

BENTON COUNTY CRIMINAL JUSTICE SALES TAX CITIZENS ADVISORY COMMITTEE

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Executive Summary and Recommendations

The Criminal Justice Sales Tax Citizens Advisory Committee was charged with conducting a review of the criminal justice system and determining whether or not additional resources are necessary to address needs which are not being met through the normal budgeting process. The committee has completed this work and its findings and recommendations follow.

The good news is that people in Benton County are significantly less likely to be victims of crime than was the case in 1995. Since that index year the number of crimes reported to law enforcement agencies has declined. The decline in crime has not been the same across the county; some jurisdictions have seen a greater reduction than others. The trend has not been smooth from year to year; there have been up-ticks which have temporarily altered the downward trend. It appears multiple factors have contributed to this trend. Even so the direction of the trend is evident.

Concurrently there is evidence that in certain parts of the criminal justice system workload indicators have also decreased. The number of felony referrals from law enforcement agencies to the Prosecuting Attorney has been trending downward for a number of years and with that the number of felony filings in Superior Court has also been trending downward. A similar pattern is evident in the declining number of criminal informations filed in Juvenile Court. When county population growth and the number of additional officers are taken into consideration the downward trend of these workload indicators is phenomenal.

That is the good news but there is also bad news. The committee heard from many sources that the cost of doing business has been going up. For example, medical expenses for both employee medical benefits and for the care of jail inmates have risen at a rate greater than inflation. Another illustrative example is the additional cost of unfunded mandates. For example, in the past officers did not need to obtain a search warrant to examine vehicles following traffic stops if there was evidence of an illegal substance in the vehicle. A warrant is now required and this raises the unit cost of service delivery. There are numerous other examples brought to the awareness of the committee but the bottom line is the same: it is more costly to do business.

Additionally the types of crimes and the ways in which they are handled have become increasingly complicated. Cyber-crimes ranging from identity thefts, to scams to child trafficking add to the time it takes to investigate cases and calls for new skill sets across the system.

The effect of citizen initiatives has restricted the ability (and perhaps the willingness) of legislative bodies at the municipal and county level to raise taxes to fully cover operating expenses for the criminal justice system and to fund new programs. The effect of these restrictions has not been borne equally across the system. The committee was aware of the varying levels of need for additional resources as it formed its recommendation.

In light of the above considerations the committee voted to recommend to the Benton County Board of Commissioners the following action.

The committee recommends the Board of Commissioners place before the voters of Benton County a ballot measure for a criminal justice sales tax in the amount of 0.3%.

The committee understands it cannot direct how the revenue should be used by the county and each municipality. That is the responsibility of the county and the cities to decide as the ballot measure is written. That being said, the committee believes the identified needs detailed in this report should be given great weight in the allocation process.

There was considerable discussion of the need for services for the mentally ill who come in contact with the criminal justice system. For many years there has been discussion about having a secure treatment facility which could be used in lieu of incarceration for people with acute psychiatric illnesses. The committee understands the benefits attendant to such a facility but in the end it was concluded recommending a portion of additional revenue for this purpose would stretch the definition of the criminal justice system. The committee was frustrated by the lack of reliable and useful data in support of a secure evaluation and treatment center, and about the prevalence of individuals with mental illnesses who come in contact with the criminal justice system. It should also be noted that illegal activity associated with substance abuse was well documented and is likely to be a far more substantial contributor to criminal activity. That being said, there is significant promise for reducing jail costs and law enforcement involvement if additional services are made available for people with mental illnesses. The committee recommends enhanced mental health services for jail inmates and the institution of a mental health court. The committee has seen the need for a comprehensive plan for the provision of mental health services, and it fully endorses the speedy completion of such a plan.

The committee is cognizant of the fact the county will receive 60% of the revenue from a criminal justice sales tax increase and that the amount of additional revenue is greater than the immediate identified needs for county services. The committee came to the conclusion that a portion of the revenue coming to the county could be used to lower the jail day bed rate, cover the cost of the Metro Drug Task Force and fund new inter-agency initiatives to address emergent needs, such as the rise of criminal gang activity. If the county could shoulder some of the costs currently paid by the cities, it would free up money the cities now spend for such things as jail costs, which in turn could be used to pay for additional officers and other mission important services.

In the opinion of the committee no revenue from this measure should be used to supplant existing revenue in the general budget used for criminal justice purposes. In addition, the committee recommends the Commissioners implement performance audits so the public can be assured their tax dollars are spent on programs and services which truly have the desired impact on crime and the factors which contribute to crime.

In conclusion, the committee believes the public is well served by all those called to service in the criminal justice system. In order to maintain the quality of life here in Benton County, which they ably strive to accomplish and to be able to address emergent problems such as cyber-crime and criminal gang activity, it is necessary to have an additional revenue stream to provide the resources identified in this report.

Summary of Cost and Revenue Estimates

Municipalities Name	Cost Estimate			Revenue Estimate @ 0.3%
	Year 1	Year 2*	Year 3*	
Kennewick	\$1,931,000.00	\$1,131,000.00	\$1,096,000.00	\$1,843,200.00 – 1,966,100.00
Richland	\$375,000.00			\$1,224,000.00 – 1,305,600.00
West Richland	\$180,000.00	\$180,000.00		\$309,600.00 – 330,200.00
Benton City	None identified			\$82,800.00 - 88,300.00
Prosser	\$175,000.00			\$140,400.00 - 149,800.00

* Phased expansion. Cost estimate in addition to what was needed in Year 1.

County Department	Cost Estimate	Revenue Estimate @ 0.3%
BCSO - Patrol	\$450,000.00	
BCSO - Jail	\$378,900.00	
Superior Court	\$346,000.00	
District Court	\$97,000.00	
Juvenile Court	\$446,000.00	
Clerk	None recommended	
Prosecuting Attorney	None recommended	
OPD	None recommended	
Mental health court	\$365,000.00	
Metro Drug Task Force	Negotiable	
Jail daily rate reduction	Negotiable	
Shared services reduction	Negotiable	
County Total		\$5,400,000.00 – 5,760,000.00

Note. The committee has no recommendation as to the distribution of the county's portion of the sales tax revenue used to reduce costs to the cities for the Metro Drug Task Force. Jail rate and shared services.

