



**Office of the City Attorney  
City of Yakima**

**MEMORANDUM**

January 23, 2024

TO: Sara Watkins, City Attorney  
FROM: Cynthia Martinez, Senior Assistant City Attorney  
SUBJECT: Prosecution Division 2023 Year End Report

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**Charging Unit and Pre-Filing Diversion Program:** The Charging Unit and Pre-Filing Diversion Program were implemented in May 2013 as a measure to control case filings and control caseload growth in preparation for the Washington Supreme Court indigent defense caseload limits. These measures have been very successful in reducing costs to the City.

Attached (Exhibit A) is a breakdown of the case types referred to the prosecutor in 2023. Of the 4,283 cases our office reviewed, 3,131 cases were charged, which is within our 3200-caseload limit. 108 individuals were offered the chance to participate in the Pre-Filing Diversion Program (first time offenders), and to date 61 participants have successfully completed the program. We are striving to increase the use of the Pre-Filing Diversion Program, when appropriate.

**Prosecution Unit:** Staffing has remained stable in the Prosecution Unit in 2023. This will be our third year with the two Unit system: Traffic and Property Crimes Unit and Family and Community Violence Unit.

*Traffic and Property Crimes Unit:* The prosecutors carry a higher caseload of 900 cases, per prosecutor. This unit mainly works with professional witnesses: Loss Prevention Officers, Department of Licensing, State Toxicologists, BAC Technicians, and YPD Officers. These numbers do not include car and dog impound hearings and contested infraction hearings also handled by this unit (approximately 290 cases a year).

Attached are the statistics concerning DUI and theft cases. Attached (Exhibit B). When looking at the 2023 outcomes please note that there are still a number of 2023 cases pending. You will

observe an increase in DUI charges (160 more filings over a two-year period). This increase is to be expected given the creation of the two YPD DUI enforcement officer positions and increased traffic crime emphasis.

In July, the Prosecution Division began charging possession of controlled substance (drug) cases, which were formerly felony matters. We handled a total of 59 stand-alone drug cases, which is more than we anticipated. The State Crime Lab initially indicated they would be able to analyze the drug evidence within sixty days, but as time goes on, the wait appears to be increasing. In some cases, we are delaying the filing of charges to wait for test results so as to avoid speedy trial violations.

The State Toxicologist DUI-blood analyses and Eastern State Hospital out-of-custody mental health evaluations are taking well over a year to complete. These delays also frustrate our prosecution efforts.

*Family and Community Violence Unit:* Prosecutors in this unit handle approximately 650 cases, per prosecutor. The Family and Community Violence cases involve more victim and witness work. Fortunately, the two Domestic Violence Victim Advocacy Coordinators manage that workload. These Coordinators have specialized training to support victims of domestic violence with the goal of keeping them engaged with the prosecution efforts. This year they each handled at least 445 cases.

The unit continues to be involved in the DV Coordinated Community Response Team and the DV Coalition. Attached are the Intimate Partner Domestic Violence (IPDV) numbers, (Exhibit C). When looking at the 2023 outcomes please note that there are still a number of 2023 cases pending. I am pleased to see a decrease in the IPDV numbers. Overall, we received less IPDV referrals in 2023. We declined more cases, but our dismissals are down, which may indicate we were better at choosing which cases to file. It is too early to draw conclusions for 2023. The percent of positive outcomes slightly increased in 2022, which coincides with the implementation of the unit.

**Community Diversion Program:** The Community Diversion Program was initiated in 2016 with donated grant funds and has been funded by the City Council since that time. The program is designed to connect low level repeat offenders with services that address the issues that are leading to crime. The program is voluntary for individuals who want to make a change in their life. Participants work with Danielle Fish of People for People. She supports participants through the process of drug/alcohol treatment, housing, relicensing, community service hours and preparation to return to work. Employees from Triumph, Comprehensive Healthcare, People for People, Union Gospel Mission, YWCA, and indigent defense service providers meet twice a month to discuss the progress of the participants. The team is also able to leverage other existing service providers in the community

If the participant successfully completes the program, the case is dismissed. If they do not complete, the case is sent back to court for revocation and sentencing. In 2023, the program served 37 participants.

