



## Pierce County Council

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### **Pierce County Council Committee of the Whole MEETING AGENDA NOVEMBER 8, 2019 – 9:30 AM**

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. **Superior Court 2020-2021 Budget**  
Presenter: Judge Gary Johnson, Presiding Judge, Superior Court,  
(253) 798-7572
  - Powerpoint presentation
  - Responses to Council's Budget questions
5. **Prosecuting Attorney's Office 2020-2021 Budget**  
Presenter: Mary Robnett, Prosecutor, Prosecuting Attorney's Office,  
(253) 798-6868
  - Powerpoint presentation
  - Responses to Council's Budget questions
  - Attachment to Council Budget question # 9
  - Workload Service Data
6. **Medical Examiner**  
Presenter: Gary Robinson, Director, Finance Department, (253) 798-7450
  - Powerpoint presentation
  - Responses to Council Budget questions
7. Councilmember discussion, questions, comments, and other items regarding the proposed 2020-2021 Pierce County Budget
8. Other Business
9. Adjournment





# SUPERIOR COURT

8, November, 2019

**PRESIDING JUDGE GAROLD E. JOHNSON**

Superior Court

[Chris.gaddis@piercecountywa.gov](mailto:Chris.gaddis@piercecountywa.gov) | 253.798.3654



# STRATEGIC PLAN

## Superior Court Mission

Actively manage the business of the court so as to provide for fair, prompt and efficient resolution of disputes.

Maintain independence and parity as an equal branch of government.

Provide due process and individual justice in each case.

### Enhancing the Administration of Justice

Fair and timely court processes, and accurate and complete information are essential to the just resolution of disputes. Similarly, changes in statutes, case law and court rules affect what is done in the courts, how it is done, and those who conduct business in the courts.

### Broadening Access to Justice and Service to the Public

Justice should be equally accessible to all participants. The Court is responsible for bringing the administration of justice to the public and making court facilities accessible to all. A trial court may be accessible and still hinder opportunities for the effective participation of all whom appear before the court, including those with linguistic difficulties, physical disabilities, and economic barriers.

### Promoting Competence, Professionalism and Civility

The effective administration of justice depends upon respect for the Courts as an institution and the competence, professionalism and civility of those who work for or conduct business with the Court. Court personnel and the Pierce County Community are entitled to respectful and professional conduct from all court participants.

### Judicial Independence: Ensuring Impartiality and Accountability

Judicial independence is a cornerstone of our democracy, and ensures that decisions of the courts are impartial and free from influence or control by other branches of government or private or political interests. Within the organizational structure of the judicial branch of government, trial courts must establish their legal and organizational boundaries, monitor and control their operations, and account publicly for their performance.

### Improving Court Facilities

The effective administration of justice requires an appropriate physical environment. Court personnel and the public deserve facilities that are safe, comfortable, accessible, secure, meet the needs of those who use them, and project the dignity of the Court.

### Effectively Utilizing Technology

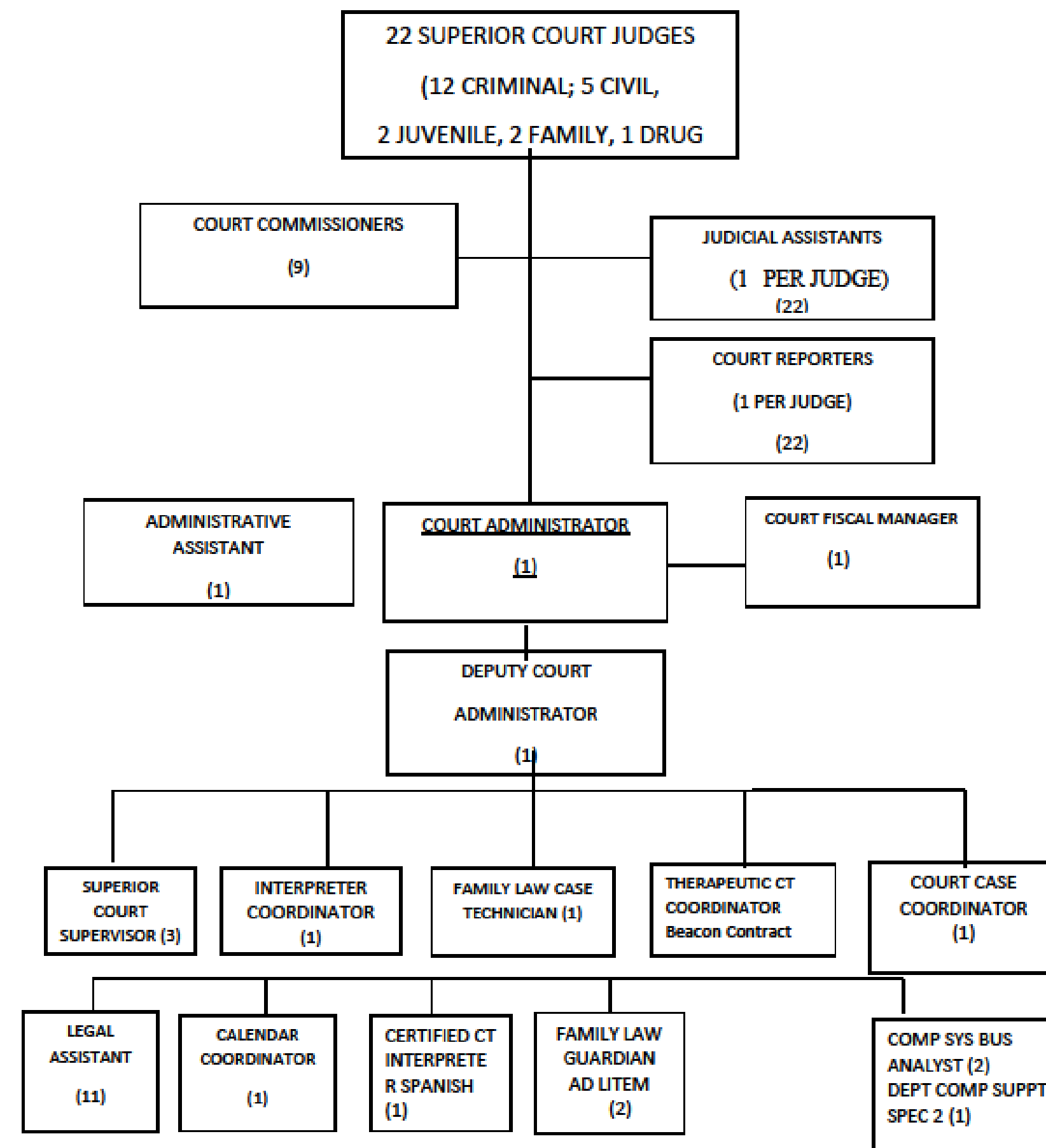
The Court should be using technology to enhance productivity, improve citizen access, and incorporate technological advancements. Technology must support the achievement of the Court's mission.

### Building Trust and Confidence through Community Outreach

It is important for the Court to have a positive image within the community so that the justice system is respected and kept strong. Maintaining two-way communication between the Court and community can enhance the ability of the Court to serve the Community at the highest level possible.

# Organizational Chart

## 2019 PIERCE COUNTY SUPERIOR COURT



Org Chart 6-03-19

# SCOPE OF WORK

## Judicial Services

22 Judicial Departments provide Criminal, Civil, Therapeutic, Juvenile and Family Court services for Pierce County. They also handle all appeals from Pierce County Courts of Limited Jurisdiction and review Commissioner decisions. 20 judges are assigned to the County City Building in downtown Tacoma and 2 are assigned to Remann Hall for juvenile court matters.

## Jury Services

Jury summons are provided to 21 jurisdictions in Pierce County. Jury Administration provides jurors for Superior Court, District Court and Tacoma Municipal Court.

## Interpreter Services

Superior Court employs a full -time Interpreter Coordinator and a Court Certified Spanish Interpreter. Superior Court contracts out for all other interpreting services. Interpreter support is arranged for Tacoma Municipal, District Court, Clerk's Office, Prosecutor, Department of Assigned Counsel and Superior Court.

## Commissioner Services

9 Commissioners are employed by the judges in Pierce County. Five Commissioners hear civil matters at the County City Building, to include matters such as Divorce, Parenting Plans, Paternity, Non -Parental Custody, Guardianships, Evictions, Orders for Immediate Relief, Domestic Violence Protection Orders and Weapon Surrender Hearings. One Commissioner is assigned to criminal arraignments and two Commissioners preside at Remann Hall handling juvenile court cases and one Commissioner presides at Western State Hospital hearing involuntary commitment matters.

## Guardian Ad Litem Services

Guardian ad litem (GAL) may be appointed by the court to represent the best interests of an individual for specific purpose for a specific period of time. Pierce County Superior Court maintains two registries, one for GAL's appointed to represent incapacitated persons before the court and the other for GAL's appointed to represent minor children in family law matters. The majority of GAL appointments are paid by the parties involved in a case, however, Pierce County Superior Court has two Family Law Staff GALs and five contract GAL's for incapacitated persons, which can be appointed for those who have financial restrictions.

## ADA Accommodation Services

Superior Court Administration handles Americans with Disabilities Act (ADA) assistance for those litigants who request it. The application process is handled by the Deputy Court Administrator.

## Divisions/Functional Areas

### Judicial Services

- 20 Judicial Departments handle criminal, civil and family cases/trials at the County City Building. 2 Judicial Departments handle cases/trials at Remann Hall for juveniles. 22 Judicial Assistants and 22 Court Reporters provide courtroom assistance to the judges.

### Commissioner Services

- 9 Commissioners are employed by the judges to assist with Civil, Civil Mental Health, Adoptions and Criminal matters at the County City Building, Western State Hospital and Remann Hall (Juvenile Court).

### Administration Services

- 30 staff members assist the Judges and Commissioners in operating the second largest Superior Court in Washington State.



# WORKLOAD SERVICE DATA

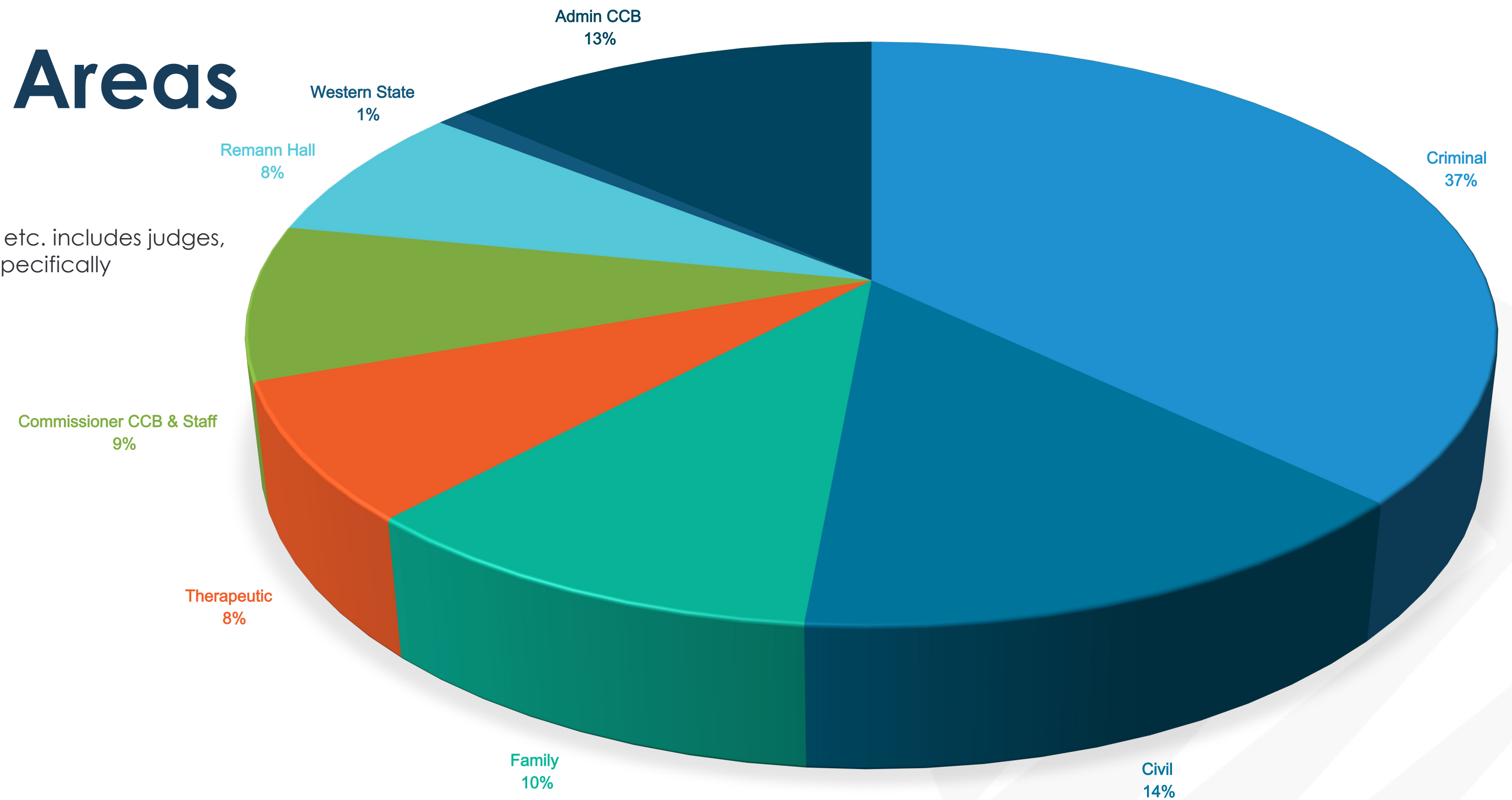
Function/Title	Unit of Measure	2016 Actual	2017 Actual	2018 Actual	2019 Estimate	2020-2021 Estimate
<b>FILINGS</b>						
Criminal Non-Criminal	Cases	5,172 27,105	4,924 27,845	5,198 26,979	4,830 27,351	4,782 27,638
<b>TOTAL FILINGS</b>	Cases	32,277	32,769	32,177	32,181	32,420
<b>PENDING</b>						
Criminal Non-Criminal	Cases	1,678 18,655	1,522 20,603	1,637 21,911	1,662 22,646	1,682 24,006
<b>PROCEEDINGS HELD BEFORE JUDGE</b>						
Criminal – Held Non-Criminal – Held	Proceedings	72,125 20,313	69,640 22,038	67,996 22,541	72,618 22,407	70,779 23,174
<b>PROCEEDINGS BEFORE COMMISSIONER</b>						
Non-Criminal – Scheduled Non-Criminal – Held	Proceedings	64,858 54,455	62,579 52,725	58,336 48,225	58,554 48,438	57,390 47,569

