



Kitsap County Prosecuting Attorney's Office

Russell D. Hauge
Prosecuting Attorney

Carol I. Maves
Office Administrator

Christian C. Casad
Case Management
Division Chief

Timothy A. Drury
Felony and Juvenile
Division Chief

Claire A. Bradley
District/Municipal
Division Chief

Jacquelyn M. Aufderheide
Civil/Child Support
Division Chief

www.kitsapgov.com/pros

Memorandum

TO: Kitsap County Board of Commissioners
FROM: Russell D. Hauge, Kitsap County Prosecuting Attorney
REPLY TO: Adult Criminal & Administrative Divisions
CC: Prosecutor's Office Division Chiefs; DPA Guild Reps.
DATE: November 10, 2009
RE: 2010 Budget Submission

Prosecutor 9081 - Legal 9082 - Child Support 9086 - Civil	2009 ADOPTED BUDGET	2009 BUDGET ADJMTS	2009 FINAL BUDGET	2009/2010 CHANGE S	2010 PRELIM. BUDGET
Revenues	\$3,457,320	(\$147,424)	\$3,309,896	(\$153,942)	\$3,155,954
Expenditures	\$8,551,247	(\$178,488)	\$8,372,759	(\$430,685)	\$7,921,437
Department net	\$5,093,927	(\$31,064)	\$5,062,863	(\$276,743)	\$4,765,483

We have been instructed to describe the effect of the proposed cuts to our 2010 budget. The following sets forth what we know will happen. Undoubtedly, there will be negative consequences that we have not foreseen. For example, we currently have two serious homicides charged, at least two more under investigation, and a potential two-count vehicular homicide to deal with. Each serious case needs the constant attention of at least two lawyers and one legal assistant. And along the way, all members of the Criminal Division management team will be engaged. We are one or two extraordinary cases away from being overwhelmed.

- **Criminal Divisions:** Under our proposal, the Criminal Division of our office will lose its receptionist and two FTE deputy prosecutors.
 - Effect of loss of receptionist:
 - Our front desk will be staffed between 9 a.m. and 12 p.m. and from 1 p.m. to 3 p.m.
 - The obvious effect will be a reduction in our availability to:
 - Crime Victims
 - Law Enforcement
 - Potential Witnesses
 - Lawyers for the defense

Adult Criminal & Administrative Divisions • 614 Division Street, MS-35 • Port Orchard, Washington 98366-4681 • (360) 337-7174 • FAX (360) 337-4949
Juvenile Criminal Division • 614 Division Street, MS-35 • Port Orchard, Washington 98366-4681 • (360) 337-5500 • FAX (360) 337-5509
Special Assault Unit • 614 Division Street, MS-35 • Port Orchard, Washington 98366-4681 • (360) 337-7148 • FAX (360) 337-7229

Bainbridge Island Municipal Court Division • 614 Division Street, MS-35 • Port Orchard, Washington 98366 • (360) 337-7174 • FAX (360) 337-4949
Port Orchard Municipal Court Division • 614 Division Street, MS-35 • Port Orchard, Washington 98366-4681 • (360) 337-7174 • FAX (360) 337-4949
Poulsbo Municipal Court Division • 614 Division Street, MS-35 • Port Orchard, Washington 98366-4681 • (360) 337-7174 • FAX (360) 337-4949

Civil Division • 614 Division Street, MS-35A • Port Orchard, Washington 98366-4681 • (360) 337-4992 • FAX (360) 337-7083
Child Support Division • 614 Division Street, MS-35 • Port Orchard, Washington 98366-4681 • (360) 337-7020 • FAX (360) 337-5733



