**Superior Court**

Analyst: Clifton Curry

|  |  | **Expenditures** |  | **Revenues** |  | **FTEs** |  | **TLTs** | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 2019-2020 Revised Budget |  | $116,332,245 |  | $8,115,674 |  | 327.8 |  | 0.0 | |
| 2021-2022 Base Budget Adjust. |  | ($1,986,305) |  | ($563,410) |  | 0.0 |  | 0.0 | |
| 2021-2022 Decision Packages |  | ($860,594) |  | ($391,850) |  | (18.6) |  | 0.0 | |
| **2021-2022 Proposed Budget** |  | **$113,485,346** |  | **$7,160,414** |  | **309.2** |  | **0.0** | |
| % Change from prior biennium |  | (2.4%) |  |  |  |  |  |  | |
| Dec. Pkg. as % of prior biennium |  | (0.7%) |  |  |  |  |  |  | |
| **Major Revenue Sources:** General Fund, fees | | | | | | | | |
| **Base Budget Assumptions:** (1) 0.0% GWI for 2021; (2) 2.0% GWI for 2022 | | | | | | | | |

**Description**

King County Superior Court is the County’s general jurisdiction trial court and the largest of the 29 superior court districts in Washington State, handling over 53,000 new cases in 2019. The Court currently has 53 judges and 9 commissioners. The cases over which Superior Court has jurisdiction include felony criminal cases, civil matters involving more than $300, unlawful detainers, injunctions, family law cases, probate and guardianship matters, juvenile offender cases, juvenile dependency cases, and mental illness and involuntary commitment matters. The court manages or participates in three MIDD-funded therapeutic court programs: Family Treatment Court, King County Adult Drug Diversion Court, and Juvenile Therapeutic Response and Accountability Court (formerly known as the Juvenile Drug Court.)

**Summary of Proposed Budget and Changes**

The Executive’s proposed budget would decrease the Superior Court appropriation by $2.8 million or 2.4 percent, from $116.3 million in the 2019-20 biennium to $113.5 million in the 2021-22 biennium. Revenues are expected to decrease by 11.8 percent, from $8.1 million in 2019-20 to $7.1 million in 2021-22. The proposed employee count for Superior Court would be reduced by 18.2 FTEs over the biennium. The court’s budget contains several reductions, the transition of therapeutic court costs from the MIDD Fund to the General Fund and adds the costs of two new judicial positions (a new judge and commissioner) and the staff that support the new judge.

**Direct Service Changes:** The Superior Court 2021-2022 budget proposal contains a variety of proposed reductions—many to be taken as a result of the severe strain on the County’s General Fund. However, some of the reductions are predicated on the implementation of proposed juvenile offender diversion programs. The court’s budget proposal includes a reduction of $891,927 and 4.0 FTEs to meet its General Fund Reduction targets[[1]](#footnote-1) along with a reduction of $800,126 and 3.0 FTEs by reducing Court Reporter positions and a supervisor position. Furthermore, as an Administrative Change, the court’s budget includes a reduction of $1.2 million that would be achieved by all non-elected court staff taking five (furlough) unpaid days in both years of the biennium, for a total of ten furlough days. The Superior Court budget also contains a proposed $980,000 technical reduction that captures salary savings through a vacancy rate adjustment.

In addition to these reductions, the court’s budget contains a reduction of $1.1 million and 15.0 FTEs related to the implementation of a new juvenile diversion initiative promulgated by the Prosecuting Attorney’s Office (see below).

The budget proposal also includes a funding shifts for the King County Adult Drug Diversion Court, Juvenile Therapeutic Response and Accountability Court, and Family Treatment Court[[2]](#footnote-2). The Superior Court operates (with support from DJA) three of the County’s therapeutic courts that receive funding through the County’s Mental Illness and Drug Dependency (MIDD) Fund in addition to the state’s Criminal Justice Treatment Account (CJTA).[[3]](#footnote-3) Because of the significant revenue reductions in the MIDD fund due to the COVID pandemic, the Superior Court budget proposal reduces MIDD funding for each of the Adult Drug and Family Treatment courts for a total of $248,324 moving most of these expenditures to the General Fund, where the General Fund will be backed up by revenues from the state CJTA, allowing for the continuation of these services while reducing the pressure on the MIDD Fund. However, the Court does report that there will be a slight decline in funding for the Family Treatment Court of $226,110, a reduction of approximately eight percent (where total expenditures for 2019-20 were $2.7 million and are proposed to be $2.5 million in 2021-2022) due to the reduction of MIDD revenues.

**Administrative Service Changes:** The Superior Court budget request includes an addition of $805,681 and 3.0 FTEs to support a new judicial officer. The number of Superior Court judicial positions is established in state statute.[[4]](#footnote-4) Currently, the county has 53 Superior Court judges and nine commissioners. In May 1989, the County adopted Ordinance 8936, which enacted an agreement between the Executive, the Superior Court, and the County Council establishing a system for the creation of new judgeships. This inter-branch planning and coordination process was called a “Protocol” and a protocol committee, supported by a technical committee (primarily analytic staff from each branch of County government), was created to review court workload and determine when new judicial officers were needed. The protocol committee has representatives from the court, Department of Judicial Administration, the Council, the Executive, and the local bar. The committee has established specific criteria for reviewing the workload of the court, including defined indicators and has developed a set of indicators to measure judicial need. The committee has used the indicators to inform decisions on whether to increase or decrease the number of King County Superior Court judicial officers (judges and commissioners). In 2019, members of the committee met and acknowledged that the various indicators represented the need for added judicial officers. The committee agreed to the addition of one Superior Court judge and one commissioner in the 2021-2022 budget to address the increase in court workload.[[5]](#footnote-5) This funding request would fund the new judge and the other court staff that support the new positions. The judge and bailiff positions would begin in July 2021.

