

Island County District Court
800 SE 8th Ave
Oak Harbor, WA 98277

Budget Call 2010

You have asked us to submit a budget for 2011 that would be 10% less than 2011's. Maggie submitted our proposal on Friday. Before acting on the budget, you should consider that since 1997 this court has consistently provided revenue to the general fund that greatly exceeded the county's contributions to our operation. The cities pay 26% of our operating cost but that percentage is based on actual, not budgeted, expenditures. If we eliminate a staff position that costs \$40,000 the actual savings would only amount to \$30,400 since the cities could not be billed for the non-existent position. Another important consideration relates to the collection of fines and fees. In 1999-2000 we added the commissioner's position and one clerk. The primary purpose for that change was to increase our probation monitoring and collection of costs and fees. The commissioner's salary was largely funded by a decrease in our pro tem budget. Prior to hiring the commissioner we used a judge pro tem to hear excess cases. We were paying our regular pro tem nearly \$70,000 per year between the city and the county. We were able to hire a full time commissioner for roughly the same amount. The commissioner worked five days a week while the pro tem was normally here two or three days a week. He was called in when our daily docket showed more than 130 hearings. With the full time commissioner we were able to schedule more hearings including those which required defendants to come in and explain why they had fallen behind in the payment schedule. This had the benefit of greatly increasing the court's revenue. At one time we were bringing in three times as much per filing as did the next closest court, and we did that with 60% of the staffing levels. This increased our revenue by nearly \$250,000 more than it had been before filling those positions. Rather than being a net expense to the county district court started providing surplus funds to the general fund. The only court staff positions that are discretionary are the commissioner and the collections clerk. My guess is that if we cut the collections position the revenue loss to the county would exceed \$200,000. The court would then truly be an expense to the county exacerbating our deficit. Forcing an arbitrary budget cut on district court is simply not a wise or prudent thing to do and would be contrary to best management practices. For these reasons I suggest that you not require district court to reduce its budget. We will do so if you require it, as it is your statutory duty to set a balanced budget, but cutting here will cause the county additional financial grief. Another way of looking at our position is that if you subtract the cities contribution to joint operations, the probation fees collected

and the minor pass through costs from the combined operating budget of district court and probation the net cost to the county of operating this court is \$500,000 and that returns &1,000,000 to the general fund.

A handwritten signature in black ink, appearing to read "P H Strow". The signature is written in a cursive style with a large initial "P".

Peter Strow
Judge

Narrative District Court:

Line 338120 Change is to reflect less income for municipalities based on lowered joint expenses and the lowered rent (\$17200 per year for Oak Harbor would translate then to \$1433 each for Coupeville and Langley).

Line 341320 Change is to reflect a truer collection amount – most of this is a \$20 fee for civil ex parte filings. Courts of Limited Jurisdiction were granted permission to collect this fee last year.

Line 341130 Change to reflect more accurate revenue collection.

Line 511400 Other salary – this line is reflected in the 2010 budget (and prior years) as the dollar amount for pro tems. Beginning 2010, pro tems are required to be paid as “county employees” and the budget amount is moved to this line. It also reflects a lesser amount (-\$4000) as Judge Strow is giving up time that he would be allocated off.

Line 511100 Salaries for District Court – this dollar amount reflects a layoff of one full time clerk; reduction in hours for the remaining six to 35 hours per week; and reduction in hours for the Commissioner to 32 hours per week.

Line 524110 Reflects the removal of the pro tem dollar amount from this line.

Line 524310 Dollar amount left here will be used for any travel by the staff. Judge Strow, Commissioner Kipling and I will not request reimbursement for travel.

Narrative Probation

Line 342330 Reflects more accurate revenue collection.

Line 511100 Reflects reduction in hours to 35 hours for one probation officer and reduction to 30 hours for one probation officer and the clerical assistant.

Line 524220 Reflects better estimate on actual phone cost.

Line 524310 Reduced amount. Did advise that travel to conferences etc will be limited next year.

Line 524990 Reduced amount as this seems to reflect a more accurate amount spent in prior years.

