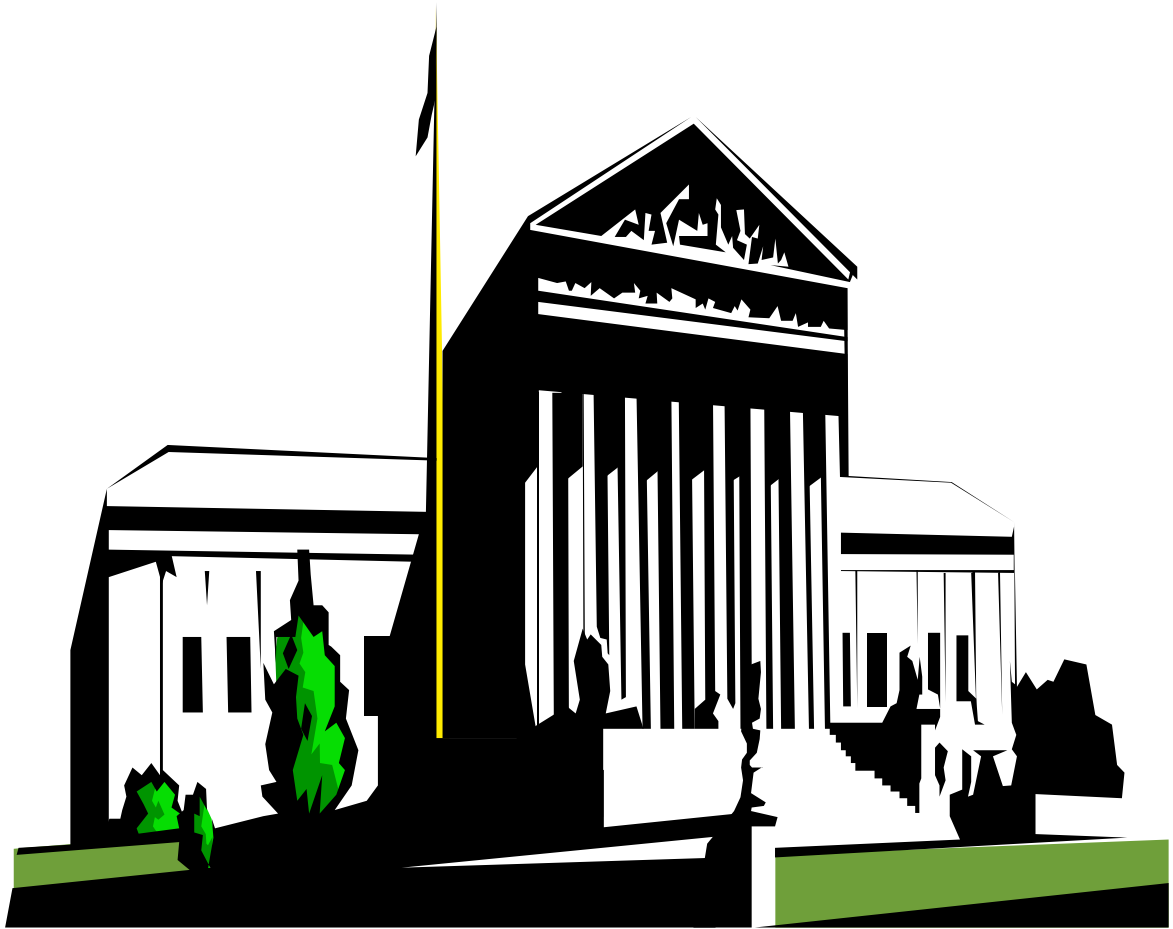


**Office of the
Kitsap County Prosecuting Attorney
2000 Annual Report**



RUSSELL D. HAUGE
Kitsap County Prosecuting Attorney

INTRODUCTION

This report reviews our work in 2000. It shows how much work we did, and it attempts to provide some measure of our performance.¹

The report covers both our work prosecuting crimes and as civil attorneys for Kitsap County. Because of our unique role in the criminal justice system as prosecutors, most of the report will be devoted to our criminal practice. However, equally important is the work we do as legal representatives of the Board of Commissioners and the various departments of county government. The discussion of our civil practice follows the sections dealing with our criminal practice.

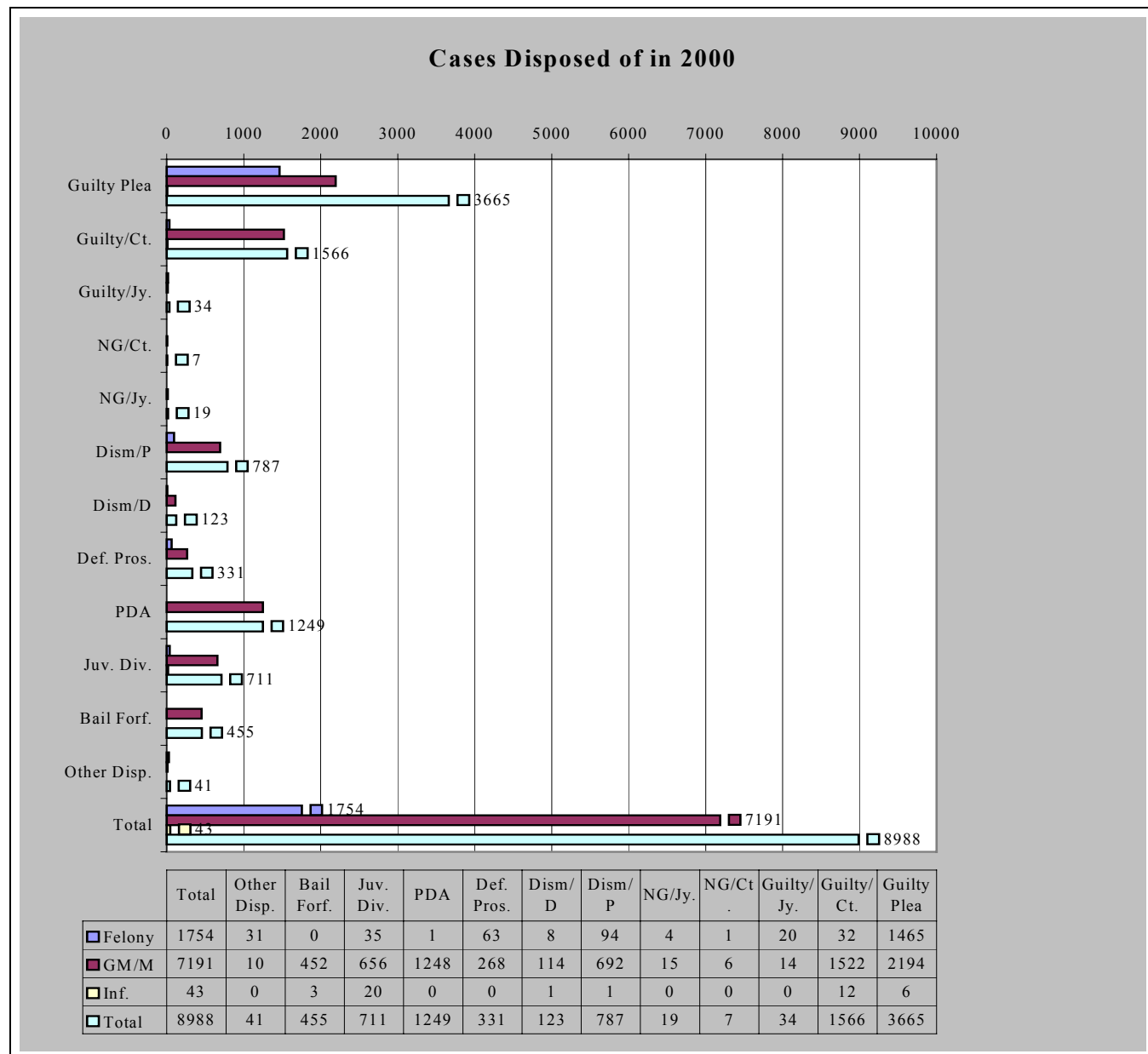
Consider this a starting point for further discussion. We hope that the data and analysis we provide here will foster healthy inquiry into what we do and how we do it.

¹ The analysis of our criminal cases contained in this report will differ somewhat from that offered in previous reports. This is because we have a new database to work with. Our old system was a casualty of Y2K. The new system allows us to more finely classify crime types and dispositions. Thus, some comparisons with data from prior years are not possible—we've changed the terms. Likewise, we have not yet learned how to run all the checks we would like. For instance, in years past we have compared crime of disposition with crime originally charged. This measure would show whether and to what extent we are changing our original charge to obtain a plea of guilty. We expect we will be able to produce this measure next year. The good news is that we can now produce at least a rudimentary analysis of the dispositions achieved in all of our courts. In years past we were limited to the felony dispositions reached in Superior Court.

EXECUTIVE SUMMARY

The criminal divisions of the office received 15,823 referrals of criminal conduct in 2000. We charged 10,691 cases, declined to file charges on 4,782, and 350 were pending review at the time of this writing.²

We disposed of 8,988 criminal cases in 2000. By “disposed of,” we mean that specific number of charged cases were brought to conclusion. The following graph shows the numbers and types of dispositions achieved. A detailed explanation of the types of dispositions achieved is found in a later section entitled Disposition Analysis.



² We recently published a comparison of our criminal workloads from 1997 through the first ten months of 2000. Tables from that report showing our workload over that time in terms of criminal referrals and charging percentage are incorporated in this report.

We recently reported on the kinds of crimes referred to us for disposition. That analysis covered 1997 through 2000. We summarize that report here. All tables that follow cover the first ten months of these years unless otherwise specified.³

The following table gives an overview of how our referral numbers have progressed over the last four years. We have broken out several categories to give a more complete picture of what is occurring here in Kitsap County.

January Through October	1997	1998	1999	2000
Drug Crime	808	1,175	1,074	1,231
DV	1,460	2,272	1,854	1,006
Select Index	7,308	8,888	7,272	7,747
All Crimes	13,576	15,712	12,584	13,441

“Drug Crime” refers to the crimes of possession, distribution, and manufacture of controlled substances. “DV” stands for domestic violence and refers to assaults occurring in the context of an intimate relationship. The “Select Index” is comprised of the following crimes: Assault, Drugs, DV, DUI, Forgery, Property crime (Theft and Burglary), Rape, Robbery, and Weapons violations. The list includes both felonies and misdemeanors and is meant to represent the crimes that constitute the bulk of the activity in all our courts and those that concern us the most.

Tables showing the referral rates for these categories follow.

Selected Crimes Index	1997	1998	1999	2000
Assault	1,242	1,298	900	1,703
Drug	808	1,175	1,074	1,231
DV	1,460	2,272	1,854	1,006
DUI	841	907	937	938
Forgery	153	168	202	272
Property Crime	2,510	2,703	2,068	2,259
Rape	41	89	63	97
Robbery	41	57	47	70
Weapons Violations	212	219	127	171
Total Selected Categories	7,308	8,888	7,272	7,747

³ In our office, we open a file for every report referred to us. The file’s number is keyed to the identity of the defendant. Each file is also labeled with the crime category that represents the best analysis of what was going on in the transaction reported. For example, an assault that occurs between husband and wife will be labeled “DV” for domestic violence. A residential burglary or a car prowler will be labeled “Property Crime.” If we arrest a person for both delivery of a controlled substance (drugs) and resisting arrest, the file will be labeled as “Drug Crime” because the delivery is the dominant part of the criminal transaction.

Tables showing our overall charging performance between 1997 and 2000 and tables showing the charging rate for selected crimes for the same period follow.

All Crimes	Referred	Charged	Declined	Pending	% Charged
1997	13,576	9,518	4,055	3	70%
1998	15,712	10,162	5,538	12	65%
1999	12,584	8,392	3,653	539	67%
2000	13,441	8,689	3,560	1,199	65%

DV	Referred	Charged	Declined	Pending	%Charged
1997	1,460	870	589	1	60%
1998	2,272	1,021	1,250	1	45%
1999	1,854	1,046	746	62	56%
2000	1,006	589	349	68	59%

Assault	Referred	Charged	Declined	Pending	% Charged
1997	1,242	640	602	0	52%
1998	1,298	604	694	0	47%
1999	900	391	467	42	43%
2000	1,703	955	596	152	56%

Drug Crime	Referred	Charged	Declined	Pending	%Charged
1997	808	625	183	0	77%
1998	1,175	943	230	2	80%
1999	1,074	779	224	71	73%
2000	1,231	881	256	94	72%

The Civil Division produced 15,199 hours of legal work for the County and related agencies. They also received 1,196 case referrals to establish and collect child support. The following table summarizes the kinds of work done by the division between 1997 and 2000.

FILE CATEGORY	1997	1998	1999	2000
Work Requests	858	665	553	690
Contract Reviews	681	628	801	781
New Litigation	70	50	69	41
Active Litigation as of 12/31/2000	125	139	103	89

We accomplished this with a team of lawyers and legal assistants divided into the following divisions:

Case Management: responsible for charging and investigation of serious crimes;

District and Municipal: responsible for the charging and disposition of the bulk of misdemeanors and gross misdemeanors;

Juvenile: responsible for the charging and disposition of crimes committed by people under the age of eighteen;

Trial Division: responsible for the disposition of all adult crimes charged as felonies; and the

Civil Division: responsible for acting as legal advisors to and representatives of the Board of Commissioners and the various departments of county government.

CRIMINAL PRACTICE

We act as the lawyers for Kitsap County, much as a law firm would represent a large business. We also have a special responsibility, one that no lawyer in private practice shares: We choose the law's response to criminal conduct occurring in our community. We review all allegations of criminal behavior in the unincorporated areas of the County and most cities, and the reports of felonies from Bainbridge Island. We prosecute cases in the superior and district courts, and in the municipal courts of Bremerton, Port Orchard, and Poulsbo. The only court we do not cover in the County is the Bainbridge Island Municipal Court. We determine what charge to file, when and where to file it, how best to obtain a conviction, and we recommend a punishment if the offender is convicted.

If the report of a crime, what we define as a "criminal referral," does not, in our opinion, describe acts that can be charged as crimes, we can either send the matter back to the law enforcement agency that generated the report for further investigation (follow up), or we can choose to file no charges—to "decline" the case. Whenever we decline a case, we notify the reporting police agency and give them an opportunity to challenge our decision. If there is sufficient evidence to charge, we are guided by the following principles from our internal guidelines:

It is the policy of the Office of the Kitsap County Prosecuting Attorney to charge the crime or crimes that accurately reflect the defendant's criminal conduct, taking into account reasonably foreseeable defenses, and for which we expect to be able to produce at trial proof beyond a reasonable doubt....Cases shall not be charged with multiple counts or with enhanced degrees of a crime or crimes in order to later obtain a guilty plea by offering to drop charges or counts. The defendant will be expected to plead guilty to the initial Complaint or Information or go to trial. (Emphasis added.)

What this means is that we will refrain from what can be called classic plea bargaining: trading a reduction in the charge for a plea of guilty. We strive to charge accurately but conservatively with the expectation that the offender will accept responsibility for his or her actions. If the offender chooses not to do so, we will seek to amend the charge upward before trial. By charging all the criminal conduct we can identify in a transaction, we provide the jury with a more accurate picture of the defendant and what he or she did.

If we choose to file the case, we become responsible for its disposition. By this, we mean that it is our job to see the case through to its conclusion. There are a variety of possible outcomes for a criminal case, and they will be explained in more detail below. When we charge a case, however, it is because we are convinced, after considering all the evidence available, that the accused has committed the crime and deserves punishment.

Most cases result in guilty pleas, and we expect defendants to accept responsibility for their actions. However, no defendant will plead guilty unless we show we are ready to take the case to trial. Therefore, we prepare to try every charge we file. Moreover, once a charge is filed, we have to be ready to try it in relatively short order. By court rule, we have to formally charge defendants held in jail within 72 hours, and bring them to trial within 60 days of filing the charge. If the defendant is

freed pending trial, we have 90 days to prepare to try the case.⁴ This is not a very long time to get a case ready to go, and if we miss the deadline, the case is dismissed.

CRIMINAL DIVISION ORGANIZATION

The criminal practice in a prosecutor's office in Washington can be broken down into two major categories: ***Charging and Disposition***. We have organized our office around these two functions. Our criminal lawyers and legal assistants work in four divisions: Case Management, Trial, District and Municipal Court, and Juvenile. These divisions represent what we think are the natural points of separation in criminal prosecution.

Case Management Division: The Case Management Division handles case review and charging, and manages the felony cases through arraignment and trial setting. When asked, Case Management personnel also conduct the routine hearings that occur both before and after trial.