**Key Issues**

**Issue 1 –Restorative Community Pathways (Reduction of $1,110,238 & 15.0 FTEs)**

In lieu of filing charges, the King County Prosecuting Attorney’s Office proposes to refer up to 600 young people (about 60 percent of cases) pre-filing in 2022 to community-based organizations for comprehensive services intended to promote accountability, healing, and avoid future involvement in the criminal legal system. This new diversion program referred to as “Restorative Community Pathways (RCP)” was developed in partnership between community organizations, the Department of Public Defense, the PAO, and the Department of Community and Human Services. This program will serve youth ages 12-17 and will address misdemeanors (except domestic violence and sexual assault) and many first-time felony charges. Eligibility is at PAO discretion and PAO will consider other factors such as criminal history, level of injury, and use of a deadly weapon.

**RCP will both complement and expand on pre-filing diversion opportunities for justice involved youth. Cases will continue to be diverted through the Choose 180 workshop (first time juvenile misdemeanor offenders) and FIRS program (intra-familial domestic violence cases).** The RCP program would also include appropriate services and support for harmed parties and a restitution fund so that youths who cannot pay fines or other financial obligations do not end up in a cycle of probation violations and incarceration.

The total appropriation for this program is $6.2 million, largely in the DCHS – Employment Education Resources appropriation, and includes funding for the following:

* $5.2 million for community grants for DCHS (of this, PAO anticipates $150,000 will be needed for a restitution fund)
* $509,917 and two FTEs for DCHS to manage the program
* $500,000 for program evaluation

DCHS Children Youth and Young Adults Division will work with DPD, PAO, and community organizations serving youth and harmed parties to develop a selection process for community-based organizations. Selected RCP community-based organizations are expected to begin receiving referrals by July 2021. Council staff have asked PSB for information on the capacity of existing community-based organizations to do this work and whether there is any funding in the proposed budget specifically dedicated to building the capacity of community-based organizations to serve as part of a diversion program.

The program would largely be funded by the General Fund ($5.2 million) and from Best Starts for Kids ($1 million from shifting the BSK funding for existing CEDAR and Theft 3 diversion programs into this program). According to Executive staff, the program will eventually be fully funded through staff savings throughout the criminal justice system by diverting cases away from the criminal legal system. The proposed budget includes savings expected in the appropriation units listed below beginning in 2022 as a result of the effects of this program. The savings are discussed in the staff report for each appropriation.

The executive proposed budget contains a reduction of $1.1 million and 15.0 FTEs related to the implementation of the RCP and the potential reduction in the number of youth who would be diverted from Juvenile Court jurisdiction. The proposed court reduction to its Juvenile Probation Services budget is a “placeholder” estimate and is subject to change based on the timing of the initiation of the RCP and the actual number of youth diverted. Further, the reductions are based on implementation in 2022 and no 2021 reductions are included in the court’s budget related to the implementation of this program.

The committee’s consideration of the overall impacts of the RCP program was discussed in the Prosecuting Attorney’s budget during the October 7th Budget and Fiscal Management Committee meeting.

**Response to Council Inquiries**

**Question 1: Why is the 4th Avenue entrance to the Courthouse being closed when staff and the Court have expressed concerns about the safety of the 3rd Avenue entrance for staff and jurors?**

Answer: The closure of the 4th Avenue entrance is an issue in the Sheriff’s Office budget, where it will be more fully discussed.

**Question 2: Will the Court’s proposed cuts to its juvenile probation staff be subject to evaluation before being implemented? This questions also applies to proposed reductions—in the DAJD budget—for juvenile detention staff.**

Answer: According to the Executive, the proposed 2022 reductions for juvenile probation and detention staff are placeholders and will be revised after the County has better developed the Restorative Community Pathways program.

1. Vacant positions: Family Law Seminar Tech, Civil Case Specialist, and two Juvenile Probation Counselors. [↑](#footnote-ref-1)
2. Family Treatment Court (FTC) began in August 2004. Family Treatment Court is an alternative to regular dependency court and is designed to improve the safety and well-being of children in the dependency system by providing parents access to drug and alcohol treatment, judicial monitoring of their sobriety and individualized services to support the entire family. [↑](#footnote-ref-2)
3. The Criminal Justice Treatment Account (CJTA), established in RCW 70.96A.350, began in 2002 to aid those involved in the criminal justice system gain access to substance use disorder treatment. Specifically, this funding was dedicated to support defendants with a substance use disorder — including those enrolled in a drug court program. [↑](#footnote-ref-3)
4. RCW 2.08.061 establishes 58 positions for King County and allows the county to fill positions up to that limit, but only if the County Council approves the positions and agrees to pay half the salary and all other costs associated with new positions. [↑](#footnote-ref-4)
5. The Superior Court indicates that it will use its new judicial officers to increase support for the ITA Court and Family Law *Ex Parte* calendars. [↑](#footnote-ref-5)