

Prosecutors: Law and justice tax makes a difference in criminal cases

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By **ANDY MATARRESE** staff writer

Kittitas County is lucky to have the resources to prosecute all crimes, Kittitas County Prosecutor Greg Zempel said.

Other areas of Washington pick and choose which cases to pursue, or put up phone trees and “take a number” systems for non-emergencies.

“That’s how you will have contact with law enforcement, and if they can get someone assigned to the case you might actually see a live person,” he said of other jurisdictions. “If you do see a live person, you may or may not ever see a courtroom.”

Part of the revenue from a three-tenths of 1 percent sales tax in Kittitas County funds two deputy prosecuting attorney positions at the Kittitas County Prosecutor’s Office. More staff, he said, means a more responsive system.

About \$176,000 of the tax revenue pays for the salary, benefits and some support costs for an attorney on the superior court team and another attorney in district court.

The tax is up for renewal on the August primary ballot. In 2007, 64 percent of voters approved the tax. No organized opposition has stepped forward for this year’s vote.

Time with victims

Victims and witnesses benefit when they have direct access to the prosecuting attorney, Zempel said.

“It frees the deputy up to be able to interact with our victims much more frequently and in a much more meaningful fashion than if you have a deputy with 150, 200 cases,” he said. “They don’t have the luxury of being able to spend as much time with victims.”

On the superior court side, the funding pays for Deputy Prosecutor Chris Herion's position. He specializes in sexual assault and felony domestic violence cases for juvenile and adult offenders.

He's handled some of Kittitas County's high profile criminal cases in the past few years, including the successful prosecution of Richard Duane Bunch for the 2008 rape of a girl in the Japanese Garden at Central Washington University.

The money also pays for an attorney on the district court team to help handle cases in the lower district court, in this case, Deputy Prosecutor Margie Alumbaugh.

Before the tax allowed for the position, the upper and lower district courts shared two prosecutors, with the lawyer at the Upper County district court in Cle Elum sometimes helping out in the court in Ellensburg.

Extra help for more cases

Extra hands at the district court level help better distribute a growing load of cases, motions and work following up with probation officers, offenders and victims, Zempel said.

Courthouse records show case loads were picking up before the tax's passage and continued afterward.

A study of the three-tenths tax showed the number of superior court cases handled by the criminal division have generally increased from 2006 to 2011, and the three-tenths prosecutor has handled 9 percent to 13 percent of cases since 2008, when the position was created.

The 2012 report, prepared by Central Washington University professor Charles Reasons for the county Law and Justice Council, also showed the total cases in upper and lower district courts has grown by 65 percent from 2006 to 2011.

No vote, no extra lawyers

A "no" vote on the three-tenths tax renewal would mean losing two prosecutor positions, Zempel said.

If voters turn down the tax renewal, domestic violence or sexual assault cases would rotate through a smaller stable of prosecutors. Prosecutors receive periodic specialized training for those cases, but it rotates, Zempel said. That means each individual prosecutor would receive additional training every few years, as opposed to the annual training for the three-tenths attorney in superior court.

On the district court side, it would mean less time to build cases, put together motions, work with victims and follow up with offenders.

“Having the additional deputy allows us, across the board, at each phase of the criminal justice system, to not run as crazy,” Zempel said. “We are able to do a better job at each phase at trial or at each phase of processing a case through the system.”

How the three-tenths tax works

The law and justice sales tax has funded added positions at public safety agencies around the county since 2007, when county voters first approved the tax.

By adding three-tenths of 1 percent to county sales taxes, the county has raised about \$2 million dollars annually since 2009, the first year the tax was on the books for the whole calendar.

For an \$80 purchase, that would mean 24 cents in additional sales tax. A \$40,000 purchase would require another \$120 in sales taxes.

County government and municipalities in the county split up the money, with the county getting 60 percent to fund additional staff at the sheriff’s and prosecutor’s offices and the courthouse. Local governments split the remaining 40 percent based on population.

The tax is set to expire next year, and the new tax would include a 10-year sunset clause.

A study commissioned by the county Law and Justice Council found that from 2009 through September 2012, officers hired through three-tenths money responded to about 40 percent of all calls countywide.