At the heart of their job is choosing the appropriate legal description, or charge, to fit the crime. By doing so, the lawyer decides what range of punishment fits the conduct. If the offender is in custody, this must be done very quickly. A person held in custody must be brought before a judge the next working day after the arrest.⁵ We are also obligated to either charge or release an offender within 72 hours of this first appearance in court.⁶

This job requires a close working relationship with the investigating law enforcement agencies. Accordingly, the Case Management Division coordinates our police relations and training programs. We have four (4) lawyers in this division. The Division Chief is **Christian C. Casad**.

Trial Division: The Trial Division is responsible for the disposition of felony criminal charges. In the Trial Division we had 1,873 felony cases referred for disposition after charging. Upon receipt by the Trial Division, a felony case is assigned to the trial lawyer. Along with the charge comes a sentence recommendation from the Case Management deputy who charged the case.

The Trial Division lawyer prepares to try the case, keeping in mind that the trial date is only 60 or 90 days away. This means contacting the witnesses, securing the testimony of necessary experts, and working to fill any gaps in the investigation. In preparing for trial, a clearer picture of the criminal transaction will emerge. Accordingly, the lawyers of the Trial Division may recommend a charge other than that which was originally determined by Case Management deputies and, if approved by supervisory personnel, may reduce the original charge. We have twelve (12) lawyers in the Trial Division. The Division Chief is **Michael B. Savage**.

Within the Trial Division, we have created a special team known as the Special Assault Unit, or SAU. The SAU handles the disposition of the most serious cases of sexual assault and domestic violence. Sexual assault and domestic violence crimes present many of the same issues for prosecutors. Both are primarily crimes of power and control: the perpetrator is interested primarily in establishing and taking advantage of his victim's weakness and dependency. Thus, the

⁴ See, Washington Court Rules, CrRLJ 3.2 and 3.3 and CrR 3.2 and 3.3. These are rules of procedure established by the State Supreme Court for district and municipal courts and for superior courts, respectively. These rules have the full force of the law.

⁵ CrR 3.2.

⁶ Id.

characteristics of both the defendants and the victims require similar skills from the prosecutor. Both kinds of crimes benefit from victim advocacy and often involve children, either as victims or witnesses. Finally, the volume of referrals in this area is very high. All these factors argue strongly both for a special unit and for that special unit to handle both sexual assault and domestic violence. In the SAU we handled 800 felony referrals and 1,559 gross misdemeanor referrals.

District and Municipal Court Division: In the District and Municipal Court Divisions we reviewed 7,660 referrals and disposed of 5,060 cases. These numbers include domestic violence related cases charged in the municipal courts, but do not include domestic violence related cases charged in the District Court. The District Court cases are included in the Special Assault Unit statistics referenced in the Trial Division section of this report.

While the volume alone would require a separate division to handle the District and Municipal Court practice, there are also substantive differences between felony and misdemeanor crimes. The most obvious difference is in the seriousness of the crimes as defined by the potential punishment. In the District and Municipal Courts the maximum punishment can be no more than one year in jail.

In the District and Municipal Courts the majority of our time is devoted to the prosecution of criminal traffic matters. Driving Under the Influence of alcohol or drugs (DUI) demands our particular attention. Not only is it a very serious crime, proving the case can be very complicated. In a DUI case we often have to introduce evidence of a breath test or blood test. This requires the testimony of experts and the ability to explain that testimony to jurors.

Moreover, our practice in this division encompasses three municipal courts. In each of these courts we are dealing with that city's municipal code and with the individual requirements of the city's court.⁷ This requires both the knowledge of the code and a sensitivity to each municipality's separate concerns and emphases.

Our practice in the District and Municipal Courts also serves another critical function. It is the place all new criminal lawyers start out. The cases we handle in these courts are, by definition, less serious than those we deal with in the Superior Court. However, they present all the issues and challenges present in felonies. Thus, we can assign them to less experienced lawyers knowing that if a mistake is made, if a defendant escapes full accountability for his or her actions, then less harm is presumptively done. The Division Chief is **Jeffrey J. Jahns**.

Juvenile Division: We also have established a separate Juvenile Division. I believe we are, if not unique, certainly among the minority in having an independent division, reporting directly to the prosecutor, devoted to juvenile prosecution. The arrangement works very well. Not only are we dealing in Juvenile Court with procedures completely different from those that apply to adults,⁸ we have a different goal as well. In the adult felony system, the object of Washington's criminal law is punishment alone.⁹ In the juvenile system, our goal is to rehabilitate the child-offender. This division screened 3,202 referrals in 2000. The Division Chief is **Greg R. Hubbard**.

⁷ For example, the City of Bremerton operates its own electronic home monitoring program. Accordingly, that court prefers to sentence its offenders to that program rather than utilizing either the county jail or its jail alternatives.

⁸ For example, in the juvenile system there is no right to a jury trial. All juvenile criminal cases are decided by a judge alone.

⁹ See RCW 9.94A, the statutes referred to as Washington's Sentencing Reform Act or SRA.

Criminal Staff Organization: Supporting the criminal lawyers we have a team of records specialists and legal assistants. The primary duty of the records staff is to correctly identify the persons referred to us for charging and to ensure that we have a clear picture of the criminal history of these individuals. They maintain both the individual files and our database. They are the first to receive the police reports of criminal conduct, and their work forms the foundation for all that comes after.

The legal assistants manage the flow of the active files in the office. They ensure that events are calendared, that information received after the case commences is appropriately acted upon, that the victims and witnesses are informed of the progress of the case, when they might be expected to testify, and anything else necessary to bring the case to closure—including encouraging the attorneys to keep up the pressure.

Our legal assistants also serve as the primary point of contact for the victims of crime. This is an extremely important job. Victims of crime find themselves caught up in a world of unfamiliar rules and procedures known as the Criminal Justice System. Moreover, once a charge has been filed and the case begins the journey to disposition, the System focuses on the defendant, not the victim. The defendant is presumed innocent; the rules of evidence and procedure are meant to protect his or her rights. A crime victim deserves at least one person in the System who is concerned about their needs and rights. It is the legal assistant's responsibility to assist crime victims through this process. They do it very well.¹⁰ As the Office Administrator, **Carol I. Maves** is responsible for supervising all criminal support staff. She is assisted by **Diana J. Gates**, Supervisor of the Records Unit; **Kelly E. Pelland**, our Victim/Witness Services Coordinator; and **Nancy L. Hudson**, Senior Legal Assistant.

CRIMINAL PERFORMANCE ANALYSES: CHARGING AND DISPOSITION

We try to do more than simply count our cases. There are a variety of ways we can measure our performance in the criminal practice. In this report, we will show our charging performance and provide an analysis of how we disposed of our criminal cases.

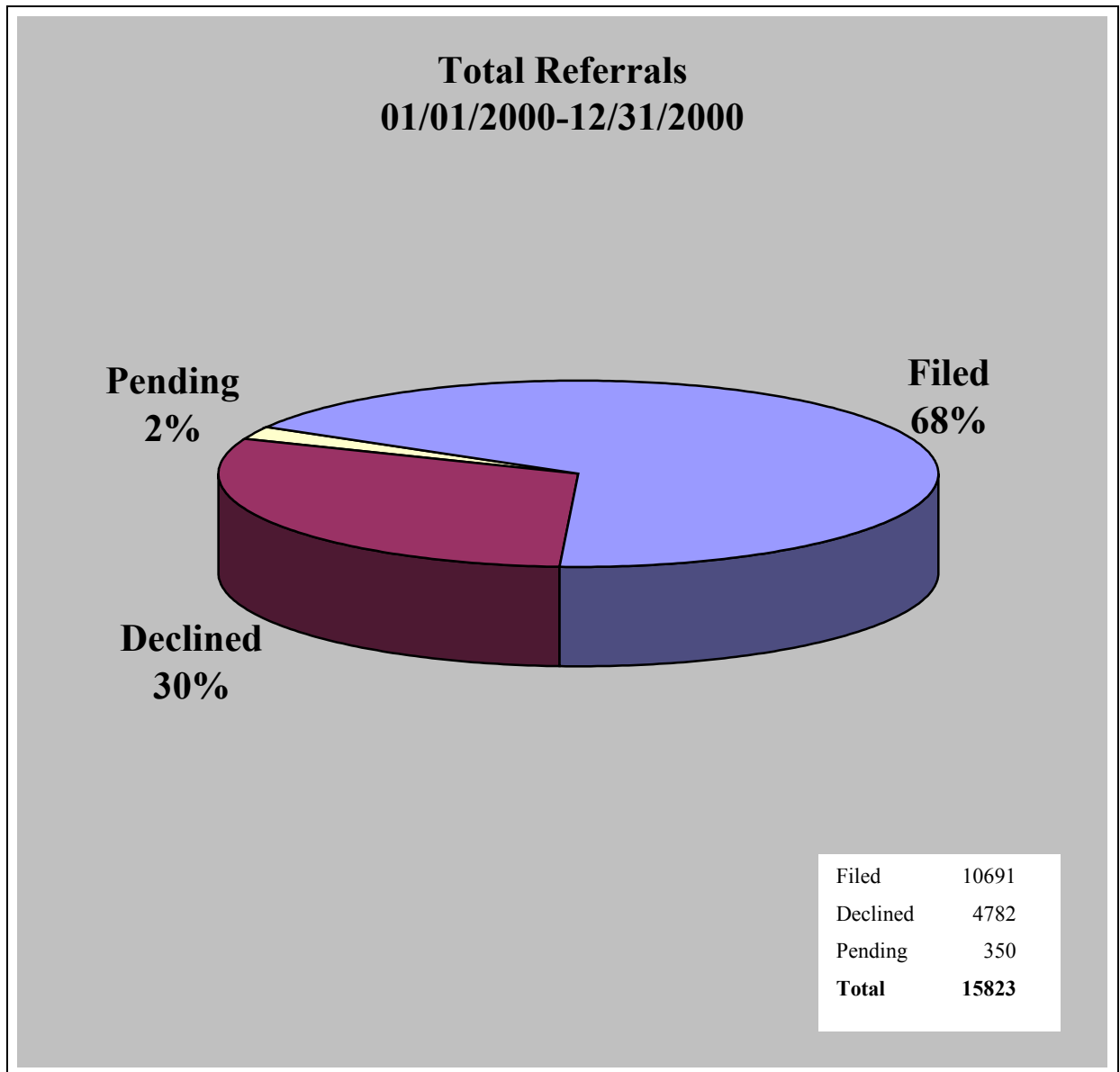
To us, the most significant unit of measurement is the referral. A referral is a report of criminal conduct received by our office, with an identified suspect or suspects. Each referral requires the creation of a file. That file must then be reviewed by a prosecutor to see if charges are warranted. Further investigation may be necessary, and if we decide to file charges, we must see the case through to disposition.

Our charging performance is expressed as a percentage of the referrals charged. We also track how many referrals are in the office pending charging.¹¹

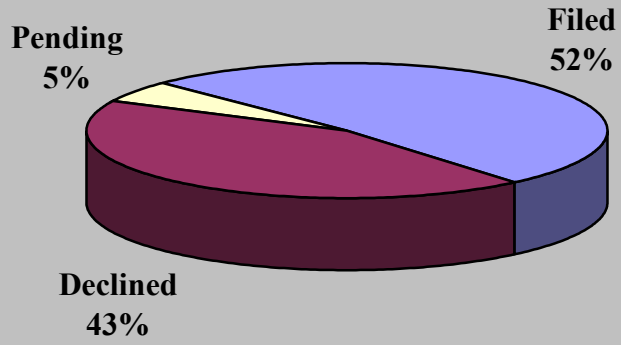
¹⁰In fact, the two Legal Assistants who serve in the Special Assault Unit (SAU), Catherine M. Clark and Leah R. Schipper, were recognized in 2000 by the Kitsap County Domestic Violence Task Force for outstanding service to crime victims.

¹¹ We intend to find a way to determine how long it takes us to decide whether to charge or decline a criminal referral.

What follows is a series of pie-charts showing the portion of cases charged, declined, and pending (as of this writing). They show this breakdown for all referrals, for referrals received from the various law enforcement agencies active in the County, and for special categories like the SAU and the Juvenile Court.

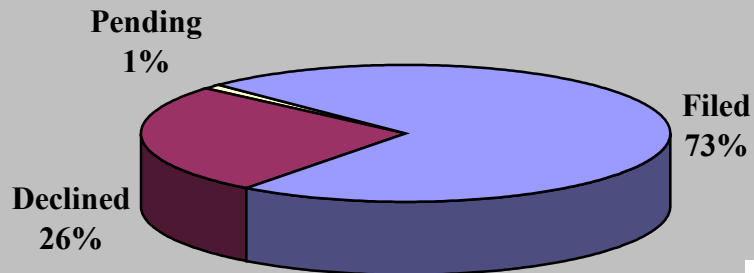


**Felony Referrals
01/01/2000-12/31/2000**



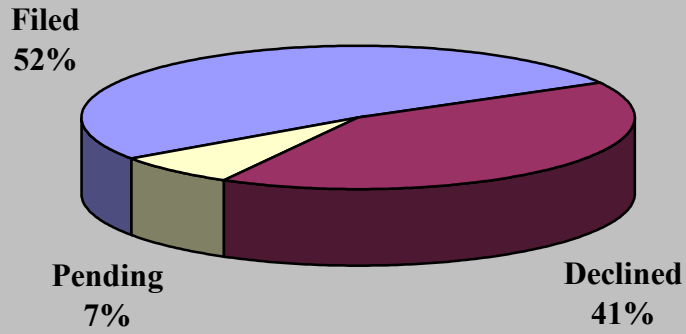
Filed	2115
Declined	1791
Pending	219
Total	4125

**Gross Misdemeanor/Misdemeanor Referrals
01/01/2000-12/31/2000**



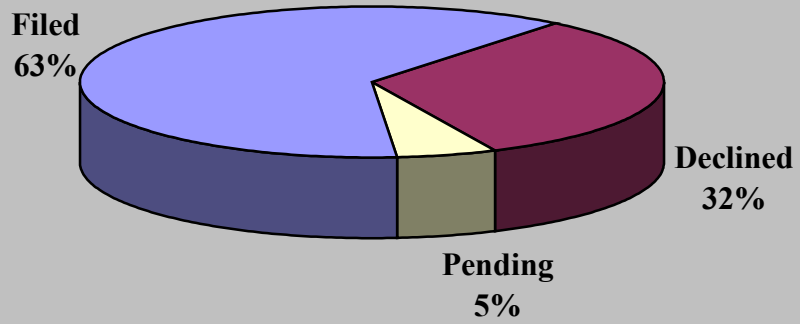
Filed	8305
Declined	2986
Pending	122
Total	11413

**Superior Court Referrals
01/01/2000-12/31/2000**



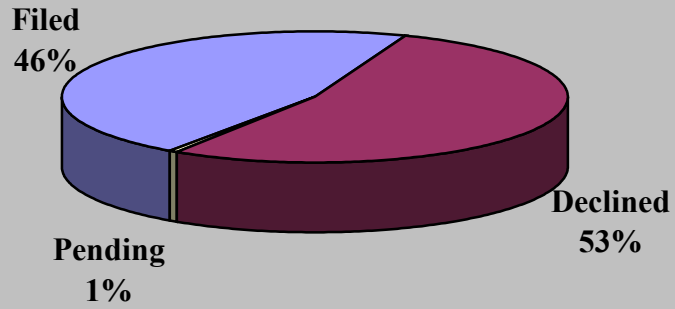
Filed	968
Declined	768
Pending	137
Total	1873

**Drug Unit Referrals
01/01/2000-12/31/2000**



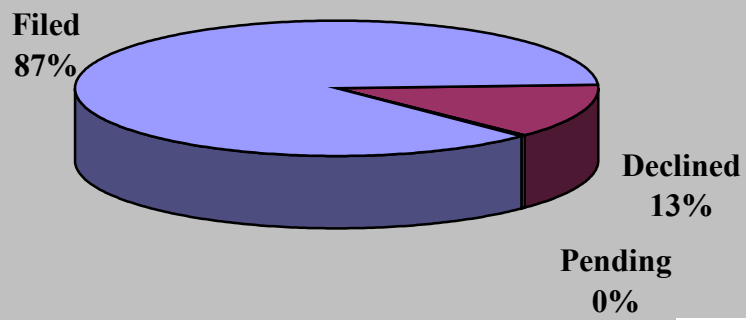
Filed	454
Declined	235
Pending	40
Total	729