Staffing Levels:

2008 40 hour week for all
1 Judge
1 Commissioner
1 Administrator
8 Full time Staff

Probation
1 Administrator
2 Full time Probation Officers
1 Full time clerical assistant

2009 1 Judge
1 Commissioner
1 Administrator
7 Full time Staff

Probation
2 full time Probation Officers
1 Full time clerical assistant

2010 1 Judge
1 Commissioner
1 Administrator
7 Full time Staff @ 37.5 hours

Probation
2 full time Probation Officers @ 37.5 hours
1 full time clerical assistant @ 37.5 hours

2011 1 Judge
1 Commissioner @ 32 hours
1 Administrator
6 full time staff @ 35 hours

Probation
1 full time Probation officer at 35 hours
1 full time Probation officer at 30 hours
1 full time clerical assistant at 30 hours

**Island County District Court
800 SE 8th Ave
Oak Harbor, Wa 98277**

September 3, 2010

Board of Island County Commissioners

Budget Call 2011 Misdemeanant Probation Department

You have asked me to submit a budget reflecting a 10% reduction from 2010 levels for the county's midemeanant probation department. I will not submit such a budget, and I strongly recommend that you not implement such a cut. The probation department is normally fully funded from statutory probation fees authorized by RCW 10.64.120. Although the fees I assess for probation supervision are deposited into the general fund of the county, by statute those funds "shall be used to fund programs for probation services and shall be in addition to those funds provided in RCW 3.62.060." That statute basically requires the county to fund the costs of court and probation services from the general fund. Probation services were first offered in Island County with part-time employees of the court in the 1970's. I do not know what funding source was used, but after the act authorizing the statutory probation fees was enacted in 1982 the county commissioners established a county misdemeanor probation department, and Karen Lewis was hired as director of probation and department head. Karen reported directly to the Board and managed her own budget. Counties have been authorized since 1967 to engage in probation and parole services and employ personnel therefor, RCW 36.01.070. If county funds were paying for probation services prior to 1982 then the statutory probation fees should only be used to supplement them pursuant to the nonsupplanting language in RCW 10.64.120. But even if we were to assume that no such funds were provided and that the current probation department was funded solely by the statutory fees, those fees as currently collected fully fund the department. Moreover, the municipalities served by our court pay 26% of the salaries and expenses of the probation department. For the last three years those figures are shown in the table below:

	2008	2009	2010
Revenue			
Fees	\$152,068	140,258	178,000
26% Re.	46,880	30582	28227

	198948	170830	206277
Total Expense	256,922	167835	168225
Revenue Over (under)	(57924)	2995	38052

2008 was an aberrational year due to the departure of Karen Lewis. I believe that in the eight previous years the probation fees collected always exceeded the cost of operating the department. Consequently there is no justification for reducing the budget of the probation department. The statutory fees alone can and will exceed the operational cost of the department even without considering the payments by the municipalities. I do have the power to raise the fees to \$100 per month per person assigned to probation. Currently we only charge \$55 at the most and then only those in deferred prosecution programs. We usually charge much less or not at all. In any case the statutory probation fees can not be used for anything else unless the total exceeds the department's needs. If you force a budget reduction, then I will be required to reduce the fees collected to that amount needed to cover the costs of operating the department. To do otherwise would be improper, perhaps illegal, and would be a violation of my oath to uphold the laws of the State of Washington.

Although I will not formally propose a reduced budget for probation, as a matter of courtesy to you, I will suggest that if you chose to reduce probation's budget by 10% that you do so by reducing the following line items:

511000 Salaries	\$144343
524220 Communication	1260
523310 Travel	500
524990 Other	1000

The salary reductions would include reducing the Chemical Dependency (DUI) Probation officer to 35 hours, the Domestic Violence Probation officer to 30 hours, and the clerical assistant to 30 hours. The probation office could continue to operate in a more limited capacity albeit with a significant but manageable impact on revenue. The municipal contribution would be reduced proportionately. The probation department would focus on the more serious offenders such as alcohol and drug dependent drivers, batterers, stalkers and elder abusers. The supervision fees for those offenders could be increased somewhat to offset the other revenue losses.

I am not suggesting that this proposal is either sound or wise. I think it is neither. My strongest recommendation would be that you close the department altogether rather than reduce the hours of the staff. With the absence of the former probation department director the two remaining probation officers have had to absorb an extra half workload as it is. Any further reduction would give them workloads that are unmanageable and heighten the danger of lawsuits against the county for negligent supervision of offenders. As I have told you before, neither the county nor the court is required to operate a probation department. Liability only I ensues if you chose to operate one. Make no mistake, many of the offenders supervised here are indeed dangerous and likely to reoffend due to uncontrolled chemical dependence or mental health issues. I have some personal interest in that liability too as my judicial immunity does not extend to my role as supervisor of probation. Probation is an executive function not a judicial function. Consequently, if you force the reduction of probation's budget below its current level I will decline to continue supervising that department and will formally request that you return it to its rightful status as a county department supervised by you risk management, or someone you retain to be director of probation.



Peter H. Strow
Judge,
Temporary Supervisor of Probation.



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[RCWs](#) > [Title 36](#) > [Chapter 36.01](#) > [Section 36.01.070](#)

[36.01.060](#) << [36.01.070](#) >> [36.01.080](#)

RCW 36.01.070

Probation and parole services.

