



**TRIAL
COURT
IMPROVEMENT
ACCOUNT**
2014 Use Report

*Board for Judicial Administration
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COURTS

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2014 Trial Court Improvement Account Use Report

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Introduction

In 2005, the Washington State Legislature passed 2ESSB 5454 Revising Trial Court Funding Provisions (Chapter 457, Laws of 2005), which, in part, created local Trial Court Improvement Accounts (TCIA). This report is intended to provide the Judiciary, Legislature, and other interested parties with information regarding how the local Trial Court Improvement Accounts have been appropriated to improve the functioning of the judiciary and the provision of justice in Washington State.

The legislation created an Equal Justice Sub-Account, provided for disbursement of funds in the account to local governments for partial reimbursement of district and qualifying municipal court ⁽¹⁾ judges' salaries, and mandated that the counties and qualifying cities establish Trial Court Improvement Accounts funded by the local governments in amounts equivalent to the salary reimbursements. In 2009, the Legislature amended the original legislation to eliminate the Equal Justice Sub-Account, directing money into the state General Fund instead, and providing for the salary reimbursement from the General Fund.

The first disbursement of funds to local governments for partial reimbursement of district and qualifying municipal court judges' salaries, which triggered creation and funding of the TCIA's, was made in October 2005. Full year's disbursements have been made since 2006. This report covers the use, or intended use, of those funds distributed for 2014. Most jurisdictions also have plans in place for 2015, and a few are continuing to allow a fund balance to accrue until funds sufficient to undertake desired improvement projects have accumulated.

Beginning in the state's 2007-09 biennium 50% of the Equal Justice Sub-Account was available. Calendar year 2008 was the first full year of funding at the 50% level that the legislation provides. The 2014 disbursements to the counties and cities were \$3,175,000 - the anticipated funding level for the program.

(1) A municipality qualifies for TCIA funds if the judge is serving in an elected position and is compensated at a rate equivalent to at least ninety-five percent, but not more than one hundred percent, of a district court judge salary or the same equivalent for a part-time judge on a pro rata basis.

2ESSB 5454 (2005) – Revising Trial Court Funding Provisions

In passing 2ESSB 5454, the Legislature stated the following intent:

“The legislature recognizes the state’s obligation to provide adequate representation to criminal indigent defendants and to parents in dependency and termination cases. The legislature also recognizes that trial courts are critical to maintaining the rule of law in a free society and that they are essential to the protection of the rights and enforcement of obligations for all. Therefore, the legislature intends to create a dedicated revenue source for the purposes of meeting the state’s commitment to improving trial courts in the state, providing adequate representation to criminal indigent defendants, providing for civil legal services for indigent persons, and ensuring equal justice for all citizens of the state.”

The legislation consisted of these major components:

- Increases to various court fees.
- Establishment of the Equal Justice Sub-Account within the Public Safety and Education Account funded with the State’s portion of the increased filing fees. ⁽²⁾
- Funds in the Equal Justice Sub-Account could only be appropriated for:
 - Criminal indigent defense assistance and enhancement at the trial court level, including a criminal indigent defense pilot program.
 - Representation of parents in dependency and termination proceedings.
 - Civil legal representation of indigent persons.
 - Contribution to district court judges’ salaries and to eligible elected municipal court judges’ salaries.
 - The creation of local Trial Court Improvement Accounts, to be funded in amounts equal to that received from the state for partial reimbursement of district and qualifying municipal court judges’ salaries.

It is worth noting that the original request by the Board for Judicial Administration, based on the Justice in Jeopardy Initiative and Court Funding Task Force recommendations, was that the state should assume fifty percent of the cost of district and elected municipal court judges’ salaries in the same way it does superior court judges’ salaries. It was not until the final iteration of the bill, late in the 2005 legislative session, that the language was changed from fifty percent funding of salaries to a percentage of the Equal Justice Sub-Account, which is significantly less than fifty percent of a judge’s salary. Additionally, since the 2007-2009 biennium, when the Equal Justice Sub-Account reached its full funding potential, the amount appropriated for judges’ salaries/Trial Court Improvement Accounts has never increased. During the same time, three qualified municipal court judges have been added and ten new district court judges have been legislatively authorized.

(2) In 2009 the Legislature passed ESSB 5073 (Chapter 479, Laws of 2009), which eliminated the Public Safety and Education Account and the Equal Justice Sub-Account, directing money going to these accounts into the state General Fund instead, and providing for the salary reimbursement from the General Fund.