**Special Assault Unit Referrals
01/01/2000-12/31/2000**



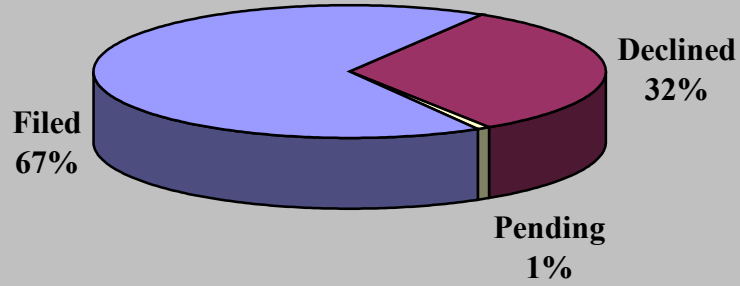
Filed	1087
Declined	1258
Pending	14
Total	2359

**District Court Referrals
01/01/2000-12/31/2000**



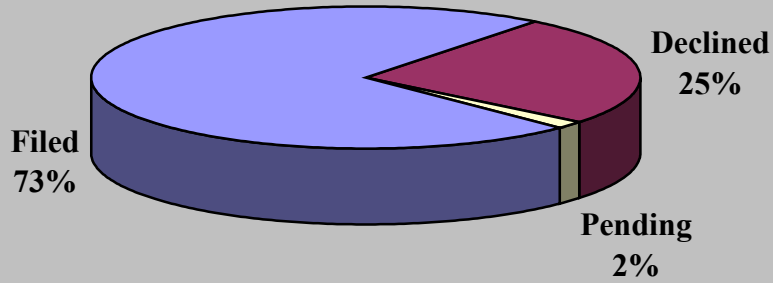
Filed	3656
Declined	548
Pending	11
Total	4215

**Bremerton Municipal Court Referrals
01/01/2000-12/31/2000**



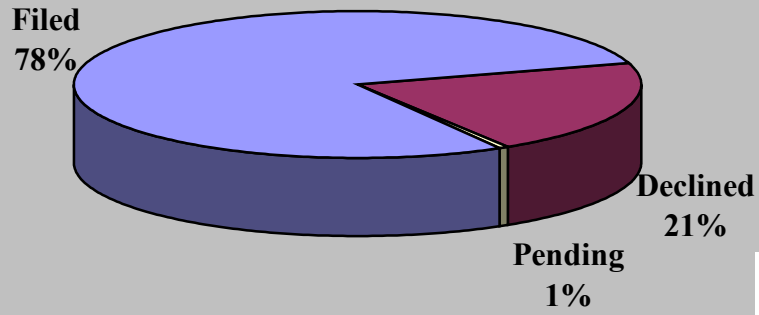
Filed	1772
Declined	850
Pending	21
Total	2643

**Port Orchard Municipal Court Referrals
01/01/2000-12/31/2000**



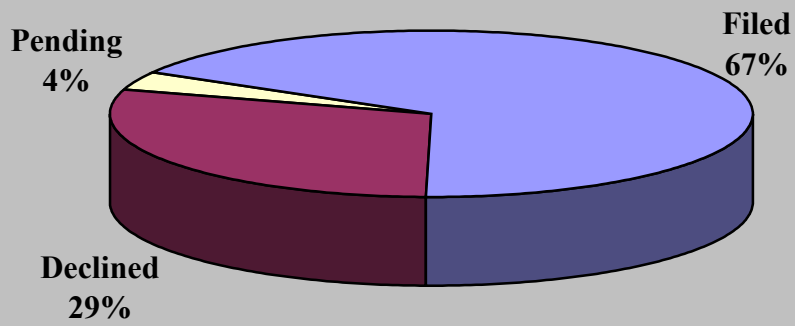
Filed	326
Declined	113
Pending	8
Total	447

**Poulsbo Municipal Court Referrals
01/01/2000-12/31/2000**



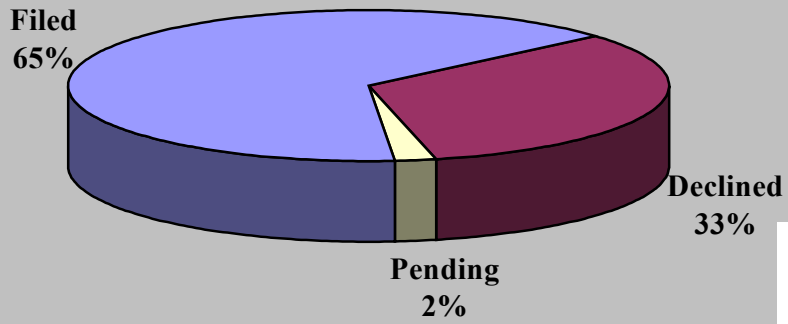
Filed	279
Declined	74
Pending	2
Total	355

**Juvenile Court Referrals
01/01/2000-12/31/2000**



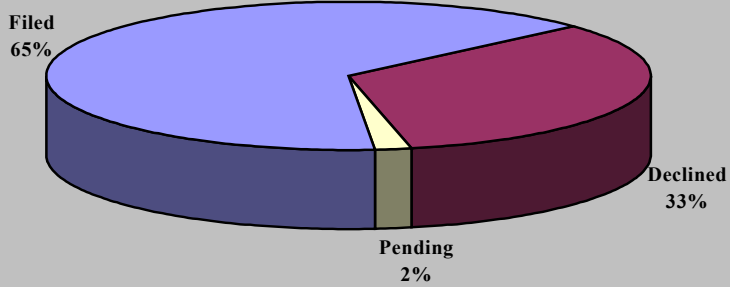
Filed	2148
Declined	935
Pending	119
Total	3202

**Kitsap County Sheriff's Office Referrals
01/01/2000-12/31/2000**



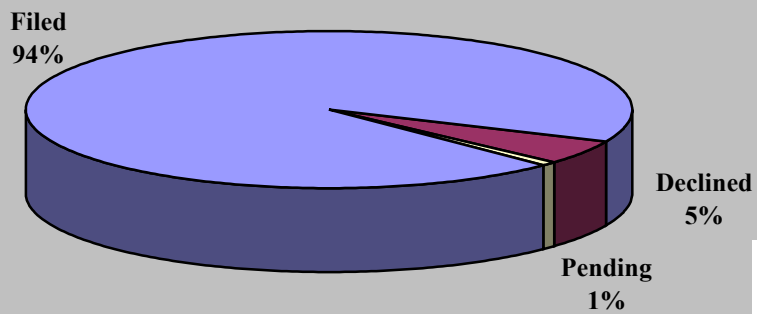
Filed	4472
Declined	2253
Pending	150
Total	6875

**Bremerton Police Department Referrals
01/01/2000-12/31/2000**

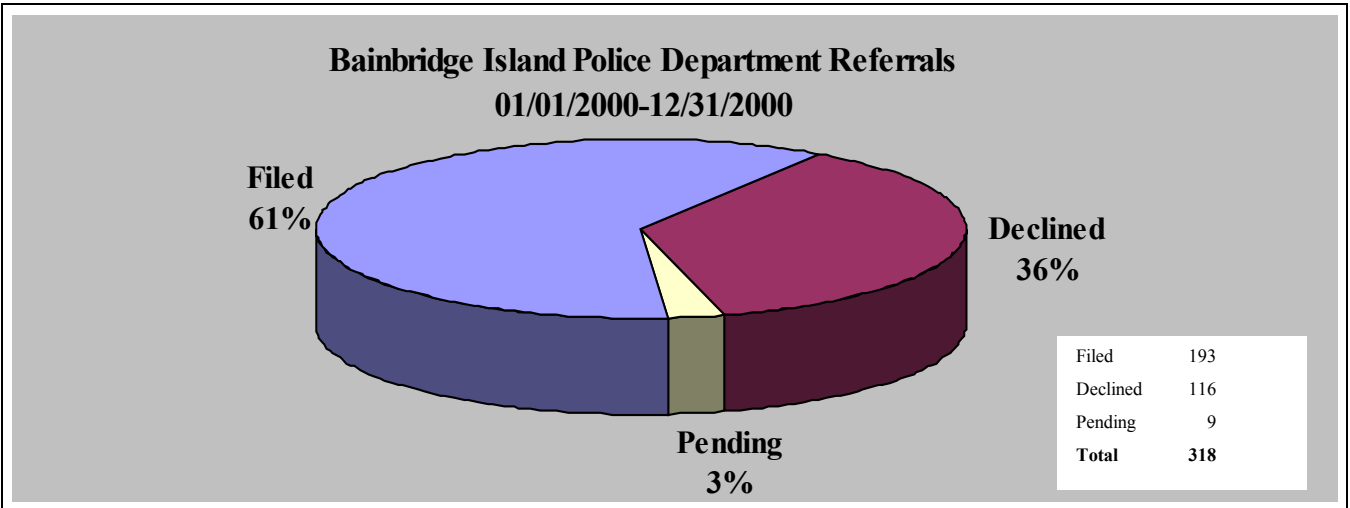
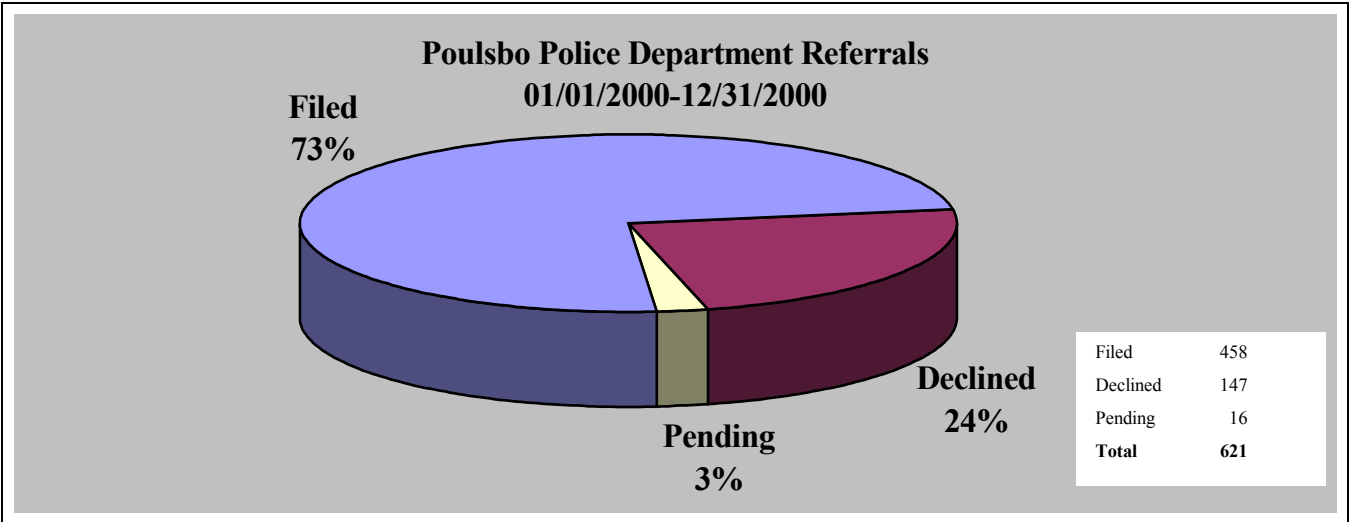
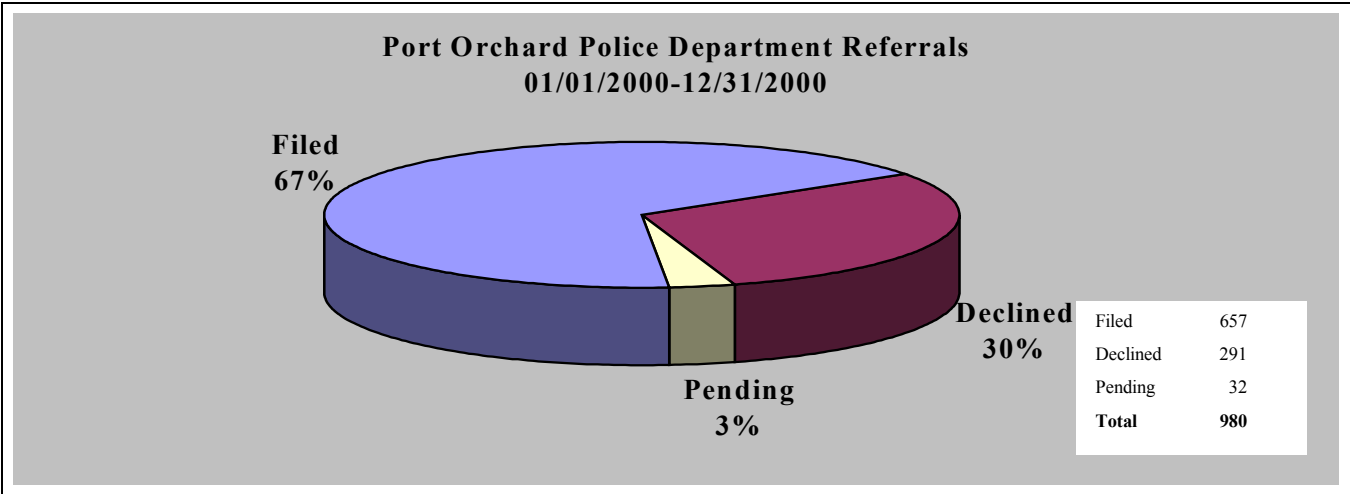


Filed	2753
Declined	1421
Pending	88
Total	4262

**Washington State Patrol Referrals
01/01/2000-12/31/2000**



Filed	1299
Declined	68
Pending	11
Total	1378



To us, the most striking thing about the charging analyses is the similarity in charging rate for the local law enforcement agencies that we serve. The analyses shows that the rate for the two largest agencies, the Sheriff's Office and the Bremerton Police Department, are essentially the same. This similarity shows, I believe, a couple of things. First, it shows the consistent level of professionalism among our police agencies. No matter what department, they show in clear detail the elements we need to charge a crime. The consistency in charging practice also shows that the deputy prosecutors actually filing the charges are following the same practices and applying the same standards no matter what agency reports the crime.

Last year, the SAU handled 2,359 referrals of sexual assault and domestic violence. Of those referrals, we charged 1,087. As can be seen from the chart, we charge proportionally fewer of the SAU cases than our other types of referrals. This is because of the nature of these cases. In cases of domestic violence and sexual assault, the evidence is often more problematic than it is in a drug case, for example, and the stories of the witnesses more likely to change.

Compare the SAU filing rate with the rate we file drug charges.¹² In drug cases, our complaining witnesses are usually police officers. We can count on them performing well as witnesses. We also usually have concrete physical evidence, the drugs themselves, to present to the jury. These differences create the greater likelihood that we will charge a drug referral.

Similarly, you will note a higher charging rate for referrals from the State Patrol than that of referrals from other police agencies. This is because most referrals from the State Patrol allege criminal traffic violations, crimes like Reckless Driving and Driving Under the Influence of Intoxicants. Like drug cases, the main witness is usually a professional, and the evidence is relatively straightforward.

DISPOSITION ANALYSIS

Our disposition analysis differs from those offered in past years. The good news is that our Y2K compliant computer system now allows us to analyze all of our cases. In years past, we maintained two separate databases in order to run any kind of analysis. Because of this extra step, we only provided a breakdown for the adult felony matters. However, we have not yet developed the capability to run all the checks we would like. Missing is an analysis of how our disposition charge varied from our original charge, a measure both of how accurately our Case Management Division charges crimes originally, and of how well the Trial Division holds its ground as the case approaches trial. We would hope to see defendants pleading guilty to the original charge or proceed to trial on the original or a more serious charge. We hope to be able to supply this data in future reports.

We are able to provide the following analysis of the different kinds of dispositions achieved:

Guilty Plea: This term represents a guilty plea by the defendant. It means that the defendant agrees that he or she would be found guilty of the charge and is prepared to accept responsibility.¹³

¹² The chart is headed "Drug Unit." We have not created this unit yet. However, we have set up our record keeping system to identify the cases that will eventually, we hope, be handled by our drug unit.

¹³ This category also includes so-called "Alford Pleas," named for the defendant in the appellate decision that approved the process. In this type of plea, the defendant does not admit committing the offense, but acknowledges that the state has enough evidence for a conviction. The outcome is functionally the same as a guilty plea.

