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April 17, 2003

To: Members of Performance Audit Committee
Judge James Orlando, Presiding Judge, Pierce County Superior Court

Matt Temmel, Performance Audit Coordinator

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Legal Financial Obligations

Since 1998, the Performance Audit Committee has worked on cost recovery for court-appointed attorneys and other legal financial obligations (LFOs) ordered by the courts. The most recent report, October 2002, was a follow-up report on implementation of audit recommendations, including an update on the amounts recovered. The report is available on the Pierce County web site: www.piercecountywa.org/performance-audit

The purpose of today's briefing is to review the most important issues for the benefit of committee members and Superior Court judges.

Study Background

Our interest in this topic started with a September 1998 report by The Spangenberg Group, a national consulting firm, on Pierce County's indigency screening and cost recovery program. A task force from 12 agencies of county government¹ reviewed the consultant's report and agreed in March 1999 to implement ten recommendations intended to increase the amount of money recovered for public defense costs.

Two major recommendations agreed by the task force in 1999 were as follows:

- ◆ **“Institute recoupment as normal practice in Superior Court and District Courts for all cases with Assigned Counsel. The procedure is for the Prosecutor to recommend recoupment and Assigned Counsel to support this practice.”**

¹ Assigned Counsel, Budget and Finance, Clerk of Superior Court, County Council, District Court #1, District Court Probation, County Executive, Juvenile Court, Pre-Trial Services, Prosecuting Attorney, Sheriff, and Superior Court. The task force was created in 1998 by a resolution of the County Council.



- ◆ **“The recommended flat fees for recoupment are \$300 for class A felonies, \$200 for class B and C felonies, \$100 for DUI and domestic violence gross misdemeanors, and \$50 for other cases.”**

In 1999, it was known that the above amounts covered only a small part of the average costs for a court-appointed attorney. The task force agreed on the low amounts as a starting point to see whether all parties—the prosecutor, defense counsel, and the court—could work together so that recoupment would be ordered in virtually every criminal case with a court-appointed attorney. Staff is now working to calculate average costs in felony, misdemeanor, and juvenile cases. On that basis, the task force might recommend revised standard amounts later this year.

Performance audit staff have written two follow-up reports, November 2000 and October 2002, to document the implementation and impact of the task force’s recommendations. The follow-up work initially focused on public defense cost recovery, such as recoupment. However, recoupment is only one of approximately ten categories of LFOs and covers only 14% of the LFO revenue collected by Pierce County in 2002. We therefore broadened the study scope to cover all LFOs that can be ordered by the courts.

Recoupment Data

Attachment 1 shows the amounts from various sources recovered since 1997 to offset the costs of public defense. At the bottom line, it can be seen that the overall revenue has more than tripled from \$92,211 in 1997 to \$302,993 in 2002. Recoupment ordered by Superior Court for court-appointed attorneys makes up the largest part of the revenue (\$179,264 in 2002).

Attachment 2 shows the difference between public defense recoupment that is ordered by Superior Court and the amounts that are actually collected each year.

- ◆ Collections increased significantly from \$51,909 in 1997 to \$183,919 in 2002. Data from other counties, to be discussed later, indicate that the amount collected can be increased far beyond the current level.
- ◆ Superior Court judges increased the amount of recoupment that was ordered from \$54,210 in 1997 to \$679,070 in 2001. In 2002, the amount declined to \$487,026.

Attachment 3 shows on a monthly basis the percentage of Assigned Counsel cases in Superior Court in which recoupment was ordered in 2001 and 2002. Much improvement has occurred since 1997, when approximately 11% of Superior Court felony dispositions included an order for public defense recoupment. In 2001, as shown in the graph, Superior Court judges ordered recoupment for public defense costs in 63.5% of felony dispositions. In 2002, the percentages declined, and the annual average was only 56.6%.

Implementation of Task Force Recommendations on Recoupment

In our October 2002 report, we discussed the extent to which prosecutors, defense counsel, and judges have implemented the task force recommendations regarding recoupment (October 2002 report, pp. 8-9). The main points are summarized here.

1. The Prosecuting Attorney has a written policy that endorses the 1999 task force recommendation that the prosecutor is to recommend recoupment to the court in all cases with assigned counsel at any point in the case. The policy has been circulated twice to deputy prosecutors. Sampling evidence and anecdotal information indicate that deputy prosecuting attorneys in felony cases recommend recoupment to the court on a regular basis.
2. The Department of Assigned Counsel held office discussions on the 1999 task force recommendations, but the department does not have a written policy on recoupment. Both prosecution and defense sources indicate that DAC staff attorneys sometimes oppose recoupment in court after they agreed to recoupment in the plea bargain negotiations.
3. Judicial assignments to the criminal courts can affect the recoupment percentages shown in Attachment 3. Typically, four to six judges sit in the presiding courts each month, and they are responsible for the vast majority of sentences that month. If most of the judges order recoupment, the percentage of cases in which recoupment is ordered will be high. On the other hand, some judges are not ordering recoupment and may not be aware of statutory criteria or the task force recommendations on the topic. Approximately five of the 21 Superior Court incumbents have taken office since the task force made its recommendations in 1999.

To make sure that the courts and defense counsel are aware of the Task Force policy of recoupment, we made the following recommendation in the October 2002 report:

- ◆ **The presiding judges should notify all judicial departments about the Task Force recoupment policy and inform them about the LFOs that may be ordered by the court, including local and state shares, or add the information to standard materials that are available to judges on an ongoing basis.**
- ◆ **The Department of Assigned Counsel should adopt a written agency policy on recoupment that applies to staff attorneys, panel attorneys, and contract attorneys.**

Standard Amounts Ordered for Recoupment

In a detailed review of the records last year, we found that most of the Superior Court judges who ordered recoupment do tend to order the standard amounts recommended by the task force in 1999 (\$300 for a class A felony, \$200 for class B and C felonies, etc.). The standard amounts are much higher in other counties, e.g., \$960 in Kitsap County and

\$660 in Clark County. Performance audit staff is now working on calculating the average costs of a court-appointed attorney in Pierce County cases. The data could provide an empirical basis for ordering recoupment and for increasing the standard amounts.

