



MONROE CITY COUNCIL

Agenda Bill No. 20-108

SUBJECT:	Review Final Court Assessment Report
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DATE:	DEPT:	CONTACT:	PRESENTER:	ITEM:
07/21/2020	Exec	Deborah Knight	Deborah Knight	Discussion Item #1

Discussion: 07/21/2020; 01/21/2020; 12/03/2019; 10/01/2019 (Public Safety)
Attachments: 1. Court Assessment Final Report

REQUESTED ACTION: Review the Final Court Assessment report. Discuss the report findings and recommendations. Provide direction to Mayor Thomas and city staff on preferred alternatives.

POLICY CONSIDERATION

The policy question for the city council is whether to accept the Final Court Assessment Report and recommendations.

After reviewing the report findings, the cities of Lake Stevens and Sultan have decided not to pursue a joint court with the City of Monroe at this time. This agenda bill is focused on the facts, findings, and recommendations for the Monroe Municipal Court as a “stand-alone” court.

This is an opportunity for the city council to review the Final Report and ask questions about the facts and findings. The city council may want to use the report recommendations to inform priority investments in the 2021 budget and to update the six-year strategic plan for 2021-2026.

DESCRIPTION/BACKGROUND

Background

The City of Monroe formed a municipal court in 2014 under Chapter 3.50 RCW. Monroe Municipal Court is a court of limited jurisdiction. The Municipal Court judge is authorized by Washington State statute to preside over criminal misdemeanors, gross misdemeanors, traffic infractions and other City of Monroe Code violations. The Court is in session on Tuesday, Wednesdays, and Fridays.

The court has been in operation for five years under Judge Mara Rozzano. Pam Haley has served as the Court Administrator along with a full time court clerk and two part-time security officers. Judge Rozzano resigned in December 2019. Judge Jessica Ness was appointed in February 2020.

The change in court leadership and interest from Lake Stevens and Sultan in contracting with the City of Monroe for court services provided an opportunity to evaluate program strategies to improve existing court outcomes and alternative service provision models available to the parties for adult infraction and misdemeanor court and probation services.

In October of 2019, the City of Monroe issued a Request for Proposal (RFP) for a court assessment. The city received three proposals. The city council awarded a contract to The Other Company (Anne Pflug) and Karen Reed Consulting LLC.

The scope of work included:



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- Assessing the Monroe Municipal Court including current and projected case-loads, staffing needs; work methods, programs; current facilities, future requirements; and a menu of potential program changes that can improve productivity and/or desired outcomes.
- Assessing the court needs of the cities of Lake Stevens and Sultan including court and customer service requirements; current and projected court cases; implications of court service changes; and implications for capacity of the Monroe court facilities and technologies.
- Financial, direct and indirect service and criminal justice outcomes, and impact comparisons of court service alternatives including expanding the Monroe Municipal Court (MMC) to provide services to Lake Stevens and Sultan; Court and probation service proposal from Evergreen District court (if provided); modifying the MMC to provide diversion court and/or probation services; continuing current levels of services, discussion of recommendations and next steps.

Development of the report included three phases – 1) Information and data collection from the three courts providing services – Monroe, Marysville, and Evergreen District Court; 2) Analysis and development of draft recommendations; and final report and presentations. The consultants conducted interviews and site visits; projected case-loads; and evaluated court facilities.

Nine court options were analyzed and three caseload scenarios. Six facilities options that met specific criteria were examined for Monroe.

After reviewing the report findings, the cities of Lake Stevens and Sultan have determined not to pursue a joint court with the City of Monroe. Since the proposed joint court is no longer an alternative this agenda bill is focused on the report findings and recommendations specific to the Monroe Municipal Court.

Report Findings

- Criminal Activity. Monroe's top crimes include – property crimes, theft, drugs and graffiti/tagging, compared to Lake Stevens and Sultan which list traffic as the number one and number two crimes. 68% of crimes in Monroe are committed by people who live outside the city. 46% of infraction holders do not respond to tickets. Monroe's failure to respond rate for parking tickets is 26%.
- Court Case Levels. Monroe has a relatively stable number of misdemeanor filings and a variable level of infractions over the past 20 years. The number of misdemeanor filings per 1,000 residents have declined consistent with statewide trends.
- Staffing. The Monroe court is understaffed. With only two full-time employees, there is a lack of redundancy if one person is on vacation or sick. Monroe's staff workload (case volume) is twice or more, than comparable municipal courts in Western Washington. The court administrator (Pam Haley) spends 40% of her time on probation-related work.
- Customer Service. Court staff are excellent and highly responsive, accessible, and flexible. Judge Ness (and previously, Judge Rozzano) are always available for warrants.
- Costs. Of the three cities (Monroe, Lakes Stevens and Sultan), Monroe has the lowest jail cost per misdemeanor and the highest public defense cost per case. The cost to process a misdemeanor for each court (Monroe, Marysville, and Evergreen District Court) are relatively similar – Monroe (\$1,385); Marysville (\$1,308); and Evergreen (\$1,198).



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- District Court. For Monroe, the Evergreen District Court would be the least expensive option from a financial perspective. Snohomish County appears to be subsidizing the court with criminal justice sales taxes and state revenues. County court staff are paid less than Monroe court staff. The trade-off would be a loss of control over criminal justice priorities and intervention programs to motivate repeat offenders to change their behavior and create accountability.
- Facilities. Current Monroe court facilities (shared council chambers and office space) are not adequate to meet court program, staffing and records needs. There are multiple demands for the use of the council chambers where court operations are conducted. Court security is limited. Security scan and video equipment must be set up and taken down each time. Court customers share lobby space with other city hall customers. The court office space is at capacity for staff and records.
- Technology. The court website offers limited information and self-help services. There are no automated on-line or phone services for customer payments. The court does use video appearance with jail.
- Probations Officer. Monroe has enough misdemeanor offenders (134 in early 2019) to warrant a formal probation program with professional staff – currently probation services are handled by the court administrator, Pam Haley, and Judge Ness. This is a top priority for the city's prosecutors. Police report that probation staffing would help address homeless population challenges. Probation officers frequently coordinate with social workers. When used correctly, probation is a tool to increase accountability and motivate offenders to change behavior.
- Pubic Defense Costs. When comparing per case costs, Monroe spends more money on public defense costs compared to Lake Stevens and Sultan; but less money on jail and prosecutor costs.
- Mental Health or Community Court. Monroe does not have enough eligible cases to justify a separate mental health or community court.
- Joint Court. Although a joint court serving Monroe, Lake Stevens and Sultan is financially feasible, it's clear the Monroe Municipal Court does not currently have adequate staff or facilities to serve Monroe court clients. The parties would need to agree to make significant investments to serve Lake Stevens and Sultan court clients.
- Court Sustainability. Monroe should determine the feasibility of funding sustainable court staffing, probation, and improving online/automated phone services.

Recommendations

- Court Services. Preserve the city's control of court services to ensure consistent application of the city's judicial philosophy, enforcement of quality of life issues, and customer service. Maintain and fully-fund the Monroe Municipal Court. Continue to implement programs to lower costs, increase efficiency, and improve customer service (Mayor and Staff Recommendation).
- Staffing. Improve Monroe's service levels to be comparable to service levels provided by Marysville and Evergreen District Court:
 - Add .25 FTE court specialist



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- Add .8 FTE probation officer
- Continue funding embedded social workers in public defender office and police department
- Leverage Technology. Maximize the use of technology and digital methods for ticket processing and collection including self-help on line and phone access/processing to reduce staff and judicial time. Increase user friendliness of infraction information and web/phone processing to increase response rates, reduce in-person appearances and increase collections. Add online and automated phone payments on the court webpage to provide 24/7 self-service options for customers.
- Facilities. Secure or construct an adequate court facility.
- Mental Health or Community Court. Start an alternative court program within the existing court; or negotiate access to Mental Health Court through Snohomish County District Court or Marysville. A motivating atmosphere, low barrier access to services/treatment, and continued to community support after completion are essential for success.
- Diversion Center. Leverage Carnegie and Diversion Center resources through Pioneer Human Services and other mental health providers.
- Case Work. Periodically convene social workers, probation staff, prosecutor, and service providers to develop problem-solving plans for repeat offenders.
- Medically Assisted Treatment Program. Offer medically assisted treatment program through probations officer, social worker, or third party provider to help offenders understand and change behaviors.
- Funding. Apply to Snohomish County Mental Health Chemical Dependency Sales Tax Advisory Board to secure funding from the regional tax supporting County Mental Health Court. Explore the feasibility of applying for chemical dependency/mental health sales tax monies and/or state funding programs to support programs for repeat offenders.

FISCAL IMPACTS

Table 1 below shows the comparison court costs for the three cities – Monroe, Lake Stevens and Sultan. As shown in Table 1, Monroe is subsidizing approximately \$150,000 of court expenditures with General Fund revenues. Monroe has the highest per court case (\$1384). These costs are projected to increase over the next six years.

While court costs have increased, there has been an off-set reduction in the city's jail costs. Over the last five years, the city's criminal justice costs (court + jail) have declined from 9% of the city's General Fund to 6% of the budget since 2016 even while jail costs are rising.

Table 2 below shows costs estimates to operate the Monroe Municipal Court. The Assessment Report shows the current court facilities are not sustainable. Table 3 provides several facility cost estimates.

The policy question for the city council is whether to maintain current court services and control over the city's court services. If the council wants to continue to operate a municipal court, future General Fund budgets will need to include staffing and facility improvements which have long-term fiscal impacts. Mayor Thomas and city staff are seeking input from the city council on future investments in the city's municipal court.



