

**PROSECUTOR’S 2011 PROPOSED OPERATING BUDGET**

TO: BOARD OF COUNTY COMMISSIONERS  
CC: ELAINE MARLOW, BUDGET DIRECTOR  
FROM: GREG BANKS, PROSECUTING ATTORNEY  
DATE: SEPTEMBER 10, 2010

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Pursuant to the Budget Director’s budget call memorandum of August 19, 2010, I offer the following narrative, and the enclosed Revenue and Expense Budget Worksheets for fiscal year 2011.

I spent some time considering whether I should respond at all. By all appearances, the board has requested budgets with cuts at very specific levels aimed at specific areas of the county. Those cuts were determined without the benefit of input from your co-equal County leaders about current conditions, or budget hearings conducted after the budget call.

I believe a discussion of the current fiscal and operational circumstances would have benefitted the Board, and facilitated a better prioritization of county functions. I am distressed by recent reports that one or more commissioners consider all matters currently funded of equal priority. That cannot be the case, particularly since nearly all currently funded programs were enacted by prior boards. Obviously, deciding the best way to dismantle county government is a task repugnant to the Board, as I know all of you care deeply about the importance of the services Island County provides. Nevertheless, now that the property tax levy lid lift has failed, the work has to be done based on an open and fully informed discussion. I look forward to participating in budget workshops as we have done in the past.

The pre-determined percentage cuts were apparently decided upon at a June 9, 2010 meeting, and portrayed as preliminary ideas of reductions to help elucidate for citizens the impact of the budget crisis. I was assured that these were “what if” scenarios, and were not budget decisions. Since the magnitudes of the cuts were determined *before* any input was garnered from department leaders, those assurances were necessary. It now appears that those “what if” scenarios have morphed into budget decisions, without due consideration of how the County will prioritize its extremely limited resources.

After much consideration, I decided to submit a budget, as required by law, and not as requested in your budget call. I have chosen this path because, as one of the longest serving elected officials in the County, I hope to set an example for my colleagues. More importantly, I have taken this action as one of the two leading voices for law enforcement in Island County. Along with the Sheriff, it is my duty to speak on behalf of those citizens who care about safety, security, and the compact all citizens have with each other to abide by the law.

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I recognize that the Board requires information on how cutting the budget would impact the services my office provides. This budget memorandum provides that information in a form that does not pre-suppose the levels of cuts to be made. Rather, I discuss the elimination of discrete resources and the fiscal and operational impacts of those reductions, rather than aiming for an arbitrary figure like “10% of the budget.”

### **EXECUTIVE SUMMARY**

This budget contains discussions of the following:

- Request for two additional deputy prosecutors

In order to effectively carry out my statutory and constitutional duties, I am requesting the addition of two deputy prosecuting attorneys. The Board approved criminal defense caseload standards in 2009 (Ordinance 100-09) for its public defense contractors. Those standards implemented the Board’s priority of achieving parity between prosecutors and public defenders, notwithstanding the additional costs at a time of budgetary crisis. I agree with the Board’s priority of parity in criminal caseloads. Adding two deputy prosecutors to our staff will bring us close to the Board’s public defense contractor attorney/caseload ratios.

- Discussion of budgetary and operational impacts of reductions in force

I recognize that in the face of the current revenue crisis, the Board may not be able to accomplish its goal of parity by increasing the number of deputy prosecutors. Beyond that, I understand that the Board may actually cut our already grossly understaffed office in order to balance the budget. The detailed budget proposal below discusses various reductions in force, their impact on the budget, and their impact on our ability to carry out our mandates.

There may be labor cost increases due to county-provided benefits, or salary increases required by collective bargaining agreements. Those matters are outside of our control, except through reductions in force. The Board has primary authority over collective bargaining of salary, wages and benefits issues, except to the extent that it impacts operational matters (for example, by imposing furloughs).

- Changes in maintenance and operations budget

We have requested modest increases in some maintenance and operation (M&O) line items this year, due to contractual and governmental obligations. The maintenance fee for our case management system was slightly higher than budgeted for in 2010, and there was a use tax which we had not budgeted. The total impact to our budget is \$1,176. Our copier lease also increased by \$327. Finally, there is an increase of \$15 to cover contractually obligated Washington State Bar Association dues.

We have reduced some M&O line items, although we do so with some trepidation. These are budgeted items for necessary litigation and prosecution expenses that are difficult to predict, but

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can be costly when necessary. They include a \$2,500 reduction in “Professional Services” that covers items like the costs of depositions, extraditions of fugitives back to Island County, and official transcripts of hearings needed for litigation. Our transition to digital discovery has lowered our paper usage, and that is reflected as a decrease in our office supplies budget by \$600 (including \$100 to our support enforcement supplies budget). In addition, we have reduced the office supplies budget for our code reviser function by \$670 to be consistent with recent years’ expenditure levels. Revision to significant sections of the code could elevate the actual expenditure, but we cannot predict what legislative actions the Board will take next year, and therefore cannot predict the volume of codification necessary.

### **CRIMINAL CASELOADS AND STAFFING REQUIREMENTS**

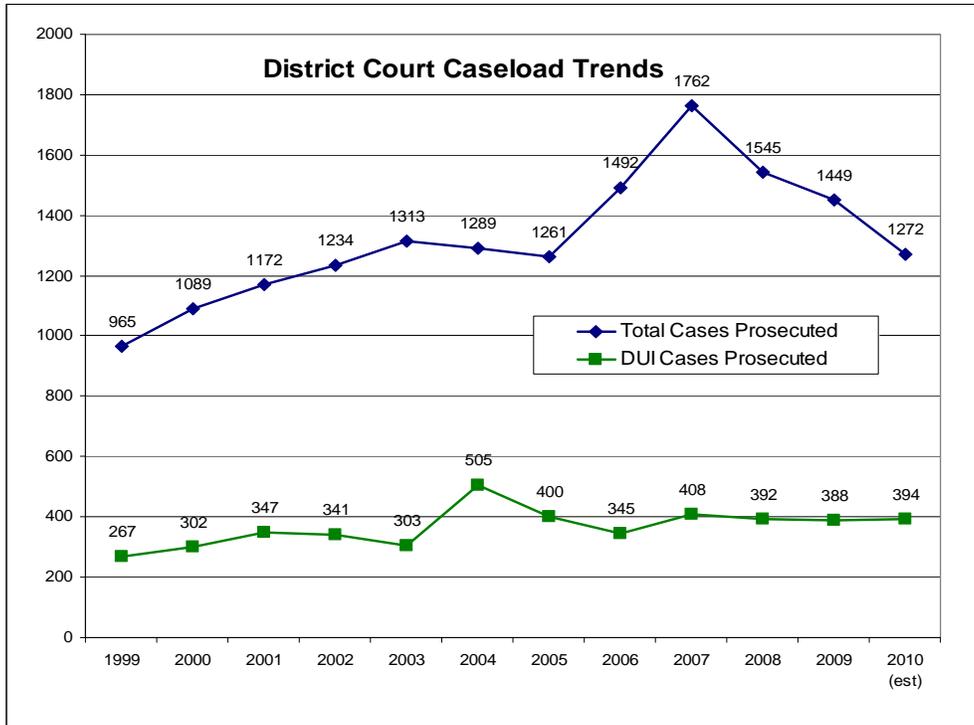
- District Court (Misdemeanor Cases)

The news is mixed on our caseloads. For the third year in a row, we have seen a decline in our misdemeanor caseload to a level we last saw in 2005, just before a precipitous spike upward overwhelmed us and the District Court in 2006-2007. Part of the decline is due to the fact that we no longer participate in contested traffic infraction hearings – a result of reduced staffing from previous years’ layoffs.

We anticipate prosecuting approximately 1,300 misdemeanor cases in 2010, and, due to the erratic fluctuations in numbers over the past several years, base our 2011 planning on the same number. Of those, nearly one third are driving under the influence charges, and about another third are driving with suspended license charges. About 10% of our District Court cases are domestic violence assaults and restraining order violations. The remaining 25% consists of charges ranging from shoplifting to leash law violations, and from fish and wildlife offenses to vandalism and disorderly conduct. We receive cases from over a dozen law enforcement agencies.

Defense caseload standards adopted by the Board in 2009 specify that public defense attorneys should not handle more than 300 district court cases per year, and in no case can they handle more than 400 cases, even if they are assigned “simple” cases and the prosecutor allows them to be resolved as non-criminal matters. We currently have two deputy prosecutors assigned to handle the 1300 cases in District Court. Applying the Board’s standards in a manner that achieves parity, my office would require at least one additional deputy prosecutor even under the more lax 400 cases/attorney standard. A fully staffed office would require 4 criminal DPAs in District Court, two more than we currently have.