Guilty, Court (expressed in the charts as Guilty/Ct.): This term identifies the cases in which the defendant is found guilty by the court after its review of the evidence. The court's finding can come after a formal trial in which both sides present evidence. This is the only trial procedure allowed in Juvenile Court and is used occasionally in the District and Municipal Courts. It is used only rarely in the trial of felonies in Superior Court. However, the majority of the cases disposed of in this fashion in the District, Municipal, and Superior Courts, came after the court reviewed what is called a stipulated, or agreed, record. In this procedure, the defendant agrees to allow the judge to decide the case on evidence that the parties have agreed accurately represents the facts of the case—usually the police reports. It is the usual disposition when defendants fail to comply with a Pre-Trial Diversion Program or Deferred Prosecution Agreement. It is also often used if the defendant wants to accept responsibility in District or Municipal Court at his or her first appearance. In that situation, the stipulation process is simpler than a formal guilty plea.

Guilty by Jury (Guilty/Jy.): These cases were resolved by a jury delivering a guilty verdict. This category includes cases in which the jury convicted on only some of the counts charged.

Not Guilty, Court (NG/Ct.): This is a situation where the judge hearing the case alone, either after a trial or upon stipulation, renders a not guilty verdict. This occurs in Juvenile Court where juries are not allowed, but can occur in any court as well.

Not Guilty by Jury (NG/Jy.): In this case, the jury has found the defendant not guilty of all charges.

Dismissal, Prosecution (Dism/P): This is a case in which the State has moved for dismissal of the charge or charges. We do this when we discover that we can no longer prove the case. We may dismiss, for example, in a domestic violence case when a witness changes their story.

Dismissal, Defense (Dism/D): This is a case in which the defense moves for dismissal of the charges and wins. This can happen at anytime in the life of the case, but is most often accomplished at a pre-trial hearing.

Deferred Prosecution (Def. Pros): This is a special disposition created by the legislature. It is used primarily in DUI cases. In return for admitting alcoholism and agreeing to abstinence and an extended period of treatment, prosecution is deferred. At the end of the period of deferral, if the defendant has completed treatment and stayed out of trouble, the case is dismissed.

Pre-Trial Diversion Agreement (PDA): This is a disposition similar to deferred prosecution, but while deferred prosecution was created by the legislature and has specifically prescribed components, the PDA is a disposition we created for use in a broader range of District and Municipal Court cases. It is now used only for misdemeanors and gross misdemeanors.¹⁴ If a case is problematic, for example, if proof problems develop or if they were apparent from the start, then we will consider this disposition. It consists of a written agreement in which the defendant agrees to a period of supervision, usually two years, in which he or she will complete appropriate treatment (for example, in a Domestic Violence 4th Degree Assault, the defendant will agree to DV perpetrator treatment). The defendant also agrees that if treatment is not completed or there is any violation of

¹⁴ You may note that some felony cases were apparently disposed of this way in the SAU. These turned out to be felonies that were reduced to misdemeanors because of proof problems that developed after charging. We may in the future implement a felony PDA procedure, but the discussions and planning have just begun.

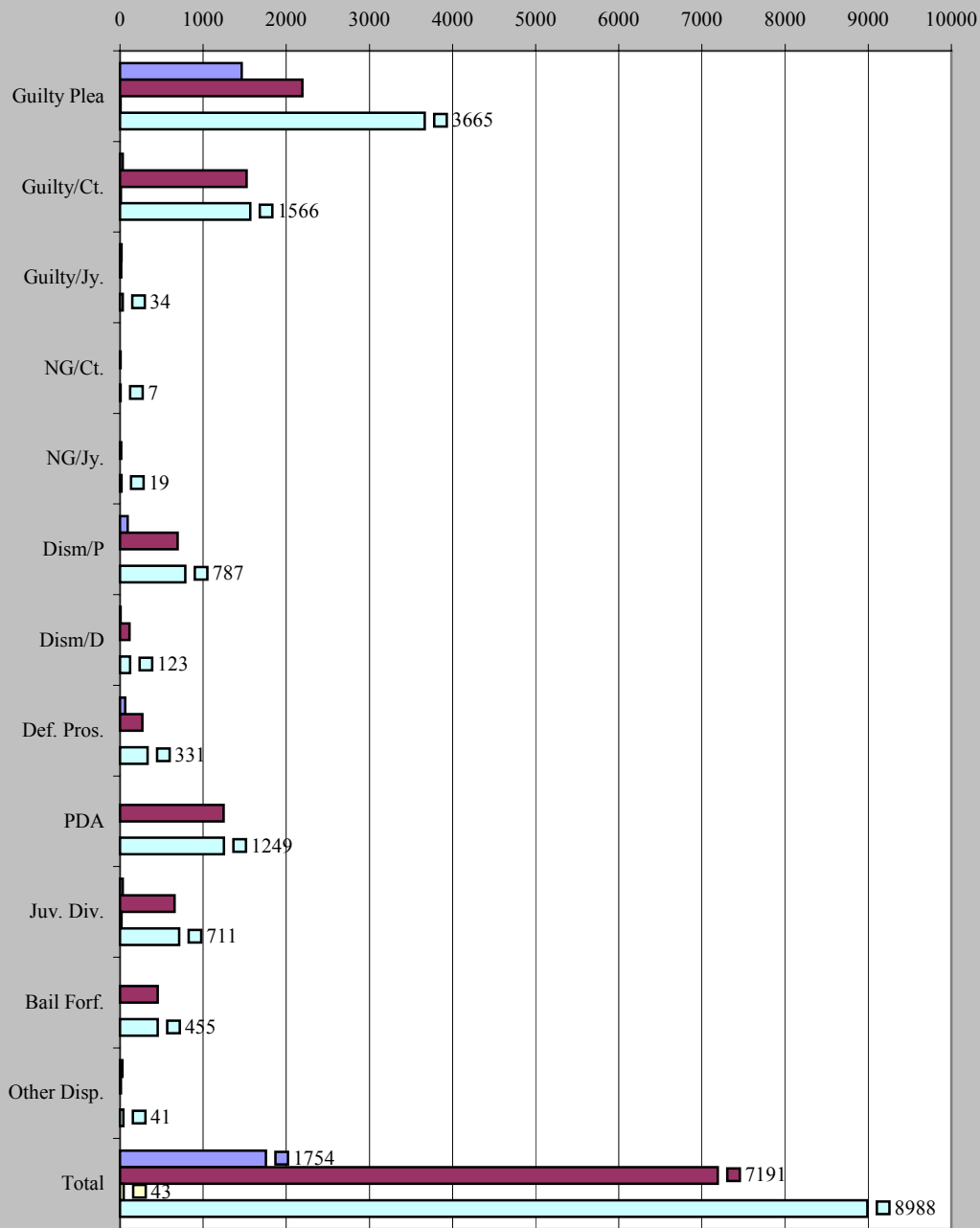
the conditions of supervision, the court will decide the case on the facts set forward in the police reports and any other documents that the prosecution seeks to utilize. In return, we agree to forego prosecution until the end of the diversion period or until a violation is found. If the defendant meets the terms of the agreement, we will reduce or dismiss the original charge.

Juvenile Diversion (Juv. Div.): This is another statutory diversion program. This one is available only to juveniles who commit minor offenses like petty theft and mischief. If the juvenile meets the criteria established by the legislature, it is mandatory that we divert him or her away from prosecution. The Superior Court Juvenile Department will prescribe a program for the juvenile, usually including restitution and community service. If the juvenile accepts and completes the program, the case is dismissed. If the juvenile refuses to participate or fails to complete the program, the case comes back to us for prosecution.

Bail Forfeiture (Bail Forf.): The law allows certain minor offenses—fishing violations, for example—to be resolved by the defendant paying a specified amount as bail. The defendant forfeits the money to the court, and the case is resolved.

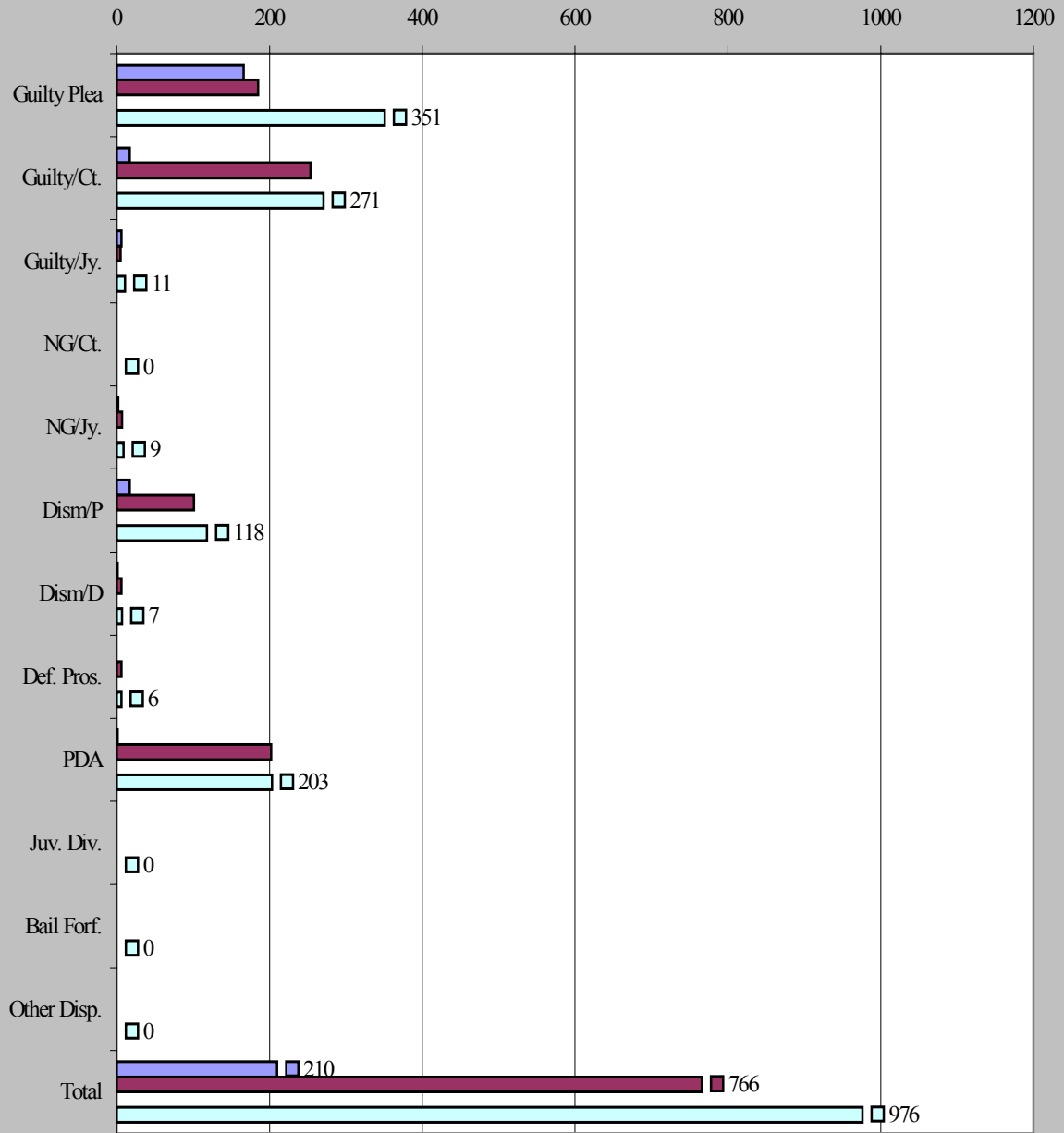
Other Dispositions (Other Disp.): This category includes a variety of dispositions too small to be significant.

Cases Disposed of in 2000



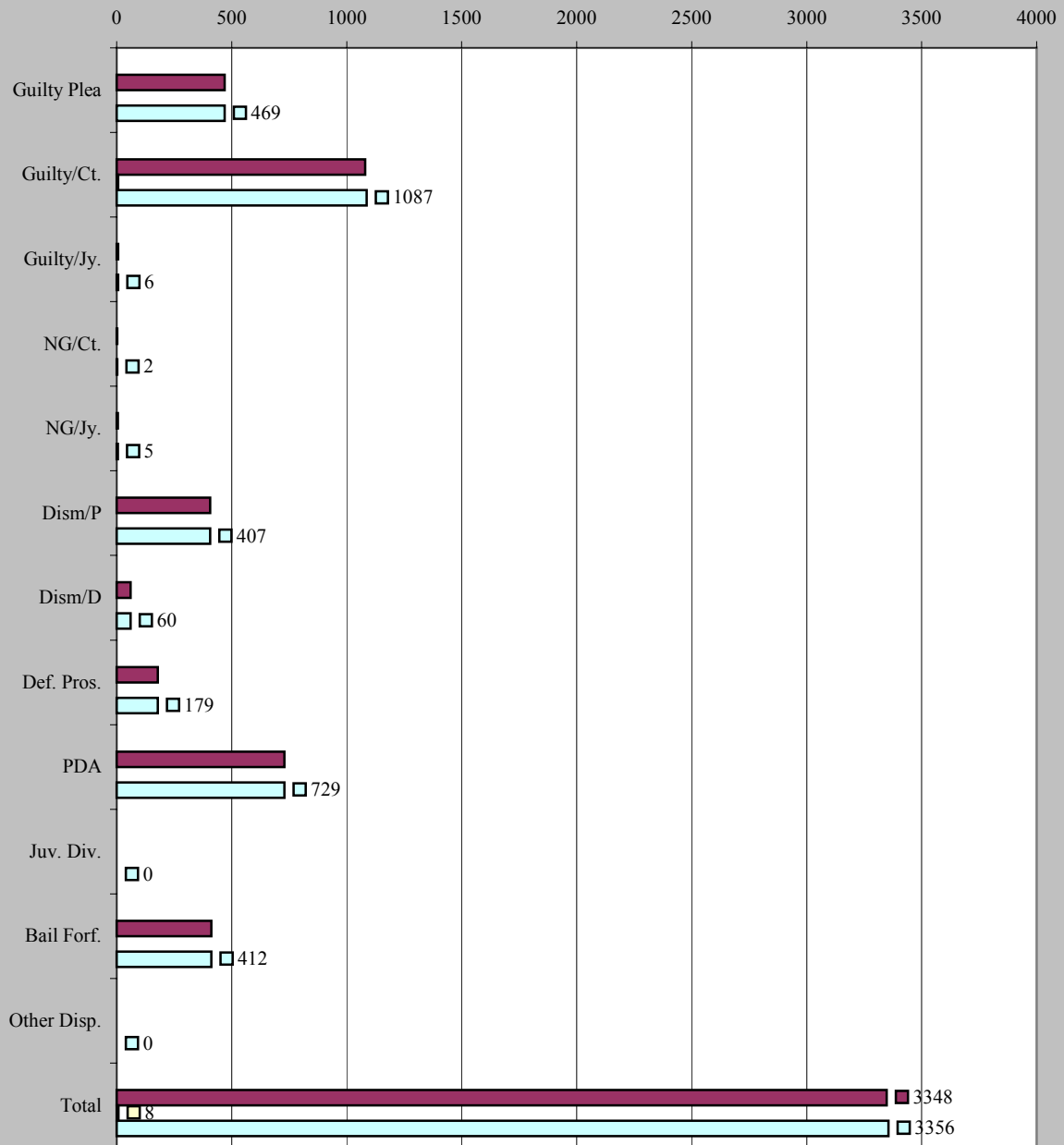
	Total	Other Disp.	Bail Forf.	Juv. Div.	PDA	Def. Pros.	Dism/ D	Dism/ P	NG/Jy.	NG/Ct.	Guilty/ Jy.	Guilty/ Ct.	Guilty Plea
■ Felony	1754	31	0	35	1	63	8	94	4	1	20	32	1465
■ GM/M	7191	10	452	656	1248	268	114	692	15	6	14	1522	2194
■ Inf.	43	0	3	20	0	0	1	1	0	0	0	12	6
■ Total	8988	41	455	711	1249	331	123	787	19	7	34	1566	3665