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Table 1_Court Operations Comparison

Monroe Monroe Municipal Court		Lake Stevens Marysville Municipal Court Contract		Sultan Evergreen District Court Contract	
2019/20		2019/20		2019/20	
Court/Probation Revenue		Court/Probation Revenue		Court/Probation Revenue	
Fines and Fee Revenue	\$240,290	Fines and Fee Revenue	\$242,925	Fines and Fee Revenue	\$25,363
Probation Fee Revenue	\$17,076	Probation Fee Revenue Collected	\$6,720	Probation Fee Revenue Collected	\$2,304
Total Revenue	\$257,366	Probation Fee Revenue Retained by Marysville	-\$6,720	Probation Fee Revenue Retained by Evergreen	-\$2,304
		Total Revenue	\$242,925	Total Revenue	\$25,363
Court Costs:		Court Costs:		Court Costs:	
Personnel - Judicial Officers	\$75,246	Marysville Court Contract	\$197,844	Evergreen District Court Contract	\$27,037
Personnel - Court Operations	\$279,287	Direct Non-contract Costs	\$23,152	Direct Non-contract Costs	\$0
Personnel - Probation	\$0	Total Costs	\$220,996	Total Costs	\$27,037
Program Operating Costs	\$18,118				
IT and Facilities Operating - Court	\$33,621	Net Revenue (Expense)	\$21,929	Net Revenue (Expense)	(\$1,674)
Total Costs	\$406,272				
Court Net Revenue (Expense)	(\$148,906)				
Per Case Cost	\$138	Per Case Cost	\$81	Per Case Cost	\$64
Court and Associated Programs		Court and Associated Programs		Court and Associated Programs	
Court/Probation Net Expense	\$148,906	Court/Probation Net (Revenue)	(\$21,929)	Court/Probation Net Expense	\$1,674
Prosecutor	\$180,000	Prosecutor	\$142,669	Prosecutor	\$68,804
Public Defense	\$213,400	Public Defense	\$127,627	Public Defense	\$25,440
Jail	\$372,936	Jail	\$427,687	Jail	\$92,227
Total Net Cost	\$915,242	Total Net Cost	\$676,054	Total Net Cost	\$188,145
Per Misdemeanor Cost	\$1,384.63	Per Misdemeanor Cost	\$1,307.65	Per Misdemeanor Cost	\$1,198.38

Table 2 Monroe Municipal Court Operating Budget Projections

Monroe Stand Alone Municipal Court				
Forecast Assuming Building Block Staffing Scenario				
	Base Year	Moderate		
		Low 2026	2026	High 2026
Court/Probation Revenue				
Fines and Fee Revenue	\$240,290	\$240,752	\$240,752	\$274,126
Probation Fee Revenue	\$17,076	\$17,076	\$17,076	\$17,185
Total Revenue	\$257,366	\$257,828	\$257,828	\$291,311
Court Costs				
Personnel - Judicial Officers	\$75,246	\$75,246	\$75,246	\$75,246
Personnel - Court Operations	\$279,287	\$279,287	\$297,715	\$301,312
Personnel - Probation	\$0	\$0	\$75,600	\$75,600
Program Operating Costs	\$18,118	\$18,118	\$18,118	\$21,743
IT and Facilities Operating - Court	\$33,621	\$33,621	\$44,621	\$44,621
Total Costs	\$406,272	\$406,272	\$511,300	\$518,522
Court Net Revenue (Expense)	(\$148,906)	(\$148,444)	(\$253,472)	(\$227,211)
Average Per Case Cost	\$138	\$154	\$136	\$136
Court and Associated Programs				
	Base	Low 2026	Moderate 2026	High 2026
Court/Probation Net Expense	\$148,906	\$148,444	\$253,472	\$227,211
Prosecutor	\$180,000	\$180,121	\$179,183	\$208,048
Public Defense	\$213,400	\$188,866	\$234,562	\$245,397
Jail	\$372,936	\$331,749	\$371,243	\$431,049
Total Net Cost	\$915,242	\$829,180	\$1,018,460	\$1,111,705
Per Misdemeanor Cost	\$1,384.63	\$1,410.17	\$1,524.64	\$1,455.11

- Monroe court costs are currently not offset by court collected revenue (\$148,000 net costs in 2019).
- Monroe court costs will continue to increase as the case load rises due to population increases.
- Of the three cities, Monroe has the lowest jail cost per misdemeanor and the highest public defense cost per case.
- Overall cost savings to Monroe combined court and jail expenses.
- Strategies that reduce workload or manage service demand can lead to reduced cost.
- District Courts are subsidized by criminal justice tax and state shared revenues. Current District Court contract costs less than Municipal Court. Projected net revenue over costs of \$57,000 in 2019.



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Facility Needs

- Monroe’s existing court facility has one courtroom that is combined with the council chambers. The courtroom has limited additional capacity because it is jointly used.
- Caseload projections show a need for additional staff offices, courtroom hours, records and private meeting space beyond the space that is currently available.
- The status quo facility at Monroe City Hall is not sustainable
- Increasing staff and service capacity is to the point where additional space is required.
- While not ideal, court can continue to be held in the Monroe City Council Chambers until caseloads outgrow the Chambers availability, so long as additional staff and records space is provided.

Table 3_Facility Options

✓ From *least* to *most* expensive, here are the Monroe facilities options (rough estimated total project cost):

Facility Options	Total Estimated Cost
Small or Large Portable on City Campus, non-developed location	\$0.75-\$1M plus site prep.
Large Portable on old public works site on City Campus	\$0.75 - \$1M plus demolition
Remodel/Expand Monroe City Hall/Police (Court portion only)	\$1.61M
Replacement Monroe City Hall/Police Combined Building (Court portion only)	\$2.1M
Purchase or Lease of an existing building in Monroe	Unknown

- Portables have important pros and cons – less expensive than permanent construction; lower quality construction; not a permanent solution.
- Acquisition of an existing building – if available, would provide new, dedicated court rooms, and long-term flexibility.
- Build a new court facility on the city hall campus. The city completed a facility assessment in 2019. The assessment included options to build a new court and council facility between the existing police station and city hall. Mayor and staff recommend designing the new court and council chambers in 2021. City staff would develop a funding strategy which would include a legislative proviso from the State capital budget in 2021, grant funding, and councilmatic or voter approved bonds.

TIME CONSTRAINTS

The purpose of presenting the Court Assessment is to provide the city council with information on court operations and facility needs prior to the 2021 budget discussions.

ALTERNATIVES

Discuss the report findings and recommendations. Request additional information or direct Mayor and city staff to address areas of concern before accepting the Final Report.



City of Monroe Court Services Study

Anne Pflug, The Other Company

Karen Reed, Karen Reed Consulting LLC

Council Presentation July 2020

Introduction



- The City of Monroe is **required to provide court services by state law**, specifically, court services to adjudicate violations of local ordinances, municipal code and state law that result in charges filed as **infractions** or **misdemeanors**.
- Cities can do so in several ways:
 - (1) by operating their own municipal court and/or traffic violations bureau;
 - (2) by contracting for District Court services from the County; or
 - (3) by contracting with other Cities.
- The City currently meets these obligations by operating a Municipal Court created by Ordinance in 2014. The City recently appointed Judge Ness to fill the previous judge's unexpired term which runs through the end of 2021.

DEFINITIONS

Infractions include speeding tickets, parking tickets, and some other violations of city ordinances ***punishable by a fine.***

Misdemeanors are less serious crimes ***punishable by up to 1 year in jail.*** Examples include shop lifting, minor in possession of illegal substances, driving without a license, driving while intoxicated and assault.

Introduction



- The City of Monroe, together with the Cities of Lake Stevens and Sultan, engaged the Consultant Team to evaluate **strategies to improve existing court outcomes and alternative service delivery models** for adult infraction and misdemeanor court and probation services.
- Lake Stevens currently contracts with Marysville Municipal Court and Sultan currently contracts with Snohomish County District Court, Evergreen Division.



Scope of Analysis

Four court services options for Monroe were examined:

1. Continuing the current court at current staffing/program levels (“status quo”)
2. Adding alternative court programs and/or probation services to the Monroe court;
3. Monroe contracting for court services from Snohomish County/Evergreen District Court; or
4. Expanding the Monroe Municipal Court to also provide contract services to Lake Stevens and/or Sultan.

In addition, several options were examined for both Lake Stevens and Sultan--including staying in their current arrangement, contracting with Monroe in a joint court arrangement, and contracting with District Court

Tonight's Presentation



- Executive Summary
- Background
- Monroe's current justice system—services, facilities, interventions and gaps
- Character of court caseload
- Comparison of court services options and costs
- Facilities options
- Summary of advantages and disadvantages of options
- Improving outcomes
- Conclusions and Recommendations

Executive Summary



✓ **The decision to select a court service provider involves balancing several factors, including:**

- Cost
- Local control
- Service and program offerings
- Service levels
- Location of court service delivery
- Having an appointed versus elected judge
- Impacts on associated criminal justice services

✓ **Local court practices can impact costs of other associated criminal justice services: for example, sentencing practices can differ widely between judges, impacting jail costs. Associated criminal justice services include:**

- Police
- Prosecutor
- Public Defender
- Jail

Executive Summary



Monroe Municipal Court today:

- ✓ The Monroe Municipal Court does an admirable job of service provision with limited resources.
- ✓ Monroe Court clients interviewed value local control, the quality of customer service and consistency in justice provided by the Monroe Court.
- ✓ Monroe Court as currently staffed is not sustainable.
- ✓ Additional facilities space for the court is required in any scenario moving forward (\$127.5K - \$178K per year, multi-year financing)

Monroe Municipal Court looking forward:

- ✓ Looking ahead six years, depending on population growth and other factors, the City could see a significant change in its court caseload:
 - In the low growth forecast, caseload would drop 10% by 2026.
 - In the high growth forecast, caseload would increase by 30%
- ✓ If Monroe retains its court, it will need additional court staffing --over and above the sustainable staffing recommendations outlined above-- under either a moderate or high caseload forecast by 2026.