Why Isn't Recoupment Ordered in All Cases?

In 1999, the task force recommended that ordering of recoupment should become “normal practice” in “all cases” with a court-appointed attorney. As mentioned earlier, Superior Court judges ordered recoupment in approximately 11% of the cases in 1997 and 56.6% of the cases in 2002. While recognizing that the court has made great strides in increasing the percentage of cases in which recoupment is ordered, we believe the figure should be close to 100%. That is the practice in Clark, Kitsap, Chelan, and some other counties.

For felony offenses committed after July 1, 2000, the superior court retains jurisdiction over a convicted defendant until the LFO has been paid. In other words, the obligation to pay lasts for life.² If a judge does not order recoupment, he or she must make a finding under section 2.5 of the judgment and sentence that the defendant does not “have the ability or likely future ability to pay” the LFO. We believe it is almost impossible to have the required substantial evidence of likely future inability to pay.

Under the Washington statutes, indigency is a current condition that makes the defendant eligible to receive a court-appointed attorney. Indigency is not a permanent condition unless there is substantial evidence that the defendant is unlikely to have future ability over the course of a lifetime to pay a legal financial obligation.³

Therefore, we believe that every judgment and sentence in cases with a court-appointed attorney should include an order for recoupment or a finding supported by substantial evidence that the defendant is unlikely to have future ability to pay the LFO over the course of his/her lifetime.

Legal Financial Obligations: Pierce County and Other Counties

Public defense recoupment is one of several LFOs that may be ordered by the court at time of sentencing, as listed in the following table. The “mix” of LFOs ordered by the court has a significant impact on county revenue. County revenues will ultimately be higher when judges order a high proportion of LFOs that have a 100% local share. Those items are shaded in the table.

² For felony offenses committed prior to July 1, 2000, the court retained jurisdiction over the defendant for payment of LFOs for a period of ten years from the date of sentence or release from confinement, whichever occurred later, and jurisdiction could be extended for an additional ten years. After July 1, 2000, the court retains jurisdiction indefinitely, until the LFOs have been paid.

³ There is extensive case law on these issues, such as the 1997 Blank case decided by the Washington Supreme Court. See State v. Blank, 131 Wn.2d 230, 930 P.2d 1213 (1997).

Exhibit 1

Legal Financial Obligations – Superior Court

<u>Legal Financial Obligation (LFO)</u>	<u>Amount</u>	<u>Local Share</u>	<u>State Share</u>
Public defense recoupment (ordered in 56.6% of felony cases in 2002).	Varies	100%	-
Drug investigations fee (seldom ordered in Pierce County)	Varies	100%	-
Crime victim penalty – adult (mandatory)	\$500	68%	32%
Crime victim penalty – juvenile (mandatory) (not ordered in Pierce County)	\$250	68%	32%
DNA Database Fee (mandatory)	\$100	0%	100%
Fines (frequently ordered in Pierce County)	Varies	68%	32%
Criminal Filing Fee (not used in Pierce County)	\$110	54%	46%
Other criminal costs (court costs are usually ordered in Pierce Co.)	\$110	100%	-
Witness costs, warrant costs, and service of process (seldom ordered in Pierce Co.)	Varies	100%	-
LFO interest from the date of judgment	12% per year	50%	50%

Note: The table excludes one major fee, up to \$3000 for meth clean up, and some minor fees.

Source: BARS manual.

The next attachments consider Pierce County performance compared with other counties on county revenue from collection of LFOs. The revenue data are from the Administrative Office of the Courts (AOC) in Olympia.

As shown in Attachment 4, Pierce County revenue in 2002 from collection of public defense recoupment came to some \$183,000, while revenue from all LFOs was over \$1.3 million. We have tracked these data since 1999, and the Pierce County amounts have increased significantly each year. For instance, the Pierce County local share amount was 84% of the King County local share amount in 1999—and grew to 97% in 2002. Clearly, Pierce County performance on LFOs is improving vis-à-vis King County.

However, the small counties are the best performers in terms of maximizing their revenues from LFOs. Attachment 5 is a graph of the revenue figures for recoupment and for all LFOs per the average number of judgments and sentence. As can be seen, Clark County and Chelan County had a local share of \$756 per case in revenue from all LFOs, versus \$300 in Pierce County. We believe the higher figures in the smaller counties are the result of two factors: (1) The judges order a higher proportion of LFOs that have a 100% local share, and (2) the Clerk of Superior Court has more aggressive collection procedures.

Attachment 6 is a three-page spreadsheet on Clerk of Superior Court revenue in 2002 in nine counties, showing in detail the revenue received from each LFO category. Pierce County revenues may be compared with that of other counties. The revenue percentages are quite different in some other counties (especially Clark, Kitsap, and Chelan), reflecting different ways of doing business. Here are three striking differences.

- ◆ **Public Defense**: In Clark and Kitsap counties, which have a much smaller volume of criminal cases, the revenue from public defense recoupment is higher than in Pierce County in total dollars, not just in dollars per case.
- ◆ **Drug Investigation Funds** : Clark and Kitsap county receive 16% and 17% of their LFO revenue from drug investigation funds (\$245,861 and \$103,034 respectively). Pierce County, which has a much higher number and proportion of drug cases, received only \$9,942 from this LFO (1% of revenue) because the court seldom orders payment of this LFO. Chelan County received \$14,614 from this LFO, or some \$4,000 more than Pierce County.
- ◆ **Fines**: Pierce County imposes a large number of criminal fines compared with other superior courts. In dollar terms, the Pierce County local revenue share from fines (\$298,364) was the highest in the state, even higher than in King County. Revenue from fines is shared with the state (68% local share). If judges had ordered fewer fines and assessed higher amounts for public defense and drug investigations (both 100% local share), Pierce County revenue would have been higher.