**Officer Training:** The Legal Department conducted officer training in August 2023. The training topics included:

- Case Law and Statute Update
- Collection of Evidence to Support Domestic Violence Prosecution
- Report Writing Tips
- Civil Litigation Update

**Trespass of Sex Offenders from City Pools:** In 2011, the City Council initiated a policy pursuant to RCW 9A.44.193 to trespass of all level 2 and 3 sex offenders living within the City of Yakima and within a five-mile radius of the city from the City of Yakima operated pools. The list of sex offenders was updated in early March 2023 and notices of trespass were served on eight individuals. The statute allows for a broader application and we may be seeking to update this policy in 2024.

**eProsecutor:** We continue to work towards the implementation of eProsecutor, the case management system that will replace our now defunct JustWare system (the program has been decommissioned by the owner and tech support has ceased). The City and County program administrators have spent many hours working with the Journal Technology programmers. Implementation is scheduled for early fall 2024.

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<sup>i</sup> Our filing caseload limit is tied to the number of public defense attorneys the City has contracted to handle cases. Public defenders are limited by court rule to 400 cases a year. The City currently contracts with public defense service providers to handle 3200 new cases a year. Expanding the number of cases filed by the prosecutor, means contracting for more public defense services.

# Yakima Monthly Case Type Count

*Exhibit A*

Between: 1/1/2023 - 12/31/2023  
 Agency For: City of Yakima Prosecution Division