In addition to creating a state revenue stream to fund the appropriations identified in 2ESSB 5454, the local share of the increases to the various court fees also resulted in significant revenue to local government general funds, particularly for counties. The initial revenue estimate assumed that local governments would gain approximately \$9.9 million annually.

Prior years' TCIA Use Reports indicate that local general fund revenue gains resulting from 2ESSB 5454 had a positive impact on local appropriations for the courts. Many jurisdictions reported general fund budget increases that could be at least partially tied to these revenue gains.

2014 Trial Court Improvement Account Use

The Legislature appropriated \$2.4 million for the 2005-07 biennium for contribution to district and qualified elected municipal court judges' salaries. Since the 2007-09 biennium, the biennial appropriation has been \$6.35 million, as the legislation provided for the share of the account allocated for this purpose to grow from 25% in the initial biennium to 50% in the succeeding biennia. These funds are distributed quarterly by the Administrative Office of the Courts on a proportional basis to all qualifying jurisdictions. (See Appendix A)

Upon receipt of these funds, counties and participating cities are required to create and fund Trial Court Improvement Accounts in an amount equal to the funds received as partial reimbursement for judges' salaries. In essence, the state funds the TCIA's by providing partial reimbursement for judges' salaries, which frees up local general fund dollars to fund the local Trial Court Improvement Accounts in an equal amount.

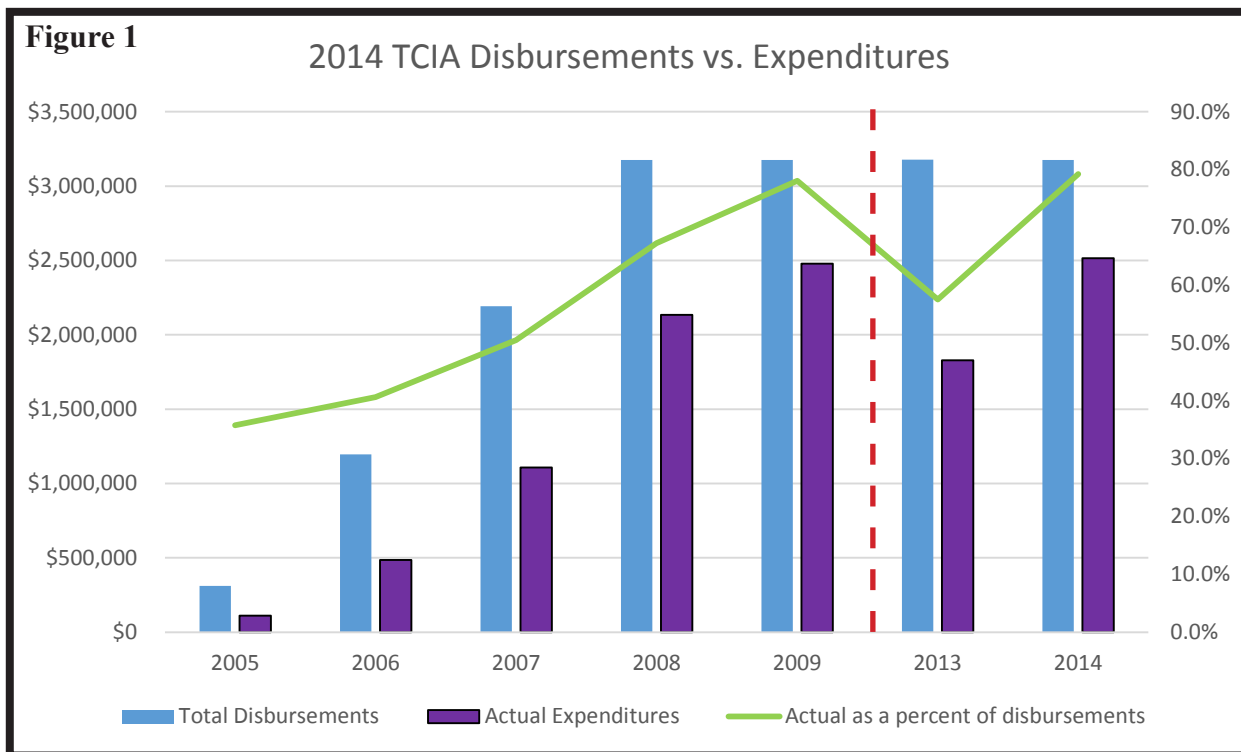
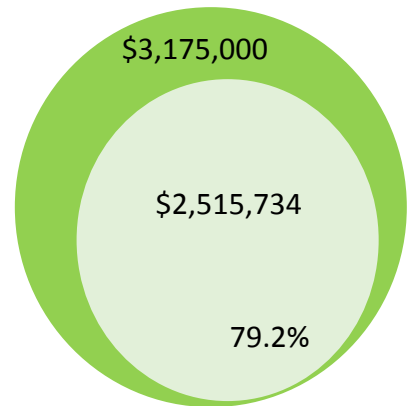
Funds in the accounts are appropriated by the legislative authority of each county, city, or town and must be used to fund improvements to court staffing, programs, facilities, and services. Funds provided to counties may be used for district or superior courts. Funds may be expended each year, or a fund balance may be allowed to accrue until funds sufficient to undertake desired improvement projects have accumulated.