Alternatively, in order to achieve parity and reduce the budget, the Board could rescind the caseload standards or modify the caseload standards to something that is performance based, rather than numerical.



**Figure 1. District Court Caseload Trend**

- Superior Court (Adult Felony Cases)

The number of felony investigations referred to us, and the number of filed cases in Superior Court, has remained more or less constant over the past four years. We have charged and prosecuted around 300 each year, and law enforcement has referred roughly between 300 and 400 investigations. Felony cases are referred to us from local, state and federal law enforcement agencies. The Sheriff and Oak Harbor Police Department refer equal shares of about 90% of our caseload. Combined with the fact that felony investigations will continue to be a priority for the Sheriff, the potential for reductions in force at the Sheriff’s Office will not significantly lower our prosecutions.

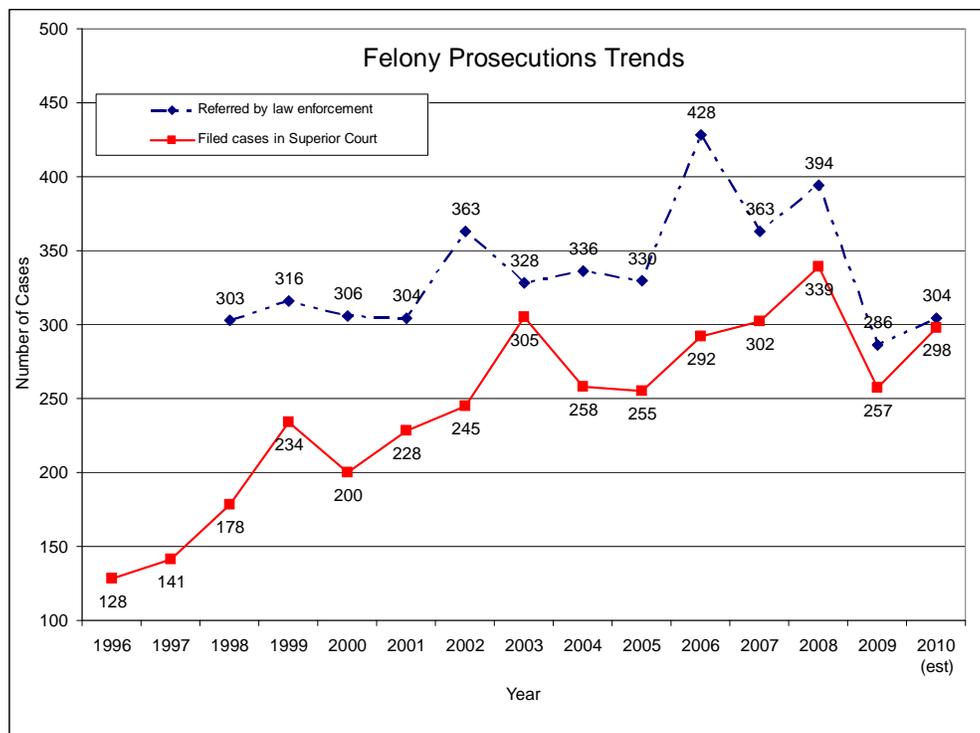
Felony drug crimes (including hard drugs like methamphetamine and heroin, and trafficking of all drugs) make up about 28% of our charged caseload. Second to that are serious felonious assault charges, accounting for upwards of 16% of the cases. Burglary, theft, and identity theft charges combined account for about 30% of the felony cases. Although small in number, the 4 – 6% of our cases that are sex crimes require a disproportionate amount of work by attorneys and staff alike. A recent spate of embezzlement cases are also straining our resources, a trend we expect to continue in the current economic climate. Neither our office nor local law enforcement has the kind of financial expertise that larger offices bring to bear on these kinds of cases. As a result, we can find ourselves devoting excessive amounts of attorney time to assist in the compilation and digestion of the accounting information required by these cases.

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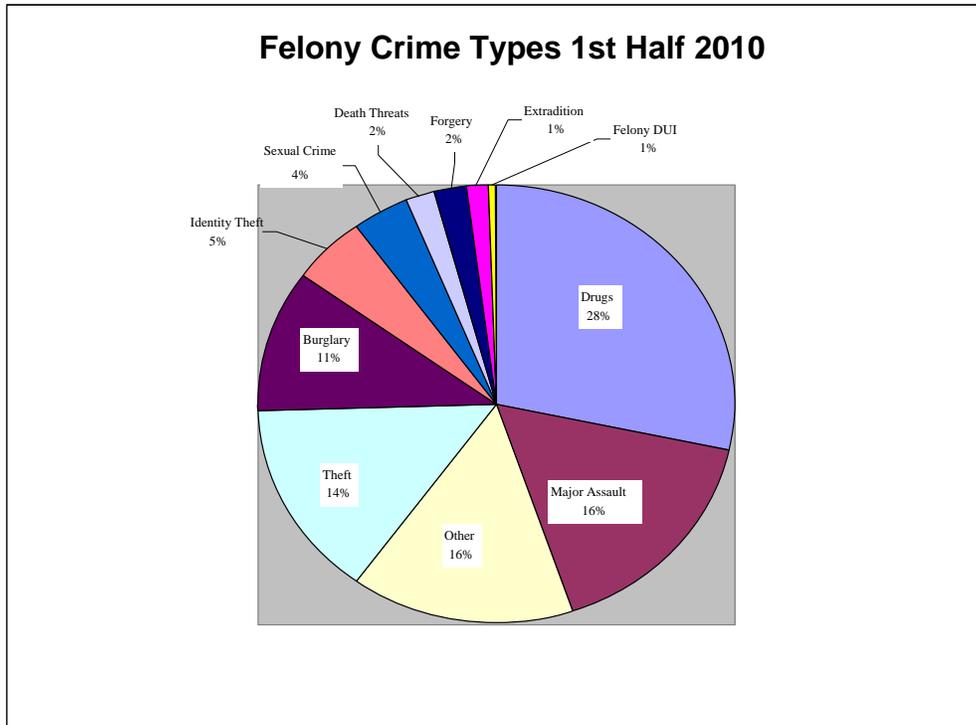
We believe we can stay on top of our felony caseload with two assigned DPAs, and the utilization of our juvenile deputy to handle the major sex crimes. As the Board knows, I have eliminated the position of Chief Criminal Deputy, and took on the administrative duties of that position, to allow the assigned deputy to devote her time to case work. That has allowed us to keep up with existing caseloads.

If cases begin to climb again, we will struggle to keep up and may need to examine our charging practices. One or more homicides or high profile cases can occupy an attorney and paralegal full time, to the detriment of their regular cases. The public defense caseload standard adopted by the Board prescribes no more than 150 felony cases per attorney. Public defenders, of course, do not review uncharged referrals, review search warrants, or advise police in on-going investigations, which may or may not result in charges being filed. Thus, the 150 filed cases per attorney that my office handles, is a heavier caseload than parity would dictate, because of all the additional work we do on uncharged cases.

As the Board is aware, we have already discontinued nearly all of our involvement in the enforcement of felony legal financial obligations (fines, costs, and restitution) due to personnel reductions.



**Figure 2. Adult Felony Caseload Trend**



**Figure 3. Felony Crime Type Distribution**

- Juvenile Court (Juvenile Felony and Misdemeanor Cases / Drug Court)

Juvenile caseloads hit a ten-year low in 2008 but have been climbing over the past two years. We anticipate receiving approximately 330 juvenile referrals this year, the highest number since 2003. Of those, many are “diverted” to juvenile court services for pre-trial probation, after we review and analyze the cases for legal and factual sufficiency. We expect to file formal charges in over 180 juvenile cases this year. If the trend of the last two years is any indication, 2011 should see us topping 200. Oak Harbor Police Department refers significantly more juvenile matters to us (42%) than any other jurisdiction, followed by the Sheriff’s Office (29%).

Our juvenile deputy also represents the State in all drug court hearings, as does the juvenile associate in the public defender’s office.

Public defense standards state that an attorney should not handle more than 250 juvenile offender cases. Since our juvenile DPA handles all the juvenile prosecutions, as well as the uncharged referrals, and the adult sex crimes, it is clear that she is carrying a significantly larger caseload than the juvenile associate public defender, who only handles a fraction of the juvenile cases that we prosecute. Because it is comparing “apples to oranges” it is difficult to say whether another DPA is required in our juvenile unit. We feel, with recent changes we made, and the level of experience of our juvenile DPA, that we can handle the caseload for another year.

