, provided innumerable written and oral opinions for county officials, and worked on growth management issues that will affect Kittitas County over the next several years.

Over the past few years the workload for the Civil Division has grown rapidly and to meet the demands the Prosecutor's Office hired another full-time attorney in August 2005. The Division now consists of two deputy prosecuting attorney's and one half-time deputy prosecuting attorney, and one half-time legal secretary.

5. CHILD SUPPORT DIVISION

The Child Support Division represents the interests of the children and the State of Washington in actions for paternity, enforcement of child support obligations and modifications of child support, and health insurance coverage.

The Kittitas County Prosecuting Attorney entered into a contract with the Washington State Attorney General's Office to provide representation to the Office of Support Enforcement, pursuant to Title IV of the Social Security Act, Part D. Under those contracts, all direct costs incurred by the Prosecuting Attorney are reimbursed by the State. Kittitas County also receives additional reimbursements for the indirect costs of this program. This relationship has been in place for several decades.

The Prosecuting Attorney is required by the contract to initiate proceedings under the Uniform Parentage Act in order to determine paternity, establish child support, and establish health coverage for all children born outside of a marriage. The Prosecuting Attorney must act in the best interest of the child, and therefore, must ensure an accurate determination of paternity for the child.

The Prosecuting Attorney must also represent the financial interests of the citizens of the State, as the majority of the children in both paternity and enforcement actions are receiving public assistance. The Prosecuting Attorney must perform this dual representational role within the time lines for case processing established by the federal government for paternity and support cases.

One part-time deputy prosecuting attorney, with the assistance of 2 paralegals received 149 new cases in 2005, including 56 paternities, 29 modifications of child support orders, 26 cases of contempt, 22 UIFSA (Uniform Interstate Family Support Act), and 16 Division of Child Support Defense cases, representing a 47 percent increase in cases over 2004.

6. CRIMINAL DIVISION

Adult Felony Prosecution

The Adult Felony Section of the Kittitas County Prosecutor's Office is responsible for charging and prosecuting adult felony offenders. The Section is comprised of 2 adult felony prosecutor's, 2 legal secretaries, a Child Sexual Assault Interviewer, and Victim/Witness Assistant.

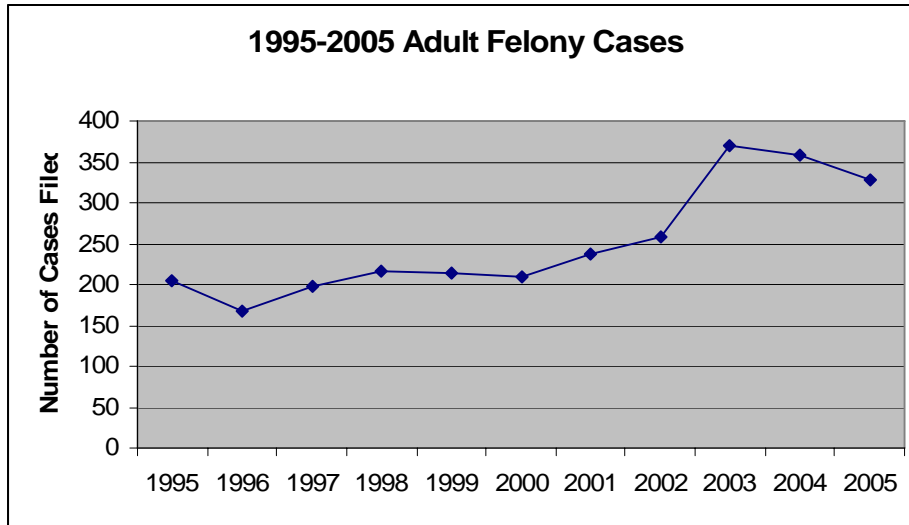
In 2005 we experienced a slight decrease (9%) in the total number of cases filed by most serious offense; however there was a significant increase (65%) in the total number of counts charged over 2004. There were a total of 527 adult felony cases referred to the Prosecutor's Office in 2005 and of those 328 were prosecuted. The Adult Felony Division took 5 cases to jury trial and received 3 guilty verdicts in 2005. In 2004, ten cases were tried before the jury and 8 guilty verdicts were returned.

Chart 2 shows the trend of criminal case filings from 1995 to 2005 and Table 1 outlines the number of felony cases filed by type of crime and the number of counts filed.