In June 2015, the Board for Judicial Administration requested from the courts information regarding actual use in 2014 of the Trial Court Improvement Accounts. (See Figure 1) All 39 counties and 14 qualifying cities receiving partial reimbursement for district and qualifying municipal court judges' salaries reported on the use or intended use of funds received in 2014. This report summarizes their responses.

Actual and Planned Expenditures

While many jurisdictions used the funds to start new services or programs or to continue services and programs established with TCIA funds, in the years following the recession the number of jurisdictions using the funds to restore de-funded programs grew substantially. Ideally, there will be a reversal of this trend that will lead to the creation of new services, programs, and improvements to the trial courts as the economy continues to improve.

In 2014, jurisdictions spent nearly 80% of the funds disbursed, compared to just over half in 2013, three-fourths in 2009, one-half in 2007, and two-thirds in 2008. (See Figure 1) A few jurisdictions continue to accrue fund balances until sufficient funds are available to undertake desired projects or have otherwise deferred decisions on how to spend the funds. (See Figure 4) Although a significant amount of money continues to be “banked” for future use, the rate has declined over the course of the program.



*redline indicates gap in analysis

Budget Allocation Decision Process

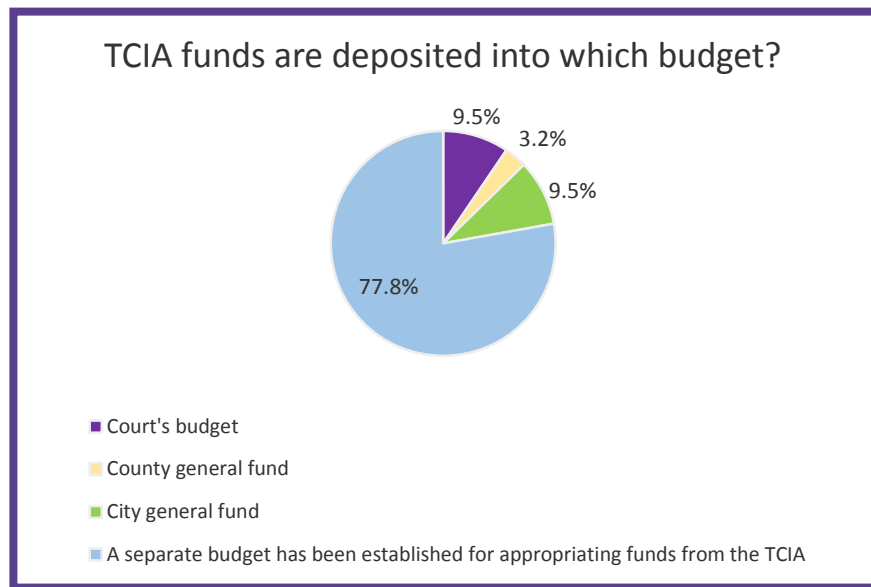
Jurisdictions also reported how the TCIA funds are maintained and appropriated within the jurisdiction's budget structure.

In most cases, trial court improvement money is accounted for separately, but in many cases it is moved into the court's operating budget or some other budget when appropriated. Some jurisdictions indicated that the TCIA funds were allocated within the court's general operating budget, and many said that the jurisdiction had or would create a separate "Trial Court Improvement Account" expenditure budget from which to appropriate funds. (See Figure 2)

The separate "Trial Court Improvement Account" expenditure budget is the preferred model for courts to follow because it allows for a more direct accounting of how TCIA funds are allocated and expended over time.

