



WASHINGTON
COURTS

**Trial Court
Improvement Account
2015 Use Report**

*Board for Judicial Administration
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2015 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 court¹ 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 2015. Most jurisdictions also have plans in place for 2016, 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 will be sustained. The 2015 disbursements to the counties and cities were \$3,151,661.

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

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.

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.

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.

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.

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.

2015 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 annual 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 May 2016, the Board for Judicial Administration requested from the courts information regarding actual use in 2015 of the Trial Court Improvement Accounts. All 39 counties and 22 qualifying cities receiving partial reimbursement for district and qualifying municipal court judges' salaries reported on the use or intended use of funds received in 2015.

Actual and Planned Expenditures

The number of courts using TCIA funds continues to increase, growing from 29 of 54 qualifying jurisdictions in 2007 to 61 of 61 qualifying jurisdictions in 2015.

While many jurisdictions initially 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 2015, jurisdictions spent over 80% of the funds disbursed compared to one-half in 2007, two-thirds in 2008, and three-fourths in 2009. (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 2.)

Figure 1: 2015 TCIA Disbursements vs. Expenditures

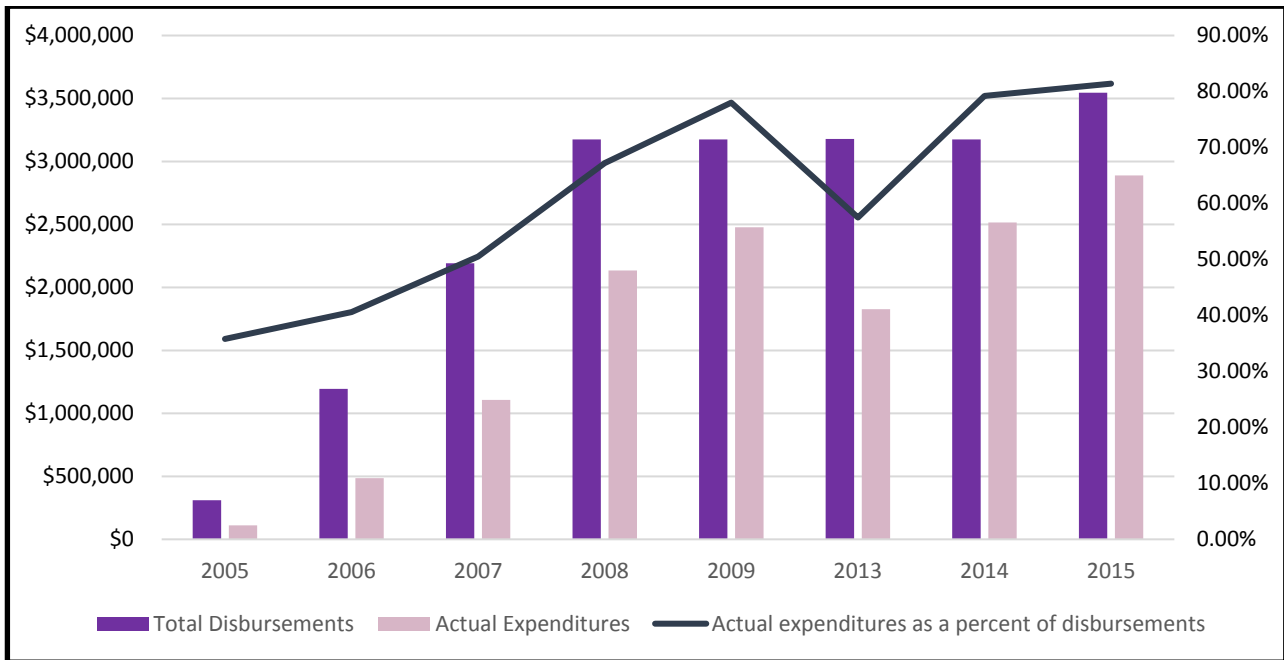
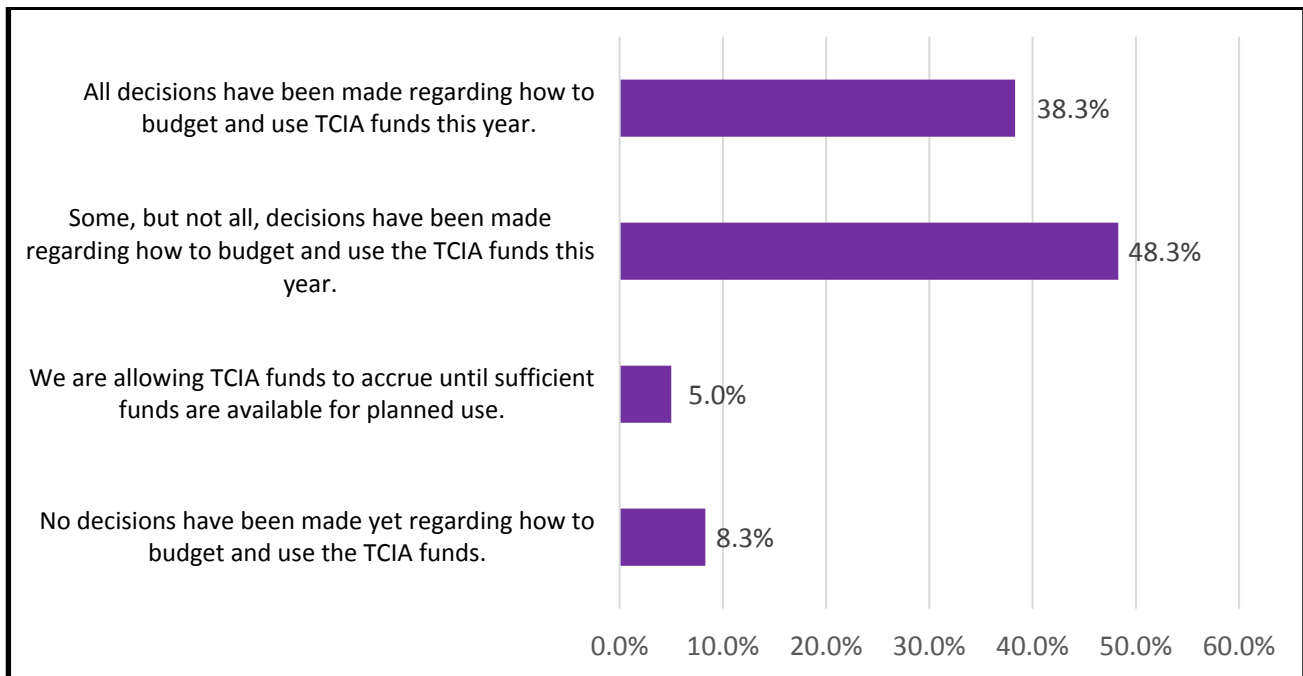