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SECTION 2: Mandate of the Committee

MANDATE

The mandate of the Benton County Criminal Justice Sales Tax Citizens Advisory Committee (CJSTCAC) was established by the Benton County Board of Commissioners. The charge to the Committee was

“...to analyze and review all aspects of the criminal justice system in Benton County, develop an understand of their roles and resources, and make a recommendation to the Benton County Board of Commissioners as to whether or not a Criminal Justice Sales tax, as authorized by RCW 82.14.450 should be submitted to the voters of Benton County for approval and, if so, whether the Sales Tax should be in the amount of 1/10, 2/10 or 3/10 of one percent.”

“The intent is for the Citizen’s Advisory Committee to run fully independent of the Law and Justice Council and/or any of the governmental entities represented on that Council.”

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SECTION 3: Membership

MEMBERSHIP

Potential members of the CJSTCAC were recruited by members of the Benton County Law and Justice Council. Additional members were added upon recommendation of current members of CJSTCAC. The final membership roster was submitted to the Benton County Board of Commissioners for appointment.

Several members of the CJSTCAC had to withdraw. Their names in the following list are marked with an asterisk.

Richard Nordgren, co-chair	Bill Platts	Ed Pacheco	Mark Brault*
Robert Lagonegro*	Patrick Conrad	Kate Perry	Kriste Grego
Renee Blackman	Cynthia Shaw	Ray Koefed	Terry Buechler*
Renee Dahlgren*	Woody Doane	Nan Bopp	Sami Hammond*
Brooke DuBois, co-chair*	Jerry Martin	Christy Rasmussen	

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SECTION 4: Schedule of Meetings

SCHEDULE

The CJSTCAC agreed it normally would hold meetings twice each month from 4:00 to 5:30 PM. The starting time was later changed to 3:30 PM. The following schedule of presentations and deliberation was arranged by the chair.

September 18, 2012	Orientation Overview of the Benton County Criminal Justice System: Components and Duties
October 2, 2012	“Trends in the Criminal Justice System of Benton County”
October 16, 2012	Panel of Law Enforcement Executives: Current Situation and Needs
October 30, 2012	Panel of Judges and Court administrators: Current Situation and Needs
November 6, 2012	Presentation on the Current Situation and Needs of the County Jail and Juvenile Court/Juvenile Justice Center
November 20, 2012	Presentation on the Current Situation and Needs by the County Prosecuting Attorney and the County Clerk
December 4, 2012	Presentation on the Current Situation and Needs by the Director of The Benton-Franklin Counties Human Services Department and by Carol Moser of the Mental Health Committee of the BF Health Alliance
December 18, 2012	Presentation by Jacque Van Wormer on drug courts; by Eric Hsu of the Office of the Public Defender
January 15, 2013	Discussion
February 5, 2013	Discussion
February 19, 2013	Discussion and voting on recommendation
March 5, 2013	Discussion about final report

March 14 & 15, 2013	Presentations to LJC
March 19, 2013	Discussion on additional research
April 16, 2013	Meeting with chiefs and sheriff
May 7, 2013	Discussion about mental health court with court administrators
May 21, 2013	Meeting with mayors and city managers
June 4, 2012	Approval of final report

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SECTION 5: Current Situation and Findings

CURRENT SITUATION AND FINDINGS

The results of the investigation performed by the CJSTCAC will be presented as a series of reports on the components of the criminal justice system in Benton County. The CJSTCAC believes the criminal justice system is an integrated whole which should be conceptually thought of in that way. The findings are presented in discrete segments as a matter of convenience.

CRIME AND CRIME RATES IN BENTON COUNTY, 1985 TO PRESENT

Law enforcement agencies report known crimes as either Part 1 or Part 2 offenses. Part 1 crimes are homicide, robbery, aggravated assault and rape (violent part 1 offenses); and burglary, theft, motor vehicle theft and arson (property part 1 offenses). Part 2 crimes are all other criminal offenses. Crime rate is defined as the number of reported offenses per 1000 residents.

The Part 1 crime rate has been trending downward for a number of years. To be more precise the number of Part 1 crimes per 1,000 residents has been declining since 1995. There were two periods when the crime rates were much higher than at present. They were in the late 1960s and early 1970s when the WPPSS construction project brought in many workers from outside of this region; and in 1995-97 which coincided with the introduction of simple do-it-yourself methamphetamine synthesis methods. Both violent and property crime rates have fallen in every jurisdiction in the county since the peak seventeen years ago.

The number of violent Part 1 crimes reported to law enforcement agencies in Benton County was 434 in 1995 and by 2011 it was 415. During the same interval the population of Benton County rose from 131,000 to 177,900 residents. In other words, the violent crime rate was 3.31 per 1,000 in 1995 and 2.33 per 1,000 in 2011. That is a 30% drop which means the average person was much less likely to become the victim of a violent crime in 2011 than in 1995. Similar patterns are evident in each jurisdiction.

Far more Part 1 property crimes are reported to law enforcement than Part 1 violent crimes. Larceny, or theft, is the largest component of Part 1 crimes. 6,408 Part 1 property crimes were reported in 1995, while in 2011, 5,055 were reported. The Part 1 property crime rate was 48.92 per 1,000 in 1995, and by 2011 it had fallen to 28.41 which is a decline of 42%. By this measure the people in Benton County are much less likely to be victims of property crimes than in years past.

Data on Part 2 crime data are hard to obtain. The peak period for Part 2 crimes was in the mid-1990s. Data for the last five years has not been available but until that point the number of Part 2 crimes had been trending downward.

The CJSTCAC has reached the conclusion that, in general, the crime rates in Benton County have been trending downward for a number of years. That is not to say the decline has been smooth and uninterrupted. There are year-to-year variations that can be seen when the data are examined in detail.

Of note, there have been significant changes in the types of crimes reported. For example, 15-20 years ago cybercrimes and crimes involving identity theft were rare. There has been a marked rise in gang-related criminal activity.

LAW ENFORCEMENT

Overview

Law enforcement represents the front-end of the entire criminal justice system (CJS). The level and types of activities conducted by law enforcement agencies will directly affect the workload of other components of the CJS.