Proposed Changes to Judgment and Sentence Form

With the goal of collecting higher revenues from LFOs, task force members are working on various aspects of this topic—such as DAC unit costs in the various courts, eligibility criteria to receive a court-appointed attorney, and several other topics discussed in the October 2002 report. One item is now ready for Superior Court review. Attachment 7 is a draft judgment and sentence form with revised language about LFOs.

The proposed changes are intended to do two things:

- ◆ Advise convicted defendants that Pierce County will collect LFOs by civil means, such as sending unpaid obligations to a collection agency.
- ◆ Familiarize judges with the many LFOs that may be ordered under state law. See the chart on page 3 of the proposed judgment and sentence.

Bob Dick, Deputy Prosecuting Attorney in the Civil Division, and Dawn Farina, Chief Administrative Deputy, drafted the revised language. We hope the proposed judgment and sentence form will be considered favorably by the Criminal Procedures Committee of the Superior Court.

Performance audit staff would be glad to discuss with judges and others any items mentioned in this memo or in the October 2002 report. Members of the cost recovery task force will continue to work on various topics. When there is consensus or substantial evidence for change, we will recommend specific changes to the courts or other entities in the criminal justice system.

cc. Gerry Horne, Prosecuting Attorney
Jack Hill, Director of Assigned Counsel
Superior Court Judges
Indigent Defense Cost Recovery Task Force

Attachments

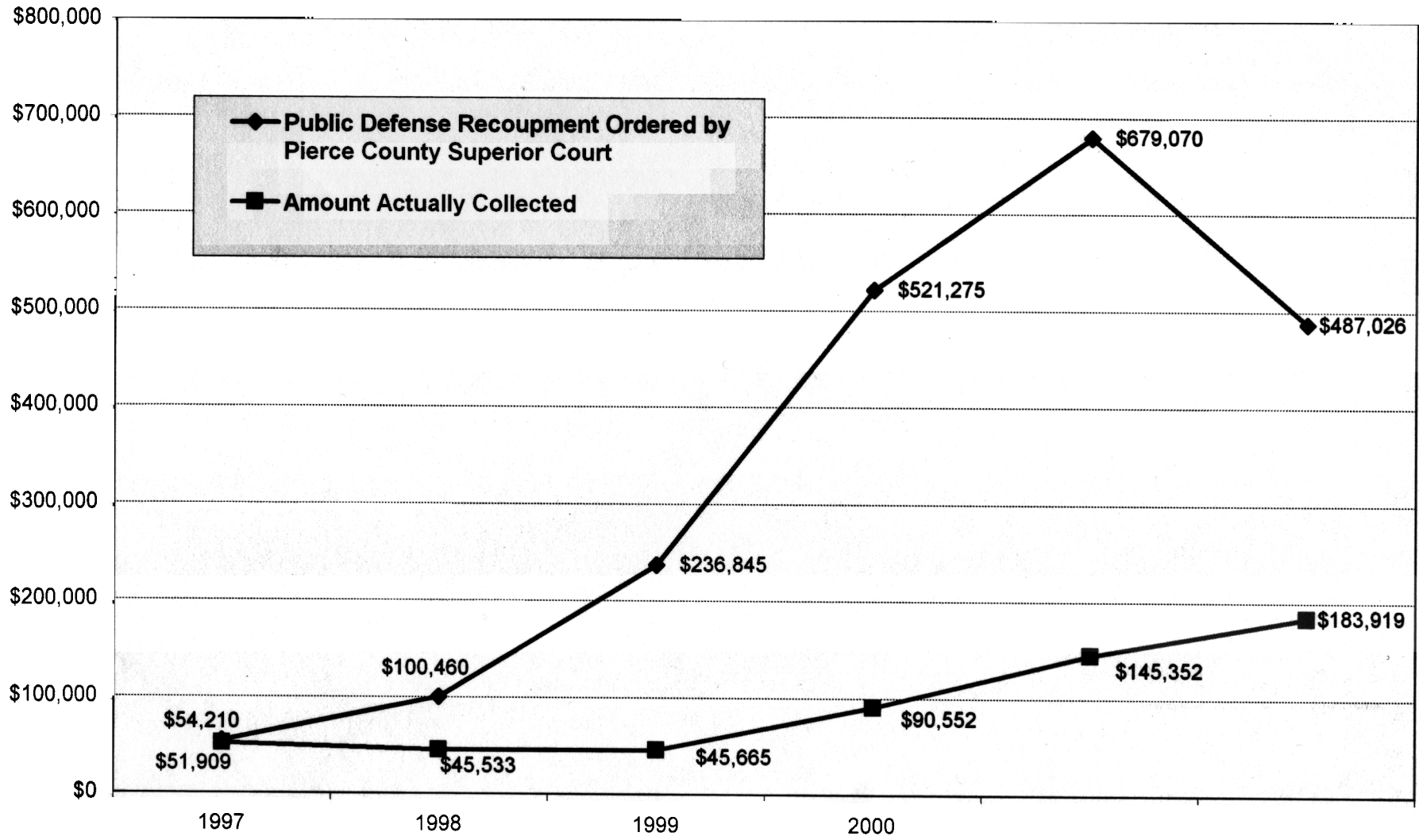
Public Defense Cost Recovery: Amounts Recovered by Pierce County, 1997 - 2002¹

