

SEQUIM CITY COUNCIL AGENDA COVER SHEET

MEETING DATE: February 25, 2019

FROM: Charlie Bush, City Manager CPB
Initials

SUBJECT/ISSUE: Municipal Court Study

| | | | | |
|--------------------------------------|--|--|--|----------|
| Prior discussion dates | 6/25/18 | 9/10/18 | 10/22/18 | 12/10/18 |
| CATEGORY | <input type="checkbox"/> City Manager Report | <input checked="" type="checkbox"/> Information Only | Time Needed for Presentation 40 minutes | |
| | <input type="checkbox"/> Public Hearing | <input type="checkbox"/> Consent Agenda | | |
| | <input type="checkbox"/> Other Business | <input type="checkbox"/> New Business | | |
| Reviewed by | | | Initials | Date |
| Kristina Nelson-Gross, City Attorney | | | KNG | 2.4.19 |
| Sheri Crain, Police Chief | | | SLC | 2/1/19 |
| Karen Kuznek-Reese, City Clerk | | | KKR | 2/1/19 |

PROBLEM/ISSUE STATEMENT: This presentation will include a review of a municipal court study that was recently conducted. The policy question in front of Council is whether to execute this study and at what point a Sequim Municipal Court would break even given the potential for the County’s costs increasing.

DISCUSSION/ANALYSIS:

The Sequim City Council had a joint meeting with the Clallam County Commissioners on June 25, 2018. At the meeting, Commissioners expressed their frustration with rising public defense costs and a new state law, HB 1783, which they indicated would make things worse. They asked that we open our contract with them for municipal court, prosecution, public defense, and jail services to address the issue of rising costs.

Less than two weeks later, before we could respond, the County sent us a letter terminating the agreement one year from the date of the letter. It offered us the opportunity to negotiate a new contract.

Later in the summer and into the fall, the parties met. Clallam County verbally agreed to rescind its termination letter, followed by a written letter, and the parties agreed to do an efficiencies study of the system while waiting for more data regarding anticipated public defense cost increases. A discussion of this situation and scenario occurred with the

Sequim City Council on September 10, 2018. The City Council later approved an interlocal agreement with Clallam County and the City of Port Angeles on December 10, 2018 to study the countywide criminal justice system, as it impacts the County's contracts with the two cities. The agreement will be in force through December 31, 2019 with the intent of having the study completed in time to allow for possible budget adjustments for the 2020 budgets of each of the parties. Under the best possible scenario, efficiencies discovered in the study would offset or exceed increases to public defense expenses.

While these discussions were occurring, staff, with Council support through discussion and a budget amendment on October 22, 2018, commenced this municipal court study. The goal was to assess the option of starting a municipal court and to receive additional helpful information for when the regional systemwide efficiencies study is complete later this year. In the likely upcoming discussion about increased County costs, it will be important for the City of Sequim to know at what point it is no longer a financial benefit to contract with the County.

There are other benefits for a city having its own municipal court, including potential service delivery improvements and the ability to appoint a judge amenable to the City's priorities. These are covered in more detail in the attached study.

At this time, the financial gap between the City of Sequim starting its own municipal court and staying in a contract with the County is large enough that staff does not recommend further action to move in the direction of initiating a municipal court unless costs significantly increase with the County. Any expenses incurred to establish a municipal court would have to come from the City's General Fund. Starting a municipal court at this time would require the City to reduce services in other areas.

The purpose of tonight's briefing is to provide the study to Council, to allow time to ask questions with the consultant, and to provide direction to staff regarding any further action on this topic.

ATTACHMENTS:

1. Outline of White Paper for Sequim Municipal Court

FINANCIAL IMPLICATIONS: The cost of the study was \$11,300, plus reimbursable expenses. Our original estimate for the study, set aside by budget amendment, was \$30,000.

RECOMMENDATION: Staff does not recommend moving ahead with a municipal court over the next several years unless County expenses rise by more than \$500,000 annually.

MOTION: N/A



City of Sequim Municipal Court Analysis

Anne Pflug
November 2018

Introduction



In July 2018 Clallam County notified the City of Sequim that it wished to terminate its 2016 ten year intergovernmental service agreement with the City for jail, court and related services. The County was concerned about the financial impacts of House Bill 1783 that became effective in June 2018.

This analysis was developed to assess the city's options and costs if it was to create, by Ordinance, a stand alone Municipal Court.



Executive Summary: Scope

Problem Statement

Sequim is evaluating establishing a Municipal Court as an alternative to its existing ten year contract for court related services with Clallam County. The existing contract covers prosecution, public defense, detention and adjudication of traffic infractions and misdemeanors.

Misdemeanors are less serious criminal offenses such as theft, driving without a license or insurance, driving while intoxicated and assault. Felonies are more serious offenses such as murder, sexual assault, burglary and sale of drugs.

Key Questions

1. What would be the range of startup and on-going net costs of a stand alone Sequim municipal court located in Sequim and staffed with city employees and/or contractors for court operations, defense, prosecutor, probation and indigent defense screening services ?
2. How would the alternative methods of operation of a stand alone municipal court impact the quality and outcomes of justice services; customer service; overall criminal justice costs; and local control?



Executive Summary: Conclusions

Net Cost of a Municipal Court

What are the startup and on-going net costs of a stand alone Sequim municipal court?

- *Creating a Sequim Municipal Court is projected to cost the city between \$2.5 and \$3 million dollars over five years, plus start up costs of \$156,325 in constant 2019 dollars.*
- *Creating a Sequim Municipal court is projected to cost the city \$395,000 to \$917,000 more than the existing County Contract over five years in constant 2019 dollars.*



Executive Summary: Conclusions Municipal Court Impact on Criminal Justice Outcomes

Achieving Court Related Outcomes

- A municipal court at City Hall would provide local access (including by transit) to ticket payment, court hearings, probation and other court related services in Sequim rather than Port Angeles. Service hours would be similar.
- Local control over the quality and alignment of justice services with community goals could be increased with a local court.
- Some argue that judicial independence and accountability is hindered by appointing rather than electing the judicial officer. Others argue that “voter impact” has less influence on judicial decision making with appointed judges.
- Some overlap in costs and lost opportunity for state and county financial support would result from moving from a District Court contract.
- A municipal court as small as Sequim’s would lose some cost and program advantages of scale potentially including longevity of tenure of judicial officers and access to quality therapeutic court services.
- Five day per week access to judicial officers for arraignment and warrants could be reduced to three days per week.

Achieving Associated Outcomes

- A municipal court may provide more opportunity to target and develop effective local strategies to address higher volume crimes specific to Sequim and its residents. Shop lifting and police calls for service that involve “frequent users” of public services are two examples. Frequent users of public services are involved in 35% to 40% of all police calls for service and jail days. Reducing frequent user and shop lifting criminal filings could positively impact criminal justice costs and police service demand.
- There is a growing body of research that links maintaining and building community connections and supports for misdemeanants to reductions in re-offense rates. Greater use of electronic, lower cost monitoring especially pre-sentence rather than jail and assuring effective treatment based sentencing are examples that maintain employment, health and family connections. Sequim could establish and/or target such programs to achieve better outcomes with long term, lower life time costs.
- Municipal court start-up and operation would compete with other priorities for the time and attention of the city’s senior staff. Approximately 12 contracts and 9 staff positions would be involved in operations.



