

AGENDA
COMMITTEE OF THE WHOLE

Douglas G. Richardson, Chair
Dan Roach, Vice Chair
Joyce McDonald, Executive Pro Tem
Connie Ladenburg, Member
Jim McCune, Member
Rick Talbert, Member
Derek Young, Member

October 27, 2016

• **1:30 p.m.**

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. District Court – Honorable Judge Maggie Ross, Presiding Judge
 - District Court response to 2017 Budget questions
 - District Court Organization Chart
 - District Court Supplemental 2017 Budget request
5. Superior Court – Honorable Judge Frank Cuthbertson, Presiding Judge
 - Superior Court response to 2017 Budget questions
 - 9th Commissioner – Administrative Briefing
 - Superior Court Letter 10/26/16 re: DV
6. Councilmember discussion, questions, comments and other items regarding the proposed 2017 Pierce County Budget
7. Other Business
8. Adjournment

Pierce County District Court

Responses to County Council Questions

2017 Budget Development

- 1) Please provide an organizational chart for your department.
 - a. *The updated organizational chart is attached (see page 4).*

- 2) Please explain any major changes in your salaries and wages and personnel benefits line items.
 - a. *We consistently prioritize and align our financial resources in order to run efficiently and effectively while maintaining a balanced workforce that provides innovative and responsive services to the public. The court has made significant advances through technology that increased the efficiencies of our court processes. Our information technology unit has streamlined several processes such as imaging of documents, electronic filing and electronic court orders. Because of these advances, the court is able to reduce 2-1/2 clerical FTE's. We are eliminating the positions through attrition in order to minimize any negative effect on our remaining staff. Our reduction resulted in a savings of \$215,070.*

- 3) Describe your fiscal year 2017 performance measures and how they differ from those from fiscal year 2016. Do you anticipate meeting your 2016 performance measures?
 - a. *CourTools from the National Center for State Courts enables courts to collect and present evidence of their success in meeting the needs and expectations of the public. Basic indicators of court performance are a necessary ingredient of accountability in the administration of justice and effective governance of the third branch. Moreover, performance measures provide a structured means for courts to communicate this message to their partners in government. Designed to demonstrate the quality of service delivery, CourTools fosters consensus on what courts should strive to achieve and their success in meeting objectives in a world of limited resources. Our goal for 2016 was to establish the baseline measurements for our 2017 goals. We have established the baseline goals with the results from our 2016 measurements.*
 - b. *CourTools Measure 1 – To increase service to the public, we are utilizing service statistics and feedback forms. These are reviewed by management and addressed individually. In response to feedback received, the Court has made improvements increasing service to the public. A new application has been added to allow citizens to set appointments for our counter via mobile applications and the internet. This easy to use program allows citizens arriving at their selected appointment time to be the next ticket called, limiting time spent waiting in line.*
 - c. *CourTools Measure 6 – To improve service delivery, the Court is monitoring the reliability and integrity of our case files. This is a determining factor in ensuring there is no delay in case processing. The Court performed an analysis of electronic filings for the period of January 1, 2016 thru July 12, 2016. There were 65,535 civil and criminal filings for that time period with no exceptions noted.*
 - d. *CourTools Measure 9 – To increase employee engagement, the Court conducted a survey of all court employees in 2016. The survey was completed in October and the results will be analyzed and compared to the results from the 2015 survey.*

- 4) Describe any new state or federal rules or regulations that are impacting your department fund.
 - a. *State v. Blazina ruling that courts must take into consideration a defendant's ability to pay before imposing discretionary legal financial obligations may result in a reduction of revenues from discretionary legal financial obligations.*
 - b. *The Court has adjusted to the impacts of GR31.1 which has resulted in additional administrative time related to records requests.*

Pierce County District Court

Responses to County Council Questions

2017 Budget Development

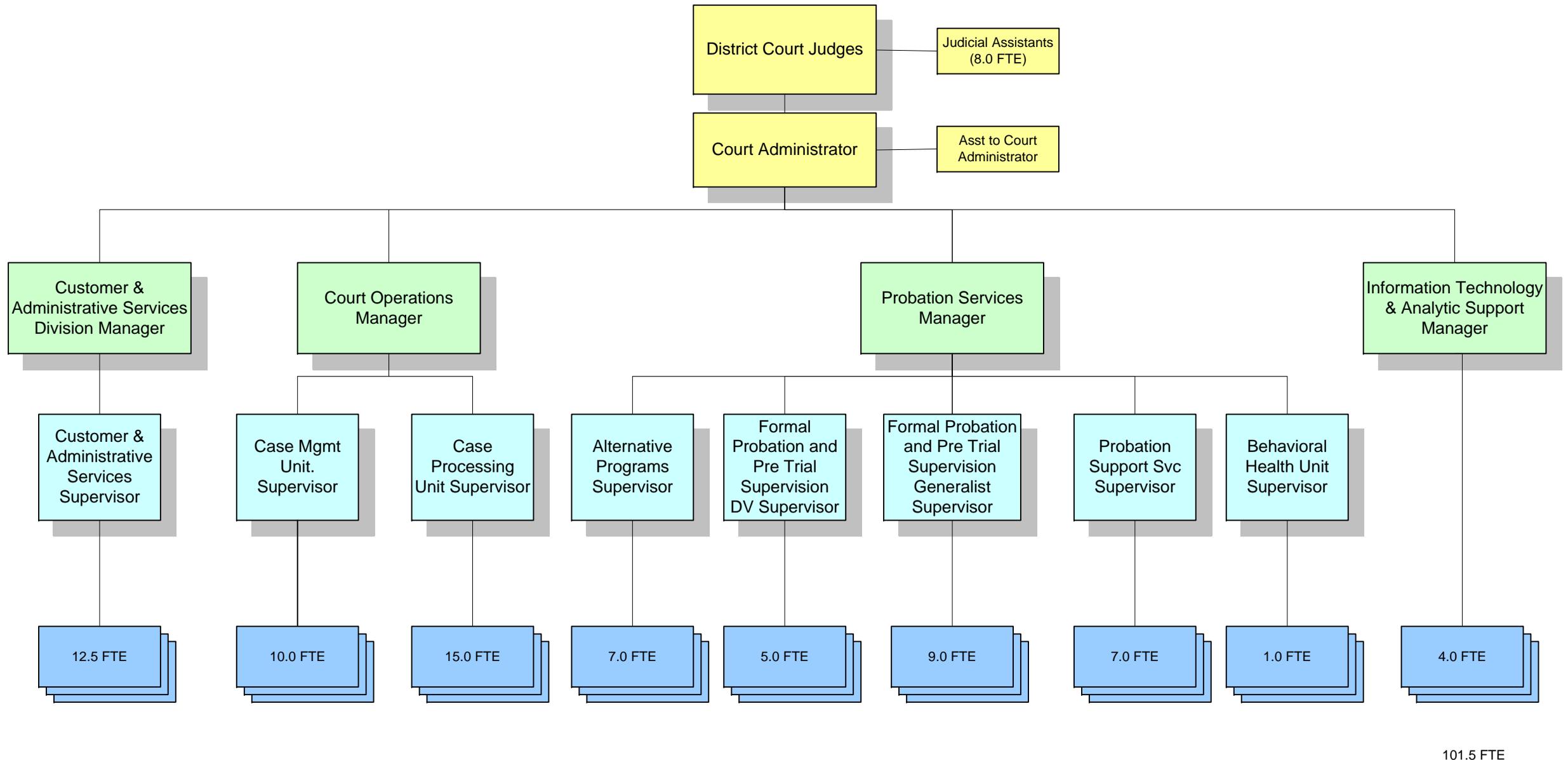
- 7) Give the background to and the fiscal impact of the switch of Probation Officers from PSERS to PERS. When is this scheduled to occur? What is the fiscal impact in 2017 and beyond? How many FTE's are impacted?
- a. *Due to an audit identifying an error with the Washington Department of Retirement Systems (DRS) and the probation officers retirement program (PSERS), we will be required to increase the probation officers' hours to 40 hours per week for those probation officers who elect to remain in PSERS. Negotiations are in process and the Court submitted an estimate of half the probation officers (8) and 3 supervisors increasing to 40 hours. There is an additional \$6,000 for Teamsters Trust that has been added per the current negotiations. Until negotiations are completed, we are unable to submit an exact figure.*