Special Assault Unit Cases Disposed of in 2000



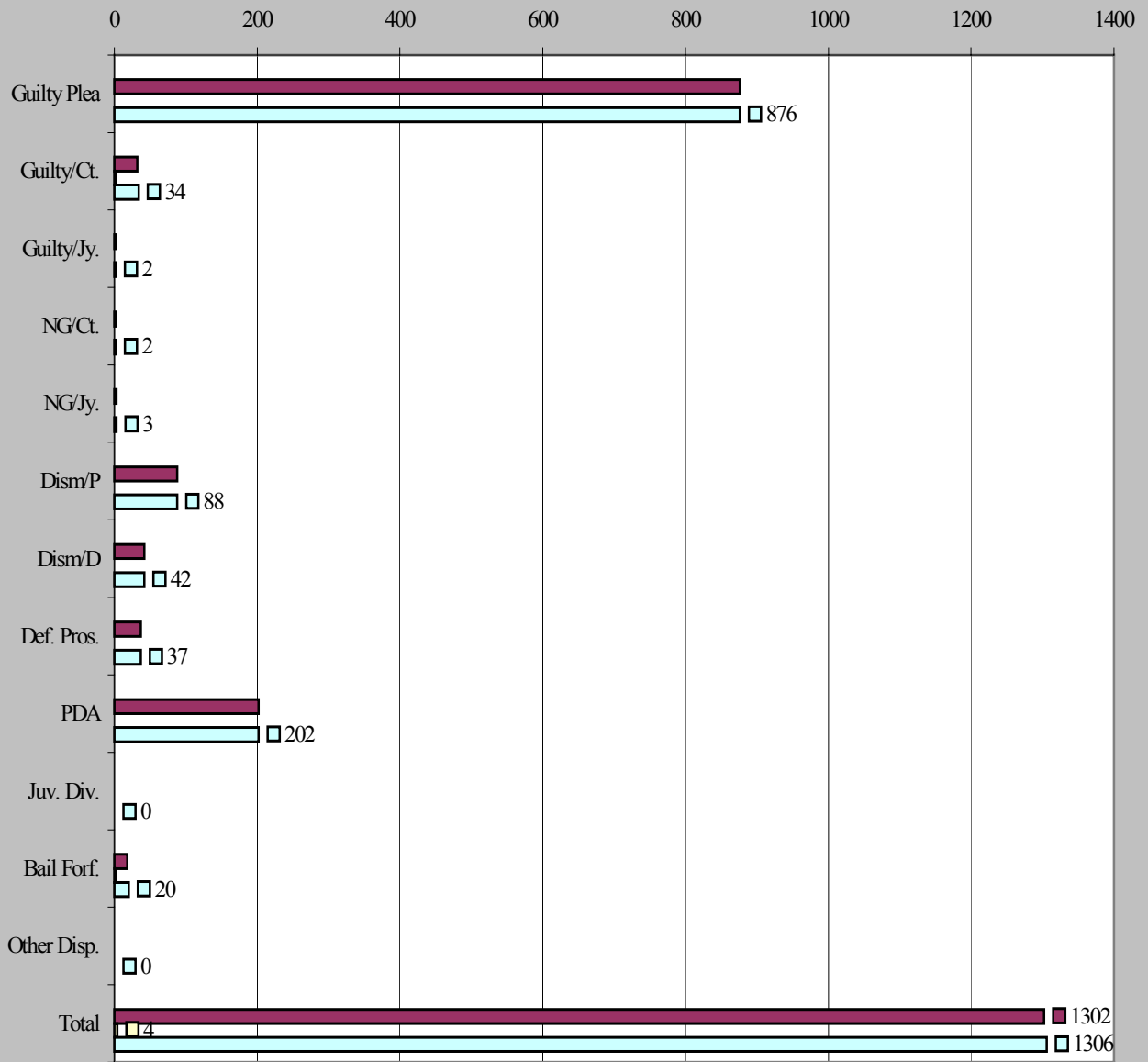
	Total	Other Disp.	Bail Forf.	Juv. Div.	PDA	Def. Pros.	Dism/D	Dism/P	NG/Jy.	NG/Ct.	Guilty/J y.	Guilty/Ct.	Guilty Plea
■ Felony	210	0	0	0	1	0	1	17	2	0	6	17	166
■ GMM	766	0	0	0	202	6	6	101	7	0	5	254	185
■ Inf.	0	0	0	0	0	0	0	0	0	0	0	0	0
■ Total	976	0	0	0	203	6	7	118	9	0	11	271	351

District Court Cases Disposed of in 2000



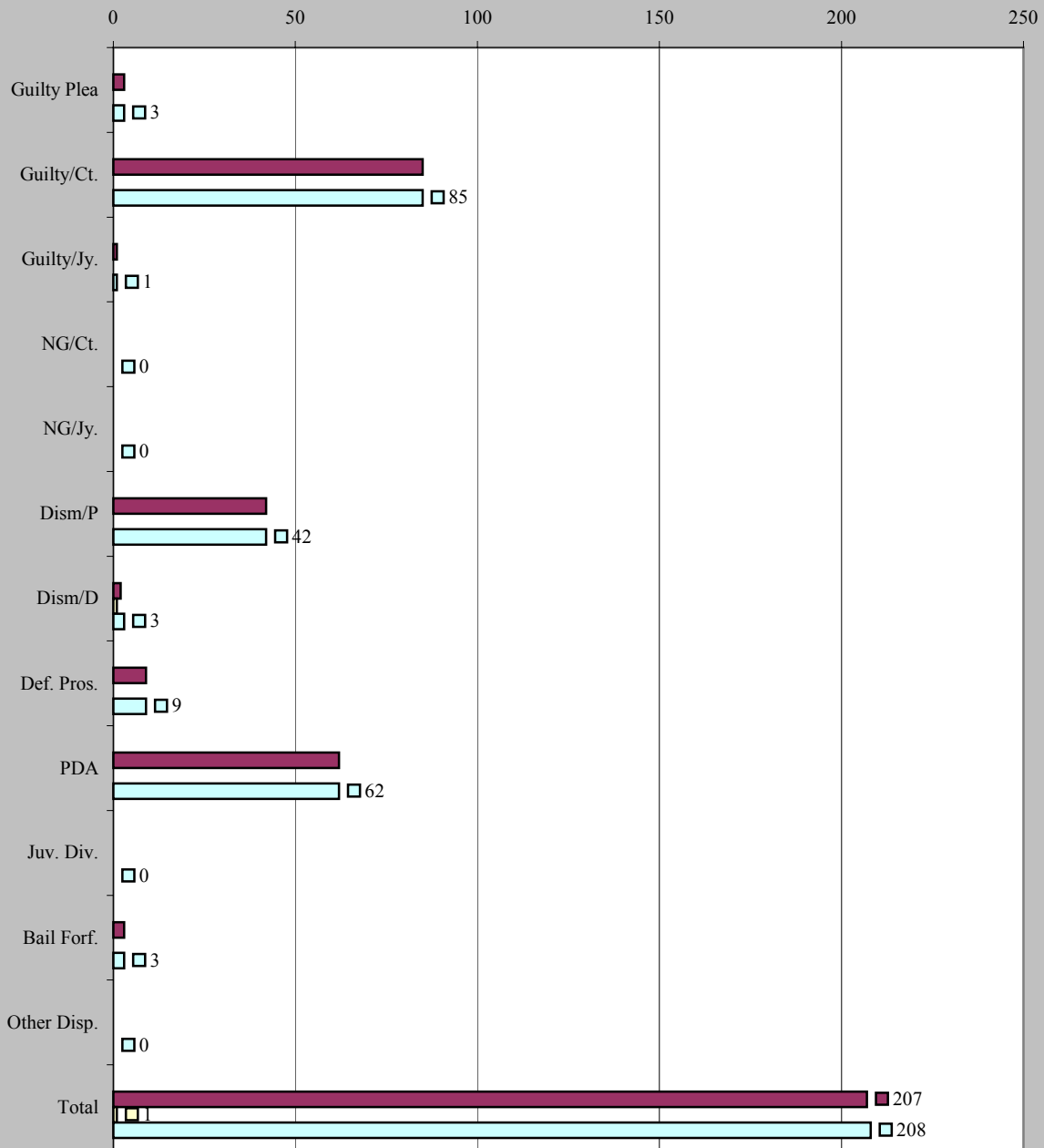
	Total	Other Disp.	Bail Forf.	Juv. Div.	PDA	Def. Pros.	Dism/D	Dism/P	NG/Jy.	NG/Ct.	Guilty/J y.	Guilty/Ct.	Guilty Plea
■ Felony	0	0	0	0	0	0	0	0	0	0	0	0	0
■ GM/M	3348	0	411	0	729	179	60	406	5	2	6	1081	469
■ Inf.	8	0	1	0	0	0	0	1	0	0	0	6	0
■ Total	3356	0	412	0	729	179	60	407	5	2	6	1087	469

Bremerton Municipal Court Cases Disposed of in 2000



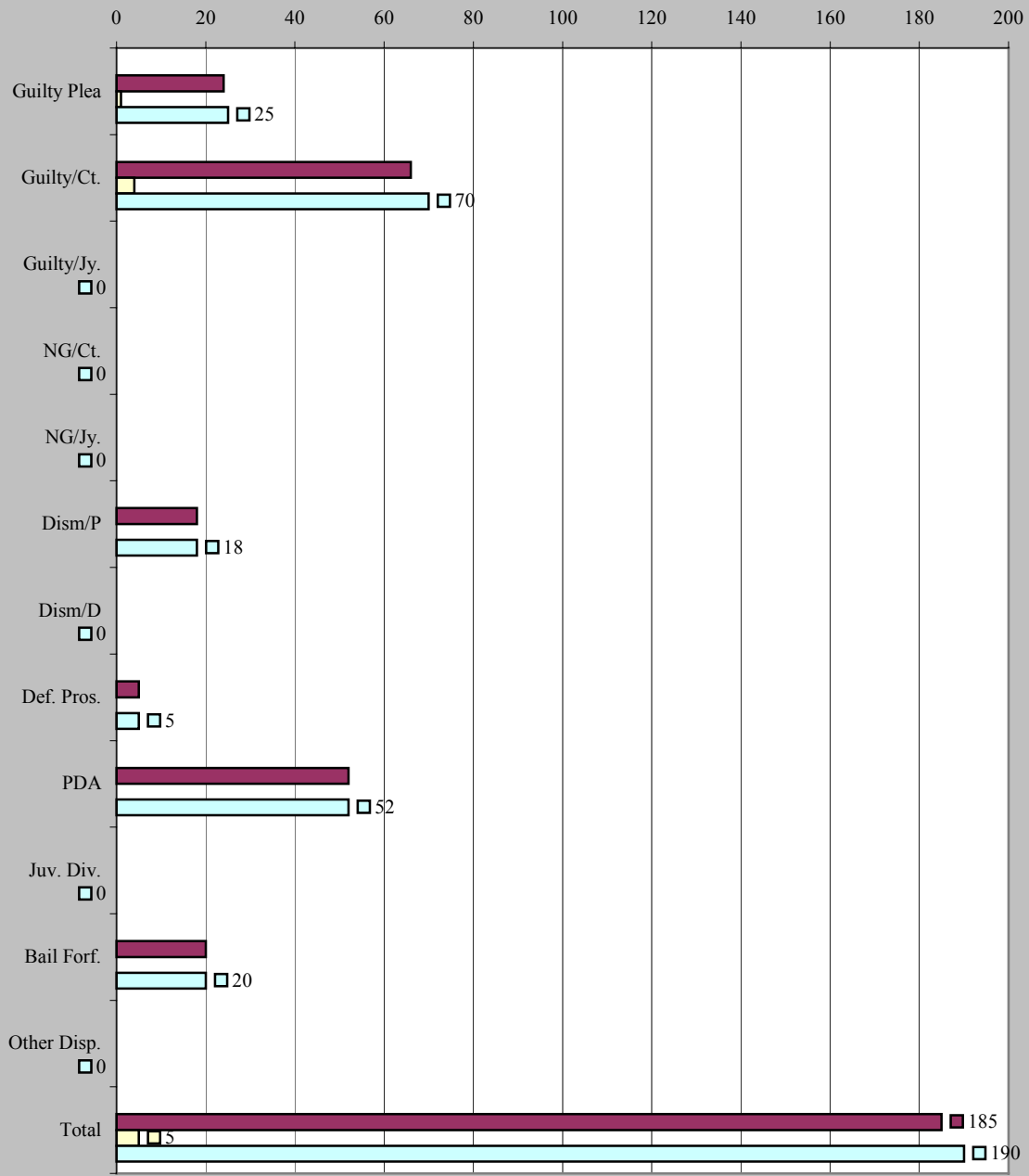
	Total	Other Disp.	Bail Forf.	Juv. Div.	PDA	Def. Pros.	Dism/D	Dism/P	NG/Jy.	NG/Ct.	Guilty/Jy.	Guilty/Ct.	Guilty Plea
■ Felony	0	0	0	0	0	0	0	0	0	0	0	0	0
■ GMM	1302	0	18	0	202	37	42	88	3	2	2	32	876
■ Inf.	4	0	2	0	0	0	0	0	0	0	0	2	0
■ Total	1306	0	20	0	202	37	42	88	3	2	2	34	876

Port Orchard Municipal Court Cases Disposed of in 2000



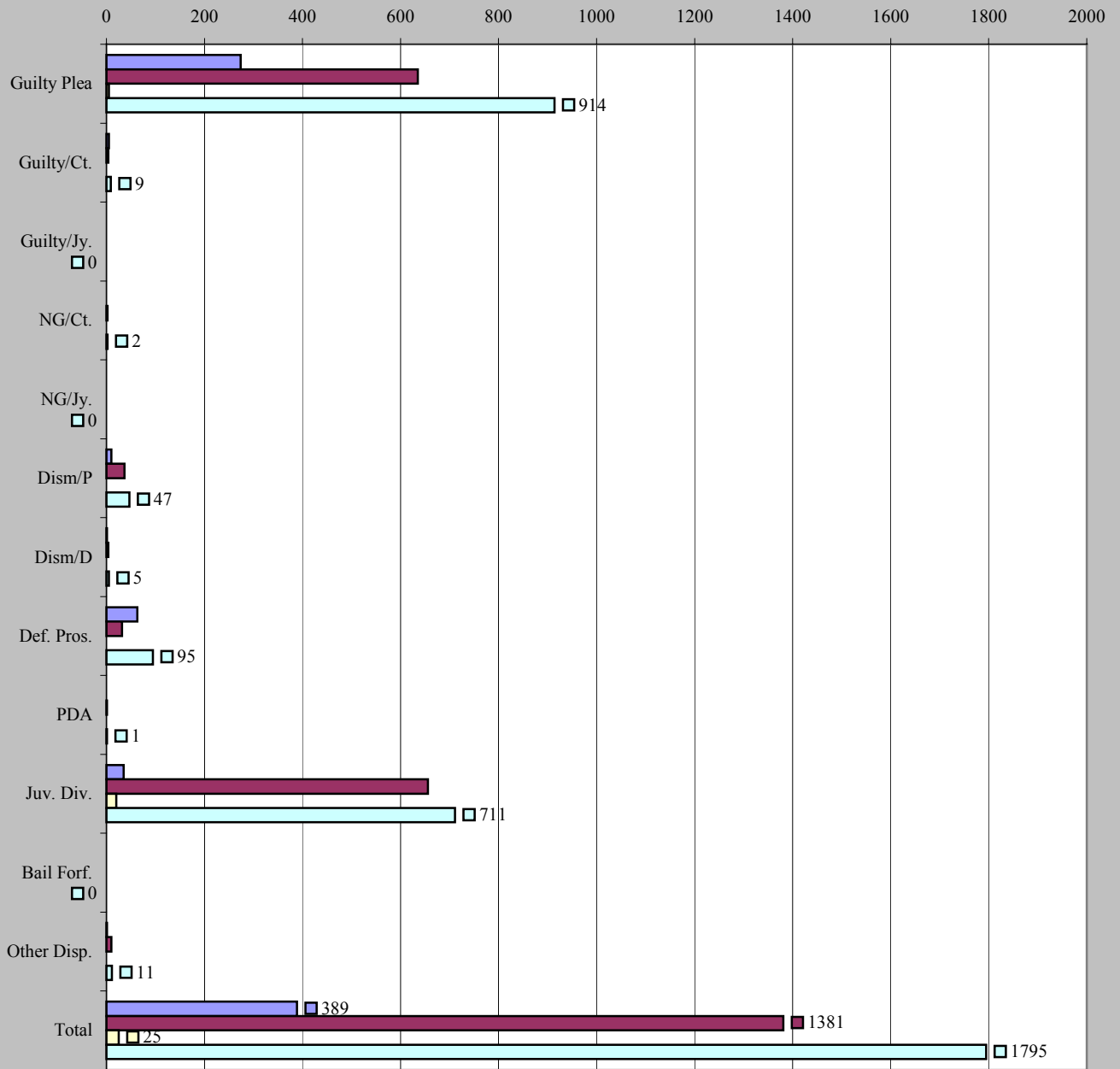
	Total	Other Disp.	Bail Forf.	Juv. Div.	PDA	Def. Pros.	Dism/D	Dism/P	NG/Jy.	NG/Ct.	Guilty/Jy.	Guilty/Ct.	Guilty Plea
■ Felony	0	0	0	0	0	0	0	0	0	0	0	0	0
■ GM/M	207	0	3	0	62	9	2	42	0	0	1	85	3
■ Inf.	1	0	0	0	0	0	1	0	0	0	0	0	0
■ Total	208	0	3	0	62	9	3	42	0	0	1	85	3