	1997	1998	1999	2000	2001	2002
Pre Trial Services Administration Fee²						
Adult - In Custody	-	-	17,575	29,250	24,325	21,825
Adult - Out of Custody	-	-	17,600	28,975	28,325	29,221
Juvenile	-	-	2,175	9,245	7,000	4,475
<i>Subtotal</i>	-	-	37,350	67,470	59,650	55,521
Superior Court						
Court Ordered Recoupment	45,160	42,949	44,863	88,537	141,497	179,264
Promissory notes or collection agency	6,267	5,355	2,330	500	-	-
<i>Subtotal</i>	51,427	48,304	47,193	89,037	141,497	179,264
Juvenile Court						
Court Ordered Recoupment	-	-	-	-	32,966	50,009
Promissory notes or collection agency	30,313	45,766	32,823	5,809	1,519	1,895
<i>Subtotal</i>	30,313	45,766	32,823	5,809	34,485	51,904
District Court						
Court Ordered Recoupment	-	-	544	5,959	10,110	15,421
Promissory notes or collection agency	10,471	13,086	7,133	2,293	1,169	883
<i>Subtotal</i>	10,471	13,086	7,677	8,252	11,279	16,304
Total	\$ 92,211	\$ 107,156	\$ 125,043	\$ 170,568	\$ 246,910	\$ 302,993

¹ Figures for 1998-2002 represent money collected and posted in "Cash Receipts Ledger," with one exception. In District Court, data on court-ordered recoupment are from District Court #1 records and may vary a little from the Cash Receipts Ledger. The 1997 data are from a secondary source and are thought to be broadly comparable to the later data.

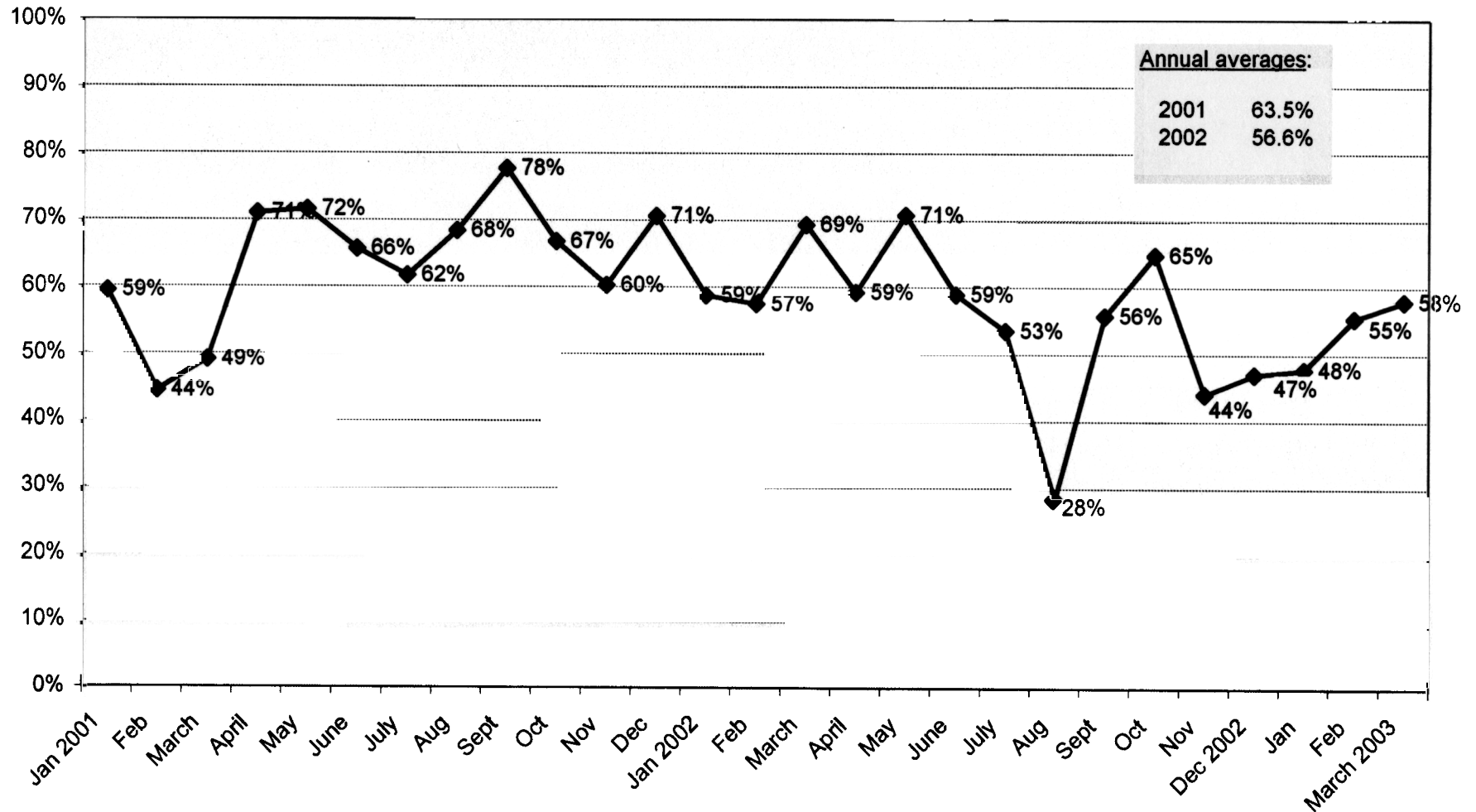
² Collection of Pre-Trial Services administration fee (screening fee) started in July 1999.

Superior Court Public Defense Recoupment: Amounts Ordered and Collected



Source: Clerk of Superior Court records from SCOMIS/JASS.