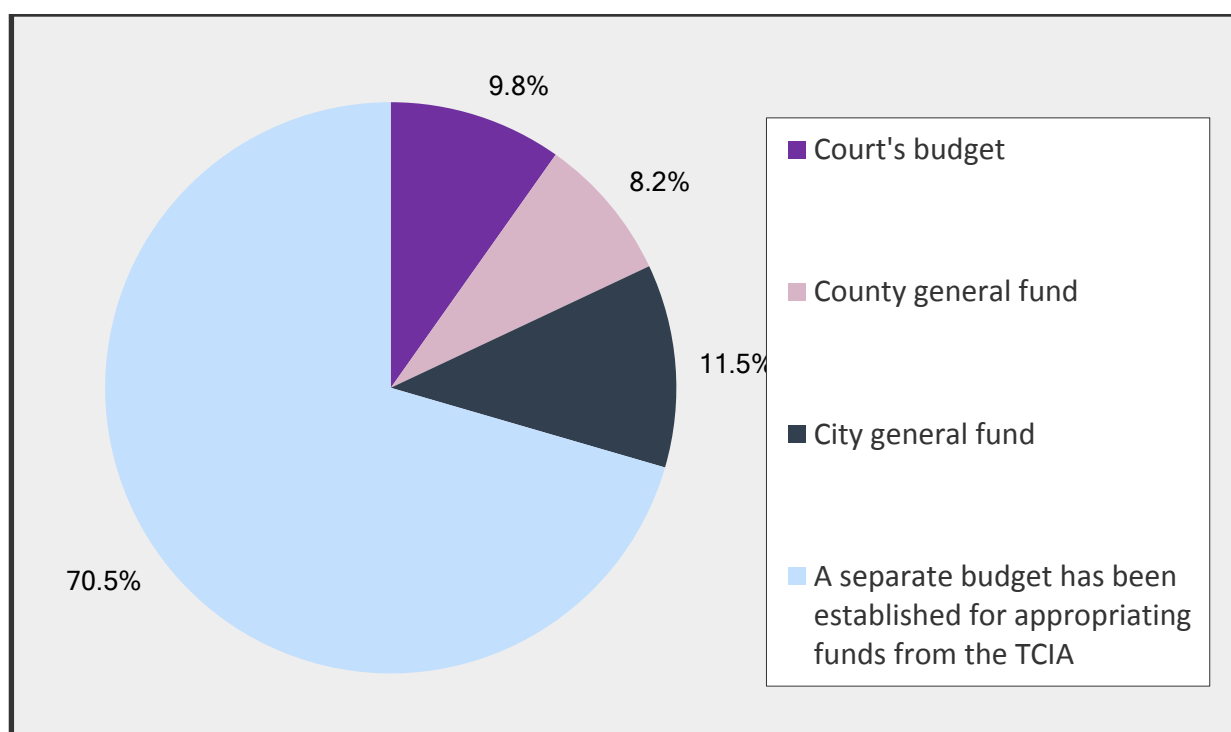
Figure 2: Budget Decision Status



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 sometimes the funds are 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 jurisdictions had or would create a separate Trial Court Improvement Account expenditure budget from which to appropriate funds. (See Figure 3.)

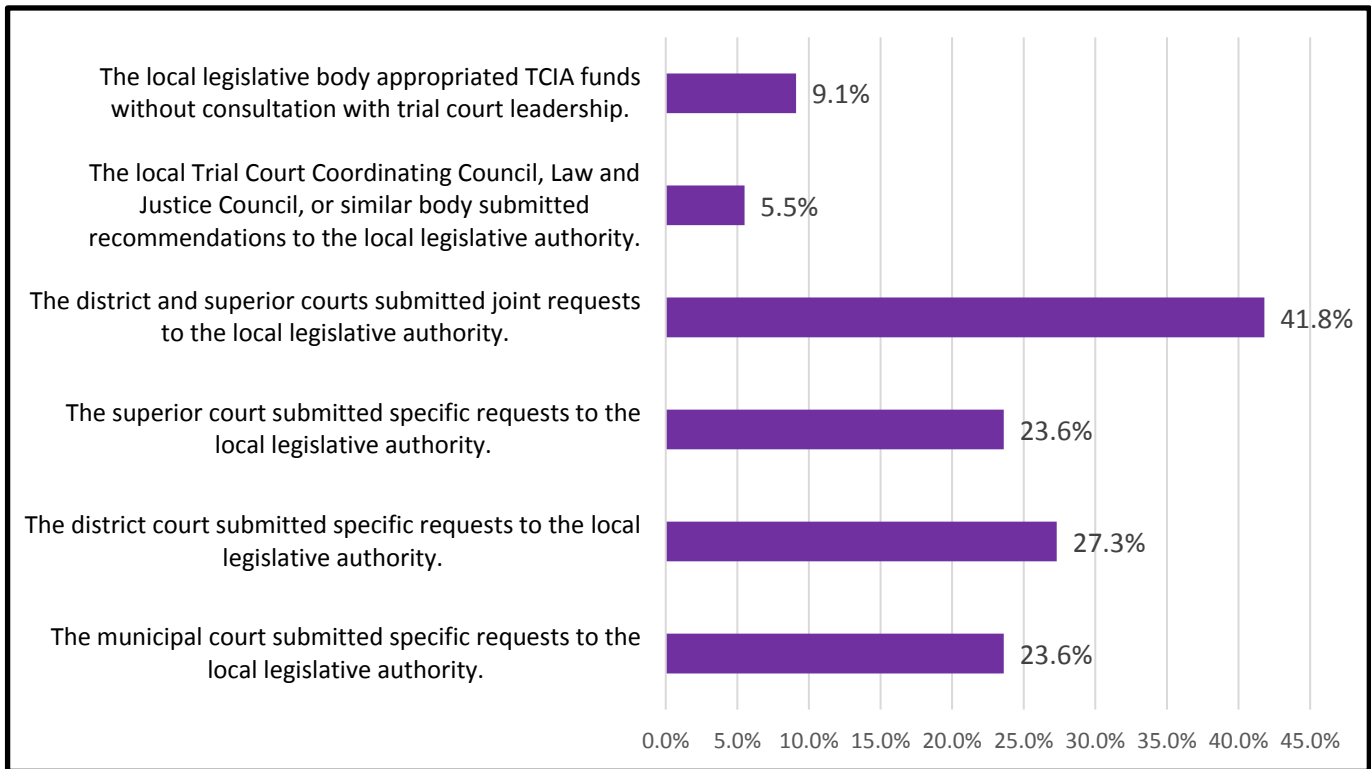
Figure 3: TCIA Funds Deposited



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.