Executive Summary: Recommendations

1. It is possible for Sequim to establish a Municipal Court by ordinance to begin operation in January 2022 (after prior state law specified notice to the county that Sequim wishes to terminate the existing interlocal agreement) OR within one year of a county notice to the city that it will discontinue services.
2. Prior to either notice, it is possible for Sequim to enter into binding arbitration with the county regarding the financial terms of the existing interlocal agreement under state law (RCW39.34.180) and/or the existing agreement itself.
3. If the city determines that creating a Municipal Court is in its best interest, then planning for the court and funding for start-up should begin at least 18 months prior to the court's operation.
4. A contract with the County would continue to be recommended for, at a minimum, jail services, victim assistance, jury selection, customer information/notices and the transfer of court, prosecutor, defense and probation records, cases and outstanding offender legal financial obligations.
5. City Hall and its Council Chambers are currently set up well for the addition of accessible and secure court operations and customer service. It is the recommended site for the court.
6. Sequim's municipal court volume would be very small, therefore contracting for judicial officers on an hourly basis would be the recommended approach. Court administrative staff can be shared city positions as long as care is taken to avoid potential conflicts in duties. There are existing staff and positions who could fill the proposed part time court positions.
7. Local control is an often cited advantage of a municipal court. An in-house prosecutor and probation program would assist the city to align sentencing recommendations and compliance with the city's desired criminal justice outcomes.
8. The city should consider developing a criminal justice five year plan that focuses on identifying and funding strategies to achieve desired policing and justice outcomes for the community and aligns these efforts with its homelessness and affordable housing initiatives.



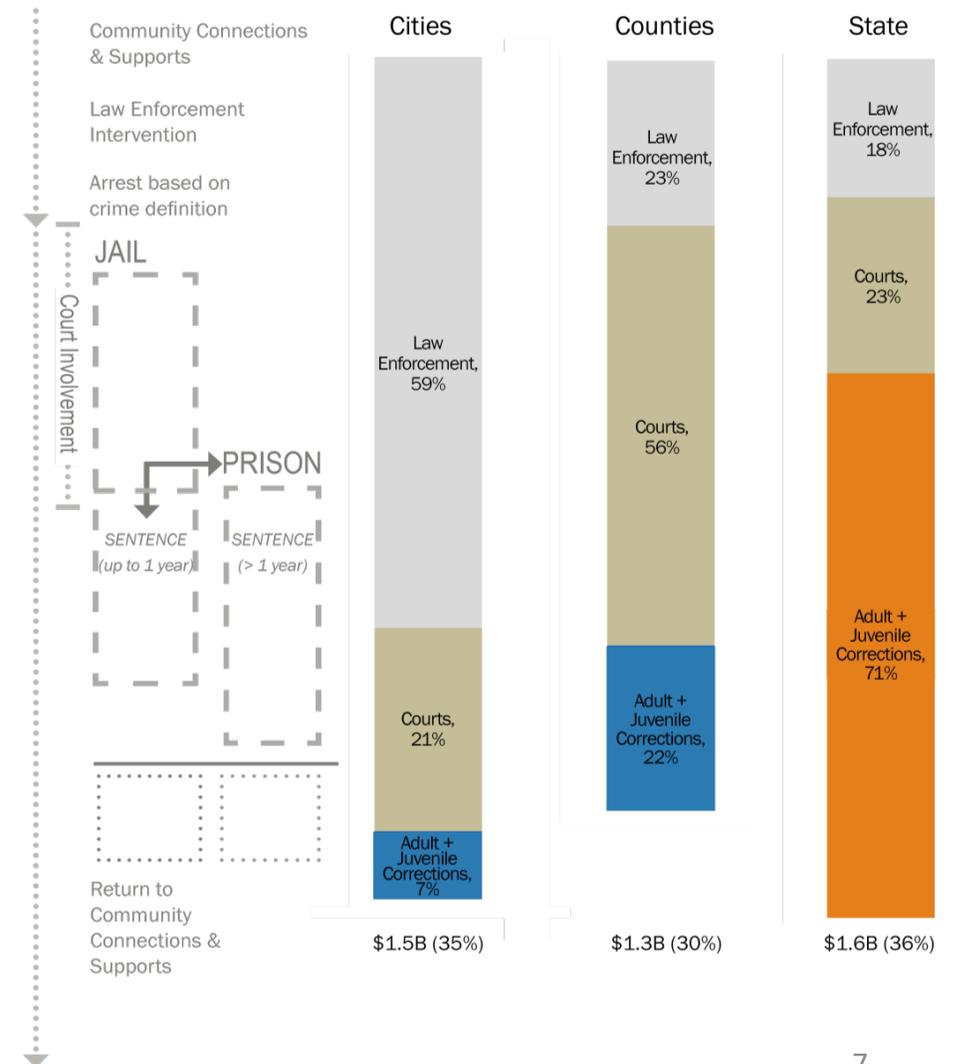
Criminal Justice System: Statewide Perspective

Financial Responsibility for Criminal Justice Services in Washington State

Source: BERK, 2014.

| Jurisdiction | Law Enforcement | Courts | Adult and Juvenile Corrections |
|---------------|---|--|---|
| State | Washington State Patrol and specialized law enforcement – State and inter-state highways, state lands | <ul style="list-style-type: none"> Supreme and Appeals Courts Attorney General Administrative Office of the Courts Office of Public Defense | <ul style="list-style-type: none"> Prison (felony > year sentence) Community supervision and detainment of violators of community supervision Juvenile Rehabilitation (felony > year sentence) |
| County | Sheriff Departments – Unincorporated county lands and roads; some city contracts Dispatch/911 system, including city contracts | <ul style="list-style-type: none"> Superior and juvenile court (felons) District court of limited jurisdiction (misdemeanors and infractions) City contracts for court services, prosecutor, public defense, clerk, probation | <ul style="list-style-type: none"> Jail (felony and misdemeanor pretrial detainees, those with <year sentence) Pretrial release programs Alternatives to incarceration Juvenile detention (<year felons and misdemeanors) Juvenile probation |
| City | Police Departments – Incorporated cities and streets Dispatch/911 system or contract | <ul style="list-style-type: none"> Contract with county District Court or provide Municipal Court of limited jurisdiction (misdemeanors and infractions) traffic violation bureaus (traffic/parking infractions), prosecutor, public defense, probation | <ul style="list-style-type: none"> Jail for adult misdemeanor defendants by contract or in city owned facility Pretrial release programs Alternatives to incarceration |

Who pays for what in the Criminal Justice System?