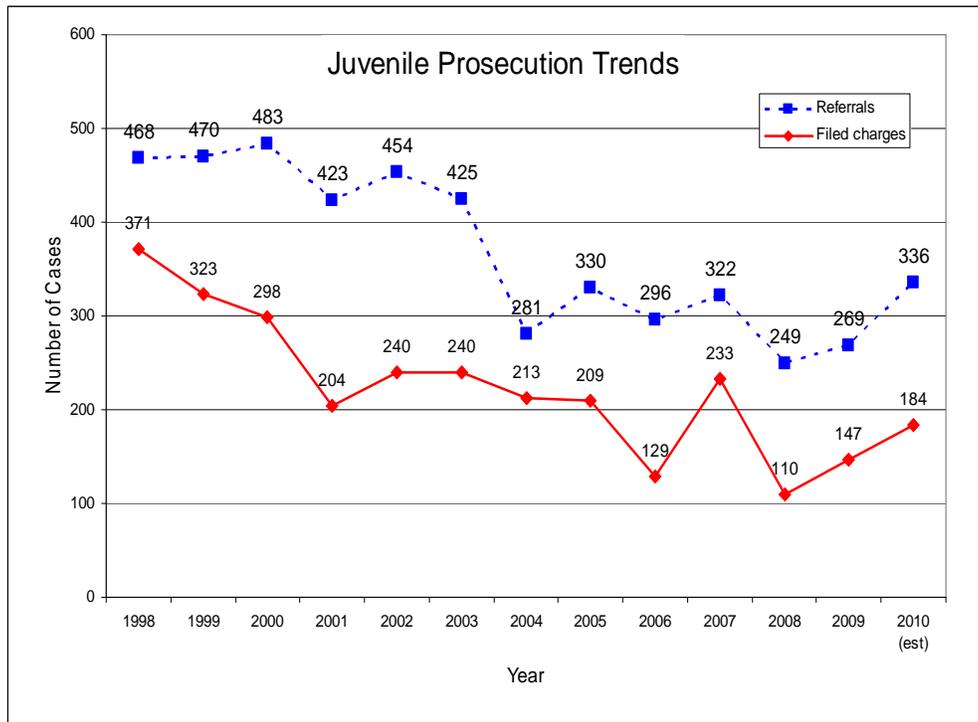
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With only a portion of a single DPA assigned to juvenile and drug court, it is nearly impossible to reduce that staffing without a significant reduction in the cases. Conversely, if the caseload continues to increase but staffing remains the same, we will need to set a threshold level of crimes, below which we will not prosecute. For example, certain repeat misdemeanor offenders may be diverted to juvenile court services (increasing their caseload). Others we may simply decline to prosecute.

Drug Court consumes over 20% of the juvenile DPA’s time, and a significant portion of the juvenile paralegal’s time. Although Drug Courts appear to be successful in turning around the lives of drug addicted offenders, it costs the county significantly more than a standard prosecution. I am committed to the mission of Drug Court, but if its continued operation undermines our ability to carry out our most basic mission, it will need to be examined for elimination.

Addressing staffing shortages in our Juvenile and Superior Court units is compounded by the court’s organization of its hearing calendars. The adult and juvenile hearings occur simultaneously in different courtrooms, requiring attorneys in both courtrooms. To date, our suggestions to reorganize the calendars have been rejected, apparently because of other court scheduling obligations.

As the Board knows, we have already discontinued all involvement in truancy cases.



**Figure 4. Juvenile Caseload Trend**

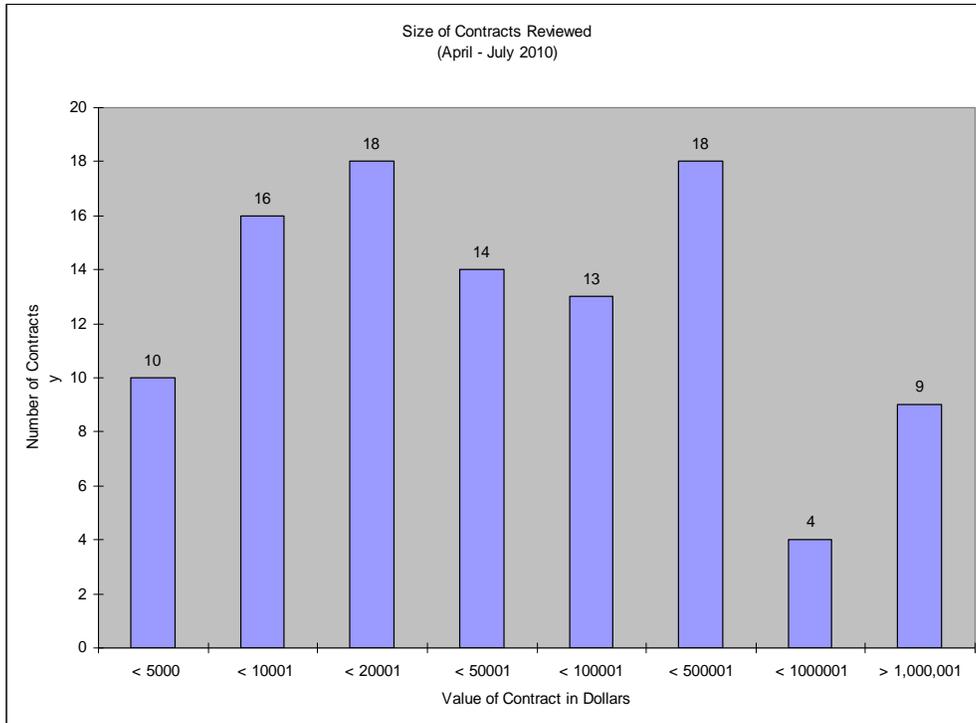
**CIVIL WORKLOAD PROJECTIONS AND DPA CASELOADS**

Our civil division consists of two deputy prosecutors, and one paralegal. In addition to providing civil legal advice and representing the county in a variety of litigation, we maintain the County Code and one of our civil deputies provides representation to the State of Washington in child support enforcement proceedings for families receiving public assistance. That caseload occupies about 25% of a DPA's time, and the State reimburses his salary and benefits for work done in child support enforcement. It is important to note that the second full-time DPA in the civil unit was added as a cost-saving measure to spare the county from continuing to pay hundreds of thousands of dollars per year for its private land use attorney and planner.

Our civil caseloads are steady and high. In 2009 we responded to 589 formal legal assistance requests from the Board and other elected officials. From the end of December, 2009 through September 1, 2010, the County was involved in 74 civil lawsuits, many of which were handled by our insurer. However, my office represented the County in 33 active civil lawsuits during the first eight months of this year. These lawsuits include tax foreclosures, appeals to the Board of Tax Appeals, land use litigation, and litigation involving the assessments imposed by Diking District No. 1 of Island County. As of the writing of this memo, we represent the County in 19 of the currently pending litigation matters, which is a typical number for us.

Legal assistance requests come from all elected officials, and from department heads and staffers, through the Chair of the BOCC. The urgency, variety and complexity of those questions is virtually unlimited. Oftentimes we are asked to make policy decisions for departments and elected officials alike. In those situations, we often work with the department head to refocus their question and determine if legal advice is needed. While we try to be responsive to all departments, we have been working to limit our responses to only those questions requiring actual legal research and advice. We are considering ways to cope with the expanding nature and number of requests, without significantly altering our policy to provide prompt service when requested. Cutbacks to this unit would require us to summarily reject many requests that we determine do not call for legal expertise and training.

Under ICC 2.29.050 the County Prosecutor is mandated to review all service contracts in excess of \$5,000. For the first six months of this year, we reviewed 197 contracts for county departments. Contract review is a significant part of our caseload, but protects the County from liability and unnecessary litigation to enforce a contract. Contract review is designed to discover and correct problems in contracts before ambiguities in their terms become costly lawsuits. Approximately 40% of our Chief Civil Deputy's time is spent conducting pre-execution legal review of county contracts. A somewhat smaller portion of our civil paralegal's time is spent processing the contracts. The following chart shows a snapshot of the contract reviews we conducted between April and July of this year, grouped into ranges of the dollar value of the contracts.



**Figure 5. Contract Dollar Amounts**

**STAFFING CUTS AND CASELOADS AT RISK**

Although the addition of two DPAs is justified, I am cognizant of the fact that such a budget adjustment is unlikely in the current climate. As the Board knows, we have already ceased our involvement in various matters due to the loss of an attorney this year. Specifically, we no longer represent the school districts in truancy matters that go to court; we no longer represent the Clerk in collection matters involving criminal fines and restitution, unless we are seeking jail as a sanction for nonpayment; we no longer represent the state in traffic infraction matters; we no longer review for the Superior Court bail bond agencies who apply for “justification” status permitting them to operate in Island County. The matters we have cut out do not account for the work of a full time attorney. We have restructured our office, as described above, and benefitted from the leveling off of some crime rates from the steep climbs they were on in the early and mid part of the past decade.