Various approaches to the allocation decision process have been developed. While the authority to appropriate the funds falls within the sphere of the legislative authority, a more collaborative approach was envisioned by the judicial proponents of the enacting legislation. (See Figure 4.)

Figure 4: Decisions on the Use of TCIA Funds

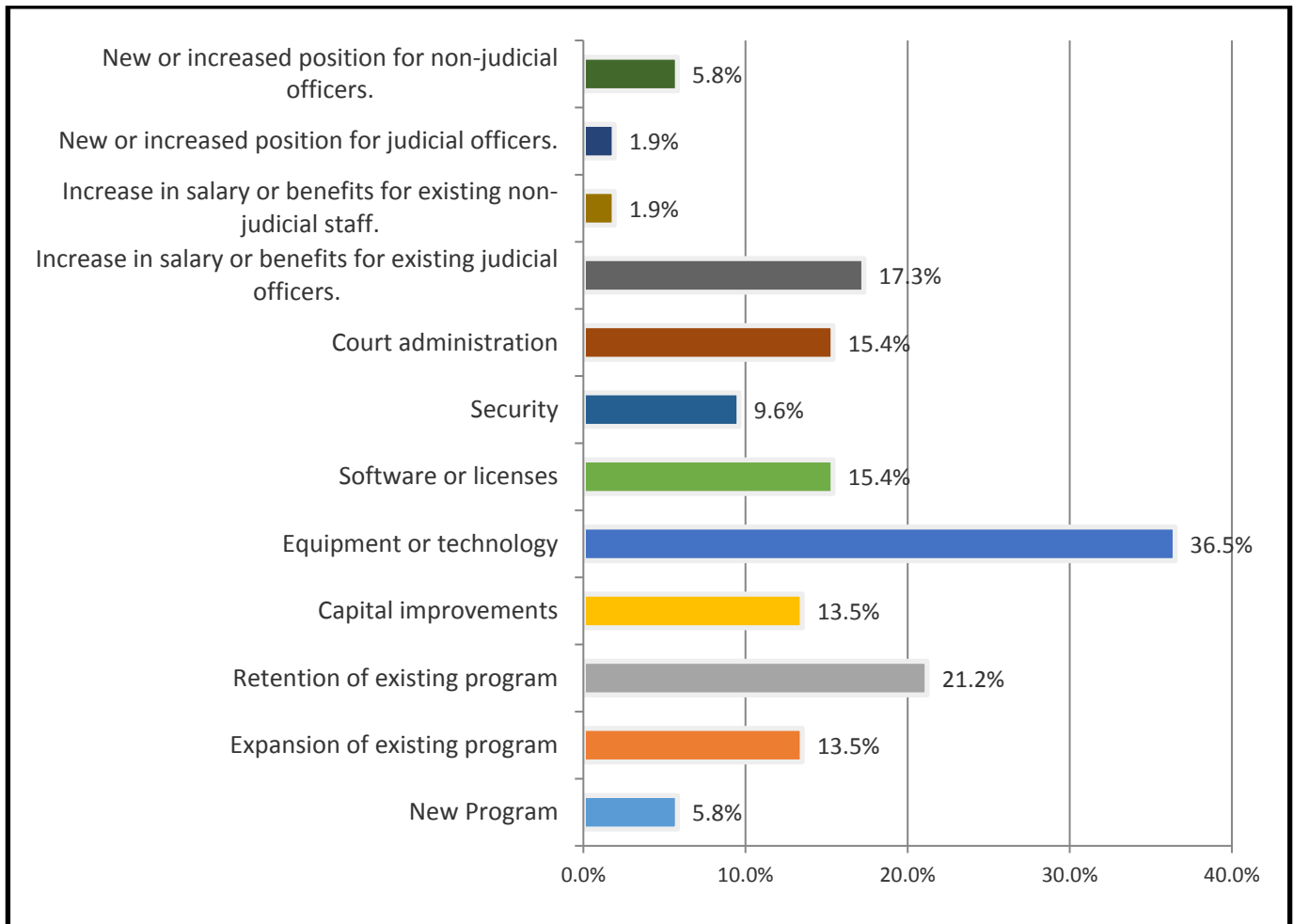


The 2015 expenditures continue to reflect the 2005 TCIA Use Report’s observation that:

“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 on-going permanent personnel costs.”