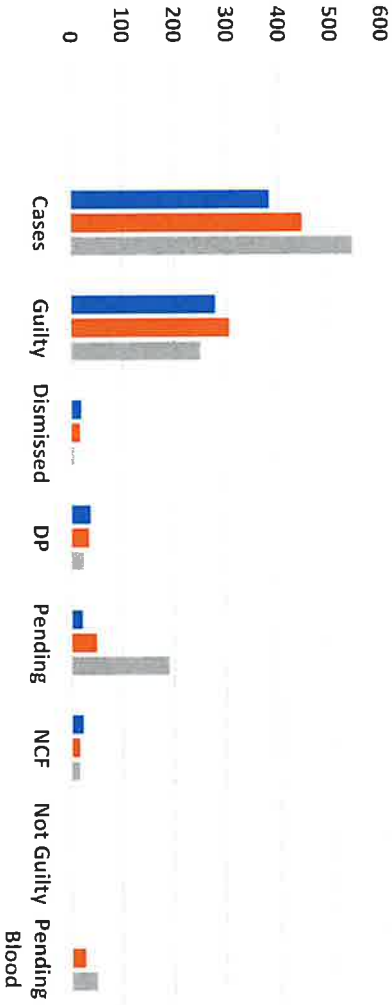
|                             | January 2023 | February 2023 | March 2023 | April 2023 | May 2023   | June 2023  | July 2023  | August 2023 | September 2023 | October 2023 | November 2023 | December 2023 | Total       |
|-----------------------------|--------------|---------------|------------|------------|------------|------------|------------|-------------|----------------|--------------|---------------|---------------|-------------|
| Traffic - License           | 69           | 45            | 42         | 34         | 48         | 48         | 54         | 49          | 33             | 59           | 51            | 56            | 588         |
| Traffic - Other             | 12           | 11            | 17         | 10         | 18         | 15         | 21         | 19          | 24             | 15           | 12            | 15            | 189         |
| DUI                         | 51           | 35            | 43         | 33         | 31         | 37         | 51         | 61          | 59             | 42           | 56            | 46            | 545         |
| DV Assault                  | 55           | 41            | 46         | 34         | 73         | 60         | 57         | 56          | 39             | 53           | 31            | 36            | 581         |
| DV Malmis & Prop            | 8            | 4             | 4          | 10         | 15         | 12         | 6          | 12          | 8              | 13           | 13            | 13            | 118         |
| DV Violate Protection Order | 33           | 34            | 36         | 30         | 41         | 42         | 26         | 39          | 39             | 26           | 46            | 43            | 435         |
| Obstruction                 | 9            | 10            | 13         | 13         | 9          | 10         | 24         | 12          | 16             | 12           | 10            | 16            | 154         |
| Other                       | 12           | 8             | 8          | 7          | 8          | 13         | 15         | 17          | 11             | 4            | 7             | 12            | 122         |
| Theft                       | 42           | 30            | 56         | 53         | 53         | 54         | 35         | 42          | 26             | 40           | 30            | 33            | 494         |
| Trespass                    | 23           | 17            | 25         | 12         | 21         | 20         | 17         | 23          | 10             | 22           | 18            | 24            | 232         |
| DV Harassment/Stalking      | 9            | 7             | 7          | 6          | 1          | 4          | 7          | 3           | 0              | 6            | 1             | 3             | 54          |
| Infraction                  | 13           | 11            | 16         | 18         | 19         | 22         | 15         | 18          | 20             | 16           | 19            | 29            | 216         |
| Malicious Mischief          | 4            | 3             | 9          | 8          | 5          | 10         | 7          | 4           | 7              | 5            | 2             | 7             | 71          |
| Assault                     | 5            | 17            | 13         | 7          | 15         | 28         | 14         | 13          | 9              | 17           | 10            | 11            | 159         |
| Drugs                       | 1            | 0             | 2          | 1          | 1          | 0          | 2          | 15          | 19             | 22           | 21            | 16            | 100         |
| DV Other                    | 4            | 1             | 6          | 4          | 4          | 7          | 5          | 2           | 1              | 6            | 2             | 5             | 47          |
| Fraud                       | 1            | 0             | 0          | 0          | 0          | 0          | 0          | 0           | 0              | 0            | 0             | 0             | 1           |
| Violate Order               | 2            | 1             | 2          | 3          | 3          | 2          | 5          | 2           | 5              | 2            | 1             | 0             | 28          |
| Harassment                  | 2            | 1             | 7          | 2          | 6          | 3          | 1          | 4           | 2              | 2            | 2             | 8             | 40          |
| Weapons                     | 4            | 1             | 1          | 5          | 2          | 4          | 1          | 1           | 2              | 6            | 3             | 1             | 31          |
| Arson                       | 1            | 0             | 0          | 0          | 0          | 1          | 0          | 1           | 0              | 0            | 0             | 3             | 6           |
| Reckless Endangerment       | 1            | 0             | 0          | 2          | 0          | 2          | 1          | 0           | 1              | 2            | 0             | 0             | 9           |
| Motor Vehicles              | 0            | 1             | 0          | 0          | 0          | 0          | 0          | 0           | 0              | 0            | 0             | 1             | 2           |
| Sex - Minor Victim          | 0            | 1             | 0          | 0          | 0          | 0          | 0          | 0           | 1              | 0            | 0             | 0             | 2           |
| Impound                     | 0            | 0             | 1          | 0          | 3          | 2          | 1          | 0           | 4              | 2            | 0             | 3             | 16          |
| Sex                         | 0            | 0             | 1          | 1          | 1          | 0          | 1          | 0           | 0              | 1            | 0             | 4             | 9           |
| Animals                     | 0            | 0             | 0          | 1          | 1          | 1          | 3          | 0           | 3              | 1            | 1             | 3             | 14          |
| Poss. Stolen Property       | 0            | 0             | 0          | 0          | 1          | 0          | 0          | 0           | 0              | 1            | 0             | 0             | 2           |
| Escape & Bail Jumping       | 0            | 0             | 0          | 0          | 1          | 0          | 0          | 0           | 0              | 0            | 0             | 0             | 1           |
| Alcohol                     | 0            | 0             | 0          | 0          | 0          | 0          | 0          | 1           | 0              | 0            | 0             | 16            | 17          |
| <b>Total</b>                | <b>361</b>   | <b>279</b>    | <b>355</b> | <b>294</b> | <b>380</b> | <b>397</b> | <b>369</b> | <b>394</b>  | <b>339</b>     | <b>375</b>   | <b>336</b>    | <b>404</b>    | <b>4283</b> |

