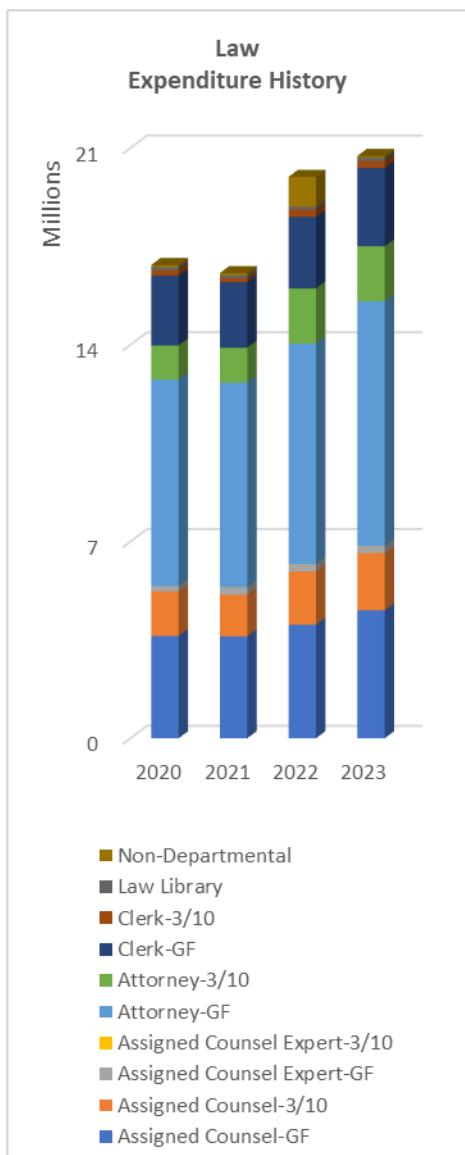


	Budget
	2023
Assigned Counsel-GF	4,553,405
Assigned Counsel-3/10	2,030,895
Assigned Counsel Expert-GF	246,842
Assigned Counsel Expert-3/10	8,827
Attorney-GF	8,705,105
Attorney-3/10	1,955,726
Clerk-GF	2,782,087
Clerk-3/10	255,489
Law Library	110,310
Non-Departmental	<u>64,324</u>
<b>Total</b>	<b><u>20,713,010</u></b>



## Law

### Summary

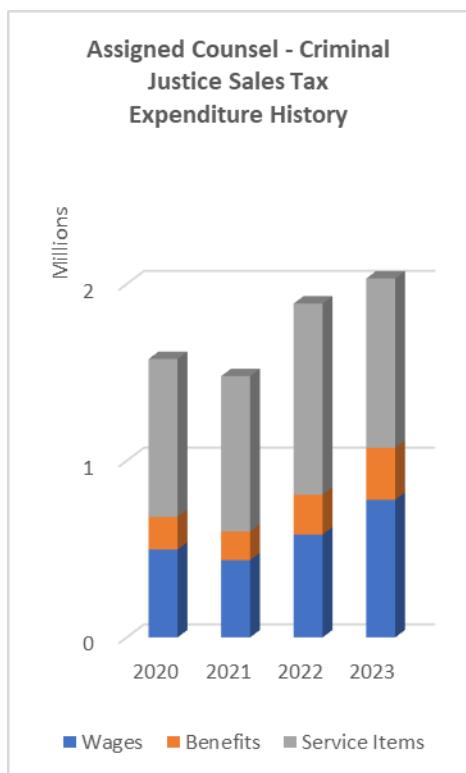
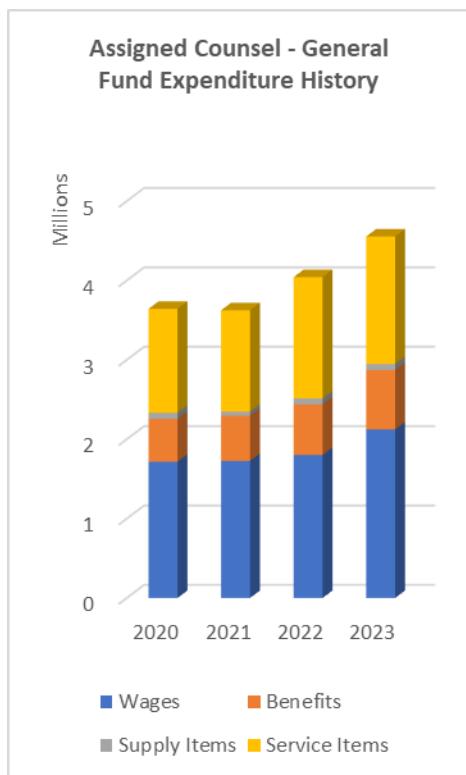
The Law Priority includes the County's Prosecuting Attorney, indigent defense, and Clerk.

