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**WASHINGTON STATE
OFFICE OF PUBLIC DEFENSE**

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February 13, 2006

The Honorable Helen Sommers
Chair, Appropriations Committee
Washington State House of Representatives
PO Box 40600
Olympia, WA 98504

The Honorable Margarita Prentice
Chair, Ways and Means Committee
Washington State Senate
PO Box 40411
Olympia, WA 98504

Dear Senator Prentice and Representative Sommers,

In accordance with the Extraordinary Criminal Justice Costs Act, the Washington State Office of Public Defense (OPD) has considered counties' 2005 petitions for state reimbursement of costs incurred in aggravated murder cases, audited the veracity of the petitions, and prioritized them in consultation with the Washington Association of Prosecuting Attorneys (WAPA) and the Washington Association of Sheriffs and Police Chiefs (WASPC). This year, petitions were submitted by Grant, King, Skagit, and Yakima Counties. OPD disallowed undocumented expenses that were claimed in the petitions.

The statute names three factors for reimbursement consideration: disproportionate fiscal impact relative to the county criminal justice budget, efficient use of resources, and whether the costs were extraordinary and could not be reasonably accommodated and anticipated in the normal budget process.

The 2005 Extraordinary Criminal Justice Costs Act List (attached) was forwarded to legislative staff on January 20, 2006. The list indicates the ratio of the county's claimed cases' costs, divided by the county's criminal justice budget. Further, each county petition described efforts to control costs within the context of the individual cases and constitutional mandates, making efficient use of resources.

Factors that make these costs extraordinary and prevent them from being “reasonably accommodated and anticipated in the normal budget process” are specific to the individual circumstances of the cases and the counties in which they arise. The counties’ comments regarding these extraordinary budget impacts are summarized below.

Grant County Budget Impacts

Number of 2004 Cases Claimed: 2

Number of 2005 Cases Claimed: 2

(Note: the 2004 and 2005 case claims were for the same cases. The 2005 Legislature appropriated \$70,000 to Grant County as partial reimbursement for the 2004 expenses of these two extraordinary murder cases.)

Grant County’s petition declares that: “There was no way to anticipate that two twelve year old juvenile offenders would be accused of such a brutal murder. Because of the ages of the juvenile offenders and the victim, who was also a juvenile, many time consuming interviews, investigations, and psychological evaluations were, and continue to be performed. Furthermore, because of the magnitude of the local, regional and national media attention, and the intense public scrutiny, the case progressed slowly.”

Yakima County Budget Impacts

Number of 2004 Cases Claimed: 1

Number of 2005 Cases Claimed: 2

Yakima County explains by letter (forwarded to legislative staff on February 9, 2006) that : “As a result of high criminal justice budgets, low tax base, and restrictions on state and local tax revenues, Yakima County’s readily available current expense reserves have been reduced to roughly a total of only 1.5 million dollars. Our extraordinary criminal justice costs claimed for 2005 amount to 25% of Yakima County’s available current expense reserves. The case involved is still pending...We believe we are one major death penalty trial away from bankruptcy ...

(O)ur population demographics reflect the poverty that generates disproportionately large criminal justice impacts...(t)he estimated median 2005 household income of Yakima County residents is well below the average for the State and is in the lower tier of ranking for counties in Washington...(Yakima County is ranked seventh in the ten most populated counties in the state, but it is number one of all Washington counties in felony filings per 1,000 residents.) There were twenty-four (24) new homicide cases filed in 2005, which added to the existing budget stress for our county criminal justice agencies.”

King County Budget Impacts

Number of 2004 Cases Claimed: 12

Number of 2005 Cases Claimed: 19

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King County's petition explains: "King County continues to experience the financial strains of increasingly complex aggravated murder cases... In addition, this year's claim...includes costs associated with the Violent Crimes Review Team (VCRT), which is investigating over 17 unsolved murders in King County. The VCRT costs are partially grant revenue-backed, but a portion of the costs must be absorbed by the King County Sheriff's Office.

(A)ll inmates charged with aggravated murder are classified in the jail as 'ultra security' inmates, requiring specialized and more intense supervision...The defendants in the latest active aggravated murder cases have spent an average of almost 1000 days each in the King County Jail...King County is required by Supreme Court rule and by contract to provide two attorneys for most aggravated murder cases. However, many of these cases take years to complete and could require additional attorneys (by court order)... Cases are taking longer to process as a result of (technology) complexit(y). Over the past several years, King County has seen an increase in the average time it takes to resolve an aggravated murder case- from 20 months in 1999 to 30 months in 2002.

King County incurred all these costs at the same time it is dealing with an unprecedented fiscal crisis. Since 2002, King County has made \$117 million in reductions to General Fund services. The legal and financial obligations associated with the proliferation of these aggravated murder cases significantly impacts King County's ability to provide other public services."

Skagit County Budget Impacts

Number of 2004 Cases Claimed: 0

Number of 2005 Cases Claimed: 1

Skagit County's petition says: (Costs for the claimed aggravated murder case could not be reasonably accommodated and anticipated in the normal budget process because) "There is insufficient history for this type of case in the County. The last aggravated murder case in Skagit County was approximately five years ago."

The 2005 Extraordinary Criminal Justice Costs Act Prioritized List is enclosed. If OPD can provide any more information, please let me know.

Sincerely,

Joanne I. Moore
Director

Extraordinary Criminal Justice Costs Act 2005 Prioritized List

<u>Year</u>	<u>County</u>	<u>Adjusted Claim</u>	<u>Criminal Justice Budget</u>	<u>Budget Impact</u>
2005	Grant*	282,144	15,346,123	1.84%
2005	Yakima	366,888	46,520,927	0.79%
2005	King**	1,320,739	433,635,051	0.30%
2005	Skagit	57,248	25,342,229	0.23%
Total of Claims:		2,027,020		

Notes:

1. The list has been prioritized in order of the impact of counties' 2005 aggravated murder costs on their 2005 criminal justice budgets.
2. Budget impacts are rounded to the nearest hundredth.

* Per the Grant County Clerk, this case is not an aggravated murder case.

** Includes \$97,473 for "Unsolved Aggravated Murder Investigations".