In the event that we are forced to lose additional legal secretarial staff or an attorney, we anticipate that we will simply decline to prosecute certain criminal offenses, including license suspension crimes, marijuana possession under 40 grams, shoplifting, fish and wildlife, and other “victimless” crimes. This of course, will directly violate our mandate to prosecute all criminal offenses in Island County. The collateral consequences of such inaction will be to sanction disregard for the law, and breed disrespect for the law which will over time contribute to the decay of our peaceful society. It would also be a blow to the pride of my attorneys and staff members who take their work very seriously, from misdemeanor license crimes to murders. They have a keen (some might say “ingrained”) sense of justice and the importance of all

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members of society playing by the rules. To reorient my staff to ignore certain offenses is a cultural change that can only do harm to the quality of work we produce and the nature of our community.

Historically, our legal secretaries have performed tasks commensurate with their experience and skill. Much of this work is specialized and requires a great deal of experience in the legal system. This allows our deputy prosecutors to focus on the more complex work of litigation, and is responsible for the fact that we file charges in a much higher percentage of felony referrals than almost every other Washington county. We are already coping with a reduction of 0.44 FTE from a collective bargaining agreement change that reduced the work week of our secretarial staff. The loss of our grant-funded secretary at the end of this year will further strain our systems.

Additional cuts to non-attorney staffing will require a complete re-working of our entire office, as we will no longer have enough staff to work on discrete caseloads. The ownership of cases is what keeps the quality of our work high. To re-make the office into a “mass production mill” where the work is divided strictly by task, will cause quality to suffer. In criminal prosecutions the prosecutor is held to a higher standard than most other legal fields of practice. Ethical rules for lawyers include a special section devoted to the additional responsibilities of prosecutors, RPC 3.8. This extra scrutiny is deserved because of the immense power over the lives of accused persons that prosecutors wield.

Consequently, the demands on prosecutors are very high. Missed deadlines or overlooked discovery can mean the dismissal of a case. Transgressions categorized by our courts as mere “errors” when made by private attorneys, are labeled “misconduct” when made by prosecutors. Mistakes made by prosecutors not only may result in criminals going unpunished, but professional sanctions, up to disbarment, imposed on the deputy prosecutor *and* the elected county prosecutor. Providing high quality services is not only a matter of pride in my office, it is a matter of necessity. Even if it were possible to remake the office into a factory-like operation with sufficient quality control measures, it would not spare the caseloads discussed above from trimming. It is not yet clear to us how or if we will make such a system work, in spite of a number of preliminary discussions.

The loss of attorneys presents an even more dire problem. In 1999 when I took office, this office employed 5.5 FTE criminal deputy prosecutors (a civil DPA supervised and handled cases in the District Court criminal unit). At that time, a state-funded DPA in Snohomish County handled all of our felony drug crimes. In 2000 we moved those drug cases in-house to bring them into line with our prosecutorial standards and community expectations. In 2001 the County severed its relationship with a private land use attorney, on whom the Board had spent over a million dollars over the course of several years. In response, I was authorized to hire a full time civil DPA, allowing the former half-time civil DPA to work full time in the criminal unit. In response to spiking caseloads in 2006, the BOCC authorized the hiring of a third misdemeanor DPA in 2007. This brought our staffing to 7 DPAs in our criminal unit.

In 2009 budget cuts reduced the number to 6. Budget cuts this year have reduced it to 5 DPAs, which is now lower than the staffing we had in 1999. This is true, even though caseloads are

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higher, even though we now handle our own felony drug cases, and even though the courts continue to make the burdens on prosecutors more onerous to protect the rights of the accused.

Our staffing is now so low that we can find ourselves without enough attorneys to handle all of the scheduled hearings. Both Superior Court and District Court conduct hearings in two courtrooms simultaneously on many days. District Court had indicated a willingness to alter its scheduling to accommodate us, however that will likely mean our misdemeanor DPAs will be in court in Oak Harbor almost every day, with little or no time to do the work needed to effectively prosecute cases. Most of our work is done outside of the courtrooms. To date, the Superior Court has indicated its own scheduling problems limit its ability to modify the way it schedules criminal and juvenile matters.

I understand that the Board is facing at \$2 million deficit in 2011 from the 2010 expenditure levels. In order to assist the Board, I will describe several scenarios of how cutting our staff will affect the budget and our operations.

### ***A. Reduce Full Time Misdemeanor Legal Secretary to 0.5 FTE***

Our District Court unit employs a full time legal secretary, who is assisted by our state-funded victim/witness coordinator and our grant-funded receptionist (for whom funding will expire on December 31, 2010). The job entails a great deal of clerical work (handling 1300 cases annually, keeping the DPAs' hearing calendars, providing discovery to defense counsel, making sure the assigned deputy has all the cases for the next day's court hearings, etc.) and acting as liaison with witnesses, law enforcement, court administration, and licensing agencies involved in the cases.

Reducing that position to half-time would save approximately \$19,368.50. This is approximately 1.8 % of our general fund budget (excluding state and federal grants)<sup>1</sup>. I offer the percentage calculation because of the Board's emphasis on it. I find it to be of very limited use, since programs and capacities are not impacted by percentages, they are impacted by dollar losses. I believe that the comparisons of percentage of budget cuts between departments, programs, or contributions to NGOs is a virtually meaningless comparison. This is because the Board is not tasked with evenly distributing the pain across its various expenditures. Rather, as you know all too well, the Board is tasked with providing the best government it can with the dollars it has available.

Operationally, this cut would be highly disruptive to the office. It would involve shifting portions of the work load to other legal secretaries who are generally handling more complex cases, which demand a higher level of legal expertise. We have been engaged in various exercises to figure out how exactly we would make logical divisions of work to accommodate this, and to date, have not come up with a reasonable model.

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<sup>1</sup> Our 2010 General Fund budget of 1,096,771 was determined by starting with our total approved budget of \$1,387,252 and subtracting items that were funded by grants obtained by the prosecutor's office. These items were: \$84,000 (ARRA Prosecutor Restoration Grant); \$15,000 (USDOJ Byrne Grant); \$39,481 (State Victim/Witness Fund); \$75,000 (State contribution to PA's salary); and \$77,000 (State and Federal Child Support Enforcement grants).

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In order to accommodate this shift, we would have to shed certain caseloads, and redistribute the remaining work. We would likely rely upon our civil paralegal to assist in the criminal matters, reducing the level of service provided to county elected officials.

Most likely, we would ask the Board to raise the dollar limit of contracts that trigger contract review, and request that the Board hire a private contractor to handle some or all of the code reviser functions of our office. In addition, we would abandon prosecution of certain first-offenders who are driving with a suspended license – some 200 – 250 criminal.

### ***B. Eliminate Misdemeanor Legal Secretary Position***

Our District Court unit employs a full time legal secretary, who is assisted by our state-funded victim/witness coordinator and our grant-funded receptionist (for whom funding will expire on December 31, 2010). The job entails a great deal of clerical work (handling 1300 cases annually, keeping the DPAs' hearing calendars, making sure the assigned deputy has all the cases for the next day's court hearings, etc.) and acting as liaison with witnesses, law enforcement, court administration, and licensing agencies involved in the cases.

Eliminating that position would save approximately \$38,737. This amount is approximately 3.5% of our general fund budget (excluding state and federal grants).

It would not be possible to redistribute the entire District Court caseload to other assigned support staff. Thus the elimination of this position would necessitate the abandonment of approximately 300-400 criminal cases and a complete re-structuring of office procedures. Our highest priority cases in District Court are DUI cases and domestic violence matters. Those account for about 600 - 650 per year. In addition, we would prosecute chronic license law violators (usually defendants suspended for DUI offenses), and other repeat offenders.

A caseload of 800 cases per year would still require significant support. The average misdemeanor case requires about 70 days to resolve. At any given time, about 150 misdemeanors are actively being prosecuted. We would likely abandon prosecution of license suspension cases, shoplifting, misdemeanor drug crimes, animal control cases, and fish and wildlife matters. Even at that, the two criminal DPAs would have a caseload of about 400 each. These are the more complex cases, and are not resolved by non-criminal sanctions. Thus, the caseload standard of 300 per attorney would apply. Nevertheless, we would likely depend on those DPAs to assist with other caseloads in the office, if the courts are able to re-tune their schedules to accommodate us.