Poulsbo Municipal Court Cases Disposed of in 2000



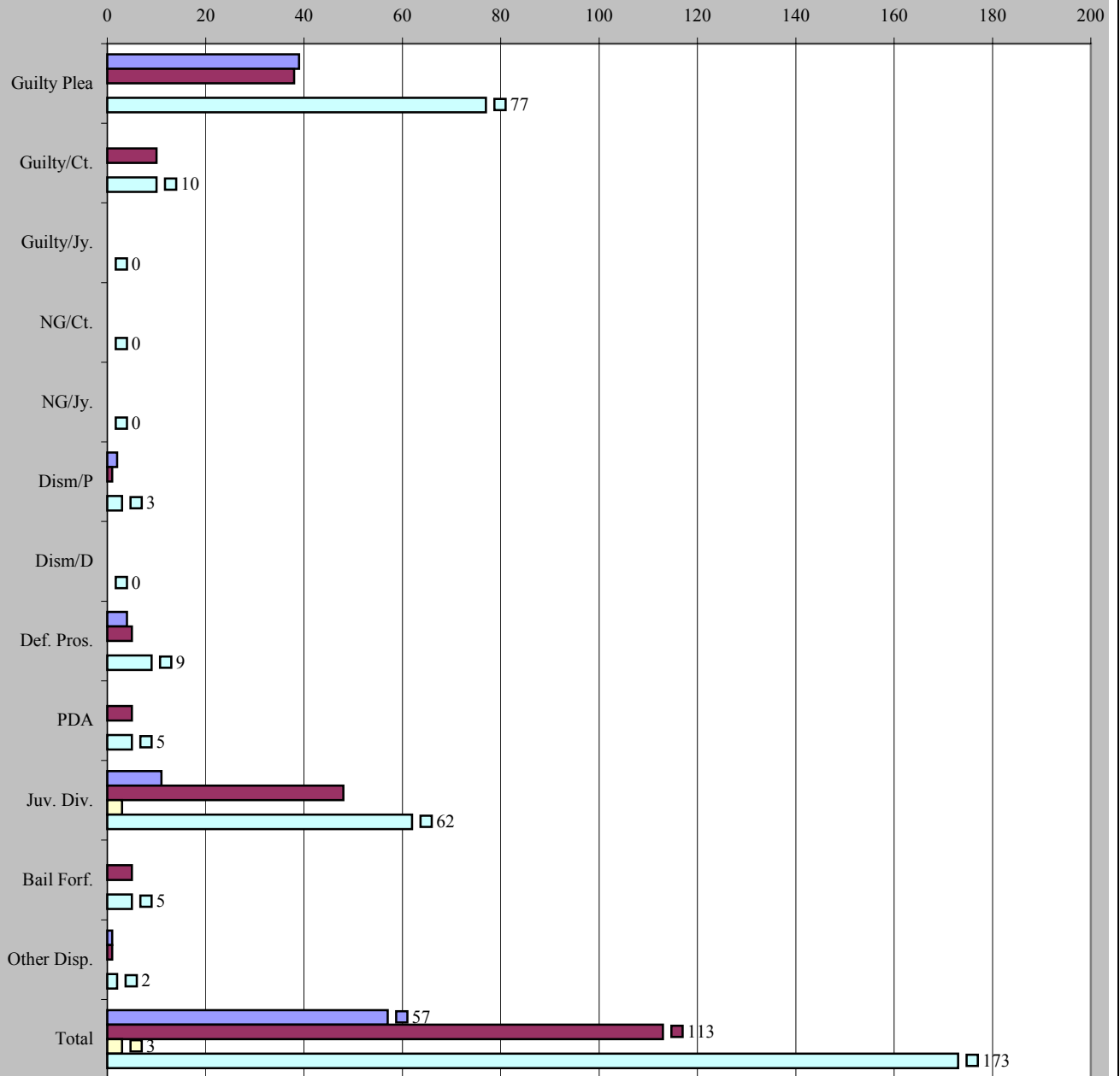
	Total	Other Disp.	Bail Forf.	Juv. Div.	PDA	Def. Pros.	Dism/D	Dism/P	NG/Jy.	NG/Ct.	Guilty/Jy.	Guilty/Ct.	Guilty Plea
Felony	0	0	0	0	0	0	0	0	0	0	0	0	0
GM/M	185	0	20	0	52	5	0	18	0	0	0	66	24
Inf.	5	0	0	0	0	0	0	0	0	0	0	4	1
Total	190	0	20	0	52	5	0	18	0	0	0	70	25

Juvenile Division Cases Disposed of in 2000



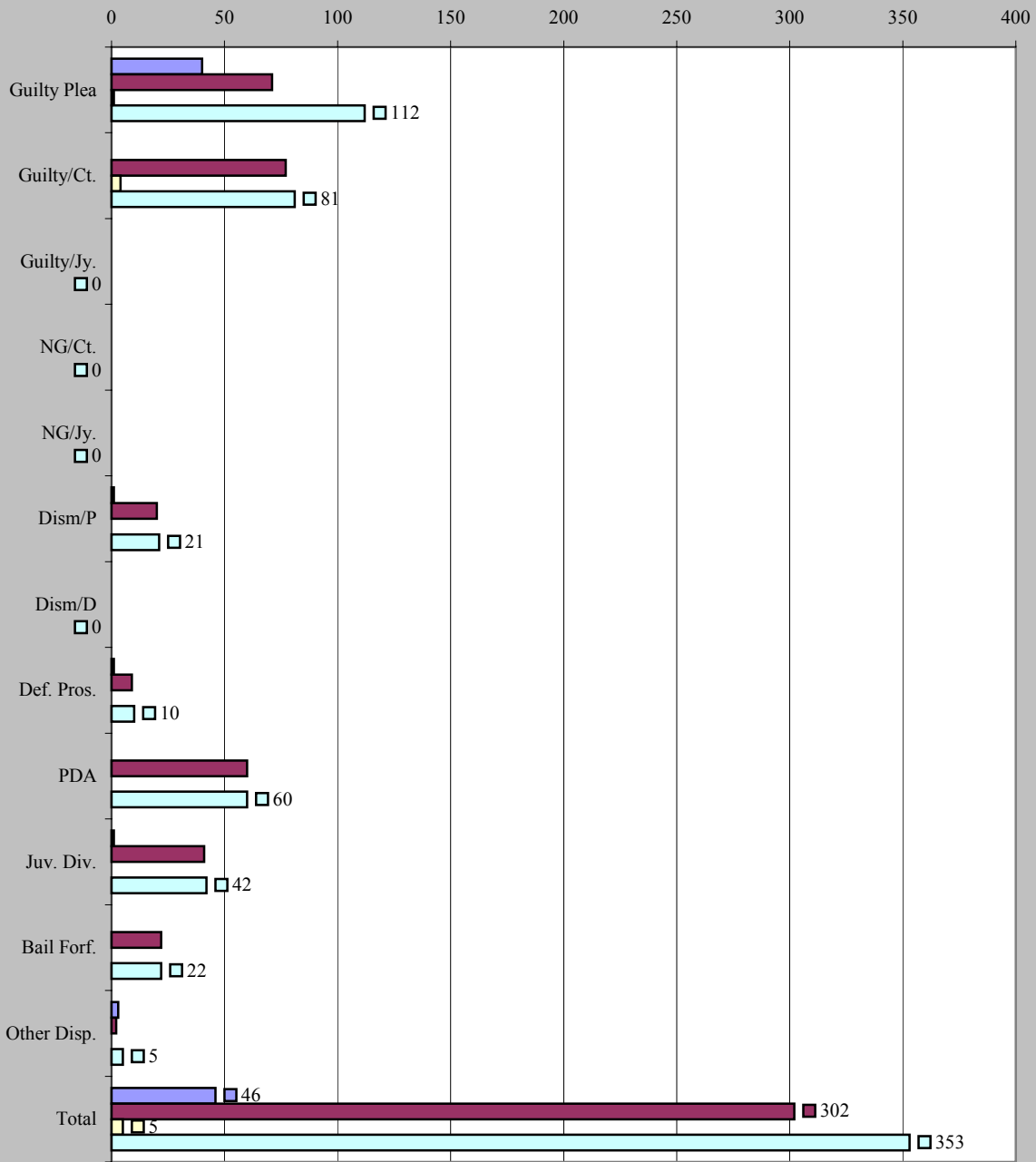
	Total	Other Disp.	Bail Forf.	Juv. Div.	PDA	Def. Pros.	Dism/D	Dism/P	NG/Jy.	NG/Ct.	Guilty/Jy.	Guilty/Ct.	Guilty Plea
■ Felony	389	1	0	35	0	63	1	10	0	0	0	5	274
■ GM/M	1381	10	0	656	1	32	4	37	0	2	0	4	635
■ Inf.	25	0	0	20	0	0	0	0	0	0	0	0	5
■ Total	1795	11	0	711	1	95	5	47	0	2	0	9	914

Bainbridge Island Police Department Cases Disposed of in 2000



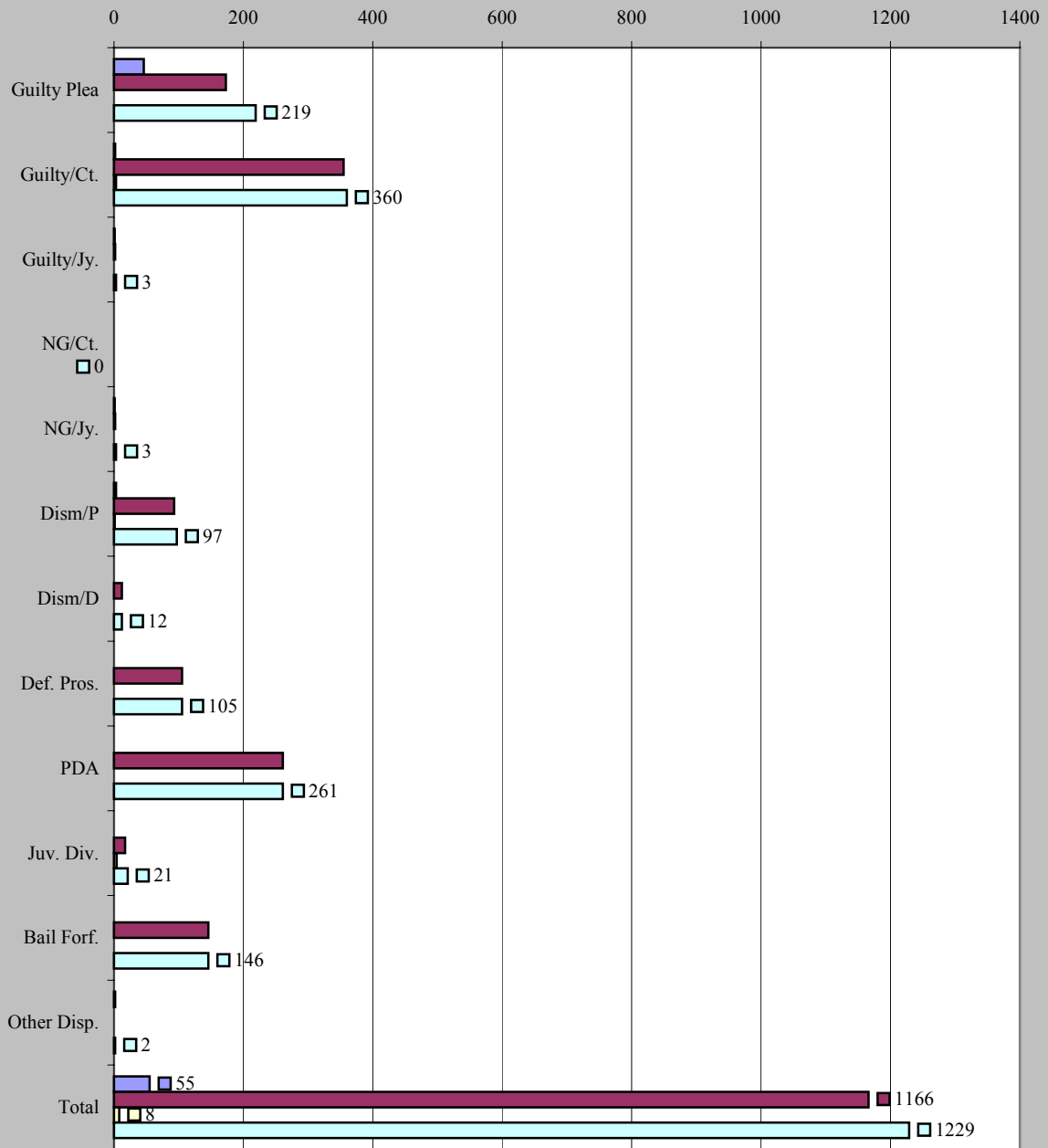
	Total	Other Disp.	Bail Forf.	Juv. Div.	PDA	Def. Pros.	Dism/D	Dism/P	NG/Jy.	NG/Ct.	Guilty/Jy.	Guilty/Ct.	Guilty Plea
■ Felony	57	1	0	11	0	4	0	2	0	0	0	0	39
■ GM/M	113	1	5	48	5	5	0	1	0	0	0	10	38
■ Inf.	3	0	0	3	0	0	0	0	0	0	0	0	0
■ Total	173	2	5	62	5	9	0	3	0	0	0	10	77

Poulsbo Police Department Cases Disposed of in 2000



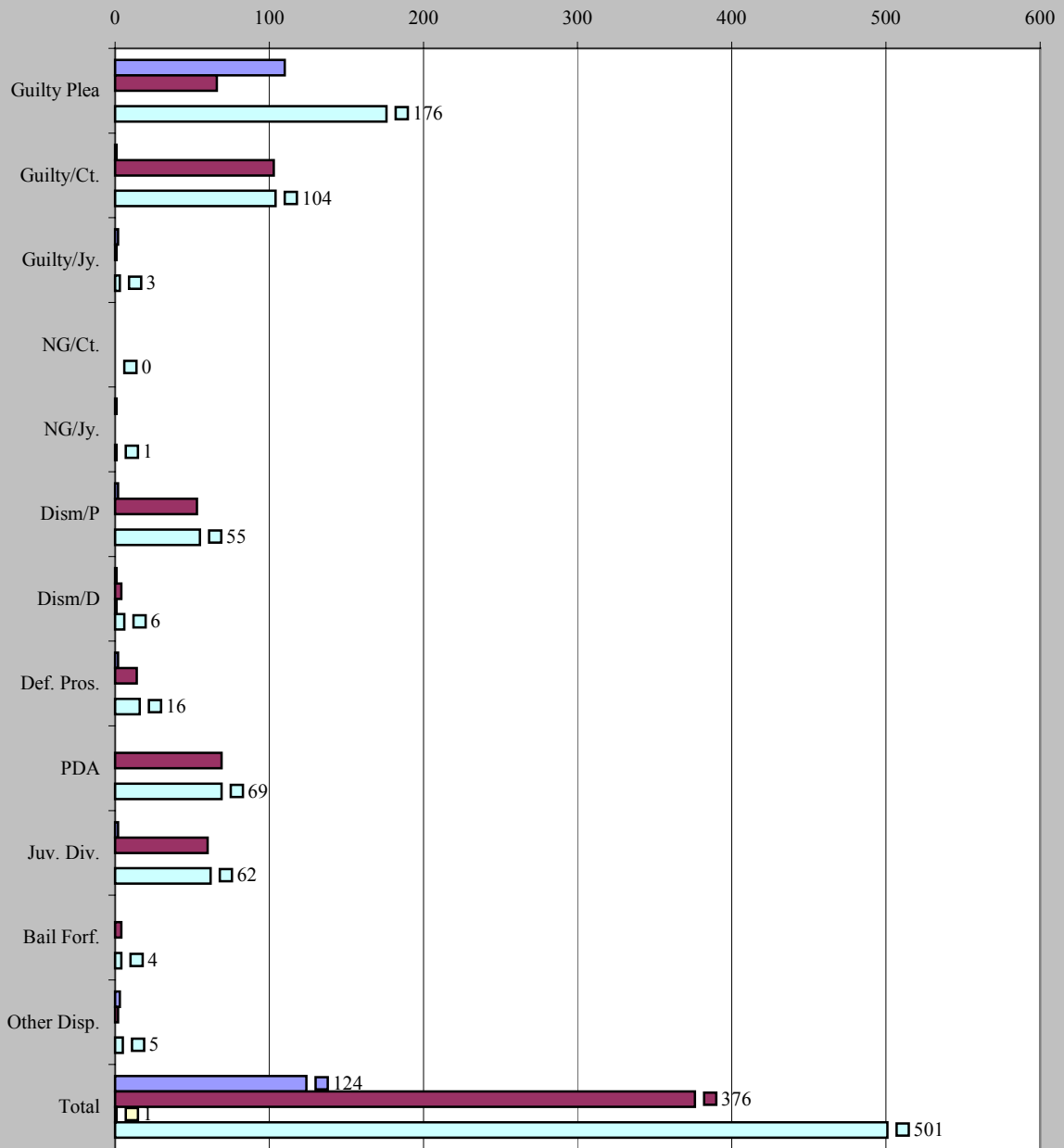
	Total	Other Disp.	Bail Forf.	Juv. Div.	PDA	Def. Pros.	Dism/D	Dism/P	NG/Jy.	NG/Ct.	Guilty/Jy.	Guilty/Ct.	Guilty Plea
■ Felony	46	3	0	1	0	1	0	1	0	0	0	0	40
■ GM/M	302	2	22	41	60	9	0	20	0	0	0	77	71
■ Inf.	5	0	0	0	0	0	0	0	0	0	0	4	1
■ Total	353	5	22	42	60	10	0	21	0	0	0	81	112

