

# Poulsbo-Bainbridge Island Municipal Court Task Force Staff Report

October 6, 2010

## Overview

A joint Poulsbo/Bainbridge Island City Council meeting was held on March 31, 2010 to discuss ways in which our two cities can work together in a collaborative partnership. As a first step the two city councils decided to form a Municipal Court Task Force to explore possible ways for combining, collocating, and sharing court facilities and services. A task force was formed consisting of the following members:

- City of Poulsbo Mayor Becky Erickson
- City of Poulsbo Councilmember Ed Stern
- City of Poulsbo Councilmember Jeff McGinty
- City of Bainbridge Island Mayor Bob Scales
- City of Bainbridge Island Councilmember Bill Knobloch

Staff support was provided by:

- Dave McCoy, COBI Performance Manager
- Brenda Bauer, COBI Interim City Manager
- Telma Hauth, COBI Court Administrator
- Linda Baker, Poulsbo Court Administrator

In developing the feasibility analysis staff consulted with the Municipal Court judges from Poulsbo (Judge Jeff Tolman) and COBI (Judge Kate Carruthers).

The task force held two meetings and some of the task force members conducted site visits to both municipal court facilities.

A four-stage process for co-locating COBI and Poulsbo municipal courts was established by the taskforce:

1. Feasibility Study – Staff examined how the two courts operated, determined staffing, scheduling and facility requirements and concluded that it would be possible to collocate the two courts in the new facility at Poulsbo City Hall.
2. Invitation from Poulsbo – On September 15, 2010 the Poulsbo City Council authorized the Mayor to formally invite the City of Bainbridge Island to lease their new court facility and begin negotiations with the COBI Interim City Manager on the terms and conditions of that lease.
3. Lease Negotiations – COBI Interim City Manager negotiates the terms and conditions of a lease with Poulsbo.
4. Recommendation to COBI City Council – The COBI Interim City Manager and COBI task force members present a recommendation and proposed lease agreement to the COBI City Council.

## Evaluation of the COBI Municipal Court Facility

The following items were evaluated:

- **History at Rolling Bay**

A site plan review approval to construct 8,000 square feet of storage with 4,160 square feet of low-intensity retail was submitted by Mr. Tord Vestman to Kitsap County on May 14, 1990 on a 1.19 acre site located on the south side of Valley Road and directly west of Bay Hay and Feed in the Rolling Bay area of Bainbridge Island. The proposed project was known as Rolling Bay Retail and Storage. Two buildings were approved by Kitsap County. Construction began in 1990 and was completed in 1991. Both buildings were designed and built to accommodate two types of use – retail/office space in the northern portion of the buildings and mini-warehouse storage unit space in the southern portion of the buildings.

Concurrent with the construction of the eastern most building the City Administrator for the City of Winslow was communicating sketches and design requirements for the retail/office space, and discussing lease terms with Mr. Vestman regarding use of the space for municipal court purposes. This communication occurred at the same time that the City of Winslow was preparing for the annexation of Bainbridge Island in order to provide for additional space in a City Hall located in the current Police Department building. City of Winslow City Council in a February 21, 1991 Regular Council Meeting unanimously authorized the Mayor to enter into a lease agreement with Rolling Bay Commercial Properties. Municipal Court moved into the Rolling Bay facility in 1991.

Bainbridge Island's Municipal Court and Planning and Community Development Department shared occupancy in the building from 1992 until the Planning Department moved out in 1994 to a location on Hildebrand. Municipal Court then assumed occupancy of the total office space.

Two storage bays located directly south of the office/retail space originally planned in the building were at some time converted to office space. It is unclear whether that space was converted during final construction or sometime after. There are no specific plans or documents that provide information on this change. Mr. Vestman recalls that the storage units were converted during the final phases of framing. Judge Steve Holman thinks the office space might have been there when Municipal Court took occupancy in 1991. We do know that Bainbridge Island Water Company occupied a portion of that space at some time in the 90's prior to moving out in 1999.

Municipal Court currently leases 2,680 square feet or all of the office space in that building and an additional 180 square feet of storage unit space immediately adjacent to the south wall of the office for closed case file storage. The combined lease space in the building is 2,860 square feet.

- **Fire safety**

The building is protected by a monitored fire alarm system. This system is inspected annually and was last inspected in January, 2010. A fire sprinkler system is not installed. This is not a violation of code since the classification of the building and office space size does not require it. Fire extinguishers are placed in strategic locations and signs that show emergency evacuation routes are in place.

The City's Fire Marshall conducted a fire safety inspection of the court facility on September 29 and noted the following:

- Inspection of fire extinguishers needs to occur annually
- Cannot "daisy chain" electrical power strips; observed in multiple locations
- Portable space heaters need a 3 ft. clearance and not plugged into electrical outlet strips
- The main door shall have a "This door to remain unlocked during business hours" sign in place
- Exit signs shall be provided.

Immediate correction to the noted items is required. The Fire Marshall does not consider the building to be unsafe from a fire safety point of view.

- **Building safety and security**

The court facility is configured as two primary spaces – a public space and a secure space. The public space includes the court room, a hallway separating the courtroom from other public spaces, a customer service window area in the hallway, a bathroom with toilet and sink, a conference room for attorneys and their clients, and an office for the YWCA advocate. The secure space includes the judge's chambers, a jury room, a shared bathroom with toilet and sink for staff and juries when in session, a clerk's office and work area, a court administrator's office, and file and office supplies storage.

Visitors are screened using hand operated metal detection equipment in a space that is congested when court is in session and people are entering and exiting the court room, entering and exiting the building, and working with staff at the customer service counter.

The court security officer position is a 0.75 FTE position and the officer is on location when court is in session, when in-home monitoring devices are installed, and when monitoring defendants with in-home devices.