Superior Court Dispositions by Month: Percentage of Assigned Counsel Cases with Recoupment Ordered



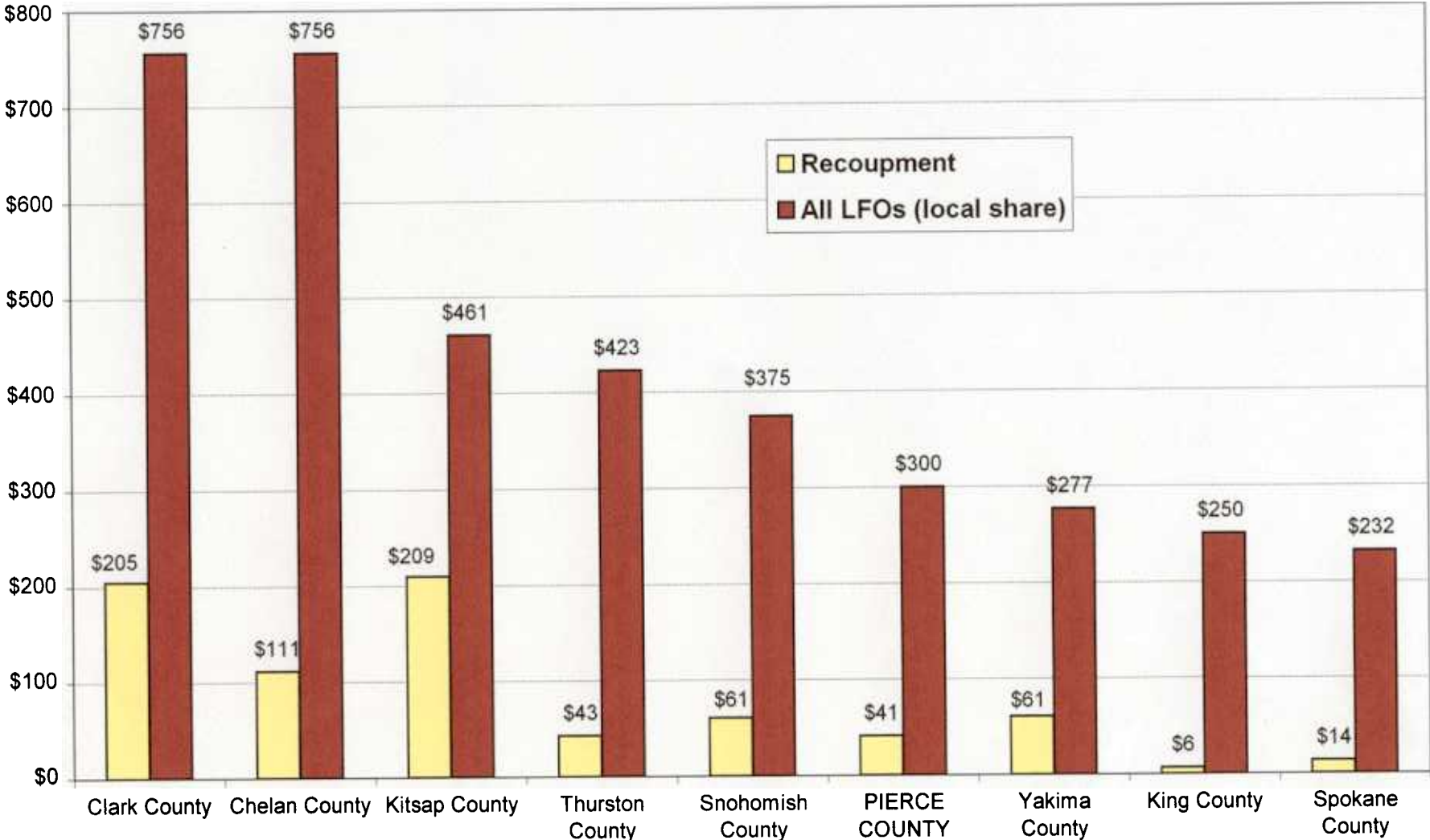
**Superior Court Recoupment and Other Legal Financial Obligations:
Amounts Collected in Nine Counties, 2002**

	<u>RECOUPMENT</u>		<u>ALL LFOs (Recoupment and Others)</u>	
	Amount Collected (100% Retained by County)	Amount per Judgment and Sentence *	Amount Collected (Includes Local Share Only)	Amount per Judgment and Sentence *
Clark County	\$331,936	\$205	\$1,226,706	\$756
Chelan County	33,006	111	223,959	756
Kitsap County	233,584	209	514,140	461
Thurston County	50,486	43	496,338	423
Snohomish County	101,239	61	627,035	375
PIERCE COUNTY	183,759	41	1,339,788	300
Yakima County	72,358	61	330,895	277
King County	34,464	6	1,381,334	250
Spokane County	20,783	14	353,936	232

* Based on three-year average number of Judgments and Sentence (state FY 1999, 2000, and 2001).

Source: Revenue data from Administrative Office of the Courts, April 3, 2003; analysis by Performance Audit staff.

Amounts Collected by Superior Court Clerks in 2002 per Average Number of Judgments and Sentence



Clerk of Superior Court Revenue for Legal Financial Obligations, 2002

Source: Revenue total for each LFO is from Administrative Office of the Courts, April 3, 2003; analysis by Performance Audit staff.

LFO (and local share percentage)	---- Clark County ----			---- King County ----			---- Kitsap County ----		
	Local Share	State Share	Total	Local Share	State Share	Total	Local Share	State Share	Total
Criminal Filing Fee (54%)	47,227	40,230	87,457	34,155	29,095	63,250	22,547	19,207	41,753
Drug Funds (100%)	245,861	-	245,861	11,349	-	11,349	103,034	-	103,034
Crime Victim Penalties - Adult (68%)	239,291	112,608	351,899	847,253	398,707	1,245,961	96,448	45,387	141,835
Crime Victim Penalties - Juvenile (68%)	44,690	21,031	65,721	85,358	40,168	125,527	8,438	3,971	12,409
Criminal Fines - Adult (68%)	170,742	80,349	251,091	283,392	133,361	416,752	9,841	4,631	14,471
Juvenile Offender Fines (68%)	137	64	201	1,765	831	2,595	34	16	50
Other Criminal Costs (100%)	-	-	-	1,133	-	1,133	-	-	-
Witness Cost Recoupment (100%)	2,877	-	2,877	6,711	-	6,711	1,657	-	1,657
Public Defense Recoupment - Adult (100%)	331,936	-	331,936	34,464	-	34,464	233,584	-	233,584
Public Defense Recoupment - Juvenile (100%)	47,325	-	47,325	-	-	-	15,814	-	15,814
LFO Interest (50%)	96,619	96,619	193,238	75,754	75,754	151,507	22,743	22,743	45,486
Total	\$ 1,226,706	\$ 350,901	\$ 1,577,607	\$ 1,381,334	\$ 677,916	\$ 2,059,250	\$ 514,140	\$ 95,955	\$ 610,095
Revenue per 3-year average number of Judgments & Sentence (state FY 1999-2001)	\$ 756	\$ 216	\$ 972	\$ 250	\$ 123	\$ 372	\$ 461	\$ 86	\$ 547