### ***C. Replace a Misdemeanor DPA and a Civil DPA with a Single Position, Divided between District Court, Land Use, and Support Enforcement***

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As discussed above, our misdemeanor unit has two deputy prosecutors who handle about 1300 criminal cases per year, well above the 300 case per attorney guideline adopted and supported for the private public defense attorneys. The elimination of an attorney would make it impossible for a single attorney to handle the work load. The remote location of the District Court and the conflicting court schedules would not permit a felony DPA to “fill in” in District Court, even if he or she was not overwhelmed with his or her own caseload.

Eliminating that position would save approximately \$74,799 in salaries and benefits. This amount is approximately 6.8% of our general fund budget (excluding state and federal grants).

With the elimination of the same set of misdemeanor crimes from our caseload, as described above, the civil land use DPA could assist with the smaller caseload. The civil DPA is required to spend about 25% of his time on child support enforcement. Therefore devoting more of his time to criminal cases will come at the expense of his availability to advise the County on land use issues. We anticipate he will have approximately 25% of his work week to represent the County in land use litigation and pre-litigation advice.

The demands on the civil DPA’s time in the land use arena are significant, and he typically exceeds a 40-hour work week (because he is salaried, he is not entitled to overtime wages). When land use matters end up in court (for example in LUPA cases), his workload increases.

It would be possible to shift some land use matters to me and the Chief Civil deputy, if other caseloads are either shed or redistributed. For example, the Board could raise the dollar threshold mandating contract reviews to \$20,000. We calculate that would reduce the *number* of contract reviews by about 40%. This may relieve up to 16% of the Chief Civil deputy’s time (though probably less, since smaller contracts tend to be less complicated) and some of the civil paralegal’s time.

I believe that modification of ICC 2.29.050 to set \$20,000 as the threshold for mandatory contract review is a reasonable policy change in the current crisis, in spite of the fact that it would increase the risk of contract litigation, which is not covered by the county’s liability insurer. It is difficult to quantify that risk based on the data we have available.

In addition, I have been exploring the possibility of hiring a private contractor to handle some of our code revision work. It appears that for between \$25,000 - \$30,000 a private publisher could re-format our code and perform the code-reviser work we do. A significant problem, as I have discussed with the Board, is that our standard Office Word Processing program is unsuited to the editing and publication of statutory codes. My office has neither the appropriate software tools nor the technical support to effect such a conversion. Most of the \$30,000 would be a one-time charge to convert our existing electronic documents. The annual update costs would depend on the volume of new ordinances passed, and typically run about \$21.00/page.

Most of the work on the code occurs once a year, with smaller tasks handled quarterly. After the one-time conversion charges, this service would free up a significant amount of our civil division’s time for a relatively low cost. This is true, even though we would still have to work to compile matters for the private publisher, and review the ultimate product. The on-line version

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of the code provided by the private publisher is significantly more user-friendly and provides better search and indexing capabilities than the version we put on the web. My office does not have the technical expertise, the time, or the software applications to put a decent version of the code on the web. A private publisher would be able to do web updates more timely than we do.

In any event, the fragmented civil/criminal/child support enforcement caseload would result in an inability to prosecute many crimes and a significant reduction in civil and land use legal advice. The proposed change in the contract review threshold and contracting out the code revision would ameliorate the civil problems, but certainly not eliminate them. We may well have to impose a triage system to answer only the questions we determine present the greatest risk to the County.

***D. Combinations of Proposals A, B, and C above***

Greater cost savings could be garnered by eliminating an attorney, and either 0.5 or 1.0 FTE of a support person. Trying to plan for such a drastic cut would require significant time demands on me and my staff, and other agencies. In the limited time I have had to respond to the budget call, and balance other duties, I cannot give the Board a detailed picture of how cuts at that level would actually impact us. Suffice it to say that it would be significantly more harmful than the scenarios described above. I would be available to offer my best predictions of how such cost savings would impact us and public safety in Island County at my budget workshop.

**MAINTENANCE AND OPERATIONS BUDGET**

As noted in our summary, we do not anticipate significant changes in our M&O budget. The changes discussed in the summary are reflected in the attached spreadsheets.

There are some figures which are simply reassigned to different activities or object codes, in order to bring our budget into conformance with the new accounting system. The changes are set forth below:

**ACTIVITY - Admin:**

Office Supplies:     -\$500 Reduction: \$11,056 to \$10,556 due to reduced paper usage from our transition to digital discovery.

Commun. Postage:    + \$2,800 Transfer from code 524220 Telephone.  
                                  \$6000 now divided into two codes:  
                                  \$2800 Postage / \$3200 (previously coded as one line item: all lumped in “Telephone” at onset of IFAS).

Commun. Teleph:    - \$2,800 Transfer to code 524210  
                                  New total for Telephone: \$3,200.

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Rent Other: - \$220 to \$0. Transfer to object code: 0013915210-524220 Criminal: Communication-Telephone to pay for Attorney Pager contract).

Capital Office Equip: \$17,985 carries over from previous budget years.  
Final progress payment to Courtview for our DAMION/Spillman Interface.

Misc. Dues/Member: + \$480 Transfer from 524990 Criminal-Other to ADMIN activity.  
GMB 2011 Bar Dues

**PA Criminal:**

Services Prof: **-\$2500 Reduction** : \$13,075 to \$10,575.  
Professional Services reduced by \$2000;  
Extradition –included its own category but coded as Prof. Services-  
reduced by \$500.

Repair/Maint. Other: - \$13,170 to \$0. Transfer to object code 524811 Maintenance Annual Equipment  
DAMION maintenance contract.

Maint. Annual Equip: + \$14,694 Transfer from with Increase  
Includes contract amount of \$13,170 PLUS use tax of \$1,176.07.  
Moved to code 534811 from 524890 per IFAS coding.  
**Increase = \$1,176.07**

Commun. Telephone: + \$220 Transfer from Admin. Communication.  
Pager contract.

Other/Misc.: - \$2,875 Transfer to: object code 524910 Crimin.( \$2,400)  
object code 524910 Admin (\$475) for Bar Dues.  
\$100 to remain for Volunteer Staff L & I Insurance (Not a new expense).

Misc. Dues/Member: + \$2,400 Transfer from Other/Misc:  
2011 Bar Dues for 5 Criminal Attys @ \$480/each = \$2400  
We will employ one fewer attorney in 2011 but the 2010 line item was underfunded.  
Total 2010 budgeted amount \$3825 / spent: \$4284.45 on 9 atty.  
Total Bar Dues for 2011: \$3840.00 (8 atty)

***Prosecuting Attorney – 2011 Budget Proposal***

**PA Civil:**

Salaries: Per 2011 Salary Grid

Other/Misc: - \$850 to \$0 Transfer: Amount moved to object code 524910 Misc. Dues/Memberships for Bar Dues.

Misc. Dues/Member: + \$960 Transfer with Increase from:  
\$480 for 2 civil attorneys.  
Negated by one less attorney in 2011 and overspending in 2010.  
**Increase = \$15.00** total in Misc. Dues/Membership Lines in all activities (Admin, Criminal, Civil)  
(See Crim. Section above for breakdown.)

**PA Child Support (Paternity):**

Salaries: Per 2011 Salary Grid

Supplies Office: **-\$100 Reduction** from \$200 to \$100.

Commun./Postage: +\$1,000 Transfer from Telephone 524220.

Commun./Teleph: - \$1,000 Transfer to Postage 524210.

Rent/Other: - \$3,000 Transfer to Rent-Operating 524540

Rent/Operating: + \$3,327 Transfer from with Increase:  
Reflects Transfer to new object code and rate increase continued from 2010 of 277.19/month.  
**Increase = \$327**

**PA ICC Publish (Code):**

Supplies Office: **-\$670 Reduction**  
This reflects a budget consistent with recent years' experience.

**PA Library**

Supplies Office: - \$17,078 Transfer to Supplies Operating 523120

Supplies Operating: + \$17,078 Transfer from Supplies Office

*Prosecuting Attorney – 2011 Budget Proposal*

New Object Code added.

**REVENUE ESTIMATES**

*Child Support Enforcement – Object Code 451930 and 471930*

We receive revenue from the Washington Department of Social and Health Services to reimburse our staff, supplies and indirect costs incurred in providing legal representation in child support enforcement cases. We have submitted a budget proposal to DSHS/DCS for a total of \$80,721. This amount is split among two activity codes on the revenue worksheets, with approximately \$55,000 allocated to the federal grant, and about \$25,700 allocated to the state grant. We believe they should both be under the PA Child Support activity code.