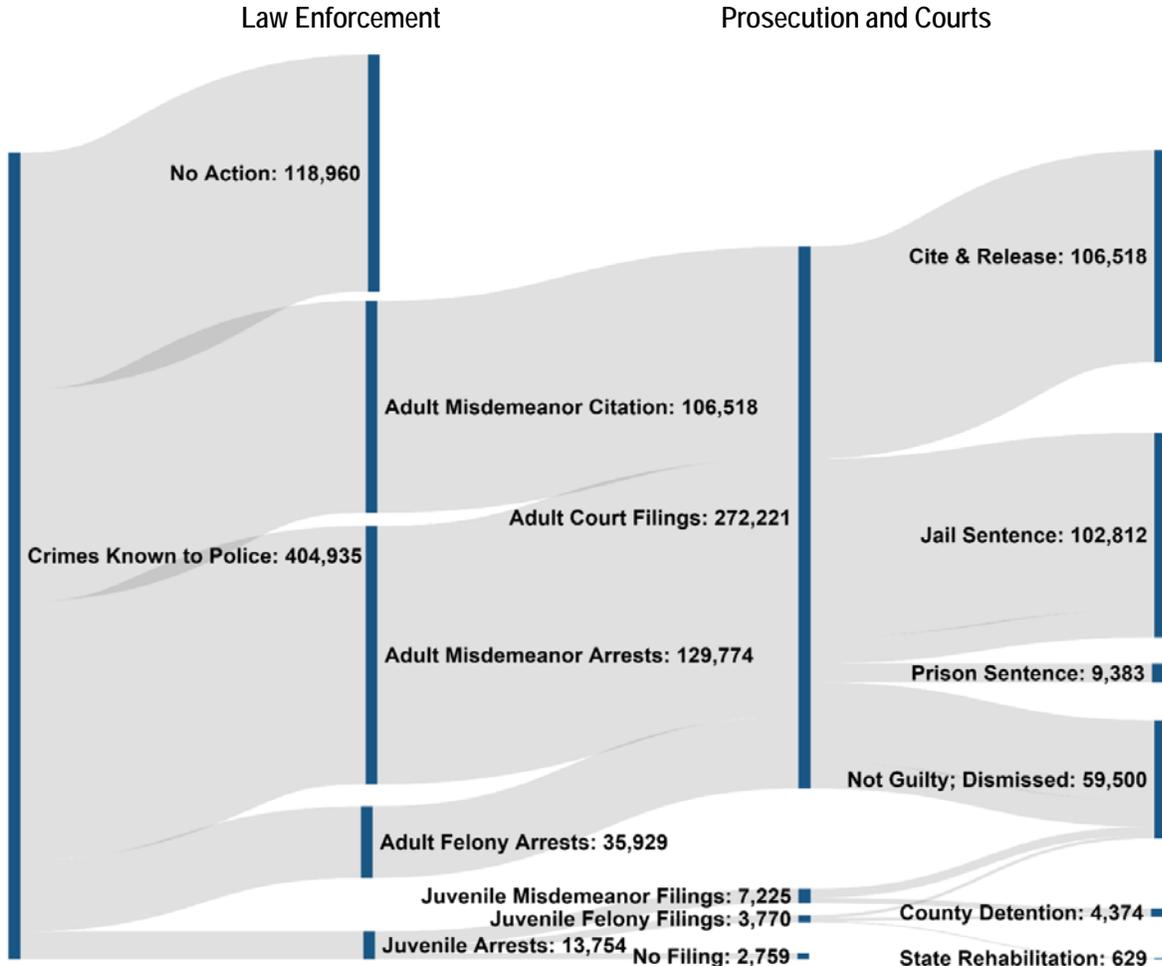


Criminal Justice System: Statewide Perspective

Crime to Sentencing Flow

Note: Drug arrests are included.

Source: Washington State Caseload Forecast Council; FBI crime reporting data; Washington State Administrative Office of the Courts data, 2013; and BERK 2014.



Ten Most Common Misdemeanor Charges with Jail Sentences by Category in Washington State, 2013

Source: Washington State Administrative Office of the Courts, 2014; Seattle Municipal Court, 2014; and BERK 2014.

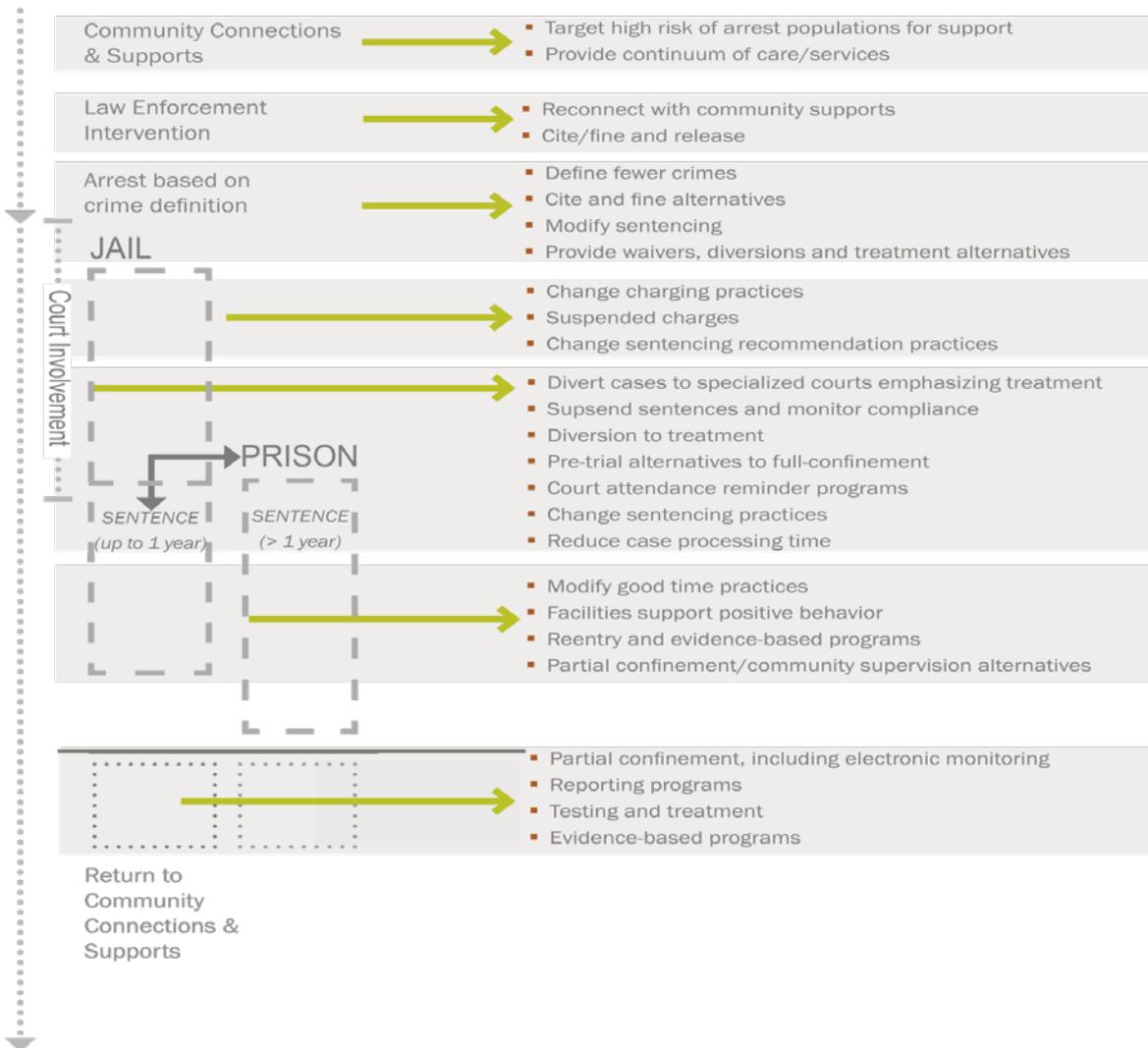
| Charge | Total Charges | Share of Top 10 Charges |
|---------------------------------------|---------------|-------------------------|
| Driving with license suspended | 20,802 | 29% |
| Theft | 12,780 | 18% |
| Driving under the influence (DUI) | 10,462 | 14% |
| Reckless driving | 6,109 | 8% |
| Assault | 5,603 | 8% |
| Negligent driving | 5,350 | 7% |
| Protection/No contact order violation | 4,171 | 6% |
| Disorderly conduct | 2,858 | 4% |
| Trespass 2 | 2,416 | 3% |
| Malicious Mischief 3 | 2,233 | 3% |