Executive Summary



- ✓ **If the City chooses to retain its court, the consulting team recommends changes to court operation and facilities as outlined below:**
 - Operating changes necessary **to make Monroe Court operations sustainable** include:
 - addition of a .25 FTE court specialist;
 - addition of a part time probation officer; and
 - improvement of online and automated phone self service offerings for court customers.
 - These operating changes will create a stable level of staffing with needed back-up, and will:
 - Create opportunity for better outcomes for defendants through probation services
 - Make more efficient use of judge and staff time
 - Improve service levels for customers of the court and potentially increase revenue recovery
 - Bring service levels in line with those of the District Court
 - Cost an estimated \$112,000 a year (2020 dollars, excluding facilities cost)

Executive Summary



Other Court Services Options:

- ✓ Contracting with District Court providing services at the Evergreen Division also located in Monroe is significantly less expensive for Monroe than continuing to operate Monroe Municipal Court at sustainable levels, but offers less local control. There would however be uncertainty about the terms of the contract that would ultimately be secured with District Court and who would be presiding over city cases due to a pending judicial retirement.
- ✓ A joint court launched from a sustainable platform is financially and operationally feasible but offers modest or no cost savings for Monroe as compared to a stand-alone court (depending on future caseload).
- ✓ The combined caseloads of Monroe, Sultan and Lake Stevens would exceed the capacity of a part-time judge as soon as 2023. This could be addressed by Lake Stevens then appointing its own part time judge and contracting with Monroe for all other court services.

Executive Summary -- High Level Comparison of Options



Municipal Court

- Judge **appointed** if work hours are less than 35 hours per week; once full time, **elected by city voters**. Four year terms.
- Cities that partner for court services may have their own judges and a common staff.
- Cities that partner may retain Traffic Violation Bureaus to process parking and traffic tickets in-house.
- Budget and number of staff and compensation set by City; court facilities provided by city.
- Judge supervises staffing, operational decisions within approved budget.
- Court employees are City employees but supervised by Judge.

District Court Contract

- Judges **elected** by all **voters in the county court division, including city voters** regardless of work hours. Four year terms.
- Budget set by County; court facilities provided by County; State sets number of judge's and compensation.
- Contract cities may retain Traffic Violation Bureaus to process parking and traffic tickets in-house.
- Judges supervise staffing, operational decisions within approved budget.
- Court employees are County employees but supervised by Judge.
- County must consider Criminal Justice related fee, fine and sales tax revenue in setting contract rates.

Note: municipal and district court elections occur in the same year, every 4 years. The next judicial election date is November 2021, for terms beginning January 2022.

Executive Summary – Method for Financial Analysis of Court Service Options



- Evaluate historical caseload and its composition.
- Make assumptions for the primary factors that effect the number of cases filed with the court.

- Determine workload handled by existing staff
- Compare to other courts
- Evaluate planned or potential productivity improvement
- Estimate need for new staff

- Estimate costs based on:
- staffing needs
 - historical expenditure patterns
 - actual costs for personnel and services
 - Cost allocation models used by organization

- Apply historical pattern of revenue collection from court fines and fees
- Determine any other sources of revenue available
- **Subtract revenue from costs to get “Net Cost”**

Executive Summary – Monroe Financial Analysis



Cost comparison between continuing the Monroe stand-alone court option (sustainable staffing, excluding facilities costs), Joint Court, and contracting with District Court (current contract pricing) can be summarized as follows:

	Base Year (2019)	Moderate caseload forecast 2026	Base Year (2019)	Moderate caseload forecast 2026	Base Year (2019)	Moderate caseload forecast 2026
	Monroe Stand Alone Court		Joint Court		District Court Contract	
Court net Revenue (Expense)	(\$253,472)	(\$253,472)	(\$253,472)	(\$235,378)	\$56,797	\$23,485
Average Per case cost	\$138	\$136	\$86	\$63	\$62	\$64
Total net cost (court, prosecutor, public defense, jail)	\$971,438	\$968,179	\$971,438	\$950,0850	\$708,453	\$738,291
Per misdemeanor cost	\$1,385	\$1,525	\$1,470	\$1,444	\$1,072	\$1,122



Executive Summary: Recommendations

Our recommended next step is for the City's leadership to determine what is most important for you in your criminal justice system oversight and outcomes.

✓ Based on this assessment:

- If the City wishes to keep its court, we recommend several actions to ensure that the court operations are sustainable over time.
- If the City determines to seek a contract with the District Court, we outline a number of contracting issues you may wish to consider.

✓ In addition, at the end of this presentation we present some recommendations relating to:

- Strategies for dealing with those in the city's court system dealing with Opioid addiction
- Strategies for dealing with individuals who tend to cycle repeatedly in and out of the court system
- Strategies for dealing with high volume crimes

Our detailed report includes recommended strategies the City could deploy to reduce associated criminal justice system costs and for regional and state revenue sources that the City could seek to offset costs of criminal justice system changes.



Background

How do other cities provide **local Court Services** In Snohomish County?

Cities Operating a Municipal Court	Cities Contracting with Snohomish County District Court (Division in parenthesis)	Cities Contracting with another Municipal Court
Marysville Edmonds Everett Lynnwood Monroe	Arlington (Cascade) Brier (South)* Darrington (Cascade)* Gold Bar (Evergreen)* Granite Falls (Cascade)* Index (Evergreen) Mill Creek (South)* Mountlake Terrace (South)* Mukilteo (Everett)* Snohomish (Evergreen)* Stanwood (Cascade)* Sultan (Evergreen)* Woodway (South)*	Lake Stevens* (Marysville)

Asterisk (*) denotes cities operating a Traffic Violations Bureau

Criminal Justice System: Statewide Perspective



Broader Criminal Justice Trends

- **City** spending on criminal justice in Washington State is largely **focused on law enforcement (59%)**; The bulk of **County** spending in the system is **on courts (56%)**; **State** dollars primarily go to **corrections (72%)**.
- District and Municipal Court's approaches are **shifting from "punishment" to "restorative"** to help adult defendants stabilize in the community and to reduce costs
- National and state efforts to **reduce overall incarceration rates and level the playing field for indigent defendants**
- More **evidence-based programing and alternatives to detention** are available, within the justice process and during probation supervision (example: domestic violence, alcohol and drug therapies)
- Prosecutors are **shifting** lower level Superior Court criminal filings to District/Municipal Court, especially drug related offenses.
- **Regionalization or sharing** of services (jail, court, legal financial obligation (LFO) collection, jail transport, probation and treatment)
- **Excess courtroom and judicial capacity** as caseloads decline
- **Adoption of technology** that can reduce operating costs (digital filing, digital forms, online LFO collection, on-line processing of minor infractions, etc.)



Monroe's Justice System

Existing Services and Facilities

Monroe Municipal Court at City Hall

- Prosecutes, adjudicates and sentences adults committing criminal misdemeanors and gross misdemeanors and individuals committing infractions in the City of Monroe.
- Work, functions, duties, and responsibilities include: court services, record keeping, collection of fines, fees and costs.
- Staffing:
 - Judge (part time—paid hourly)
 - Court Administrator
 - Court Specialist
 - Court security provided by part time employee, paid hourly



Court is held in City Council Chambers—this photo shows the chambers set up for video appearances of persons being held at Snohomish County Jail in Everett





Existing Services and Facilities

Court Services

- **Court is in session at** Monroe City Council Chambers in City Hall on **Tuesday mornings**, and **Wednesdays** (typically 8:45 – 4:00). Any jury trials (very rare) are held on 2nd or 4th Fridays.
- **Video appearances** for persons housed in Snohomish County Jail in **two sessions per week (up to 3 hours)**
- **Over-the-counter and phone-based court services are provided Monday to Friday at Monroe City Hall** during **regular business hours 8-5**, closed for lunch 11:30-12:30 by the Court Administrator or the Court's sole clerk.
- **Defense attorneys** meet with clients in the City Hall lobby or a room accessed from the lobby.
- **Indigent Defense screening** performed by Judge Ness
- **Other than instructions on how to access the court, no [online services](#) are available through the City website.** Automated phone transactions and payments are not available.

Associated Services

- **No formal probation program.** Judge provides screening of persons eligible for public defense counsel; may assign defendants to treatment (staff and judge will monitor compliance -- a nominal form of probation oversight).
- Police department operated by City
- Department has 3 short term holding cells.
- **Jail services** provided under contract with **Snohomish County**.
- **Prosecutor and public defender services** are provided through **contracts** with separate private firms.

Existing Intervention Programs in Monroe



- Judge can choose to sentence defendants to probation program with Judicial supervision; Court administrator tracks compliance.
- Police have imbedded social worker
- Public Defender has imbedded social worker
- Snohomish County jail provides release planning and access to opioid related Medically Assisted Treatment (MAT) for offenders

Gaps in Interventions for Monroe Misdemeanor Offenders



Criminal Justice System	Interventions Available to Monroe Misdemeanor Offenders						
	Food/Shelter/Health Care	Mental Health Care	Chemical Dependency Treatment	Behavior Change Treatment	Diversion or Deferral from Legal System	Restitution	Employment and/or Education including Life Skills
Community and Personal/Family Support Network	Missing low barrier shelter and Health Care for homeless	Carnegie Center: Address barriers to Indigent access		Address barriers to Indigent access			Life Skills?
Police	Police Social Worker Program and County Acute Mental Health Responders – Currently transport to Carnegie Center, barriers to access to longer term MH care for indigent or homeless				Create a mechanism for working with others outside of Police to problem solve related to specific individuals or crime types.		
Pre-sentence Jail	Missing Electronic Monitoring especially for indigents and CD effected	Acute meds only at Snoh County Jail	MAT for opioid addiction at Snoh County jail				
Prosecutor/Public Defense	Public Defender Social Worker Program						
Court		Community Court Alternative Program (Note: Current court uses suspended sentences but limited use of deferral at present-- potentially more with active probation supervision and/or access to use of County Diversion Center funded with regional revenue)				Limited	Community Court Alternative Program
Serve Jail Sentence	Release plan for shelter, not food or health care	Acute care and meds only at Snoh County Jail	CD treatment AA /NA and MAT for opioid			Work Crew	
Probation	Missing Electronic Monitoring for CD treatment compliance for indigents; continuity for MAT started in jail.			Programs available in County but not currently available to City Offenders		Limited	Life Skills?
Community and Personal/Family Support Network	Missing low barrier shelter and health care for homeless			Indigent access?			Life Skills?