In-custody defendants are either held in a room normally used by defense counsel and their clients when available or otherwise in a hallway adjacent to the court room. They are accompanied by an officer of the Bainbridge Police Department.

Visitors enter the court facility through one normally unlocked main entry door in the front of the building. There are four options available to staff when entering the court facility and include a normally locked door into the Court Administrator's office, a normally locked door into the clerk's office, a normally locked door into the jury room, and a normally locked door into a small area adjacent to the clerk's work area. None of these are available to visitors. The judge may also enter through a normally locked door into the judge's chambers.

All external doors are metal doors fitted with residential grade locksets. The metal doors leading to the Court Administrator's office, the main entry door, and the clerk's office have windows in the upper half of the door. All other external doors are solid. All internal doors are hollow core fitted with residential grade locksets.

There is high level of visibility into the court room from outside and in particular key personnel including the judge may be viewed across Valley Road.

The chairs in the court room are not fixed and the size and weight would allow a person with the strength and intent to pick and throw a chair.

- **Sound proofing**  
According to Mr. Vestman R-11 insulation was placed in all interior walls to assist in reduce the transmission of sound. The presence of hollow core doors allows sound to be transmitted thereby defeating the advantage of wall insulation.
- **Heating and air conditioning**  
Heating is provided by wall style, electrical radiant heaters. Local space heaters are used in some workspace locations. Cooling is not provided to alleviate warm air conditions. The lack of cooling presents a problem when court is in session because windows must be kept closed to isolate outside noise and prevent any interference with speech and the recording of speech in the court room. It also presents a problem in other office areas when opening windows to provide some circulation of air may be a security risk.
- **Meeting space for attorneys and clients**  
A small, dedicated conference room is set aside for attorneys and their clients to conduct conversations in a private space. This is a normally unlocked space that is accessed from the public space and is located across the hall from the court room.
- **Meeting space for victims including victims of domestic violence**  
A small, dedicated office is set aside for the YWCA to perform their work and to provide for the counseling of victims including domestic violence victims. This is a normally locked space that is accessed from the public space and is located across the hall from the court room.
- **Jury room facilities**  
The jury room is a multiuse room. It is a dedicated space when juries are in session. Otherwise it serves as a lunch/break room for staff.
- **ADA compliance**  
The facility is ADA compliant for persons requiring wheelchair access. An in-depth ADA compliance inspection has not been done and would provide information regarding any deficiencies as it applies to persons with other accessibility requirements.
- **Parking**  
Experience supports that there is sufficient parking. No issues or needs were identified.

- **Public transportation**

There are two Kitsap Transit fixed bus routes that pass in front of Municipal Court on weekdays. Route #96 passes in front during early morning hours with a last arrival time of 8:12am and during late afternoon hours with a first arrival time of 3:50pm and a next arrival time of 4:43pm. Route #94 passes in front during early morning hours with a last arrival time of 7:24am and during late afternoon hours with a first arrival time of 3:48pm and a next arrival time of 4:38pm. Kitsap Transit

- **Modifications to correct deficiencies**

Items noted in the fire safety inspection require immediate attention and will be accomplished by Municipal Court staff. A preliminary cost estimate was provided by COBI Engineering for facility modifications that will correct the remaining deficiencies noted above:

Install a system to provide more effective heating and cooling	\$5,000
Front Counter Security Barrier w/ Pass Thru	\$1,500
Replace court room chairs (Kitsap County District Court has offered Poulsbo seating)	\$0
Install bullet Proof Window Treatments and Tinting (6 total)	\$2,200
Add additional electrical outlets and strips, electrical drops	\$500
New Entryway that expands the security check-in area	\$2,400
Replace Hollow Core Doors w/ Solid Core (6 total)	\$1,800
Reverse Swing of Front Office Doors (2 total)	\$400
Fill in Pass Thru at Security Office w/ Solid Wall	\$200
Provide Portable Witness Platform/Chair	\$400
Add commercial locks to outside doors	\$600
<b>Total Estimated Cost</b>	<b>\$15,000</b>

In an unsolicited communication from Mr. Vestman he suggested that he would be willing to assist the City monetarily in providing up-front financing that would be paid back with an increase in rent fees.

## Evaluation of the COBI Municipal Court Facility

The following items were evaluated:

- **Court space interlocal agreements**

An Interlocal Agreement between Kitsap County and the City of Poulsbo provides for a purchase by the County of 2,332 square feet or 47.55% of the new City Hall Court Facility. The Joint Council Taskforce advises that a lease agreement between the City of Bainbridge Island and the City of Poulsbo may be written that gives COBI protection in the event that Kitsap County wishes to reclaim their space by providing equivalent space at an equivalent cost.

- **Co-location space planning**

Staff evaluated space in the new court facility and prepared a plan demonstrating that co-location is feasible. The judges for both courts agree with this plan.

- **Co-location calendar planning**

Staff evaluated a shared calendar and concluded that under normal circumstances sharing court time is feasible. With regard to a proposed court schedule Judge Kathryn Carruthers provided the following view:

*“I am concerned that the proposed shared court schedule with Poulsbo will not allow our Court to meet its’ essential functions on a sustainable basis. That is because there are insufficient spaces in the schedule to allow us to handle any significant variables in case load and hearings over which we have no control. These variables include:*

- *a general increase in case filings ( this could likely happen, for example, if the City of BI adds a new parking officer),*
- *a sudden surge in criminal filings by the Prosecutors office, which has occurred from time to time in the past,*
- *a change in practice by the Prosecutor's office with jury trials and pre-trial diversion agreements,*
- *a continued increase in domestic violence and anti harassment cases ( very time consuming hearings/trials), and*
- *an increase in prosecution of City Code violations ( also time consuming contested hearings).*
- **Meeting space for attorneys and their clients**  
No designated meeting space is planned for attorneys and their clients.
- **Meeting space for victims including victims of domestic violence**  
Poulsbo has committed to providing space for YWCA to provide counseling to victims and domestic violence victims. No information is currently available regarding the location.
- **Parking**  
Poulsbo has determined that parking is not an issue for staff, downtown merchants, or visitors.
- **Public transportation**  
Kitsap Transit has fixed route bus service from the Ferry Terminal to the Poulsbo Transfer Station on an almost hourly schedule every weekday. Bus service from the Poulsbo Transfer Station to downtown Poulsbo occurs on an almost hourly schedule every weekday.
- **Security personnel**  
The Joint Council Taskforce agreed upon sharing the services of a single, fulltime security officer employed by Poulsbo Municipal Court. Judge Tolman and Judge Carruthers believe it is within their authority to make that decision.