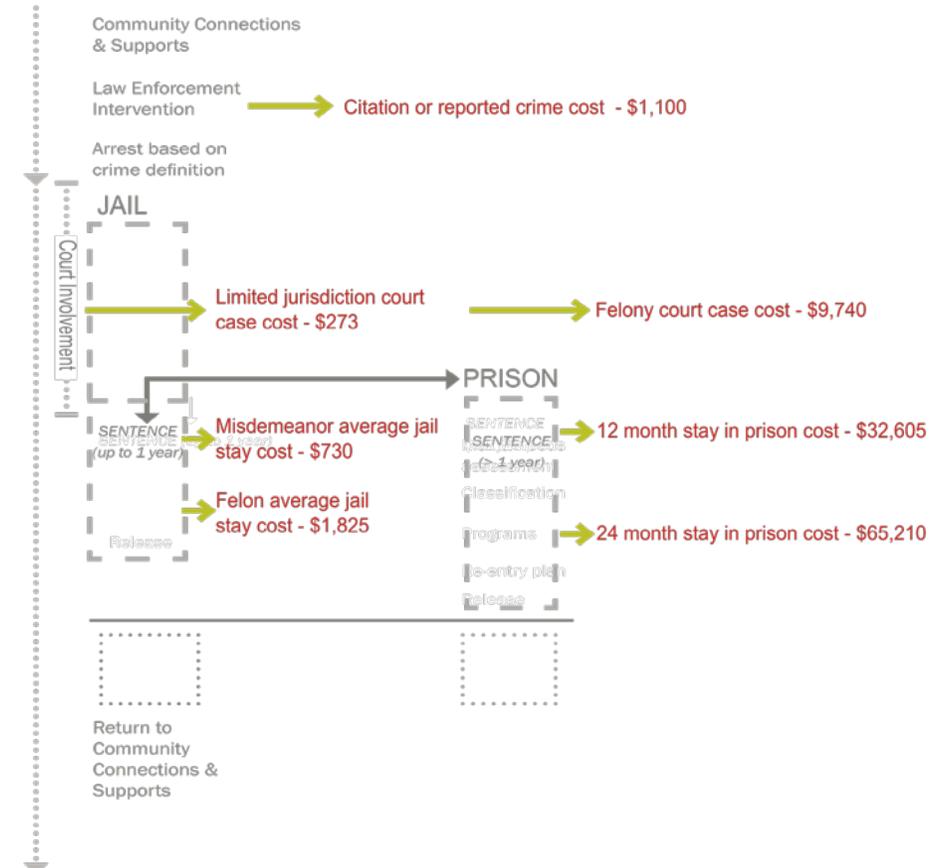
Criminal Justice System: Statewide Perspective

Summary of Diversion Programs and Practices

Source: Berk, 2014



Example Criminal Justice Costs, 2013



Notes: Example costs are calculated by dividing the 2013 cost of the specific service by the number of recorded incidents/cases or the average daily cost multiplied by typical stay length, whichever applied.

Source: 2013 local costs from Local Government Financial Reporting System, Office of the State Auditor; and BERK, 2014.



Sequim Criminal Justice System: Existing Services and Facilities

County Services

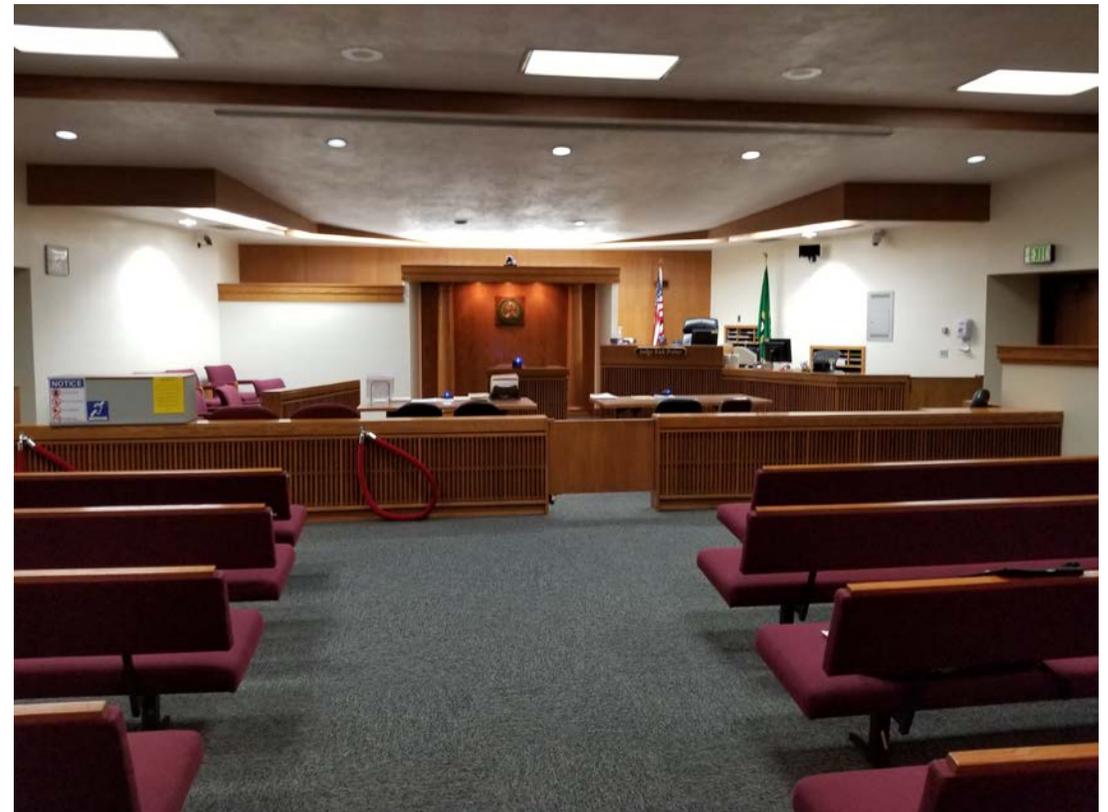
Contract

- Prosecuting, adjudicating, sentencing, and incarcerating those adults committing criminal misdemeanors and gross misdemeanors and individuals committing infractions in the City of Sequim in the same manner as...Clallam County (offences).
- Work, functions, duties, and responsibilities include, but are not limited to, provision and management of diversion services, prosecution, court services, indigent defense, prisoner confinement, appeals and record keeping.

Associated Services

- Referral and adjudication of appropriate criminal offenses to therapeutic court or specialized court calendars
- Indigent defense screening
- Electronic monitoring
- Adult probation and community restitution
- Collection of fines, fees and costs