It used to be that funding salaries and benefits, particularly for judicial officers, consumed the largest share of TCIA dollars. In prior years, 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. In 2013, there was a break in that trend, with “Information Technology” rising 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.)

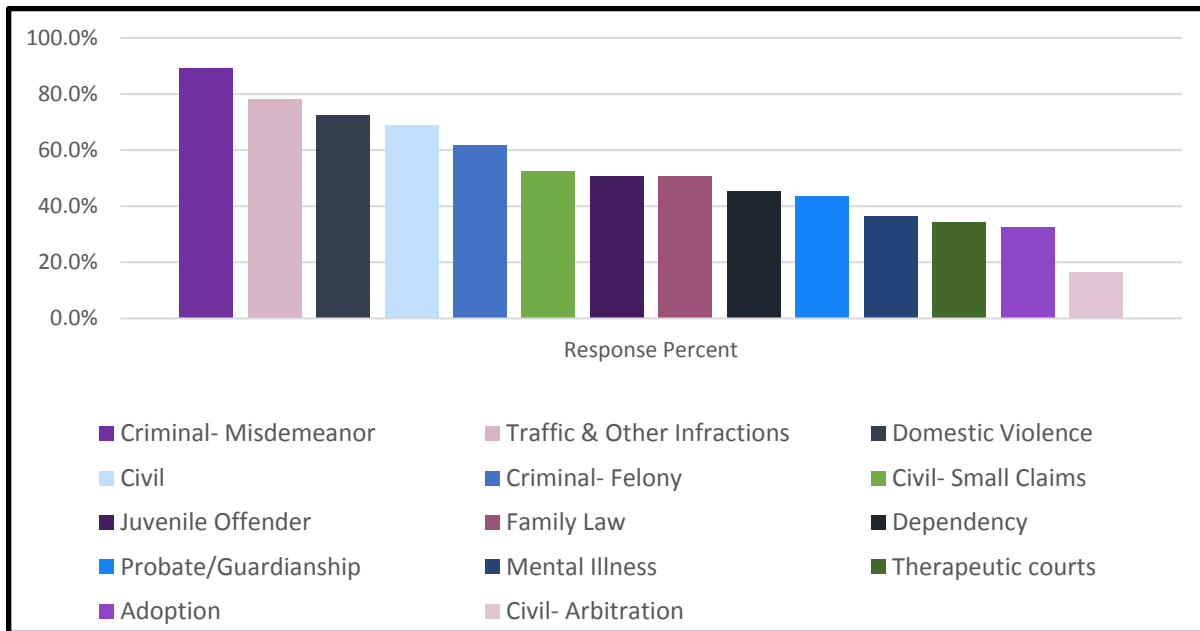
Figure 5: TCIA Funds by Use Types



Investment in information technology continues, particularly the acquisition and implementation of jury management systems and replacement and upgrading of software. Courts have invested funds in implementing security measures and upgrading electronic equipment, including courtroom audio and video equipment. Courtroom renovation and maintenance also represents a significant use of TCIA funds.

Expenditure data can also show which types of cases benefit most from the annual TCIA funds. (See Figure 6.)

Figure 6: TCIA Fund 2015 Allocations by Case type



Conclusion

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

A full list of actual 2015 TCIA uses, as reported by the individual jurisdictions, is attached as Appendix B.

Questions and Comments?

This is the eighth 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 Jennifer Way at jennifer.way@courts.wa.gov or 360-357-2112.