## **Cost Analysis**

1. Table 1 – Co-location Cost Comparison provides detail estimates.
2. The cost for rent of court space and common area fee in the amount of \$42,500 annually in the new Poulsbo City Hall Court Facility is based upon information agreed to in a Joint Council Taskforce meeting on September 13, 2010. Further negotiations between the Poulsbo Mayor and COBI City Manager will better define this cost.
3. The Poulsbo area fee includes utilities, maintenance, and janitorial currently estimated to be \$5/sqft/year. This will be readjusted following experience in the building.
4. The annual rent cost for the Rolling Bay facility currently occupied by the Bainbridge Court was reduced from \$38,729 to \$31,512 based upon an unsolicited offer from the owner of the facility. This equates to \$0.90 per square foot. The lease rate approved by City Council in 1991 was \$0.90 per square foot.
5. The current building lease amount is inflated 3% annually, all other costs are inflated 2% annually with the exception that the Poulsbo annual lease amount is not inflated.
6. Judge Kate Carruthers customarily responds to call-in support for in-custody and emergency protection orders. Judge Carruthers will endeavor to continue that custom but because of distance and driving time requirements on State Route 305 a commitment cannot be made that assures a response 100% of the time. ProTem judge call-in may be necessary on those occasions.

**Table 1: Co-location Cost Comparison**

	Year 1	Year 2	Year 3	Year 4	Year 5	Notes
<b>Co-locate Annual Estimated Costs</b>						
Poulsbo annual lease	42,500	42,500	42,500	42,500	42,500	Agreed upon annual lease including an estimated area fee of \$5/sqft/year - \$1.00/sqft
Shared security officer 50%	35,410	36,118	36,841	37,577	38,329	2011 estimate provided by the City of Poulsbo
Area code 206 line providing a toll free call from BI to Poulsbo	2,160	2,203	2,247	2,292	2,338	Poulsbo 206 cost experience - single line
Transfer warrants and tickets, deliver bank deposit, deliver and pickup mail	3,250	3,315	3,381	3,449	3,518	Court employee mileage costs – daily round trip
Subpoenaed officer	1,614	1,646	1,679	1,713	1,747	3 instances per month requiring overtime
ProTem judge call-in	2,600	2,652	2,705	2,759	2,814	Required when Judge Carruthers is unable to respond - 1 per week
Court Administrator mileage costs	768	783	799	815	831	Court Administrator travel costs from Poulsbo to City Hall
<b>Total Co-locate Annual Projected Costs</b>	<b>88,302</b>	<b>89,217</b>	<b>90,152</b>	<b>91,105</b>	<b>92,077</b>	

**Co-locate First Year Estimated Costs**

Moving	2,000					One-time moving company cost to move desks, equipment, files, etc.
Police Department ticket book reprinting	3,000					Traffic and parking tickets with correct address and contact information
Municipal Court multiple part (NCR) forms reprinting	3,500					6 month supply (normal order amount)
Area code 206 phone line setup	100					One-time cost to set up 206 line
<b>Total Co-locate First Year Costs</b>	<b>8,600</b>					
<b>Total Co-locate Estimated Costs</b>	<b>96,902</b>	<b>89,217</b>	<b>90,152</b>	<b>91,105</b>	<b>92,077</b>	

**Rolling Bay Annual Projected Costs – including deficiency improvement costs**

Rolling Bay Building Lease	34,909	35,854	36,828	37,831	38,864	Note 2 below
Security officer	55,316	59,597	60,788	62,004	63,244	Note 1 below
Janitorial	4,941	5,040	5,141	5,243	5,348	
Electricity	2,878	2,936	2,994	3,054	3,115	Average 2009/2010 electricity cost
<b>Total Rolling Bay Projected Costs</b>	<b>98,044</b>	<b>103,427</b>	<b>105,751</b>	<b>108,132</b>	<b>110,571</b>	
<b>Incremental Co-locate (Cost)/Savings</b>	<b>1,142</b>	<b>14,210</b>	<b>15,599</b>	<b>17,027</b>	<b>18,494</b>	

**Note 1:** Poulsbo has offered to provide a fulltime security officer that would provide security for both courts sharing the cost at 50% each. A cost estimate for a shared security officer is included in the co-location estimated cost total and a cost projection for a 0.75 FTE security officer is included in the Rolling Bay projected cost total. There are legal questions regarding this proposal that must be addressed and agreed upon.

**Note 2:** This estimate is based upon an unsolicited offer from the owner to reduce rent costs for 2,860 square feet from an annual amount in 2010 of \$44,726 to \$31,512 or \$0.92/sqft. The City also received an unsolicited expression of interest to assist the City in providing upfront capital to fund deficiency improvements paid back with increased monthly rent payments. The amount in this line includes annual payment costs in the amount of \$3,397 to repay \$15,000 in principal using a 5% annual interest over 60 periods. The assumptions made in developing the terms of the repayment are for illustration purposes only since there have been no discussions with Mr. Vestman regarding his comfort or agreement with these terms.

### **Other Consequences of Co-location**

There are other qualitative consequences that may be considered in a decision to co-locate the courts of Poulsbo and City of Bainbridge Island.