Please provide the fiscal note for moving your probation employees to 40 hours per week and keeping them in PSERS versus leaving them at less hours and moving them to PERS. (see attached estimated supplemental (see page 5)

- 8) Describe the continuing decline of expected fine revenues. Have you determined the impact of the state Supreme Court decision regarding ability to pay? Are we seeing any bright spots in the revenue picture?
- a. *The decline or increase in fine revenue is related to the number of filings received from law enforcement as well as the ability of defendants to pay their fines. Determining the ability to pay has always been a function of the Court and we will continue to follow the court rules and state law on determining indigency. The filings are not within the control of the courts. As a bright spot, State Patrol appears to be moving forward on filling vacant patrol officer positions. Over time, this will increase filings.*
- 9) Describe any efforts you may be making for an amnesty period to pay fines. How much does the County have in outstanding fines? What other methods to get these fines paid are you considering?
- a. *We have met with our collections vendor and have discussed the amnesty program and obtained their input on a successful program. They recommended a timeframe to run the program and various cost strategies. We are looking at the possibility of running the program concurrent with other courts. The current balance in collections is \$37.6 million. We are in discussions with Tacoma Municipal to prepare a joint RFP for collection services.*
- 10) Detail your work with Superior Court on moving Class 3 Misdemeanors to the District Court. Has the decision been made? What will be the impact on your Probation Department? Does this budget anticipate that impact?
- a. *The Prosecutor's Office, District Court and Superior Court are engaged in a new program to resolve Unlawful Possession of a Controlled Substance cases with defendants who have no prior felonies. These defendants charged in Superior Court can plead guilty to a misdemeanor in District Court and the felony charge will be dismissed. The defendant will appear in District Court for up to a two year deferred sentence with conditions of the deferral to be monitored by the probation department. The program will start with a maximum of five cases per week as the parties develop confidence in the process and make the necessary changes to ensure efficiency.*

Pierce County District Court Organization Chart

10/24/2016



**SUPPLEMENTAL BUDGET REQUEST
FOR YEAR 2017**

District Court / 001-00
Company/Fund
ALL OF THE INFORMATION BELOW MUST BE COMPLETED

Increase for probation employees due to retirement.
Activity/Program

Judy Ly (253) 798-2974
Contact Name & Phone #

Due to an audit identifying an error with the Washington Department of Retirement Systems (DRS) and the probation officers retirement program (PSERS), we will be required to increase the probation officers' hours to 40 hours per week. Current negotiations between the County HR Department and DRS have identified the need to increase hours to 40/week in order to maintain the employees retirement benefits. (see attached) **This is an alternative supplemental estimating only 8 Probation Officers and 3 Supervisors going to 40 hours. Additionally, \$6,000 Teamsters Trust has been added per the current negotiations.**