The table at the left summarizes the 2023 budget for Law Priority. Departments are shown in detail in the following pages. The graph shows the four-year trend in total spending for this priority.

### Current Issues

- Assigned Counsel will develop and maintain expenditure reports that will allow for data showing baseline expenditures for each category of expense in each case to assist in more accurate budget projections and management of these expenses.
- Recruitment and retention of lawyers in the Prosecuting Attorney's Office and in Assigned Counsel are a major issue for 2023.
- Preparing for inevitable growth in caseload and expanding responsibilities and service requirements of public defense. This includes developing staff and contract resources to support these caseloads.
- Transition to a new case management software and data storage due to the purchase of competing software companies phasing out our current system.
- Clerk of the Superior Court is integrating the E-filing system to offer more efficient service to the public and legal community.
- An upgrade of the document imaging system will be required in the Clerk's Office in 2023.

## Assigned Counsel



Expenditures - General Fund	Actuals	Actuals	Budget	Budget
	2020	2021	2022	2023
Wages	1,717,080	1,727,096	1,800,872	2,123,270
Benefits	537,008	568,807	637,980	748,905
Supply Items	77,215	52,143	74,824	74,824
Service Items	1,310,893	1,276,197	1,527,928	1,606,406
Total Expenses	3,642,196	3,624,243	4,041,604	4,553,405

Expenditures - Criminal Justice	Actuals	Actuals	Budget	Budget
	2020	2021	2022	2023
Sales Tax				
Wages	497,163	436,930	581,926	778,371
Benefits	185,152	162,829	225,810	294,373
Service Items	892,824	878,465	1,081,624	958,151
Total Expenses	1,575,139	1,478,224	1,889,360	2,030,895
Ending Fund Balance	617,547	984,880	617,579	1,086,290
Total Budget	2,192,686	2,463,104	2,506,939	3,117,185

### Program Description:

The Department of Assigned Counsel provides constitutionally mandated legal defense services to indigent persons charged with criminal cases or loss of personal liberty in the District and Superior Courts of Yakima County, excluding misdemeanors in municipal courts. The department maintains a centrally administered system and provides defense services through: (1) a public defender office within the Department of Assigned Counsel; (2) contracts with attorneys offering public defense services; and (3) a list of private attorneys who wish to provide defense services.

Effective January 1, 2010 the responsibility to administer and budget experts and support services for indigent defense was transferred by the courts to the Department. The Department adopted new policies and procedures in early 2010 and has been administering these expenses since then. Expenses are unpredictable and depend on actual experience and this fund is necessarily separate and subject to requests for additional funds if the budgeted funds are not adequate. This includes Aggravated First-Degree Murder cases, which are not otherwise funded in the Department regular budgets.

Yakima County has a significant criminal caseload disproportionate to its size and population. The Department was formed in 1989 in response to a need to meet increased caseload demands and to manage mandated defense services.

The nature of indigent defense is both reactive and constitutionally premised. The Department cannot control the number or nature of cases filed by law enforcement and prosecution and to which its attorneys are appointed. Once appointed, both the Department and its attorneys must adhere to professional standards and obligations in providing constitutionally required 'effective assistance of counsel', which also is necessary to avoid personal and professional sanctions.

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## **Assigned Counsel (Cont.)**

An inadequate budget for the Department means that some cases will not be serviced. In that instance, the courts must appoint and compensate counsel anyway or ultimately dismiss cases.

### **Major Objectives:**

**Caseload Standards:** A continuing primary focus of concern is meeting mandatory State caseload standards for Adult Felony and for Juvenile Offender (effective October 1, 2013) and caseload standards for District Court (effective January 1, 2015). Caseload standards for all courts require some adequate funding to assure effective and efficient operations. Due to caseload standards, filings and case assignments are monitored so that adjustments to Yakima County's public defender delivery can be made to meet the mandate and provide effective representation at all levels of operation. Washington State's indigent caseload standards are a constant and are not subject to adjustment.