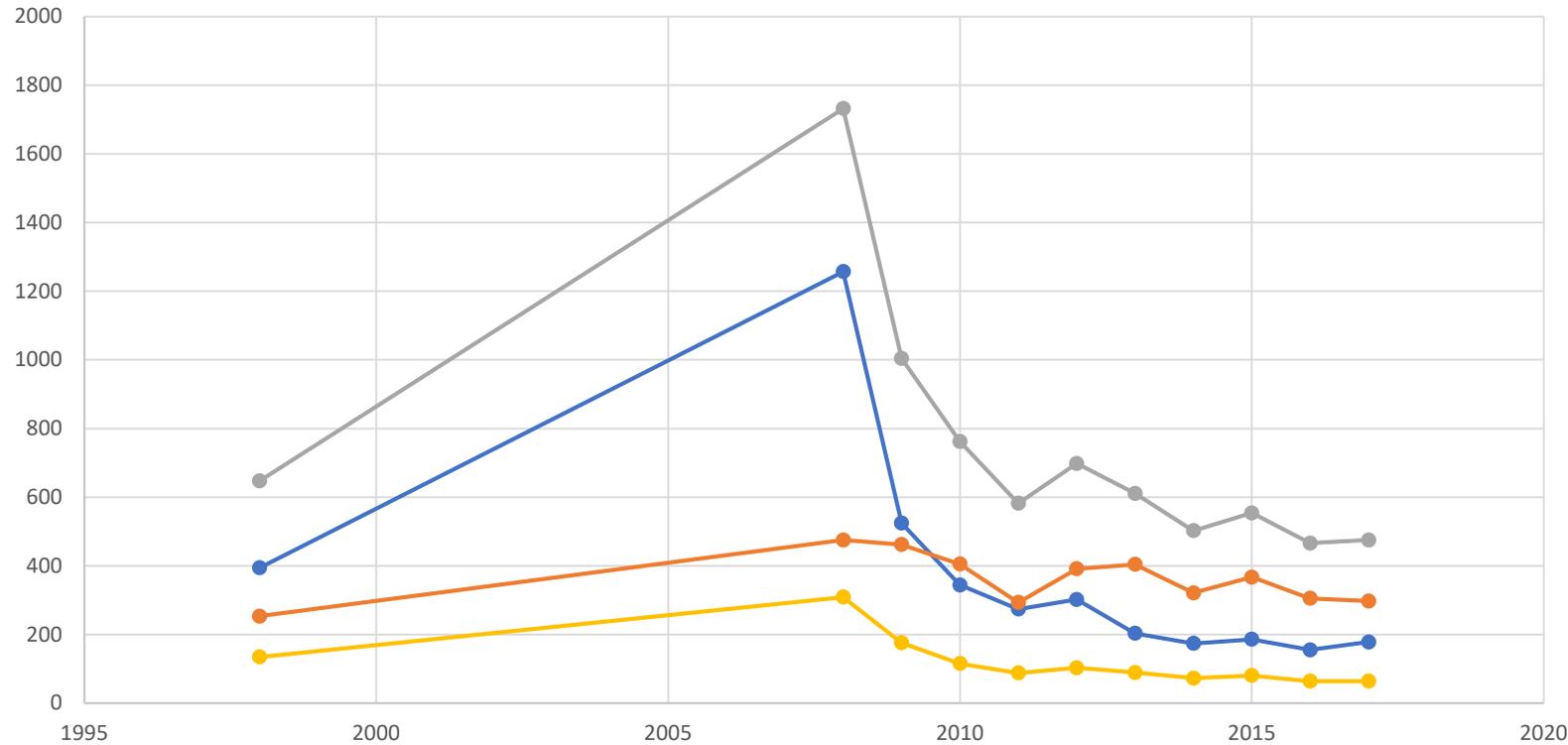
Clallam County – District Court 1





Sequim Criminal Justice System: Sequim District Court Caseload

City of Sequim Non-Felony Court Filings
1998 - 2017

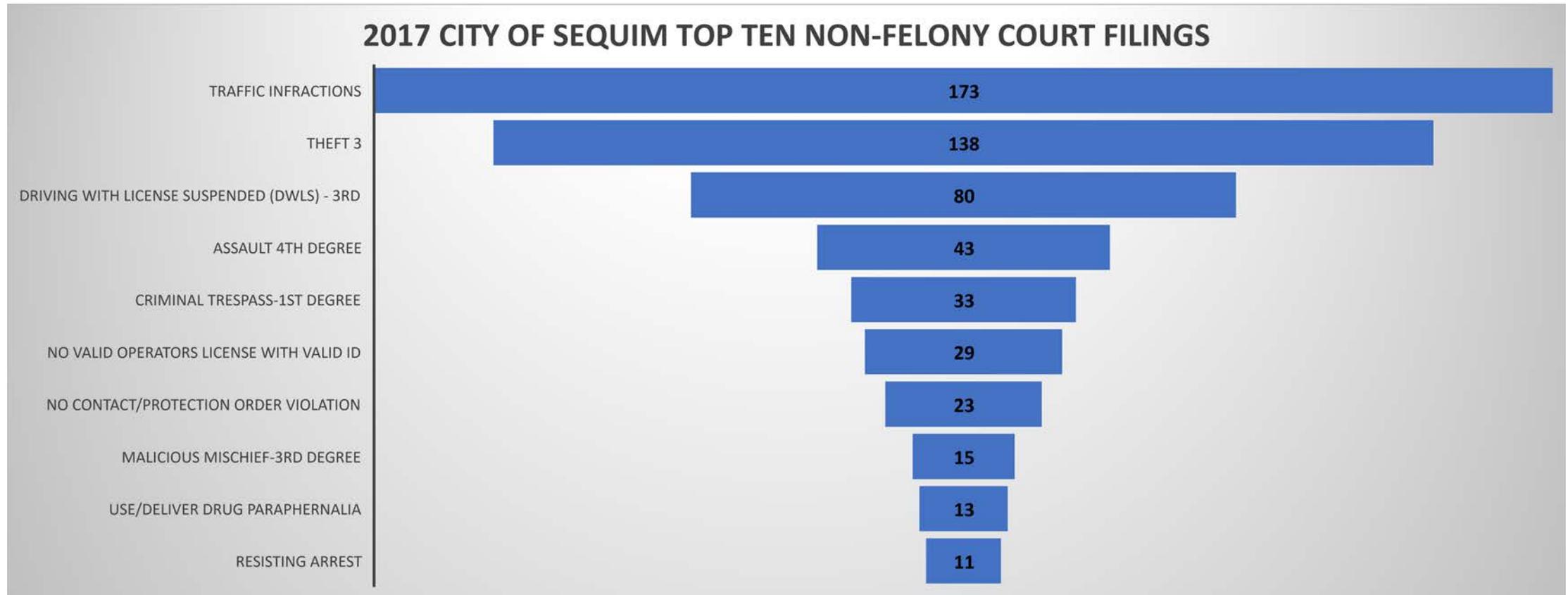


Consistent with Statewide trends Sequim filings have declined even with population growth.

- Infractions
- Misdemeanors
- Total Cases
- Filings Per 1,000 population



Sequim Criminal Justice System: Top Ten Sequim Court Filings



2017 Total Court Filings were 475, average 40 per month



Sequim Court Analysis: District Court Service Demand Factors

Existing Sequim Court Services (2017)

- Misdemeanor Court Calendars per month: **35**
- Number of jury trials held 2017: 6
- Average number of hearings per misdemeanor case: 4.2
- Therapeutic court case hearings per year: 42
- Traffic Infraction Court Calendars per month: **3**
- % of traffic infractions requesting hearings: 33%

Other Related Services (2017)

- Number of indigent defense screenings per year: 302
- Number of public defense cases per year: **230**
- Number of prosecution cases per year: 302
- Number of jail detention days per year: 3357 days
- Number of cases qualifying for probation per year: 52
- Number of potential community restitution cases per year: 238

Note: Factors that change in net cost analysis are **highlighted**.



Sequim Court Analysis: Municipal Court Service Demand Factors

Municipal Court

- Misdemeanor Court Calendars per month: **20 to 21**
- Number of jury trials: 6
- Average number of hearings per misdemeanor case: 4.2
- Therapeutic court case hearings per year: 42
- Traffic Infraction Court Calendars per month: **1**
- % of traffic infractions requesting hearings: 33%

Other Related Services

- Number of indigent defense screenings per year: 302
- Number of public defense cases per year: **261**
- Number of prosecution cases per year: 302
- Number of jail detention days per year: 3357 days
- Number of cases qualifying for probation per year: 52
- Number of potential community restitution cases per year: 238

- ✓ **Population growth**, especially in 20 to 30 year old cohort
- ✓ Retail sales volume
- ✓ Policing arrest and enforcement pattern shifts, especially traffic enforcement
- ✓ Availability and effectiveness of community support and treatment programs as alternatives for frequent public service users (35 to 40% of police calls and jail time)
- ✓ Philosophy of Judge and Prosecutor
- ✓ Use of diversion strategies by police, prosecutor or court

Note: Factors that change in net cost analysis are **highlighted**.