Washington State Patrol Cases Disposed of in 2000



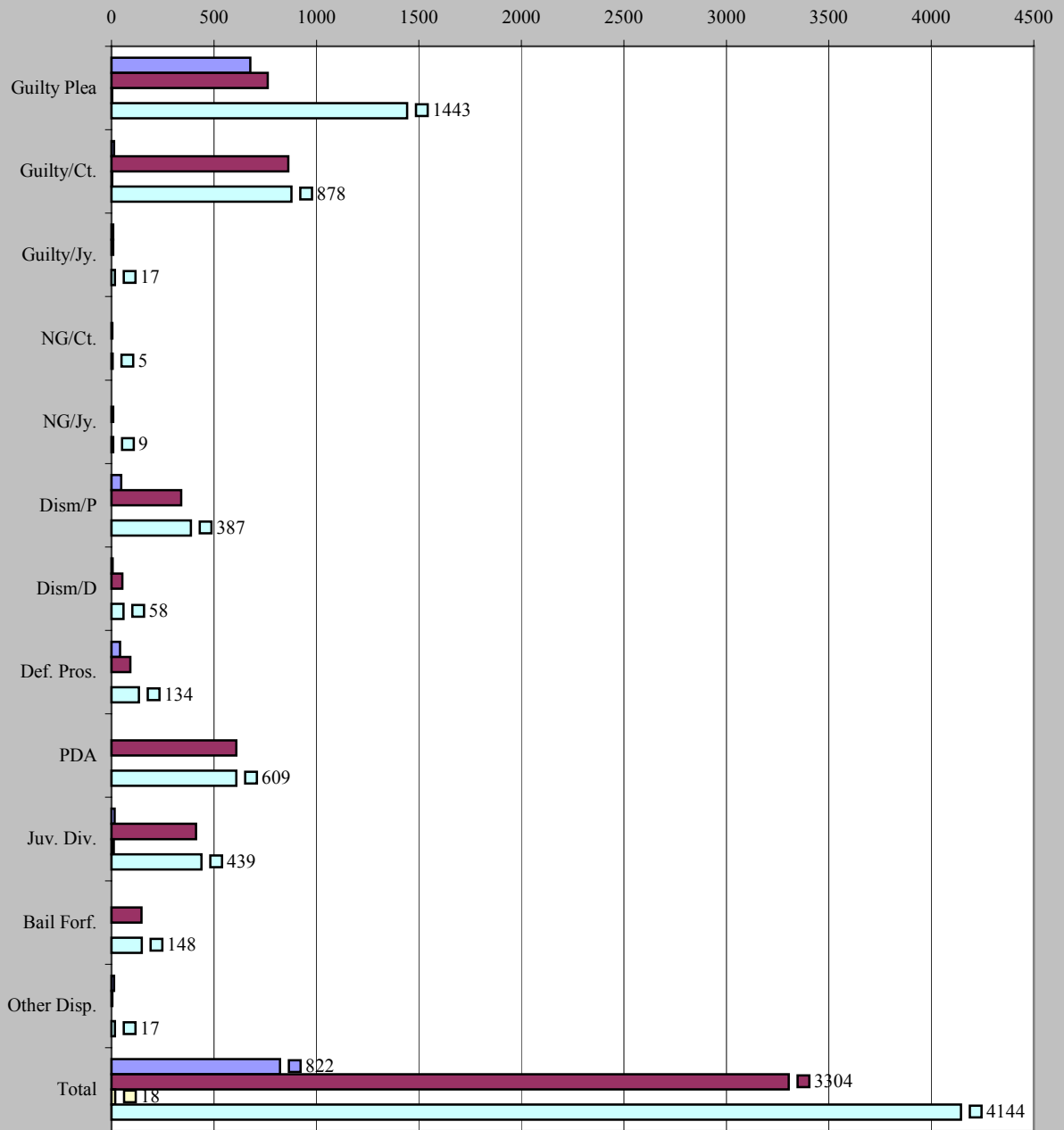
	Total	Other Disp.	Bail Forf.	Juv. Div.	PDA	Def. Pros.	Dism/D	Dism/P	NG/Jy.	NG/Ct.	Guilty/Jy.	Guilty/Ct.	Guilty Plea
■ Felony	55	2	0	0	0	0	0	3	1	0	1	2	46
■ GM/M	1166	0	146	17	261	105	12	93	2	0	2	355	173
■ Inf.	8	0	0	4	0	0	0	1	0	0	0	3	0
■ Total	1229	2	146	21	261	105	12	97	3	0	3	360	219

Port Orchard Police Department Cases Disposed of in 2000



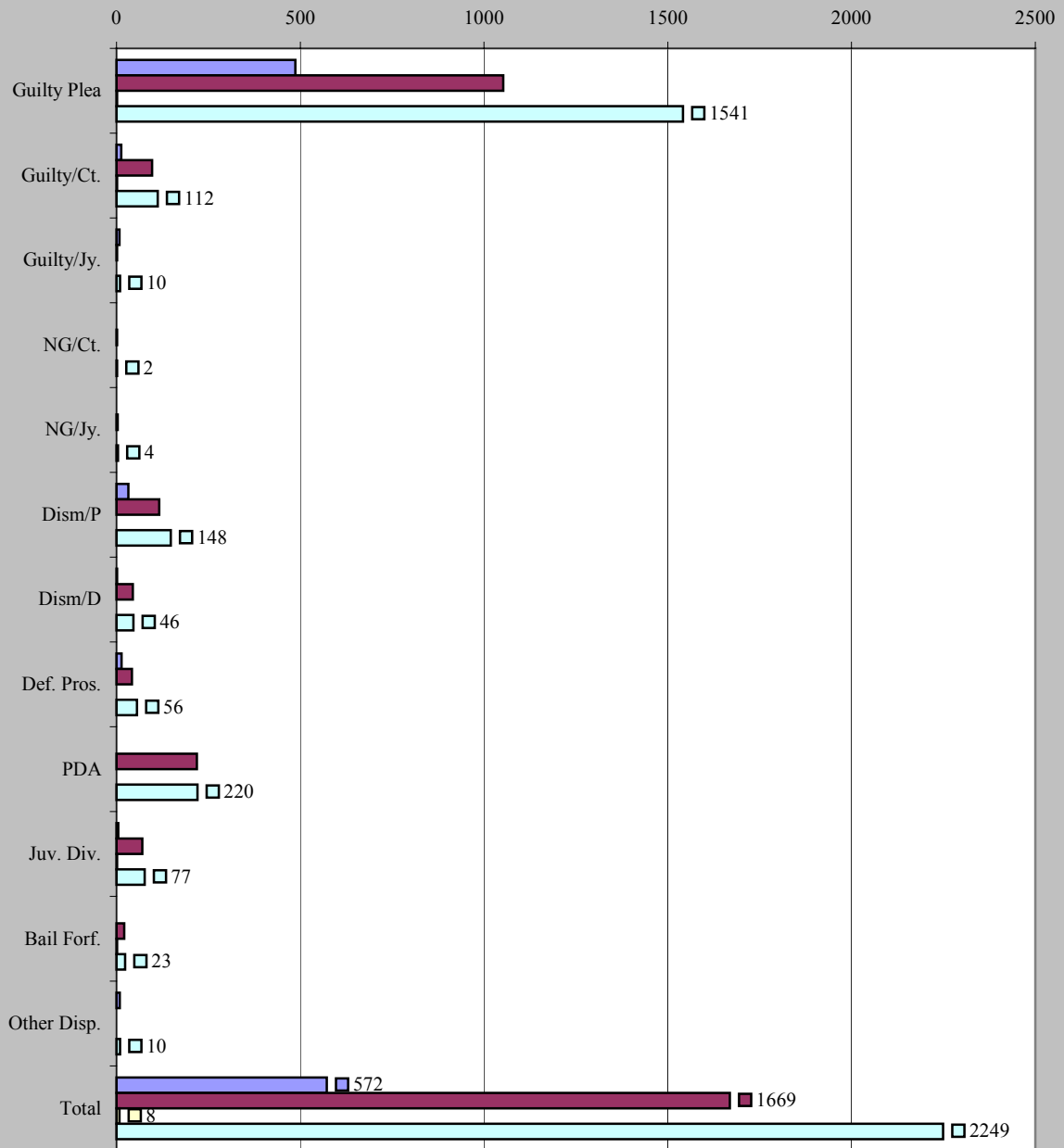
	Total	Other Disp.	Bail Forf.	Juv. Div.	PDA	Def. Pros.	Dism/D	Dism/P	NG/Jy.	NG/Ct.	Guilty/J y.	Guilty/Ct.	Guilty Plea
■ Felony	124	3	0	2	0	2	1	2	1	0	2	1	110
■ GM/M	376	2	4	60	69	14	4	53	0	0	1	103	66
■ Inf.	1	0	0	0	0	0	1	0	0	0	0	0	0
■ Total	501	5	4	62	69	16	6	55	1	0	3	104	176

Kitsap County Sheriff's Office Cases Disposed of in 2000



	Total	Other Disp.	Bail Forf.	Juv. Div.	PDA	Def. Pros.	Dism/D	Dism/P	NG/Jy.	NG/Ct.	Guilty/J y.	Guilty/Ct.	Guilty Plea
■ Felony	822	13	0	15	0	42	5	47	1	1	8	13	677
■ GM/M	3304	4	147	413	609	92	53	340	8	4	9	862	763
■ Inf.	18	0	1	11	0	0	0	0	0	0	0	3	3
■ Total	4144	17	148	439	609	134	58	387	9	5	17	878	1443

Bremerton Police Department Cases Disposed of in 2000



	Total	Other Disp.	Bail Forf.	Juv. Div.	PDA	Def. Pros.	Dism/D	Dism/P	NG/Jy.	NG/Ct.	Guilty/J y.	Guilty/Ct.	Guilty Plea
■ Felony	572	9	0	5	1	14	2	32	1	0	8	13	487
■ GM/M	1669	1	21	70	219	42	44	116	3	2	2	97	1052
■ Inf.	8	0	2	2	0	0	0	0	0	0	0	2	2
■ Total	2249	10	23	77	220	56	46	148	4	2	10	112	1541

The broader analysis possible with our new database will be very useful. Even though we do not yet have enough data to run year-to-year comparisons, some interesting issues are emerging.

For example, compare the number of juvenile diversions coming from the Bremerton Police Department with the number and proportion coming from other police agencies. The number of cases referred to us by Bremerton that result in juvenile diversion is very low. This means that most of the juveniles referred to us by Bremerton have committed serious crimes. And it suggests the next question: Why are the juveniles from Bremerton engaged in more serious criminal activity than those from other parts of the County? The most likely explanation lies in enforcement patterns. The Bremerton Police Department has a lot of work to do. The kind of minor juvenile crime that results in diversion is necessarily a lower priority than the crimes that result in other dispositions.

One of the practices most deserving of scrutiny is the Pre-Trial Diversion Agreement (PDA) used in the District and Municipal Courts. For the first time, we have a clear picture of the number and proportion of cases disposed of by this method. For the most part, the data reveals what we expected to see. For example, PDAs are used extensively by the SAU to dispose of misdemeanors and gross misdemeanors. The most common domestic violence crime is Fourth Degree Assault, a gross misdemeanor. This crime is also among the most difficult to prove. The victim is most often the wife or girlfriend of the accused and reluctant to testify for a variety of reasons. There may be no proof available other than the victim's testimony. A PDA is a way to dispose of a case that may be problematic because of witness reluctance but still warrants the State's involvement. We can ensure through a PDA both treatment for the perpetrator and a defined period during which more misbehavior will result in swift punishment. However, we must take care to offer the PDA in appropriate cases. We will now be able to perform that management function more efficiently.

We will continue to try to produce more detailed reports. And we look forward to collecting data over the years in order to run meaningful comparisons.

CRIMINAL DIVISIONS: GOALS AND FUTURE PROJECTS

The goals of our criminal practice remain much the same. We will continue to work toward them in the year to come.

- Our guidelines call for us to give the highest priority to crimes against the most vulnerable. We have made a good start with the development of the Special Assault Unit. However, we need to work hard to maintain our current level of service in an era of cutbacks in government funding and we can always improve. We are particularly excited to be part of Kitsap County's Special Assault Investigation and Victim Services group (SAIVS). Working together as SAIVS, our office has combined with local law enforcement agencies, our victim advocacy services, the treatment community, Harrison Hospital, and the Kitsap County Clerk's Office to raise the level of service to victims of sexual and domestic violence assault. This effort holds great promise.
- In our juvenile practice, we have pledged ourselves to doing what we can to improve school safety. Fortunately, we have not had a school shooting or other major tragedy in the County. Our police agencies and schools have worked together to prevent this kind of occurrence by enhancing the availability of School Resource Officers (SROs). We will continue to provide training to the officers and school personnel and give whatever other support we can.
- We also intend to support our community's efforts to respond to the challenge presented by

methamphetamine (meth). This illegal drug poses a grave threat. Highly addictive and easily manufactured, meth abuse is increasing. All law enforcement agencies are spending more resources on meth-related enforcement, but we are learning that we must do more than impose punishment in order to curb meth use. We are now working together with social, health, and treatment agencies to develop a coordinated approach to stop its spread. We supported the establishment of Drug Court and continue to do so. Our challenge is to find the methods and resources necessary to couple together enforcement and treatment.

- Our most immediate goal is to create a Drug Enforcement Unit similar to our Special Assault Unit. Drug crime is increasing at a faster rate than any other crime category. The following tables show the increase in drug referrals between 1997 and 2000 compared with the referrals of all crimes over the same period. The tables are for the first ten months of these years.

• Drug Crime	• Referred
• 1997	• 808
• 2000	• 1231
• % Change	• +52%

• All Crimes	• Referred
• 1997	• 13576
• 2000	• 13441
• % Change	• -1%

This increase and the special nature of drug prosecution argue strongly for the creation of such a unit. Like the cases referred to our SAU, drug cases present special concerns for the trial lawyer. First, there are no victims in the classic sense in drug cases. Although we pay a great societal price for drug abuse, generally no one person is harmed in a drug transaction. If a person is harmed, then that crime is charged separately. However, we do have special witness issues in drug cases. We often have to use what we refer to as “confidential informants” to penetrate the drug trade. A confidential informant, or CI, is usually a lower level drug user who has been caught. In return for some consideration in either charging or sentencing, the CI agrees to introduce undercover law enforcement personnel to drug suppliers or to purchase drugs in an effort to identify and arrest dealers. Because they are users themselves and will ultimately be prosecuted for their use, albeit for a lesser crime, particular care must be taken in evaluating their testimony and in conducting their examinations at trial. In addition to learning how to handle problematic witnesses, drug crime prosecutors must become experts in search-and-seizure law. A drug case will often rise or fall on whether the evidence—drugs or money—can be introduced at trial. We also can improve our efforts to seize and forfeit property used in the drug trade and to abate the public nuisances created by drug activity.

In addition to the organizational goals we have set for ourselves, there are several specific projects that we will be working on over the next months and years.