Key

	Available in/for City Now
	Available in County
	Gap

Where is Monroe on the Spectrum of Criminal Justice Approaches?



Traditional “Jail as a Deterrent to re-offense” approach

- Defendants charged at maximum levels to jail
- Little or no use of diversion by court
- Little or no use of detention alternatives or evidence-based behavior change programs in sentencing or probation.

Transitioning towards a more restorative justice approach

- Begin offering / referring cases to diversion and/or specialty courts
- Increase focus on detention alternatives (Electronic home detention or alcohol monitoring programs, after school/work reporting, etc.)

Restorative justice with emphasis on diversion and evidence-based behavior change for defendants-- especially those posing a low public safety risk

- High use of alternatives to detention and evidence-based treatment programs
- High number of referrals to specialty courts and/or diversion

← Monroe’s Mayor/City Administrator note desire to move to left on the spectrum in response to public safety concerns related to some of the City’s homeless population

↑ Monroe’s judge describes the court as being slightly right of center on the spectrum; would like to move right, balanced with public safety →

Has Monroe Municipal Court Met its Original Objectives in its First Five Years of Operation?



Initial Objectives for New Municipal Court

- Improved customer service for internal and external stakeholders (ex. court customer service cutbacks; refusal to process Monroe red light/school zone infractions; lack of indigent screening; delays in arraignment time)
- Personalized, consistent application of judicial philosophy with Municipal Judge (ex. ability to enforce fingerprinting is valued by Police; consistent enforcement of city ordinances (SODA, Site/Lie, etc.)
- Overall cost savings to the city – court and jail (ex. at the time, photo traffic enforcement was contemplated to provide significant funding for court; increased use of detention alternatives also contemplated to save money for the city)

Municipal Court Results at Year Five

- Level of personalized customer service and judicial practice are highly valued by organization.
- Perceived level of local control is high. Cooperation between City departments, Prosecutor and Public Defender appears to be focused on achieving City priorities.
- Court costs are currently **not offset** by court collected revenue (\$148,000 net cost in 2019). Jail costs were not evaluated in detail. Current District Court contract costs **less** than Municipal Court (Projected net **revenue** over costs of \$57,000 in 2019)

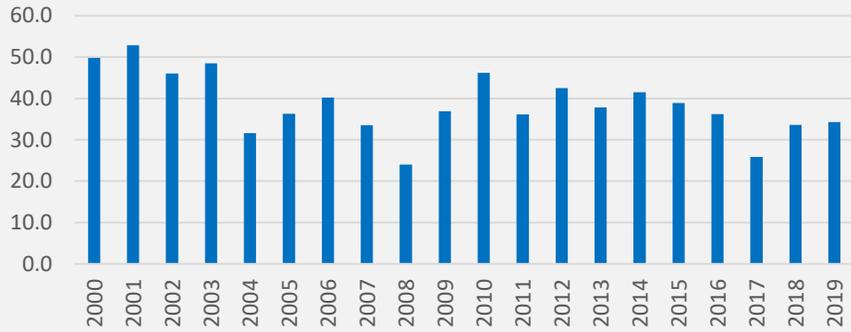


Character of Justice System Caseload for Monroe



Monroe Historical Court Case Levels

Misdemeanors per 1,000 Population

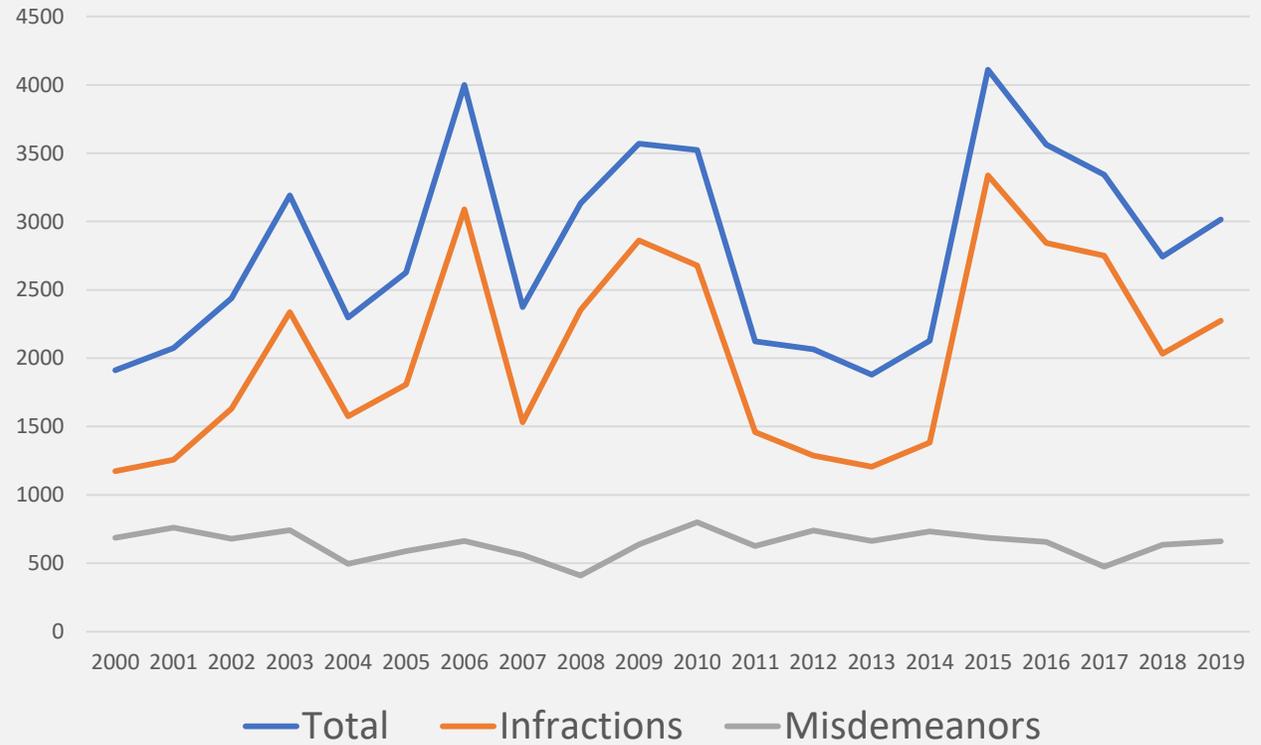


Monroe has had a historically relatively stable number of misdemeanor filings but variable levels of infraction filings over the last twenty years.

Misdemeanor filings per 1,000 population have slowly declined consistent with statewide trends.

Approximately 1/3 of 2018 cases filed with court (infractions and misdemeanors) have Monroe zip code – 2/3 reside outside Monroe zip code area.

Monroe Court Filings by General Type
2000 to 2019



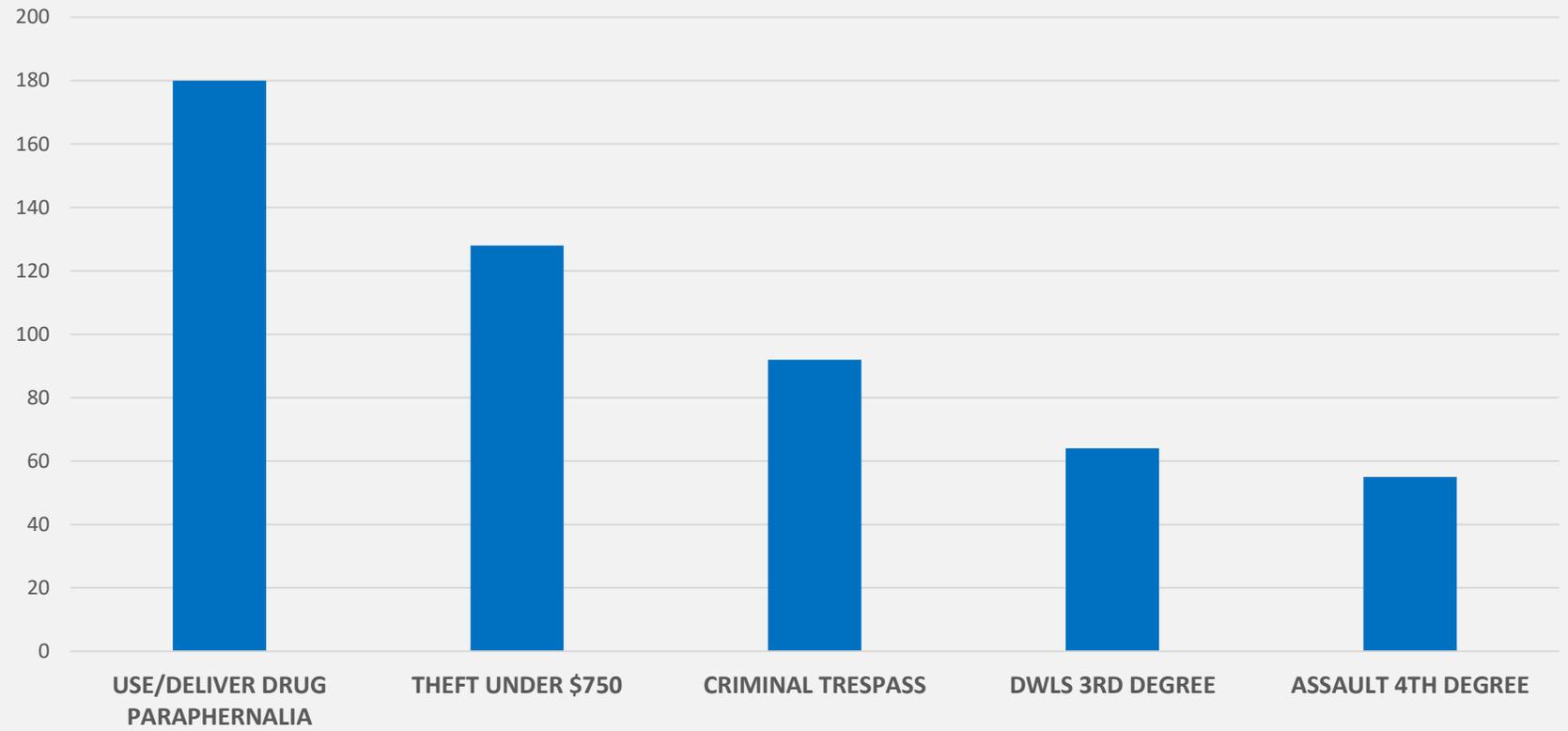


Top Monroe Misdemeanor Filings

Use/delivery of drug paraphernalia, theft and trespass were Monroe's top 3 misdemeanor charges for 2019.