Further, when TCIA funds are comingled with the court's general operating budget it is more likely that the funds will supplant normal general fund appropriations as general budget reductions occur during regular budgeting cycles.

Figure 2

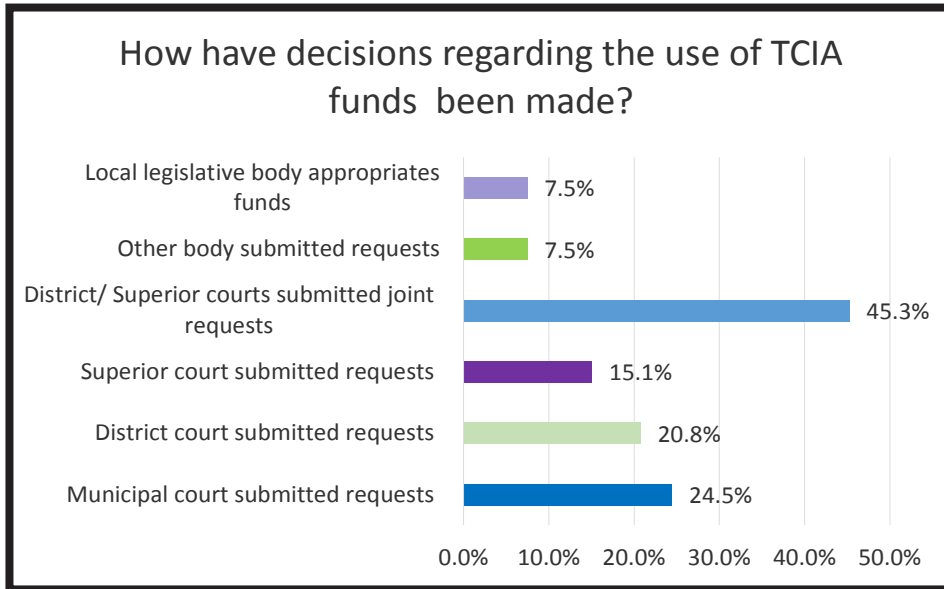


Various approaches to the allocation decision process have been developed and can be summarized as follows:

- In many counties, there is clear communication and collaboration between the superior and district courts in planning for TCIA budget allocation requests for joint presentation to the legislative authority. In some counties, allocation decisions are made jointly, but each court submits its budget separately.
- In some counties, the local Trial Court Coordinating Council, Law and Justice Council, or similar body has been tasked with developing budget allocation recommendations for presentation to the legislative authority.
- As in past years, municipal courts in cities where TCIA funds have been spent submitted independent budget requests without the participation of the local Trial Court Coordinating Council, Law and Justice Council, or similar bodies.

As in prior years, there are indications in many county jurisdictions, as well, that the TCIA funds were appropriated by the legislative authority without direct consultation with the trial court leadership. While the authority to appropriate the funds clearly falls within the sphere of the legislative authority, a more collaborative approach was envisioned by the proponents of the enacting legislation. (See Figure 3)

Figure 3



The 2014 expenditures continue to reflect the 2005 TCIA Use Report’s observation that:

“In categorizing how Trial Court Improvement Account funds have been or will be expended it is evident that local jurisdictions must make an initial and critical choice between funding one-time, limited duration expenses and funding ongoing permanent personnel costs.”