- In the short term, we intend to explore the use of diversion in low level felony cases. Similar to the Pre-Trial Diversion Agreement (PDA) used in the District and Municipal Courts, this is a technique used in Pierce, Clark, and other counties to clear the Superior Court calendar of the least serious crimes and the most non-threatening offenders. The defendant agrees to stipulate to the truth of facts necessary to convict, stay crime free, accept and pay for any necessary treatment, and make full restitution. In return, we agree to forego filing charges until the end of the period of deferral, usually two years. If the defendant has performed their part of the bargain, charges are never filed; if they fail, they are convicted upon their stipulation and sentenced. We need to develop our own entrance criteria and system for monitoring performance. We want to do this with public input.
- Another project that will take public input will be to revisit our charging and disposition standards and guidelines. We developed our standards in 1995. They still serve us well, but a fresh look at why and how we make our charging decisions and sentencing recommendations would be useful. It's time.
- We will continue to work with the courts and other members of the bar to streamline criminal procedure. Our goal is to dispose of criminal cases as early in the procedure as is possible. This saves our resources, the resources of the defense bar, and allows the courts to address other cases. An idea we have discussed in the past is using the District Courts for preliminary work in felony cases. This practice may save us a considerable amount of time.
- Of paramount importance are our efforts at data collection and analysis. We will continue to build upon the foundation we have created and report regularly on our performance.

CIVIL DIVISION

The Civil Division is responsible for acting as legal advisors to and representatives of the Board of Commissioners and the various departments of county government. It consists of thirteen (13) lawyers and seventeen (17) support staff, including the Child Support Division. Together, they produced 15,199 hours of legal work for the County and related agencies. They also received 1,196 case referrals to establish and collect child support. The Division Chief is **Sue A. Tanner**.

In 2000, the Civil Division refined its new Litigation Unit, spent more time than in 1999 on both litigation and non-litigation tasks, worked with County departments on several major projects and spent additional time conducting training on legal issues. The following table includes information discussed throughout the rest of this report. It shows our caseload by category from 1994-2000 (where the data is available).

FILE CATEGORY	1994	1995	1996	1997	1998	1999	2000
Work Requests	513	690	675	858	665	553	690
Contract Reviews	616	819	693	681	628	801	781
New Litigation	No data available	50	67	70	50	69	41
Active Litigation as of 12/31/2000	67	70	84	125	139	103	89

Billable Hours: In a private law firm, one of the primary measures of performance is billable hours: the time devoted to the work of the clients for which the client will be charged. This measure is meant to include only the substantive work devoted to a particular case or issue. It specifically excludes the administrative and background work necessary to keep the office open and the staff trained. The Division operated with eight (8) attorneys for half of the year, and with nine (9) attorneys for the remainder of the year. Even with these vacancies, the total number of billable hours in the Division was 15,199. When hours for drug asset forfeitures (handled by an attorney outside the main section of the Civil Division) are subtracted, the total was 14,784, or an average of 1,719 hours per attorney. This total is consistent with last year, and a number that compares very favorably with the production of lawyers in private firms.

Litigation: We created a Litigation Unit within the Division at the end of 1999 to oversee and coordinate all damage actions filed against the County. The unit includes the senior deputy who handles the defense of most tort cases filed against the County, a paralegal and a legal assistant. In addition to handling his own work, the senior deputy coordinates the work of the Litigation Unit, oversees and assists other Civil deputies defending damage actions and keeps the Division Head and the Prosecutor apprised of the status of the County's damage litigation. The paralegal provides litigation support to all attorneys handling damage actions, and the legal assistant handles the clerical work for the unit. The unit has provided greater coordination of work on litigation, better mentoring

of less experienced litigators and closer monitoring of progress on cases than we have had in the past.

The litigation guidelines adopted by our office in late 1999, together with an increased emphasis by the Washington Counties Risk Pool (the County's insurer) on frequent case reports, have led to earlier and more thorough assessments of damage cases. In turn, this has enabled the attorneys to take appropriate action early in a case, such as discovery (the formal process by which we learn the particulars of the opposing side's theories), early settlement offers, or pursuing early dismissal of the County in the action. We continue to believe that our early, aggressive work on cases over the last two years has also discouraged the filing of frivolous lawsuits.

The Division closed 55 litigation cases during the year and opened only 41 new ones, down 40% from the number of cases opened in 1999. Consequently, the total number of active litigation cases in the Division was also down, just over 13%, at 89. The number of attorney hours spent on litigation (5,678) was up approximately 200 hours over 1999, probably a sign that we had entered the active phase of the large number of new cases opened in 1999 (69). The new cases opened in 2000 followed the pattern set in previous years: Most were tort and employment cases, with the third yearly increase in the number of land use and real property-related cases, as well. Overall, damage actions required the time of approximately two deputies in 2000, or 3,382 hours.

Of the 89 active civil cases in 2000, the Civil Division handled all but 6 entirely within the Division. Three were cases already being handled by outside counsel from prior years. In two others, one employment case and one real property damage case, we associated outside counsel as mentors for less experienced litigators within the Division. In the sixth case, a land use damage case, outside counsel has associated with the civil deputy on the case because of lack of sufficient deputy time to handle the entire case in-house.

Work Requests and Contract Reviews: The number of work requests from clients (both Elected Officials and County Departments) rose in 2000 by 25%, from 553 to 690. Although part of the increase may be attributable to better record keeping in the Civil Division with the new systems installed last year, the size of the increase clearly indicates that our clients are using more of our services. The addition of another attorney in April made it possible for us to meet the increased demands.

Contract reviews decreased very slightly. The decrease may be attributable to use of the standard form contracts the Division prepared in late 1999. Those contracts, which departments may use for certain well-defined types of contracting situations, require no legal review if the contract document is not altered.

The Division also worked closely in 2000 with the County Administrator and Information Services Division to create a new, computerized contract review process, referred to as the "eContracts System". The system makes the most commonly used types of contracts more efficient by moving them from a paper-based routing and approval process to an electronic system. The contracts are easily created at an employee's computer and then routed electronically for required approvals. The eContracts System simplifies the contract drafting process while ensuring more uniformity in contract provisions. It also saves time for both contract administrators and those who must review and approve contracts before they are signed.

The Division also provided the County with proposed standardized contract policies and procedures in 2000. Implementation in 2001 will bring consistency to the County's contracting processes and allow departments access to additional contracts which have been "pre-approved as to form" by the Division and require no further legal review if unchanged. This should speed up the review process even more and will free up additional time for Civil Division deputies to devote to other legal matters.

Mental Health Hearings and Asset Forfeitures: We have the responsibility of representing the State in proceedings to involuntarily commit individuals suffering mental health problems and extreme substance abuse. The Division spent 777 attorney hours handling mental hearing matters in 2000. This is an increase of 239 hours, or 44%, over the 425 attorney hours spent on this function in 1999. The number of hearings, 641, was up by 24% over the 513 hearings handled in 1999.

The additional attorney time required in 2000 reflects factors other than the increase in the number of hearings, however. Overall, there is a higher level of attorney preparation for mental hearings. The attorney now handling the hearings has spent a considerable amount of time conducting training seminars for the Kitsap Mental Health Crisis Response Team and staff members, as well as working with them to revise over 35 types of forms for involuntary mental health commitments in Superior Court.

Asset forfeiture hearings required 415 attorney hours in 2000, an increase of 107% over the 201 hours required in 1999. By comparison, asset forfeitures in 1998 required only 115 attorney hours. Thus, the hours required for asset forfeitures is nearly doubling each year and also merits attention. If this trend continues into 2001, the time required will exceed the one-half deputy position allocated to it.

The Daily Practice: The focus of our daily practice in the Civil Division is prevention – providing legal advice to our clients that reduces the likelihood the County will be sued without unduly interfering with the smooth operation of the County's business. We have found that if we can confine litigation-related tasks in the Division to a maximum of 50% of total civil attorney time, we can maintain a reasonably effective preventive practice. In 2000, attorney time spent on litigation remained well below the 50% mark, at 37% of total attorney hours. Filling the new civil deputy position in April enabled the Division to absorb a significant increase in non-litigation work for clients and still increase work on litigation by over 200 hours from 1999.

The new attorney also freed up time for several deputies to conduct training classes on civil legal issues. One civil deputy provided several training sessions on the Endangered Species Act and its ramifications. Another provided training on Family Medical Leave Act issues and sexual harassment. A third taught a land use law course for planners at Olympic College. A fourth provided several training sessions for law enforcement and a fifth provided part of an extensive training for law enforcement, judges, mental health professionals, jail staff and probation officers on legal procedures for handling criminal defendants who have been adjudged mentally incompetent.

The Civil Division completed a couple of significant projects last year in addition to its work on the County's contract system. The County Code was updated, readopted by the County Commissioners and made available in both hard copy and on-line. The Civil Division worked for several years with an outside code service, researching the legislative history of the former code, researching legal issues related to code provisions and redrafting many parts of the code. We also wrote a legislative drafting manual, governing any revisions to the new code, and conducted training on how to use it.

Both the public and County employees now have easy access to County laws and regulations and can be assured that what they are looking at is current. The Division also worked with the Personnel and Human Services Department on a complete revision and update of the County's Personnel Manual. It, too, is now available to all County employees in both hard and electronic copy.

The time spent on our different client/departments is summarized below. For the most part, these changes reflect the normal ebb and flow of client work.

CLIENT	INCREASE/DECREASE IN HOURS		% CHANGE
Health District	115/168	+53	+46
Assessor	220/329	+109	+50
Health District – Solid Waste	75/134	+59	+79
Auditor	221/425	+204	+92
Superior Court	74/172	+97	+131
Public Works – Solid Waste	150/371	+221	+147
Administrative Services	178/447	+269	+152
Health District – Water	66/34	-32	-48
Health District – On Site Septic	256/90	-166	-65
Health District – Water Quality	71/18	-53	-75

The additional hours for the Assessor were the result of two factors: 1) a general increase in the number of work requests received from that office, as staff under the new Assessor became accustomed to working more closely with the Civil Division; and 2) an increase in the number of cases filed with the Board of Tax Appeals and the Board of Equalization. The second factor may vary from year to year, but the first reflects what appears to be a permanent increase in work for this client.

The increase in hours for the Solid Waste Division of the Health District reflects the Civil Division's work on several protracted enforcement actions, as well as time spent working with the District on new solid waste regulations.

The additional hours for the Auditor were the result of continuing litigation stemming from an election challenge in 1999, as well as several new litigation matters filed in 2000: Another election challenge; a case seeking invalidation of the State's blanket primary system; and an action seeking a court declaration that the special transit excise tax survived the legislature's repeal of state license tab fees. The hours for the Auditor increased by 150 in 1999 for the similar reasons. Election-related cases appear to be more the norm than the exception now, and we should monitor the amount of work received from this client as well, to identify any permanent need for more legal resources.

The Division worked on several personnel matters for the Superior Court in 2000, which also increased the attorney hours for that client substantially.

The increase in hours for the Solid Waste Division of the Public Works Department reflects a bookkeeping change, as well as attorney work on the bid process for the new transfer station. Time spent on hazardous waste work within the Civil Division was largely billed to Risk Management when the County's various hazardous waste cases were active. The hazardous waste settlement funds are administered by the Solid Waste Division of Public Works, however, most Civil Division work related to hazardous waste is now billed to the Solid Waste Division.

The significant increase in hours billed to the Administrative Services Department reflects Civil Division work on the various issues surrounding the new Juvenile Justice Facility. Also, the Humane Society, a new client in 2000, added 160 hours of attorney work to the Division.

With the exception of hours billed to the on-site septic section, the fluctuations in attorney hours for the various parts of the Health District may be largely attributable to bookkeeping. Hours for the general Health District account increased while those billed to the water and water quality sections of the District declined sharply in 2000. During part of 2000, when support staff resources were strained, it often took several days to get a file opened. The new attorney who represents the water and water quality sections of the District was unfamiliar with the Division's billing system. While waiting for new files to be opened, instead of billing his hours on the files to the general number for the appropriate section of the Health District, he billed them to the general number for the entire District. Hours billed to the Health District's on-site septic section declined as the Division continued to work on just one enforcement case for that division instead of the three it handled in 1999.

Client Evaluations: As always, we asked our clients at the end of the year to rate our services in categories such as clarity of advice, problem solving ability, turn around time, etc. As in most recent years, the comments on returned evaluations were positive overall, with constructive suggestions. In most categories, our clients found our service was either "good" or "excellent". The comments indicate that turn around time has improved but also suggest that clients would like to see it improve further. We can always do better. A fully staffed Litigation Unit, a fully functioning eContracts System, and other changes planned for the Division this year should reduce turn around time even further.

Staff Support: We received funding for a receptionist in the 2000 budget. That position has allowed the legal assistants to give complete attention to their jobs without being distracted by the front desk and numerous minor clerical matters. The receptionist has also been critical to keeping the office running during staff shortages in other areas. We experienced considerable turn-over among legal assistants in 2000, with accompanying vacancies in some of the legal assistant positions. However, our core staff of one legal assistant, who also functions as the office manager, one paralegal, and the receptionist sustained the office and shares the credit for its continued success.

CIVIL DIVISION: GOALS FOR 2001

- It has become apparent during the last year that the Civil Division has reached a size that requires a written policy manual for attorneys. Once the Division grew beyond six or seven attorneys, the dynamics changed. Occasional memos and/or e-mails setting out Division policies, even when collected in a notebook, are not sufficient, and oral announcements on policy are wholly inadequate. Our primary goal this year is to gather all the Division's policies on

paper and into a manual that will be distributed to each deputy, supplemented throughout the year as necessary, and then updated annually.

- The Litigation Unit has potential that we have not been able to utilize. Our plan calls for a less experienced deputy to move into tort defense soon, on a one-third to one-half time basis, assisting the present tort deputy. After a time, the assistance from the less experienced deputy should allow the tort deputy to spend more time on his own cases and in assisting other deputies handling damage cases. We expect the paralegal to step in and handle only paralegal work: reviewing pleadings and discovery and summarizing them for attorneys, attending depositions as much as possible, summarizing depositions, interviewing clients and working with them in drafting responses to discovery, drafting discovery, interviewing some witnesses and preparing summarizing memos for the attorneys, doing research on issues as requested and, eventually, on the issues which she herself identifies as she works on the case, etc. This will take some time, but the idea is that somewhere between six months to a year out, we will have substituted paralegal time for a considerable part of the attorneys' time. Again, this will free them up to handle the work a paralegal cannot do, and to take on additional work, litigation or otherwise, as dictated by the needs of the office

CHILD SUPPORT DIVISION

The Child Support Division is responsible for establishing and enforcing child support obligations within the County. The Division accepts referrals for cases involving the establishment of paternity and reviews and modifies support orders meeting State criteria. The Division also enforces collection of support through civil contempt actions and appears in privately filed domestic relations cases to protect the State's financial interest when public assistance has been paid on behalf of a child. The Division operates efficiently in handling a large volume of cases. In 2000, it received 1,196 case referrals: 725 paternity; 224 modification; 143 contempt; and 104 dissolution and miscellaneous responding cases. The attorneys and staff strive to provide fair, courteous and easy access to services while maintaining a high performance level.

The general goal of the Child Support Division mirrors that of the State and is threefold: (1) to establish paternity on behalf of minor children; (2) to obtain required support orders; and (3) to ensure support, both current and arrears, is being collected. These goals need to be accomplished in a cost effective manner, meeting federal time lines and performance indicators that are tied to funding incentives.

The first goal, called paternity establishment percentage (PEP) requires that 90% of referred cases have paternity established within one year. The second goal requires that 80% of all potential cases have support orders established. The region in which Kitsap is included met and exceeded these goals in 2000 and also achieved the cost effectiveness component of the goals. Our office is included in, and measured on a statewide basis. In the most recent state fiscal year, offices statewide collected \$5.14 for each dollar spent pursuing collection.

Since studies have shown that regular and reliable child support payments are associated with a lower incidence of welfare and a higher incidence of steady employment for custodial parents, the primary focus of the Child Support Division's efforts in the coming year is to work with the State Division of Child Support to increase the percentage of collections on current support and cases paying toward arrears. This needs to be accomplished by fully utilizing all collection remedies,

administrative and judicial, whenever appropriate, including license suspension, contempt action and interstate remedies. In doing so, the Division must continue to treat non-custodial parents with respect and encourage them to get involved and stay involved in their children's lives.

CONCLUSION

2000 was a year of continued solid performance. Our criminal workload has remained relatively stable if we look at all crimes together, but is marked by an alarming increase in drug crime and assaults. Our Civil Division continues to represent the County in a highly professional manner.

We face the same challenges as any agency of the government: *how to maintain an adequate level of service in a time of restricted governmental expenditure*. We need to maintain the standard of practice we have attained in our civil work. And, if we can use in drug cases the lessons learned from our experience with the Special Assault Unit—that a specialized team of prosecutors and legal assistants can more efficiently handle cases—we can make progress on that front. We have the knowledge and the desire to continue to do our job well. We need the resources to do it.