SAME DATA AS PERCENTAGES OF COUNTY TOTAL

LFO	---- Clark County ----			---- King County ----			---- Kitsap County ----		
	Local Share	State Share	Total	Local Share	State Share	Total	Local Share	State Share	Total
Criminal Filing Fee	3%	3%	6%	2%	1%	3%	4%	3%	7%
Drug Funds	16%	-	16%	1%	-	1%	17%	-	17%
Crime Victim Penalties - Adult	15%	7%	22%	41%	19%	61%	16%	7%	23%
Crime Victim Penalties - Juvenile	3%	1%	4%	4%	2%	6%	1%	1%	2%
Criminal Fines - Adult	11%	5%	16%	14%	6%	20%	2%	1%	2%
Juvenile Offender Fines	0%	0%	0%	0%	0%	0%	0%	0%	0%
Other Criminal Costs	0%	-	0%	0%	-	0%	-	-	-
Witness Cost Recoupment	0%	-	0%	0%	-	0%	0%	-	0%
Public Defense Recoupment - Adult	21%	-	21%	2%	-	2%	38%	-	38%
Public Defense Recoupment - Juvenile	3%	-	3%	-	-	0%	3%	-	3%
LFO Interest	6%	6%	12%	4%	4%	7%	4%	4%	7%
Total	78%	22%	100%	67%	33%	100%	84%	16%	100%

Attachment 6

LFO (and local share percentage)	----- Pierce County -----			----- Snohomish County -----			----- Spokane County -----		
	Local Share	State Share	Total	Local Share	State Share	Total	Local Share	State Share	Total
Criminal Filing Fee (54%)	-	-	-	14,733	12,550	27,284	6,143	5,233	11,375
Drug Funds (100%)	9,942	-	9,942	2,535	-	2,535	9,374	-	9,374
Crime Victim Penalties - Adult (68%)	574,689	270,442	845,131	279,721	131,633	411,355	159,184	74,910	234,093
Crime Victim Penalties - Juvenile (68%)	-	-	-	23,603	11,107	34,711	6,494	3,056	9,550
Criminal Fines - Adult (68%)	298,364	140,406	438,770	113,756	53,532	167,288	67,838	31,924	99,762
Juvenile Offender Fines (68%)	3,393	1,597	4,989	1,163	547	1,711	-	-	-
Other Criminal Costs (100%)	181,872	-	181,872	2,334	-	2,334	53,144	-	53,144
Witness Cost Recoupment (100%)	-	-	-	5,307	-	5,307	91	-	91
Public Defense Recoupment - Adult (100%)	183,759	-	183,759	101,239	-	101,239	20,783	-	20,783
Public Defense Recoupment - Juvenile (100%)	-	-	-	26,241	-	26,241	-	-	-
LFO Interest (50%)	87,768	87,768	175,537	56,403	56,403	112,806	30,886	30,886	61,773
Total	\$ 1,339,788	\$ 500,213	\$ 1,840,002	\$ 627,035	\$ 265,774	\$ 892,809	\$ 353,936	\$ 146,008	\$ 499,945
Revenue per 3-year average number of Judgments & Sentence (state FY 1999-2001)	\$ 300	\$ 112	\$ 412	\$ 375	\$ 159	\$ 534	\$ 232	\$ 96	\$ 327

SAME DATA AS PERCENTAGES OF COUNTY TOTAL

LFO	----- Pierce County -----			----- Snohomish County -----			----- Spokane County -----		
	Local Share	State Share	Total	Local Share	State Share	Total	Local Share	State Share	Total
Criminal Filing Fee	-	-	-	2%	1%	3%	1%	1%	2%
Drug Funds	1%	-	1%	0%	-	0%	2%	-	2%
Crime Victim Penalties - Adult	31%	15%	46%	31%	15%	46%	32%	15%	47%
Crime Victim Penalties - Juvenile	-	-	-	3%	1%	4%	1%	1%	2%
Criminal Fines - Adult	16%	8%	24%	13%	6%	19%	14%	6%	20%
Juvenile Offender Fines	0%	0%	0%	0%	0%	0%	-	-	-
Other Criminal Costs	10%	-	10%	0%	-	0%	11%	-	11%
Witness Cost Recoupment	-	-	-	1%	-	1%	0%	-	0%
Public Defense Recoupment - Adult	10%	-	10%	11%	-	11%	4%	-	4%
Public Defense Recoupment - Juvenile	-	-	-	3%	-	3%	-	-	-
LFO Interest	5%	5%	10%	6%	6%	13%	6%	6%	12%
Total	73%	27%	100%	70%	30%	100%	71%	29%	100%