Appendix A: Total Amount Disbursed by Jurisdiction in 2015

<u>Jurisdiction</u>	<u>TCIA 2015 Disbursement</u>	<u>Jurisdiction</u>	<u>TCIA 2015 Disbursement</u>
Adams County Treasurer	22,914.00	Kitsap Co Treasurer	91,654.00
Anacortes, City Of	3,085.76	Kittitas Co Treasurer	38,723.00
Asotin County Treasurer	20,621.00	Klickitat County Treasurer	28,183.00
Benton County Treasurer	114,567.00	Lewis County District Court	45,827.00
Bremerton, City Of	21,857.00	Lincoln County Trial Courts	16,954.00
Burlington, City Of	5,327.80	Marysville, City Of	43,617.00
Chelan County Treasurer	45,827.00	Mason County Treasurer	22,914.00
Clallam County Treasurer	36,661.00	Mount Vernon, City Of	10,017.37
Clark County Treasurer	137,481.00	Okanogan County Treasurer	36,661.00
Columbia County Treasurer	9,397.00	Olympia, City Of	21,882.00
Cowlitz County Treasurer	68,741.00	Pacific County Treasurer	24,060.00
Des Moines, City Of	19,438.00	Pend Oreille County Treasurer	13,748.00
Douglas County Treasurer	22,914.00	Pierce County Budget & Finance	183,451.00
Edmonds, City Of	16,375.00	Puyallup, City Of	21,882.00
Electric City, City Of	36.00	Renton, City Of	21,882.00
Ephrata City Of	174.00	San Juan County Treasurer	17,641.00
Everett, City Of	41,460.00	Seattle, City Of Treas Srvcs	152,018.00
Federal Way City Of	43,760.00	Skagit County Treasurer	27,396.07
Ferry County Treasurer	9,638.00	Skamania County Treasurer	11,455.00
Franklin County Treasurer	22,914.00	Snohomish County Treasurer	183,305.00
Garfield County Treasurer	5,729.00	Spokane, City Of	65,922.00
Grant County Treasurer	68,786.00	Spokane County Treasurer	183,305.00
Grays Harbor County Treasurer	45,827.00	Stevens County Treasurer	22,914.00
Moses Lake City Of	174.00	Tacoma, City Of	69,082.00
Royal City, City Of	174.00	Thurston County Treasurer	86,078.00
Island County Treasurer	22,914.00	Wahkiakum Co Treasurer	9,166.00
Jefferson County Treasurer	22,915.00	Walla Walla County Treasurer	28,651.00
Kent, City Of	43,764.00	Whatcom Co Executives Office	45,827.00
King County Treasury	573,323.00	Whitman County Treasurer	22,914.00
Kirkland City Of	21,887.00	Yakima, City Of	44,196.00
		Yakima County Treasurer	91,654.00
Total			3,151,661.00

Appendix B: 2015/2016 REPORTED EXPENDITURES

Adams County

- Wireless courtroom microphones
- Access program for District Court
- Jury program expenses for all courts
- Remodeling for District Court
- Air Conditioner and folding chairs for jury holding room
- Jury program

Asotin County

- Jury Management System
- Technology replacement of the recording system in both Courts, and continued annual maintenance costs

Benton County

- Conference/Training/Travel
- Infax Docket Call Software Annual Support Fee
- Equipment
- Telephone System Enhancement
- Family Soft Software
- Courtroom Technology
- Replacement of courtroom and office equipment and technology
- Upgrade Courthouse Technologies Jury Software

Chelan County

- Office remodel/purchase of new work stations
- Hiring of MRL Consulting
- REACH subscription costs
- Computer/software purchase for judicial officers
- Replace microphones in district court courtrooms
- District Court jury room upgrade

Clallam County

- Security

Clark County

- Staff wage and benefits
- Retention of court staff

Columbia County

- Continue to provide better facilities for court operations for District and Municipal Court.

Cowlitz County

- Continued payments to Sheriff's office for security services at the Hall of Justice and Juvenile

- Continuation of existing security.

Douglas County

- Remodeling for a Superior Court courtroom, this room is used when a jury trial is going in the main courtroom

Ferry County

- Part time staff-district Court
- New court room equipment
- New equipment for alternate courtroom
- Staffing

Franklin County

- Judicial College-Superior Court
- Jury Scanning Software and Program
- Imagenet Document Scanning Service
- Scanner
- Department of Revenue Excise Tax
- IPAD Case
- Printing Services
- Jury System Installation and Training
- Superior Court Conference
- Jury Management System Conference
- Superior Court printers and signature pads

Garfield County

- RDS Server for remote Document Storage
- APC Backup

Grant County

- Turn Commissioner's Hearing Room into Courtroom for District Court
- Completion of Commissioner's Hearing Room to District Court Courtroom
- Superior Court FTR Gold upgrade and new phones
- New audio and video for Juvenile Courtroom