Table 1

2005 Adult Felony Cases	Number of cases by Most Serious Charge	Number of counts
Homicide	2	3
Sex Crimes	11	43
Robbery	3	6
Assault	25	49
Theft/Burglary	41	81
Controlled Substances	127	267
Possession Stolen Property	43	53
Other Felonies	76	336
TOTAL	328	838

Chart 2



Adult Felony Probation Violations

Adult felony probation violations are referred from both the Department of Corrections and Kittitas County Misdemeanant Probation. In 2000 the State of Washington limited funding to the Department of Corrections reducing the number of defendants on supervision for felony judgments. This has drastically reduced the number of adult felony probation violations that are referred to our office from Department of Corrections. This change is shown below in Chart 4. Now the majority of all adult felony probation violations are referred by Kittitas County Misdemeanant Probation for misdemeanor judgments out of Superior Court.

Chart 4 shows the trend of adult probation violation case filings from 1995 to 2005 and Table 2 outlines the number of felony cases filed by type of crime and the number of counts filed.

Table 2

Charges Filed	Number of Probation Violations by Defendant	Number of Counts
Homicide	0	0
Sex Crimes	1	1
Robbery	0	0
Assault	10	11
Theft/Burglary	15	17
Controlled Substances	19	19
Other Felonies	70	72
TOTAL	115	120

Chart 3

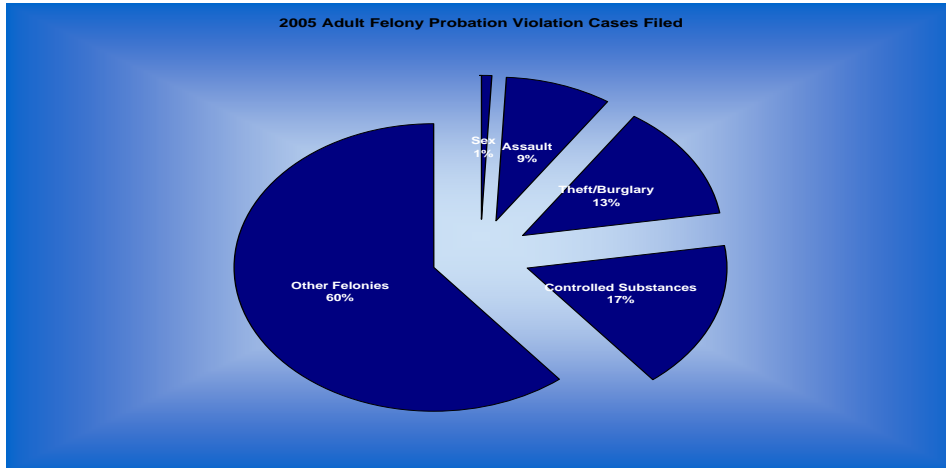
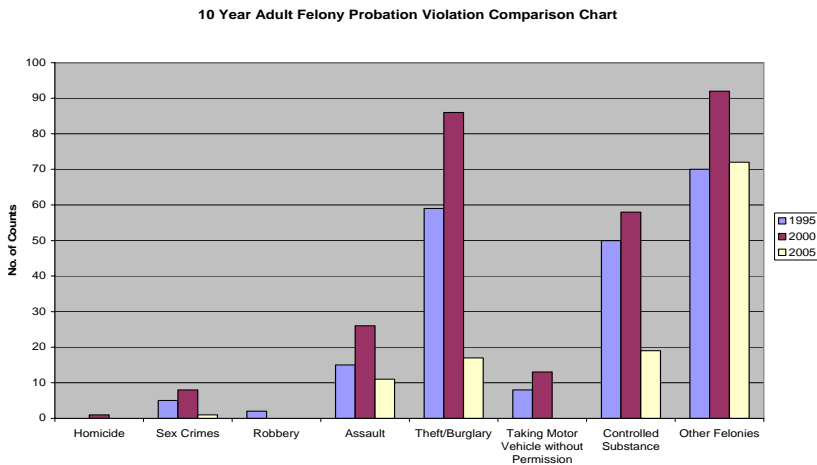


Chart 4



District Court Prosecution

Kittitas County is divided into two district court jurisdictions: Lower Kittitas County and Upper Kittitas County. Upper Kittitas County consists of Cle Elum, Easton, Lake Cle Elum, Ronald, Roslyn, Snoqualmie Pass, and South Cle Elum and covers the area from Snoqualmie Pass to milepost 93 on Interstate 90. Lower Kittitas County consists of Ellensburg, Kittitas, and Thorp and extends to the Columbia River at Vantage. Upper District Court is located in Cle Elum and the Prosecutor’s Office has a part-time Prosecutor and part-time Legal Secretary that work all Upper County misdemeanor referrals. Lower District Court is located in the Courthouse in Ellensburg and the Prosecutor’s Office has one Prosecutor and a Legal Secretary that handle all misdemeanor referrals for Lower County. Table 3 and Table 4 below show the number of cases filed by type of offense for the past 10 years. Upper District Court has

maintained a steady caseload throughout the years. While Lower District Court has fluctuated in the number of total cases throughout the years they still maintain a high caseload.