The budget has not been approved by the State yet. It was based on a 37.5 hour work week for the paralegal support person, 0.25FTE attorney, and medical benefit contributions from the county based on the 2010 Local 1845 and Teamsters contracts. This is a slight increase over the 2010 budget, to account for contractual salary step increases and benefit costs.

*Victim / Witness Support Grant - Object Code 471420*

This program is funded on based on the State's fiscal year from July 1 – June 30. The legislature has approved \$40,000 to support our victim/witness program. This money pays for salary and benefits of our victim/witness coordinator. Depending on the county contribution to the medical insurance of that employee, this grant may not be sufficient.

*Contract services for City of Langley and Town of Coupeville - Object Code 338150*

The Island County Prosecutor's Office contracts with the City of Langley and the Town of Coupeville to prosecute their misdemeanor and gross misdemeanor offenses. We are paid \$194 per case.

Our 2010 budget was based upon a prediction of 66 cases from the cities. As of June 30, 2010, we have prosecuted 25 misdemeanor cases for the cities. At that rate, we would receive 50 cases by year's end. Thus, we are estimating total revenue of \$9,700 in 2011, down from \$14,000 budgeted in 2010.

***Prosecuting Attorney – 2011 Budget Proposal***

*Collection of Domestic Violence Assessment Pursuant to RCW 10.99.080 - Object Code 356900*

Based on actual collection data this year, we are budgeting \$1,000 for this line item again in 2011. It is difficult to predict the actual collection of this fee with any accuracy.

*Crime Victims Penalty Assessment - Object Code 341980*

This line item includes portions of various legal financial obligations collected from criminal defendants, and 34% of the mandatory crime victim assessment imposed on all defendants convicted in superior court. The budget for 2010 was \$32,000. This projection for 2010 appears to be too high. Revenue reports show \$14,494 had been collected as of June 30, 2010. However, the Clerk appears to have made significant improvements to her collections department, and we anticipate an increase in revenue here. We estimate revenue of \$32,000.

*District and Municipal Court Administrative Fees – Object Code 341330*

The prosecutor's office receives a small percentage of filing fees for name changes in the District Court. We have budgeted for \$500 of revenue there, based upon year-to-date figures.

*State Reimbursement For Prosecutor's Salary – Object Code 471010*

The legislature found that elected prosecutors function as a state officer, and stated that the salary of the elected prosecutors should be tied to that of a superior court judge. As a result, the legislature amended RCW 36.17.020 in 2008, increasing the amount the State pays toward the salary of each county prosecuting attorney. The 2010 revenue worksheets reflect that amount.

*Edward Byrne Memorial Grant - Object Code 431160*

Byrne Grants are used to fund basic law enforcement and prosecution functions. Island County was allocated \$25,037.48. Our office applied for, and was awarded that amount in early 2009, and it was used to restore a position that had been laid off the prior year. That grant will be exhausted in 2010, and the revenue for 2011 will be \$0.00.

*U.S. Department Of Justice, Justice Assistant Grant – Object Code 451160*

This is a \$100,000 "Prosecutor Restoration Grant" specifically allocated to restore positions laid off from prosecutor's offices in Washington due to the economic crash. That grant will be exhausted in 2010, and the revenue for 2011 will be \$0.00.

**DRUG SEIZURE FUND AND FEDERAL ASSET FORFEITURE FUND**

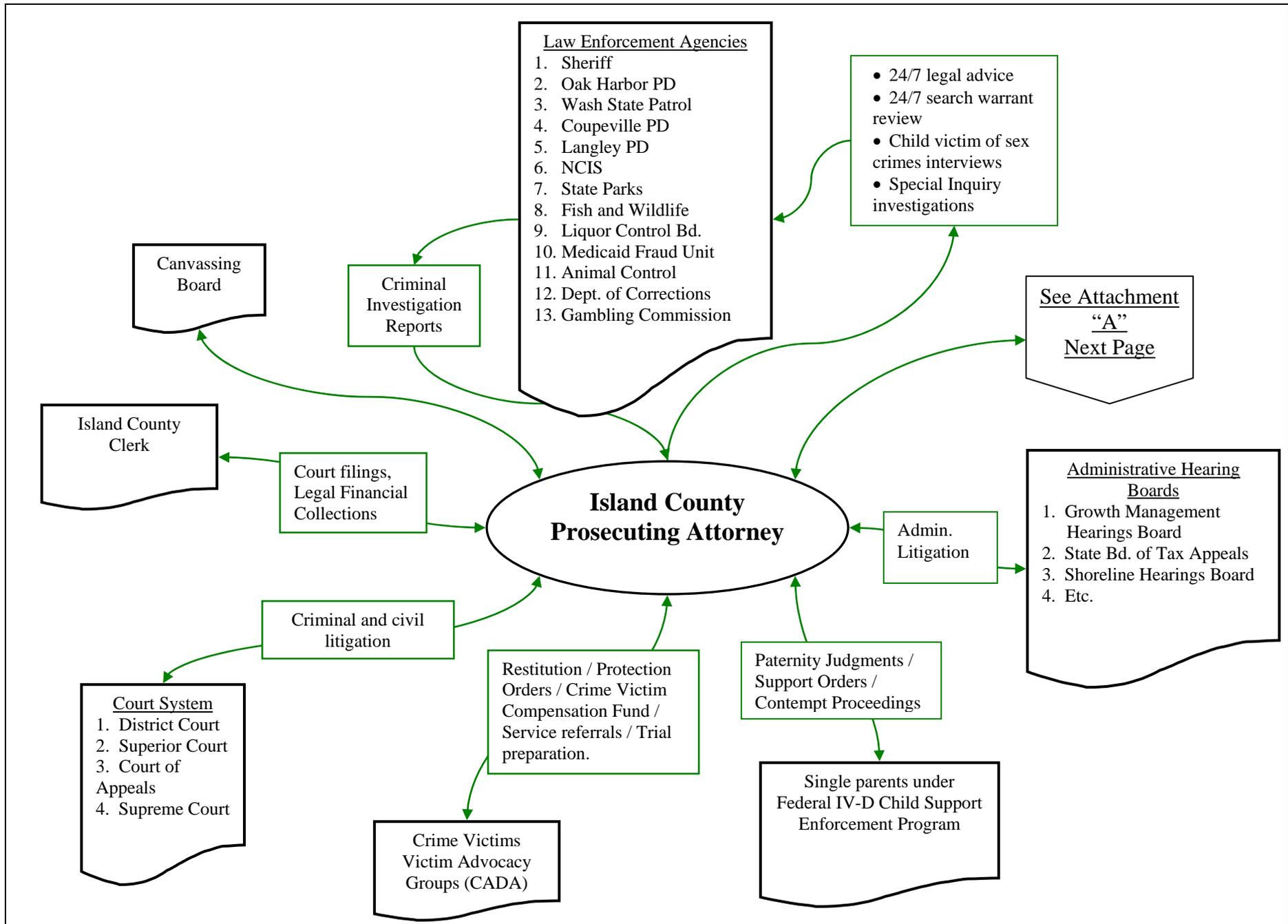
The Prosecuting Attorney and Sheriff share responsibility for these funds. These accounts are funded by the seizure and forfeiture of property obtained from criminal activity. These funds may be used to purchase goods and services related to drug enforcement and prosecution and, in the case of the Federal fund, for general law enforcement and prosecution.

Predicting the amount of those proceeds is extremely difficult, as it is controlled by the quantity and nature of criminal activity, as well as other factors outside of our control. The Sheriff and I anticipate the fund will be used for future training and equipment, as authorized by the laws regulating the funds.