There are five local law enforcement agencies in Benton County: the police departments of Kennewick, Prosser, Richland, and West Richland and the Benton County Sheriffs Office (BCSO). They all publish information on key factors including number of officers, calls for service and arrests. The BCSO provides law enforcement services to the City of Benton City under a contractual agreement.

In all cases the number of officers has been increasing as the population has grown. In some cases the tracking between new hires and population growth has occurred in parallel, while in others the addition of officers has lagged behind population growth. It should be noted that the number of officers per 1,000 residents in Prosser and West Richland has been much higher than in the other departments. This is explained by the need to have at least one officer on duty at all times.

The number of officers/deputies
on the payroll in 2011 was

KPD	87
PPD	11
RPD	59
WRPD	14
BCSO	60

The number of officers/deputies
per 1,000 resident in 2011 was

1.2
1.9
1.2
1.2
1.7

The number of sheriff deputies per 1,000 residents has been steadily rising since 1985 when it was 1.1. Currently it is 1.7 which is as high as it has ever been. Since 1985 the Kennewick Police Department (KPD) also added officers at a rate faster than population growth until 2006 when it was 1.5 per 1,000 residents. Since then the ratio has fallen to the current level of 1.2 per 1,000 residents. In Prosser, the number of officers per 1,000 residents has been fairly constant; but the 2011 rate is below historical levels. The number of Richland officers per 1,000 residents was higher than most departments in 1985 when it was 1.4. Since then the ratio has fallen to 1.2 where it has remained for a number of years.

The circumstance in West Richland called for a much higher rate years ago, and since the early 1990s when the ratio was 2.2 per 1000 it has fallen to the current level of 1.2.

The number of officers per 1,000 residents is an often-cited statistic used to compare jurisdictions and to justify hiring additional officers. But it may not be the best guide to current needs for many reasons. Workload measures such as the number of calls for service each officer must respond to, the number of crimes requiring investigation, the number of accidents and traffic offenses handled, and the number of infractions issued are more useful ways to gauge the most suitable number of officers. The number of crimes, calls for service and traffic offenses are much higher in Kennewick than in the other jurisdictions. The workload for a typical officer in the KPD is also much higher. By contrast, in West Richland which has a low crime rate and fewer calls for service, the workload of a typical officer is less. This being the case it is reasonable that KPD would require a higher ratio of officers per 1,000 residents than neighboring jurisdictions.

In general, revenue to fund essential services has not kept pace with rising costs. Voter approved measures have restricted the ability of elected officials to raise taxes. That is the main reason for revenue restriction. On the other hand, normal and usual operational costs have increased, and in the case of medical services for jail inmates, at a rate greater than that of inflation. In addition, as state and federal officials have worked out solutions to their fiscal problems, a number of unfunded mandates have been passed on to the county. Additional revenue is needed to cover costs for essential services.

BCSO: Primary Threats

There is a serious gang presence emerging in Benton County and with it comes intra-gang violence and crimes committed to support the gang lifestyle. The BCSO formed a gang unit which added four officers to the Sheriff's Office. The cost of additional deputies was covered by profits derived from housing inmates from other jurisdictions. However revenue from that source has begun to dry up and there is no alternative source of funding to take its place. The Sheriff may be forced to disband the unit unless another source of revenue is developed. The Sheriff presented evidence regarding the impact of the gang unit and predicted the suppressive work done by the unit would be voided if it were disbanded.. The Sheriff would use revenue from a criminal justice sales tax to retain the gang unit.

KPD: Primary Threats

Kennewick also has experienced an increase in gang-related criminal activity. The number of officers has not kept pace with the increase in the population of the city. Kennewick is the retail and commercial hub of the Tri-Cities and visitors from other localities also contribute to the city's crime problem. The KPD officers respond to more calls for service and investigate more crimes than any

other department in Benton County. This leaves very little time to proactively address crime and quality of life problems. The department has been called upon to investigate more complicated crimes. Without additional officers Kennewick will continue to lose ground

The revenue shortfall which has prevented the KPD from raising its staffing level is exacerbated by the unexpected costs of housing inmates in the county jail, training costs which have been passed on to the department and various unfunded mandates.

Prosser Police Department (PPD): Primary Threats

The mayor of Prosser expressed concern regarding the perception of criminal activity in the Prosser community and the impact of that perception on quality of life. He noted in particular the vulnerability of schools. A School Resource officer (SRO) "would fill a huge blind spot we currently have in regard to public safety."

Prosser recently switched from its own to dispatch to participating in the Southeast Communications Center (SECOMM). Several employees lost their jobs with the city. These employees also functioned as records clerks for officers on patrol, in addition to performing dispatch services. The hiring of a police records support employee would allow patrol officers to spend more time on the road. A one-time capital expense for transmitters, which will allow PPD to directly communicate with agencies in the lower valley which are not using 800 MHz equipment is needed.

Richland Police department (RPD): Primary Threats

RPD faces a different situation than BCSO or KPD. Violent crimes and gang-related crimes are much less of a problem. Property crimes and traffic problems are the chief complaints from the public. Richland also has had its share of more complicated investigations and cyber-crimes.

Funding restrictions faced by the city, state and the private sector have diminished the amount of preventive and intervention services which can be provided. The department has had to focus on core services, such as response to calls for service and traffic law enforcement, which have a high priority.

West Richland Police department (WRPD): Primary Threats

West Richland has a low crime rate. The city also has a small tax base. The department has a large geographical area to cover with limited manpower. There are many shifts when only one officer is on duty. That situation is potentially dangerous for officers and when a call for back-up goes out to another

department, that city is left less protected. The department needs enough officers to have two on duty for each shift.

The department is aware that gang activity is migrating from the valley eastward. However, the department is stretched too thin to be able to take a proactive stance against this problem.

General

The law enforcement executives were in agreement on three points. Revenue is not keeping pace with expenses. Violent crime associated with gangs and drugs are increasing and investigating those crimes is costly. The law enforcement agencies cannot take proactive measures because existing resources are committed to reactive responses.