Grays Harbor County

- Digital records in District Court
- Parent/Teen Mediation
- Mandatory Mediation for Small Claims
- New audio recording system for Juvenile Court

Island County

- Funds have been earmarked for a new FTR recording machine in Island County District Court

Jefferson County Superior

- Small Tools and Minor Equipment
- Replacing obsolete audio/video system utilized for keeping the court record

Jefferson County District

- Bailiff
- JAVS maintenance
- Equipment -TVs

King County Superior

- Strategic Agenda
- Translation projects
- Court Information & Limited English Proficiency Kiosks
- Juvenile Justice 101 Classes
- Court Recording Equipment Upgrades
- Juvenile Drug Court Evaluation
- Commercially Sexually Exploited Children (CSEC) Outcome Evaluation
- Domestic Violence Training
- e-Order Expansion
- Dependency CASA Volunteers
- Key Card Access
- Domestic Violence Symposium
- Trauma Debriefing
- Community Outreach
- Update Courtroom Audio
- Staff Training
- Assisted Listening Equipment
- Becca Task Force

King County District

- IT maintenance, software and licenses and pro tem expenditures

Kitsap County

- Salary for 4th Judge
- Continued funding of Judicial Dept. 4

Kittitas County

- Adult Felony Drug Court
- Partial funding for clerk in the Lower Kittitas County District Court
- Installation of gallery rails in the Upper Kittitas County District Court
- Subscription for CaseLoad Pro (computer software) for Misdemeanant Probation Department.

Klickitat County

- EDC/WDC did not use funds in 2015

- Superior Court purchased a new computer for Clerks notes and a back-up hard drive. The remainder of the funds were kept in reserve for a planned remodel for safety.
- In 2016, the courtrooms are scheduled for security upgrades
- The Superior Court has been notified that we have an end of life issue with some of the recording system and it must be updated due to lack of replacement parts.

Lewis County

- Working toward paperless operation, partial payment of new jury system

Lincoln County Superior

- Superior Court-JMS Jury System
- Superior Court-Jury Box Update
- Superior Court-Liberty Access
- Superior Court-Fiber Optics

Lincoln County District

- Judicial and Administrative Dues
- Judicial Education
- Improved Ergonomics for Staff
- Copier Lease for District
- Repair and maintenance of the Courtroom and its equipment
- Jury and Witness Fees
- Expenses for new Judicial Officer

Mason County

- None reported

Okanogan County

- Jury Services Coordinator
- DC probation services support

Pacific County

- Court Capacity Enhancements

Pend Oreille County

- Monitor Amplifier for Sidebar
- Auditor Billing
- New Computers for Superior and District Court
- Jury management System
- Immigration to a new Imaging system in District Court and Superior Court

Pierce County

- Probation Officer Position - Pierce County District Court
- Judicial Officer (Partial) - Pierce County Superior Court

San Juan County

- Translation of Joint Use Court Forms

- Signage for Exterior Doors of Courthouse
- Audio/Visual System Troubleshooting
- Re-upholster counsel chairs in Superior Court

Skagit County

- Guardianship Facilitator Program
- Court Calendar Display
- Renovations to the bench and clerk's station, add jury box, update sound system and improve Plaintiff's and Defendant's desk area in the Anacortes Municipal Court.
- While the TCCC was under the impression that the City of Burlington was holding TCIA funds in a separate account and allowing those funds to accrue for use on a project, we recently learned that the City of Burlington has used all TCIA funds received for court operations. A letter of explanation from the City of Burlington to the Court dated April 8, 2016 is available upon request.

Skamania County

- District Court retains additional staff to assist with office & court efficiency
- Superior Court budgeted \$1,000 for replacement of video monitor/TV in courtroom but has not expended funds. Current monitor/TV is still working
- \$3,700 budgeted for District Court staff

Snohomish County Superior

- Mobile Devices – NetMotion
- Surface Pro
- SPSS Software Package used for Statistical Analysis
- Box.com
- Mobile Phones
- Detention Radios
- Dual Monitors for Juvenile Program Coordinators
- Superior Court Case Management System preparation: 1. Project Room 2. Judge Edition 3. Site Visits 4. Remote Document Server 5. Training
- Interactive Monitor
- Superior Court Odyssey Case Management System May 2016 Implementation