- The front desk will be staffed by Support Staff meaning less support work accomplished.
 - Less trial preparation
 - Less service to crime victims
 - Less efficient communication with law enforcement
 - Less efficient communication with witnesses
- The loss of two lawyers:
 - One Deputy Prosecutor (DPA) reduction will be accomplished by a voluntary reduction of two criminal trial lawyers to half-time.
 - Each will assume specific duties formerly assigned to a full-time DPA.
 - The jobs consumed half of a DPAs time. The other half was spent on a trial caseload.
 - The other DPA reduction will be a layoff of a full-time trial position.
 - The loss of two Deputy Prosecutors will have immediate effects.
 - We will follow our publicly vetted priorities list in adjusting to our weakened state. As our cuts have accumulated, we have been working our way up the ladder. The next step up that ladder is Economic Crime.¹

¹ Violent crime against children, including sexual assaults and domestic violence (DV).
a) Violent crime against others, including sexual assaults and domestic violence.
b) This category includes vehicular homicide, vehicular assault and multiple DUI offenders

- 2) Juvenile offenders
- 3) Hate/bias crime
- 4) Identity theft and economic crimes against vulnerable persons (e.g. the elderly; the disabled)
- 5) Adult drug offenses
- 6) Alcohol-related traffic offenses
- 7) Offenses involving animal abuse; provided, however, that offenses against service animals shall be treated as violent crimes against persons
- 8) Economic crime
 - a) Priority proportional to adverse economic impact: the greater the impact—whether on an individual, individuals or business interests, the greater our devotion of resources to seeking sanction
- 9) Non-alcohol major traffic offenses
- 10) Restitution for victims of violent crime
- 11) Confiscation of the fruits of drug crime
- 12) Restitution for victims of economic crime
- 13) Prosecution of traffic infractions

- Upon execution of the cuts in our Criminal Divisions, we will adopt an Expedited Plea Schedule. This is a list of felony economic crimes with corresponding reductions to lower grade felonies or gross misdemeanors. (A copy of the Expedited Plea Schedule is attached.) If any of the listed crimes is alleged, we will either divert the case from the system or offer a plea to the corresponding lesser offense. Only if the defendant chooses to go to trial will we use our resources for a felony prosecution.
- We will continue to serve our contracts with Bainbridge Island, Port Orchard, and Poulsbo at the current level.
- We will do our best to follow through with the proposed changes to the felony calendars that may produce savings to the County.
- **Civil Division:** This division will lose its receptionist, and two DPAs will reduce their hours to four days a week.
 - We will have no receptionist on duty in the Civil Division. This will have the following effects:
 - Diminished access for the public
 - Diminished access for clients
 - Other support duties assigned to this position will go undone
 - The remaining support staff will be kept more than busy serving the lawyers remaining in the Civil Division.
 - The two lawyers reducing their hours are responsible for land use and general transactional work, including real estate. This will translate into a real reduction in our abilities in these critical areas. The Division Chief and both lawyers have been instructed that this will be a true reduction. They will not produce at a full time level while their salaries are cut.

**Felonies Ranked II, I, and Unranked. Expedited Plea Results
DRAFT**

Expedited Plea Schedule

This list of 114 crimes is comprised of Washington felonies ranked at Seriousness Levels II, I or Unranked. Felony Diversions will still be offered to appropriate candidates. The enforcement priorities identified in our "Mission Statement, Standards and Guideline" have been used to develop this list. Property crimes are the target. Crimes against persons or that could potentially lead to physical harm have been excluded. Likewise, crimes of public integrity--crimes involving public officials, voting crimes, and crimes involving misconduct by financial institutions--have been excluded. In the majority of cases, the initial charge will be reduced to an attempt. This lowers the classification of the crime by one level. For example, Organized Retail Theft in the Second Degree, RCW 9A.56.350, a Class C felony with a maximum penalty of five years in prison, will become Attempted Organized Retail Theft, a Gross Misdemeanor carrying with it a maximum penalty of one year in the county jail. Where a specific crime is identified as the reduction it is a Gross Misdemeanor unless otherwise noted.

