



July 24, 2023

Hon. Pat McCarthy, Auditor
Washington State Auditor's Office
302 Sid Snyder Avenue
Olympia, WA. 98501

Re: Request for Audit of Juvenile Division of the King County Prosecuting Attorney's Office and Affiliated Non-Profit Organizations Receiving Public Funding

Dear State Auditor McCarthy,

On behalf of the Citizen Action Defense Fund, and pursuant to RCW 43.09.055 and RCW 43.09.470, I write to request full financial and performance audits of the King County Prosecuting Attorney's Office (KCPAO). More specifically, I seek audits of the KCPAO Juvenile Division and its administration of related community referral programs including but not limited to: Restorative Community Pathways, CEDARS, Regional Peacekeepers Collective, Community Passageways, Creative Justice NW, Collective Justice NW, and Choose 180.

RCW 43.09.055 provides that "[t]he state auditor may, where there is reasonable cause to believe that a misuse of state moneys has occurred, conduct an audit of financial and legal compliance of any entity that receives public moneys through contract or grant in return for services. This authority includes examinations of not-for-profit corporations who provide personal services to a state agency or to clients of a state agency." In addition, RCW 43.09.470 allows for performance audits of local governments and agencies.

There is ample evidence of a lack of financial accountability for the programs listed above and that information is partially incorporated in the media coverage listed below. These articles detail troubling examples of financial mismanagement of millions of tax-payer dollars to non-profits that are charged with little accountability. This poor administration of programs that are part of the juvenile justice system, given the serious nature of the offenses committed, has real consequences for public safety and the rights of crime victims in the region. Despite receiving public funds, serious questions exist as to:

1. Whether adequate background checks occur for those working with juvenile offenders. KCPAO argues background checks and qualifications are the responsibility of the community agencies receiving funding from King County, but KUOW-FM (NPR radio) documents there are no background checks in many cases. King County is obligated to monitor that, particularly given the fact that these agencies receive taxpayer funding.

2. Whether there is a mechanism in place to compel offenders to participate in referral programs, per the agreements between KCPAO and these organizations. The Stranger reports a little over 50% of juvenile offenders participate, leaving the other 50% of cases, which could otherwise be charged, unaccountable.
3. Whether the KCPAO has adequate means of tracking these cases and the effectiveness of the programs with which it contracts for these services.
4. As KUOW documents, King County and the City of Seattle have contributed \$28 million toward agencies receiving criminal youth referrals from King County's Juvenile Division and a significant portion of those public funds have "disappeared." No agency can account for how the funds were utilized.

I am attaching for your reference several media articles that detail the problems I've described. I should note that while I understand the King County Council has taken some tentative steps to consider these matters, its efforts to date do not entail any actual binding steps that would result in adequately addressing the serious concerns outlined above. The scenario described in these media reports is precisely why the state auditor is empowered by state law to undertake an independent investigation and analysis of these types of allegations about impropriety and mismanagement of public funds and programs.

As a former juvenile prosecutor, I understand that prosecutors enjoy a great deal of discretion in handling individual cases. However, my concern is that whether intentionally or by neglect, the law regarding the handling of juvenile offenses is being ignored or re-written to suit political or ideological preferences. In short, the KCPAO simply lacks the authority to construct its own version of criminal law with regard to juvenile offenders at the expense of crime victims.

Because of the importance of these issues to the safety of the public as well as the juveniles that are intended to be supervised and held accountable by these programs, I respectfully request no later than July 31, 2023, the courtesy of a response and a statement regarding your intent to initiate the audits identified in this letter.

Sincerely,

A handwritten signature in blue ink that reads "Jackson Maynard, Jr." with a stylized, cursive script.