Table 3

Lower District Court											
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
DUI	345	169	289	123	342	407	384	526	487	413	395
OCT	1054	845	665	747	697	607	589	636	654	385	282
CNT	1127	929	1085	1121	1119	1416	1310	1461	1355	1338	1199
TOTAL	2526	1943	2039	1991	2158	2430	2283	2623	2496	2136	1876

Table 4

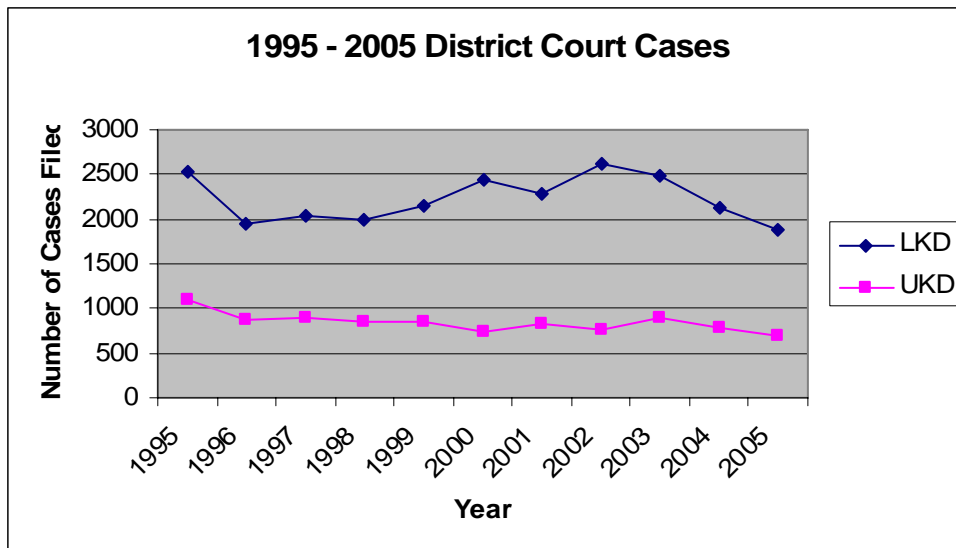
Upper District Court											
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
DUI	85	84	142	57	128	127	154	164	235	218	146
OCT	661	581	494	545	248	184	248	294	327	285	237
CNT	347	213	266	254	476	429	416	299	325	278	320
TOTAL	1093	878	902	856	852	740	818	757	887	781	703

DUI – Driving Under the Influence

OCT – Other Criminal Traffic (including: Driving While License Suspended, Reckless Driving, Driving without License, etc.)

CNT – Criminal Non-traffic (including: Game, Alcohol/Drugs, Assault, Theft, Trespass, etc.)

Chart 5



Juvenile Court Prosecution

The Juvenile Prosecution Division receives and prosecutes juvenile offense referrals. The Division employs a half-time Prosecutor and Legal Secretary and is assisted by the Victim/Witness Unit. The unit received and filed a total of 216 cases for 2005. Table 5 outlines the number of juvenile cases filed in 2005 by type of crime.

Chart 6

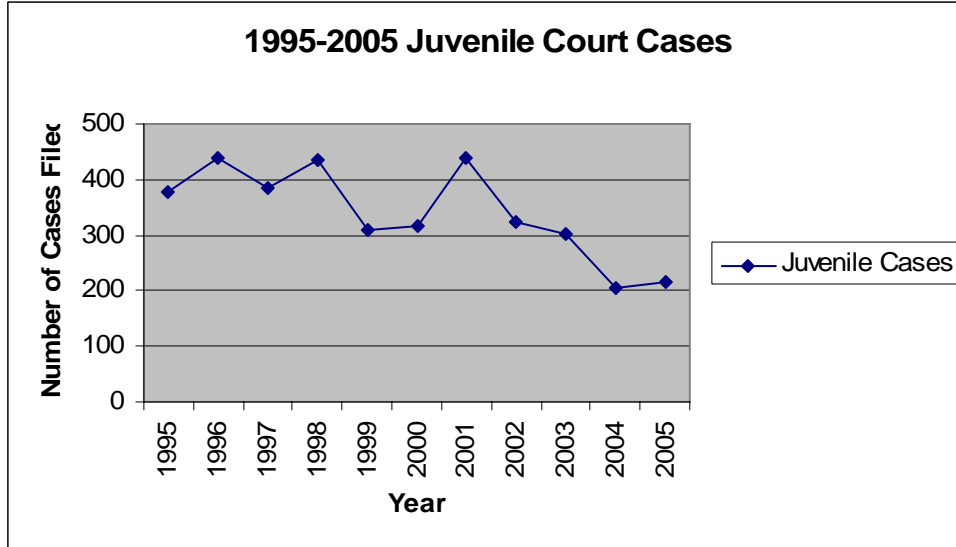


Table 5

Charges Filed by Crime	Number of Cases Filed
Sex Crimes	1
Assault	30
Theft/Burglary	46
Controlled Substances	39
Possession Stolen Property	5
Minor in Possession/Consumption	36
Malicious Mischief	23
Other	36
TOTAL	216