RCW	Offense Title	Crime Class	SRA Rank	Offer
9A.48.070	Malicious Mischief 1	B	II	Malicious Mischief 2 (Class C Felony)
9A.56.150	Possession of Stolen Property 1	B	II	PSP 2 (Class C Felony)
9A.56.030	Theft 1	B	II	Theft 2 (Class C Felony)
9A.56.096(5)(a)	Theft of Rental, Leased, or Lease-purchased Property	B	II	Possession of Stolen Property 2, RCW 9A.56.170 (Class C Felony)
72.09.310	Escape from Community Custody	C	II	Attempt
9.35.020(2)(b)	Identity Theft 2	C	II	Attempt
9A.56.350(3)	Organized Retail Theft 2	C	II	Attempt
9A.56.360(3)	Retail Theft with Extenuating Circumstances 2	C	II	Attempt
9A.56.340(3)	Theft with Intent to Resell 2	C	II	Attempt
9A.56.290(4)(a)	Unlawful Factoring Credit/Payment Card Transaction First Violation.	C	II	Attempt
2.48.180(3)	Unlawful Practice of Law (Subsequent Violation)	C	II	Attempt
18.130.190(7)	Unlicensed Practice of a Profession or Business	C	II	Attempt
74.08.055(2)	False Verification for Welfare	B	I	Theft 3, RCW 9A.56.050
9A.60.020(3)	Forgery	C	I	Attempt
9A.48.080	Malicious Mischief 2	C	I	Attempt
9A.56.160	Possession of Stolen Property 2	C	I	Attempt

**Felonies Ranked II, I, and Unranked. Expedited Plea Results
DRAFT**

RCW	Offense Title	Crime Class	SRA Rank	Offer
9A.56.075(2)	Taking Motor Vehicle Without Permission 2	C	I	Attempt
9A.56.040	Theft 2	C	I	Attempt
9A.56.096(5)(b)	Theft of Rental, Leased, or Lease-purchased Property	C	I	Attempt
9A.56.320(3)	Unlawful Possession of a Personal Identification Device	C	I	Attempt
9A.56.320(4)	Unlawful Possession of Fictitious Identification	C	I	Attempt
9A.56.320(5)	Unlawful Possession of Instruments of Financial Fraud	C	I	Attempt
9A.56.320(2)(a)	Unlawful Possession of Payment Instruments	C	I	Attempt
9A.56.320(1)	Unlawful Production of Payment Instruments	C	I	Attempt
9.91.142(1)	Unlawful Trafficking in Food Stamps	C	I	Attempt
9.91.144	Unlawful Use of Food Stamps	C	I	Attempt
9.46.180	Causing Person to Violate Gambling Laws	B	Unranked	Causing Person to Violate Gambling Rule or Regulation, RCW 9.46.185 (GM)
65.12.730	Certification of Land Registration Subject to Larceny	B	Unranked	Theft 3, RCW 9A.56.050
9A.61.030	Defrauding a Public Utility 1	B	Unranked	Theft 3, RCW 9A.56.050
19.48.110(1)(b)	Defrauding an Innkeeper, Amount Greater than \$75.00	B	Unranked	Theft 3, RCW 9A.56.050
19.110.070	Disclosures Knowingly Not Provided at Sale of	B	Unranked	Theft 3, RCW 9A.56.050
19.25.040(2)(a)	Failure to Disclose Origin of Certain Recordings (100	B	Unranked	Attempted Failure to Disclose, RCW19.25.040(2)(b)
51.48.020(2)	False Information in Industrial Insurance Claim	B	Unranked	Theft 3, RCW 9A.56.050
9.24.050	False Report of Corporation	B	Unranked	False Certification, RCW 9A.60.050
46.12.210	False Statement or Illegal Transfer of Motor Vehicle Ownership	B	Unranked	False Certification, RCW 9A.60.050