1. The culture of both courts is very similar in how the courts are administered and the judge's approach on the bench.
2. Where a judge is recused from a case, the other municipal court judge may be available to handle the case.
3. Both court administrators work well together and may back each other up in an emergency, or on a temporary basis when necessary.



To: Mayor Scales  
Council Members Brackett, Peters, Franz, Lester, Hytopoulos, Knobloch  
Interim City Manager Bauer  
Performance Manager McCoy

From: Kathryn Carruthers  
Bainbridge Island Municipal Court Judge

Date: September 30, 2010

Re: Proposed co-location of Bainbridge Municipal Court to Poulsbo

I have been asked by Mayor Scales to identify any concerns I have about the proposed co-location of the Bainbridge Municipal Court to Poulsbo.

The concerns I express here are based on my current understanding of the proposed arraignments. Additional issues may arise that I will identify, as they are known.

My concerns at this time fall into five general categories: judicial philosophy, access, costs, control & flexibility in scheduling and health & safety.

### **JUDICIAL PHILOSOPHY**

Based on my 4 years as Bainbridge Island Presiding Judge and over 10 years as a Pro-Tem Judge in the District Court and on Bainbridge Island, I believe a Municipal Court should be sited in the community it serves. I have learned about various practices of courts throughout Washington at statewide judicial conferences. I have consulted with more experienced judges on these matters. I have considered the history of outsourcing court services and contracting with district courts for municipal court services. The results are disappointing.

When they are situated locally, courts are more flexible, accessible and accountable to their community. My opinion is borne out by the experiences of other municipalities in the State. Rather than outsourcing, consolidating and merging, cities have mostly then doing the opposite. It is my opinion that the considerations that have driven municipalities to discontinue their contracts for court services also apply to this proposed co-location arrangement.

### **ACCESS**

Moving the Court off the Island will make it less accessible to witnesses, defendants, law enforcement and to all Bainbridge Island residents.

Last year, we had over 4,225 case filings, which include traffic, criminal, parking and protection orders.

These case filings resulted in 3,846 separate hearings at the court.

This year our projections are 6,408 case filings and 5,000 hearings.



To date this year, we have had over 70 domestic violence and anti-harassment filings at the Bainbridge Court. Last year, the total of these cases were 52. Victims of domestic violence are extremely vulnerable, isolated, frightened and without money due to the actions and conduct of their abuser. Based on express statements made by these victims and the experience of domestic violence victim advocates who work in this area, any additional obstacle placed in their path when they finally take steps to get help can prove to be a complete barrier. Having to go to a community that is unfamiliar to them, to find the money for the sitter or for gas, or to get the extra time to get off work...all of these things that are minor nuisances to many... are often the last straw for them. One DV victim at our court said recently that if she had come here and been told that she had to go to Poulsbo for help, she would have gone home and given up.

If the court stands for anything, it is for equal access to the courts for everyone. When the poor and vulnerable in our own community, who are most in need of support and help, do not have that access, then we do not serve the interests of justice for anyone.

### **COSTS**

The health and safety inadequacies at the current facility can be resolved for approximately \$15,000.

The annual costs of the leased space in Poulsbo, including additional costs that will be incurred due to the remote location from the Island (set out in the Court study) are more than the annual costs for the existing Bainbridge facility including the cost to remedy existing health and safety inadequacies. In addition, the Landlord has offered a significant reduction in the rent and assistance with these costs. Based on the results of the City's study and my review of the results of what has happened under contracted arrangements in other Washington communities, the lease and attendant costs in Poulsbo will only increase in the future.

### **CONTROL AND FLEXIBILITY IN SCHEDULING**

The Bainbridge Municipal Court is a small local court with one judge who handles all of the matters filed by one agency. At this time, it is not necessary to juggle the schedules and priorities of another municipality. The schedule remains consistent but has the flexibility to be easily adjusted when necessary. This allows the City to control costs by limiting officer overtime and prosecutor and public defender expense.

We currently have the ability to adjust our scheduling to ensure we can accommodate changes in workflow and hearings and ensure quality and timely service to the community. We are able to immediately hear matters that need to be promptly addressed due to risk of harm to individuals and the community. We are able to ensure that cases are handled within the time frames required by law.

Under the proposed shared court schedule with the Poulsbo Municipal Court, this court could not alone make any adjustments without coordinating with the Poulsbo Court. I believe the sitting judge in Poulsbo, Jeff Tolman, is a fair and reasonable person, but each of us must first attend to the interests of our own courts and community. Over time, each community can reasonably expect increased court workloads that will affect the ability of each court to serve the needs of their respective communities.

The proposed shared schedule maximizes both the available space and time available. There is no slack in the schedule to fully accommodate the following variables occurring in either or both municipalities:

- a general increase in case filings ( eg. if the City of Bainbridge Island adds a new parking officer and/or if the City of Poulsbo expands its current very modest parking enforcement);
- surges in criminal filings by the Prosecutors office, which occurs from time to time;
- a change in practice by the Prosecutor’s office with respect to jury trials and pre-trial diversion agreements, i.e., taking more cases to trial;
- a continued increase in domestic violence and anti harassment cases (frequently very time consuming hearings, sometimes multiple days);
- increase in prosecution of City Code violations (also time consuming contested hearings)

These variables impacting one of the courts will create significant administrative problems for both courts in terms of scheduling and work space. If they occur in both courts, the problems could become unmanageable. If they become unmanageable, the problem ultimately is Bainbridge Island’s problem. Since there is no meaningful slack in the proposed shared schedule from the outset, and there is no extra space in the shared court configuration, there is reason to believe the move will be a short-term arrangement for Bainbridge Island that will require an indeterminate cost to rectify in the future.