Snohomish County District

- WI-DI display units
- Office Equipment – Ergonomic Chair Replacement
- All Staff Training Day
- Judicial Conference Travel
- Pro-Tem Training
- Surface Pro 3 computers
- Upgrade Monitors

Spokane County Superior

- Staff Training and Development

- Courtroom Sound System Upgrades
- Remodel space for new Courtroom and Family Law/GMP Center
- Gap funding for FJCIP Coordinator; extra help positions
- Safety Enhancements
- New Copiers/Leases
- Technology Needs
- Judicial Officer Retreat
- Ergonomic Requests
- Electronic ON-Call Probable Cause Equipment
- Repair or Replace Courtroom/Chambers/Office area furniture and Equipment

Spokane County District

- Staff
- Dedicated Cell Phone & Wireless Access for Judges
- Transfer funding to District Court Operations Budgets
- Kiosk / Directory Sign Equipment
- Monitors
- Accounting Office & Reception Area Remodel - Judicial Operations
- Equipment
- Office Supplies
- JOINT COST – Cost Allocation (Actual/Planned)
- JOINT COST – Jury Assembly Room Folder/Sealer (Capital Lease)
- JOINT COST – Furniture Replacement in the Jury Assembly Room
- JOINT COST – Training

Stevens County

- TV upgrade for District Court courtroom to handle prisoners and use of evidence during trials and hearings
- Jacks and printer for District Court required upgrade
- Wall mount for TV in District Court courtroom
- Cyber lock for chambers door
- Yellow toner for color printer
- Backup batteries for District and Superior Court computers
- Battery backup replacement for courtroom
- "Grant" funding for guardianship facilitator program
- Replacement of two scanners in Superior Court Clerk's office

Thurston County Superior

- Remodel of front entry space, security related
- Update Website

Thurston County District

- improve security to court

Wahkiakum County

- Court Security

Walla Walla County

- expansion of existing programs, salary for probation assistant and new computer equipment for WWDC staff and Judges
- Salary for Probation Assistant and for new probation officer to monitor superior court cases

Whatcom County

- Jury coordination printing and postage
- Assists the courts in meeting the new statutory limits on jury service.
- Court recording system maintenance
- Benches for public use
- Probation case management software
- Jury system software maintenance

Whitman County

- District Court clerk's office remodel
- Replacement of Wireless Microphones - Pullman Branch
- New IT server for Superior Court clerk's office

Yakima County

- Family Court - The funds will assist with the operating expenses of the Family Court Facilitator Program, which operates under the Superior Court
 - Lower Valley District Court
-

City of Bremerton

- Upgrade of a failing video court system
- Purchase of the OCourt System and all related computer equipment.

City of Des Moines

- we will continue to use the money for the judge's salary and benefits

City of Everett

- Portion of Judges salaries
- Judges salary and updating recording equipment

City of Federal Way

- Increase in salary and benefits for existing judicial officers.
- Judicial salaries

City of Marysville

- Judicial salaries

City of Olympia

- Staffing

City of Puyallup

- Judge's salary
- In addition to the \$20,000 toward the judge's salary and \$7,500 for purchase of 5 SCRAM alcohol monitoring devices.

City of Renton

- OCourt programming costs - an e-doc program that routes court documents around the courtroom, capturing digital signatures and after judicial signature the form is routed into our digital document storage
- OCourt upgrades: Paperless Warrant project; Online Hearing Request (w/JIS interface) project
- Partial Reimbursement of judicial salary

City of Seattle

- This Electronic Case File (ECF4) covered Phase 4 of the Municipal Court Information System (MCIS) improvement project. This project delivers electronic versions of existing Bailiff forms including electronic signatures as well as consolidation of forms where possible

City of Spokane

- Court technology improvements
- Community Court
- Staff Development
- Supervisory Staff and Court Commissioner additions salary enhancements
- Court Technology Project (Planned)
- GR 31.1 Records Production
- Court Staff Civil Service Reclassification

City of Tacoma

- (1) Part time position was funded by TCIA. This person is a file clerk for the court. Her duties include pulling files and re-filing them for the court calendar
- Patty Gustafson - Part time Employee (same as 2015)
- Courtsmart Maintenance Agreement

City of Yakima

- The TCIA was used exclusively to raise the salary of the Municipal Court Judges