**Felonies Ranked II, I, and Unranked. Expedited Plea Results
DRAFT**

RCW	Offense Title	Crime Class	SRA Rank	Offer
65.12.740	False Swearing - Registration of Land Title (Charged	B	Unranked	False Certification, RCW 9A.60.050
76.36.120	Forgery of Forest Product Mark	B	Unranked	False Certification, RCW 9A.60.050
65.12.760	Forgery of Registrar's Signature or Seal	B	Unranked	False Certification, RCW 9A.60.050
82.24.100	Forgery or Counterfeit Cigarette Tax Stamp	B	Unranked	False Certification, RCW 9A.60.050
9.45.124	Fraud in Measurement of Goods	B	Unranked	Theft 3, RCW 9A.56.050
67.24.010	Fraud in Sporting Contest	B	Unranked	Theft 3, RCW 9A.56.050
9.91.090	Fraudulent Destruction of Insured Property	B	Unranked	Theft 3, RCW 9A.56.050
9.24.020	Fraudulent Issue of Stock, etc.	B	Unranked	Theft 3, RCW 9A.56.050
9.46.160	Gambling Without License	B	Unranked	
9.45.126	Inducing Fraud in Measurement of Goods	B	Unranked	Theft 3, RCW 9A.56.050
67.70.130(2)	Lottery Fraud	B	Unranked	Theft 3, RCW 9A.56.050
19.110.120	Misleading/Untrue Statements Made During Sale of	B	Unranked	Theft 3, RCW 9A.56.050
9A.83.020	Money Laundering	B	Unranked	
19.48.110	Obtaining Accommodations by Fraud	B	Unranked	Theft 3, RCW 9A.56.050
19.110.050	Registration Knowingly Not Obtained Prior to Sale of	B	Unranked	Theft 3, RCW 9A.56.050
19.25.020(2)(a)	Reproduction of Sound Recordings Without Consent of	B	Unranked	Theft 3, RCW 9A.56.050
46.80.020	Unlawful to Engage in Business of Wrecking Vehicles	B	Unranked	Theft 3, RCW 9A.56.050
19.25.030(2)(a)	Use of Recording of Live Performance Without Consent	B	Unranked	Theft 3, RCW 9A.56.050
46.52.130	Abstracts of Driving Records – Intentional Misuse	C	Unranked	Attempt
9A.64.010	Bigamy	C	Unranked	Attempt
82.24.110(2)	Cigarette Transportation Unlawfully	C	Unranked	Attempt

**Felonies Ranked II, I, and Unranked. Expedited Plea Results
DRAFT**

RCW	Offense Title	Crime Class	SRA Rank	Offer
77.15.500	Commercial Fishing Without a License in the First Degree	C	Unranked	Attempt
19.158.160	Commercial Telephone Solicitor Deception	C	Unranked	Attempt
20.01.460	Commission Merchant, Dealer, Cash Buyer	C	Unranked	Attempt
69.50.416(3)	Controlled Substance Label Violation	C	Unranked	Attempt
9A.61.040	Defrauding a Public Utility 2	C	Unranked	Attempt
9.38.060	Digital Signatures Fraud	C	Unranked	Attempt
69.50.402(2)	Dispensing Violation (VUCSA)	C	Unranked	Attempt
82.26.190	Distributors and Retailer of Tobacco Products License Violation	C	Unranked	Attempt
19.300.020	Electronic Communication Devices – Illegal Scanning	C	Unranked	Attempt
36.18.140	Embezzle County Funds – Fail to Pay Treasurer	C	Unranked	Attempt
51.48.103(2)	Engaging in Business after Revocation	C	Unranked	Attempt
77.15.620	Engaging in Fish Dealing Activity without a	C	Unranked	Attempt
51.48.020(1)	Evading Industrial Insurance Premiums	C	Unranked	Attempt
9A.56.290	Factoring of Credit Card Transactions	C	Unranked	Attempt
19.25.040(2)(b)	Failure to Disclose Origin of Certain Recordings (More	C	Unranked	Attempt
19.146.110	Failure to Use a Trust Account	C	Unranked	Attempt
19.142.080	Failure to Use a Trust Account or Furnish Bond for	C	Unranked	Attempt
48.30.230	False Insurance Claims in Excess of \$1,500	C	Unranked	Attempt
74.09.230	False Statement for Medical Assistance	C	Unranked	Attempt

