Overview and Initial Issues Identification
Seattle Municipal Court /General Subfund

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Expenditures

	2009 Actuals	2010 Adopted Budget	2011 Proposed Budget	% Change 2010 to 2011	2012 Proposed Budget	% Change 2011 to 2012
Expenditures by BCL						
M2000 Court Operations	$14,677,000	$14,708,000	$15,164,000	3.1%	$15,457,000	1.9%
M3000 Court Administration	$5,939,000	$6,036,000	$5,862,000	-2.9%	$5,941,000	1.4%
M4000 Court Compliance	$6,196,000	$5,992,000	$5,047,000	-15.8%	$5,140,000	1.8%
Total Expenditures	**$26,812,000**	**$26,736,000**	**$26,073,000**	**-2.5%**	**$26,539,000**	**1.8%**
Total FTEs	235.6	222.1	212.6	-4.3%	212.6	0.0%

Introduction:

Budget Balance Effect: The relatively small *net* decrease between the 2010 Adopted and the 2011-2012 Proposed Seattle Municipal Court (court) budgets masks a much larger contribution to the General Subfund balance for 2011-2012. The net change in expenditures from 2010 to 2011 constitutes a decrease of only 2.5%. However, when one subtracts the costs of programs transferred into the court from other departments, totaling over $280,000, and considers items cut from the budget and revenues generated by changes in fees and collections, the contribution to the General Subfund balance is about $2.5 million, 9.6% of the court's 2010 Adopted Budget. If one counts savings due to the COLA reduction, the savings is about $2.7 million, about 10.2% of the court's 2010 Adopted budget.

Programmatic Impacts: In spite of about $1.2 million in expenditure cuts, the adverse programmatic effects are relatively small. A few of the impacts, elimination of post-sentencing day-reporting, changes in Community Court staffing, and changes in fees, are discussed below under "Identified Issues," and "Other Changes that Do Not Warrant Analysis as Issues."

Although I reported to Councilmembers in an email that the three special courts (Community Court, Mental Health Court, and Domestic Violence Courts) would be maintained in spite of the elimination of a judicial position and other budget reductions, impacts are not fully known at this time. The court, along with its stakeholders, including defenders and prosecutors, is evaluating its calendaring procedures, and will make decisions later this year, or early next year. The number of judges dedicated to the Domestic Violence (DV) court has been reduced from 2 to 1.5. The court states that it will not know the full impact from this reduction until 2011. However, from the point of view of the defendant and/or victim, there will not be a change in how DV cases are handled other than hearing dates may be pushed out somewhat.

Identified Issues:

1. Elimination of Post-Sentencing Day-Reporting Probation Counselor – ($88,758) 2011 - ($90,983) 2012: (Note: The proposed budget would not reduce *pre*-sentencing day-reporting positions or functions.)

   Program Description: In 2008, day-reporting was expanded to sentenced offenders. Post-sentencing day-reporting is an intermediate sanction involving daily monitoring that is intended to help people succeed on probation. It is available to judges as an alternative to assigning defendants to jail time or more frequent review hearings in court. Day-reporting is used for those who are not likely to succeed under traditional probation supervision. These include those who are homeless, have substance abuse problems, or have a history of failing to comply with the terms of their sentence, such as failing to go to treatment or appear for probation hearings. Also, the probation counselor may provide referrals to appropriate social services through the Court Resource Center, and potentially reduce the likelihood of recidivism.

   Implications of the proposed cut: More jail time or less compliance by defendants may result. Also, the opportunity to intervene and provide social service linkages is eliminated.

   Before the program began in 2008, if a defendant violated a probation order a judge would either revoke the defendant's probation and sentence him or her to jail or increase judicial monitoring by scheduling more frequent review hearings. Either of these actions raised the cost to the City of processing the defendant's case. I do not have information about the potential cost of scheduling more frequent review hearings. The court and CBO have reviewed the potential for additional jail costs as follows.

   Jail Costs: The court and CBO have reviewed the potential effect on jail costs from the elimination of post-sentencing day-reporting. The court and CBO differ on the assumptions to be used, and the analysis reflects their differing assumptions. The difference centers on the difficult-to-predict assessment of how often judges are likely to use jail time as an alternative if day-reporting is not an option. If one averages the court's estimate ($138,198) and the CBO estimate ($55,279) one arrives at an estimate of increased jail costs, about $97,000, that exceeds the cost of post-sentencing day-reporting. However, CBO staff have subsequently questioned whether even the smaller estimate of jail costs would be incurred. I am still reviewing the implications for jail cost of either retaining or restoring the cut of post-sentence day-reporting.