Attachment 6

	----- Thurston County -----			----- Yakima County -----			----- Chelan County -----		
	Local Share	State Share	Total	Local Share	State Share	Total	Local Share	State Share	Total
Criminal Filing Fee (54%)	37,618	32,045	69,664	15,240	12,982	28,222	11,522	9,815	21,338
Drug Funds (100%)	121,103	-	121,103	20,079	-	20,079	14,614	-	14,614
Crime Victim Penalties - Adult (68%)	190,166	89,490	279,655	67,053	31,554	98,607	57,192	26,914	84,106
Crime Victim Penalties - Juvenile (68%)	31,133	14,651	45,784	21,818	10,267	32,086	15,847	7,458	23,305
Criminal Fines - Adult (68%)	17,675	8,318	25,993	94,252	44,354	138,606	36,801	17,318	54,119
Juvenile Offender Fines (68%)	699	329	1,027	792	373	1,164	1,043	491	1,535
Other Criminal Costs (100%)	5,206	-	5,206	-	-	-	250	-	250
Witness Cost Recoupment (100%)	187	-	187	5,252	-	5,252	26	-	26
Public Defense Recoupment - Adult (100%)	50,486	-	50,486	72,358	-	72,358	33,006	-	33,006
Public Defense Recoupment - Juvenile (100%)	-	-	-	13,617	-	13,617	36,004	-	36,004
LFO Interest (50%)	42,065	42,065	84,131	20,434	20,434	40,868	17,652	17,652	35,304
Total	\$ 496,338	\$ 186,898	\$ 683,236	\$ 330,895	\$ 119,964	\$ 450,859	\$ 223,959	\$ 79,648	\$ 303,607
Revenue per 3-year average number of Judgments & Sentence (state FY 1999-2001)	\$ 423	\$ 159	\$ 582	\$ 277	\$ 100	\$ 377	\$ 756	\$ 269	\$ 1,025

SAME DATA AS PERCENTAGES OF COUNTY TOTAL

LFO	----- Thurston County -----			----- Yakima County -----			----- Chelan County -----		
	Local Share	State Share	Total	Local Share	State Share	Total	Local Share	State Share	Total
Criminal Filing Fee	6%	5%	10%	3%	3%	6%	4%	3%	7%
Drug Funds	18%	-	18%	4%	-	4%	5%	-	5%
Crime Victim Penalties - Adult	28%	13%	41%	15%	7%	22%	19%	9%	28%
Crime Victim Penalties - Juvenile	5%	2%	7%	5%	2%	7%	5%	2%	8%
Criminal Fines - Adult	3%	1%	4%	21%	10%	31%	12%	6%	18%
Juvenile Offender Fines	0%	0%	0%	0%	0%	0%	0%	0%	1%
Other Criminal Costs	1%	-	1%	-	-	-	0%	-	0%
Witness Cost Recoupment	0%	-	0%	1%	-	1%	0%	-	0%
Public Defense Recoupment - Adult	7%	-	7%	16%	-	16%	11%	-	11%
Public Defense Recoupment - Juvenile	-	-	-	3%	-	3%	12%	-	12%
LFO Interest	6%	6%	12%	5%	5%	9%	6%	6%	12%
Total	73%	27%	100%	73%	27%	100%	74%	26%	100%

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SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. xx

vs.

JUDGMENT AND SENTENCE (JS)

xx
Defendant.

- Prison
- Jail One Year or Less
- First-Time Offender
- SOSA
- DOSA
- Breaking The Cycle (BTC)

SID: UNKNOWN
DOB: xx

Defendant.

I. HEARING

1.1 A sentencing hearing was held and the defendant, the defendant's lawyer and the (deputy) prosecuting attorney were present.

II. FINDINGS

There being no reason why judgment should not be pronounced, the court FINDS:

2.1 **CURRENT OFFENSE(S):** The defendant was found guilty on
by plea jury-verdict bench trial of:

COUNT	CRIME	RCW	DATE OF CRIME	INCIDENT NO.
xx				

as charged in the Enter Type of Information Information

1 [] Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589):

2 [] Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

3 2.2 **CRIMINAL HISTORY (RCW 9.94A.525):** NONE KNOWN OR CLAIMED

4 2.3 **SENTENCING DATA :**

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COUNT NO.	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE (not including enhancements)	PLUS ENHANCEMENTS	TOTAL STANDARD RANGE (including enhancements)	MAXIMUM TERM

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7 * (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Hom, See RCW 46.61.520, (JP) Juvenile present.

8 2.4 **EXCEPTIONAL SENTENCE.** Substantial and compelling reasons exist which justify an exceptional sentence [] above [] below the standard range for Count(s) _____. Findings of fact and conclusions of law are attached in Appendix 2.4. The Prosecuting Attorney [] did [] did not recommend a similar sentence.

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10 2.5 **ABILITY TO PAY LEGAL FINANCIAL OBLIGATIONS.** The court has considered the total amount owing, the defendant's past, present and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. The court finds that the defendant has the ability or likely future ability to pay the legal financial obligations imposed herein. **At the discretion of the Pierce County Clerk of Superior Court, the judgment shall be collectable by civil means, subject to the homestead, personal property, garnishment, and other applicable exemptions set forth in Title 6, RCW, without regard to monthly minimums and commencement dates set by the Court or the Department of Corrections. Monthly amounts and commencement dates shall only limit enforcement by orders imposing incarceration for violation of conditions of supervision.** RCW 9.94A.753.

14 [] The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753):

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17 2.6 For violent offenses, most serious offenses, or armed offenders recommended sentencing agreements or plea agreements are [] attached [] as follows: Enter N/A or Enter Agreement

18 **III. JUDGMENT**

19 3.1 The defendant is GUILTY of the Counts and Charges listed in Paragraph 2.1.