Figure 4

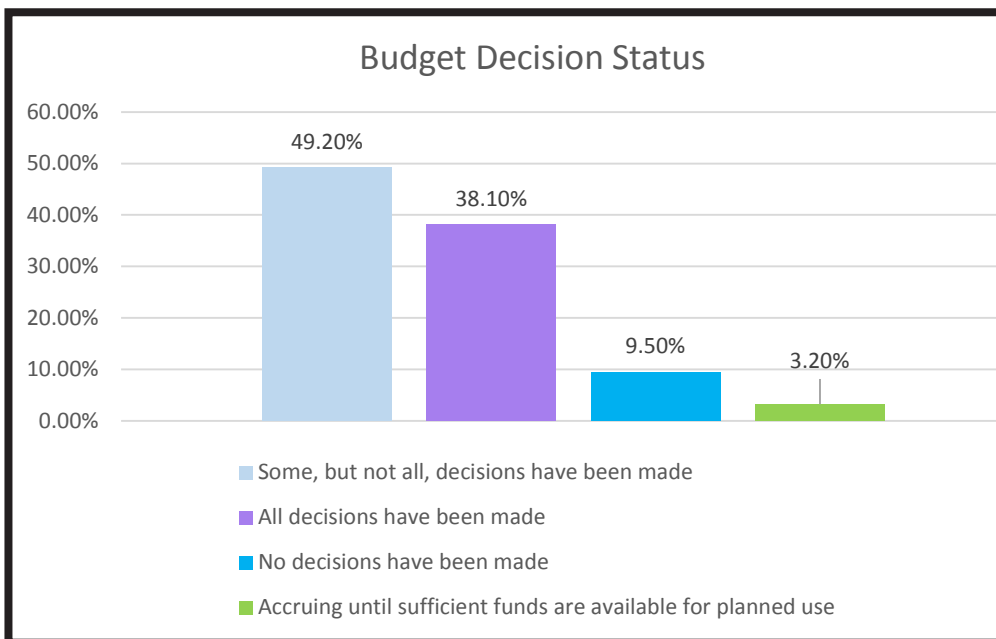
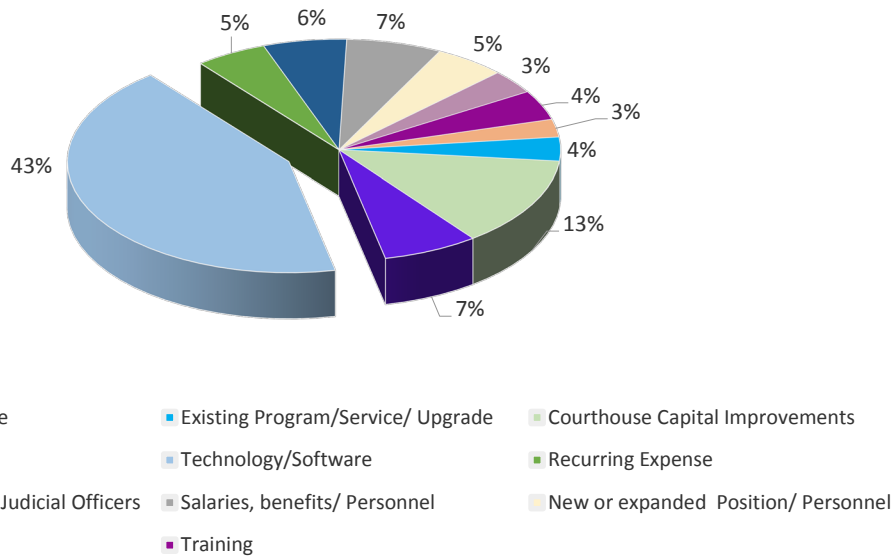


Figure 5

2014 TCIA Funds by Use Types

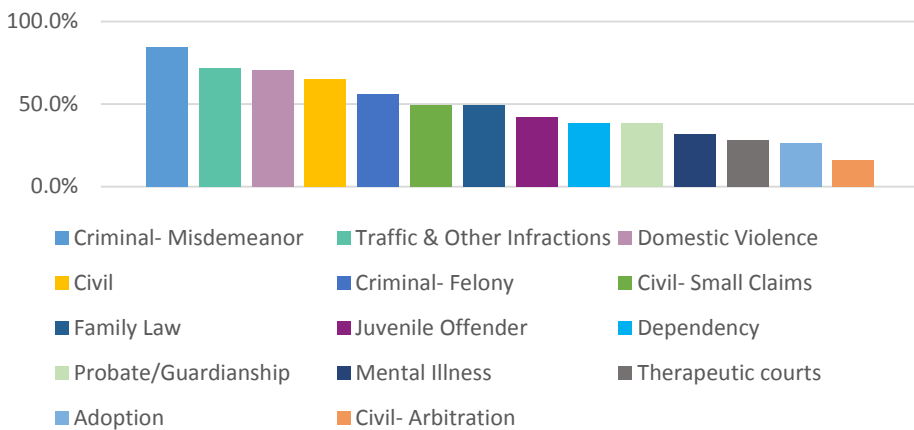


It used to be that funding salaries and benefits, particularly for judicial officers, consumed the largest share of TCIA dollars. Most of the jurisdictions using the funds for this purpose have committed to this use for the long-term, thus limiting the availability of funds for other purposes. However, as in 2013, “Technology/Software” continues to rise above “Salaries/Benefits.” This trend toward investing in tangible improvements to trial courts is now aligning more closely with the intent of the legislation. The data also shows a variety of other uses. (See Figure 5)