### **HEALTH AND SAFETY ISSUES**

After I was sworn in last December for my current term, I took the occasion to comment on the Court’s activities and to point out some significant health and safety issues that have existed at the court for many years. These issues had previously been identified in the City’s Feasibility Study performed for the combined police/court facility in 2006. My intention was to remind the Council about them and to get postponed safety and security improvements made to the facility since it had become apparent that a new combined police/court facility would not be going forward in the near term due to the economic downturn.

Thanks to the court study and concurrent offers by the Court’s landlord, we have learned that the safety and health issues I identified can be remedied for approximately \$15,000 and financed by the landlord. I believe that these improvements to the HVAC system, windows, doors, locks and entryway will adequately address the existing safety and security concerns for the staff and the public.

The court study also shows that I was mistaken on several of my 2009 statements about the court’s condition. First, the current court facility is not a “storage shed”. It was originally built as office space and occupied by the City’s planning department before the Court relocated there in 1991. Second, the facility is, in fact, ADA accessible in all known respects. I apologize for these inaccuracies.

### **CONCLUSION**

Moving the court out of the city abrogates our commitment to the community. It will cost more to move than to stay. A move to Poulsbo on the bases proposed could soon become unsustainable, creating new cost for the City, a risk I believe to be unnecessary.

The Court is the third branch of government. It is not an optional, accessory or minor function. The visible presence of a court in a community reflects its values; respect for the rule of law, access to justice, due process, fairness and accountability.

# City of Poulsbo

Rebecca Erickson, Mayor



Sept. 23, 2010

To the City Council of Bainbridge Island,

After months of investigation and several meetings of our Joint Court Task Force, I have been requested to write a letter regarding the concept of co-location of the Bainbridge Island Municipal Courts. This email (letter) is a formal invitation to the City of Bainbridge Island to co-locate their municipal court with the municipal court of the City of Poulsbo in the New Poulsbo City Hall.

First, I want to thank the staff of Bainbridge Island and the staff of Poulsbo for their tireless efforts during this fact finding process. They are to be congratulated on their thoroughness and the creation of timely information presented to the Joint Court Task Force and to me. Their work is sincerely appreciated.

I would like any from Bainbridge that have not seen the court space to come for a site tour. Judge Carruthers and Bainbridge court staff will be touring the building at 3:00 pm on Oct. 1. It might be important for the Bainbridge Island City Council to see the facilities as the council evaluates the option of moving to this location. If this date and time does not work, please contact me and I will give additional tours as required.

The last conversation that occurred during the Joint Court Task Force centered on specifics of the concept of co-location. Please note, I use the term of co-location because the functionality of each court is not being changed. The goal is to provide unchanged level of services for both communities.

The Joint Court Task Force agreed on approximately 2,500 sq ft of rental space for approximately \$42,000 annual rent. This rent would include all utilities (with exception of data connection) janitorial and common area fees. The rental price was computed by an analysis of market rents in Poulsbo. The space requirement is based on the understanding that the Bainbridge Courts use the court room facility 3 days a week, with offices and cubicles for staff. A space will be provided for the domestic violence counselor at no additional charge. Both judges will have separate chambers. Five parking spaces will be allocated for Bainbridge court usage in the underground parking garage.

This letter is simply an invitation, not the specifics of a rental agreement which will need to be formalized by both city attorneys and City Councils. In the rental agreement will be specific language regarding court times, duration of contract, specific spaces as required and protections for both the City of Bainbridge Island and the City of Poulsbo. Because a portion of the court space in Poulsbo is owned by Kitsap County, the County will receive a portion of the rental revenue paid by Bainbridge Island.

If the City of Bainbridge agrees to the specifics above, the City Manager of Bainbridge Island and I will begin to create a rental agreement for Council approval.

Respectfully,

Becky Erickson  
Mayor, City of Poulsbo

**To:** Bainbridge Island City Council

**From:** Mayor Bob Scales

**Date:** October 4, 2010

**Re:** Joint COBI/Poulsbo Municipal Court Task Force Recommendation

Councilmember Knobloch and I were assigned to represent the City Council on the Joint COBI/Poulsbo Municipal Court Task Force. This task force was asked to explore ways in which our two courts could work together that would be mutually beneficial for both jurisdictions. After receiving a feasibility analysis from staff, the Task Force made a unanimous recommendation to collocate our two courts in the new Poulsbo city hall courthouse. We believe that collocation would be in the best interests of both of our communities.

The recommendations from the Task Force were presented to the Poulsbo City Council and they voted unanimously to invite COBI to begin negotiations for leasing for space in their new court facility. Now the COBI City Council must decide whether it wants to authorize the City Manager to negotiate a lease with Poulsbo or retain the current lease for the storage shed facility owned by a private business in Rolling Bay.

We know from the staff report that there is sufficient space in the new Poulsbo court facility to house both court administrations. We also know that the current court calendars are also compatible in a single courtroom. Therefore, the COBI City Council has a basic policy choice to make as to the best option for a municipal court facility.

It is important to note that the Task Force is **not** recommending that the city's municipal court services be "outsourced," "merged" or "consolidated" nor are we recommending that the city contract with Poulsbo or Kitsap County to provide municipal court services. The recommendation is simply to change the leasing contract for the municipal court facility from the current storage facility to a brand new courthouse only 9 miles away.

Relocating the court from Rolling Bay to Poulsbo will result in significant benefits for both the city and the users of the court. As an added bonus the city will save money by relocating the court to Poulsbo due to improved efficiencies in court operations.

### **Policy Considerations**

#### **1. Which facility is best suited to be a municipal court? Answer: Poulsbo**

The new Poulsbo facility was designed to function as a municipal court. It has a proper bench for the judge, a jury box and jury room, a security station, a secure holding area for in-custody defendants, secure parking, and safe and secure work areas for staff and the judge. By contrast the facility in Rolling Bay was originally a storage shed that was configured to hold retail and office space. COBI leased this facility as a temporary option until a proper facility could be built.