Jackson Maynard
Executive Director and Counsel
Citizen Action Defense Fund
300 Deschutes Way SW, Suite 300
Tumwater, WA 98501
(850) 519-3495

Attachment 1

The following media stories and documents are included with this letter in support of the request:

Finance Director of Seattle Nonprofits Pleads Guilty to Embezzling \$3 million

The Seattle Times

Lauren Girgis

May 18, 2023

<https://www.seattletimes.com/seattle-news/law-justice/finance-director-of-seattle-nonprofits-pleads-guilty-to-embezzling-3-million/>

Susan Tantico managed to steal \$890,000 from Community Passageways, according to the article, much of that was public money contributed by King County through agreements with Leesa Manion in support of the Juvenile Division criminal referral program.

King County Gave Millions to No Youth Jail Activists to Help Kids Then They Looked The Other Way

KUOW 94.9

Ann Dornfeld

April 26, 2023

<https://www.kuow.org/stories/king-county-gave-millions-to-no-new-youth-jail-activists-to-help-kids-then-they-looked-away/>

Much of the \$28 million in public funding contributed by King County and the City of Seattle to organizations receiving referrals from the Juvenile Division are through contracts signed by Leesa Manion in support of the Juvenile Division referral programs. According to the article “...the county acknowledges that it knows little of what these nonprofits do with the money they receive.”

King County’s Juvenile Diversion Programs Are A Mess, Time for a Reset

The Seattle Times

Editorial Board

May 5, 2023

<https://www.seattletimes.com/opinion/editorials/king-countys-juvenile-diversion-programs-are-a-mess-time-for-a-reset/>

The Seattle Times found and documented the following information on the website of Restorative Community Pathways, another non-profit receiving public money from Leesa Manion in support of the Juvenile Division: *Meanwhile, Restorative Community Pathways openly defies any oversight. Its website states: “Our program is designed by local organizations, abolitionist leaders, young people, families and other community stakeholders. The county does not determine what our program looks like or how we go about practicing restorative justice, and they have no control over the funds we receive ... they are not our allies or colleagues.”* This website statement was later removed.

New King County Program Will Use Taxpayer Money to Support Crime Victims

KOMO-TV

Matt Markovich

November 23, 2020

<https://komonews.com/news/operation-crime-justice/new-king-county-program-will-use-taxpayer-money-to-support-crime-victims>

The article quotes King County Prosecuting Attorney Dan Satterberg saying he's inventing his own criminal system because he doesn't like the accountability of the current one: *"I don't have another jurisdiction to look to. We will be inventing this one as we go."*

KUOW and Seattle Times Overstate Problems With Juvenile Diversion Programs

The Stranger

Ashley Nerbovig

May 26, 2023

<https://www.thestranger.com/cops/2023/05/26/79008830/kuow-and-seattle-times-overstate-problems-with-juvie-diversion-programs>

This article tries to defend King County but raises several new issues of concern for taxpayers: *"In its first year, RCP's [Restorative Community Pathways] most recent quarterly report showed that a little more than half the youth referred to the program accepted services."*

"The organization dispersed about \$282,500 to those [criminal] youths and to their families. RCP also helped the "harmed parties" in these cases, giving out about \$6,200 to those people in the first year."

New Youth Program Divides Candidates for King County Prosecutor

KUOW (NPR)

Amy Radil

July 21, 2022

<https://www.kuow.org/stories/new-youth-program-divides-candidates-for-king-county-prosecutor>

Juvenile Division Chief Jimmy Hung is specifically asked about the accountability and tracking his new criminal referral programs, *"We don't need to know how things are going," Hung said. "We'll know if things haven't gone right because the kid has committed another crime, and then we'll address that if and when it happens."*

King County to Continue New Juvenile Restorative Justice Program Despite Pushback

The Seattle Times

David Gutman

March 1, 2022

<https://www.seattletimes.com/seattle-news/politics/king-county-to-continue-new-juvenile-restorative-justice-program-despite-pushback>

King County Prosecuting Attorney Dan Satterberg is defiant about the manner in which he's inventing his version of criminal justice, *"It's my decision as the prosecutor and if you don't like it, well, sorry but I get to make that call using my prosecutorial discretion."*