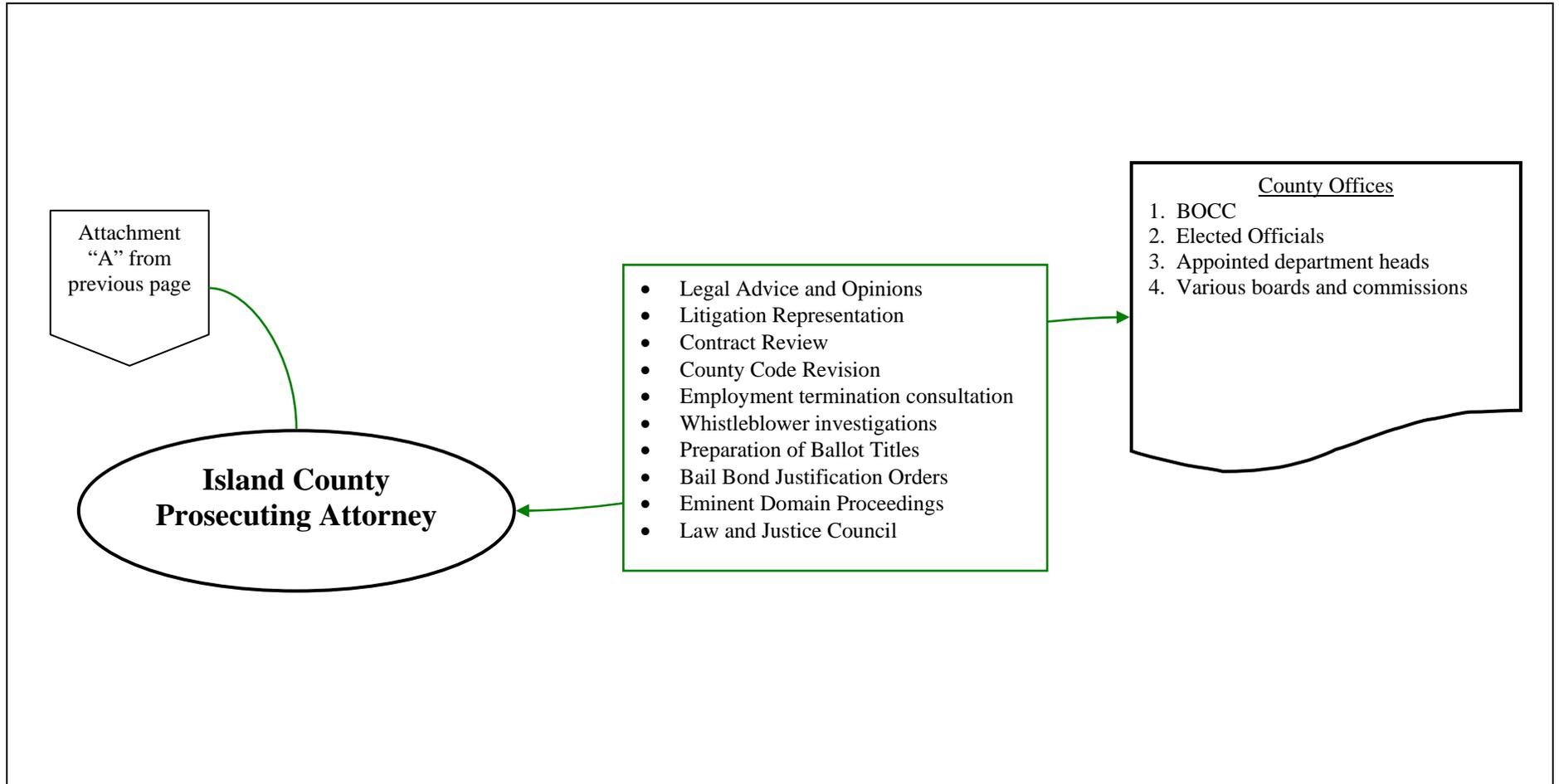
**ANTI-PROFITEERING FUND**

The account is funded by the seizure and forfeiture of property obtained from criminal profiteering activity. Predicting the amount of those proceeds is extremely difficult, as it is controlled by the quantity and nature of criminal activity, as well as other factors outside of our control. These funds are available for goods and services that are used to increase prosecutions of violations of anti-profiteering laws. Because the revenues are unpredictable, expenditures are only considered and approved after there is money available to spend.

**APPENDIX A - Agencies, Entities and Groups Who Interface With The Island County Prosecuting Attorney**



*APPENDIX A - Agencies, Entities and Groups Who Interface With The Island County Prosecuting Attorney*





**Appendix C – Budget Worksheets**

**REVENUE AND EXPENDITURE BUDGET  
WORKSHEETS FOLLOW**

Budget Worksheet  
06/30/2010

Org Key Name: Police Publish  
Org Key: 001-39-1131-0

Item #	Description	Prior Years Actuals		2010 Adopted Budget	2010 Budget Amends.	2010 Final Budget	2010 Year to Date @ 06/30/2010	2011 Department Requested	2011 Budget Changes	2011 Proposed/ Workshop
		2008	2009							
523110	Supplies Office	785	1,071	1,670	1,670	1,670	828	1000	-670	
Total Expenditures		785	1,071	1,670	1,670	1,670	828			
Revenues Over(Under) Expenditures		(785)	(1,071)	(1,670)		(1,670)	(828)			

1. Reduction in allocated amount.

No changes

Island County

Budget Worksheet  
06/30/2010

Org Key Name: Pa Superior Ct Costs  
Org Key: 001-39-1225-0

Item #	Description	Prior Years Actuals		2010 Adopted Budget	2010 Budget Amends.	2010 Final Budget	2010 Year to Date @ 06/30/2010	2011 Department Requested	2011 Budget Changes	2011 Proposed/ Workshop
		2008	2009							
524990	Other	9,281	5,469	6,550		6,550	841	6,550		
Total Expenditures		9,281	5,469	6,550		6,550	841			
Revenues Over(Under) Expenditures		(9,281)	(5,469)	(6,550)		(6,550)	(841)			

\*

Budget Worksheet  
06/30/2010

Org Key Name: Pa Library  
Org Key: 001-39-4271-0

Item #	Description	Prior Years Actuals		2010 Adopted Budget	2010 Budget Amends.	2010 Final Budget	2010 Year to Date @ 06/30/2010	2011 Department Requested	2011 Budget Changes	2011 Proposed/ Workshop
		2008	2009							
523110	Supplies Office	15,904	15,767	17,078	17,078	17,078	7,718	11,078		
1. 523120	Supplies - operating							17,078		
	Total Expenditures	15,904	15,767	17,078	17,078	17,078	7,718	17,078		
	Revenues Over(Under) Expenditures	(15,904)	(15,767)	(17,078)	(17,078)	(17,078)	(7,718)			

1. Transfer to new obj. code

\*

Org Key Name: Pa Admin  
001-39-1511-0

Item #	Description	Prior Years Actuals		2010 Adopted Budget	2010 Budget Amends.	2010 Final Budget	Year to Date @ 06/30/2010	2011 Department Requested	2011 Budget Changes	2011 Proposed/ Workshop
		2008	2009							
336429	St Ent Victim Witness	7,403				14,000	1,940	4700	-4300	
338150	Intgrt Svc Legal Services	15,612	11,908	14,000			16			
341290	Fee Sup Crt Other Filings	16	127			500	363	500		
341390	Fee Dist Crt Admin	591	636	500			167			
341690	Fee Other Print Dup	130	262							
341980	Fee Victim Witness Prg Crim/Vic Assess	30,216	32,201	32,000			14,494	32,000		
356900	Fine Crm Other Non Traffic DV Assessment	904	1,712	1,000			1,850			
357260	Fine Crm Sup Crt Mandate Cost	200	1,284							
369900	Misc Other	7					4			
451160	If Us Dept Justice JAG	16,595	17,330	60,000		60,000	48,233	A-		
451930	If Us Dept Health Human Svc - Potomac V Grant	51,674	56,353	52,360		52,360	55,000.00			
471010	Sg Wa St Legislature Pros. Salary Brimmb.	53,374	74,416	75,160		75,160	37,208	75,160		
471420	Sg Wa Dept Comm Trade Eco Dev Vic. Witness	11,988	21,312	39,481		39,481	17,714	40,000		
471430	Sg Wa Dept Social Health Svc.							See page 7 - PA Child Support		
	Total Revenues	188,690	217,541	274,501		274,501	121,989			
511100	Salaries	85,169	92,746	67,488		67,488	45,827	Per Grid		
512100	Payroll Taxes	6,198	6,425	5,163		5,163	3,191			
512200	Retirement	6,210	6,313	3,584		3,584	2,257			
512300	Medical / Dental / Life / Fbp	7,995	8,987	3,046		3,046	2,266			
512400	LI / Unemp / Other Benefits	298	290	340		340	171			
523110	Supplies Office	9,752	408	11,056		11,056	3,029	10,550 *	-500	
523210	Fuel Vehicles	612	19	1,000		1,000	187	1,000		
523510	Small Equip Office	5,255	141	3,000		3,000	25,238	3,000		
524110	Services Professional	86		250		250		250		
524210	Communication Postage							2400	new obj. code	
524220	Communication Telephone	5,137	246	6,000		6,000	1,981	3200	-2800 to P. State	
524310	Travel Transportation	1,393	40	2,500		2,500	245	2,500		
524410	Advertising Recruit	470	30	800		800		400		
524590	Rent Other	209	11	220		220	111	0	To PA Criminal	
524811	Maintenance Annual Equip									
524890	Repair / Maint Other	3,103	101	4,386		4,386	646	4,386		
524920	Subscriptions									
524990	Other	1,598	76	1,480		1,480	1,030	1,480.00		
546420	Capital Office Equipment	54,594	11,496	17,985		17,985		17,985		
5.524910	Use dues + memberships							480	from Criminal - GAS Bar dues	
	Total Expenditures	188,079	127,329	128,298		128,298	86,179			
	Revenues Over(Under) Expenditures	611	90,212	146,203		146,203	35,810			

1. Reduction - due to less paper consumption.
2. Divided out Postage to new code 524210, prev. all in Telephone.
3. Payor contract, transfer to Criminal
4. Carry-over for DAMIAN Spillman Interface
5. Transfer from criminal - Greg Banks Bar Dues.