This case profile is significantly different than Lake Stevens and Sultan's which emphasize traffic violations.

Top Volume Monroe Municipal Court Criminal Cases
2019





Monroe Court Caseload Forecast

Historical Caseload Pattern

Monroe historically has had a stable number of misdemeanor filings but variable levels of infraction filings.

Misdemeanor filings per 1,000 population have slowly declined consistent with state trends. Infractions have varied widely.

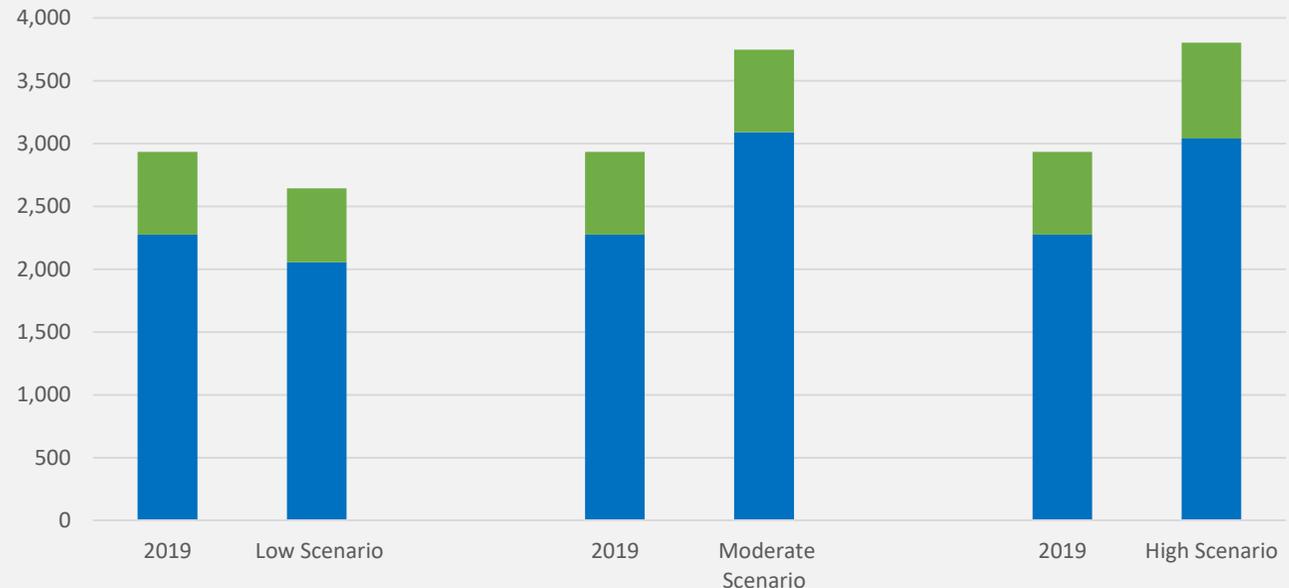
Forecast

Change in total caseload by 2026 ranges from 10% less to 30% more than court caseload in 2019.

Monroe’s caseload forecast shows growth in court caseload primarily driven by varying population increases in the moderate and high scenario.

In the low scenario, Monroe’s caseload would decline overall following historical and statewide patterns.

2026 Monroe Court Caseload Forecast Scenarios



■ Infractions ■ Misdemeanors

What's Notable about Monroe's Criminal Justice System overall?



- **Defendants and Caseload**

- Unusual caseload—fewer infractions, more costly overall than typical municipal court caseloads
- 73% of defendants qualified for a public defender in 2019—a high percentage, but in line with Lake Stevens and Sultan

- **Court system, staffing and facilities**

- Judge has capacity to serve additional hours and retain appointed status
- Court is understaffed—lack of redundancy if one staff person is ill/on vacation
- No professional probation staffing. Monroe is the only court in the county without probation staffing.
- Multiple demands for use of council chambers
- Current space for staff and records is inadequate
- Security concerns with current courtroom
- Parking can be over-subscribed at times court is in session

- **Associated Services**

- Public Defense costs are higher *per case* than Lake Stevens and Sultan
- Public Defense firm and Police have imbedded social workers to assist defendants in accessing treatment, housing, etc.

Comparison of *Court Services Options and Costs*

**Monroe Municipal Court serving Monroe
Evergreen District Court located in Monroe serving
other cities, WSP and unincorporated county**

Current Courts Comparison: Judicial Philosophy, Outcomes, Costs



	Monroe Municipal	Evergreen Dist. Ct.
Judicial Philosophy <i>The courts have similar perceptions of where they are on the criminal justice spectrum</i>	Right of center Would like to be able to have probation dept. or community court or youth court. New judge observed to be more conservative than predecessor—more pre-sentencing jail days, higher bail	Middle, moving right One of 2 judges is retiring as soon as next year: replacement unknown
Judicial outcomes (2018, 2019) <ul style="list-style-type: none"> Average jail cost Average # of hearings per case 	<ul style="list-style-type: none"> Lowest jail cost per misdemeanor—reflects sentencing practices 2.3 hearings average per misdemeanor case--efficient 	<ul style="list-style-type: none"> Close to Monroe jail cost 3.3 hearings average per misdemeanor case
Court costs <ul style="list-style-type: none"> 2019 cost per misdemeanor Average collections per case 	<ul style="list-style-type: none"> Highest cost \$84; by far lowest failure to respond rate—efficient, revenue recovery is relatively good. 	<ul style="list-style-type: none"> Lowest cost \$60; high failure to respond rate



Current Courts Comparison: Services

	Monroe Municipal	Evergreen Dist. Ct.
Court Services: Similarities	<p>Basic services similar in terms of case management</p> <p>Neither have digital records/forms – all can use common software to digitally file cases.</p> <p>Both accept paper infraction tickets – in small quantities</p> <p>Both track # of cases, revenues.</p> <p>Both make extensive use of video appearance to process cases (Evergreen held in other Divisions)</p>	
Court Services: Differences <ul style="list-style-type: none"> • Probation services • Access to specialty courts • Jail proximity • Level of on-line services • Staffing level 	<ul style="list-style-type: none"> • No probation. This was noted by several stakeholders as their #1 desired program add. • No specialty court programs. • No jail proximate to court facility but Police Dept. is on same campus and has short term holding cells • Uses video appearance with Jail • Very limited online self service • Under-staffed/no back-up 	<ul style="list-style-type: none"> • Offers probation w/ several programs including MRT and Alive at 25. • Relies on other District Court Divisions for video. • Specialty court options (Mental Health) not open to city defendants currently. • No proximate jail; no holding cells in Court facility • Some online services • Staffing adequate for caseload • Also handles some civil cases



Current Courts Comparisons: Facilities

	Monroe Municipal	Evergreen Dist. Ct.
Current Facility	<ul style="list-style-type: none"> • Court held in Council chambers. • Significant competition for use of Council chambers • Lobby space use combined with other City Hall visitors • Security scan and video equipment must be set up and taken down each day • Security concerns noted by several partners – no video monitor or panic button • Office space for staff and customer area inadequate • Records space inadequate • Police dept. has three short-term holding cells • Parking can overflow 	<ul style="list-style-type: none"> • Dedicated 2-courtroom facility • Judge Clough currently hears city cases and will be retiring in 2021 or 2022. • No security video • No panic button in courtroom • No video appearance capacity: video appearances conducted in other divisions of District court • Large customer service area and private meeting space for attorneys • Sultan cases not on dedicated calendars • No holding cells, no adjacent jail • Parking adequate

Court Comparison: Client Feedback



	Monroe Municipal	Evergreen Dist. Ct.
Client feedback	<ul style="list-style-type: none"> • Staff are excellent • Highly responsive, accessible, flexible • Individualized justice • Location is important • Most interviewees would like to see probation added. • Public defenders less interested in probation than prosecutors (true for all 3 cities) • Would like to be able to offer more diversion opportunities • Excellent availability for warrants • Confusion among defendants about Municipal court vs District Court 	<ul style="list-style-type: none"> • Some clients noted they are very pleased with Judge Clough, service from staff, facility location. • Other clients perceive there is less personalized service here than in Monroe, more frequent clerical errors. • City cases on combined calendars (Prosecutor notes there are dedicated Sultan calendars) • Confusion among defendants about Municipal Court vs District Court on phone and at customer counter. • City cases lower priority than Superior Court or District Court for access to video appearance • Long phone wait times. • Gloomy courtrooms (windowless) • Availability for warrants can be challenge

Why Does Monroe need more Staff to get to a Sustainable Staffing Level?