**First Appearance Defender:** Prior to 2016, the Superior and District Courts received grants and county funding to plan and implement a pre-trial services unit. Planning was conducted in 2015, with full implementation the 1<sup>st</sup> quarter of 2016. The Department was involved in the Planning Committee for the project and continues to fully participate. During the planning process it was clear that there was a need for a public defender at first appearances in the Superior and District Courts, as well as an experienced prosecutor, both of whom will work with a pre-trial risk assessment tool for evaluating and presenting information to the court for better-informed released decisions. Prior to 2016, the Yakima County DAC was not funded to provide a public defender at this initial hearing. Both the DAC and prosecutor were partially funded for a full position each during 2017. Those positions and funding remain for 2020. The First Appearance dockets in both courts are "critical" stages of the proceedings for defendants. The courts are faced with determinations on probable cause and decisions regarding a defendant's liberty. Case law interpreting the 6<sup>th</sup> Amendment to the U.S. Constitution requires that indigent defendants be afforded the assistance of counsel at all stages of proceedings implicating liberty, "critical" stages. Yakima County is currently in constitutional compliance with this mandate. Even if Yakima County had not implemented its Pretrial Services Program, including public defender services, in February of 2016, providing a constitutionally mandated presence of a public defender at first appearance would be a priority.

**Therapy Courts:** Yakima County has therapeutic courts: Drug Court, Mental Health Court, and DUI Court. Most funding and grants for operation of therapy courts is allocated to courts. Prosecution and defense receive little to nothing in funding for our involvement in therapy courts. Essentially these services are volunteered using existing budgets and staff. It is becoming increasingly difficult to serve these courts, especially in light of mandatory caseload standards, changes in the criminal dockets adopted by the courts, and increasing caseloads in Superior Court. While the Department continues to support therapeutic courts in concept and policy, there may be a point in time where we cannot continue to participate unless dedicated funding is provided.

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## Assigned Counsel (Cont.)

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### REVENUE COMMENTS:

**ITA:** Indigent defense services for persons committed under the Involuntary Treatment Act are mandated. The DAC anticipates an increase in case filings once providers of Evaluation and Treatment facilities increase capacity. This will require the addition of indigent defense capacity to handle the increase in caseload. ITA caseload standards will require the increase in DAC staffing when local providers increase E&T capacity.

This program is financed by the general fund as part of the criminal justice system. The services provided by the Department are constitutionally and legally mandated legal defense services to indigent persons and revenue is generally not generated. Partially indigent persons and persons convicted are required to repay all or a portion of defense costs under programs administered by the Superior and District Courts. Such revenues are collected by the courts but are reflected as revenue for the Assigned Counsel. The Department does receive limited State funding or reimbursement in some areas:

1. The State partially reimburses Juvenile Court agencies, including the Department, for costs involved in the representation in "Becca" cases in Juvenile Court.
2. The State assumed the responsibility for representation of parents in child dependency and termination proceedings in 2005. The Department contracted with the State Office of Public Defense to provide some of those services until 2015 when the contract expired and State OPD became fully responsible for these services. However, the county remains responsible for representation of children in active dependency cases before parental termination.
3. The State administers a formula grant fund for the express purpose of improving the indigent defense programs in counties and some cities. This is administered by the State Office of Public Defense and Yakima County has been participating since the inception of this program in 2007.
4. In 2018, Yakima County assessed its income stream for court services mandated by the Involuntary Treatment Act. The assessment is now performed yearly. Adjustments will be made to reflect the county's current expenditures for Yakima County Court Services and submission of reimbursement by the regional BHO.

## Assigned Counsel-Expert Services



### Expenditures - General Fund

	Actuals 2020	Actuals 2021	Budget 2022	Budget 2023
Service Items	184,250	249,486	255,459	246,842
Total Expenses	184,250	249,486	255,459	246,842

### Expenditures - Criminal Justice Sales Tax

	Actuals 2020	Actuals 2021	Budget 2022	Budget 2023
Service Items	7,084	7,300	7,517	8,827
Total Expenses	7,084	7,300	7,517	8,827

### Program Description:

The **Department of Assigned Counsel** provides constitutionally mandated legal defense services to indigent persons charged with criminal cases or loss of personal liberty in the District and Superior Courts of Yakima County, excluding misdemeanors in municipal courts. The department maintains a centrally administered system and provides defense services through: (1) a centralized office staffed with qualified full-time public defense attorneys; (2) contracts with qualified local attorneys offering professional legal services; and (3) arrangements with qualified attorneys in private practice who provide defense services as part of their practice.

Yakima County has a significant criminal caseload disproportionate to its size and population. The Department was formed in 1989 in response to a need to meet increased caseload demands and to manage mandated defense services. The nature of indigent defense is both reactive and constitutionally premised. The Department cannot control the number or nature of cases filed by law enforcement and prosecution to which its attorneys are appointed. Once appointed, attorneys must adhere to professional standards and obligations in providing constitutionally required 'effective assistance of counsel', which also is necessary to avoid personal and professional sanctions. This includes expert and support services when required.

Effective January 1, 2010 the responsibility to budget and administer experts and support services for indigent defense cases was transferred from the Courts to the Department. The Department adopted policies and procedures for administering these expenses. Requests are patterned after the traditional form of application to the court and court order and must demonstrate necessity and reasonableness before being approved. Yearly expenses are unpredictable given the reactive and constitutionally premised responsibility of the county to provide for indigent defense services to its citizens.

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## **Assigned Counsel-Expert Services (cont.)**

This fund is necessarily separate from the Department's other operational budgets as required by the State Rules of Professional Conduct for attorneys and is subject to requests for additional funds if the budgeted funds are not adequate. This Fund pays all defense expenses, including specialty attorneys, for Aggravated First Degree Murder cases, which are not otherwise funded in the Department's regular budgets.

### **Major Objectives:**

Major objectives include developing and maintaining appropriate detailed expenditure reports and tracking of expenses. This will also allow for data showing baseline expenditure for each category of expense in each case type and will assist in more accurate budget projections and management of these expenses.

The Washington State Bar Association, in conjunction with the Washington Supreme Court, is currently considering amendments to the standards for practice in all cases where life without parole is a potential sentence, essentially requiring the use of services other than attorney services for these cases. If adopted, this will have a major impact on this budget and will need to be managed accordingly.

Recent jurisprudence now requires courts to consider mitigation during the sentencing of youthful offenders and juveniles transferred to adult courts. The work and resources used to carry out this constitutional mandate exclusively come from public defense. The work is expert driven, outside of the traditional work performed by attorneys. Yakima County's expenditures for these new services will come exclusively from the expert flex fund unless the county adopts an alternative.

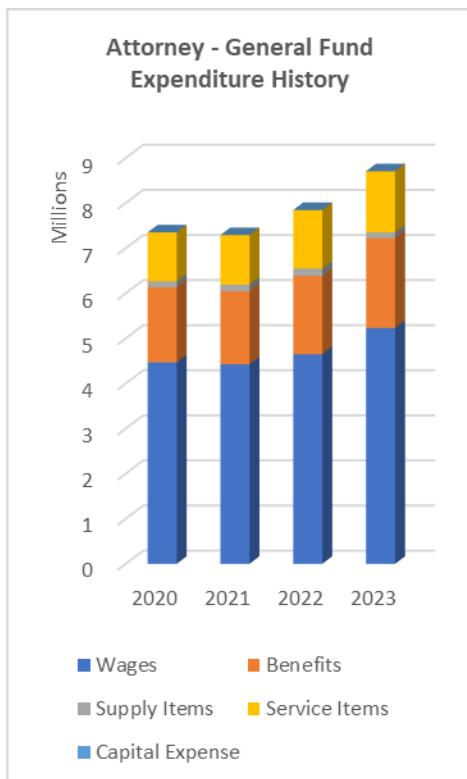
### **Revenue:**

This program is financed by the general fund as part of Yakima County's criminal justice system. The services provided by the Department are constitutionally and legally mandated legal defense services to indigent persons and revenue is generally not generated. Partially indigent convicted persons are required to repay all or a portion of defense costs under programs administered by the Superior and District Courts (those programs are becoming increasingly limited in their ability in recouping costs). Such revenues are collected by the courts but are reflected as revenue for Assigned Counsel.

The Department may receive limited State funding or reimbursement for expenses incurred for services under this program. The State may reimburse costs of Aggravated 1<sup>st</sup> Degree Murder cases. RCW 43.330.190. However, this is a specific claims-based method subject to review by a technical board and to appropriation of a specific amount by the State Legislature. There is a threshold amount to qualify based on a percentage of a county's total budget. Only in years in which there are such extraordinary expenses above the threshold does the County qualify, but this is not a guarantee, and the state may only partially reimburse. The county has not received a reimbursement in the last five years. Even though the Legislature has not reimbursed the county for several years, the county will continue to make its yearly claim.

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## Attorney



Expenditures - General Fund	Actuals	Actuals	Budget	Budget
	2020	2021	2022	2023
Wages	4,465,601	4,424,158	4,648,435	5,230,200
Benefits	1,668,109	1,624,542	1,737,170	1,993,152
Supply Items	131,726	142,004	160,827	127,600
Service Items	1,085,572	1,100,040	1,299,204	1,354,153
Capital Expense	0	0	0	0
Total Expenses	<u>7,351,008</u>	<u>7,290,744</u>	<u>7,845,636</u>	<u>8,705,105</u>
Expenditures - Criminal Justice	Actuals	Actuals	Budget	Budget
	2020	2021	2022	2023
Sales Tax				
Wages	911,581	941,913	1,094,663	1,304,425
Benefits	298,976	300,975	387,064	401,301
Supply Items	0	0	0	0
Service Items	782	437	213,250	250,000
Operating Transfers Out	0	0	265,000	0
Total Expenses	<u>1,211,339</u>	<u>1,243,325</u>	<u>1,959,977</u>	<u>1,955,726</u>
Ending Fund Balance	<u>370,138</u>	<u>846,205</u>	<u>259,486</u>	<u>286,037</u>
Total Budget	<u>1,581,477</u>	<u>2,089,530</u>	<u>2,219,463</u>	<u>2,241,763</u>



## Program Description:

The **Criminal Division** of the Office of the Prosecuting Attorney prosecutes criminal cases in Yakima County on behalf of the State of Washington. These criminal cases are initiated by law enforcement agencies through investigation after criminal acts occur. Once the investigation is complete, these cases are sent to the Yakima County Prosecutor's Office for the potential filing of charges by information. Information charging individuals with crimes are filed in District Court (misdemeanors and gross misdemeanors), Juvenile Court (misdemeanors and felonies committed by individuals under the age of 18), and Superior Court (adult felonies). The Prosecutor's Office also has an Appellate Division which handles appeals of these criminal cases in both the Court of Appeals, Division III, and the Supreme Court of Washington.

The **Corporate Counsel Division** of the Office of the Prosecuting Attorney is required pursuant to statute, to appear for and represent the County in all civil proceedings in which the County is a party. Additionally, the Prosecuting Attorney is the legal advisor to all County officials and their departments, including the Board of Yakima County Commissioners. In essence, these duties and responsibilities comprise the function of corporate counsel to the County. Specifically, this Division handles all non-criminal and non-Support claims and cases that involve numerous issues including, but not limited to, torts, contracts, regulatory activity and demands, public disclosure requests, employment, taxation and property assessment, forfeitures, code enforcement and public services.

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## **Attorney (Continued)**

The **Child Support Division** of the Prosecuting Attorney represents the interests of the children and the State of Washington in actions for paternity, enforcement of child support obligations and modifications of child support and health insurance coverage.