**2. Which facility has better access to public transportation? Answer: Poulsbo**

The current court facility in Rolling Bay cannot be reached by public transportation during business hours. In the morning the busses only run one-way from Rolling Bay to the ferry terminal. In the afternoon the bus route is reversed with busses running one-way from the ferry terminal to Rolling Bay. There are no busses scheduled between 8:30am and 3:30pm which is when court is in session. By contrast if the court was relocated to Poulsbo, Bainbridge Island residents would have easy access to the court by public transportation. Public busses run from the Bainbridge Island ferry terminal to Poulsbo hourly from 5am to 8pm. The busses stop at numerous points on the island along highway 305. Relocating the court to Poulsbo will make it more accessible to witnesses, defendants and Bainbridge Island residents. By providing adequate public transportation to the court we will remove one of the major obstacles for vulnerable domestic violence victims seeking protection orders. Currently the poor and vulnerable in our community do not have easy access to the court and this does not serve the interests of justice.

**3. Which facility offers the most stable long term leasing options? Answer: Poulsbo**

The Poulsbo court facility was built in the new city hall building. As a dedicated court facility and a service that Poulsbo is required to provide, it is likely that a municipal court function will remain at this location for the lifespan of the building. By contrast, the court's current facility in Rolling Bay is owned by a private business. The facility was designed for storage, retail and office space. The owner of the facility may choose to develop the site in the future as the neighborhood service center grows. The owner could choose not to renew the city's lease in the future and seek more lucrative tenants or the owner could decide to sell the building altogether. This long term uncertainty creates considerable risk for COBI since an alternative court facility does not exist on the island.

**4. Which facility provides the court with the dignity and respect it deserves? Answer: Poulsbo**

A municipal court is responsible for administering justice and upholding the laws of the city. For those who choose to break the law it is important for them to have respect and deference for the judge and her court. This is why most courtrooms are designed to engender a proper level of respect for the judicial process. The public expects a courtroom to be a serious place where important decisions are made to protect the community as well as ensure individual rights. The Poulsbo facility is designed to be a proper functioning courtroom with all of the features normally associated with a hall of justice. By contrast, the current court facility in Rolling Bay looks nothing like a courthouse. It looks like a typical storage facility. The courtroom appears to be a makeshift meeting hall. The jury room doubles as the kitchen and lunchroom for staff. The bathroom for jurors and staff is also a hallway from the office to the jury room/kitchen. A court must be respected in order to be effective. Forcing our court to operate out of a storage facility for the last 20 years does nothing to engender respect in the community.

**5. Which lease arrangement would be the least expensive for COBI? Answer: Poulsbo**

Even when the additional costs of relocating the court to Poulsbo are taken into account, it is still less expensive to collocate the court in Poulsbo rather than retain the court at its current location in Rolling Bay. After the first year which is essentially break even, COBI will save about \$15,000 annually by moving the court to Poulsbo. These savings are the result of improved efficiencies from having two part time courts collocated in a single facility.

**6. Which facility is better for domestic violence victims? Answer: Poulsbo**

Poulsbo has offered the YWCA victim advocates a dedicated office space in their new court facility. In the Rolling Bay facility the YWCA is forced to meet with victims in a small closet.

**7. Which facility would provide victims, witnesses and jurors with a better court experience?  
Answer: Poulsbo**

The primary function of a municipal court is to hold people accountable when they break the law. A courthouse is not a social gathering place. Normally people do not visit the courthouse unless they are required to by a subpoena, warrant or jury summons. When someone is required to go to court they are generally concerned about three things: anonymity, privacy and confidentiality. Most municipal courts are located in the commercial centers of cities where it is easier to be inconspicuous. It is highly unusual for a court to be located in a residential neighborhood like Rolling Bay. The Poulsbo court is located in city hall in the downtown core. There is a lot of vehicle and pedestrian traffic in the vicinity. By contrast the current COBI facility is located in Rolling Bay which is a neighborhood service center. The court is next to Bay Hay and Feed, Jiffy Mart, post office and a local coffee shop. Anyone who goes to Rolling Bay and is from the neighborhood is likely to see someone they know. If a victim of domestic violence wants to go to court and seek a protection order but does not want anyone to know it is unlikely that she would be able to remain anonymous in Rolling Bay. If a person is convicted of a DUI and must attend court for multiple probation hearings they probably don't want to see anyone they know or they will have to explain why they are at court.

**8. Which facility offers the best long term solution to the needs of COBI municipal court?  
Answer: Poulsbo**

Whatever the decision the City Council makes on the location of the COBI Municipal Court, it is likely that the court will remain in that location for at least 10 years. COBI has tens of millions of dollars in needed capital improvements. Many of these improvements are essential for public health and safety. Therefore, the likelihood that the city will build a new \$8 million facility for the court is very remote. The Poulsbo facility is appropriate to house the court in the short term as well as the long

term. Over time there will be more efficiencies realized as our two court administrations and judges work together. The facility is brand new and will last more than 50 years.

**9. Which facility will minimize the city's liability risk? Answer: Poulsbo**

The significant deficiencies in the current court facility in Rolling Bay have been analyzed by the city during a court feasibility study conducted in 2006. These safety and security deficiencies have been highlighted in public statements made by the COBI municipal court judge. She pointed out that the poor facility puts workers and visitors to the court are at risk of harm from the many violent offenders who are summoned to the court. The judge has urged the Council to act quickly to correct these deficiencies. The city has been on notice for some time that the Rolling Bay facility is a substandard courthouse. Therefore, if a city worker, juror, witness, victim or judge were to be injured or assaulted in the facility the city's potential liability exposure would be high. It is incumbent on the City Council to correct these deficiencies as soon as possible. The Poulsbo facility was designed and built to the specifications for a municipal court. It meets code and ADA standards and has the safety and security features required. Investing tax dollars in a privately owned storage shed to try and make it into a functional and safe courtroom is not a good use of scarce city resources especially when the city can lease space at a brand new court facility for a lower cost than the storage shed.

