

# King County drunken-driving suspects often not charged for months

The King County Prosecutor's Office typically takes nearly three months to file DUI charges, according to a Seattle Times analysis of court data. The statewide norm is three days.

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The driver, 28 and drunk, swerved his Chevy minivan into Lester Stocker's front yard just after midnight on May 21, 2010, toppling a rock wall, hitting a parked truck and landing just 8 feet from the home where Stocker slept with his 6-week-old son.

"It was one of the scariest moments of my life," said Stocker, of Covington, who is still trying to clean up \$12,000 of property damage.

What he and the police who responded didn't know was that the driver, DeShawn Williams, had been arrested for drunken driving nearly three months earlier, but prosecutors hadn't gotten around to filing charges.

Surprisingly, cases like Williams' are not uncommon in King County.

A Seattle Times analysis of District Court records found hundreds of cases in recent years in which a driver reoffended while awaiting charges in a much-earlier DUI arrest.

One reason: The King County Prosecutor's Office typically takes nearly three months to file DUI charges, according to the analysis.

The statewide norm is three days.

Seattle city prosecutors usually file DUI charges within a day or two of arrest. Prosecutors in Pierce and Snohomish counties often take two or three weeks to bring charges in their courts.

The median for King County prosecutors is 84 days, according to the analysis of resolved cases filed between January 2009 and March 2013. In several instances, charges were filed just days before the two-year statute of limitations expired.

In one case, a driver got pulled over for DUI three times while waiting eight months to be charged in an initial arrest.

State lawmakers are focusing on delays in filing DUI charges as part of a broader overhaul of drunken-driving laws in the aftermath of high-profile fatal crashes attributed to intoxicated drivers.

“It’s the old justice delayed is justice denied. This is a major public-safety issue,” said state Sen. Mike Padden, R-Spokane Valley, the Senate sponsor of a bipartisan bill that would, among other provisions, require charges within three days for DUI defendants with a previous drunken-driving conviction.

Filing charges more quickly brings the suspected drunken driver before a judge who can impose pretrial conditions, such as an alcohol-sensing ignition-interlock device. It can also mean quicker punishment and a chance for treatment for those found guilty.

The Times analysis indicates the delay between arrest and filing of charges looms larger in King County District Court than almost anywhere else.

King County Prosecutor Dan Satterberg said his office tries to file charges quickly but faces a large caseload and limited resources, especially after recent budget cuts.

He also blamed law enforcement and the court itself for delays.

Those entities, however, pointed back to Satterberg’s office. District Court chief presiding Judge Corinna Harn said the court is “frustrated” with how slowly county prosecutors move.

One explanation appears to be a prosecutor’s office policy to amass and review all evidence before filing charges. In some other jurisdictions, such as the city of Seattle, prosecutors file charges based on preliminary evidence and refine the case later.

Satterberg said filing charges quickly doesn’t necessarily improve public safety.

“The notion that because someone has been charged, then they’re all of a sudden going to follow the law again, is not necessarily true,” he said.

One example he noted: The alleged drunken-driver charged with killing two pedestrians and injuring two others in North Seattle this spring had a suspended license and apparently ignored orders to get an interlock device after previous DUI arrests.

#### **4,000 DUI cases a year**

The King County prosecutors handle about 4,000 DUI cases each year from arrests by the Washington State Patrol and other agencies on state highways and many areas outside Seattle. The cases are all filed in District Court.

Seattle city prosecutors, meanwhile, file roughly 1,200 cases annually in Seattle Municipal Court from arrests on city streets.

To see how each jurisdiction handles DUIs, consider the case of a 26-year-old Bellevue man.

He got pulled over by a state trooper on suspicion of DUI on Interstate 90 early June 30, 2011, according to court documents.

King County Prosecutor's Office spokesman Dan Donohoe said the office received the trooper's report a week later. Prosecutors spent six weeks reviewing the case before deciding to file charges, he said.

The case then went to another prosecutor's office employee for "processing," which Donohoe said includes making sure names and dates of birth in the paperwork are correct. That took another six weeks.

Finally, prosecutors filed charges Oct. 3 — 95 days after the arrest.

Meanwhile, the 26-year-old man got pulled over Aug. 11 on Green Lake Way, in a case under the jurisdiction of the Seattle City Attorney's Office.

Prosecutors there filed charges the next day.

Seattle Prosecutor Rachel Cormier Anderson said city police give court dates when arresting drivers for DUI. Formal charges typically come the next day, often based on officer observations and breath tests alone, she said.

Once charges are filed, an arraignment is required within two weeks. That's when a judge can order pretrial conditions. It can take months — even years — after that for cases to be decided in court, but filing gets the process started.

"Speed is something we've really prioritized," said Anderson, because "when people are out and have things pending, it's a dangerous time."

Satterberg said his office is more cautious than Seattle's, in part because King County District Court judges have higher standards for what is required at initial hearings and defense attorneys are aggressive.

"We work hard to have our cases as airtight as possible before we face the obstacles before us in court," said Ian Goodhew, Satterberg's deputy chief of staff.

Goodhew and Satterberg also blamed law-enforcement officers who he said can take time to submit reports and court administrators who he said try to spread out their workload by limiting filings.

And Satterberg said his office has been quicker lately in bringing charges.

In 90 percent of recent cases, he said, his staff completed its filing review within two weeks after getting the incident report from law enforcement.

The leader of the State Patrol's impaired-driving section and the court's chief presiding judge said any delays lie with prosecutors.

Lt. Rob Sharpe said the State Patrol doesn't do anything differently in King County than anywhere else in the state, where cases are typically filed sooner.

And Harn, the presiding judge, said: "There is no lag time once it gets to the courthouse. It does not exist."

### **"No-win situation"**

Shelly Baldwin, of the Washington Traffic Safety Commission, said delays between arrest and charges are harmful because studies show that "punishment needs to be swift and sure in order to have a really good (deterrent) effect."

Bill Kirk, a DUI defense attorney in Seattle, said delays can cause other problems by leaving defendants in limbo, triggering confusion and making it harder for both sides to track down witnesses.

"It's a no-win situation," Kirk said.

Experts disagree about whether quick charging stops drunks from driving while a case is under way.

While Satterberg said pretrial conditions are often ignored, Pierce County Prosecutor Mark Lindquist said they're "better to have in place than not in place."

King County District Court Judge Mark Eide said all judges order some pretrial conditions. A prohibition on drinking alcohol is common, although not well-enforced. Tougher measures such as ignition interlocks and electronic monitoring for alcohol consumption are reserved for extreme cases, he said.

DeShawn Williams, meanwhile, ultimately pleaded guilty in both DUI arrests.

Williams was first arrested on March 3, 2010, after blowing a blood-alcohol level of 0.23 percent — nearly three times the legal limit, according to court records.

The King County's Prosecutor's Office said it got the report eight days later and decided 22 days after that to bring charges. But the case apparently sat in "processing" until getting filed in early July, at which point a judge ordered an ignition interlock installed on Williams' car if he planned to drive.

It was during the delay that Williams barreled through Lester Stocker's yard.

It's impossible to know if quicker filing could have prevented that crash, but something Williams said that night suggests the impact of waiting.

"Have you ever been arrested for DUI before?" a trooper asked Williams, weeks after he was arrested for drunken driving, but before he'd been charged.

"No," Williams said. "I don't think so."

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