20 3.2 [] The court DISMISSES Counts _____ [] The defendant is found NOT GUILTY of Counts

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IV. SENTENCE AND ORDER

IT IS ORDERED:

4.1 Defendant shall pay to the Clerk of this Court: (Pierce County Clerk, 930 Tacoma Ave #110, Tacoma WA 98402)

AMOUNT	TYPE	REFERENCES	SHARES	JASS CODE
\$	<u>Restitution to</u> <u>(Name and Address-address may be withheld and provided confidentially to Clerk's Office)</u>		<u>Victim 100%</u>	<u>RTN/RJN</u>
\$	<u>Restitution to</u> <u>(Name and Address-address may be withheld and provided confidentially to Clerk's Office)</u>		<u>Victim 100%</u>	<u>RTN/RJN</u>
<u>X</u> \$ 500	<u>Crime Victim Assessment</u>	<u>RCW 7.68.035</u>	<u>Local 68%</u> <u>State 32%</u>	<u>PCV</u>
<u>X</u> \$ 100	<u>DNA Database Fee</u>	<u>RCW 43.43.7541</u>	<u>State 100%</u>	<u>DNA</u>
\$	<u>Court Appointed Attorneys' Fees and Defense Costs</u>	<u>RCW 9.94A.030</u>	<u>Local 100%</u>	<u>PUB</u>
\$	<u>Drug Investigation Fund for _____ (agency)</u>	<u>RCW 9.95.210, 9.92.060</u>	<u>Local 100%</u>	<u>CDF/DFA-DFZ</u>
\$	<u>Methamphetamine Cleanup</u>	<u>RCW 69.50.401 (\$3,000 max.)</u>	<u>Local 100%</u>	<u>MTH</u>
\$	<u>Jury Fee \$100/12 or \$50/6</u>	<u>RCW 10.01.160, 10.46.190, 36.18.016</u>	<u>Local 100%</u>	<u>JFR</u>
\$	<u>Warrant Costs</u>	<u>RCW 10.01.160</u>	<u>Local 100%</u>	<u>WRF</u>
\$	<u>Extradition Costs</u>	<u>RCW 9.92.060(2), 9.95.210(2)</u>	<u>Local 100%</u>	<u>EXT</u>
\$	<u>Service of Process</u>	<u>RCW 4.84.090, 36.18.040, 10.46.190</u>	<u>Local 100%</u>	<u>FPS/SFR/SFS SFW/SFM/ WRF</u>
\$	<u>Witness Costs</u>	<u>RCW 4.84.090, 10.01.160</u>	<u>Local 100%</u>	<u>WFR</u>
\$	<u>Fine</u>	<u>RCW 9A.20.021</u>	<u>Local 68%</u> <u>State 32%</u>	<u>FCM</u>
\$ 110	<u>Criminal Filing Fee</u>	<u>RCW 36.18.020</u>	<u>Local 54%</u> <u>State 46%</u>	<u>FRC</u>
	<u>Other Criminal Costs</u>		<u>Local 100%</u>	<u>CRC</u>
\$	<u>Crime Lab</u>	<u>RCW 43.43.690</u>	<u>Local 5%</u> <u>State 95%</u>	<u>CLF</u>
	<u>Other for _____</u>			
\$	<u>TOTAL</u>			

4.2 RESTITUTION

[] The above total does not include all restitution or other legal financial obligations, which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing:

[] Shall be set by the prosecutor

[] Is scheduled for _____

[] Defendant waives any right to be present at any restitution hearing (defendant's initials):

[] RESTITUTION. Order Attached

4.3 COSTS OF INCARCERATION

[] In addition to other costs imposed herein, the court finds that the defendant has or is likely to have the means to pay the costs of incarceration, and the defendant is ordered to pay such costs at the statutory rate. RCW 10.01.160.

4.4 COLLECTION COSTS. The defendant shall pay the costs of services to collect unpaid legal financial obligations **per contract or order, which includes 19% of all amounts recovered plus taxable costs of collection for in-state collection and 23% plus taxable costs for out-of-state collection. These amounts may change as set forth in contracts or orders in effect at the time of collection.** RCW 36.18.190 **and 19.16.500.**

4.5 INTEREST. The financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments, **which is at least 12%.** RCW 10.82.090.

4.6 COSTS ON APPEAL. An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW. 10.73.

4.7 [] HIV TESTING. The Health Department or designee shall test and counsel the defendant for HIV as soon as possible and the defendant shall fully cooperate in the testing. RCW 70.24.340.

4.8 [X] DNA TESTING. The defendant shall have a blood/**biological** sample drawn for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency, the county or DOC, shall be responsible for obtaining the sample prior to the defendant's release from confinement. RCW 43.43.754.

4.9 NO CONTACT. The defendant shall not have contact with _____ (name, DOB) including, but not limited to, personal, verbal, telephonic, written or contact through a third party for _____ years (not to exceed the maximum statutory sentence).

[] Domestic Violence Protection Order or Antiharassment Order is filed with this Judgment and Sentence.

4.10 OTHER:

4.11 BOND IS HEREBY EXONERATED

V. NOTICES AND SIGNATURES

5.1 COLLATERAL ATTACK ON JUDGMENT. Any petition or motion for collateral attack on this Judgment and Sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, must be filed within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090.

5.2 LENGTH OF SUPERVISION. For an offense committed prior to July 1, 2000, the defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to 10 years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for the purpose of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505.

5.3 NOTICE OF INCOME-WITHHOLDING ACTION. If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A may be taken without further notice. RCW 9.94A.7602.

5.4 RESTITUTION HEARING. (section moved to 4.2.)

5.4 Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. RCW 9.94A.634.

5.5 FIREARMS. You must immediately surrender any concealed pistol license and you may not own, use or possess any firearm unless your right to do so is restored by a court of record. (The court clerk shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040, 9.41.047.

5.6 SEX AND KIDNAPPING OFFENDER REGISTRATION. RCW 9A.44.130, 10.01.200.

5.7 OTHER: _____
DONE in Open Court and in the presence of the defendant this date:_____.

JUDGE Print name:

Deputy Prosecuting Attorney
Print name:
WSB #

Attorney for Defendant
Print name:
WSB #

Defendant
Print name: