



# Pierce County

## Performance Audits

---

955 Tacoma Avenue South, Suite 302A  
Tacoma, WA 98402  
Telephone (253) 798-4927 Fax (253) 798-4906

September 15, 2005

To: Performance Audit Committee

From: Matt Temmel, Performance Audit Coordinator

Handwritten initials "MT" in black ink.

Re: Superior Court Cost Recovery

This is an update on the “legal financial obligations” (LFOs) collected in Superior Court criminal cases. Performance audit staff has collected similar data since 1999 and made periodic reports. The data gives us a picture of Pierce County performance in this area compared with that of other counties.

### Methodology

The state Administrator of the Courts provided data on the amounts of LFOs collected in 2004 by the superior court clerks in eight counties. The counties are Pierce County, six other large counties (King, Snohomish, Clark, Kitsap, Thurston, and Spokane), and Chelan County. The latter is a pioneer and leader in collecting LFOs.

When tabulating the total amount of revenue collected from LFOs, there is no standard definition of which revenue categories should be included. For uniformity among the counties, we collected data in eleven categories of LFOs.<sup>1</sup>

### LFO Collections

In 2004, Pierce County collected \$1,822,501 in the eleven categories of LFOs. Of this amount, the local share was \$1,325,353 million and the rest went to the

---

<sup>1</sup> The categories are Criminal Filing Fee, Drug Funds, Crime Victim Penalty-Adult, Crime Victim Penalty-Juvenile, Criminal Fines-Adult, Juvenile Offender Fines, Other Criminal Costs, Witness Cost Recoupment, Public Defense Recoupment-Adult, Public Defense Recoupment-Juvenile, and LFO Interest.

Exhibit 1

**Pierce County Local and State Shares  
from Collection of Superior Court LFOs**

Year	Collections Retained by Pierce County	Collections Sent to the State
1999	\$956,010	\$375,868
2000	1,224,270	366,102
2001	1,099,022	400,710
2002	1,339,788	500,214
2003	1,187,371	426,331
2004	1,325,353	497,148
<i>Data source: AOC</i>		

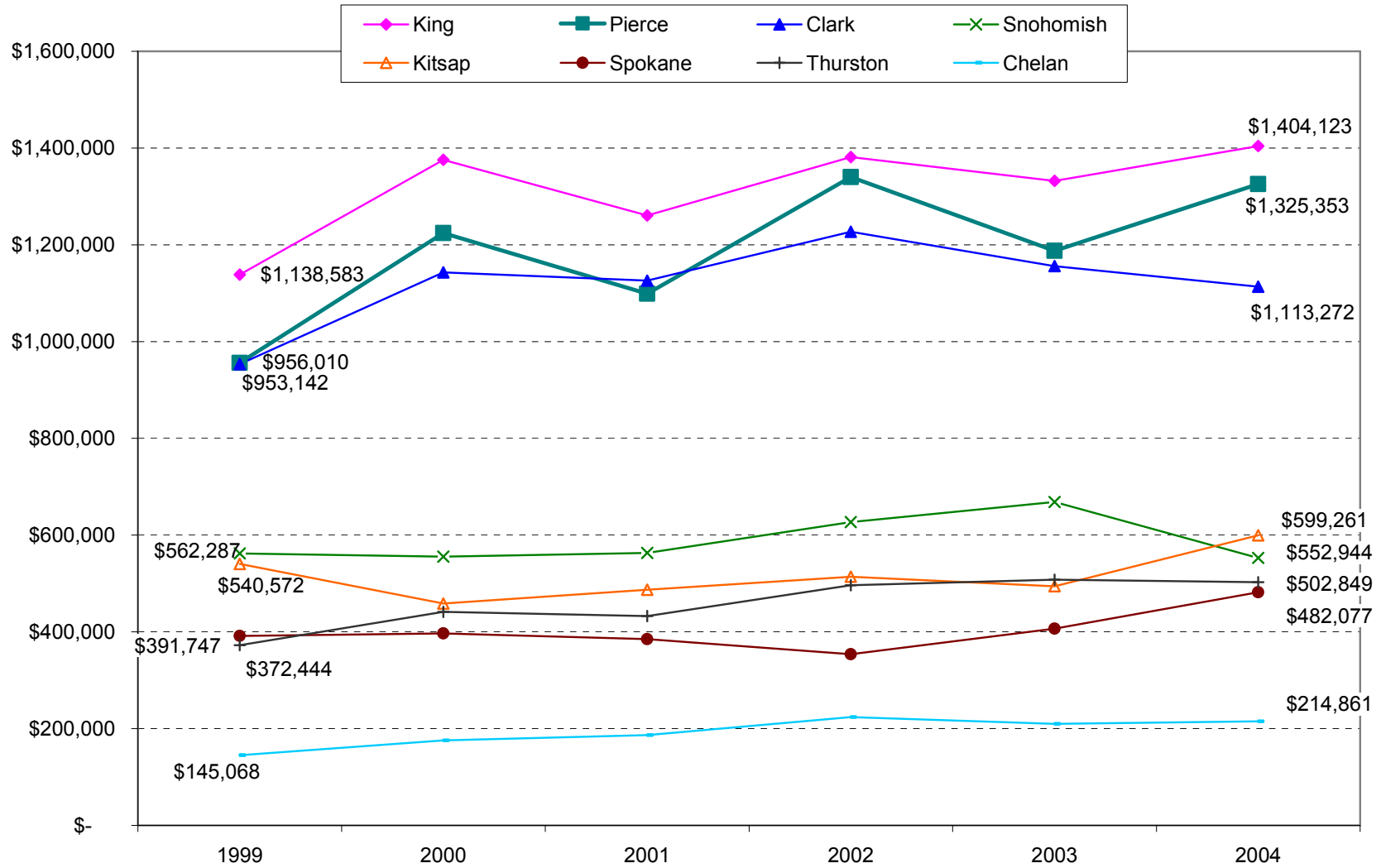
Exhibit 2 is a graph of the local share for eight counties each year since 1999. As can be seen, Pierce County collections are close to the total amounts collected in King County, which has a larger number of criminal cases.