- **Monroe's current court staffing level is marginal, at best.**
- **Monroe staff workload (case volume) is twice or more than all comparable Municipal courts in Western Washington, whether stand alone or joint court.**
- Current staffing:
 - part time judge
 - court administrator
 - court specialist
 - Court security (hourly)
- Court staff must cover customer counter, records, phone and set-up/tear-down and clerk service for court in council chambers.
- **The courtroom and customer service cannot be operated with one person, making it difficult to arrange internal city meetings, vacations, leave and training without compromising core services.**
- **Staff back up is generally not available and internal financial controls are difficult to maintain with a two person staff.**
 - The Finance Department does assist with reconciling bank statements in order to meet minimum internal control requirements.
- The court administrator spends 40% of her time on probation-related work for which she is not professionally trained and regularly works significantly more than 40 hrs. per week.

Recommended Staffing to Achieve Sustainable Staffing Levels



- ✓ In order to be sustainable and meet existing requirements:
 - Additional self-help services should be added to phone and on-line customer resources during business and non-business hours to assist with customer service demand
 - At least 0.25FTE court specialist should be added to the staff, to provide back-up capacity and assist with workload volume.
 - Add a part time probations officer (0.8 FTE), this addition would reduce workload for the Court Administrator and the Judge and add management capacity that is currently not available.
- ✓ **With these additions Monroe would have approximately comparable services to Marysville Municipal Court and Evergreen District Court.**
- ✓ The cost of these additions would be an estimated \$112,000 per year (2020 dollars) – excluding facility costs

Potential City of Monroe Requirements in a District Court Contract



- Input on the judge selected to hear the majority of city cases
- Dedicated court calendar time slots for city cases.
- Transition terms related to the change from City Municipal Court to District Court
- Agreement on coordinated web and phone automation/content for city and county (beyond transition) to facilitate FAQ and self help for city residents including payments.
- County commitment to keep Evergreen Division open in current location.
- Retention of Monroe Traffic Violations Bureau and explicit responsibility for follow up on non-payment/response to Police infractions
- Reporting of fine and fee collection/failure to respond follow up rates, revenue collection averages for misdemeanors and infractions, average hearings per misdemeanor and examples of typical sentences for the five highest volume misdemeanors
- Access to county programs for city cases including:
 - ✓ How indigent participation will be paid for
 - ✓ Probation and probation programs
 - ✓ Mental Health Court
 - ✓ DWLS 3 re-licensing program
 - ✓ Community Court program, when established
- Coordination with city programs
 - ✓ Annual report to City Council by court and probation
 - ✓ Participation by Evergreen court and probation program representatives in city criminal justice related problem-solving work groups
 - ✓ Regular de-briefing sessions with Police
 - ✓ Mechanism for effective involvement of city Police social worker and Public Defense social worker in court and its programs
- Meeting timeliness requirements for “in jail custody” arraignments and warrants

Monroe Municipal Court and Criminal Justice System Costs – 2019 Actual Cost



COURT REVENUES and COSTS

Court/Probation Revenue

• Fines and Fee Revenue	\$240,290
• Probation Fee Revenue	\$17,076
Total Revenue	\$257,366

Court Costs

• Personnel - Judicial Officers	\$75,246
• Personnel - Court Operations	\$279,287
• Personnel – Probation	\$0
• Program Operating Costs	\$18,118
• IT and Facilities Operating – Court	\$33,621
Total Costs	\$406,272

Court Net Revenue (Expense) (\$148,906)

Per Case Cost \$138

Criminal Justice System Costs--Court and Associated Programs (excluding police)

• Court/Probation Net Expense	\$148,906
• Prosecutor	\$180,000
• Public Defense	\$213,400
• Jail	\$372,936
• Total Net Cost	\$915,242

Per Misdemeanor Cost \$1,384.63

Three Cities Current Cost of Court & Associated Services



Of the three cities, Lake Stevens' current court costs are totally paid for by court related revenue. Sultan is close to breaking even.

The cost per misdemeanor is relatively similar. Sultan has the lowest cost per court case of the three cities while Monroe has the highest cost per court case.

Monroe Monroe Municipal Court

	2019/20
Court/Probation Revenue	
Fines and Fee Revenue	\$240,290
Probation Fee Revenue	<u>\$17,076</u>
Total Revenue	\$257,366
Court Costs	
Personnel - Judicial Officers	\$75,246
Personnel - Court Operations	\$279,287
Personnel - Probation	\$0
Program Operating Costs	\$18,118
IT and Facilities Operating - Court	<u>\$33,621</u>
Total Costs	\$406,272
Court Net Revenue (Expense)	<u>(\$148,906)</u>

Per Case Cost \$138

Court and Associated Programs

Court/Probation Net Expense	\$148,906
Prosecutor	\$180,000
Public Defense	\$213,400
Jail	<u>\$372,936</u>
Total Net Cost	<u>\$915,242</u>

Per Misdemeanor Cost \$1,384.63

Lake Stevens Marysville Municipal Court Contract

	2019/20
Court/Probation Revenue	
Fines and Fee Revenue	\$242,925
Probation Fee Revenue Collected	\$6,720
Probation Fee Revenue Retained by Marysville	<u>-\$6,720</u>
Total Revenue	\$242,925
Court Costs	
Marysville Court Contract	\$197,844
Direct Non-contract Costs	<u>\$23,152</u>
Total Costs	\$220,996
Net Revenue (Expense)	<u>\$21,929</u>

Per Case Cost \$81

Court and Associated Programs

Court/Probation Net (Revenue)	(\$21,929)
Prosecutor	\$142,669
Public Defense	\$127,627
Jail	<u>\$427,687</u>
Total Net Cost	<u>\$676,054</u>

Per Misdemeanor Cost \$1,307.65

Sultan Evergreen District Court Contract

	2019/20
Court/Probation Revenue	
Fines and Fee Revenue	\$25,363
Probation Fee Revenue Collected	\$2,304
Probation Fee Revenue Retained by Evergreen	<u>-\$2,304</u>
Total Revenue	\$25,363
Court Costs	
Evergreen District Court Contract	\$27,037
Direct Non-contract Costs	<u>\$0</u>
Total Costs	\$27,037
Net Revenue (Expense)	<u>(\$1,674)</u>

Per Case Cost \$64

Court and Associated Programs

Court/Probation Net Expense	\$1,674
Prosecutor	\$68,804
Public Defense	\$25,440
Jail	<u>\$92,227</u>
Total Net Cost	<u>\$188,145</u>

Per Misdemeanor Cost \$1,198.38

Financial Comparison -- Monroe Municipal Court and Evergreen District Court



Monroe Stand Alone Municipal Court Forecast Assuming Building Block Staffing Scenario

	Base Year	Low 2026	Moderate 2026	High 2026
Court/Probation Revenue				
Fines and Fee Revenue	\$240,290	\$240,752	\$240,752	\$274,126
Probation Fee Revenue	\$17,076	\$17,076	\$17,076	\$17,185
Total Revenue	\$257,366	\$257,828	\$257,828	\$291,311
Court Costs				
Personnel - Judicial Officers	\$75,246	\$75,246	\$75,246	\$75,246
Personnel - Court Operations	\$279,287	\$279,287	\$297,715	\$301,312
Personnel - Probation	\$0	\$0	\$75,600	\$75,600
Program Operating Costs	\$18,118	\$18,118	\$18,118	\$21,743
IT and Facilities Operating - Court	\$33,621	\$33,621	\$44,621	\$44,621
Total Costs	\$406,272	\$406,272	\$511,300	\$518,522
Court Net Revenue (Expense)	(\$148,906)	(\$148,444)	(\$253,472)	(\$227,211)
Average Per Case Cost	\$138	\$154	\$136	\$136

Court and Associated Programs

	Base	Low 2026	Moderate 2026	High 2026
Court/Probation Net Expense	\$148,906	\$148,444	\$253,472	\$227,211
Prosecutor	\$180,000	\$160,121	\$179,183	\$208,048
Public Defense	\$213,400	\$188,866	\$214,562	\$245,397
Jail	\$372,936	\$331,749	\$371,243	\$431,049
Total Net Cost	\$915,242	\$829,180	\$1,018,460	\$1,111,705
Per Misdemeanor Cost	\$1,384.63	\$1,410.17	\$1,524.64	\$1,455.11

District Court is the least expensive option for Monroe compared to the lowest cost standalone Municipal Court building blocks forecast.

The cost difference is significant in the aggregate and per case.

Key reasons for the cost difference:

- *County appears to be subsidizing the court with regional CJ taxes and state revenue*
- *County court staff are paid less*

Monroe Contract with District Court Forecast District Court Contract

	Base Year	Low 2026	Moderate 2026	High 2026
Court/Probation Revenue				
Fines and Fee Revenue	\$240,290	\$222,086	\$263,760	\$319,536
Probation Fee Revenue Collected	\$17,076	\$15,240	\$17,018	\$19,812
Probation Fee Revenue Retained by Evergreen	-\$17,076	-\$15,240	-\$17,018	-\$19,812
Total Revenue	\$240,290	\$222,086	\$263,760	\$319,536
Costs				
Evergreen District Court Contract	\$174,402	\$173,955	\$231,226	\$243,077
Direct Non-contract costs	\$9,091	\$8,087	\$9,050	\$10,508
Total Costs	\$183,493	\$182,042	\$240,275	\$253,585
Net Revenue (Expense)	\$56,797	\$40,044	\$23,485	\$65,951
Average Per Case Cost	\$62	\$69	\$64	\$67
Court/Probation Net Revenue	(\$56,797)	(\$40,044)	(\$23,485)	(\$65,951)
Prosecutor	\$180,000	\$160,121	\$179,183	\$208,048
Public Defense	\$212,313	\$188,866	\$211,350	\$245,397
Jail	\$372,936	\$331,749	\$371,243	\$431,049
Sub total	\$765,249	\$680,736	\$761,776	\$884,494
Total Net Cost	\$708,453	\$640,692	\$738,291	\$818,542
Per Misd	\$1,072	\$1,090	\$1,122	\$1,071.39

Court Options Operating Cost Comparison



	Base Year (2019)	Moderate caseload forecast 2026	Base Year (2019)	Moderate caseload forecast 2026	Base Year (2019)	Moderate caseload forecast 2026
	Monroe Stand Alone Court		Joint Court		District Court Contract	
Court net Revenue (Expense)	(\$253,472)	(\$253,472)	(\$253,472)	(\$235,378)	\$56,797	\$23,485
Average Per case cost	\$138	\$136	\$86	\$63	\$62	\$64
Total net cost (court, prosecutor, public defense, jail)	\$971,438	\$968,179	\$971,438	\$950,0850	\$708,453	\$738,291
Per misdemeanor cost	\$1,385	\$1,525	\$1,470	\$1,444	\$1,072	\$1,122

Financial Summary of Court Options -- All Cities *Court Only* and *Total Criminal Justice Costs* versus *Current Contracts*



Options for each city are presented in descending order—from least expensive to most expensive for the LOW caseload scenario. Ranking results change as caseload grows.