Sequim Court Net Cost Analysis: Assumptions

Low Estimate

- Population Annual Growth – GMA 2%, offsets part of case decline
- Annual Case Filings Decline – 4% historical pattern
- Caseload profile – no change from 2017
- Part time city staff for court, probation and prosecutor
- Contract Judge (275 hrs) and Public Defense
- Police provide security
- Indigent – 79%
- HB 1783 impacts indigent defense reimbursement; LOF collection & interest; jail days
- County retains past due LFOs

Medium Estimate

- Population Annual Growth – GMA 2%, offsets case filings decline
- Annual Case Filings Decline – 2%
- Caseload profile – no change from 2017
- Part time city staff for court, probation and prosecutor
- Contract Judge (520 hrs) and Public Defense
- Police provide security
- Indigent – 79%
- HB 1783 impacts indigent defense reimbursement; LOF collection & interest; jail days
- City assumes past due LFO's

High Estimate

- Population Annual Growth – Historical 3.3%
- Annual Case Filings Grow with Population
- Caseload profile – no change from 2017
- Part time city staff for court, probation and prosecutor, minor FTE increase
- Contract Judge (646 hrs) and Public Defense
- Police provide security
- Indigent – 79%
- HB 1783 impacts indigent defense reimbursement; LOF collection & interest; jail days
- City assumes past due LFO's



Municipal Court and Related Services Net Cost Analysis

Creating a Sequim Municipal Court is projected to cost the city between \$2.5 and \$3 million dollars over five years, plus start up costs in constant 2019 dollars.

| Sequim Municipal Court Five Year Operating Forecast (Constant 2019 Dollars) | | | | |
|--|------------------|----------------------|----------------------|----------------------|
| | One-Time | Low 5 yr | Moderate 5 yr | High 5 yr |
| Revenue | \$0 | \$286,695 | \$463,078 | \$588,178 |
| Costs | | | | |
| Personnel - Judicial Officers | 18,200 | 110,875 | 196,625 | 240,725 |
| Personnel - Court Operations | 48,000 | 703,594 | 703,594 | 750,719 |
| Personnel - Court Related | 16,700 | 676,263 | 713,855 | 875,330 |
| Operating Costs - Court | 34,925 | 244,937 | 257,799 | 271,483 |
| Operating Costs - Court Related | - | 146,744 | 152,383 | 202,530 |
| Operating Costs - Jail | - | 905,445 | 1,017,895 | 1,270,095 |
| One-Time Operating Capital | 23,500 | - | - | - |
| One- Time Capital Costs | 15,000 | - | - | - |
| Total Costs | (156,325) | (2,787,857) | (3,042,151) | (3,610,881) |
| Net Revenue (Expense) | (156,325) | (\$2,501,162) | (\$2,579,074) | (\$3,022,704) |



Municipal Court and Related Services Net Cost Comparison to County Contract

Creating a Sequim Municipal court is projected to cost the city \$395,000 to \$917,000 more than the existing County Contract over five years in 2019 constant dollars. One time start up costs would be additional.

| Sequim Municipal Court Five Year Operating Forecast (Constant 2019 Dollars) | | | | |
|--|-----------|-------------|---------------|-------------|
| | One Time | Low 5 yr | Moderate 5 yr | High 5 yr |
| Municipal Court and Court Related Service | | | | |
| Net Expense | \$156,325 | \$2,501,162 | \$2,579,074 | \$3,022,704 |
| County Contract Five Year Cost | | | | |
| Constant Dollars | | \$2,261,665 | \$2,261,665 | \$2,261,665 |
| Difference Between Municipal Court and County Contract without Start Up Costs | | (\$239,497) | (\$317,409) | (\$761,039) |
| Difference Between Municipal Court and County Contract with Start Up Costs | | (\$395,822) | (\$473,734) | (\$917,364) |
| Assumption: | | | | |
| 2019 County Contract Cost | 348,295 | | | |
| 2019 Projected County retained revenue | 104,038 | | | |
| 2019 Total Cost to City | 452,333 | | | |



Sequim Court Analysis: Conclusions Related to Municipal Court Net Cost

Revenue Drivers

- Sequim court related revenue collections will be affected by Washington State House Bill 1783 implementation which began in June 2018.
- Sequim collects only 32% of its current revenue from traffic and parking infractions while most municipal courts collect 60% or more of their revenue from infractions.
- Approximately 79% of Sequim's misdemeanor defendants qualify as indigent.
- Sequim will not automatically qualify for state shared or grant revenue to support its court and will forgo the benefit of support received by the county (HB1783 mitigation, court improvement funding and public defense support grants).
- Municipal court implementation would be less expensive for the city if it is successful negotiating an agreement with the county to transfer collections of past due legal financial obligation to the city.
- The city does not have direct access to countywide mental health and chemical dependency sales tax revenue to support therapeutic court or specialized court calendars or to the county share of Sequim's Public Safety sales tax.

Cost Drivers

- Facilities are commonly one of the most expensive parts of a municipal court start-up. Sequim has access to two relatively inexpensive options. Other facility options required either more significant renovation or were located in areas with safety or access issues.
- The city's court related personnel compensation is higher than the county for most positions, with the exception of the Judge.
- The overall size of the city's court caseload has been declining. Sequim's court caseload has a high proportion of misdemeanor cases which are more expensive to process.
- The length and number of court hearings per case; pre-sentence jail stays; and jail sentences significantly influence overall costs.
- The effectiveness of treatment based sentencing, probation and community restitution programs reduce long term costs.
- Large numbers of outstanding legal financial obligations increase collection costs.
- The City has in-place technology and security features that, if augmented, will reduce overall security and prisoner transport costs.
- City indirect rates are lower than county indirect rates.
- Prisoner transport time commitment by police for Municipal Court can be partly off set by video arraignment and a decrease in the time lost for police to travel to Port Angeles as witnesses in court.



Court Alternatives: Legal Options

Court Services

- Contract with County District Court for municipal court services
- Form a municipal court by ordinance and:
 - Staff with city staff and contractors
 - Staff with city appointed Judge and contract with county or another city for other services
 - Contract with another city

Municipal Court Judicial Officers

- City Manager appoints a judge after Council confirmation for 34 hours per week or less for a four year term
- City elects a judge
- Smaller municipal courts usually have appointed judges
- Appointed Judge candidates typically come from attorneys who have been judge pro tempores in larger courts or defense or prosecuting attorneys who are seeking to become judges



Municipal Court Alternatives: Facility Options

City Hall – Courtroom Option



- Currently used for traffic infraction court occasionally – familiar location for some customers
- Customer service counter just outside courtroom door
- Adaptable for jury space, judge office and video assisted hearings with defendants in jail
- Needed technology available
- Transit service and parking available especially before noon

Sequim Transit Center – Courtroom Option



- Adjacent to City Hall and Police Department but only open when room is in use – may cause some customer confusion
- Jury space, judge office and service counter would have to be added or located in adjacent City Hall building
- Handling in-custody defendants would be more cumbersome
- Some safety features would need to be added
- No indoor public waiting area
- Needed technology available
- Transit service and parking available especially before noon



Municipal Court Alternatives: Facility Options

City Hall – Court Front Counter



- Service hours for the court would be the same as City Hall and similar to county hours
- Shared front counter is available for added court business
- All payments would be taken at same counter