ARRESTS

The number of arrests in Benton County will affect the population of the jail and the workload of other components of the CJS. The number of adult arrests reached a peak in 2009 at 13,729 arrests. From 2009 until 2011 the number of adult arrests fell by 50%. A similar trend has been observed in the number of juvenile arrests although the peak year in that case was 2007 when 2,049 juvenile arrests were reported. From then until 2011 the number of juvenile arrests has fallen by 30%.

The number of adult arrests for drug offenses attained the high water mark of 968 in 2005, and since then the number has fallen by 28%.

THE COURT SYSTEM

There are two types of courts in and for Benton County: Superior Court and District Court. Juvenile Court is a department of the Superior Court. Specialty courts are reviewed as part of the section dealing with human services.

Superior Court

Superior Court, which is part of a bi-county judicial district, handles serious crimes, civil disputes, family matters, e.g., divorce and other types of cases. The Juvenile Department of the Superior Court handles juvenile crime and family matters involving minors. There are currently six Superior Court judges and 2.5 FTE Court Commissioners. The number of judicial officers has increased as the population of the judicial district has grown although there has been a lag between the authorization of new judges and when the need due to population growth and workload became apparent. The State pays part of the salary of Superior Court judges. The local portion is split between Benton and Franklin Counties. For a new judge to be added to the roster the State has to approve the position and authorize funding. Then each county has to agree to pay its portion of the cost of the position.

Cases Filed by Type of Case in Superior Court in 2011 (Benton County only)

Criminal	1,463
Civil	3,151
Domestic	1,159
Probate/Guardianship	475
Adoption	210
Mental Illness/Alcohol	317
Juvenile Dependency	543
Juvenile Offender	<u>776</u>
Total	8,094

Total Proceedings by Type of Case in Superior Court in 2011 (Benton County only)

Criminal	20,599
Civil	1,585
Domestic	5,835
Probate/Guardianship	213
Adoption	947
Mental Illness/Alcohol	535
Juvenile Dependency	1,762
Juvenile Offender	<u>4,938</u>
Total	36,414

The number of adult criminal cases filed in 2000 was 1,081 and five years later it had risen to 1,732. The number of civil cases filed was 2,354 in 2000 and 3,015 in 2005. The number of criminal informations filed in juvenile court was 1,034 in 2000 and 1,095 in 2005.

The number of criminal cases filed in the Superior Court for Benton County increased steadily from 1985 until about 2005 when 1,732 cases were filed. 1,463 criminal cases were filed in 2011 which is a 16% decline. During the same time period (2005 – 2011) the number of non-criminal cases filed did not decline but rather continued to climb.

As the number of criminal cases filed in Superior Court declined the number of proceedings also fell (by 9.5%). Still at over 20,000 criminal proceedings in 2011 the Superior Court judges had a hefty caseload.

A similar downward trend following a long and steady rise was also observed in the number of criminal cases filed in Juvenile Court. In this department the decline began over a decade ago. The peak year was 1996 (1,210 filings) and since then the number of criminal informations filed has fallen by 35.9%.

The need for an additional Superior Court judge has been documented. The County commissioners have written a letter requesting the state legislature to authorize an additional position. A recently completed needs study confirms the need for an additional judge and indicated that the need in this jurisdiction is the second highest in the state.

Due to the increased number of non-criminal cases the position of the court commissioner now at 0.5 FTE should be raised to a full-time position. This would be a self-supporting position due to the type of cases heard. Two additional staff positions are being sought: a criminal case manager and a new 0.5 FTE guardian case manager.

The adult drug court has lost some funding and currently it can serve only 30 individuals at a time. The need for this specialty court indicates the capacity should be raised to 70 individuals.

District Court

Benton County uses a district court system rather than each city having its own municipal court. District Court handles less serious offenses than Superior Court. It also acts on traffic violations, violations of municipal ordinances, small claims court and some civil matters.

Cases Filed by Type of Case in Benton County District Court, 2011

	Benton			West		
	County	Kennewick	Prosser	Richland	Richland	Total
Infractions						
Traffic	15,647	8,475	408	2,953	667	28,150
Non-traffic	227	410	44	135	24	840
Misdemeanors						
DUI	547	219	25	198	35	1,024
Other Traffic	1,430	1,116	80	746	92	3,464
Non-traffic	1,181	1,951	73	1,207	109	4,521
Domestic Violence	117	0	0	0	0	117
Civil	4,700	0	0	0	0	4,700
Small Claims	401	0	0	0	0	401
Felony	42	2	0	0	0	44
Parking	21	105	3	116	2	247
Total	24,313	12,278	633	5,355	929	43,508

The District Court, like the Superior Court, has experienced a recent decline in the number of cases filed following a lengthy period with yearly increases. The number of cases filed in 2005 was 46,153 while only 43,508 cases were filed in 2011 (5.7% decline). Traffic infractions are the most common type of case filed in District Court.

District Court experienced a reduction in funding and consequently has had to pursue cost cutting measures and enhanced efficiency to meet its legal obligations. The Benton County District Court is now among the most efficient in the state in terms of the ability of judges and staff to process more cases than other similar courts have done. The budget of the Benton County District Court has been cut to the point where further reductions would jeopardize its ability to provide needed and required services.

The District Court Administrator, Jackie Lahtinen, reviewed the list of current financial needs point by point. The two highest priorities are for additional interpreter services and for additional funding of the pro-tem judge line item.

An early version of the 2013 county budget has been reviewed and it appears the District Court will not receive all requested funding. Without additional revenue the District Court administrator expects her department will have to eliminate positions. It is still too early in the budgetary process to anticipate what cuts, if any, the District Court will take.

Juvenile Court

The Juvenile Court is a department of the Superior Court in and for Benton and Franklin Counties. It receives funding from both counties with the split being approximately 70/30. About a third of its revenue comes from non-local sources. The Juvenile Court handles both crimes committed by minors and non-criminal matters involving minors, e.g., dependency cases, truancy petitions, and youth-at-risk cases. Funding for both probation and detention has been less than needed.