City of Yakima Legal Department - Traffic and Property Crimes Unit

EXHIBIT B

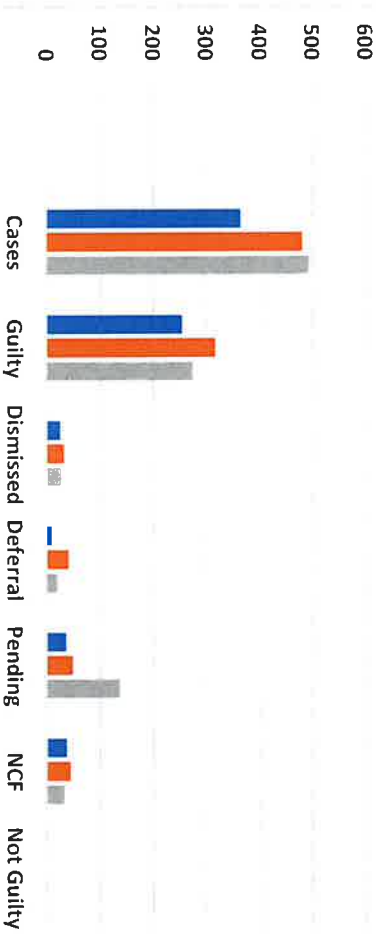
DUI Statistics

| Year          | 2021 | 2022 | 2023 |
|---------------|------|------|------|
| Cases         | 383  | 446  | 545  |
| Guilty        | 280  | 306  | 252  |
| Dismissed     | 20   | 17   | 8    |
| DP            | 38   | 34   | 26   |
| Pending       | 22   | 50   | 191  |
| NCF           | 23   | 16   | 17   |
| Not Guilty    | 0    | 0    | 0    |
| Pending Blood | 0    | 26   | 51   |



Theft Statistics

| Year       | 2021 | 2022 | 2023 |
|------------|------|------|------|
| Cases      | 365  | 481  | 494  |
| Guilty     | 255  | 317  | 275  |
| Dismissed  | 25   | 32   | 28   |
| Deferral   | 9    | 40   | 20   |
| Pending    | 36   | 48   | 137  |
| NCF        | 37   | 44   | 33   |
| Not Guilty | 0    | 0    | 0    |



Intimate Partner - DV Statistics

| Year       | 2021 | 2022 | 2023 |
|------------|------|------|------|
| Cases      | 1014 | 962  | 890  |
| Guilty     | 353  | 284  | 148  |
| SOC        | 148  | 185  | 164  |
| Dismissed  | 242  | 208  | 116  |
| Pending    | 24   | 36   | 157  |
| NCF        | 238  | 238  | 291  |
| Not Guilty | 4    | 0    | 0    |
| Referral   | 0    | 0    | 3    |

2022 DV-IPV Legal Department Changes:

- Family and Community Violence Unit implemented
- Second DV Advocacy Coordinator hired
- Assigned YPD Detective
- Expedited DV Warrants for gone on arrival cases implemented
- Partnerships with County and other local prosecutors to address high risk defendants
- Daily CCRT calls (Coordinated Community Response Team)
- Attended monthly DV Coalition meeting
- Established Division Goals
- National DV training

2023 DV-IPV Legal Department Changes:

- Spanish O'Courts NCO implemented
- Risk Assessment Use
- DV Coalition Presentation
- Officer Training - Evidence Collection to Support DV Prosecution
- Diversion Programming for Regular Victim Defendants