**Other Issues**

**1. How important is the location of the municipal court to our community?**

It is difficult to know what the community thinks about COBI municipal court. Municipal court issues are not widely discussed in the community. The municipal court has not appeared on community values surveys. Based upon prior actions of the City Council (which should reflect the community's values) it does not appear that the court has been considered to be a priority for the city. When the City built a new city hall in 1998 it had the opportunity to include the court in the design. The City did not do so. The City owned land next to city hall that could have been used for a new court facility but instead the city leased the land to Bainbridge Performing Arts. The city's planning department was housed briefly with the court in the Rolling Bay facility but as soon as the new city hall was built the planning department was moved out leaving the court behind. The Suzuki property which was purchased as the site for a new court facility has now been reprogrammed for other uses. Therefore, history has shown that the location and quality of the municipal court facility has never been of high importance for city policy makers.

**2. Is it possible that COBI Municipal Court could quickly outgrow the Poulsbo Court facility due to a dramatic increase in crime, traffic infractions, parking tickets and protection orders?**

COBI municipal court has one of the lowest caseloads of any comparably sized city in our state. This is primarily because of our low crime rate and a relatively low number of traffic violations. Sixty percent of the cases filed in the COBI court are parking tickets which do not require any judicial time to process.

- Crime – Bainbridge Island enjoys the lowest crime rate in Kitsap County and one of the lowest crime rates in the state. From 2007 to 2009 the number of criminal cases filed in municipal court declined by 35%. In 2009 the court had only 315 criminal cases filed which is lower than the number of cases filed in 1999. Despite a growing population, criminal activity has been declining. In the last 11 years there has never been a spike in criminal activity with annual number of criminal filings ranging from 315 cases to 482 cases. It is highly unlikely that this stable pattern will change during the next decade. Less than 2% of criminal cases go to trial and COBI municipal court has had only 3 jury trials in the last 6 years.
- Parking Tickets – Less than 1% of parking tickets result in a contested hearing. That means that 99% of people who get a parking ticket are willing to pay their fine and their cases do not take up any court time. If the number of parking tickets issued were to increase by 1,000 that would result in only 10 more contested hearings for the court to handle.
- Traffic Tickets – The number of traffic tickets issued by BIPD has been declining since 2004. Only 7% of people who receive a ticket request a contested hearing leaving 93% of drivers who are willing to pay their ticket without going to court.
- Protection Orders – While the number of requests for protection order and anti-harassment orders is growing it represents a very small percentage of the court's total caseload. In addition, only half of these orders go to a full hearing. Most are handled ex parte. Protection order hearings represent less than 1% of the total number of hearings held in COBI municipal court.

Even if the total number of court hearings were to increase by 40% (which is highly unlikely), our current court schedule would be able to easily accommodate the additional workload because we currently employ more judicial officers than are needed. The Administrative Office of the Courts (AOC) conducts a statewide judicial needs assessment each year. In 2010 the AOC estimated that the COBI municipal court needed 0.48 FTE judicial officers. The city has always employed 0.67 FTE judicial officers which is 40% more than the city needs based upon our current caseload and number of hearings. We have continued to maintain this excessive staffing level despite a 30% drop in the total caseload from 2007 to 2009.

Please see the attached PowerPoint presentation for additional statistical information on COBI Municipal Court.



# COBI Municipal Court Caseload

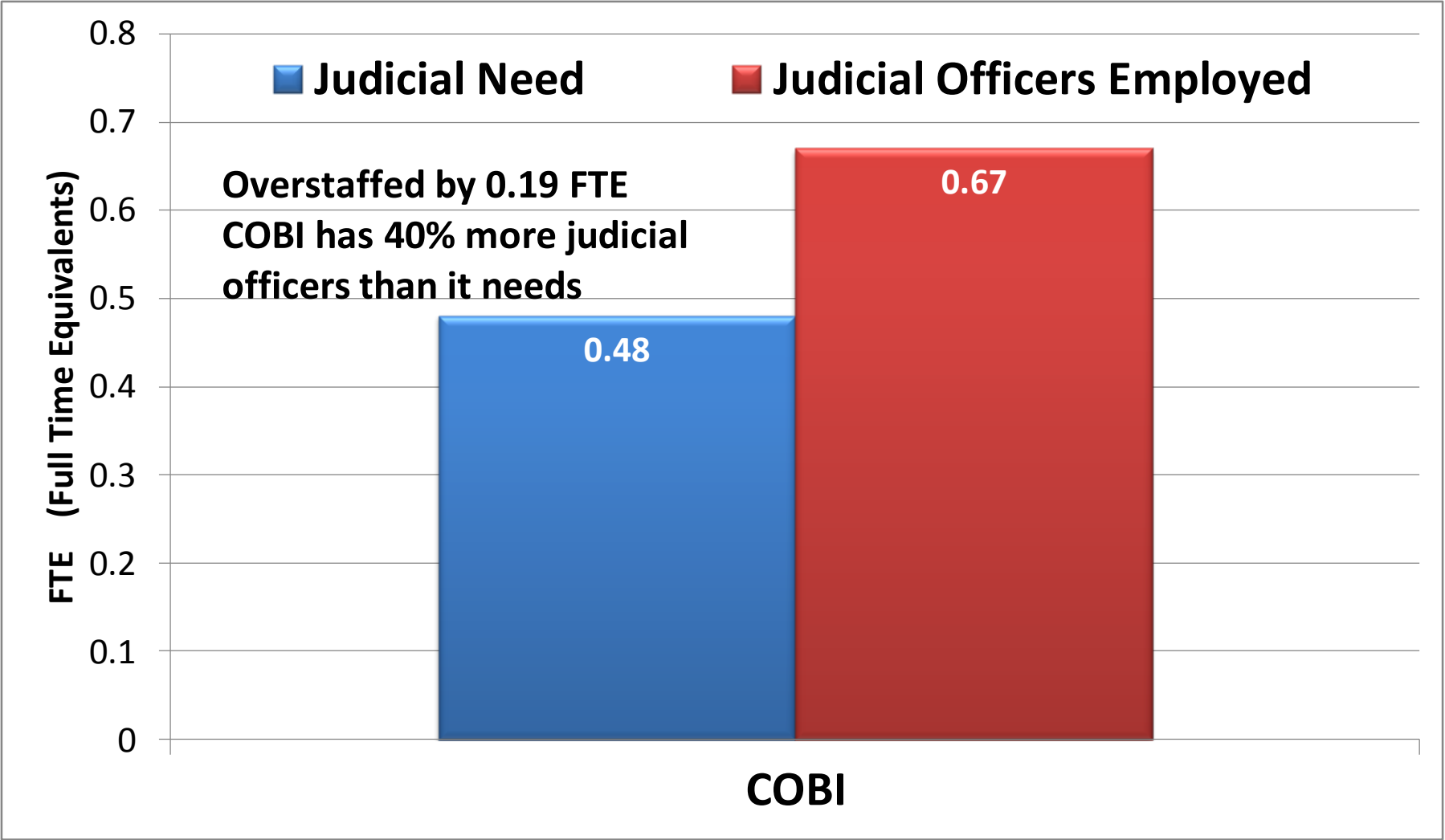
Source: Judicial Information System (JIS)