   Reasons stated for the cut: The Executive chose to cut post-sentencing day-reporting because it constitutes an expansion of the original program, which was intended to keep pre-trial defendants out of jail.

   Options:
   a. Restore post-sentencing day-reporting by adding $88,758 for 2011 and $90,983 for 2012 to the Municipal Court budget.
   b. Approve Mayor's Proposal: Adopt day-reporting budget cut as proposed.

2. Monitoring Increases in Fees and Revenue Recovery: A number of increased court fees and measures to increase revenue recovery will be carried over from mid-year 2010, or are newly proposed for 2011. These have been offered up by the court, and are being substantially relied upon to help balance the budget for 2011 and 2012 in lieu of budget cuts. I have reviewed the bases for the revenue estimates and find them reasonable. However, I have identified these as an issue because I believe the Council may want to specifically monitor revenue production from these sources during 2011 to assure a balanced budget. The changes are:

	Old	New	Increase in 2011 Revenue	Increase in 2012 Revenue
1. Credit Card Convenience Fee (Increase implemented 2010)	$1	$3	$380,000	$380,000
2. Deferred Finding Administrative Fee (Implemented 2010)	$100	$122	$230,000	$230,000
3. Time Payment Fee (Implemented 2010)	NA	$10	$80,000	$80,000
4. Increase Garnishments	NA	NA	$300,000	$300,000
5. Re-Issue Red Light Tickets	NA	NA	$172,000	$172,000
6. Probation Monitoring Fee	$10/mo.	$25/mo.	$52,000	$96,000
7. Overtime Parking Default Penalty Fee	$10	$25	$28,130	$28,130
Total increased revenue (GSF):			**$1,242,130**	**$1,286,130**

Options:

a. Adopt a statement of legislative intent requesting quarterly reporting to the Finance and Budget Committee on revenue collection from the sources shown above.

b. Approve Mayor's Proposal without a special reporting request about Municipal Court revenues.

Potential Issues Under Assessment:

Municipal Court Salaries Budget: I am in the process of reviewing the funding of vacant positions for the court. The court as of August 31, 2010 had a relatively large percentage of vacant positions (20.75 out of 222.1 FTEs, or 9.3%). Seven of the vacant positions are to be abrogated with the 2011 budget, resulting in an expected vacancy rate of 6%. Some of the retained vacant positions are unfunded, however. For the court as a whole, the proposed salaries budget for "funded" positions is set at 2.5% ($489,000) below full funding, assuming an average of 2.5% vacancies for the year. The court and CBO estimate that about 4.5% of the funded positions remaining for 2011-2012 are currently vacant. The difference between the assumed and current actual vacancies may provide an opportunity for savings.

Other Changes that Do Not Warrant Analysis as "Issues":

Community Court Staffing in Municipal Court (the court's budget includes funding to partially replace a position abrogated in Law Department): $64,614 for 2011 - $71,399 for 2012:

The Municipal Court has agreed to add 0.5 FTE Management Systems Analyst to coordinate AmeriCorps volunteers (who oversee defendants performing community service) and assume a portion of the other duties of the full-time Law Department Community Court Coordinator position, which the Mayor proposes to abrogate in 2011. Therefore, the changes in the two department budgets constitute a net 0.5 FTE reduction in the staffing for volunteer coordination from 1.5 to 1. The addition of 0.5 FTE in the court would be accomplished by increasing an existing 0.5 FTE Management Systems Analyst working on similar programs to full time.

Entirely separate from the City's budget proposals relating to coordination of the AmeriCorps volunteers, the non-profit group that provides the volunteers, Solid Ground, is reducing the number of volunteers from four

to two, due to reductions in other funding.

Implications of proposed budget cut: I have tried to separate the implications of the City budget reduction from those of the reduction in AmeriCorps volunteers available from Solid Ground. Court and CBO staff indicate that changes due to the City staffing cut alone would be:

A. A reduction of community outreach efforts that expand the areas where the program is offered, and if an existing community group is lost to the program, they may not be able to find another group to replace it; and
B. Elimination of public information about the program including a website and newsletter.