The Juvenile Court incarcerates juvenile offenders pre- and post-adjudication. While detaining youth has limited effect on recidivism, incarceration is necessary for community safety. Juvenile detention has been under-funded for years. Consequently it is staffed at a level which only allows part of the facility to be used. Booking restrictions have been in effect for approximately the last two years, but even so there have been 1,400-1,500 bookings annually. Recently the over-crowding condition had risen to the magnitude that it had been necessary to provide early release to youth who should remain in detention. Supplemental funding has made it possible to detain youth who are a community threat.

Despite the foregoing problem, and in contrast to adult facilities, the Juvenile Court has a long and effective history of providing services to youth in detention and on probation. A high percentage of youth referred to the Juvenile Court have a personal and/or family history of abuse, mental health diagnoses, trauma, substance abuse, and other noteworthy conditions which contribute to anti-social behavior. Both violent and property crimes committed by juveniles have fallen in recent years. Part of the explanation rests on the effective treatment provided by Juvenile Court programs.

The Juvenile Court uses outcome based treatment programs. Restorative justice is the basis for the juvenile work crew and community service requirements. Eligible youth on probation are enrolled in an in-house Aggression Replacement Therapy (ART) and/or Functional Family Therapy (FFT) program. Very high risk offenders are placed in the Selective Aggression Probation (SAP) program. Youth with known substance abuse problems may be enrolled in drug court.

The need for additional funds for probation services is critical. Probation caseloads should be approximately 25 youth per probation counselor. The only way the Juvenile Court has been able to approach that goal has been to reduce the time on probation from 6-12 months to 3-4 months. The shortened probation period may not be long enough for youth to complete either ART or FFT.

The Juvenile Court staff believes the greatest current need for additional revenue would be for the following programs or services:

- Raise the capacity to place more high-risk offenders in the SAP program.
- Add a person who would coordinate court-ordered community service.
- Increase the capacity to provide ART and FFT.
- Increase the capacity of drug court from 12 to 25 youth.
- Funds for adequate building security including the construction of a suitable second court room.
- Add an attorney to the Guardian Ad Litem programs for complicated cases volunteers are not able to handle.

BENTON COUNTY JAIL

The Benton County Jail is part of the responsibility of the BCSO. Inmates are held in the jail pending the completion of criminal proceeding and/or until sentences have been served. In addition the BCSO contracts with other agencies which rent beds for inmates under their jurisdiction. Inmates from other Washington counties, as well as those being held for state agencies, and the federal government, are an important source of income for the jail.

The jail was built with a capacity of 800 beds. The rated capacity changes from year to year as units are closed or opened as population changes. For example the rated capacity in 2005 was 740 inmates while in 2010 it was 730 people. The maximum rated capacity of 800 beds has been reported in only one year (2006) since the jail expansion was completed.

Between 2004 and 2011 the average daily population (ADP) has been between 85% and 92% of rated capacity.

The BCSO absorbed \$1.3 million in cuts in the 2011-12 biennium budget and at this point in the preparation of the next biennium budget an additional \$1.5 million may be lost. Revenue to support jail operations has declined as a result of decreased income from sales tax and the loss of out-of-county contracts to house prisoners. The jail cannot continue to absorb revenue losses of this magnitude and hope to retain a sufficient number of trained correctional officers to ensure the jail is a safe and secure environment.

Another reason for lost revenue is the change in policy by the Department of Corrections (DoC) regarding probation violations. To reduce the cost of incarceration the DoC has reduced the number of days a probation violator will serve. In the recent past it was common to have 80-100 DoC inmates in the jail at any given time. However since the policy change the DoC ADP has been reduced to 20.

It is unlikely that the County will be able to enter into contracts with other jurisdictions to house their inmates as there is a surplus of jail beds now available to be rented. There is a possibility Spokane County may contract for beds but that is far from certain. The situation is fluid.

The Jail was not designed, nor is it staffed, to function as a correctional facility for inmates with serious and chronic mental illnesses. Recently there have been, on average, between 4 and 7 inmates on suicide watch. The precautions necessary to prevent a suicide take an inordinate amount of staff time. While solid data are not available, it is estimated that about 20% of all inmates have a diagnosable mental illness.

The Sheriff would like to divert individuals with serious mental illnesses from the jail. However Eastern State Hospital is full making it difficult to transfer from the jail to a secure treatment facility. There is no suitable secure local facility.

Currently there is one person from Lourdes assigned to the jail to perform evaluations and make referrals for services following release from confinement. The sheriff would like to have additional staff to perform this function. There is no treatment available for inmates with drug and alcohol addictions.

The County is not bringing in revenue for jail operations at a rate that keeps pace with rising costs. The sheriff has considered the necessity of placing a booking restriction in effect if revenue to retain correctional staff is not forthcoming. He wants to retain the gang unit and have adequate correctional staff. He is not looking to expand the department beyond that.

COUNTY PROSECUTING ATTORNEY

Mr. Miller spoke about the functions of his office which address both criminal and non-criminal (e.g., support enforcement) matters. The criminal matters include prosecuting all adult felony cases, all traffic and criminal cases which occur in the county and all criminal matters which are referred to the Juvenile Court. There are three assistant prosecutors assigned to District Court. The Juvenile Court is served by three assistant prosecuting attorneys. There are nine assistant prosecutors who handle felony cases.

Mr. Miller spoke about the types of cases which take much more prosecutor time than the average type of case. He fully supports Drug Court while acknowledging each case consumes a lot of time. The same is true when it comes to prosecuting sexual abuse cases. There is an agreement in place which stipulates that the defense and prosecutor will accept the services of a trained child interviewer who will normally only interview a child victim once.

Domestic violence (DV) cases and crimes involving gangs are also difficult to prosecute because victims are reluctant to give evidence or to testify in court. He believes it is important to aggressively prosecute DV cases as this offense is often the precursor to homicide.

People with mental health disorders are more likely to appear in District Court than Superior Court. Adequate and appropriate mental health treatment services are not offered in the jail to the extent they are needed. The State DoC does not have the resources to effectively provide services for felons on probation. The Courts can order mental health treatment but insufficient funds are available to provide the needed and ordered services. Mr. Miller supports the idea of funding a Mental Health Court.

He anticipates needing an additional deputy prosecutor to deal with gang cases as the BCSO gang task force and efforts by municipal law enforcement will result in more referrals to the prosecutor's office.