Notwithstanding the provisions of chapter [72.01](#) RCW or any other provision of law, counties may engage in probation and parole services and employ personnel therefor under such terms and conditions as any such county shall so determine. If a county elects to assume responsibility for the supervision of superior court misdemeanor offenders placed on probation under [RCW 9.92.060](#) or [9.95.210](#), the county may contract with other counties to receive or provide such probation services. A county may also enter into partnership agreements with the department of corrections under [RCW 72.09.300](#).

[1986 c 298 § 7; 1967 c 200 § 9.]

Notes:

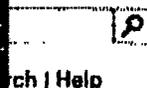
Severability – 1967 c 200: See note following [RCW 9.45.122](#).

Indeterminate sentences: Chapter 9.95 RCW.





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RCWs > Title 3 > Chapter 3.62 > Section 3.62.050

[3.62.040](#) << [3.62.050](#) >> [3.62.060](#)

RCW 3.62.050

Court expenditures to be paid from county current expense fund — Exception.

The total expenditures of the district courts, including the cost of providing courtroom and office space, the cost of probation and parole services and any personnel employment therefor, and the cost of providing services necessary for the preparation and presentation of a defense at public expense, except costs of defense to be paid by a city pursuant to RCW 3.62.070 and the portion of district court judges' salaries distributed by the administrator for the courts pursuant to RCW 2.56.030, shall be paid from the county current expense fund.

[2005 c 457 § 6; 1987 c 202 § 114; 1984 c 258 § 308; 1973 1st ex.s. c 10 § 1; 1969 ex.s. c 199 § 3; 1969 c 111 § 1; 1963 c 213 § 2; 1961 c 299 § 109.]

Notes:

Intent -- 2005 c 457: See note following RCW [43.08.250](#).

Intent -- 1987 c 202: See note following RCW [2.04.190](#).

Court Improvement Act of 1984 -- Effective dates -- Severability -- Short title -- 1984 c 258: See notes following RCW [3.30.010](#).

Intent -- 1984 c 258: See note following RCW [3.34.130](#).



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[RCWs](#) > [Title 9](#) > [Chapter 9.95](#) > [Section 9.95.214](#)

[9.95.210](#) << [9.95.214](#) >> [9.95.215](#)

RCW 9.95.214

Assessment for supervision of misdemeanor probationers.

Whenever a defendant convicted of a misdemeanor or gross misdemeanor is placed on probation under RCW [9.92.060](#) or [9.95.210](#), and the defendant is supervised by the department of corrections or a county probation department, the department or county probation department may assess and collect from the defendant for the duration of the term of supervision a monthly assessment not to exceed one hundred dollars per month. This assessment shall be paid to the agency supervising the defendant and shall be applied, along with funds appropriated by the legislature, toward the payment or part payment of the cost of supervising the defendant. The department or county probation department shall suspend such assessment while the defendant is being supervised by another state pursuant to RCW [9.94A.745](#), the interstate compact for adult offender supervision.

[2005 c 400 § 3; 1996 c 298 § 4; 1995 1st sp.s. c 19 § 32.]

Notes:

Application -- Effective date -- 2005 c 400: See notes following RCW [9.94A.74504](#).

Findings -- Purpose -- Short title -- Severability -- Effective date -- 1995 1st sp.s. c 19: See notes following RCW [72.09.450](#).



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[RCWs](#) > [Title 10](#) > [Chapter 10.64](#) > [Section 10.64.120](#)

[10.64.110](#) << [10.64.120](#) >> [10.64.140](#)

RCW 10.64.120

Referral assessments — Probation department oversight committee.

(1) Every judge of a court of limited jurisdiction shall have the authority to levy upon a person a monthly assessment not to exceed one hundred dollars for services provided whenever the person is referred by the court to the misdemeanor probation department for evaluation or supervision services. The assessment may also be made by a judge in superior court when such misdemeanor or gross misdemeanor cases are heard in the superior court.

(2) For the purposes of this section the administrative office of the courts shall define a probation department and adopt rules for the qualifications of probation officers based on occupational and educational requirements developed by an oversight committee. This oversight committee shall include a representative from the district and municipal court judges association, the misdemeanor corrections association, the administrative office of the courts, and associations of cities and counties. The oversight committee shall consider qualifications that provide the training and education necessary to (a) conduct presentencing and postsentencing background investigations, including sentencing recommendations to the court regarding jail terms, alternatives to incarceration, and conditions of release; and (b) provide ongoing supervision and assessment of offenders' needs and the risk they pose to the community.