### **Major Objectives:**

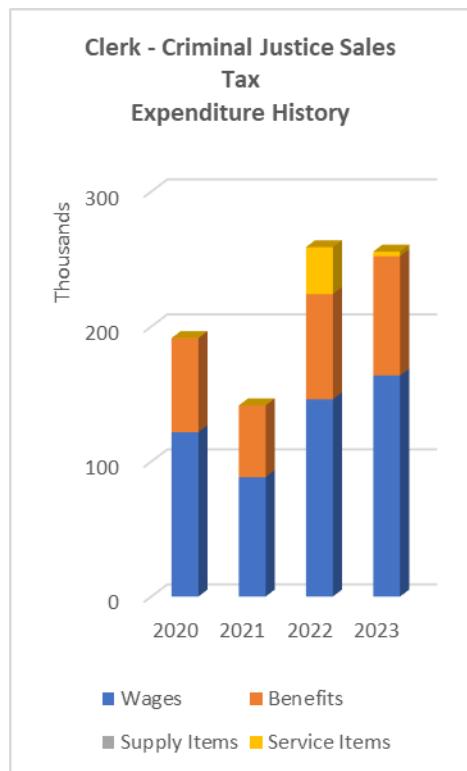
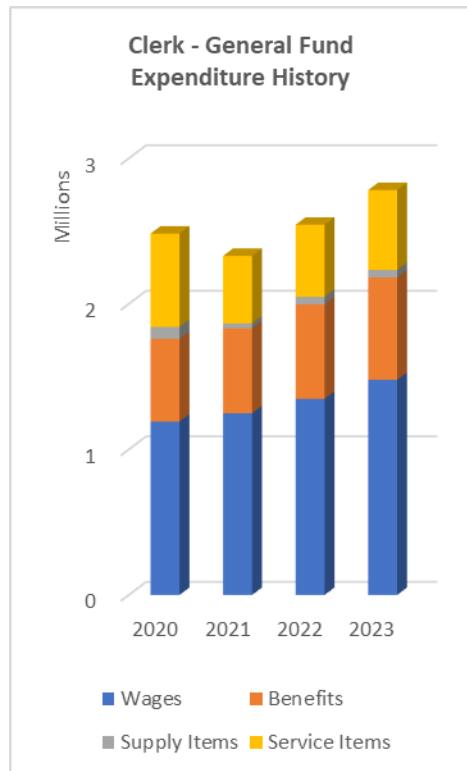
- Aggressive, vigorous, and ethical prosecution of those charged with a criminal offense based upon probable cause.
- Competent, responsive, and respectful communication with law enforcement agencies, judges, court staff, victims, and witnesses.
- Zealous representation of and effective advisors to the various elected County officials and all County departments.
- Protection and support of families and children thrust into the child support and paternity enforcement arena.
- Provide training and ongoing support to all prosecuting attorneys and support staff to better serve the needs of Yakima County and its inhabitants.

### **Revenue/Expenditure Comment:**

Revenue received and utilized by the Yakima County Prosecuting Attorney's Office which helps support the office comes from a number of sources and programs. The Prosecutor's Office primary revenue stream is obtained from both the State and Federal government to assist with the prosecution of drug and firearm violations, violence against women, DUI cases, juvenile truancy cases, civil commitment proceedings, and child support enforcement. The State of Washington pays for half of the elected prosecutor's salary.

The Prosecutor's Office is committed to providing competent and dedicated public service, grounded in integrity and excellence, within the budget appropriated. Any expenditures made are done with the knowledge that this money is provided primarily through taxpayer dollars. We will continue to work with law enforcement and our community partners to develop innovative and collaborative solutions to keep everyone residing in Yakima County safe.

## Clerk



### Expenditures - General Fund

	Actuals	Actuals	Budget	Budget
	2020	2021	2022	2023
Wages	1,191,663	1,248,431	1,347,288	1,477,971
Benefits	568,617	583,526	649,569	703,188
Supply Items	81,608	33,651	51,500	51,500
Service Items	641,222	463,993	495,619	549,428
Total Expenses	2,483,110	2,329,601	2,543,977	2,782,087

### Expenditures - Criminal Justice

Sales Tax	Actuals	Actuals	Budget	Budget
	2020	2021	2022	2023
Wages	121,759	88,415	146,076	163,704
Benefits	69,560	53,064	77,902	88,275
Supply Items	0	0	0	0
Service Items	130	69	34,809	3,510
Total Expenses	191,449	141,548	258,787	255,489
Ending Fund Balance	137,847	242,682	123,403	251,159
Total Budget	329,296	384,230	382,190	506,648

## Program Description:

The County Clerk is the financial and executive officer of Superior Court and Juvenile Court. The Clerk's office is comprised of several divisions. Mandated duties include, but are not limited to, permanent retention of all Superior Court and Juvenile Court records; attending and recording criminal, civil, domestic relations, probate, adoption, mental illness and juvenile court proceedings; receipting, collecting, investing trust funds as required, disbursing all money paid through the Clerk's office; preservation of archived records; perfecting appeals to the Court of Appeals and Supreme Court; releasing exhibits used in court proceedings; dismissing court cases; carrying out reporting requirements to other departments and agencies; jury management; and providing assistance to the public, judges, and attorneys.