Mr. Miller distributed a table listing the number of felony cases filed over the last ten years. The number reached a peak in 2005 and since then the number of filings has been trending downward. In 2011 there was an up-tick and the year-to-date number for 2012 suggests the upward trend has not continued. The same downward trend followed by a recent up-tick in the number of referrals from law enforcement agencies has also been seen but the peak year was 2004.

COUNTY CLERK

The office of the Clerk is responsible for maintaining records from court proceeding, scheduling hearings, collecting fines, fees and restitution, and maintaining the jury system. Ms. Delvin has four staff assigned to adult criminal courts and four working at the Juvenile Court. Six staff people administer the collection of fines, fees and restitution; these positions are funded from the money collected.

The average felony case will have 14 scheduled hearings. She is convinced that if more officers are hired she will see an increase in the amount of work in her office. The magnitude of the workload of this department can be gauged by looking at the number of cases filed in Superior Court and the Juvenile Court.

Ms. Delvin anticipated the budget for the next biennium will give her less money. She believes it is likely she will have to cut staff in 2014.

Human Services and Specialty Courts

There are many individuals who are affected by drugs and alcohol, or who have serious mental illnesses who become involved in the CJS because of these conditions. Appropriate treatment while they are in the system has been described as inadequate.

The Department of Human Services is a bi-county unit of government. The bi-county nature of the department presents challenges if one of the two counties does not agree to participate in a program the other wants and is unwilling to pay its share. An obstacle which results if only one county is offered services is the disparity that would result if the one county went ahead. Accordingly if only Benton County but not Franklin County wanted to have a Consolidated Crisis Response Center (CCRC), the CCRC would not be an option. [CRCC would be used as a pre-booking secure facility.]

Law enforcement agencies have participated in training designed to help officers in the field assess for mental illness, and to make appropriate referrals for services whenever possible. Ongoing training of this nature is needed.

There are inmates in the jail who have untreated mental illnesses. The jail has hired staff to address post-release planning to ease the transition from jail to the community. They have also done other work as requested and as available to treat mentally ill inmates. A mental health professional is needed in booking to assess people as they are brought into the jail. The jail doctor is not a psychiatrist and that situation exposes the jail to some risk if there is a mis-diagnosis or the wrong medication is ordered. A part-time psychiatric ARNP, or ideally a psychiatrist, is needed to adequately treat inmates.

Malingering is a known problem in this population which is another reason trained personnel are needed to make assessments and refer for services.

While the committee understands the benefits associated with additional facilities and services for the mentally ill who come in contact with the CJS, in the end it is not exactly clear under whose jurisdiction this financial responsibility should fall. Clearly there is a significant interface between all areas of the CJS, and the mental health service providers and family members. The committee was frustrated by the lack of reliable, objective data regarding the number of mentally ill people in the CJS. This is in contrast to information known about people with substance abuse problems in the CJS which is extensive.

Office of Public Defense

The OPD provides legal defense services for indigent individuals charged with crimes and respondents in civil cases where incarceration is a possibility as provided by case and statutory law and the constitution. It is responsible for providing public defense services in superior court and courts of limited jurisdiction. In addition to attorney services the OPD has standing contracts for translation and defense investigation services.

The OPD primarily contracts for these services. In addition to contracted services there are three staff attorneys and a number of support personnel employed by the OPD.

The number of appointments has been steadily increasing in both superior and district courts. The caseload is affected by income of defendants and respondents, the types of crimes charged, the relative number of misdemeanors and felonies referred for prosecution and prosecution practices. Homicide cases which fortunately are very rare in Benton County are expensive to prosecute because legal services in homicide cases are charged by the hour as opposed to a flat fee; they can introduce a high level of uncertainty to the OPD budgeting process.

The OPD has adopted new caseload standards as required by a Supreme Court decision. This has resulted in a substantial increase in the cost of providing legal defense services and the loss of several highly experienced defense attorneys.

The head of the OPD spoke about the benefits of having staff attorneys as opposed to the current practice of contracting for attorney services.

**BENTON COUNTY CRIMINAL JUSTICE SALES TAX
CITIZENS ADVISORY COMMITTEE**

SECTION 6: Anticipated Revenue and Cost Estimate

ANTICIPATED REVENUE FROM A CRIMINAL JUSTICE SALES TAX

The Benton County Treasurer's office provided a projection of the revenue from a criminal justice sales tax at various rates. The county would receive 60% of the revenue and the balance would be distributed among the cities based on population. The estimates come with a high and low value which reflects the uncertainty of the estimates.

Revenue @ 0.1% Increase

	Low	High
Total	\$3,000,000.00	\$3,200,000.00
Benton County	\$1,800,000.00	\$1,900,000.00
Benton City	\$27,600.00	\$29,900.00
Kennewick	\$614,400.00	\$665,600.00
Prosser	\$46,800.00	\$50,700.00
Richland	\$408,000.00	\$442,000.00
West Richland	\$103,200.00	\$111,800.00

Revenue @ 0.2% Increase

	Low	High
Total	\$6,000,000.00	\$6,400,000.00
Benton County	\$3,600,000.00	\$3,840,000.00
Benton City	\$55,200.00	\$58,900.00
Kennewick	\$1,228,800.00	\$1,310,600.00
Prosser	\$93,600.00	\$99,900.00
Richland	\$816,000.00	\$870,400.00
West Richland	\$206,400.00	\$220,200.00

Revenue @ 0.3% Increase

	Low	High
Total	\$9,000,000.00	\$9,600,000.00
Benton County	\$5,400,000.00	\$5,760,000.00
Benton City	\$82,800.00	\$88,300.00
Kennewick	\$1,843,200.00	\$1,966,100.00
Prosser	\$140,400.00	\$149,800.00
Richland	\$1,224,000.00	\$1,305,600.00
West Richland	\$309,600.00	\$330,200.00

Law Enforcement – Identified Needs

Kennewick Police Department

Chief Hohenberg stated his department is under-staffed. The current staffing level does not have enough officers that can be dedicated to proactive law enforcement and to addressing gang activity while at the same time responding to citizens' demands for service. He said an additional 16 officers, additional police specialists, and legal support are needed to adequately address identified needs. In addition to direct expenses associated with the expansion plan there are expenses for incarceration and the use of SECOMM that will need to be offset by additional revenue. The Chief proposed to phase in the additional staff over three years.