City Hall - Court Security Features

- Police Department monitored holding cells for male and female in-custody defendants prior to and after court appearance
- Alternative path for in-custody defendants to enter courtroom outside of public waiting and service areas
- Panic button and video monitoring in place
- Police Department is in the same building, adjacent to court, service counter and waiting area
- Separate space for Judge's office and jury away from public waiting and service areas
- Support staff offices shielded behind service counter
- Waiting area is family friendly for jury, witnesses and victims



Municipal Court Alternatives: Start-up Costs

Building Adjustments \$15,000

Technology \$23,500

Office Supplies \$7,000

Senior Staff hours for 12 contracts: 318 hours

Training \$4,100

Pre-operations staffing for start-up \$83,000

TOTAL START-UP ONE TIME COSTS: \$156,325



Impact of HB 1783 –Payment of Legal Financial Obligations (LFOs)

Primary impacts:

- *Jail is no longer a non-payment compliance option for most indigent, homeless and mentally ill*
- *No interest is charged on un-paid misdemeanor LFOs*
- *More opportunity for community service as an alternative to misdemeanor LFO's*
- *Loss of some collections from indigent defendants who may have paid over ten years in the past*



Impact of HB 1783 –Payment of Legal Financial Obligations (LFOs)

Prior to HB 1783

- Legal financial obligations (LFO's) include: victim restitution; crime victims' compensation fees; costs associated with the offender's prosecution and sentence; fines; penalties; and assessments.
- LFO's for cases in District or Municipal court, **accrued interest**, if not waived or reduced by the courts, at the rate of 12 percent per year after assignment to a collection agency. All non-restitution accrued interest received is split between the state (50%) and the county or city (50%).
- LFO's imposed on a defendant, or **waived based on hardship** include: public defense costs, jury fees, criminal filing fees, bench warrant fees, deferred prosecution fees, pretrial supervision fees, witness costs, probation fees, incarceration costs, and other costs as ordered by the court. A court **may not order a defendant to pay costs unless the court finds that the defendant is or will be able to pay them.**
- The requirement that an offender pay a monthly sum toward LFOs can be a condition of the offenders sentence, and an **offender is subject to penalties for noncompliance**. Penalties for non-compliance may include **jail** or **community restitution**. If the court determines the failure to pay was not willful, the court may modify the terms of payment or reduce or revoke the amount of the offender's LFOs.

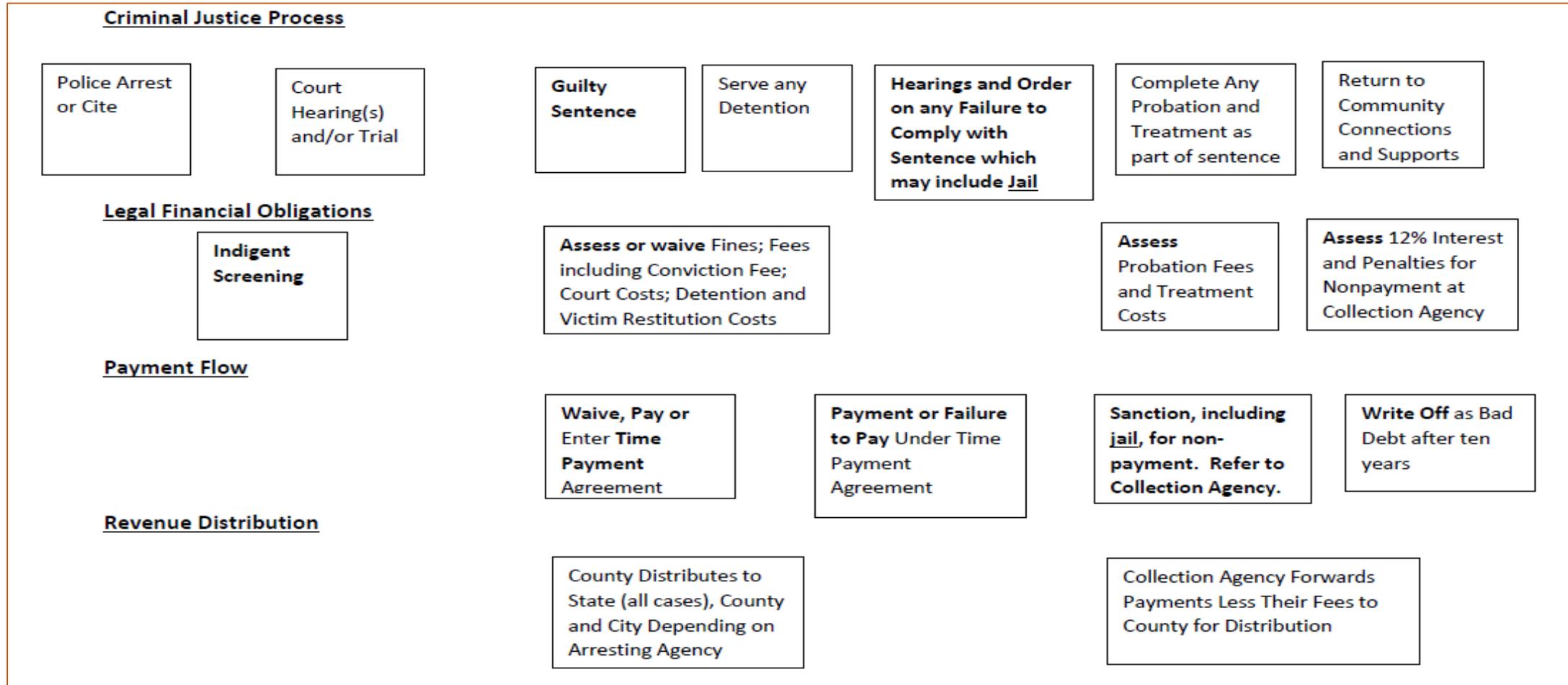
Note: **Highlights** indicate key points of impact

After HB 1783

- **Interest accrual** on the non-restitution portion of an offender's legal financial obligations (LFOs) after June 7, 2018 is eliminated. Upon motion of the offender, the court must waive interest on the non-restitution portion of the LFOs that accrued prior to June 7, 2018.
- A court may **not impose costs on an offender who is indigent at the time of sentencing**. A person is "indigent" if the person is receiving certain types of public assistance, involuntarily committed to a public mental health facility, or receiving an annual income after taxes of 125 percent or less of the federal poverty level.
- An **offender who is not in default** in the payment of costs may request the court to convert unpaid costs to community restitution hours at the rate of the minimum wage if the defendant is indigent. If the court finds that the **defendant is indigent, the court must grant permission for payment of LFOs to be made within a specified period of time or in specified installments**. The requirement that costs of incarceration be paid last after all other LFOs are satisfied is removed.
- **A court may not sanction an offender for failure to pay LFOs unless the failure to pay is willful**. When determining an offender's ability to pay, the court must consider the offender's: income and assets; basic living costs and other liabilities including child support and other LFOs; and efforts to acquire additional resources. An offender who is indigent is presumed to lack the current ability to pay. If the court determines that the offender is homeless or is a person who is mentally ill, failure to pay LFOs is not willful noncompliance.
- **When a court is considering sanctions for failure to pay LFOs**, if the court finds that failure to pay is not willful the court may, and if the defendant is indigent the court must, either: (1) modify the terms of payment; (2) reduce or waive non-restitution amounts; or (3) allow conversion of non-restitution obligations to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage for each hour of community restitution.