(3) It shall be the responsibility of the probation services office to implement local procedures approved by the court of limited jurisdiction to ensure collection and payment of such fees into the general fund of the city or county treasury.

(4) Revenues raised under this section shall be used to fund programs for probation services and shall be in addition to those funds provided in RCW [3.62.050](#).

(5) Assessments and fees levied upon a probationer under this section must be suspended while the probationer is being supervised by another state under RCW [9.94A.745](#), the interstate compact for adult offender supervision.

[2005 c 400 § 7; 2005 c 282 § 22; 1996 c 288 § 6; 1991 c 247 § 3; 1982 c 207 § 4.]

Notes:

Reviser's note: This section was amended by 2005 c 282 § 22 and by 2005 c 400 § 7, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW [1.12.025\(2\)](#). For rule of construction, see RCW [1.12.025\(1\)](#).

Application – Effective date – 2005 c 400: See notes following RCW [9.94A.74504](#).

RULE 11 PROBATION DEPARTMENT**RULE 11.1 DEFINITION**

A misdemeanor probation department, if a court elects to establish one, is an entity that provides services designed to assist the court in the management of criminal justice and thereby aid in the preservation of public order and safety. This entity may consist of probation officers and probation clerks. The method of providing these services shall be established by the presiding judge of the local court to meet the specific needs of the court.

RULE 11.2 QUALIFICATIONS AND CORE SERVICES OF PROBATION DEPARTMENT PERSONNEL**(a) Probation Officer Qualifications.**

(1) A minimum of a bachelor of arts or bachelor of science degree that provides the necessary education and skills in dealing with complex legal and human issues, as well as competence in making decisions and using discretionary judgment. A course of study in sociology, psychology, or criminal justice is preferred.

(2) Counseling skills necessary to evaluate and act on offender crisis, assess offender needs, motivate offenders, and make recommendations to the court.

(3) Education and training necessary to communicate effectively, both orally and in writing, to interview and counsel offenders with a wide variety of offender problems, including but not limited to alcoholism, domestic violence, mental illness, sexual deviancy; to testify in court, to communicate with referral resources, and to prepare legal documents and reports.

(4) Anyone not meeting the above qualifications and having competently held the position of probation officer for the past two years shall be deemed to have met the qualifications.

(b) Probation Officer - Core Services.

(1) Conduct pre/post-sentence investigations with face to face interviews and extensive research that includes but is not limited to criminal history, contact with victims, personal history, social and economic needs, community resource needs, counseling/treatment needs, work history, family and employer support, and complete written pre/post-sentence reports, which includes sentencing recommendations to the court.

(2) For offenders referred to the misdemeanor probation department, determine their risk to the community using a standardized classification system with a minimum of monthly fact to face interviews for offenders classified at the highest level.

(3) Evaluate offenders' social problems, amenability to different types of treatment programs, and determine appropriate referral.

(4) Supervise offenders with face to face interviews depending on risk classification system.

(5) Oversee community agencies providing services required of offenders with input to the judicial officer (e.g. alcohol/drug, domestic violence, sexual deviancy, and mental illness).

(6) Other Duties. The core services listed under both probation officer and probation clerk are not meant to exclude other duties that may be performed by either classification of employee or other court clerical staff, such as record checks, calendaring court proceedings, and accounting of fees.

(c) Probation Clerk Qualifications.

(1) High school or equivalent diploma.

(2) Efficient in all facets of basic clerical skills including but not limited to keyboarding, computer familiarity and competence, filing, and positive public interaction.

(3) Above average ability in dealing with stress and difficult clients.

(4) Ability to complete and perform multi-task assignments.

(d) Probation Clerk - Core Services.

(1) Monitor compliance of treatment obligations with professional treatment providers.

(2) Report offender non-compliance with conditions of sentence to the court.

(3) Coordinate treatment referral information, and monitor community agencies for statutory reporting compliance.

(4) Anyone not meeting the above qualifications and having held the position of probation clerk for the past two years shall be deemed to have met the qualifications.

(5) Other Duties. The core services listed under both probation officer and probation clerk are not meant to exclude other duties that may be performed by either classification of employee or other court clerical staff, such as record checks, calendaring court proceedings, and accounting of fees.

RULE 11.3 STATUTORY PROBATION SERVICE FEES TO BE USED FOR PROBATION SERVICES

All positions, which are funded by statutory probation service fees, shall be limited to working with individuals or cases who are on probation. Any additional funds raised from statutory probation services fees beyond what is necessary to fund the positions in the probation department shall be used to provide additional levels of probation services.

Reviser's note: The typographical error in the above material occurred in the copy filed by the State Supreme Court and appears in the Register pursuant to the requirements of RCW 34.08.040.

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