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The first year cost for personnel (5 officers), equipment and other expenses would be approximately \$927,600.00. Additional revenue would be needed to offset jail and SECOMM expenses. In the first year of the three year expansion plan the offset expenses would be approximately \$1,003, 900.00. The total cost in the first year would be approximately \$1,931,400.00.

In the second year the cost for 5 more officers would be \$753,830.00 with an additional offset for jail and SECOMM expenses at \$377,400.00. The total expense for this cohort in the first year would be \$1,131,230.00. The total cost of 10 additional officers in the 2nd year of the phased expansion would be \$1,931,400.00.

The third and final year of this phased expansion would add 6 more officers of which two would be corporals and two sergeants. The cost of the third phase of this expansion would be \$1,095,800.00. With addition of expenses attached to the extra officers and staff added in the first two years of the expansion plan the total additional cost in the third year would be about \$2,535,200.00.

Richland Police Department

The RPD identified the need for three additional officers and a non-commissioned crime prevention specialist. One of the additional officers would be assigned to the Street Crimes Unit; while another would be assigned to the detectives unit as a Child Sex Trafficking Investigator; and the third officer would become a part of the patrol unit which covers the southern part of the city.

The personnel cost associated with these four additional positions would be approximately \$375,000.00 in the first year.

West Richland Police Department

The goal of the department is to have at least two officers on duty for all shifts. If the department had the money it would add two officers in the first year and two more in the following year. The personnel cost per officer is approximately \$90,000.00. Typically West Richland hires entry level officers who have to be sent to the police academy for training; the cost of academy training is \$7,500.00 per officer which the city pays.

The personnel cost of four additional officers would be \$180,000.00 in the first year and another \$180,000.00 in the following year. Personnel cost would rise 3-5% annual after hiring.

The cost of equipment per officer is \$50,000.00. The life span of equipment is approximately five years.

The equipment cost for four additional officers spread over two years would be \$200,000.00.

Benton County Sheriffs Office – Law Enforcement Needs

This estimate only covers the cost of additional deputies; the needs of the county jail, also part of the sheriff's duties will be addressed elsewhere.

The BCSO established a unit dedicated to gang crime suppression. This unit is composed of a sergeant and three deputies. Revenue from other jurisdictions which rented beds in the jail paid for this unit. However, contracted jail beds no longer provide adequate revenue to fully fund the gang crime unit. The unit has already been established which means equipment costs will be minimal.

The personnel and operating cost of a four-deputy gang criminal unit is \$477,000.00 annually. This estimate includes wages, benefits and some operating expenses.

Prosser Police Department

The mayor of Prosser identified three unmet needs for that city's police department.

A School Resource Officer (SRO) and other security measures in the Prosser schools. Two SROs would be optimal with one deemed essential. The personnel cost of a single officer is approximately \$90,000.00 annually. Equipment and other expenses are unspecified at this point.

The next most important need is for additional records support. Prosser recently joined SECOMM which meant it closed its own dispatch center whose workers used to handle records for the department. A full-time position is desired but a 0.75 FTE position would suffice. The cost for that position is \$65,000.00 annually at full-time.

The final identified need is to have the technical ability to have communication interface with law enforcement agencies in the valley which are not part of SECOMM. The one-time cost of equipment is estimated to be \$15,000.00 to \$20,000.00. It is possible that half of the start-up cost would be shared with other agencies. The annual operating cost of the communication interface would be approximately \$1,500.00

City of Benton City

Benton City contracts with the BCSO for law enforcement services. The mayor of Benton City did not identify specific needs which could only be met with additional revenue from a criminal justice sales tax.

Courts – Identified Needs

Superior Court

Identified needs of the Superior Court include an additional judge, a criminal case manager and the expansion of the capacity of the Adult Drug Court from 30 to 70 participants.

The personnel expenses of a Superior Court judge are shared between the county and the state; the state pays half the judge's salary and all benefits, and the other half of the salary is the responsibility of the counties. In this case the local expenses associated with a new judicial officer would be shared between Benton and Franklin Counties using a 70/30 ratio. The ratio is adjusted annually based on experience. An additional court reporter and bailiff will not be necessary.

1.0 FTE Superior Court Judge, local salary and benefits would be approximately \$75,000.00. Benton County's share would be approximately \$55,000.00 per year. The cost of the position will rise 3-5% per annum thereafter.

Startup costs paid by Benton County would be \$1,650.00.

Therefore, Benton County's share of the expenses associated with another Superior Court judicial position would be approximately \$56,650.00 in the first year.

There is a 0.5 FTE Superior Court commissioner who is responsible for the Legal Financial Obligation docket. This needs to be a full-time position to handle the increased number of hearings and to be available to take on hearings or dockets, thus allowing more time for judges to preside over jury trials.

The cost to Benton County for salary and benefits to increase the commissioner position to full-time would be \$66,600.00.

The annual salary of a full-time case manager would be in the \$35,000.00 to \$40,000.00 range. The cost of benefits would be 22% of salary. The expenses of the position would be shared with Franklin County using the same ratio which applies to other positions.

Benton County's share of the expenses associated with a new case manager position would be

The Courts – Identified Needs

\$24,675.00 in the first year and rise 3-5% per annum thereafter. The equipment needed in the first year is approximately \$1000.00 (Benton County share).

The Adult Drug Court lost county funding when the 2011-12 biennium budget was approved. In a scaled down version it has operated on revenue from grants and donations.

The full cost of a 70 participant program would be \$373,000.00 per year

The Benton County share of a program with the capacity to serve 70 participants would be \$196,000.00.

Summary of Superior Court needs

Judge	\$55,600.00
Equipment	\$1,650.00
Court commissioner	\$66,600.00
Case manager	\$24,675.00
Equipment	\$1,000.00
<u>Drug court</u>	<u>\$196,000.00</u>
 Total	 \$344,925.00

District Court

District Court needs additional revenue for operating expenses and an additional clerk.