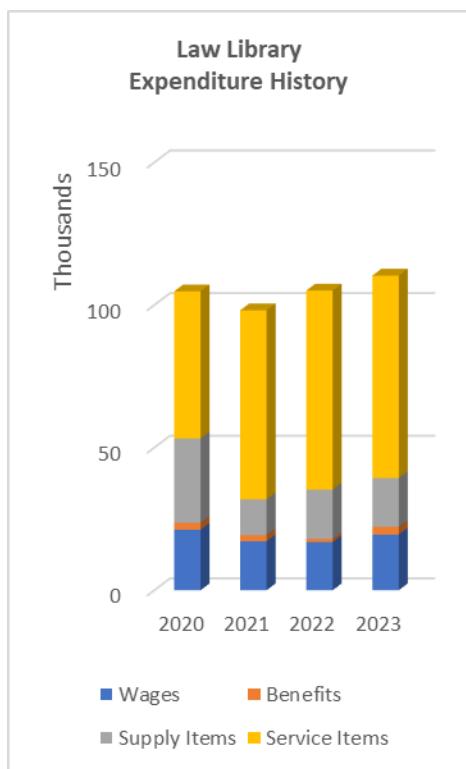
## Major Objectives:

1. Integrate E-filing system to offer more efficient service to the public and legal community.
2. Expansion of collection program for collection of court ordered legal financial obligations.
3. Upgrade of document imaging system.
4. Increase record storage and increase efficiency of auditing backlog of records.

## Revenue/Expenditure Comment:

Revenue is generated from Superior Court filing fees, payment of criminal legal financial obligations, investment interest and discretionary grants/contracts with the State. Revenue and expenditures remain fairly constant based on growth associated with state contracts and increased general fund revenue.

## Law Library



Expenditures	Actuals 2020	Actuals 2021	Budget 2022	Budget 2023
Wages	21,218	17,158	16,898	19,501
Benefits	2,417	2,162	1,128	2,760
Supply Items	29,563	12,546	17,294	17,050
Service Items	51,588	66,274	69,746	70,999
Total Expenses	104,786	98,140	105,066	110,310
Ending Fund Balance	34,496	55,127	104,672	64,035
Total Budget	139,282	153,267	209,738	174,345

### Program Description:

The Yakima County Law Library maintains legal research material for the benefit of the local bar and to a limited degree, the public. The library is created by statute in each county and is governed by an independent board of trustees with five (5) members consisting of one member of the local Board of County Commissioners, one judge of the local Superior Court, and three attorneys selected from the local bar.

### Major Objectives:

Our goal is to maintain a useful and efficient Law Library for legal research by providing print and computer-based legal resources. Use of the Law Library is free to judges of the state, to state and county officials, to members of the bar, and to such others as the Board of Trustees may by rule provide (RCW 27.24.067). Yakima County Law Library is also free and open to the public, Tuesdays and Thursdays, 10 am – 2 pm or by appointment.

### Revenue/Expenditure Comment:

The Law Library receives a portion of filing fees for civil cases filed in the District and Superior courts of the County (RCW 27.24.070) and uses such funds to maintain the library. Yakima County provides no current expense funds. However, under RCW 27.24.066, the County is obligated to provide suitable space for the library, with adequate heat, light, and janitorial service at no charge

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## Non-Departmental

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Expenditures	Actuals 2020	Actuals 2021	Budget 2022	Budget 2023
Law Library	36,757	59,532	63,087	64,324
Floyd, Pflueger & Ringer	46,712	0	0	0
Voters Rights Lawsuit Cost				
Settlement	0	0	1,000,000	0
Total Expenses	83,469	59,532	1,063,087	64,324

### Program Description:

This fund was established as a distribution point to fund activities that do not relate to a “department specific” operation. Expenditures from this program benefit the County as a whole and do not benefit any one particular department. The facilities cost for housing the Law Library and miscellaneous legal fees.

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