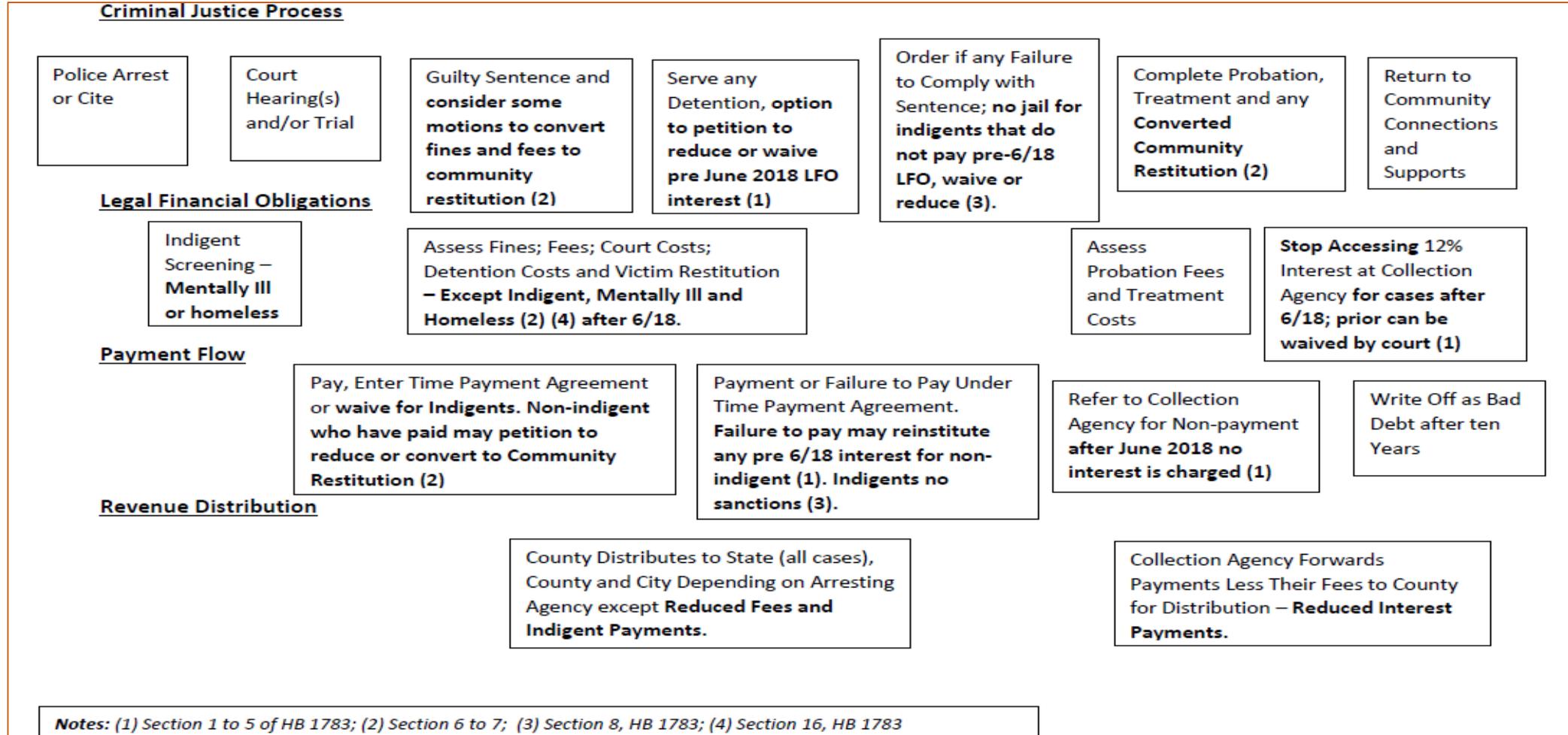


Graphic of LFO Process Pre - HB 1783





Graphic of LFO Process Post - HB 1783





Appendix

- **Proforma Municipal Court Monthly Calendar**
- **List of Interviews and Data Sources**
- **Historical Caseload Detail**
- **Start-up cost estimate detail**
- **Excel of Estimates and Projections**

Proforma Sequim Municipal Court Calendar

Sequim Municipal Court Pro-forma Monthly Calendar

| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|--------|--|---------|--|----------|---|----------|
| | 10AM Arraign 11AM Compliance and Sentencing | | 9 AM Arraign 10AM Compliance/Sentence 11 AM Motions, Fact Finding and Review Hrrings | | 9 AM Arraign 10AM Compliance/Sentence | |
| | 10AM Arraign 11AM Compliance and Sentencing | | 9 AM Arraign 10AM Compliance/Sentence 11 AM Trial Status and Readiness | | 9 AM Arraign 10AM Compliance/Sentence 11 AM Mitigated and Contested Traffic Infractions | |
| | 10AM Arraign 11AM Compliance and Sentencing | | 9 AM Arraign 10AM Compliance/Sentence 11 AM Motions, Fact Finding and Review Hrrings | | 9 AM Arraign 10AM Scheduled Trials | |
| | 10AM Arraign 11AM Compliance and Sentencing | | 9 AM Arraign 10AM Compliance/Sentence 11 AM Trial Status and Readiness | | 9 AM Arraign 10AM Compliance/Sentence 11 AM Mental Health and Chemical Dependency | |
| | 10AM Arraign 11AM Compliance and Sentencing | | | | | |

Interviews and Data Sources

Interviews and Site Visits

Interviews

- Judge Porter, Clallam County District Court 1
- Court Administrator, Clallam County District Court 1
- Clallam County Prosecutor's Office
- Public Defense services representative
- Sequim City Manager
- Sequim Police Chief
- Sequim Finance and Administrative Services Director
- Sequim City Attorney
- Sequim Public Works Operations Manager
- State of Washington Office of the Administrator of the Courts, Chief Legal Counsel and Legislative fiscal note specialist

Site Visits

- District Court, Clallam County, Port Angeles
- City Hall
- Transit Center
- Guy Cole Park Community Building

Data Sources

- Office of Financial Management, State of Washington, *Statewide Correctional Needs Assessment*, Berk and Associates, 2014.
- Administrative Office of the Courts, State of Washington, *Annual Caseload Reports*, Courts of Limited Jurisdiction 2007 to 2017.
- Administrative Office of the Courts, State of Washington, *Annual Court Staffing and Needs Assessment*, Courts of Limited Jurisdiction 2017.
- Administrative Office of the Courts, State of Washington, Custom Data Run, September 2018.
- Clallam County, District Court 1, JIS annual report, 2017 court calendar and indigent screening questionnaire.
- Sequim Police Department Strategic Plan and NIBRS annual data 2017.
- 2018 and 2017 Clallam County and City of Sequim Budget documents, accountability reports, staff salary tables and financial results. Sequim jail day records 2015 to 2017.
- 2016 Interlocal Agreement between Sequim and Clallam County for Criminal Justice Services.
- State of Washington Legislature, House Bill 1783, text, fiscal note and bill report, 2018 legislative session.
- Office of Financial Management, State of Washington, Population estimates and Growth Management Act population forecast.
- Court and Intergovernmental Services Act statutes, State of Washington.
- Municipal Research and Services Center, Courts section.

Historical Data and Estimate Detail Provided to City

- Historical Caseload
- One time Municipal Court start-up cost estimates
- Projected Municipal Court Revenue and Expenses – Five Years Beginning in 2022 in constant 2019 dollars with assumptions for high, medium and low scenarios
- Court Caseload and Population Projections with assumptions

Author Contact Information

Anne Pflug
The Other Company
Ellensburg, Washington

AnnePflug@gmail.com

425-785-8557