Professional services	\$10,000.00
Judge pro-tem	\$16,000.00
Operations	\$25,500.00

Benton County Jail

The county is exposed to liability because there are insufficient staff trained to assess and treat individuals with mental illnesses who may harm themselves or others due to their mental status. This is identified by the Sheriff as a serious situation. Currently there is one person working in the jail as a mental health professional. That position is funded by a grant. Under ideal conditions the jail would have a psychiatrist or an ARNP licensed to diagnosis mental illnesses and write necessary prescriptions. In addition an adequate number of mental health counselors would be on duty in booking, to provide treatment during incarceration and then to make appropriate referrals at the time of release. A mental health assessment as part of booking is critical to reduce liability and to provide some measure of treatment designed to stabilize inmates at risk of decompensating.

Both the Sheriff and the director of the bi-county Department of Human Services stressed the importance of having trained mental health counselors doing screenings during the booking process. Ideally there would be one person on duty doing this work 24/7 and an additional person during the day shift who would be responsible for service coordination and planning for post-release services. A total of five FTEs for this level of service would be required.

The cost of providing mental health services in the jail at this level is estimated at \$348,900.00.00 per year for wages and benefits. There will be operating expenses associated with this in the amount of \$30,000.00 per year.

Office of Public Defense

The value of having staff attorneys as opposed to contracting for legal defense services was identified as a benefit to clients in terms of level of representation and to the OPD in terms of management.

However no evidence was presented that convinced the committee that there was need for additional revenue to cover legal services that could not be addressed by the normal budget process.

Furthermore, the committee concluded the matter of staff attorneys versus attorneys under contract was a matter best left to the OPD and commissioners to decide.

Recommendations for Additional Uses of Revenue

The committee recognizes the identified needs of the cities can only be met with revenue from a 0.3% increase in the sales tax. However a 0.3% increase would leave the county with a significant surplus over and above needs identified by department heads and elected officials. The committee heard repeatedly about the need to reduce costs and recidivism associated with individuals with severe mental illnesses who become involved with the criminal justice system. The committee also heard that the rising jail daily bed rate is forcing the cities to withdraw funds from other vital municipal services to cover incarceration expenses.

In addition to addressing the immediate identified needs enumerated in the body of this report the committee recommends the county portion of the additional sales tax revenue be used for:

Establishment of a mental health court within the District Court.

Yakima County recently opened a mental health court which will have a maximum caseload of 10 people. The projected cost to Yakima County is \$162,000.00 annually. While definitive information is not available to establish the optimal size of a mental health court for Benton County, the committee concluded at least 20 people would be eligible for this program. The anticipated cost of the program would be comparable cost to that in Yakima County, which means the scaled up cost to Benton County would be approximately \$365,000.00 annually.

Reduce the cost of shared services charged to cities.

The cities and county jointly participate in several shared services, such as the Metro Drug Task Force and emergency dispatch. If the county would assume the bulk of the cost of these services, the cities would have resources which could be used to cover other criminal justice costs for which they are singularly responsible. If adopted, the cities, for example, could hire personnel for pro-active law enforcement efforts. The committee expects the realized saving from this proposal would be used exclusively for criminal justice purposes. The amount of any reduction in costs to the cities would have to be settled by negotiation.

Reduce the jail daily rate the cities are charged.

The cost of incarceration is a major expense in each city's criminal justice budget. Using the City of Kennewick as an example, the number of officers employed by KPD per 1000 residents has been declining for years. The city manager explained this is the result of many factors including the rising cost

of incarceration. The committee concluded if the County would use a portion of the revenue it receives from the sales tax to lower the jail daily rate, the cities would be able to fund additional needed services from the savings. Again, the committee expects the realized savings would be used exclusively for criminal justice purposes. The amount of the reduction would also be negotiated.

There are other possible uses for the county's portion for the revenue from a 0.3% criminal justice sales tax. There has been a long standing need to expand the juvenile justice center by adding another court room and additional offices; a regional gang suppression task force could address current and emerging problems associated with criminal gang activity, such as activities as diverting potential gang member to pro-social programs.

Concluding Remarks

The committee has completed the assigned tasks and this report distills the findings and recommendations the committee has made. This is truly a citizens committee whose members come from many different walks of life and whose perspectives on the criminal justice system reflect many different outlooks.

Each member of the committee has taken time from his or her personal and professional life to serve on the committee. The time and effort devoted to this work speaks to an investment in continuing the quality of life and degree of public safety which is enjoyed throughout Benton County.

The committee has made several recommendations in addition to the 0.3% sales tax increase. The rationale for these recommendations follows.

The committee is concerned about the level of criminal gang activity in parts of the county. The committee was made aware of the migration of gang members into the county from the Yakima valley and from Walla Walla. The committee believes a comprehensive plan involving elements of the criminal justice system especially law enforcement and the Juvenile Court, schools, community organizations, religious bodies and concerned citizens is needed to remove this threat and to keep it from manifesting itself in the future.

The committee recommends to the commissioners performance audits on the effectiveness of county programs and the efficiency of county services. The commissioners can ask the county auditor to do these using well known methods for this purpose. It would help convince taxpayers the money is used for purposes they voted for. The committee noted there also may be savings to those taxpayers through internal efficiency audits.

The committee accepted the advice given by the Treasurer's office that the anticipated rate of revenue increase would be 3% per year. The base year for estimating additional revenue from a criminal justice sales tax was set at 2008. This year was chosen because it reflects taxable economic activity in the county before Federal recovery dollars began to flow into the county and which are now largely no longer affecting taxable economic activity. That average is still subject to changes in Federal funding for Hanford and other factors effecting the economic growth in the county which are difficult to forecast. The committee accepted the statements made by elected and appointed officials to the effect that identified needs could not be paid for from established revenue sources.

As noted above, the committee was frustrated by the lack of reliable, objective data about the number and condition of individuals with mental illnesses in the CJS. The lack of data made it difficult to make recommendations about funding for a mental health court and other rehabilitative services.

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Final Report

The committee believes the systematic collection of data would be very helpful to future planning.

It would also be very helpful to have greater collaboration between the CJS and human services in the areas of funding and service delivery. Collaboration is especially important as noted above, and regarding provision of services for indigent clients the courts have ordered to receive mental health services.