Investment in information technology, particularly the acquisition and implementation of local applications, such as jury management and digital records, continues. Courts have also invested

funds in implementing security measures and upgrading to modern electronic equipment including courtroom recording systems, sound systems, and presentation equipment. They have implemented new technologies such as video conferencing and electronic calendar displays.

Which areas of law or case types are primarily affected by expenditures from TCIA funds?



Acquisition of additional capacity in the form of new courtrooms and additional court time in existing courtrooms also represents a significant use of TCIA funds.

Most of the funds spent for personnel are for basic court operations rather than new innovative programs. For most jurisdictions utilizing TCIA funds for personnel, the funds are being tied to that single improvement (personnel) rather than being used for multiple one-time expenses and projects. As in prior years, in the category of personnel costs, the predominant use is to fund judicial officers. More than one-half of the jurisdictions using TCIA funds for personnel reported this type of use in 2009.

In addition, courts report using TCIA funds for a variety of other positions including bailiffs and other security staff, clerks, probation officers, support staff, and courthouse facilitators. The data can also be configured to show which types of cases benefit most from the annual TCIA funds.

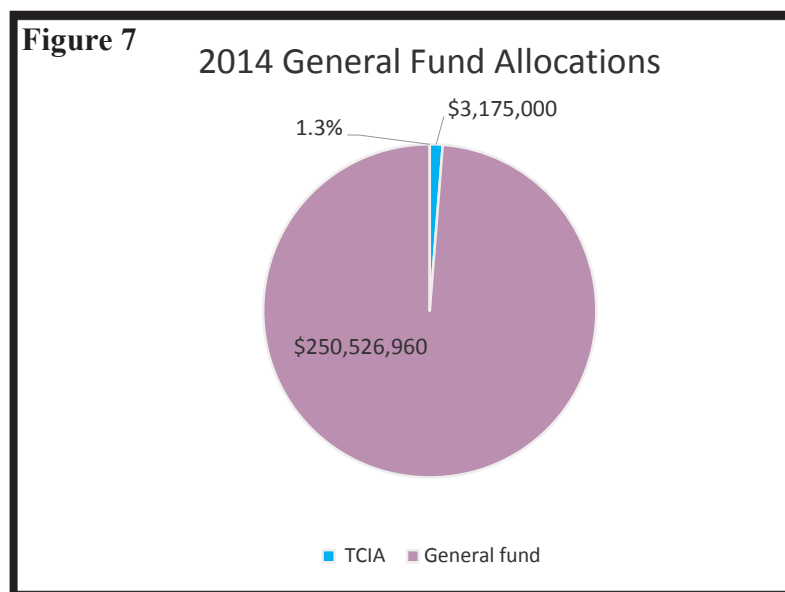
(See Figure 6)

Conclusion

In the aggregate, TCIA funds account for a very small percentage of a court's total budget. (See Figure 7) While the overall amount of funds relative to a court's total operating budget is minimal, it is evident that Trial Court Improvement Account funds are being relied upon by the jurisdictions to develop new innovations, upgrade failing equipment, or even to maintain general operations.

As of the publication of this report, several jurisdictions have budgeted 2014 TCIA funds at a level equal to the amount anticipated to be disbursed in 2015. Additional budget decisions are expected later in the year. Overall, a drawdown of funds accrued in prior years is expected in 2014.

A full list of actual 2014 TCIA uses, as reported by the individual jurisdictions, is attached as Appendix B.



Questions and Comments?

This is the sixth report on the use of Trial Court Improvement Accounts. From 2006 to 2009, reports were published annually. Due to previous budget cuts and unfilled staff positions, a formal report was not published from 2009-2013. However, the Board for Judicial Administration, through the Administrative Office of the Courts, continued to collect the data each year for judicial branch decision making and legislative purposes. That data, and the previous reports, are available upon request.