The picture changes when considering the amounts collected per case. Each year since 1999, the smaller counties in the analysis (Chelan, Clark, Kitsap, and Thurston) have collected the highest amounts per case (roughly \$400 - \$700 per case). The larger counties (King, Pierce, and Spokane) have collected lower amounts (\$230 - \$325 per case).

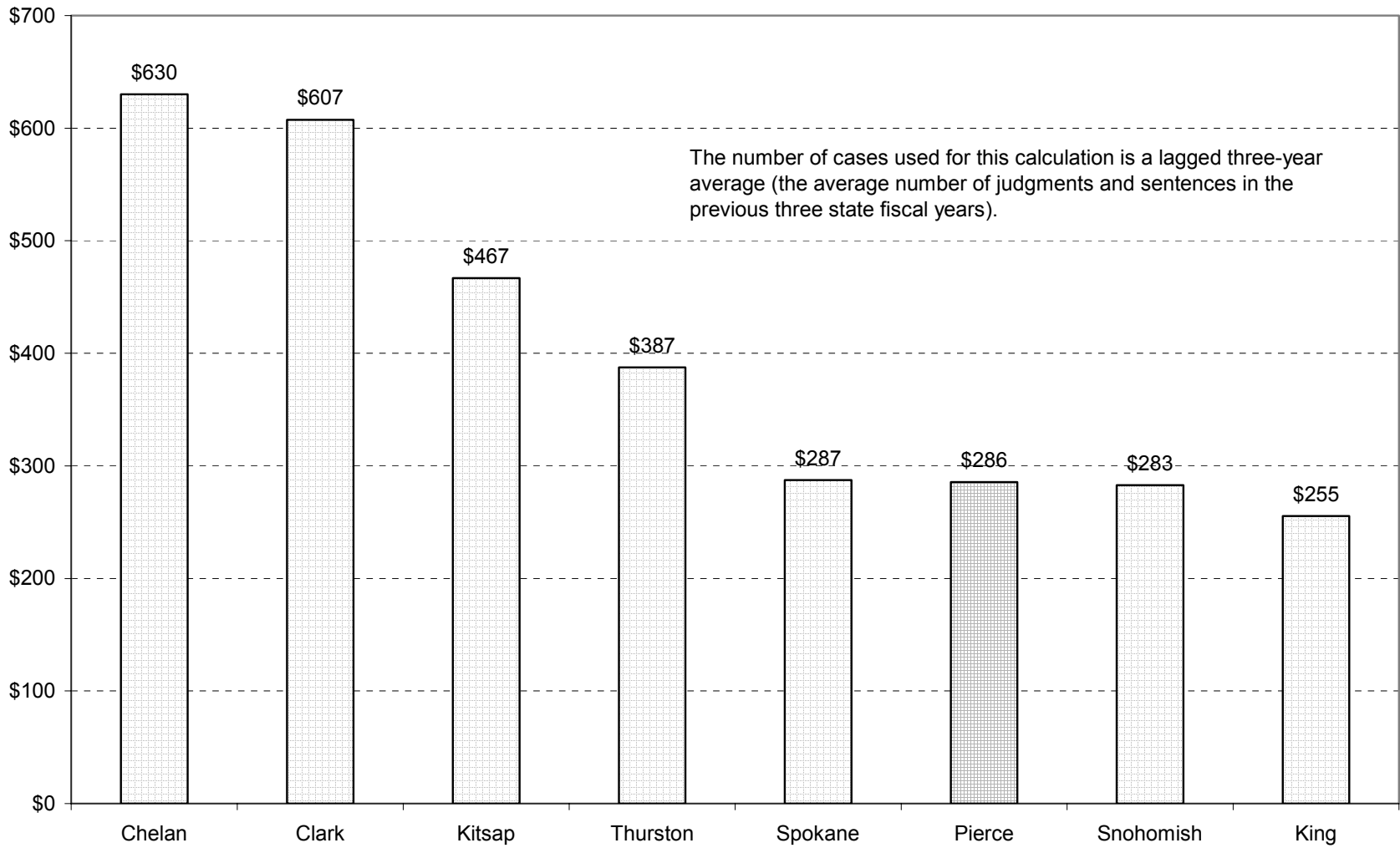
Exhibit 3 shows the local shares per case in 2004. At \$286 collected per case, Pierce County ranks fairly low on this measure.