Analysis Results

Each city has multiple financially viable options for the provision of court services.

Cost ranking differs depending on whether looking at court costs alone or at all CJ costs combined, and depending on the caseload.

Black = net revenues
Red = net cost

Monroe Options - Operating Costs Only	Base Year	Low 2026	Moderate 2026	High 2026
Evergreen District Court Contract				
Court Only - Net Revenue	\$56,797	\$40,044	\$23,485	\$65,951
Total Court and Associated Costs -- New Public Defense Contract	\$661,165	\$598,627	\$691,218	\$763,886
Joint Court – Building Block Staffing				
Court Only - Net Cost	\$253,472	\$221,389	\$235,378	\$264,324
Total Court and Associated Costs -- New Public Defense Contract	\$971,438	\$860,064	\$950,085	\$1,094,167
Stand Alone Court – Building Block Staffing				
Court Only - Net Cost	\$253,472	\$253,472	\$253,472	\$253,472
Total Court and Associated Costs -- New Public Defense Contract	\$971,438	\$892,146	\$968,179	\$1,083,314
Lake Stevens Options				
Monroe Contract – Building Block Staffing				
Court Only - Net Revenue/Cost	NA	\$10,920	\$118,987	\$251,776
Total Court and Associated Costs -- New Jail Contractor	NA	\$585,814	\$612,889	\$642,381
Monroe Limited Operating Contract with Own Judge				
Court Only - Net Revenue/Cost	NA	\$16,420	\$113,487	\$246,276
Total Court and Associated Costs -- New Jail Contractor	NA	\$591,314	\$618,389	\$647,881
Evergreen District Court Contract				
Court Only - Net Revenue/Cost	\$63,142	\$27,971	\$48,427	\$151,406
Total Court and Associated Costs -- New Jail Contractor	\$498,845	\$602,865	\$683,449	\$742,751
Marysville Municipal Court Contract				
Court Only - Net Revenue/Cost	\$21,929	\$35,127	\$28,876	\$122,337
Total Court and Associated Costs -- New Jail Contractor	\$540,058	\$608,901	\$695,253	\$757,221
Sultan Options				
Monroe Contract – Building Block Staffing				
Court Only - Net Cost	NA	\$3,478	\$339	\$12,867
Total Court and Associated Costs -- Direct Filing Prosecutor Costs	NA	\$171,655	\$219,112	\$315,284
Evergreen District Court				
Court Only - Net Cost	\$1,674	\$8,160	\$7,043	\$4,956
Total Court and Associated Costs -- Direct Filing Prosecutor Costs	\$162,673	\$176,338	\$226,494	\$333,107

Lake Stevens highlight shows where LS Judge required—this option not feasible in order to retain part time judge in Monroe



Facilities Options

What are the Facility Needs for a Court?



Preferred Courtroom Facility:

- 4,000-5,000 sq. ft.
- At least one courtroom, customer counter, staff and judge offices, records storage, in-custody defendant access/security, public security, probation meeting rooms, meeting space for defense attorneys, private meeting space for victims/witnesses/children, a jury room, adjacent restrooms.
 - Community courts and robust probation programs typically use a more informal open large space with flexible seating for community accountability boards, group treatment programs and meetings with defendants.
- Adequate parking, ADA access and transit service
- Technology for staff/attorneys and general public, WiFi, printing/scanning equipment, video and audio equipment.
- If joint use areas (restrooms, public lobby) are not available, then these should be provided for a stand-alone court.

Monroe's Existing Court Facility:

- One courtroom combined with the Council Chambers.
- Current staff/judge offices and customer service area have **no additional capacity** and are hemmed in by surrounding uses.
- Caseload projections show **a need for additional staff offices, courtroom hours, records and private meeting space** beyond the space that is currently available.
- **Some safety and security issues** which should be addressed:
 - Separate courtroom entrances for judge, staff
 - Video monitoring
 - Panic button
- **Parking can be over-subscribed** when court is in session; transit access is good.
- Technology needs are met, generally. Printer/scanner needed in Courtroom.



Monroe Facilities Options

The consulting team identified six options for a solo or joint court in Monroe:

- A. Existing Court Space in Monroe City Hall - Joint Use of Council Chambers
- B. Replacement Monroe City Hall/Police Combined Building
- C. Remodel/Expand Monroe City Hall/Police
- D. Court in Portable -- Existing Monroe City Hall Campus land
- E. Court in Portable -- Old Monroe Public Works Bldg Location after demolition
- F. Acquire a 4,000 to 6,000 square foot existing building in Monroe

Additional publicly owned sites in Monroe were reviewed but did not meet size, access, parking or compatible use criteria. Additional detail work on cost and feasibility are required for all options before final decision making.

Monroe Facilities Options Analysis

Takeaways



- ✓ The **status quo facility** at Monroe City Hall *is not sustainable*.
- ✓ Increasing staff and service capacity to a point where the court is **sustainable** either as a solo court or a court able to offer equivalent services to other cities, **will require additional space** for additional courtroom hours, staff and records.
- ✓ **Any of the Monroe facilities options other than status quo will support a joint court** for at least a few years, depending on how quickly combined caseloads grow (primarily, how quickly the Lake Stevens' caseload grows).
 - Caseload analysis shows that combined workload could exceed that allowable for a Monroe appointed judge in as early as 2023.
- ✓ While not ideal, court can **continue to be held in the Monroe City Council Chambers (Options B and C)** until caseloads outgrow the Chambers availability, **so long as additional staff and records space is provided**.

Monroe Facilities Options Analysis

Takeaways, cont.



✓ Portables (Options D and E) have important pros and cons:

- Advantages: less expensive than permanent construction, more quickly deployed. (\$0.75M - \$1M, 1 year)
- Disadvantages: lower quality construction than permanent buildings. Low ceilings mean portables are not ideally configured to house courtrooms.
- A small portable could be used just to house court staff (no courtroom), but additional records space would still be needed in a more permanent structure. **(Option D)**
- A larger portable would provide much greater functionality as compared to a small portable—providing chambers, staff space, dedicated lobby-- at a modest cost increment compared to a small portable **(Option E)**

✓ Acquisition of an existing building (Option F) would provide new, dedicated court room(s) as well as staff and records space. It also provides the **greatest short and long-term flexibility** to Monroe whether or not a joint court is pursued, as well as the greatest capacity and flexibility for a long-term joint court operation of any of the options reviewed.

Summary of Advantages and Disadvantages of Court Operating and Facilities Options

Monroe Option 1: Contract with Evergreen District Court



Advantages for Monroe	Disadvantages for Monroe
<ul style="list-style-type: none"> • Least cost option. • Evergreen provides probation services at no cost to city • Court location is in Monroe very near City Hall • Reduce confusion with only one local court in the City • No need to add staffing, services • No need for additional court facilities • Better online services • Jail sentencing practice of current judges similar to Monroe 	<ul style="list-style-type: none"> • Less local control -- No ability to hire/fire judge, control court procedures or costs • Less continuity in terms of judges for Monroe cases (video appearance are heard by judges in Everett, South Divisions) • Potentially less judicial engagement on building new cross-system interventions to address Monroe's criminal justice issues • County collects revenue per case at a somewhat lower rate and has a modestly higher number of hearings per misdemeanor
<p>Potential Advantages:</p> <ul style="list-style-type: none"> • <i>Could seek access to County mental health county regional tax</i> • <i>Could seek access to regional relicensing program (currently under discussion, not yet launched) to handle some DWLS3 cases</i> • <i>Enhanced leverage if negotiating with other cities</i> • <i>Could retain Traffic Violation Bureau to enhance fine collection.</i> 	<p>Potential Disadvantages:</p> <ul style="list-style-type: none"> • <i>County could elect to close Evergreen Division and hold all cases in Everett (previously studied by County, but currently not an active conversation)</i>

Monroe Option 2: Adjust Municipal Court Offerings/Staffing to Stabilize and Improve Service, but Don't Extend Services to Other Cities



Advantages	Disadvantages
<ul style="list-style-type: none"> • Maintain local control over costs, judge selection, court procedures • Improves service levels for customers over status quo; court becomes sustainable. • Can maintain focus on bringing together in-city resources/agencies to address homeless population or specific high-volume crimes. • Retains consistency in judicial oversight of cases/offenders. • Can implement small community/diversion court calendars unique to Monroe's needs 	<ul style="list-style-type: none"> • More expensive than Evergreen Court • Opportunities for economies of scale not taken • Loss of direct access to the advantages of regional revenue support for criminal justice programs and services. • Loss of direct access to mature Probation treatment programs and services • Requires facility and modest technology investments • Community/diversion court services would need to be funded and implemented by county
<p><i>Potential Advantages</i></p>	<p><i>Potential Disadvantages</i></p>
<ul style="list-style-type: none"> • <i>Could seek access to County or Marysville mental health revenues, courts and/or probation services through small contracts (rather than recreate)</i> 	<ul style="list-style-type: none"> • <i>Loss of access to potential future County Mental Health court services funded by regional/state revenue</i>

Monroe Option 3: Partner with Other Cities and Create a Joint Court in Monroe



Advantages	Disadvantages
<ul style="list-style-type: none"> • Less expensive than building block solo court option under low and moderate caseload forecasts. • Retain more local control than Evergreen District option • More continuity in terms of judges hearing Monroe cases • Potentially more ability to get judicial engagement on building new cross-system interventions to address Monroe’s criminal justice issues 	<ul style="list-style-type: none"> • More expensive than Evergreen Contract • Requires longer-term commitment to service levels, facilities per contract negotiated between partners • Transaction costs of negotiation, updating contract over time • Requires capital facility and modest technology investment • Does not leverage regional revenues.
<p><i>Potential Advantages</i></p>	<p><i>Potential Disadvantages</i></p>
<ul style="list-style-type: none"> • <i>Cities together may have better ability to bring effective human services options to scale in East county region, potentially funded with regional revenue.</i> • <i>Could seek access to County or Marysville mental health courts through small contracts (rather than recreate)</i> • <i>Any capital facility investment leaves local court option available to the city in the long term.</i> 	<p><i>Partners judicial philosophies and priorities may diverge over time, increasing conflict for the court and its operations</i></p>



Improving Outcomes in the Criminal Justice System



Motivating Offenders to Change

Most criminal justice research supports the theory that offenders change dysfunctional behavior when they are *motivated and have appropriate support during and after a change*. Community supports are necessary in order for the offender to sustain their new behavior.

Motivation usually only happens *when the offender's brain and body are healthy and clear enough to think beyond the brain's "flight or fight" mechanism*. An offender may reach this point after a certain age in their life cycle or during their interaction with the community and the criminal justice system. This is why it is thought that *a continuum of interventions should be available to offenders in the criminal justice system* in order to take advantage of the point, no matter when it comes, where the offender is motivated.

Professionals *trained in motivational interviewing techniques throughout the Criminal Justice system can engage with offenders in ways that accelerate offender motivation*. This includes police officers, social workers, judges, court staff, probation officers, jail staff and intervention program providers.

Opportunities to Improve Availability of Intervention Programs



- **Hire a probation officer or contract with another court for probation services**
 - **134 Monroe misdemeanor offenders (2019) are estimated to be eligible for active probation supervision.**
 - Probation programs are intended to help motivate the offender to complete their sentence and may also offer group or individual treatment, electronic monitoring or education and connection to community supports after probation is completed. Some community or diversion courts involve probation officers in scheduled court conferences with offenders and intervention or treatment service providers.
- **Contract for ability to refer defendants to probation-based Domestic Violence treatment programs and responsible driving courses.** These services are currently offered by other probation programs in the County (25 and Alive and Cognitive Reconciliation Therapy are examples).
- **Seek access to, or funding for, therapeutic court program(s)**

The available 1/10 of a cent sales tax for mental health and chemical dependency treatment, a regional revenue, is used to finance the District Courts Mental Health court. This regional tax is typically used across the state to support therapeutic courts and treatment for adult misdemeanor and felony offenders. The County does not currently allow city cases to be referred to the District Court Mental Health Court



Resources to Address Gaps – Monroe’s Options

Managing demand or modify operations to maximize capacity with existing resources:

- Implement one or more of the strategies outlined for the highest volume court cases to reduce offense rates in the courts
- Invest in policing programs or strategies that focus on repeat offenders and/or connecting problem solving resources with community members.

Seeking funding from Snohomish County regional revenue and/or state programs:

- Countywide mental health, chemical dependency and therapeutic court sales tax funding – annual applications
- Seek city access on your own or with other cities to County Mental Health Court, County probation programs and/or other services funded with regional revenue.
- Proposal to County for homeless housing/facility projects. Cities are eligible.
- Apply for Statewide homelessness facility and program funding (Department of Commerce); Washington Association of Sheriffs and Police Chiefs, Arrest and Jail alternatives programs; annual Office of Public Defense grants to cities.

City funding:

- Re-direct funding/staffing
 - part of current city jail funding to pay for indigent use of electronic monitoring in lieu of jail (lower cost per day than jail)
 - existing city staff capacity (in the short or long term due to Covid workload changes) to court specialist staffing needs.
 - Public Safety sales tax received by the city after voter approval in 2014 to support the court and its programs Year over year change in Criminal Justice and/or Public Safety sales tax receipts
 - Court improvement funding coming from the state each year may be used to make one-time effectiveness improvements for the court such as a printer for the courtroom, security changes, website and phone self service additions
- Potential Facilities funding
 - Construction related sales tax revenue dedicated to one-time expenses – potential for court facility
 - REET 1 funds may be used for court facilities provided they are part of GMA Capital Facilities Plan; REET 2 funds may be used for facilities serving homeless persons until 2026



Recommendations

Conclusions



- ✓ **The City has options available to it**
- ✓ **While the District Court is a much less expensive operating and capital facility cost option than retaining the Monroe court, ultimately, the decision to select a court service provider involves balancing multiple factors, including:**
 - Cost
 - Local control of judge selection and criminal justice system impacts
 - Service offerings
 - Service levels
 - Location of court service delivery
 - Having an appointed judge
 - Impacts on associated services – jail, prosecutor, public defender, police – costs and service levels



**Recommended
Actions -- Roadmap
to a Decision**
*in the next 6 months, the
Cities may wish to
undertake the following
steps, prior to deciding
which court services option
to pursue.*

1. **Confirm criminal justice system priorities.** Leadership in each city should confirm what is important to them in terms of their criminal justice system responsibilities. How does each city weigh the importance of system outcomes, local control, court service offerings, service levels, and cost?
2. **Narrow Court Options:** Based on a confirmed understanding of local priorities, each city should identify which of the court services operating options presented in this study are of interest, of no further interest, and any follow up questions.
3. **Monroe Court Sustainability—Operations and Facilities:** Monroe should determine the feasibility of **funding sustainable Court staffing, probation, and improving online/automated phone services--** and how long this will take. Additionally, Monroe should determine its **preferred facilities option** for a sustainable court operation and a timeline for implementing that facility option. These determinations should inform the decision of whether to retain the court, and whether to offer services to other cities.

Roadmap, Cont'd.

4. If there is continued interest on the part of Monroe and Sultan and/or Lake Stevens to further explore a joint court, the interested cities should confer together. If there is agreement on services, cost and timeline, a work plan can be developed to result in a negotiated agreement and jointly agreed start date.

- Earliest date for launching joint court is January 2022.

Additional work that should be part of this discussion relates to facilities in the partner cities:

- **Sultan and Lake Stevens:** Determine feasibility/timeline for making council chamber improvements
- **Lake Stevens:** Determine preferred facility for longer term use as city municipal court or limited court

Other Recommendations for all Cities

*Regardless of whether a joint
court is pursued...*

Opioid Offenders/Homeless Population Defendants

1. Periodically convene social workers, probation staff (and in Monroe, Homelessness Task Force lead staff and/or other non-profit service providers) to develop problem-solving plans for individuals who frequently use police and justice services.
2. Secure Medically Assisted Treatment (MAT) program access with follow-up
 - Currently available at Snohomish County jail and Marysville Jail
 - At jail release, to assure continuity, connect defendants/offenders to this service through social worker or probation staff and a MAT third-party provider

Other Recommendations for all Cities

*Regardless of whether a joint
court is pursued...*

Opioid Offenders/Homeless Population Defendants, cont.

3. Negotiate access to Mental Health Court at Snohomish County District or Marysville Court
 - County program is financed with regional sales tax revenue
 - Alternately, apply to Snohomish County Mental Health Chemical Dependency Sales Tax Advisory Board to secure funding from the regional tax supporting County Mental Health Court
4. Leverage Carnegie and Diversion Center resources through Pioneer Human Services (PHS) and other mental health providers
 - Work with PHS to see develop East County/Sky Valley service program;
 - Explore feasibility of applying for Chem. Dep./MH Sales tax monies to support and/or state funding programs in support of homeless populations

Other Recommendations for all Cities

*Regardless of whether a joint
court is pursued...*

Additional Justice System Recommendations

3. High Volume Offenses – Periodically convene police and court staff to develop responses for selected high-volume offenses, in order to reduce demand for court and jail services and improve outcomes.
 - Reduces jail costs
4. Support continued funding of imbedded social workers in public defender offices and in police
5. If a **joint court** is established, priority actions for further improvements in service should include **supporting collaboration between human services agencies working in the three cities.**



Other Recommendations: MONROE

*Regardless of whether a joint
court is pursued...*

If the City retains its court, additional staffing and program offerings should be implemented:

1. Change Court/City website and phone to add 24/7 self-service options including self-service payments
2. Secure sustainable staffing
3. Implement a probation program or contract for probation services from Marysville or District Court
 - County probation is funded with regional revenues such as criminal justice sales tax
4. Secure access to motivation intervention programs for municipal court
 - Moral Reconciliation Therapy (MRT) – contract with third party provider (possibly Snohomish County or Marysville Court)
 - Secure skills training for police/probation/judge/social worker/court staff –those key in face-to-face interactions

Regardless of whether the City continues its local court operation, the City should negotiate changes to reduce cost of public defender contract to be in line with other cities



Thank you!

Anne Pflug
The Other Company
Ellensburg, Washington
AnnePflug@gmail.com
425-785-8557

Karen Reed
Karen Reed Consulting LLC
Seattle, Washington
kreedconsult@Comcast.net
206-932-5063