AOC will continue to collect TCIA use data annually, and based on the availability of resources, will publish a report analyzing previous years' data. Data collection methods have been revised based on feedback from jurisdictions. Further examination of collection processes will continue, and comments on this report are welcomed and will assist in the continued improvement of the data collection for future years. Please direct questions or comments about this report or the data collection methods to Mara Machusky at mara.machulsky@courts.wa.gov or 360-357-2112.



Appendix A
TRIAL COURT IMPROVEMENT ACCOUNT
2014 Disbursements by Jurisdiction

Calendar Year 2014 5454 Payments			
Adams County	\$23,720	Skamania County	\$11,860
Asotin County	\$21,348	Snohomish County	\$189,760
Benton County	\$118,600	Spokane County	\$189,760
Chelan County	\$47,441	Stevens County	\$23,720
Clallam County	\$37,952	Thurston County	\$71,161
Clark County	\$142,321	Wahkiakum County	\$9,488
Columbia County	\$9,488	Walla Walla County	\$28,464
Cowlitz County	\$71,161	Whatcom County	\$47,441
Douglas County	\$23,720	Whitman County	\$23,720
Ferry County	\$8,539	Yakima County	\$94,881
Franklin County	\$23,720	Electric City *	\$36
Garfield County	\$5,930	Ephrata *	\$179
Grant County	\$70,611	Moses Lake *	\$179
Grays Harbor County	\$47,441	Royal City *	\$179
Island County	\$23,720	Bremerton	\$28,033
Jefferson County	\$23,720	Des Moines	\$23,144
King County	\$592,987	Edmonds	\$12,335
Kitsap County	\$94,881	Everett	\$42,917
Kittitas County	\$40,087	Federal Way	\$44,852
Klickitat County	\$29,176	Kent	\$44,854
Lewis County	\$47,441	Kirkland	\$22,427
Lincoln County	\$17,552	Marysville	\$44,852
Mason County	\$23,720	Olympia	\$22,592
Okanogan County	\$37,952	Puyallup	\$22,592
Pacific County	\$24,906	Renton	\$22,592
Pend Oreille County	\$14,233	Seattle	\$159,027
Pierce County	\$189,760	Tacoma	\$70,820
San Juan County	\$18,264	Yakima	\$45,303
Skagit County **	\$28,361	TOTAL	\$3,175,000
Anacortes **	\$3,194		
Burlington **	\$5,515		
Mount Vernon **	\$10,371		

*Use data not collected from Electric City, Ephrata, Moses Lake, and Royal City due to their small disbursement amounts.

**Anacortes, Burlington and Mount Vernon are included within Skagit County

Appendix B

TRIAL COURT IMPROVEMENT ACCOUNT

2014/2015 Reported Expenditures

Adams County

- Accruing funds to enhance security in Adams County courthouse.
- Assisted listening device upgrade for Othello District courthouse.

Asotin County

- Hearing impaired assistance equipment, visual & audio.
- Internet hotspot.
- Maintenance & supplies.

Benton County

- Dragon voice recognition software.
- Institute for Court Management courses.
- FTR digital recording system.
- Security cabinet for public access computer.
- Infax docket call software annual support fee.
- Upgrade courtroom sound system in two superior courtrooms and one district courtroom.
- Three printers for district court and iPad for superior court judge.
- Courthouse facilitator.
- Family Soft software license (to asses child support).

Chelan County

- Superior court SWOT analysis retreat.
- TV screens for public area for visitor information.
- New chairs for jury room.

Clallam County

- Courthouse security officer.

Clark County

- TCIA funds are used to pay a portion of existing salaries.

Columbia County

- Rent and utilities for district and municipal courts.
- Support jail/court communications.

Cowlitz County

- Continued coverage of overtime costs for deputies to man security at the Hall of Justice and the Juvenile Detention.

Douglas County

- Project to provide a second courtroom.

Ferry County

- Hire part time district court employee.

Grays Harbor County

- Mandatory mediation for small claims.
- Software license for district court criminal files.

Island County

- Courtroom technology and accessibility updates.

Jefferson County

- Civilian bailiff expenses for each court.
- District court jury trial manager.
- JAVS recording equipment maintenance.

King County

- Accruing funds for new technology project: unified case management system.

Kitsap County

- Judicial salary.

Kittitas County

- Kittitas County Superior Court has operated an adult drug court since 2005, which has been funded by TCIA funds since 2009.
- Purchased bookcase for superior court judge chambers.
- Purchase CaseLoad Pro computer software for misdemeanor probation department.