Executive staff indicate that the program would continue to serve existing areas without a reduction in service.

With fewer AmeriCorps volunteers, the Law Department and court have estimated the following effects:

A. With only two volunteers it is not anticipated that "in-office" duties will be performed by the volunteers. These include things such as recording and reporting defendant compliance with the court's orders, site and partner maintenance, supply and equipment procurement, staffing a community service assignment desk, and creation of a website and newsletter. The Community Court Supervisor will have to perform some of these functions, with help from the Probation Division on community service assignments. As noted above, maintenance of community partners will be reduced, and the website and newsletter will be discontinued.
B. There is currently a supervisory ratio of one AmeriCorps volunteer to five defendants. With only two volunteers they will be unable to monitor more than ten defendants at a time within the standard ratio. There are occasions when 12-15 defendants appear for community service. Any defendants in excess of the supervisory ratio will require that the supervisors not follow the supervisory standard, seek assistance from the Community Court Supervisor, or turn defendants away. (The court's position is that they do not turn away defendants who opt for Community Court.)
C. Four volunteers were able to rotate office and community duties, providing a respite from daily defendant monitoring. The ability to rotate will be eliminated.
D. Community Court conducts a recidivism study each year with the assistance of the AmeriCorps volunteers. With the reduced number of volunteers, it will be unable to conduct that study.
E. If an AmeriCorps volunteer is ill, on vacation or otherwise unavailable, someone must assist with the community service monitoring. That responsibility falls upon the Community Court Coordinator.
F. Community service site expansion will be nearly impossible.
G. With two volunteers, the staff would be unable to operate multiple community sites simultaneously.

Because existing areas would continue to be served, and because the reduction in volunteers is not part of the City budget, I have not identified this as a budget issue.

Budget Legislation for Probation Monitoring Fee Increase: An ordinance has been proposed with the budget to authorize the proposed increase in the probation monitoring fee. Some questions have arisen with respect to the ordinance, and the court, CBO, and the Law Department are currently reviewing the questions. I will prepare a green sheet for the Budget Committee to take action on the legislation as needed.

Dedication of Probation Monitoring Fee: The court proposed that the revenue from the increase in probation monitoring fees be set aside in a separate account and dedicated for future appropriations for probation technology initiatives. This proposed dedication of revenue was not included in the Mayor's proposed budget, although the fee increase and the revenue were, and the revenue would be deposited into the General Subfund.

By state law, probation monitoring fees must be used to support probation programs, and both the court's proposed revenue dedication and the Mayor's proposed budget would be in compliance with this state law requirement. The probation monitoring fees generate only a small fraction of the City's cost for probation programs, even with the proposed fee increase. In effect, the Mayor proposes to use the anticipated revenue in the 2011-2012 Proposed Budget to cover probation related costs other than the future technology initiatives sought by the court.

If the additional revenue from the fee increase, totaling $52,000 in 2011 and $96,000 in 2012, is to be used as requested by the court, offsetting budget cuts would be required.

Other Potential Budget Savings:

To give Councilmembers a sense of what kinds of cuts might be required for budget savings beyond those in the Mayor's proposed budget, I have listed below suggested cuts from Budget Issue Papers submitted by the court to CBO that were not accepted as part of the 2011–2012 Proposed Budget:

1. Eliminate day-reporting for pre-sentence defendants as well as after sentencing, for an additional savings ($160,096) - 2011; ($164,259) - 2012;
2. Reduce Research and Evaluation Strategic Advisors. Note that existing workload from the position that will take over administering the Scofflaw program is already falling on this staff. These positions also perform duties such as supporting the Mental Health Court and DV Courts, day-reporting and CO-STARS, internal management reports, workload and performance indicators, grant development, recidivism studies, and the like. ($124,566) - 2011; ($128,071) - 2012;
3. Eliminate Community Court Program ($255,454) - 2011; ($261,000) - 2012;
4. Eliminate Mental Health Court Probation and Evaluation Services ($313,643) - 2011; ($318,574) – 2012
5. Eliminate Domestic Violence Intensive Services ($96,076) - 2011; ($97,999) – 2012.