**Felonies Ranked II, I, and Unranked. Expedited Plea Results
DRAFT**

RCW	Offense Title	Crime Class	SRA Rank	Offer
82.32.290(2)	False Statement to Department of Revenue	C	Unranked	Attempt
65.12.740	False Swearing - Registration of Land Title (Charged)	C	Unranked	Attempt
33.36.040	Falsify Savings and Loan Association Books	C	Unranked	Attempt
75.10.190	Food Fish/Shellfish - Commercial Violation	C	Unranked	Attempt
76.48.120	Forged, False, Stolen Specialized Forest Products Permit, Sales Invoice, Bill of Lading, etc.	C	Unranked	Attempt
9.45.160	Fraud in Liquor Warehouse Receipts	C	Unranked	Attempt
9.26A.110(3)	Fraud in Obtaining Telecommunications Services, \$250+	C	Unranked	Attempt
65.12.750	Fraudulent Procurement or False Entry on Registration	C	Unranked	Attempt
82.36.380	Fuel Tax Evasion	C	Unranked	Attempt
9.46.215	Illegal Gambling Device	C	Unranked	Attempt
9.16.020	Imitating Lawful Brands	C	Unranked	Attempt
40.16.010	Injury to a Public Record	C	Unranked	Attempt
9.46.240	Internet Gambling	C	Unranked	Attempt
9.47.090	Maintaining a Bucket Shop	C	Unranked	Attempt
9.45.070	Mock Auction	C	Unranked	Attempt
46.70.180(5)	Odometer Offense	C	Unranked	Attempt
40.16.030	Offering False Instrument for Filing or Record	C	Unranked	Attempt
9.46.215	Owning, Buying, etc., Gambling Devices or Records	C	Unranked	Attempt
9A.58.020	Personal Identification Documents – Unlawful capture of information by radio waves.	C	Unranked	Attempt
9.46.215(1)	Possession of Gambling Device	C	Unranked	Attempt
9.46.221	Professional Gambling 2	C	Unranked	Attempt

**Felonies Ranked II, I, and Unranked. Expedited Plea Results
DRAFT**

RCW	Offense Title	Crime Class	SRA Rank	Offer
46.12.075	Remove Marking Inscribed by WSP on Rebuilt Vehicles	C	Unranked	Attempt
9.16.010	Removing Lawful Brands	C	Unranked	Attempt
19.25.020(2)(b)	Reproduction of Sound Recordings Without Consent of	C	Unranked	Attempt
9A.56.360(4)	Retail Theft with Extenuating Circumstances 3	C	Unranked	Attempt
46.12.215	Sale or Convey a Vehicle Certificate of Ownership	C	Unranked	Attempt
38.42.050	Service Member Civil Relief Act: Use of False Affidavit Under Act	C	Unranked	Attempt
9A.56.262	Theft of Telecommunication Service	C	Unranked	Attempt
77.15.570	Unlawful for a Person who is not a Treaty Indian	C	Unranked	Attempt
9A.56.264	Unlawful Manufacture of a Telecommunication Device	C	Unranked	Attempt
9A.56.266	Unlawful Sale of a Telecommunication Device	C	Unranked	Attempt
9A.56.230	Unlawful Sale of Subscription Television Services	C	Unranked	Attempt
19.116.080	Unlawful Subleasing of Motor Vehicle	C	Unranked	Attempt
77.15.530	Unlawful Use of a Non-designated Vessel	C	Unranked	Attempt
18.04.370	Unlawful Use of a Professional Title	C	Unranked	Attempt
77.15.630	Unlawful Use of Fish Buying and Dealing License in	C	Unranked	Attempt
66.44.120	Unlawful Use of Liquor Board Seal (3rd Offense)	C	Unranked	Attempt
19.25.030(2)(b)	Use of Recording of Live Performance Without Consent	C	Unranked	Attempt
48.30.220	Willful Destruction, Injury, Secretion, etc., of Insured	C	Unranked	Attempt