SUBMIT DEPARTMENT SUPPLEMENTAL AND ATTACH THIS DOCUMENT

COST ESTIMATES

Priority	Position Title	Company/Fund/Cost Center	Start Date	Jobclass	Salary Class Plan plus COLA	Wkrs Comp Type	Retire. Plan	FTE	Hrs Per Day	Exempt	calculated fields							Total Cost	
											2016 Hourly Rate	Hazard	Non-Haz	LEFF2	LEFF2	PSERS	PSERS		LEFF2
	102800 - Adult Probation Supervisor	District Court/001-00/DC Work Crew - WKCR	1/1/2017	102800	\$ 43.99			1.00	1.0		260	11,440	-	-	-	-	880	-	\$ 12,320
	102800 - Adult Probation Supervisor	District Court/001-00/DC Probation Services -0123	1/1/2017	102800	\$ 32.76			1.00	-		-	-	-	-	-	-	-	-	\$ -
	200900 - Adult Probation Officer 1	District Court/001-00/DC Probation Services -0123	1/1/2017	200900	\$ 38.42			1.00	-		-	-	-	-	-	-	-	-	\$ -
	201100 - Adult Probation Officer 2	District Court/001-00/DC Probation Services -0123	1/1/2017	201100	\$ 43.99			1.00	1.0		260	11,440	-	-	-	-	880	-	\$ 12,320
	102800 - Adult Probation Supervisor	District Court/001-00/DC Probation Services -0123	1/1/2017	102800	\$ 40.73			1.00	1.0		260	10,590	-	-	-	-	810	-	\$ 11,400
	233200 - Adult Probation Officer 2 - Qualified Probation	District Court/001-00/DC Probation Services -0123	1/1/2017	233200	\$ 38.28			1.00	-		-	-	-	-	-	-	-	-	\$ -
	201100 - Adult Probation Officer 2	District Court/001-00/DC Probation Services -0123	1/1/2017	201100	\$ 37.33			1.00	-		-	-	-	-	-	-	-	-	\$ -
	150600 - Alternative Program Supervisor	District Court/001-00/DC Probation Services -0123	1/1/2017	150600	\$ 40.73			1.00	1.0		260	10,590	-	-	-	-	810	-	\$ 11,400
	201100 - Adult Probation Officer 2	District Court/001-00/DC Probation Services -0123	1/1/2017	201100	\$ 38.80			1.00	1.0		260	10,090	-	-	-	-	770	-	\$ 10,860
	233200 - Adult Probation Officer 2 - Qualified Probation	District Court/001-00/DC Probation Services -0123	1/1/2017	233200	\$ 40.73			1.00	1.0		260	10,590	-	-	-	-	810	-	\$ 11,400
	233200 - Adult Probation Officer 2 - Qualified Probation	District Court/001-00/DC Probation Services -0123	1/1/2017	233200	\$ 40.73			1.00	1.0		260	10,590	-	-	-	-	810	-	\$ 11,400
	233200 - Adult Probation Officer 2 - Qualified Probation	District Court/001-00/DC Probation Services -0123	1/1/2017	233200	\$ 43.99			1.00	1.0		260	11,440	-	-	-	-	880	-	\$ 12,320
	201100 - Adult Probation Officer 2	District Court/001-00/DC Probation Services -0123	1/1/2017	201100	\$ 40.73			1.00	1.0		260	10,590	-	-	-	-	810	-	\$ 11,400
	201100 - Adult Probation Officer 2	District Court/001-00/DC Probation Services -0123	1/1/2017	201100	\$ 38.80			1.00	-		-	-	-	-	-	-	-	-	\$ -
	233200 - Adult Probation Officer 2 - Qualified Probation	District Court/001-00/DC Probation Services -0123	1/1/2017	233200	\$ 34.19			1.00	-		-	-	-	-	-	-	-	-	\$ -
	201100 - Adult Probation Officer 2	District Court/001-00/DC Probation Services -0123	1/1/2017	201100	\$ 40.73			1.00	1.0		260	10,590	-	-	-	-	810	-	\$ 11,400
	233200 - Adult Probation Officer 2 - Qualified Probation	District Court/001-00/DC Probation Services -0123	1/1/2017	233200	\$ 38.80			1.00	-		-	-	-	-	-	-	-	-	\$ -
	201100 - Adult Probation Officer 2	District Court/001-00/DC Probation Services -0123	1/1/2017	201100	\$ 37.19			1.00	-		-	-	-	-	-	-	-	-	\$ -
	201100 - Adult Probation Officer 2	District Court/001-00/DC Probation Services -0123	1/1/2017	201100	\$ 43.99			1.00	1.0		260	11,440	-	-	-	-	880	-	\$ 12,320
											-	-	-	-	-	-	-	-	\$ -
											-	-	-	-	-	-	-	-	\$ -

All Other Costs:

Priority	Description	Total Cost
	Probation Officers will be changed switched to Teamsters Trust medical insurance. This is the annual total cost.	\$ 6,000

TOTAL OF SUPPLEMENTAL REQUESTS: \$ 134,540



Pierce County

Office of the County Council

930 Tacoma Avenue South, Room 1046
Tacoma, Washington 98402-2176
(253) 798-7777
FAX (253) 798-7509
TDD (253) 798-4018
1-800-992-2456
www.piercecountywa.org/council

October 14, 2016

TO: The Honorable Judge Frank Cuthbertson, Presiding Judge, Superior Court

FROM: Paul Bocchi, Senior Legislative Budget Analyst, County Council
Michael Transue, Budget Consultant, County Council

SUBJECT: 2017 Budget Presentation Scheduled for October 27, 2016 at 1:30 p.m.

In addition to a general presentation regarding your 2017 Budget, Council has asked that you provide answers to the following questions. References to page numbers below are to the 2017 Preliminary Budget document.

- 1) Please provide an organizational chart for your department.

See attachment A

- 2) Please explain any major changes in your salaries and wages and personnel benefits line items.

There is a state mandated salary increase for judicial officers that has been included in the 2017 figures. The increase for the county funded half of salaries for Judges and all of the salaries and benefits for Court Commissioners.

Our budget also reflects the county proposed COLA for staff.

The Court has been told that Optum will again fund the Mental Health Court Coordinator, but at the full cost (wage and benefits) of \$112 260.

An increase to 40 hours for 3 staff has been included in 2017 budget. Also a change in positions from LA2 to LA4.—See Question response #9

- 3) Describe your fiscal year 2017 performance measures and how they differ from those from fiscal year 2016. Do you anticipate meeting you 2016 performance measures?

The Superior Court performance objectives for 2017 are essentially the same as those from 2016. Superior Court will continue to focus its efforts on improving service delivery through timely resolution of cases and will measure our progress by tracking our performance in comparison to model time standards.

Objective: Improve Service Delivery	2014 Actual	2015 Actual	2016 Target	2017 Target	
Proposed Resolution Advisory Time Standard	99%	99%	98%	98%	Service Delivery Systems Proposed Resolution Advisory Time Standards Civil 98% in 24 months
	97%	97%	95%	95%	Domestic: 95% in 18 months
	95%	99%	100%	100%	Probate/Guardianship: 100% in 36 months
	92%	91%	95%	95%	Paternity: 95% in 14 months
	100%	100%	100%	100%	Mental Illness: 100% in 14 months
	85%	73%	73%	75%	Family Court Relocation Trials: 100% in 6 months
	88%	93%	93%	95%	Family Court Petitions to Modify: 100% in 12 months
Objective: Improve Service Delivery					
Superior Court has adopted the Model Time Standards for State Trial Courts for criminal cases. These standards are recommended nationally for urban trial courts by ABA, NACM, and CSC	57%	53%	55%	55%	The Model Time Standards 75% resolved in 90 days (of filing)
	75%	73%	75%	77%	90% resolved in 180 days (of filing)
	90%	90%	91%	92%	98% resolved in 365 days (of filing)

4) Describe any new state or federal rules or regulations that are impacting your department fund.

- **While RCW 26.50.070 is not a new state law, the way our Commissioners are trying to abide by it is. The hope for 2017 is the Court will be able to comply with section 3 which states the following:**

(3) The court shall hold an ex parte hearing in person or by telephone on the day the petition is filed or on the following judicial day.

In order to accomplish this, the Court will be seeking funding for a 9th Commissioner to handle all Domestic Violence Protection Orders and Firearms Surrender Orders. The need to have a petitioner appear in court will create a substantial impact on our court under our current staffing. We are expecting to have around 400 Firearms Surrender Orders in 2016 and there were around 3,500 petitioners who requested a protection order through our Ex Parte Commissioner in 2015.

- **Washington State Initiative 1491 - Extreme Protection Orders have a potential of adding work for our Commissioners if the law is passed in November.**
- **ESSSB 5269 (Joel's Law) is related to court review of detention decisions under the involuntary treatment act. This act allows families to seek judicial review of Designated Mental Health Provider (DMHP) decisions denying petitions for civil commitment. The court has had approximately 24 hearings in 2016 at Western State Hospital.**
- **Plain Language Family Law forms have had an impact since it now takes more court time to review and complete the required forms.**

5) Describe any grant revenue your department fund has budgeted in fiscal year 2017.

The Federal grant revenues budgeted are for the support of Superior Court Drug Court programs. Currently there are 3 Federal Grants. (1 Bureau of Justice Assistance (BJA) and 2 for Substance Abuse and Mental Health Services Administration (SAMHSA)). The 2017 budgeted amount is \$650,000 for treatments and \$100,000 for Drug Court Coordinator Salary and Benefits.

6) Detail the need for the new Guardian ad Litem position funded in the budget. What will this individual be doing? Why is this additional position needed? What are the annual costs of the position?

The current staff GAL provides GAL investigations in parenting plan matters for self-represented parties who are indigent and cannot afford the retainer (\$1125 is required to being a private pal GAL investigation.) The additional GAL would do the same as our current staff GAL: interviewing parties, children, home & school visits, collecting information from collateral sources: Doctors, schools, DSHS, and then write a report with recommendations regarding residential placement and parenting matters for the court. The GAL may be required to

testify at trial.

These cases normally have a higher level of conflict and more complex issues. One GAL can handle approximate 15-20 cases in a year. For every case the current GAL is appointed to, there is one other case that does not get a GAL. An additional GAL would increase the number of families that can be helped.

We have created stringent protocols to ensure the resource is available for those with the greatest need. An additional GAL would allow the protocols to be relaxed and appointments made in more cases.

The annual costs for the GAL are Salary and Benefits of \$ 104,267.50

- 7) Describe the duties and accomplishments of the Mental Health Coordinator position.

The Mental Health Court Case Coordinator position coordinates Felony Mental Health Court (FMHC). This position involves being the primary liaison for the prosecuting attorney's office, Department of Assigned Counsel, community treatment providers, probation officers, Department of Corrections, and other courts. The FMHC Case Coordinator monitors and tracks the status of referrals, facilitates the weekly FMHC staffing meeting to review cases for eligibility and communicates outcomes with the attorneys. This data is tracked to monitor timelines, case flow and types of outcomes. Additionally, the FMHC Case Coordinator conducts FMHC Orientation for participants. This is done with a member of the contracted treatment team, Forensic Assertive Community Treatment (FACT) at Greater Lakes Mental Health Care to ensure close collaboration with the treatment providers monitoring participants. This position also has additional program meetings with the Director of Forensics and Clinical Supervisor of FACT.

To date, FMHC is operating at capacity, with 43 participates and 16 defendants awaiting eligibility screening.

- 8) Detail the reason for the transfer of 1.6 FTE's from the Juvenile Court to Superior Court. How does this help the Superior Court and the Juvenile Court?

The transfer one 1. FTE is to correctly account for a Court Case Coordinator for Family and Juvenile court matters. For the past few years, this person has been located in Superior Court Administration. The Family Court Case Coordinator works closely with the Family Court Judges and Commissioners to facilitate the policies and processes of Family Court. The FCCC is on the Family Law committee and monitors the cases assigned to family court based on the "Family Court Case Assignment" policy; provides monthly reporting and statistical analysis; and supports and supplies information to the individuals involved in Family Court cases, including self-represented litigants, attorneys, and Guardians ad litem. The FCCC is also on other committees in Superior Court and involved in specialty assignments to research and recommend updates to policy and procedures.

This transfer for a Commissioner's .62 FTE back to Superior Court will re-instate the position to a full 1.0 FTE. In 2015 the FTE for a Commissioner was allocated at a .38 FTE for Superior Court and .62 FTE for Juvenile Court for allocation methodology in Workday. Due to accounting changes in the Workday financial application, this methodology is not available any longer. It is not necessary to allocate the FTE in this manner going forward. Superior Court will now bill directly to Juvenile Court for all Commissioner's services and will no longer need to allocate the FTE for 2017.

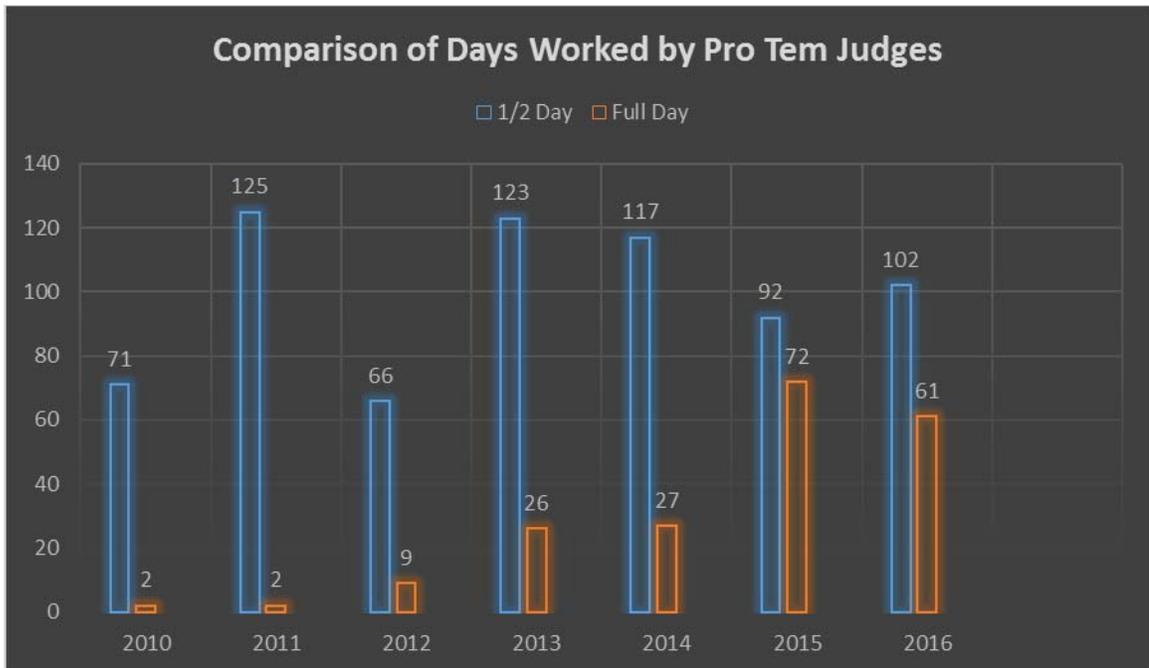
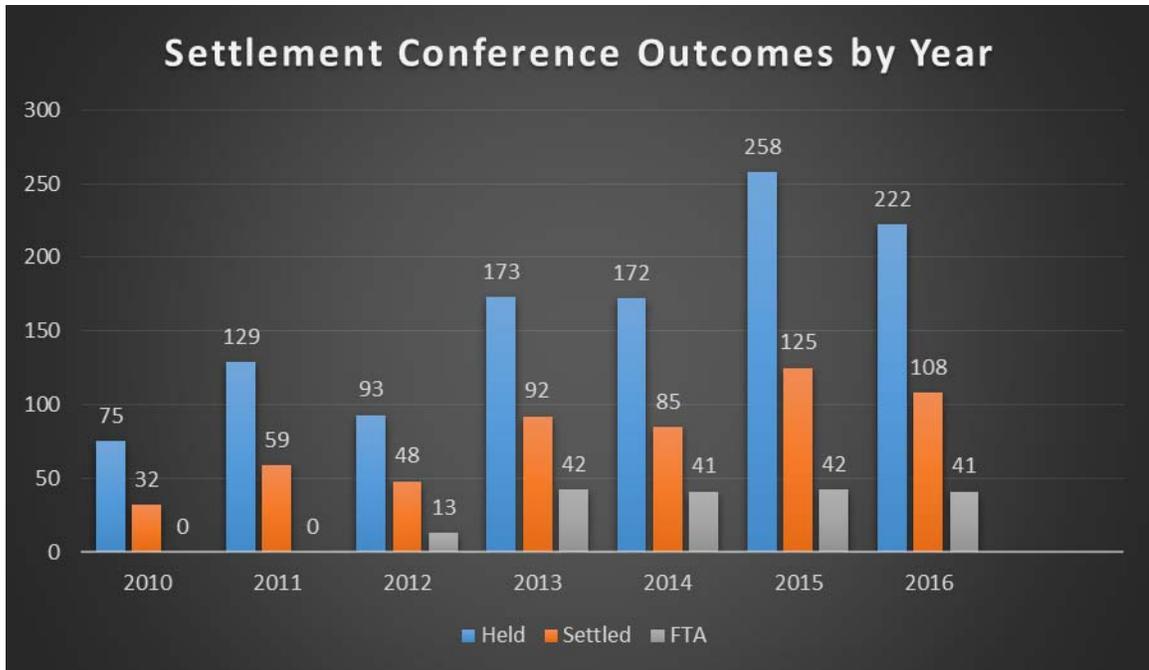
- 9) Describe the number and type of staff that are being increased to forty hours per week. How many hours a week are they currently working? Why is this being done?

The increase in hours is in Court Administration. The Court Administrative Program Manager 2, Coordinator Interpreter Services and Certified Interpreter were increased from 37.5 hours per week to 40 hours per week. These three positions have been working the 40 hour week since early 2016. This decision was made based on the workload of the employees in comparison of their work hours.

- 10) Discuss the pro-tem program. What is their approximate workload in any given year in terms of hearings held and days worked? How do they differ from Court Commissioners? How are the pro-tem judges selected? Are they part-time or full-time? What is their salary schedule? Do we receive a state portion for their salaries and benefits like we do for Superior Court judges? What is the total cost of the program?

The Pro Tem Judge Program exists to assist the Superior Court Judges with settlement conference requirements that are mandated in Pierce County Local Court Rule 16. Pro Tem Judges either work ½ day's (4 hours) or a full day (8 hours) throughout the year, based upon a schedule, which is maintained by the Pro Tem Coordinator. Pro Tem Judges, based on the last few years of activity, can expect to hear around 300 cases/settlement conferences per year. They are selected via an application process that is reviewed by a joint panel of judges and commissioners annually. This results in a one year appointment. The application process occurs each fall. Pro Tem Judges are listed in Workday as extra-hire employees. The program currently has a budget of \$100,000. The Pro Tem Judges are paid according to the salary schedule put forth by the Administrative Office of the Courts (AOC). The schedule places their current rate of pay at \$92.92/hour. The difference between Pro Tem Judges and Pro Tem Commissioners are similar to the differences between a sitting judge and commissioner. They hear different types of proceedings, work on different schedules and are compensated differently.

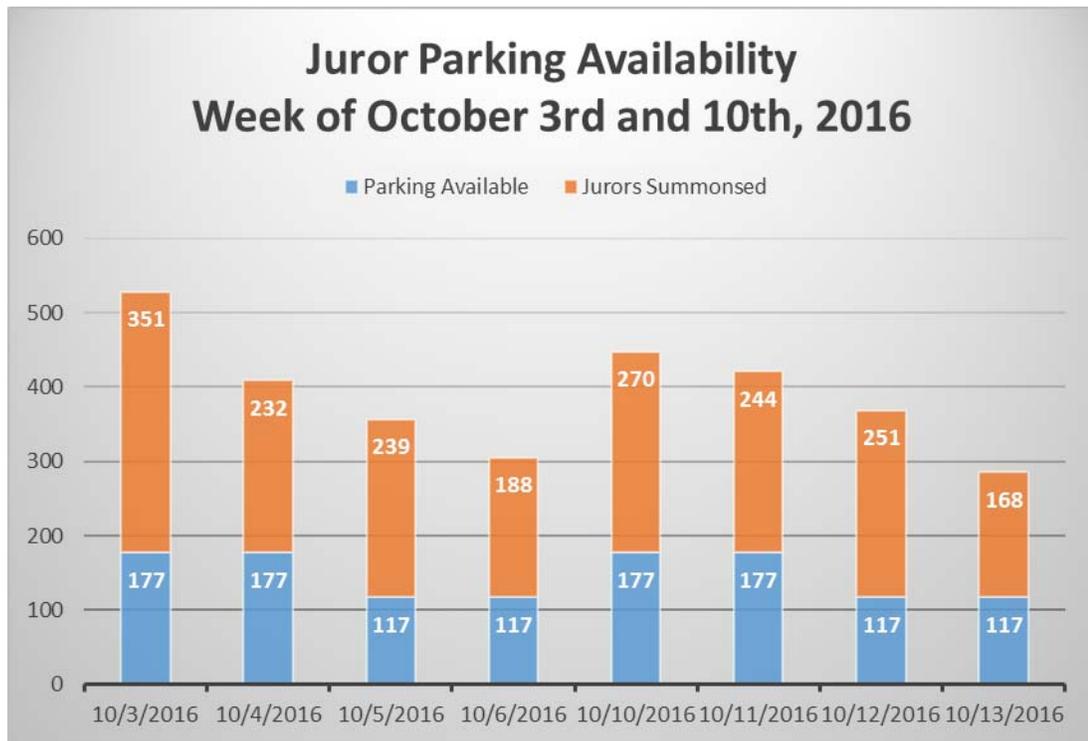
Pro Tem Judge Program Data



11) Are there any improvements for jurors contained in the budget?

In January 2016 Jury services made a change to “One-Week/One-Trial” terms of service. What this means is a person’s term of jury service is limited to the completion of one trial. If not selected for a jury on the first day, he/she fulfills the jury service term by having been available that week. This change should reduce the number of persons excused due to previous two-week term last year.

Parking is an issue again this year, especially with the increase in number of jurors needed to meet the one-week/one-trial term. Many jurors are frustrated by the time they get to the jury assembly room about the lack of parking. A complaint form can be completed by the juror requesting reimbursement. In 2015 we started to pay complaints for parking and we continue to reimburse in 2016. We are not able to pay for all parking fees incurred by the jurors. On Monday and Tuesday we were able to negotiate an additional 60 spaces with Facilities Management. With the added number of jurors needed to meet the new change we are well over the available spaces on Wednesday and Thursday as well. Superior Court has paid parking complaints at a cost of \$4,749.49 YTD in 2016.



The Jury website has been updated for jurors to affirm under penalty of the law that they are in fact the person summoned.

Jury is participating in a Demographic Survey for the state. Questionnaires are completed before juror leaves for a courtroom and results are turned in weekly.

- 12) What trends are you seeing in terms of civil and criminal proceedings, i.e. are you seeing changes in the mix of civil vs. criminal proceedings, types of civil proceedings, etc.?

WORKLOAD SERVICE DATA								
	Unit of Measure	2012 Actual	2013 Actual	2014 Actual	2015 Actual	2016 Estimate	2017 Estimate	9/30/2016 Year-to-Date
Filings								
Criminal	Cases	4,934	5,020	5,278	5,243	5,272	5,260	3,884
Non Criminal	Cases	28,704	28,780	27,520	27,715	28,370	27,882	20,745
Total Filings	Cases	33,638	33,800	32,798	32,958	32,958	33,642	24,629
Pending								
Criminal	Cases	1,682	1,346	1,470	1,609	1,677	1,643	1,650
Non Criminal	Cases	19,025	16,526	17,992	17,879	18,681	18,244	18,293
Proceedings Held Before Judge								
Criminal Proceedings Held	Proceedings	64,672	67,399	64,691	64,782	64,991	64,624	54,952
Non Criminal Proceedings Held	Proceedings	24,514	23,600	22,446	22,666	22,782	23,139	15,628
Proceedings Before Commissioner								
Non Criminal Proceed Sched	Proceedings	69,676	68,687	66,833	66,788	67,996	67,806	49,388
Non Criminal Proceed Held	Proceedings	58,036	57,343	55,788	56,154	56,830	55,981	41,439
Time Standards 90% Goal								
Civil Resol w/in 1 Yr/Filing	Percentage	98	99	99	94	93	93	93
Crim Resol w/in 4 Mo/Filing	Percentage	—	—	—	—	—	—	—
Dom Resol w/in 10 Mo/Filing	Percentage	78	79	79	81	81	82	80
Time Standards 75% Goal								
Crim Resol w/in 90-Days/Filing	Percentage	51	50	50	50	51	51	59
Number of Trials ¹	Trials	701	731	689	657	670	702	465

¹ Excludes Juvenile and stipulated Drug Court Trials.

While our numbers are staying constant across the board, the areas in which they are increasing have the biggest impact on the court. Our Domestic Violence filings are up, and our Pro Se litigants have increased as well. These two examples add a significant workload to the judicial staff.

- 13) Describe the current state of your criminal case backlog. Is it where you want it to be? If not, what steps are you taking to reduce it?

**Current total pending cases as of 10/24/16 =1,596
 (In Custody(IC) + Not In Custody (NIC))
 Pending Cases over 270+ at 10/24/16 =119**

- 1) **Goal – reduce overall criminal case backlog/inventory.
 Effective November 4, 2016: Superior Court will begin working together with District Court to identify trial unit 5 cases (Drugs) that are eligible for a reduction in charge and probation services through District Court Probation.**
- 2) **Goal – Reduce the number of disaggregated pending cases 270+ days
 Reduce by 20% in-custody(IC) cases using baseline date of May 1, 2013.
 Court Tools measure #4-Age of Active ending Caseload. No more than 2% above the baseline caseload of 39 established on October 31, 2013.**

Total Cases (IC+NIC) 270+ days at 10/24/16 = 119

IC = 66 (*66 cases but only 55 defendants)

NIC = 53

2016 IC target = 40

Difference of 26

2017 IC target = 39

Steps to get there:

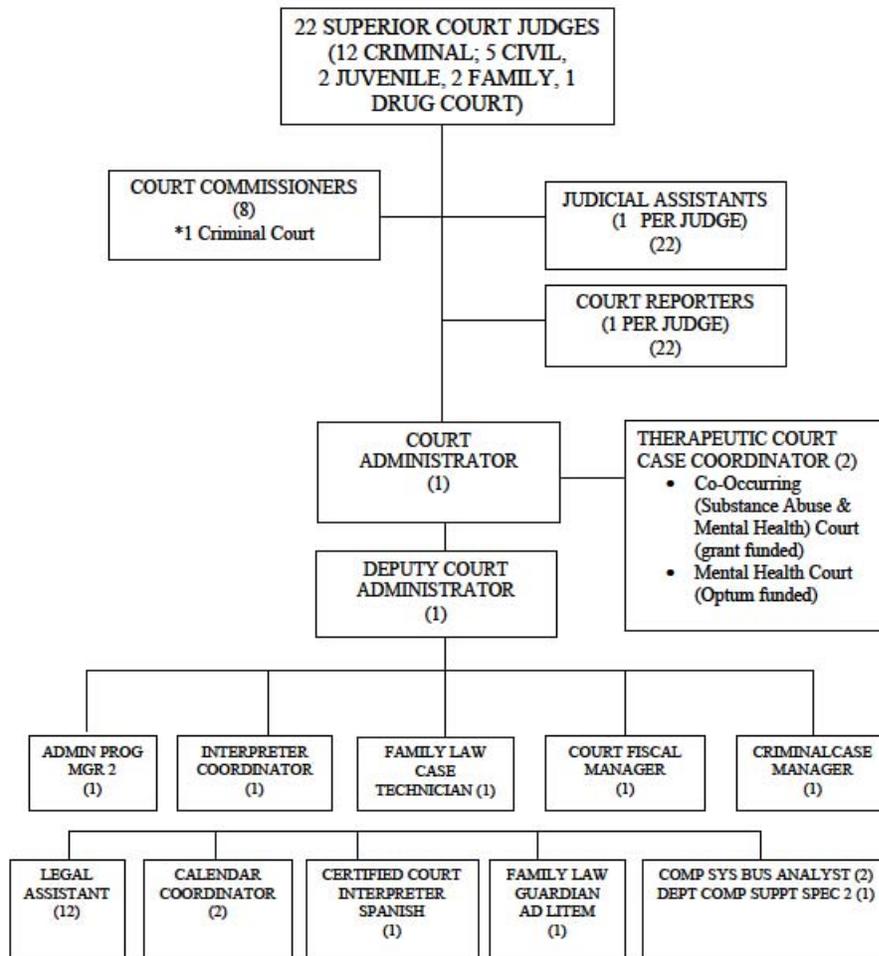
- a. In June 2015, the Criminal Division Presiding Judge (CDPJ) implemented a requirement for all criminal cases to hold an Omnibus Hearing (OH) no later than 150 days from the date of arraignment. The goal of this requirement was to get parties talking earlier in the case, get discovery exchanged earlier in the case, and prevent cases from staying with the negotiating unit past the adopted time standards for resolution. Effective 7/18/16 this requirement was enhanced, keeping the 150 day timeline, but also allowing a limit of 3 Omnibus Hearings prior to entering the OH order. The Court is still considering accelerating the OH timelines using Differentiated Case Management Model *(DCM) which would require OH sooner than 150 days on Class B/C cases – No final decision has been made/adopted.

- b. In June 2015, CDPJ implemented a requirement for all trial date continuances older than 240+ days to be held on the record in CDPJ courtroom. The goal was for the Court to put more attention on cases as they approach the 270 day requirement and to limit the number of additional continuances/case aging. This requirement was enhanced, keeping the 240 day timeline but requiring parties to select realistic and firm trial dates. At this time the Court is ordering “*No More Continuances*” and parties are expected to be ready for trial on the date they selected.

*Differentiated case management (DCM) is a technique courts can use to tailor the case management process and the allocation of judicial system resources to the needs of individual cases. The DCM premise is simple: Because cases differ substantially in the time required for a fair and timely disposition, not all cases make the same demands upon judicial system resources. Thus, they need not be subject to the same processing requirements. Some cases can be disposed of expeditiously, with little or no discovery and few intermediate events. Other require extensive court supervision over pretrial motions, scheduling of forensic testimony and expert witnesses, and settlement negotiations. The early case screening that a DCM system promotes also enable a court to prioritize cases for disposition based on other factors such as prosecutorial priorities, age or physical condition of the parties or witnesses, or local public policy issues.

Attachment A

2016 PIERCE COUNTY SUPERIOR COURT



N:/Administration/Court Information/Org Chart 6-15-16

- cc: Councilmembers
 Pat McCarthy, County Executive
 Ron Klein, Deputy County Executive
 Chris Gaddis, Administrator, Superior Court
 Gary Robinson, Director, Budget and Finance Department
 Jim Dickman, Budget Manager, Budget and Finance Department
 Susan Long, Administrator, Legal and Operations

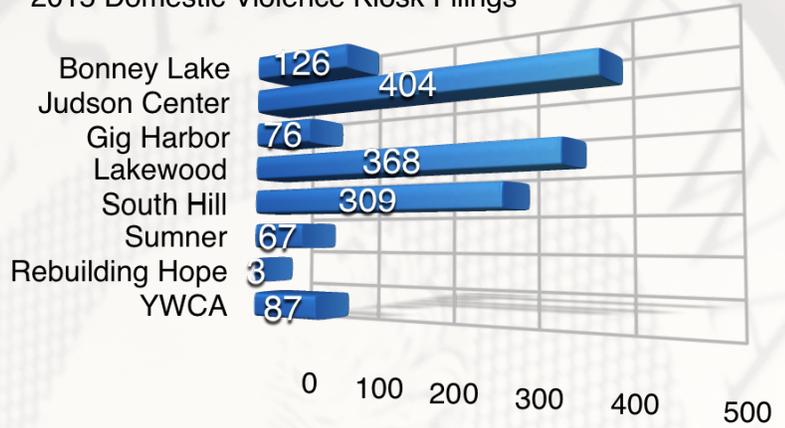
Pierce County

Superior Court

2017 Budget Preparation

9th Commissioner - Administrative Briefing

2015 Domestic Violence Kiosk Filings



Pierce County has ten kiosks throughout the County for filing Domestic Violence Petitions, however these kiosks are not manned by domestic violence advocates, except those at the Crystal Judson Family Justice Center and the YWCA. ** Only 2015 kiosks are pictured in the graph.

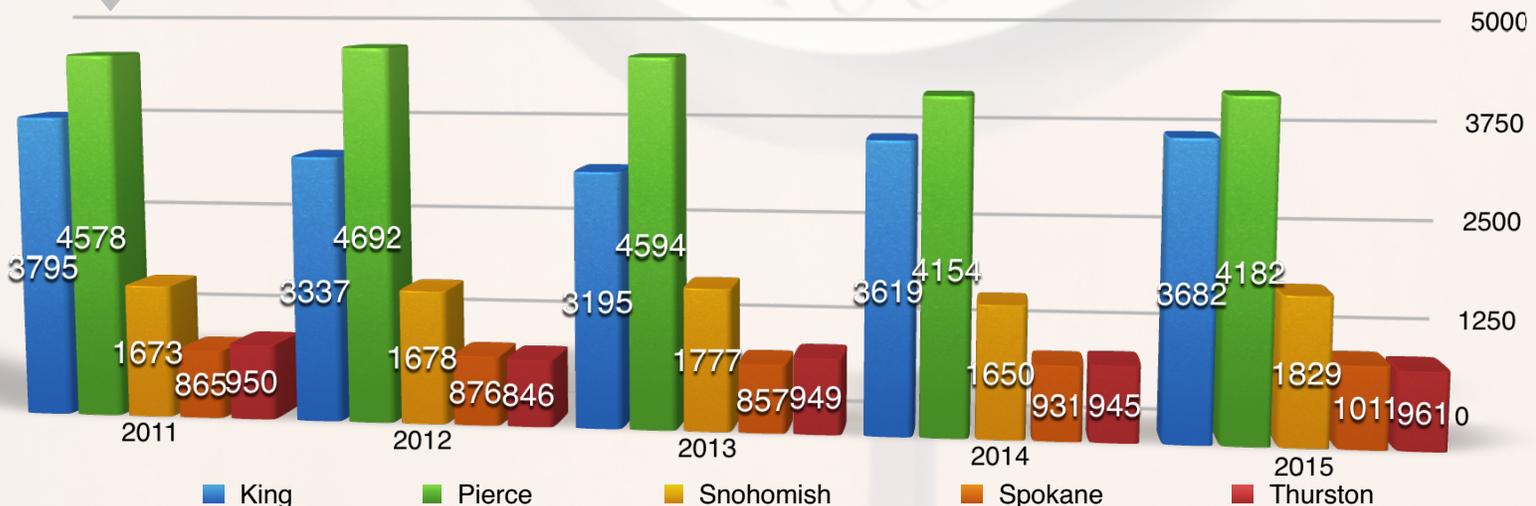
- The Court Commissioners are often the only contact with the Court that Pierce County residents have. Additional Court Commissioners will help safeguard that all proceedings are timely and fairly heard. If another mental health hospital is built, more commissioners will also be needed. A striking example of the need for resources is in the area of Domestic Violence. The law requires that “the court shall hold an ex parte hearing in person or by telephone on the day the petition is filed or on the following judicial day.” RCW 26.50.070 (3)
- Pierce County Superior Court has the **highest filings** of Domestic Violence, Unlawful Harassment, Stalking, Vulnerable Adult Protection Orders and Sexual Assault Protection Orders **in the entire State of Washington**. The number of filings have increased each year.
- According to the recent Pierce County Behavioral Health Study,

Pierce County had the highest rate of domestic violence in Washington State, with over 1,000 offenses per 100,000 people.

- Due to the tremendous number domestic violence filings, the Pierce County Superior Court Commissioners do not have the capacity to see the petitioning parties in person. The Commissioner signing the initial ex parte domestic violence protection orders reviews the Petition and Criminal Background. The petitioner is not available to answer questions about her/his petition. As a result, the Domestic Violence Kiosks are frequently misused to evict roommates or cohabitants of “clean and sober houses”, and address dysfunctional family dynamics by using a few key words in Petitions. True survivors of domestic violence are not receiving needed information about safety plans, weapons surrender or resources for protection.
- One example: Tragedy struck February 20, 2016 when Jessica Ortega was killed by her estranged boyfriend at the assisted living facility where she worked. One day earlier she had filed a Domestic Violence Protection Petition at the Puyallup South Hill Kiosk. Her Petition stated: “For the next 45 minutes or so he had the gun pointed at my head telling me it was my time to die... I have to make sure I am safe because I have two children...” She did not request an immediate weapons surrender. The Pierce County Commissioner granted the Ex Parte Order of Protection, but did not have an opportunity to meet with Ms. Ortega and refer her to appropriate services for a safety plan.

In 2015, seven Civil Commissioners heard 56,154 matters.

Domestic Violence and Civil Protection Orders Filed 2011-2015



Counties listed in descending order of population size

***SUPERIOR COURT
OF THE
STATE OF WASHINGTON
FOR PIERCE COUNTY***

FRANK E. CUTHBERTSON, PRESIDING JUDGE
Rasheedah McGoodwin, Judicial Assistant
Timothy Regis, Court Reporter
DEPARTMENT 21
(253)798-7625

334 COUNTY-CITY BUILDING
930 TACOMA AVENUE SOUTH
TACOMA, WA 98402-2108

10/26/2016

Dear Chairman Richardson:

I am writing to inform the Council about the growing numbers of Domestic Violence cases impacting the justice system in Pierce County. Recent published numbers refer to Pierce County as having the highest number of Domestic Violence cases in Washington State. In fact the data provided by the Administrative Office of the Courts for the last five years, show our County has averaged a 21% higher annual filing rate for Domestic Violence and Civil Protection Orders than King County, even though King County's population is three times our size.

Several years ago, Pierce County government took substantial steps to improve the County's response to domestic violence, by installing Domestic Violence Kiosks in various locations. However, since these kiosks were not staffed with people who could directly assist the petitioners, the kiosks have frequently been misused to evict roommates or cohabitants, and address dysfunctional family dynamics.

We have had promising dialogue with the Crystal Judson Center and the YWCA about improving the kiosk system in Pierce County. It is a revolutionary program which could provide tremendous support to victims of domestic violence if it were changed to include staff at the kiosk sites, or at a minimum a skype or phone line to allow for direct communication with Commissioners.

Superior Court is requesting that the Council consider funding a ninth Court Commissioner, to address the following concerns:

- In person/telephone communication – Under RCW 26.50.070 (3), the law states, “The court shall hold an ex parte hearing *in person or by telephone* on the day the petition is filed or on the following judicial day.” The 9th Commissioner would be assigned to handle all Domestic Violence petitions. A hearing room would be created to accommodate this new requirement.
- Firearms Surrender Orders 5 Day Review Hearings – Superior Court would begin to require a review hearing to confirm the Surrender Order, or Declaration of Non-Surrender are filed within 5 days of being served. The Order to Surrender Weapons Issued without Notice (ORWPN) states on the bottom of page 1 that a respondent must complete a proof of surrender form and file the form and the receipt for the weapons with the Superior Court Clerk within 5 days of service.

- Increased attention to Ex Parte Mail – The 9th Commissioner would not be relegated to just covering DV Order petitions and the Firearm Surrender Orders. Over the last five years, there have been an average of 9,800 pieces of Ex Parte mail per year that must be addressed by a Commissioner. The 9th Commissioner could be assigned to handling this mail, to take the burden off the other Commissioners. This would free up Commissioners to take more time each case they handle. It would also allow more time to review working copies prior to the docket.

A big hurdle to the implementation of any type of judicial officer in the past has been lack of space within the County City Building. Superior Court Administration, the Superior Court Clerk's Office and Facilities have been working together, and believe we have located a space which could be used to house the 9th Commissioner and their hearing room.

Superior Court Administration has also spoken with the Clerk's Office about a potential for salary recovery by mandating an increased number of agreed upon orders being filed electronically. This fee/requirement would only apply to attorneys. This would not impact Pro Se litigants. Examples of the types of filings would be; Orders of Dismissal (If Agreed), Initial Order to Show Cause, Judgement on Answer and Order Confirming Sheriff's Sale. To bring on a 9th Commissioner it will cost approximately \$194,655 in salary/benefits along with approximately \$20,000 in overhead costs for the added employee.

I look forward to the opportunity to speak with you about this proposal. We certainly understand the concerns of the County when it comes to the budget, but I truly feel the addition of the 9th Commissioner could have a substantial impact on the health and welfare of the citizens of Pierce County. I believe this is just the first step in providing quality customer service to all the people who utilize County resources.

Sincerely,

Honorable Frank Cuthbertson
Pierce County Superior Court
Presiding Judge