Klickitat County

- Accruing funds for superior court remodel project.

Lewis County

- Accruing funds for paperless court system.

Lincoln County Superior

- Purchase Notebook.
- Superior court jury management system.
- Superior court Liberty access for scanned files.
- Fiber optics update.
- Superior court chambers door security system.

Lincoln County District

- Leased copier.
- Sit/Stand desks for staff & probation officer.
- DMCJA & DMCMA dues.
- DMCMA conference registration fee.

Mason County

- FTR digital recording recurring annual expense.

Okanogan County

- Part-time jury management services coordinator for superior and district courts.
- Probation case management system.

Pacific County

- Provide additional court days to manage increasing caseloads.

Pend Oreille County

- 2 cyber power units and 4 monitor arms.
- HDMI cables and keyboards.
- 4 television monitors.
- Reimbursement of auditor offices expenses (software was tested and repaired).

Pierce County

- Fund probation officer position.

San Juan County

- Courthouse security cameras.
- TV/DVD player for juror orientation.

Skagit County

- Guardianship facilitator salary.

Skamania County

- Partially funds district court clerk position.

Snohomish County

- Mobile wireless evidence presentation device for court participants.
- Ergonomic chair replacement.
- All staff training day.
- Laptop.
- Conference room Smartboard installation.
- Replace existing cell door monitoring system and adding PC network connections.
- Digital audio equipment for Family Drug Treatment Court.
- Replace audio in jury assembly room, and upgrade C-201 conference phone.
- Registration for e-Court E-Filing Conference.
- Provide public and county Wi-Fi access at the Denney Juvenile Justice Center.

Spokane County

- TCIA is charged quarterly for indirect services by Spokane County.
- FTE Senior Judicial Assistant and Accounting Tech 3.
- Transfer funding to district court operating budgets.
- District court accounting office remodel.
- Two touch screen monitors and PC for directory signs in display kiosk.
- Cell phones & wireless access for judicial officers.
- Relocated staff to newly remodeled space.
- Consultant for website design and public outreach.
- Courtroom sound system improvements.
- Supplemental funds for the Parents for Parents program.
- Electronic on-call probable cause and search warrant review project.
- Courtroom improvements and equipment for ex parte courtroom.
- Security barrier for judges' chamber area.
- Construction of wall to separate chambers from general public access door.
- Facilitator self-help resource board.

Stevens County

- New computer for superior court courtroom.
- Repair audio in district court courtroom.
- Installation of data drop in jury room.
- ADA safety barrier for courtroom door.

Thurston County

- Electronic calendar board in lobby area of courthouse.

Wahkiakum County

- Funds court security bailiffs for district and superior courts.

Walla Walla County

- Funds probation assistant to monitor probation cases.

Whatcom County

- Jury system software maintenance.

Whitman County

- New laptop for superior court bench.
- Dell workstation for superior court administrator.
- Hard drive crash-tower replacement.
- Fax/Copier/Printer for district court probation office.
- District court ADA remodel.
- 7 new ergonomic desk chairs for district court staff.
- 9 stackable guest chairs for district court.

Yakima County

- Fixed costs related to operating superior court Family Court Facilitators office.
- Assist with operating expense of Yakima district court satellite office in Grandview.

City of Bremerton

- Upgrade recording software.

City of Edmonds

- Paperless court system upgrade.

City of Everett

- Used to restore funding previously reduced.

City of Federal Way

- Applied to judicial salaries.

City of Kent

- Allowing TCIA funds to accrue until sufficient funds are available for planned use.

City of Kirkland

- On-going from 2006 to increase judicial hours to full-time position.

City of Marysville

- TCIA funds go into the city general fund.

City of Olympia

- Increase judicial salary to within 95% of district court judge's salary.

City of Puyallup

- Enables court to have a FTE judge as well as temporary assistance to clerks during busy summer months.

City of Renton

- Electronic calendaring and caseload monitoring program.

City of Seattle

- Electronic Court Files (EFC) project.

City of Tacoma

- One part-time positing funded, to avoid staff reductions.

City of Yakima

- Funds used to supplement general fund to reach 95% of district court judicial salary.

*Use data not collected from Electric City, Ephrata, Moses Lake, and Royal City due to their small disbursement amounts.

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