The Pierce County Clerk of Superior Clerk can also report on the amounts collected in LFOs in this county and compare performance from year to year. To compare performance among the counties, however, it is necessary to obtain data from the Administrative Office of the Courts. Performance audit staff can continue to collect this data if it is of interest to the committee.

**Exhibit 2: Superior Court Legal Financial Obligations: Local Share Collected, 1999-2004**



**Exhibit 3: Superior Court LFOs Collected in 2004: Local Share per Case**



## **Ordering of Public Defense Recoupment**

Recoupment for public defense (adult and juvenile) are two of the 11 categories of LFOs for which we collected revenue data. Counties retain 100% of the revenue collected in these categories. Thus, if local revenue is a consideration, it is important that judges, at the time of sentencing in criminal cases, order recoupment in cases in which a convicted defendant has been represented by an attorney at public expense.

We have tracked the ordering of recoupment in Pierce County since the late 1990s. In 1997, based on records in Clerk of Superior Court's office, it is thought that recoupment was ordered in approximately 11% of criminal case convictions represented by the Department of Assigned Council (either by a staff attorney or a private attorney working for DAC on contract).

The percentage increased greatly in 2000 and 2001, after recoupment was addressed in performance audit memos and reports. Based on data from DAC, it appeared that recoupment was being ordered in 55% to 65% of DAC cases each year. However, the actual percentages were higher than reported because the divisor used in the previous calculations was the total number of DAC criminal cases, rather than DAC cases that resulted in a conviction. This is an important difference because the court can order recoupment only upon conviction.

The data problem was discovered early this year. For the first six months of 2005, Superior Court judges ordered recoupment in 85% of the DAC cases that resulted in a conviction. Exhibit 4 (next page) shows the figures for each month.

This means that ordering of recoupment in Superior Court has increased from approximately 11% of the convictions in 1997 to 85% in 2005.

Exhibit 4

**DAC Superior Court Criminal Cases with Recoupment Ordered**

**Summary by Month**

Month	Total DAC Dispositions all Outcomes	Total Conviction Dispositions of DAC Cases	Recoupment for Public Defense Ordered	Percentage
Jan-05	437	362	303	84%
Feb-05	403	335	280	84%
Mar-05	518	452	366	81%
Apr-05	345	295	260	88%
May-05	453	386	333	86%
Jun-05	437	364	323	89%
Total	2,593	2,194	1,865	85%

*Data source: DAC*