# Functional Areas FTE's

Each department; criminal, civil family, etc. includes judges, their staff and any administration staff specifically assigned to assist that department.

TOTAL FTE's

105





# CRITICAL NEEDS & CHALLENGES

- **Video Arraignment - \$50,000 one time costs**

A recent court decision, which may, depending on the circumstances, require a defendant to not be in restraints during a proceeding, has caused a significant impact on our high volume criminal court dockets. A video arraignment system can preserve the rights of due process for inmates without incurring the risks and expense of inmate transportation to and from the courtrooms.

- **Electronic Court Orders - \$120,000 for Ther. Court expansion**

Electronic Court Orders (ECO) has been a great time saver in our high volume criminal courts. This system has allowed all court users to have almost instant access to orders into the court file. Superior Court would like to expand ECO to all criminal court filings. The program would roll out in Therapeutic Courts first and then hopefully trickle down to all court divisions. There is significant programming time required for expansion of ECO or we would have implemented this long ago.

- **Statistical Analyst - \$130,320 FTE**

Superior Court does not have a single point of contact for statistical analysis for the court. It is spread between multiple employees and is completed as time permits. With the introduction of Microsoft PowerBI, the court sees this as an opportunity to examine our stats and make critical decisions which improve service to the public. This position would provide the Court with improved analysis of statistics and trends for appropriate allocation of Judicial Resources.

- **Family Court Navigator - \$98,834 FTE**

Self-represented litigants are creating a major strain on our judges and commissioners. The court feels if we could improve the understanding of the court system for litigants without attorneys it will speed up the timeline for persons involved in family court. This position would be responsible for providing self-represented litigants with assistance and direction throughout the court process by proactively reviewing domestic cases involving self-represented parties that are high utilizers of the court system. This position will review commissioner show cause dockets and contact parties to assist self-represented parties with navigating their family court case effectively and efficiently.

- **23<sup>rd</sup> Judicial Department - \$468,055 2.5 FTE's (Judge is .5 FTE)**

In May 1997, the Legislature authorized a total of 24 Superior Court Judges for Pierce County. The last department was filled in 2005 with the addition of Dept 22. Seeking Dept 23. Superior Court is looking to add an additional judicial department to our bench. A judge allows for greater flexibility to address stress points as they shift over time. Our current stress points are Criminal Trials, Mental Health, Remann Hall (Dependency filings) and Western State Hospital. Criminal Trials is a recent stress point for the court. Felony Mental Health Court has now doubled in size and taken on Assisted Outpatient Behavioral Health Treatment Court, because the court saw mental health as a need to be addressed even without a 23<sup>rd</sup> judge. The result of this growth is that we have one fewer criminal department available for trials. Now that the prosecutor's office is back to full staff, the court is having a difficult time finding enough judges to handle the increased trial volume.

# BUDGET HIGHLIGHTS

Description



- 7 The 2020-21 biennial budget for Superior Court is 8.0%, or \$3.0 million above the 2018-19 level.
- 7 In 2020 CourtSmart Replacement with upgraded Hearing Devices costs for \$90,000 are included as well as an increase in cost per hour for Interpreters of \$26,000 and Therapeutic Court increase of \$141,500 for Urinalysis testing (UAs)
- 7 In 2021 an increase in cost per hour for Interpreters is \$12,800.
- 7 Superior Court revenue will remain relatively unchanged between 2020 and 2021. There are no significant changes in the expenditures between 2020 and 2021 budget years at this time.



# FTE Changes in 2020-2021

Position(s)	Division	Reason for additional elimination
N/A	N/A	N/A





# Explanations of Material Changes in Budget

[Items that require the addition of an FTE, add a new responsibility for the department or lead to a dollar increase in a departmental or division budget of greater than 10%]

Change	Description
At this review there are no material changes in the budget	

# New Initiatives



## Urinalysis for Felony Drug Court

There is not sufficient funding at this time to cover the cost of Urinalysis tests for Felony Drug Court and Family Recovery Court. Pierce County Alliance, the treatment provider for our drug court will use salary savings to cover 2019 shortfalls. The Health Care Authority (HCA) recently changed their stance on UA's and will only fund 2 UA's per month after the participant is stable. Best practices for Drug Courts is 2 UA's per week. The funding request to cover UA's in 2020 is \$141,500, with the expectation there will be funding after 2020 through an outside source.

**Funding Needed:**  
\$141,500

**FTE's Needed:**  
N/A



## Courtsmart Replacement

This request would support the replacement of the current CourtSmart technology. CourtSmart has been in place for at least 5 years and is obsolete. Replacing the current system takes advantage of improved technology which reduces downtime and poor network performance. This budget request is \$19,000 per courtroom with 11 courtrooms to be upgraded including 5 commissioner courtrooms, 3 High volume Criminal Courtrooms, Drug Court and 2 portable units. Superior Court has decided on switching providers and will purchase equipment from Justice Audio Visual Solutions (JAVS) in 2019 using salary savings. The 2020 request will be for installation. This upgrade will allow video conferencing capabilities in several of our courtrooms if we choose to pay for that change. An example would be criminal arraignments in our high volume criminal courts or at Western State Hospital.

**Funding Needed:**  
\$209,000

**FTE's Needed:**  
N/A

# Capital Projects

Change	Description
N/A	N/A





## PRESIDING JUDGE GAROLD E. JOHNSON

Superior Court

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253.798.3654



**In addition to a general presentation regarding your 2020-2021 Budget**, the Council has asked that you provide answers to the following questions. References to page numbers below are from the Executive Proposed Budget.

## Superior Court

Questions	Responses	Council
1) Provide additional information on the JAVS system	<p>The five-year lease on our current Courtsmart system is ending soon and they will no longer support or maintain this equipment. Superior Court has worked with Finance and Information Technologies to utilize 2019 salary savings to cover most of the costs of equipment for the switch to JAVS. Our 2020 budget request, forwarded by the Executive, would cover any leftover equipment along with installation.</p> <p>Superior Court received quotes from both Courtsmart and JAVS. While JAVS was more expensive, it provided both audio and video capabilities without upgrading equipment. Superior Court is investigating video conferencing capabilities for our high-volume criminal courtrooms and Western State Hospital. The county currently has a contract with JAVS for District Court and Juvenile Court. Purchasing JAVS creates uniformity and ease of use throughout the entire county court system.</p> <p>Pierce County Superior Court uses recording systems for the following courtrooms:</p> <ul style="list-style-type: none"> <li>• Civil Commissioner Courtrooms – 100, 101, 105, 117, 407 and Western State Hospital</li> <li>• Criminal Commissioner Courtroom – 270</li> <li>• Criminal Judge Courtroom – 250, 260 and Felony Drug Court</li> </ul>	
3) What strategies and technologies are you implementing to ensure maximum efficiencies?	<p>Superior Court is committed to providing due process and individual justice in each case. We work tirelessly to pursue cost and time saving measures for all involved in the court process. However, it must be noted that the Court cannot sacrifice justice for efficiency. The following items are either current projects designed to improve the courts performance, or future measures we hope to take:</p>	

- **Electronic Search warrants** – Pierce County is looking to streamline the search warrant application process. This allows for electronic submission and filing of search warrants, eliminating the need for law enforcement officers to come to the County City Building and allowing them more time to serve the community. Superior Court has partnered with the Clerk's Office, Prosecutor's Office and local law enforcement to be able to create an all-electronic process with no cost to the county by using email. The goal is to have the email system in place by the end of 2019. It is possible this process will move onto LINX once the re-platform is complete.
- **Text reminders** – Similar to receiving a medical appointment text reminder, it is a priority of the Court to create text reminders for persons involved in the justice system, to include plaintiffs, defendants, attorneys, and jurors. The initial push will be for criminal cases in order to decrease the number of defendants failing to appear for court. A criminal defendant's failure to appear results in a significant cost to the county by causing a bench warrant to be issued, law enforcement to find and arrest them, the jail to house them and the court to reset all proceedings for that defendant's case. It is important to the court to timely and efficiently process our cases by ensuring that all court participants are present for their proceedings. This change will have to wait until the LINX re-platform is complete.
- **PowerBI** – Superior Court is coordinating with the Finance Department to gain access to our data using the PowerBI platform. Superior Court does not have a person assigned to this task, instead we use several administration staff members to work on this project when they have time. We have asked for a Research Statistical Analyst in the 2020-2021 budget. This position would allow Superior Court to make data-driven decisions.



- **Best Practice manual for Criminal Case Processing** – In 2018, in collaboration with criminal justice stakeholders, Superior Court produced a best practices manual for effective and timely criminal case processing. This manual ensures the court and its partners are working closely to hold meaningful hearings and process cases using the national time standard model for felony criminal case processing. Superior Court was recently recognized by the National Center for State Courts as one of the top 7 performing criminal courts in the country.
- **Therapeutic Court Supervisor** – The addition of the Therapeutic Court Supervisor in early 2019 allowed the court to establish the new Assisted Outpatient Behavioral Health Treatment (AOBHT) court. AOBHT is a civil therapeutic court model heard by our current Therapeutic Court Judge. In addition to actively growing the AOBHT program, this position is working with the court, DSHS, and community stakeholders to implement new legislation creating the Outpatient Competency Restoration program (OCRCP) and the Forensic Mental Health Navigator program. This position also acts as a court coordinator for Family Recovery Court and the AOBHT program, compiles statistics for the therapeutic courts and supervises the Felony Mental Health Court Coordinator. This position has become essential to allow the court to keep pace with the rapid changes that are occurring in both Pierce County and Washington State to address the ongoing reforms to the mental health system.
- **Printing jury summonses through General Services** – Currently our Jury Administration staff members print the juror summonses and prepare them for mailing to potential jurors. They are then sent to General Services for mailing. Our Fiscal Manager reached out to General Services and they have agreed to take over the entire process of printing and mailing for the court. This will better utilize county partners along with freeing up significant time for our jury administration staff.

- **DV kiosk procedure changes** – Superior Court IT and Commissioner Services staff have been able to add video conferencing capabilities to several kiosk locations throughout Pierce County which allows the petitioner to appear either in person, by video, or by phone. This allows for more meaningful hearings and for the court to focus on domestic violence situations.
- **Virtual Courtrooms** – Superior Court is collaborating with the Jail, Prosecutor's Office, Department of Assigned Counsel and Western State Hospital to investigate the creation of video conferencing for proceedings. The new courtroom recording equipment will help us determine the viability of using this technology. This investigation will not be completed until late 2020.
- **Co-locating with the Clerk's Office** – In early 2019, Superior Court and the Clerk's Office Information Technology staff co-located in what was the Commissioner Services (CSD) office located in Room 140. This has increased communication between departments, which is critical due to the re-platforming of LINX. Facilities Management was a great partner in this co-location. The CSD team was re-located to unused space inside the Clerk's Office with direct access to the ex parte court. Our CSD team works closely with the Clerk's Office and ex parte commissioner daily so this was a perfect fit. This move also allowed us to put the CSD supervisor with her team.
- **Electronic Court Orders** – Electronic Court Orders (ECO) are utilized in our high-volume criminal courtrooms and allow for instantaneous delivery of documents to all of our partners. Superior Court is seeking expansion of this program beginning with our Therapeutic courts. Eventually ECO throughout all divisions would benefit the court, but due to limited programming it will have to wait until the LINX re-platforming is complete.

4) Is the current configuration in Superior Court maximizing cost effectiveness and efficiency?

Based upon a comprehensive staffing comparison with other similarly sized courts in Washington, Pierce County Superior Court and the Clerk's Office together already handle more cases with significantly fewer staff. In order to continue being a top performing court, Superior Court believes our additional budget requests are necessary to maximize effectiveness and efficiency. The court must be able to process all cases filed - we strive to do this proficiently while ensuring that all citizens have access to justice. Those requests are as follows:

- **23<sup>rd</sup> Judicial Department - \$468,055 2.5 FTE's (Judge is .5 FTE)** - In May 1997, the Legislature authorized a total of 24 Superior Court Judges for Pierce County. The last department was filled in 2005 with the addition of Dept 22. Seeking Dept 23. Superior Court is looking to add an additional judicial department to our bench. A judge allows for greater flexibility to address stress points as they shift over time. Our current stress points are Criminal Trials, Mental Health, Remann Hall (Dependency filings) and Western State Hospital. Criminal Trials is a recent stress point for the court. Felony Mental Health Court has now doubled in size and taken on Assisted Outpatient Behavioral Health Treatment Court, because the court saw mental health as a need to be addressed even without a 23<sup>rd</sup> judge. The result of this growth is that we have one fewer criminal department available for trials. Now that the prosecutor's office is back to full staff, the court is having a difficult time finding enough judges to handle the increased trial volume.
- **Statistical Analyst - \$130,320 FTE** - The court seeks to be able to be responsive to both the public and government partners by being able to produce meaningful statistics. Superior Court does not have a single point of contact for statistical analysis for the court. It is spread between multiple employees and is completed as time permits. With the introduction of Microsoft PowerBI, the court sees this as an opportunity to examine our stats and make critical decisions which improve service to the public. This position would provide the Court with improved analysis of statistics and trends for appropriate allocation of Judicial Resources.



- **Family Court Navigator - \$98,834 FTE** - This position would be responsible for providing self-represented litigants with assistance and direction throughout the court process by proactively reviewing domestic cases involving self-represented parties that are high utilizers of the court system. This position will review commissioner show cause dockets and contact parties to assist self-represented parties with navigating their family court case effectively and efficiently. Hearings are often continued due to parties not understanding court processes. A family court navigator will decrease the number of continued hearings, the number of times that parties must come to court, and the number of times that judges and commissioners hear the case. This allows cases to flow through the court system more efficiently creating a faster resolution for these families.
- **Electronic Court Orders - \$120,000 for Therapeutic Court expansion** - Electronic Court Orders (ECO) has been a great time saver in our high-volume criminal courts. This system allows all court users to have almost instant access to court orders. Superior Court would like to expand ECO to all criminal court filings. The program would roll out in Therapeutic Courts first and then to all courts.
- **Video Arraignment - \$50,000 onetime costs** - A video arraignment system can preserve the rights of due process for inmates without incurring the risks and expense of inmate transportation to and from the courtrooms. A recent court of appeals decision regarding restraints has caused a significant impact on our high-volume criminal court dockets and this system would assist the court in being in compliance with the ruling.

	<p>In addition, the following items would help Superior Court improve its effectiveness and efficiency:</p> <ul style="list-style-type: none"> <li>• Accounting Assistant 2 to assist the Fiscal Manager. The Court's Fiscal Manager is the only finance employee in the court. They manage a \$20 million-dollar annual budget.</li> <li>• The court would be more effective and efficient if all court operations, besides Western State Hospital, were located on one campus.</li> <li>• Superior Court would benefit from adding an additional Court Coverage Specialist. We run such a lean organization that long-term medical leave can have a significant impact on the court.</li> </ul> <p>The court is also a recipient of multiple grants and Health Care Authority funding for our therapeutic courts.</p>	
<p><b>5)</b> You currently have two vacancies or upcoming vacancies for court reporters. Are you working toward electronic recording for court reporting? For civil hearings?</p>	<p>There is only one current vacancy and that judge has been in the process of hiring a new court reporter for a couple of months. A current court reporter will be leaving the court in November and that judge has already posted to hire a new court reporter. Hiring a court reporter takes time as the judge needs to make sure they can provide the level of reporting that the judge needs to run an efficient courtroom.</p> <p>We are not working towards electronic court recording court wide as there are no recording systems which can take the place of a court reporter currently.</p>	
<p><b>6)</b> It's understood that a court reporter has a potential source of outside income from documents established</p>	<p>As an employee of the court, court reporters are responsible for creating a verbatim record of all court proceedings in the form of stenographic notes. The stenographic notes are filed with the court clerk pursuant to statute. The creation of a transcript from those notes takes a significant amount of time and work by the court reporter. The litigant/agency requesting the transcript will contact the</p>	

through court proceedings. Please explain this process. What bearing does this potential income have on base salary? What are the comparisons with other jurisdictions on salary and outside earning opportunities? What are the comparisons for work hours and vacation benefits?

Court Reporter directly and work out payment and delivery. Court Administration is not involved in this process at all. Court Reporters are required to have a business license in order to provide transactions for their transcripts.

The payments made by litigants/agencies for transcripts have no bearing on the salary or benefits of court reporters. Court Reporters are non-exempt and make \$84,120.40 annually. Since the transcription work is completed when court reporters are not acting in their official capacity of taking stenographic notes, the county does not pay the reporters overtime when working on transcripts. Pierce County reporters are on the low end of salary/benefits when compared to the other top 5 counties in Washington.

	When adjusted for 40 hours *	Court Reporter	Judicial Assistant	Bailiff	Court Clerk	Judicial Recording Equipment - Annual Cost	Courtroom staff cost per judge
1	Snohomish	13 - 117,433	15 - 85,265		15 - 86,367	\$20,700	\$274,787
3	King	8 - 139,600		53 - 116,800	53 - 102,000	\$548,550	\$250,221
2	Spokane*	11.3 - 105,059	11.3 - 82,906		11.3 - 69,980	\$20,700	\$244,623
4	Thurston	5 - 115,725	5 - 96,865	1 - 60,900	8 - 87,104	\$41,400	\$232,760
5	Pierce*	19.3 - 115,993	20.7 - 124,903			\$51,750	\$221,632
6	Clark	JAVS	10 - 80,400	0.2 - 12,000	10 - 71,300	\$103,500	\$163,250

In 1994, the Office of the Attorney General issued opinion [AGO 1994 No. 23](#) which addressed court reporter pay and transcription fees. The opinion stated official court reporters are able to retain any fees earned from transcribing records of court proceedings in addition to the salary provided by the county. It also goes on to say a county may not lawfully reduce a reporter's salary by the amount of transcription fees collected.

Vacation hours are the same as their judge. Court Reporters receive judicial leave which is 30 days per year, plus two additional days off, which is county standard. Court Reporters for Pierce County work a 7-hour work day. Most other counties work an 8-hour day. There are other counties which have their reporters

	<p>take time when their judges do, and some who allow their reporters to take leave when they choose.</p> <p>For a more thorough review of Court Reporters pay in comparison with like jurisdictions I would refer the Council to the Executives study conducted by Seagal Waters.</p>	
<p><b>7) Can cost savings be achieved by use of electronic recording and creating a small pool of court recorders for specific trials? If not, why not? What other staffing modules might be deployed?</b></p>	<p>In late 2018, Superior Court was asked this question by the Executive's staff. This triggered a statewide staffing study by the Court Administrator to determine the staffing and cost breakdown for other courts in Washington. Statewide, Pierce County falls in the middle of the number of staff members who assist a judge in the courtroom, with the high being three and the low of just over 1. Court Reporters are part of a team in each Department. This team includes the judge, judicial assistant and the court reporter. There are no other staff who directly assist the judicial department. Even in counties where court reporters are pooled, the courtroom would have a Clerk's Office employee who would assist either the judicial assistant or bailiff. Our departments only have the judicial assistant and the court reporter. The staff assist each other to ensure the courtroom operates following best practices for jury, proceedings and evidence management.</p>	



		Judge	# of Counties	Court Reporter	Judicial Assistant	Bailiff	Court Clerk	Other	Total staff	# per Judge
1	King	53	1	8		53	53		114	2.15
2	Pierce	22	1	22	22				44	2.00
3	Snohomish	15	1	13	15		15		43	2.87
4	Spokane	12	1	12	12		12		36	3.00
5	Clark	10	1	JAVS	10	0.2	10		20.2	2.02
6	Thurston *	8	1	5	5	1	8		19	2.38
7	Yakima	8	1	1		0.5	8		9.5	1.19
8	Kitsap	8	1	5		1.25	8		14.25	1.78
9	Benton/Franklin	7	2	6		5.3	7		18.3	2.61
10	Cowlitz **	5	1	FTR		5	5		10	2.00
11	Skagit	4	1	2		3	4		9	2.25
12	Whatcom	4	1	3	4		4		11	2.75
13	Lewis	3	1	3			3		6	2.00
14	Grays Harbor	3	1	2		0.25	3	1	6.25	2.08
15	Mason	3	1	FTR/JAVS		0.2	3		3.2	1.07
16	Chelan	3	1	2		0.1	3	0.5	5.6	1.87
17	Clallam	3	1	JAVS		0.5	3		3.5	1.17
18	Stevens/Ferry/Pend Oreille	2	3	FTR		0.75	2		2.75	1.38
19	Walla Walla	2	1	2		0.3	2		4.3	2.15
20	Kittitas	2	1			0.2	2		2.2	1.10
21	Okanogan	2	1	0.25	2	1	2		5.25	2.63
22	Island	2	1	2			2		4	2.00
23	San Juan	1	1	0.1		0.1	1		1.2	1.20
24	Asotin/Columbia/Garfield	1	3	FTR		0.1	1		1.1	1.10
25	Douglas	1	1	FTR		0.5	1		1.5	1.50
26	Pacific/Wahkiakum	1	2	FTR/Notewise	1	0.1	1		2.1	2.10
27	Jefferson	1	1	JAVS		0.1	1		1.1	1.10
28	Adams	1	1	FTR	1		1		2	2.00
29	Lincoln	1	1		1		1		2	2.00
30	Klickitat/Skamania	1	2	JAVS	1		1		2	2.00
			37							
	Recording system is only listed if there are no staff court reporters									
	Multiple counties with clerk's at each location were just listed as 1 staff per judge.									
	A ". " something notation means the bailiff or court reporter are used on a as needed basis.									
	* Thurston County uses several on-call Bailiffs. The budget line item is close to a single FTE.									
	** Cowlitz County has 5 Judicial Assistants, but they are not used in the court. They have Bailiffs who assist in some court proceedings, but it is hard to give an apples to apples comparison. I chose to make them a single FTE per judge as they are completing work for their judicial officer.									

Based on our research, actual costs savings would be minimal at best, with the court performance suffering greatly from the lack of real time reporting. There is no court recording equipment which has the performance level of a court reporter. Some of the costs which would have to be realized are as follows:

- JAVS systems for every courtroom, which would include equipment, installation and annual maintenance fees
- Supervisor level Administration FTE to manage pooled court reporters
- Superior Court IT FTE to support the additional 18 JAVS supported courtrooms
- Court Administration or Clerk's Office FTE's to cover the courtrooms which do not have a court reporter
- Supervisor level Administration or Clerk's Office FTE to manage the additional FTE's who are used to cover the courtrooms without a court reporter.
- Office space for pooled court reporters, court clerks and supervisors. This would need to be found within current administration offices, which would require a complete remodel of administration space.

The judges and administration have not investigated another staffing model as our current staffing is working well for our court and we have shown that we are not spending out of line with the other top six courts in Washington. We have also been commended as one of the top seven criminal case processing courts in the country.

County	Judges	Judicial Officers (Judges & Commissioners)	Staff w/o Court Reporters	Court Reporters	Total Court Staff	Staff to Judicial Officer Ratio	Total Court & Clerk Staff	Staff & Clerk to Judicial Officer Ratio	2017 Case Filings	Filings per Judicial Officer	Filings per Judge	Filings per Staff
Thurston	8	11.31	24.76	6	30.76	2.72	71.76	6.34	14,769	1,306	1,846	209
Clark	10	13.4	21.6	0	21.6	1.61	69.6	5.19	15,690	1,171	1,569	225
Spokane	12	19	29.06	12	40.31	2.12	90.94	4.79	24,966	1,314	2,081	275
Snohomish	15	20	41.5	13	54.5	2.73	128.45	6.42	25,189	1,259	1,679	196
Pierce	22	31	48.06	22	67.31	2.17	118.87	3.83	32,379	1,044	1,472	272
King	53	65	197.97	10	209.34	3.22	420.8	6.47	64,007	985	1,208	152

Staffing #'s takes into account work week hours when calculating number of staff. Our staff work a 35 and 37.5 hour week where most work a 40 hour work week. This data is from 2017.

<p><b>8)</b> How are you planning for future juror parking needs?</p>	<p>Facilities Management (FM) has been made aware of the needs of our jurors when it comes to both parking and facilities space. Daily we notify FM on how many jurors we have reporting and the lack of, or surplus in, parking spaces. On Mondays and Tuesdays, the CCB campus can support 177 parking spaces for jurors. The number dwindles to 117 spaces per day after that. On a busy day, the court can bring in over 400 jurors. Superior Court has had discussions with FM about our needs, but since they are capital projects, the responsibility falls on their shoulders to address. Superior Court would recommend to the Council and the Executive to institute the FM plan to remodel the CCB campus to improve parking, the safety of our jurors and the combining of all Superior Court departments to the County City Building.</p>	
<p><b>9)</b> On average, how many individual training days are required per judge per year? What impact does this have on judicial staff?</p>	<p>Per GR26-Judges are required to complete 45 hours of training (6 hours should be in the area of Ethics) every three years. Judges receive the bulk of their training hours at two State Judicial Conferences each year. The court also has an education committee that develops and offers free trainings for up to 6 credit hours per year. During the state Judicial Conferences, staff are signed up for Continuing Education, Pierce County Human Resources required classes, and trainings coordinated by Superior Court Administration. Judicial staff will also participate in coverage for the stay at home judges during this time.</p>	
<p><b>10)</b> Discuss the need for the new for funding UA testing. How was this number arrived at? What is the reason for this request?</p>	<p>Pierce County Alliance is experiencing challenges with receiving payment under the Integrated Managed Care Structure. As of January 1, 2019, Beacon Health Options became the new Regional Support Network (RSN) providing services in Pierce County. The managed care providers assigned by Beacon are Untied Health Care, Molina, Amerigroup, and Coordinated Care which only pay for 2 (UAs) per month per client. Under OPTUM the prior RSN, all (random or required) UAs were paid for. This has created a short fall in payments for UAs. The use of frequent random UAs is key and per best practice standards, UAs are recommended twice weekly. Pierce County Alliance provided the number of UAs for 1 year for the Therapeutic Courts to show the amount that needs to be covered in 2020 arriving at the requested amount of \$141,500. Other Counties are utilizing one-tenth of one percent through the 2005 Omnibus Mental Health and Substance Abuse Act (ESSB 5763) which our County has not yet adopted.</p>	







# PROSECUTING ATTORNEY BUDGET

Friday, November 8, 2019

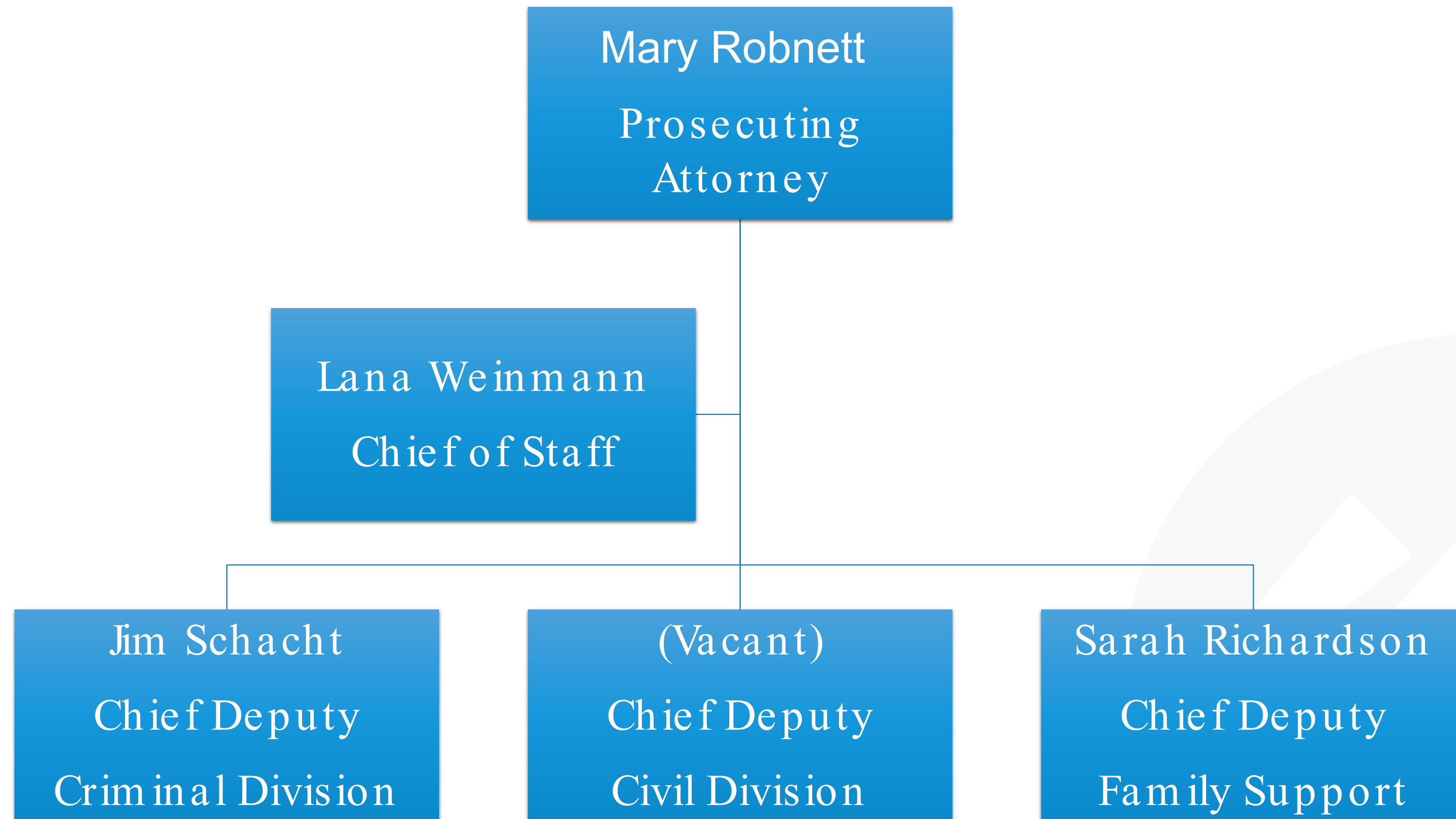
**MARY ROBNETT**

Prosecuting Attorney

[Mary.Robnett@piercecountywa.gov](mailto:Mary.Robnett@piercecountywa.gov) | 253.798.7792



# Organizational Chart



# SCOPE OF WORK

State law requirements per RCW 36.27.020

Legal Adviser of the Legislative  
Authority (County Council)

Legal Adviser to County Officers

Defend Lawsuits Brought Against the  
County

Prosecute Criminal Matters

Monitor all Cost Bills in Criminal  
Proceedings

Present/Prosecute Violations of Election Laws

Formulate Ballot Titles

Examine Bonds

Criminal Justice Reform

Participate in Sexual Assault Kit Tracking

Prepare Purpose Statements for County  
Initiatives (Pierce County Charter Section 5.40)

## The Prosecuting Attorney's Office is Comprised of Three Divisions

### Criminal Division

- Pursues justice for victims and the community through prosecution of all felonies in the county and any misdemeanors in unincorporated Pierce County
- Pursues wise use of alternatives to conviction and incarceration for those motivated to turn their lives around

### Civil Division

- Stands up for taxpayers in court by representing all county officials and departments in litigation
- Provides sound legal counsel to our clients

### Family Support Division

- Protects the best interests of children
- Establishes parentage
- Works to enforce child support

# STRATEGIC PLAN

## Vision or Mission

The PCPAO seeks to be a premier public law office where community safety and public service come first.

### Hire, Develop & Engage Talented Employees

Enhance employee engagement

Encourage skill development

Give comprehensive performance  
feedback and recognition

### Increase Efficiencies

Reorganize divisions and  
consolidate work units

Create General Crimes Charging  
Unit (GCCU)

Go paperless

Increase use of technology

### Protect Taxpayers and the County Through Proactive Representation

Improve communication with  
county departments and officers

Provide proactive advice and high-  
quality legal services to our clients

Refresh client engagement to  
better protect taxpayers

### Improve Public Records Responses

Increase transparency

Reduce production time

Save taxpayer dollars



# SIGNIFICANT WORKLOAD SERVICE DATA – UPDATED October 2019

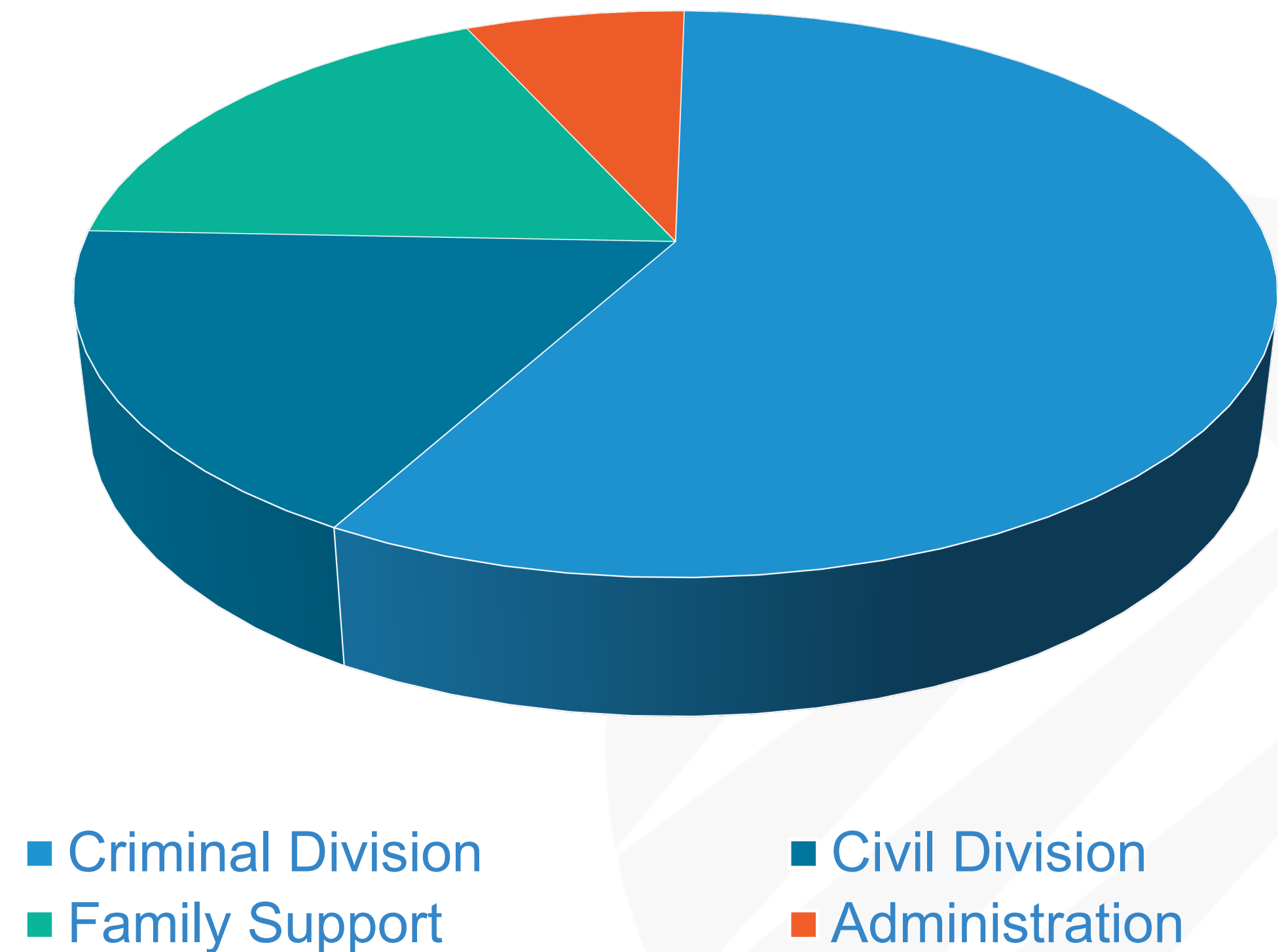
Function/Title	Unit of Measure	2016 Actual	2017 Actual	2018 Actual	2019 Estimate	2020-2021 Estimate
<b>CIVIL DIVISION</b>						
Litigation Files Open	Case	318	274	391	400	400
Responses to Public Records Request	Request	153	152	256	360	400
Public Records Request Advice	Request	397	592	429	701	600
<b>CRIMINAL - FELONIES</b>						
Sup Crt Cases Referred	Report	9432	9163	9541	9355	9350
Sup Crt Cases Charged	Defendant	5103	4880	5115	4917	5000
Percentage Referrals Charged	Ratio	59%	57%	53%	53%	53%
<b>CRIMINAL - MISD Domestic Violence</b>						
Domestic Violence Cases Charged	Case	583	812	672	801	800
<b>FAMILY SUPPORT</b>						
Paternity Referrals From DSHS	Case	1603	1503	1537	1308	1500
Modification of Child Support	Case	869	791	742	720	740
Contempt	Case	608	641	540	493	500

# Prosecuting Attorney's Office FTEs

Criminal Division	138	+ 8 grant-funded
Civil Division	31	+ 2 grant-funded
Family Support	29	(all grant-funded)
Administration	10	

TOTAL FTEs **218**

FTEs by Division



# CRITICAL NEEDS & CHALLENGES

---

## Reduce Risk of Public Records Liability by Adding Resources to Process the Dramatic Increase in Requests

- Requests up 135% in 3 years
- 3,102 hours of staff time spent responding in 2018
  - Over 600 hours more than the next highest department (Planning and Public Works)
- Currently using compensatory time, overtime, and extra hires
  - Best suited to short -term help needed for occasional spikes, rather than the ongoing increases we are experiencing

## Address Significant Workload Concerns by Increasing Hours for Some Support Staff and Investing in New Technology to Produce Efficiencies

- Legal Assistants have workloads they cannot meet at 35 hours
  - Expressed as a concern from Day 1
  - Reorganization and consolidation of functions has not been enough to solve the problem
  - Use of compensatory time has made little progress and, at best is a short-term solution
    - 2140 comp time hours YTD = hours we lose later

# CRITICAL NEEDS & CHALLENGES

---

- **Maintain Service Levels by Funding FTEs and Workloads Previously Added**
  - Fair Share Investigator – **Not included in Executive's Budget**
  - Nuisance Abatement Attorney – Included in Exec's Amended Budget
- **Address Recruitment, Retention and Employee Engagement** (All Included in Executive's Budget)
  - Increase wages for interns to Match DAC rate \$20/Hour
  - Fund County Attorney promotions
  - Reclassify Family Support Division Chief (no cost to county)



# BUDGET HIGHLIGHTS

Modest Budget Request  
Designed to Maintain  
Current Service Levels, and  
Address Workload Increases  
By Increasing Efficiencies  
and Work Hours.

## 7 Increase Resources for Public Records Responses and Reduce Risk to Taxpayers

- **Add one Legal Assistant 3 – Not included in Executive's Budget**
  - One Legal Assistant 3 will increase dedicated staff by 50% to address a 135% increase in workload
  - \$187,500 Total Cost (\$92,690 in 2020; \$94,810 in 2021)
- **Fund Technology Improvements – Included in Executive's Budget**
  - LINX and Non-LINX technology requests will greatly improve our ability to search for and produce responsive documents, thereby decreasing the risk of PRA violations.
  - Costs and programing time TBD

## 7 Address Workload Concerns

- **Increase Hours for Some Support Staff – Not included in Exec's Budget**
  - \$920,970 Total Cost (\$298,590 in 2020; \$310,800 in 2021)
    - 57 Legal Assistants moved to 37.5 hours in 2020 and 40 hours in 2021
    - 4 other support staff currently at 37.5 hours moved to 40 hours in 2020 and maintained in 2021
- **Invest in Technology to Produce Efficiencies – Included in Exec's Budget**
  - LINX and Non-LINX technology requests will greatly improve efficiency, reduce mistakes and assist in going paperless
  - Adobe Acrobat Pro and Premier Pro Licenses
    - \$28,200 Total Cost (\$14,100 each year)

## Segal Waters Compensation Survey

### Legal Assistant 2

Custom Survey Data Sources					
	Job Title	Workweek	Pay Range Minimum	Pay Range Midpoint	Pay Range Maximum
City of Seattle	Legal Assistant	40	\$47,111	\$49,980	\$52,849
Clark County	Legal Assistant	40	\$43,219	\$49,233	\$55,247
Multnomah Co, OR	Legal Assistant 2	40	\$47,770	\$53,149	\$58,527
Snohomish County	Legal Assistant	40	\$46,695	\$51,719	\$58,527
Spokane County	Legal Office Assistant 2	37.5	\$29,111	\$34,196	\$39,281
State of WA	Legal Assistant 1	40	\$30,588	\$35,544	\$40,500
Thurston County	Legal Assistant 1	40	\$39,594	\$46,135	\$52,677
Washington Co, OR	Legal Assistant	40	\$54,633	\$60,525	\$66,418
<b>Pierce County</b>		<b>37.5</b>	<b>\$44,434</b>	<b>\$49,803</b>	<b>\$55,263</b>
<b>Custom Survey Market Average</b>			<b>\$42,340</b>	<b>\$47,560</b>	<b>\$52,780</b>
<b>Pierce County as a % of Custom Survey Market Average</b>			<b>105%</b>	<b>105%</b>	<b>105%</b>
<b>Published Market Average</b>			<b>\$46,185</b>	<b>\$57,295</b>	<b>\$71,183</b>
<b>Pierce County as a % of Published Market Average</b>			<b>96%</b>	<b>87%</b>	<b>78%</b>
<b>Overall Comparator Market Average</b>			<b>\$44,262</b>	<b>\$52,427</b>	<b>\$61,982</b>
<b>Pierce County as a % of Overall Market Average</b>			<b>100%</b>	<b>95%</b>	<b>89%</b>

## Segal Waters Compensation Survey

### Legal Assistant 2

Adjusted for hours worked by PCPAO

<b>Pierce County Prosecutor's Office</b>	<b>35</b>	<b>\$42,424</b>	<b>\$48,102</b>	<b>\$52,871</b>
Custom Survey Market Average		\$42,340	\$47,560	\$52,780
Pierce County as a % of Custom Survey Market Average		100%	101%	100%
Published Market Average		\$46,185	\$57,295	\$71,183
Pierce County as a % of Published Market Average		92%	84%	74%
Overall Comparator Market Average		\$44,262	\$52,427	\$61,982
Pierce County as a % of Overall Market Average		96%	92%	85%
Adjustment to Reach Market Average		4%	8%	15%
<b>2020 – Gets us to Segal Waters results</b>				
Pierce County Prosecutor's Office	<b>37.5</b>	\$44,343	\$49,803	\$55,263
Pierce County as a % of Custom Market Average		105%	105%	105%
Pierce County as a % of Published Market Average		96%	87%	78%
Pierce County as a % of Overall Market Average		100%	95%	89%
<b>2021 – Gets us to market parity</b>				
Pierce County Prosecutor's Office	<b>40</b>	\$51,126	\$54,974	\$60,424
Pierce County as a % of Published Market Average		107%	104%	104%
Pierce County as a % of Overall Market Average		111%	96%	97%



# BUDGET HIGHLIGHTS

Modest Budget Request  
Designed to Maintain  
Current Service Levels, and  
Address Workload Increases  
By Increasing Efficiencies  
and Work Hours.

## 7 Maintain Current Functions

- Fund Fair Share Investigator – **Not included in Exec's Budget**
  - \$263,190 Total Cost (\$129,860 in 2020; \$133,330 in 2021)
- Fund Nuisance Abatement Attorney – **Included in Exec's Amended Budget**
  - \$353,210 Total Cost (\$172,740 in 2020; \$180,470 in 2021)

## 7 Recruitment, Retention and Employee Engagement – Included in Exec's Budget

- Increase wages for interns to match DAC rate \$20/Hour
  - \$46,360 Total Cost (\$23,180 per year)
- Fund County Attorney promotions – **Included in Exec's Amended Budget**
  - \$368,300 Total Cost to the county (\$182,250 in 2020; \$186,040 in 2021)
  - Costs were reduced by allocating 3 of the promotions to Family Support attorneys, which are grant funded positions
- Reclassify Family Support Division Chief – **Included in Exec's Budget**
  - \$17,540 Total Cost, but no cost to the county (Grant Funded)



## FTE Changes in 2020-2021

Position(s)	Division	Reason for additional elimination
Legal Assistant 3	Civil	Addition - Dramatic Increase in Public Records Requests, Increase in Litigation, Addition of Abatement Workload
Chief Deputy Attorney	Family Support	Reclassification from Supervising Senior Attorney to match job duties of Division Chief

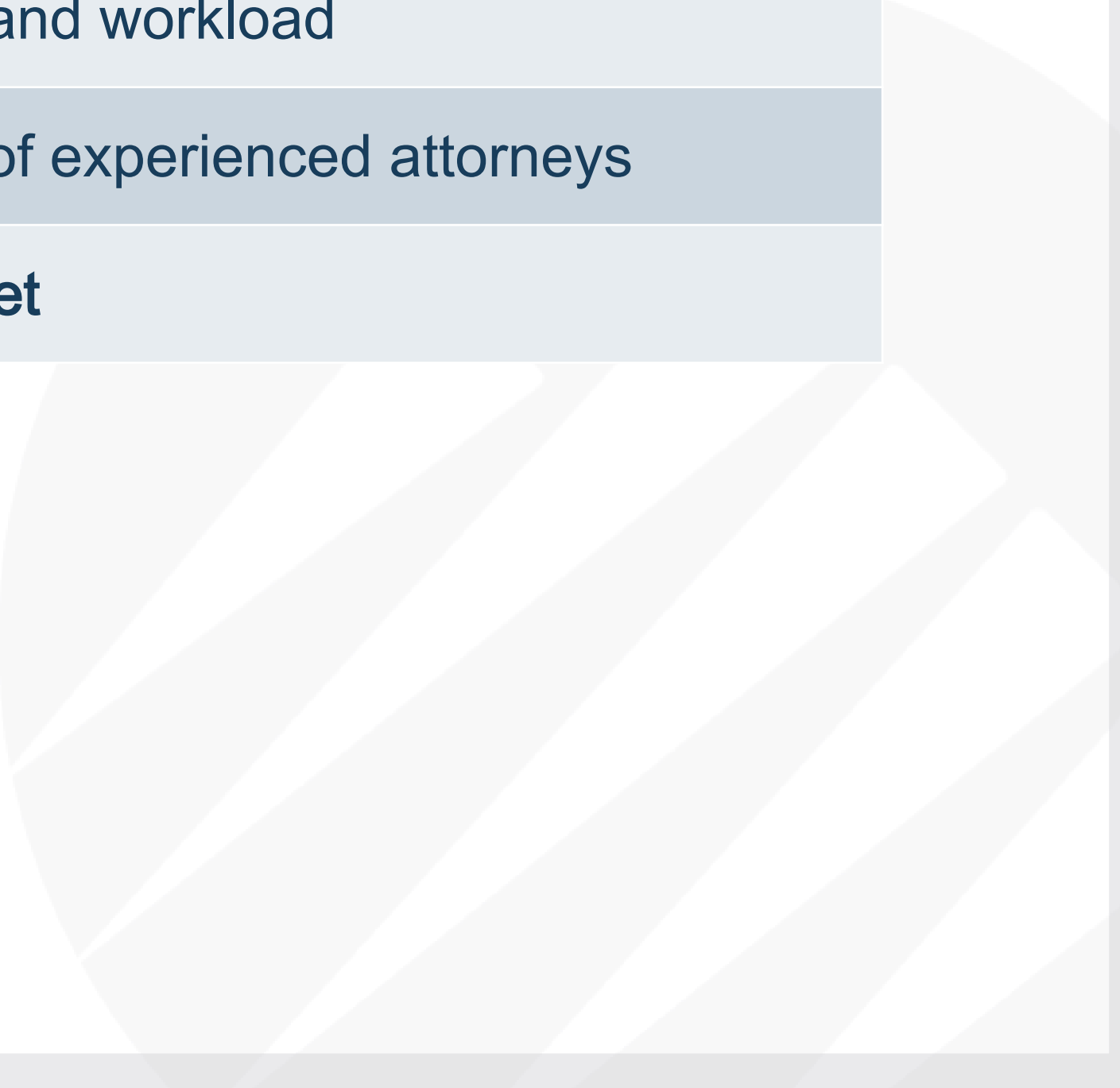
## Explanations of Material Changes in Budget – **Prosecutor Requests**

Change	Description
Legal Assistant 3 - Civil Division - \$187,500	Process public records requests
Increase Hours for Select Support Staff - \$920,970	Cover support staff workload needs
Software Licenses - \$28,200	Address workload concerns/create efficiencies
Increase Wages for Rule 9 Interns - \$46,360	Enhance recruitment of qualified Rule 9 interns
Reclassify Family Support Division Chief - \$17,540 (state-funded)	Provide parity with similar positions
<b>Total Increase: \$1,200,570</b>	<b>1.7% of Total Budget</b>



## Explanations of Material Changes in Budget – **Prior County Commitments**

Change	Description
Fair Share Investigator – Criminal Division - \$263,190	Fund existing FTE and workload
Nuisance Abatement Attorney – Civil Division - \$353,210	Fund existing FTE and workload
County Attorney Promotions - \$368,300	Enhance retention of experienced attorneys
<b>Total Increase: \$984,700</b>	<b>1.4% of Total Budget</b>







**Mary Robnett**

Prosecuting Attorney

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**In addition to a general presentation regarding your 2020-2021 Budget**, the Council has asked that you provide answers to the following questions. References to page numbers below are from the Executive Proposed Budget.

## Prosecuting Attorney

Questions	Responses	Council
1) What strategies and technologies are you implementing to ensure maximum efficiencies?	<p>1) <u>Reorganized the Criminal Division</u>:</p> <ul style="list-style-type: none"> <li>• Consolidated general felony trial teams to streamline supervision and provide more consistency in prosecuting felony cases;</li> <li>• Implemented strategic planning for how DPAs rotate through units and added training programs designed to better train DPAs for advancement to higher-level casework;</li> <li>• Created the General Crimes Charging Unit focused on charging most class B and C felonies through a single unit. This results in more consistency in charging as well as earlier and consistent pre-trial disposition of cases. <ul style="list-style-type: none"> <li>○ Consolidating the charging responsibilities has helped us nearly eliminate the roughly 800 case backlog of class B and C felony referrals pending charging decisions at the beginning of 2019. As of October 28, only 87 of these referrals are pending review for a charging decision.</li> <li>○ However, 327 cases are reviewed and ready to be filed, but we do not have the legal assistant resources needed to process those cases to clear out the backlog of uncharged cases. While we have seen greater efficiencies for our attorneys in consolidating our charging and plea negotiation practices, it has uncovered a resource need with our legal assistant staff.</li> <li>○ Despite consolidating legal assistants into larger units and adjusting the number of LAs assigned to the different units to try to level out workloads, we have not been able to meet the needs of our office for legal assistant functions across the office, and we have experienced significant turnover in our LA staff. Exit interviews of those leaving the office confirm that they continue to have extremely high workloads and cannot keep up with the workload demands.</li> </ul> </li> </ul>	

2) Paperless Project: We are in the process of moving our Criminal Division to paperless files. We believe that paperless files will increase efficiency of our criminal division workflow, retention, and public records responses, as well as reducing the physical space needed for housing records.

- While our Felony Division is still in the very early stages of process analysis, our Appeals Unit has worked with IT to use existing County resources to develop a process for paperless files moving forward, relying heavily upon OpenText Content Server. A new process has been mapped and we hope to begin implementation in November.
- Our planning for Appeals included future integration with paperless files for our Felony Division, which will also rely on OpenText Content Server as the backbone system for our Felony Division's paperless files. We are in the early stages of investigating the newly-available Microsoft Teams to manage Felony Division workflows in a future without paper files.
- We hope in the future to be able to integrate our paperless files more tightly with the LINX system to further increase efficiency, but at this point there are not sufficient LINX development resources available to make such a project feasible.

3) New Software: We purchased additional software licenses such as Adobe Pro to allow attorneys to better manage large-volume trial cases and appeals. We are hopeful this will shift some work off the overloaded LA staff.

4) Restructure of Chain of Command and Performance Management: We implemented a more streamlined performance management program, and we reorganized the supervision structure for most of our support staff so they receive direct feedback and training assistance from support staff supervisors rather than attorney team leaders who are also carrying significant caseloads, and who are not in a position to assist with support staff coverage issues across units. Training on performance management is underway and the new forms and process

	will be used in November and December to provide performance feedback for 2019 and set performance plans for 2020.	
<b>2) What impact do you anticipate the classification study will have on your office?</b>	<p>1) We expect there will be some reclassification of our legal assistants, and we are in the process of discussing those issues with HR. Our reorganization of the supervision structure for our legal assistants left some of our LA 4s as supervisors, and some without supervision responsibility. While all of them were previously considered “Leads,” none of them had formal responsibility over supervision (performance evaluation, leave approval, etc.)</p> <ul style="list-style-type: none"> <li>The addition of supervision responsibilities for some of our LA 4s has created additional workload for them, and we originally submitted a modest Decision Package to increase the supervisors’ hours from 35 to 37.5 per week, but have since concluded that the workload levels for all our legal assistants is so great that we need to move them all and a few other hourly positions to 40 hours per week. Doing so would likely avoid the need to add additional FTEs. See attached Decision Package #9, submitted 8/23/19.</li> </ul> <p>2) The compensation piece of the study shows that at least some of our deputy prosecutors are substantially underpaid as compared to the comparable markets. We expect to see some adjustment of those salaries through the collective bargaining process now underway, and we expect to do further research and analysis of local county prosecuting attorney offices to determine whether more adjustments are warranted.</p>	
<b>4) What are “Other Services and Charges” and why the large increase? (pg 270)</b>	This is a consolidation line for all expenses except for salary, benefits and supplies. The 12% total increase is a direct result of our county-controlled fixed costs being increased by 16% or \$1,046,870.	
<b>5) Input/output Measures under “Civil Division Litigation Files Open” has a large estimated number for 2019, and then a reduction for 2020/2021. Please explain. (pg 272)</b>	The high estimate for 2019 is due to a calculation error in formulating our estimates. It has been corrected for our October Workload Service Data. The updated estimates for 2019-2021 are 400 per year. See October Workload Service Data attached.	

<p><b>6)</b> What positions are funded through the Drug Enforcement Fund to address nuisance?</p>	<p>Legal Assistant 2 in our Civil Division, who was reassigned to cover the Nuisance Abatement workload added to our office in 2018.</p>	
<p><b>7)</b> Does your office pay overhead costs, including rent, for the attorneys housed at the Family Justice Center?</p>	<p>No</p>	
<p><b>8)</b> What are your plans for utilizing Rule 9 interns, if any? Please describe costs vs. benefits.</p>	<p>We used 11 interns in 2018 and 13 in 2019. We plan to continue using about the same number of interns each year to cover workload that would otherwise require the addition of county attorney FTEs. That workload consists of research and writing in our appellate unit, trial assistance in multiple units in all divisions, and misdemeanor prosecution in District Court.</p> <p>Currently, each Rule 9 intern cost us approximately \$1050 per month compared to the monthly costs of a step 1 County Attorney 1, which is \$8300. Interns work at a lower hourly rate and can only work part-time. If we did not use 13 part time interns in 2019, we would have needed at least 5 new attorneys to cover their workload. 13 interns for the year costs approximately \$163,800 versus \$498,000 for 5 new attorneys.</p> <p>The additional benefit of using Rule 9 interns is that they get to explore the public service work our office provides, and we use that experience to recruit some of them as candidates for permanent attorney positions in our office. In 2019, approximately half of our new attorney hires in Misdemeanors were existing or former Rule 9 interns with us.</p>	
<p><b>9)</b> Explain your requested FTE changes and staffing structure changes. How will this create better efficiency within the office?</p>	<p>The only FTE change requested for 2020 and 2021 was to add one Legal Assistant 3 to the Civil Division to address our growing public records request workload. The total cost for the two years is \$187,500 (\$92,690 year 1; \$94,680 year 2). The number of public records requests processed by our office has more than doubled in two years. We processed 152 in 2017, 256 in 2018, and 270 in the first 9 months of 2019. We estimate 360 requests for 2019, and 400 each year for 2020 and 2021. While the workload has doubled, our request to add personnel to address the increase is modest. We currently have two legal assistants assigned to this workload. Our request is to increase</p>	



that to three legal assistants, a 50% increase in staff to address a 100% increase in workload.

The two other FTE-related requests by our office were Decision Packages to fund two previously unfunded FTEs and their respective workloads that were added to our budget by the Council in 2018.

1. DP #7 – Civil Abatement Position: Pierce County Council's Ordinance 2017-22s added both a code enforcement officer and a building inspector to boost the County's response to derelict homes, solid waste violations, and other public nuisances. Recognizing the need for additional personnel to handle the increase in workload for our Civil Division, the County Council added a Deputy Prosecutor to our Civil Division in the 2018 Supplemental Budget. While the position was added in the 2018 supplemental budget, the position has no direct funding. Two funding sources were identified, but one is legally ineligible for the work done by this position and the other is within the control of a different department and all those funds were already allocated to essential functions. Since our submission of this DP, we have been told Executive Dammeier will amend his budget proposal to include this position in the General Fund.
2. DP #4 – Fair Share Criminal Investigator: This position was added to the Criminal Division by the Council in 2018 and was originally funded through vacancy savings. Pierce County Code 2.98.050(b)(2) requires the Council to "retain or designate one employee who shall serve as staff to the Law and Justice Community Oversight Subcommittee and who shall systematically gather information concerning offender placement, housing, and programs, and concerning other issues identified by the subcommittee and who shall otherwise work and report as directed by the subcommittee." General Fund funding was provided for this position in our office in our 2019 budget, however, that funding has been removed from the 2020-2021 budget. We do not expect to have sufficient vacancy savings in 2020 and 2021 to fund this position. Without a dedicated funding source, we will not be able to continue this important and code-mandated work.

	Regarding staffing structure changes and the expected effects on efficiency, please see our answer to Question #1.	
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## Decision Package Request 2020-21 Biennial Budget

Company/Division: Prosecuting Attorney

Contact Name and #: Cindy Mauzey x7070

REQUEST TYPE (select one):  
☐ New program or service  
☐ Expand existing program or service  
☒ Maintain current service levels

STRATEGIC OBJECTIVE (use the dropdown to select the strategic objective this request supports):

*Hire, Develop, and Engage Talented Employees*

Increase hourly legal assistant staff to 37.5 hours per week in 2020 and 40 hours per week in 2021. Increase the Fiscal Manager, Records Specialist and SAU forensic interviewers from 37.5 hours to 40 hours per week in 2020 and 2021.

PERFORMANCE MEASURE (identify the measure and target that will be used to analyze performance): Reduce turnover rate.

TARGET: Reduce turnover rate.

**DESCRIPTION (describe the activity, need, and benefits of the request):** Based on the County Classification and Compensation study and conversations with the County Executive, the Finance Department and Human Resources, we anticipate there will be some increase to the County Attorney pay range and perhaps increases to the other attorney pay ranges. We are awaiting further data that is expected to demonstrate how the other county attorney pay ranges compare to the custom survey market comparisons. Additionally, we have been told the desire is to move the exempt attorney and non-attorney employees to a 40 hour work week. The extended work week for exempt employees is expected to create additional workload issues for the nonexempt employees who provide direct supportive functions for the exempt employees. These support staff positions are already working beyond their capacity, and we have incurred a significant amount of comp time and overtime pay as a result of existing workload issues. We have lost some legal assistants who have expressed dissatisfaction with the workload in our office. During office-wide speak-up sessions early 2019, concern over the heavy workload was a major complaint expressed by a majority of the support staff. It is imperative that we increase the work hours of the support staff to match those of the exempt employees they support in order to avoid further turnover caused by increasing workloads. To that end we propose to increase hourly legal assistant staff to 37.5 hours per week in 2020 and 40 hours per week in 2021, and we propose to increase the Fiscal Manager, Records Specialist and SAU forensic interviewers from 37.5 hours to 40 hours per week in 2020 and 2021.

Year One Cost Estimates																																
Personnel Costs (Review year two)										Salary + COLA	Wkrs Comp		Retire Plan		Calculated Fields																	
Priority	Position Title	Position Number	Fund	Cost Center	Business Unit	Grant	Program	Project	Start Date	Hourly Rate	Hazard	Non-Haz	LEFF2	PERS	PSERS	LEOFF2	FTE	Hours Per Day	Exempt	2020 Hours	Annual Salary	Medical	Ind Ins	Dental	Life Ins.	FICA	Pension	PD Fam & Med Leave	Total Cost	One-time	Ongoing	Amend ID
1	Legal Assistants (56)		001						1/1/2020		x		x								7,280	237,546	—	1,611	—	—	11,680	30,550	310	281,700	x	BUD-19579
2	Forensic Interviewers (2)		001						1/1/2020		x		x								260	9,948	—	58	—	—	760	1,280	10	12,060	x	BUD-19579
3	Fiscal Manager	18444	001						1/1/2020		x		x								130	6,390	—	29	—	—	490	820	10	7,740	x	BUD-19579
4	Records Specialist	10831	001						1/1/2020		x		x								130	4,316	—	29	—	—	330	560	10	5,240	x	BUD-19579
Total Personnel Costs																						258,200	—	1,726	—	—	13,260	33,210	340	306,740		
Priority	All Other Costs (Review year two)																										Total Cost	One-time	Ongoing	Amend ID		
1																																
2																																
3																																
4																																
5																																
Total First Year Costs																					258,200	—	1,726	—	—	13,260	33,210	340	306,740			

<b>Decision Package Request</b>					
<b>2020-21 Biennial Budget</b>					
<b>Request Number:</b>					
<b>Fund:</b>					
<b>Account:</b>					
<b>Activity:</b>					
<b>Project:</b>					
<b>Priority:</b>					
<b>Justification:</b>					
<b>Impact:</b>					
<b>Comments:</b>					

**Contact Name and #:** Cindy Mauzey x7070

**STRATEGIC OBJECTIVE (use the dropdown to select the strategic objective this request supports):** *Hire, Develop, and Engage Talented Employees*

Increase hourly legal assistant staff to 37.5 hours per week in 2020 and 40 hours per week in 2021. Increase the Fiscal Manager, Records Specialist and SAU forensic interviewers from 37.5 hours to 40 hours per week in 2020 and 2021.

**TARGET:** Reduce turnover rate.

**DESCRIPTION (describe the activity, need, and benefits of the request)** Based on the County Classification and Compensation study and conversations with the County Executive, the Finance Department and Human Resources, we anticipate there will be some increase to the County Attorney pay range and perhaps increases to the other attorney pay ranges. We are awaiting further data that is expected to demonstrate how the other county attorney pay ranges compare to the custom survey market comparisons. Additionally, we have been told the desire is to move the exempt attorney and non-attorney employees to a 40 hour work week. The extended work week for exempt employees is expected to create additional workload issues for the nonexempt employees who provide direct supportive functions for the exempt employees. These support staff positions are already working beyond their capacity, and we have incurred a significant amount of comp time and overtime pay as a result of existing workload issues. We have lost some legal assistants who have expressed dissatisfaction with the workload in our office. During office-wide speak-up sessions early 2019, concern over the heavy workload was a major complaint expressed by a majority of the support staff. It is imperative that we increase the work hours of the support staff to match those of the exempt employees they support in order to avoid further turnover caused by increasing workloads. To that end we propose to increase hourly legal assistant staff to 37.5 hours per week in 2020 and 40 hours per week in 2021, and we propose to increase the Fiscal Manager, Records Specialist and SAU forensic interviewers from 37.5 hours to 40 hours per week in 2020 and 2021.

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Strategic Objective
Select One
Safer Communities
Better Behavioral Health
Healthier Environment
Improve Access to Housing
Lower Cost of Doing Business
Attract, Grow, and Retain More Business
Improve Mobility and Infrastructure
Increase Workforce Readiness
Greater Accountability for Results
Stronger Regional Leadership
Continuously Improve Customer Service
Hire, Develop, and Engage Talented Employees

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## INPUT/OUTPUT MEASURES

	Unit of Measure	2016 Actual	2017 Actual	2018 Actual	2019 Estimate	2020 Estimate	2021 Estimate
<b>Civil Division</b>							
Ordinances and Resolutions	Each	258	235	276	265	259	260
Claim Files Opened	Claim	174	198	183	236	198	185
Litigation Files Open	Case	318	274	391	400	400	400
Contracts Reviewed	Contract	1,619	1,207	1,356	1,293	1,369	1,394
Document Reviews	Document	235	254	187	221	224	225
Bail Bond Forfeiture Referrals	Forfeiture	702	544	466	553	566	575
Responses to Public Records Requests	Request	153	152	256	360	400	400
Public Records Request Advice	Request	397	592	429	701	600	600
ITA Commitment Proceedings	Hearing	1,333	1,495	1,320	1,500	1,500	1,550
<b>Felony Division</b>							
Sup Crt Cases Referred	Report	9,432	9,163	9,541	9,355	9,373	9,350
Sup Crt Cases Charged	Defendant	5,103	4,880	5,115	4,917	5,004	5,000
Percentage Referrals Charged	Ratio	59%	57%	53%	53%	53%	53%
Sup Crt Jury and Bench Trials	Trial	144	128	99	120	123	120
Sup Crt Subpoenas Produced	Subpoena	21,966	19,325	16,441	19,377	19,277	19,300
Sup Crt Criminal Histories and Certifieds	File	24,026	22,940	22,649	22,843	23,114	23,000
Sup Crt Other Proceedings	Hearing	63,046	62,518	61,231	66,671	63,366	63,000
<b>Appeals Cases</b>							
New Filings	Case	390	448	397	383	404	400
Oral Arguments	Hearing	69	84	58	43	63	60
Major Pleadings Filed	Pleading	288	328	289	288	298	300
<b>Misdemeanor Division</b>							
Dis Crt Cases Referred	Report	10,946	11,480	11,345	10,916	11,172	11,200
Dis Crt Cases Charged	Case	7,149	8,271	7,792	6,639	7,463	7,500
Percentage Referrals Charged	Ratio	65%	72%	68%	61%	67%	67%
Dis Crt Jury and Bench Trials	Trial	77	107	61	64	77	80
Dis Crt Subpoenas Produced	Subpoena	6,437	6,194	7,063	4,911	6,151	6,100
Dis Crt Other Hearings	Hearing	37,330	37,242	39,395	36,621	37,647	37,500
Domestic Violence Referrals	Report	2,394	2,273	2,267	2,516	2,500	2,500
Domestic Violence Cases Charged	Case	583	812	672	801	800	800
DUI Referrals	Case	1,697	1,883	2,029	1,696	1,826	1,800
DUI Cases Charged	Case	1,438	1,642	1,602	1,224	1,477	1,450
<b>Diversion Referrals (Friendship)</b>							
Diversion Referrals	Case	162	80	140	25	80	100
<b>Juvenile Division</b>							
Juv Crt Cases Referred	Report	2,463	2,658	2,578	2,488	2,547	2,500
Juv Crt Cases Charged	Case	995	1,036	1,011	733	891	875
Percentage Referrals Charged	Ratio	40%	39%	39%	29%	35%	35%
NCF Diversion & Diversion Rejects	Case	1,033	1,103	857	813	800	800
Juv Crt Subpoenas Produced	Subpoena	644	848	1,048	691	800	800
Juv Crt Proceedings	Hearing	9,396	10,445	11,151	9,227	10,055	10,000
Juv Crt Sealings	Case	269	203	187	195	200	200

## INPUT/OUTPUT MEASURES

	Unit of	2016	2017	2018	2019	2020	2021
<b>Victim and Witness Advocates</b>							
Count of Witnesses Contacted	Witness	19,332	18,492	15,727	18,324	17,969	17,500
Count of Victims Contacted	Victim	12,581	12,824	12,105	10,195	11,926	11,900

### Family Support Division

Paternity Referrals From DSHS	Case	1,603	1,503	1,537	1,308	1,488	1,500
Modification of Child Support	Case	869	791	742	720	740	740
Contempt	Case	608	641	540	493	500	500
Responding to Private Actions	Case	730	718	1,167	587	800	800
<b>Investigative Services</b>					380		
Subpoenas Served	Subpoena	11,274	9,244	8,667	9,389	9,200	9,200
Investigations Performed	Case	3,807	2,678	3,068	1,711	2,000	2,000
Locates Researched	Case	759	997	345	1,341	1,000	1,000





# MEDICAL EXAMINER COUNCIL BUDGET PRESENTATION 2020-2021

Friday, November 8, 2019

**GARY ROBINSON | CAROL MITCHELL**

PRESENTERS for the Medical Examiner

<a href="mailto:Gary.Robinson@piercecounitywa.gov">Gary.Robinson@piercecounitywa.gov</a>		253.798.7450
<a href="mailto:Carol.Mitchell@piercecounitywa.gov">Carol.Mitchell@piercecounitywa.gov</a>		253.798.7447



# STRATEGIC PLAN

## Mission

To determine the cause and manner of death through the investigation of sudden, unexplained, suspicious, and violent deaths, by facilitating the recovery of organs and tissue to benefit the living, while providing thorough, consistent, impartial, and independent medicolegal death investigations.

### Continuously Improve Customer Service

Provide the highest level of forensic pathology and death investigation services to the citizens of Pierce County.

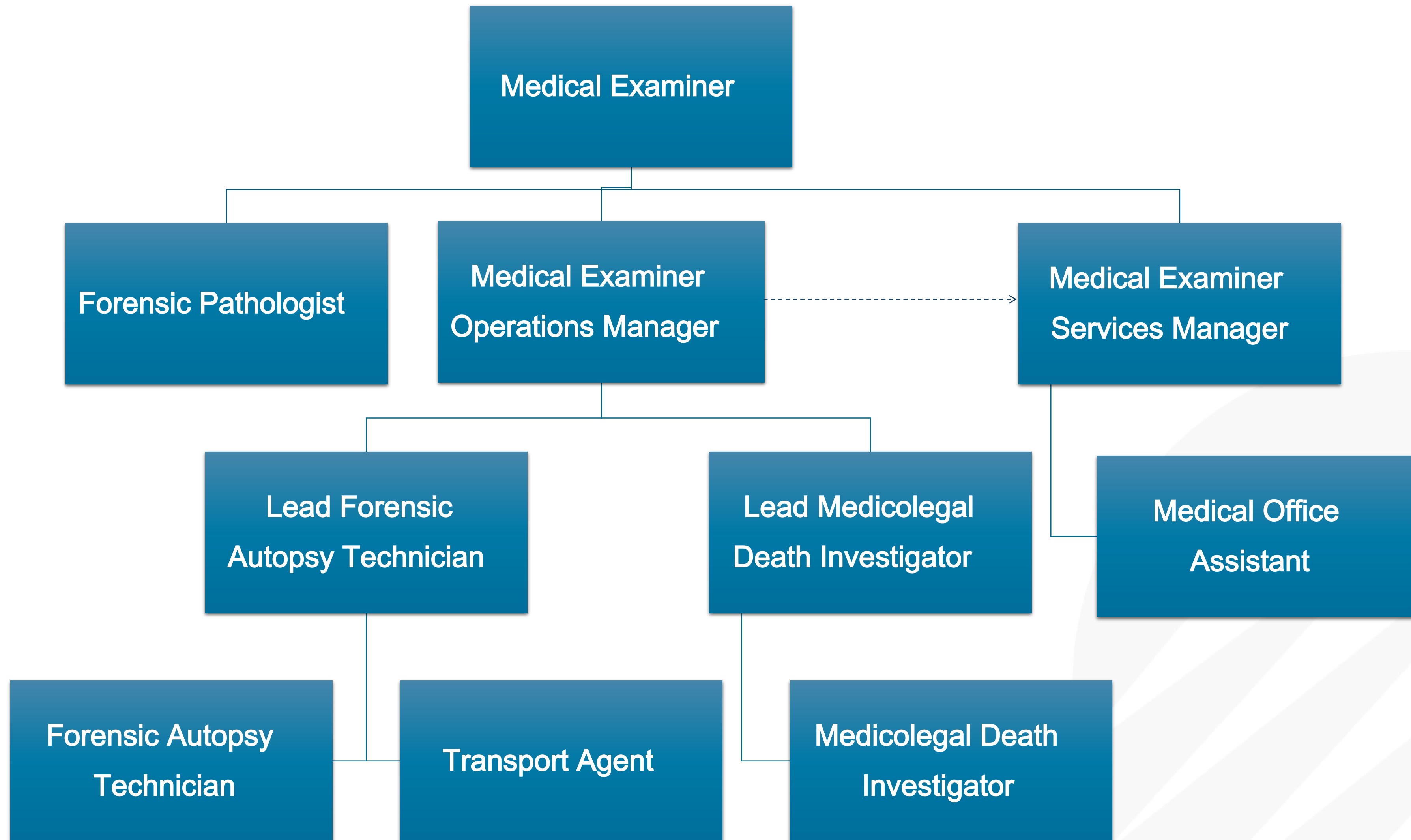
### Stronger Regional Leadership

Build collaborative partnerships with law enforcement, donation agencies, and emergency management/disaster planning agencies.

### Hire, Develop & Engage Talented Employees

Maintain a well trained, professional staff to provide high quality medicolegal death investigation.

# Organizational Chart



# SCOPE OF WORK

## RCW 68.50.010

### **Coroner's jurisdiction over remains.**

This code identifies which bodies the coroner has jurisdiction over, to include all deceased persons who come to their death suddenly when in apparent good health and where the circumstances of death indicate death was caused by unnatural or unlawful means.

## RCW 68.50.040

### **Deceased's effects to be listed.**

This code states the personal property of the deceased shall be inventoried immediately and taken into custody by the coroner. A personal property form is prepared and a copy is forwarded to the Pierce County Internal Auditor.

## RCW 68.50.103

### **Autopsies in industrial deaths.**

The Department of Labor and Industries may request the coroner in writing to perform an autopsy to determine the cause of death. The coroner shall be required to perform the autopsy upon receipt of the written request.

## RCW 68.50.105

### **Autopsies, postmortems –Reports and records confidential –Exceptions.**

This code requires reports and records of autopsies or postmortems be confidential and identifies who may examine and obtain copies of these reports. The code states the medical examiner shall upon request meet with the family of the decedent to discuss the findings of the autopsy or postmortem. This code also describes who is allowed to examine or obtain copies under the term "family".

## RCW 68.64.190

### **Coroner or medical examiner –Duties.**

This code states a coroner or medical examiner shall cooperate with procurement organizations, to the extent that such cooperation does not prevent, hinder, or impede the timely investigation of death, to facilitate the opportunity to recover anatomical gifts for the purpose of transplantation or therapy.

## Pierce County Code – Chapter 8.92

### **Disposition of the Remains of Indigent Decedents.**

This code states it shall be the responsibility of the Pierce County Department of the Medical Examiner to develop and administer a program to provide for the disposition of the remains of any indigent person including a recipient of public assistance who dies within the County and whose body is unclaimed.

## Divisions/Functional Areas

### Pathology

- Conduct autopsies, certify cause and manner of death, provide expert court testimony, plan for mass casualty incidents, and train medical students and resident pathologists.

### Investigation

- Investigate the circumstances surrounding the death, identification of the decedent, notification of next-of-kin, and disposition of unclaimed and indigent decedents.

### Autopsy

- Assist pathologist with autopsies, photography, radiography, fingerprints, collect specimens and evidence, manage personal property of the decedent, and release decedent to the funeral home.

### Administration

- Maintain case files with accurate recordkeeping, release copies of records, accounts payable, assist office visitors, answer telephone calls, cashiering, medical transcription, and provide clerical support.



## WORKLOAD SERVICE DATA

Function/Title	Unit of Measure	2016 Actual	2017 Actual	2018 Actual	2019 Estimate	2020 Estimate	2021 Estimate
Total Deaths in County	Number	6,868	7,244	7,230	7,235	7,240	7,245
Deaths Reported	Number	2,374	2,516	2,613	2,705	2,810	2,915
Deaths Investigated	Number	1,213	1,370	1,400	1,460	1,532	1,617
Jurisdiction Declined Cases	Number	1,161	1,146	1,213	1,245	1,278	1,298
Autopsies	Number	436	410	367	370	375	380
External Examinations	Number	314	308	335	325	335	345

# Functional Areas

## FTEs in 2019

18.0 TOTAL FTEs

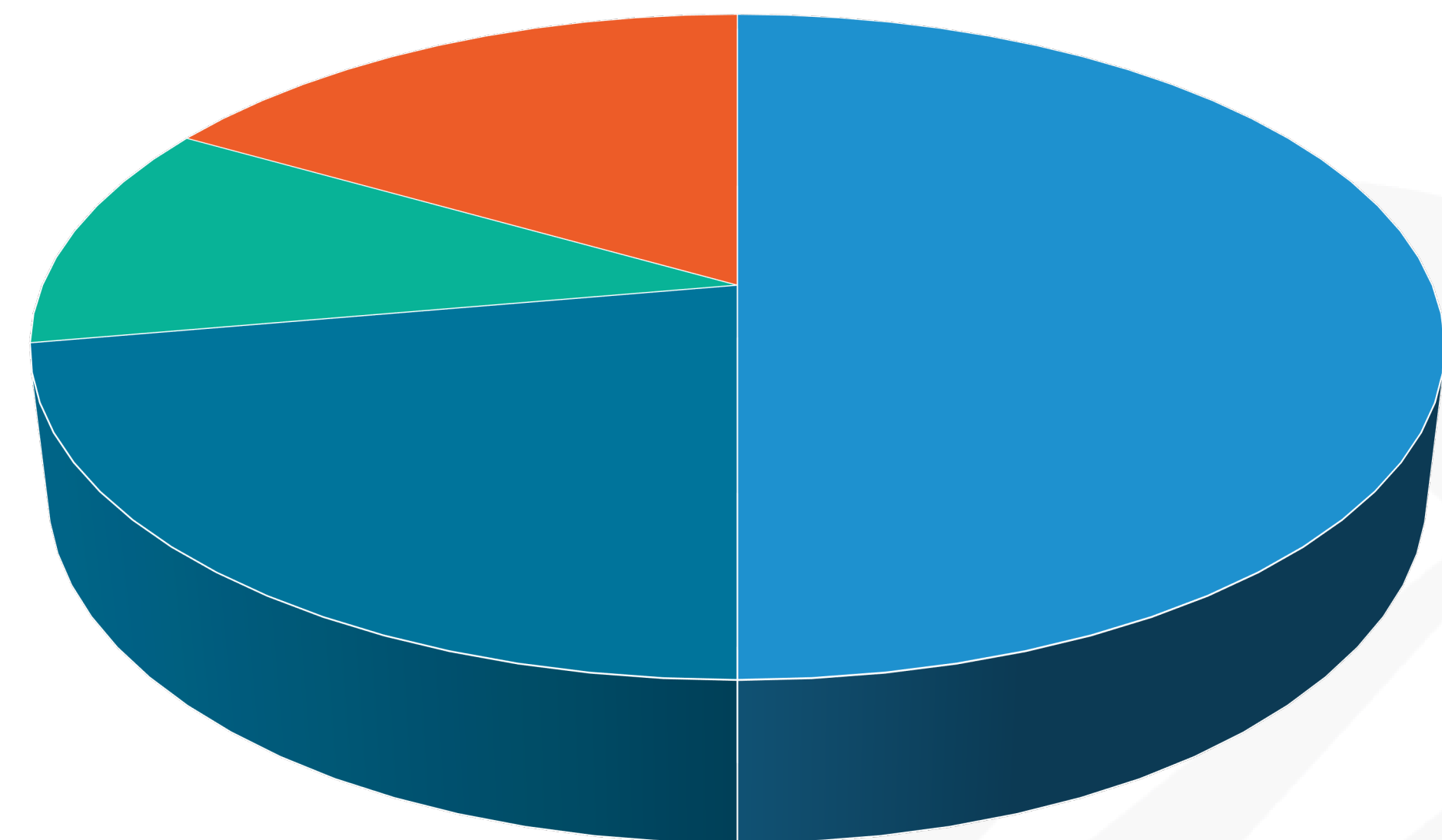
Investigations – 9

Autopsy – 4

Pathology – 2

Administration – 3

FTEs by Functional Areas



■ Investigations ■ Autopsy ■ Pathology ■ Administration

# CRITICAL NEEDS & CHALLENGES

- **Increased Workload**

The continued growth of Pierce County's population and the type of deaths directly correlates to a growing workload in the Medical Examiner's Office.

- **Accreditation**

Pierce County has been able to meet minimal national accreditation standards. Additional resources will enable the County to maintain accreditation.

- **Timeliness of Toxicology Reports**

The state Crime Lab has improved the time it takes to conduct toxicology tests but delays continue to pose a challenge to the County's ability to provide timely reports.

# BUDGET HIGHLIGHTS

## 7 Improve Service Delivery – 6.0 FTEs, \$1,400,000

Additional staffing will allow the Medical Examiner's Office to:

- Improve the timeliness of medical examiner services.
- Reduce death scene response times and the wait time between death scenes.
- Improve efficiency in the autopsy suite and increase the timeliness of releasing bodies within one business day.
- Ensure that pathologists are accessible to the public.
- Enable support functions to be performed by administrative staff, rather than pathology and investigation staff.

# Capital Projects

Change	Description
Building and Site Improvement	<p>Replace existing emergency generator, parking lot resurfacing and striping, removal of stumps, and sewer pipe repair.</p> <p>2021 - \$403,000</p> <p>Funds included in the Facilities Management Department capital budget.</p>





## GARY ROBINSON | CAROL MITCHELL

For the Medical Examiner's Office

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**In addition to a general presentation regarding your 2020-2021 Budget**, the Council has asked that you provide answers to the following questions. References to page numbers below are from the Executive Proposed Budget.

### Medical Examiner

Questions	Responses	Council
1) Explain your requested FTE and staffing structure changes. What is creating the need to increase staffing in the office by 6 FTEs?	<p>The request for additional staff is justified by the need to:</p> <ul style="list-style-type: none"> <li>• Improve response times;</li> <li>• Assure continued accreditation by the National Association of Medical Examiners; and,</li> <li>• Improve the prospect of attracting and retaining a Chief Medical Examiner of the highest caliber.</li> </ul> <p>Hiring key positions will occur after the new Medical Examiner has an opportunity to assess specific staffing priorities.</p>	
2) Total deaths in the county are expected to remain stable, but death reports and investigations have been going up. What is the reason for this? (pg 207)	Homicides and multiple injury deaths requiring Medical Examiner attention are projected to increase faster than the general death rate, and autopsies are increasingly complex, requiring more time and expertise.	
3) What specific program metrics are being implemented to track results and improvements in department efficiency?	With support from Finance Department Tech staff, a new Forensic Death Investigation System (FDIS) is being developed to provide detailed information that can be used to track results and improvements achieved through process efficiencies.	
4) Will the office be working with the State Patrol to help reduce the backlog of rape kits or toxicology reports?	The Office has no control over the State Patrol analysis of rape kits and the timeliness of toxicology reports, but state lab facilities and staffing have been improved, reducing the delay in toxicology test results from 6-8 months to two months.	

<p><b>5)</b> Autopsies declined in 2018 and are not estimated to increase by much in 2020-2021, yet the Autopsy Technicians FTEs are requested to double. Why the increase in FTEs without an increase in the number of autopsies?</p>	<p>The number of autopsies is projected to increase at a rate above previous assumptions assumed. Additional autopsy technicians will assure the number of autopsies per pathologist does not exceed accreditation standards.</p>	
<p><b>6)</b> You are requesting staffing changes prior to a new Medical Examiner being hired. Why aren't you waiting for the new examiner to request their restructuring preferences?</p>	<p>The allocation of funding for additional staff will demonstrate the County's commitment to providing improved service and allow the exercise of judgment by an individual best qualified to determine overall staffing requirements and structure.</p>	