Victim/Witness Assistance Division

The purpose of the Victim/Witness Assistance Division is to provide support and information to crime victims and see that the Criminal Justice System does not cause a “second injury” to the victim. The Victim/Witness Assistance Division provides the following services to the victim and/or witnesses of cases:

- Information regarding the Criminal Justice process and status of a criminal case.
- Referral to community resources and agencies.
- Assistance with Washington State Crime Victims Compensation claim forms.
- Assistance in determination of financial loss for court ordered restitution, such as medical bills and property damage.
- Assistance in delivering the impact statement to the judge, deputy prosecuting attorney, and defense attorney.
- The Victim/Witness Assistance Division is also available to answer questions and escort the victim to attorney interviews and court appearances throughout the duration of the case.

The Prosecutor’s Office employs one full-time Victim/Witness Assistant for felony cases; and one half-time Victim/Witness Assistant for misdemeanor and juvenile cases. The Victim/Witness Unit received 192 victim-involved misdemeanor cases and assisted 237 victims. There were a total of 140 victim-involved felony cases and the Victim/Witness Unit assisted 208 victims.

Child Sexual Assault Division

The Child Sexual Assault Division employs one, three-fifth’s time, forensic child interviewer who also serves as the chairperson for the Community Sexual Assault Interagency Coalition (CSAIC). The elected Prosecutor and another senior Deputy Prosecutor are responsible for making charging decisions and prosecuting the child (and adult) sexual assault crimes. In 2005 the Child Sexual Assault Interviewer conducted 42 interviews in 36 sexual assault cases for five countywide law enforcement agencies. Sixteen children between the ages of 3 and 6 were interviewed; fourteen children between the ages of 7 and 12 were interviewed; and 20 children between the ages of 13 and 17 were interviewed. Of the 36 child sexual assault cases, 18 were closed, unfounded with law enforcement, 9 remain open with law enforcement, and 9 were sent to the Prosecutor’s Office for review and charging. Of these 9 cases, 3 are pending charging; 1 is pending sentencing; 1 was not charged; 1 was a mandatory diversion; and 3 were referred to CPS for sexually aggressive youth (SAY) investigations. It was unusual that only 25 percent of the cases in which a child forensic interview was conducted in 2005, were referred to the Prosecutor’s Office for a charging decision. Each year between 2000 and 2004, law enforcement has consistently referred between 45 to 65 percent of these cases to the Prosecutor’s Office for review and charging. It was also remarkable that this office referred several more cases than usual to CPS for SAY investigations, and a considerably higher than average number of male children were interviewed in 2005.

Drug Court

Drug Court is an opportunity for drug-addicted offenders to address their addiction and enter recovery as an alternative to traditional prosecution for low level felony crimes. It gives drug-addicted offenders a chance to regain their life and mend relationships while giving them a chance to become a productive member of society.

The program is a very structured program. The participants of drug court remain in the program for a minimum of 16 months and must have 6 months of abstinence prior to graduation. Other requirements involve frequent random drug screens, self-help support groups, such as AA and NA and active participation in outpatient activities, as well as job requirements, community service, MRT and attainment of a GED or high school diploma.

Drug Court is a voluntary program. If a participant succeeds his or her felony charge is dismissed; however if a participant should fail, the participant is found guilty without a jury trial and is sentenced for the original felony crime.

In 2005, 16 defendants were accepted into Drug Court. Seven participants graduated and 3 were terminated in 2005.

7. OTHER PROGRAMS

Check Enforcement Program

This program was implemented in 2002 to deter individuals from writing bad checks to Merchants in Kittitas County. This program is a pre-charging diversion program which gives check writers the opportunity to make the Merchant whole for their losses, obtain education about the law and basic accounting principles to avoid future instances of bad checks. The program was instituted to reduce the burden upon law enforcement and the courts while seeking to maintain offender accountability. Merchants are provided information and materials to help reduce the impact of bad checks upon their businesses and agree to follow certain criteria when accepting checks to aid in the deterrence of NSF or fraudulent checks.

The check writer is required to pay full restitution which includes the face value of the check plus any bank fees incurred by the Merchant. The program is funded entirely by the check writers and no cost is incurred by the Merchant or Taxpayers of Kittitas County. We have recovered over \$13,000.00 in 2005 for victims of bad checks in Kittitas County which helps the local economy.