Org Key Name: Pa Criminal  
Org Key: 001-39-1521-0

Item #	Description	Prior Years Actuals		2010 Adopted Budget	2010 Budget Amends.	2010 Final Budget	2010 Year to Date @ 06/30/2010	2011 Department Requested	2011 Budget Changes	2011 Proposed/ Workshop
		2008	2009							
351800	Fine Sup Cr. Crime Victim			20,000		20,000	3,695			
431160	Df Us Dept Justice		9,922	20,000		20,000	3,695			
Total Revenues			9,922	20,000		20,000	3,695			
Transfers In Operating			50,000							
Total Revenues			50,000							
511100	Salaries	673,037	640,604	674,624		674,624	336,445			
511200	Overtime	3,477	21							
511300	Termination / Payout	6,422	6,325							
511400	Other Salary	30	28							
512100	Payroll Taxes	50,638	47,518	51,609		51,609	22,032			
512200	Retirement	48,949	43,551	35,822		35,822	15,872			
512300	Medical / Dental / Life / Fbp	120,818	109,898	133,017		133,017	55,679			
512400	LI / Unemp / Other Benefits	4,154	3,870	5,735		5,735	2,393			
523110	Supplies Office	12	6,191	400		400	52			
523210	Fuel Vehicles		265							
523510	Small Equip Office		1,978							
524110	Services Professional	6,094	6,620	13,075		13,075	2,231			
524220	Communication Telephone		3,438				24			
524310	Travel Transportation	988	1,262	600		600	369			
524490	Advertising Other		501	100		100				
524590	Rent Other		153							
524890	Repair / Maint Other	2,811	15,688	13,170		13,170				
524990	Other	2,036	3,792	2,975		2,975	3,346			
524910	Misc. dues & memberships									
Total Expenditures		919,666	891,703	931,127		931,127	438,443			
Revenues Over(Under) Expenditures		(919,666)	(831,781)	(911,127)		(911,127)	(434,748)			

1. 524110: Prof. services = \$ 8,075 } + \$10,575  
 Extradition = \$ 2,500

2. 524220: Pager, previously coded as Admin - Rent/Litlow 524590 (+220)  
 3. { 524910: Misc. dues = Bar dues for 5 attorneys with rate increase for 2011 (\$40/atty)  
 524990: Misc. other to include L & I insurance for volunteer staff. (Not new expense)

4. 524811: Annual DAMON maintenance - Use tax applied in 2010 = 1,176.07, moved from obj. code 524890

Budget Worksheet  
06/30/2010

Org Key Name: Pa Civil  
Org Key: 001-39-1522-0

Item #	Description	Prior Years Actuals		2010 Adopted Budget	2010 Budget Amends.	2010 Final Budget	Year to Date @ 06/30/2010	2011 Department Requested	2011 Budget Changes	2011 Proposed/ Workshop
		2008	2009							
511100	Salaries	191,051	194,907	190,791		190,791	99,672	Per Grid		
511200	Overtime	1,030								
512100	Payroll Taxes	14,154	14,287	14,587		14,587	6,762			
512200	Retirement	14,068	13,253	10,132		10,132	4,759			
512300	Medical / Dental / Life / Fbp	26,861	27,372	24,122		24,122	11,180			
512400	Lt / Unemp / Other Benefits	923	971	1,464		1,464	649			
523120	Supplies Operating		2,041							
523210	Fuel Vehicles		95							
523510	Small Equip Office		707							
524220	Communication Telephone		1,228							
524310	Travel Transportation	540	703	400		400		400		
524420	Advertising Legal Notices		152							
524590	Rent Other		55							
524890	Repair / Maint Other		504							
524990	Other	710	1,179	850		850	977			
	524910 Misc dues & memberships							910	910	new obj. code
	Total Expenditures	249,437	257,434	242,356		242,356	123,999			
	Revenues Over(Under) Expenditures	(249,437)	(257,434)	(242,356)		(242,356)	(123,999)			

1. Re-code "Other" to 524910 Misc dues & memberships → 2011 Rate for bar dues = 480 x 2 aly. undubudgeted in 2010

\*

Budget Worksheet  
06/30/2010

Org Key Name: Pa Child Support  
Org Key: 001-39-1581-0

Item #	Description	Prior Years Actuals		2010 Adopted Budget	2010 Budget Amends.	2010 Final Budget	Year to Date @ 06/30/2010	2011 Department Requested	2011 Budget Changes	2011 Proposed/ Workshop
		2008	2009							
451930	IFUs Dept Health Human Svc			18,943			18,943	Sec 9.4 - PA Admin		
471930	Sg Wa Dept Social Health Svc	24,311	26,260	20,640	20,640	20,640	8,851	25,314.96		
Total Revenues		24,311	26,260	20,640	20,640	20,640	27,794			
511100	Salaries	45,161	47,469	39,040	39,040	39,040	22,989	Per Grid		
511200	Overtime	240								
512100	Payroll Taxes	3,281	3,437	2,986	2,986	2,986	1,517			
512200	Retirement	3,283	3,220	2,073	2,073	2,073	1,103			
512300	Medical / Dental / Life / Fbp	8,081	8,561	8,628	8,628	8,628	4,224			
512400	Li / Unemp / Other Benefits	353	362	446	446	446	208			
523110	Supplies Office	152	264	200	200	200		100	-100	
523210	Fuel Vehicles	88								
524110	Services Professional	2,896	3,064	2,800	2,800	2,800	959	2,800		
524210	Communication Postage	950	1,038	1,000	1,000	1,000	500	1,000	new obj. code	
524220	Communication Telephone	86								
524310	Travel Transportation	2,856	2,933	3,000	3,000	3,000	1,662			
524590	Rent Other	67,627	70,348	60,173	60,173	60,173	33,182			
524540	Rent-Operating							3,327	Rate increase	new obj code
Total Expenditures		67,627	70,348	60,173	60,173	60,173	33,182			
Revenues Over(Under) Expenditures		(43,216)	(44,088)	(39,533)	(39,533)	(39,533)	(5,368)			
Net Total Current Expense		(1,237,678)	(1,065,398)	(1,072,111)	(1,072,111)	(1,072,111)	(537,692)			

- 523110 - Reduction in allocated amount
- 524210 - +1000 in communication budget, moved from 524220 (Telephone) to Postage (per IFAS coding)
- 524540 - Rate increase in 2010 to \$277.19/month; new object code 524540 - "Rent-Operating".

Budget Worksheet

06/30/2010

Org Key Name: Pa Drug Investigations  
 Org Key: 133-39-2123-0

Item #	Description	Prior Years Actuals		2010 Adopted Budget	2010 Budget Amends.	2010 Final Budget	2010 Year to Date @ 06/30/2010	2011 Department Requested	2011 Budget Changes	2011 Proposed/ Workshop
		2008	2009							
579702	Transfers Out Operating		10,000							
Total Expenditures			10,000							
523510	Small Equip Office	1,071	45							
Total Expenditures		1,071	45							
Revenues Over(Under) Expenditures		(1,071)	(10,045)							
Net Total Drug Seizure		(1,071)	(10,045)							

\* See narrative, no expenditures expected unless revenue received

Budget Worksheet  
06/30/2010

Org Key Name: Pa Drug Investigations  
Org Key: 147-39-2123-0

Item #	Description	Prior Years Actuals 2008	2009	Adopted Budget	2010 Budget Amends.	2010 Final Budget	2010 Year to Date @ 06/30/2010	2011 Department Requested	2011 Budget Changes	2011 Proposed/ Workshop
579702	Transfers Out Operating		20,000							
	Total Expenditures		20,000							
	Revenues Over(Under) Expenditures		(20,000)							
	Net Total Federal Asset Forfeiture		(20,000)							
	Grand Total All Funds	(1,238,749)	(1,095,443)	(1,072,111)		(1,072,111)	(537,692)			

\* SEE NARRATIVE: NO EXPENDITURES EXPECTED UNLESS REVENUE RECEIVED.