<http://www.courts.wa.gov/caseload/>

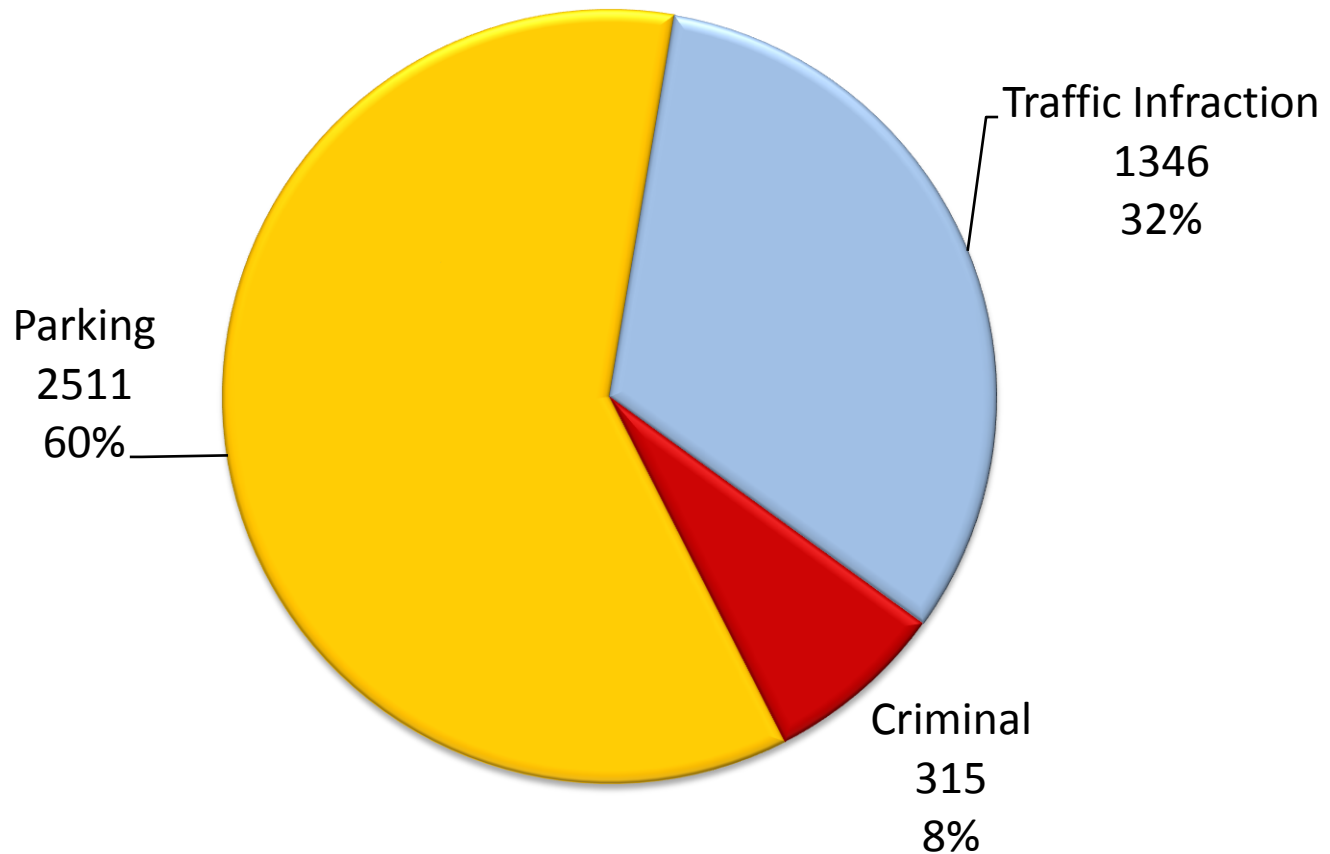
# Estimated Judicial Need vs. Actual Number of Judicial Officers Employed 2010

Source: Administrative Office of the Courts

[http://www.courts.wa.gov/caseload/content/pdf/staffing/annual/municipal\\_courts\\_JNE.pdf](http://www.courts.wa.gov/caseload/content/pdf/staffing/annual/municipal_courts_JNE.pdf)



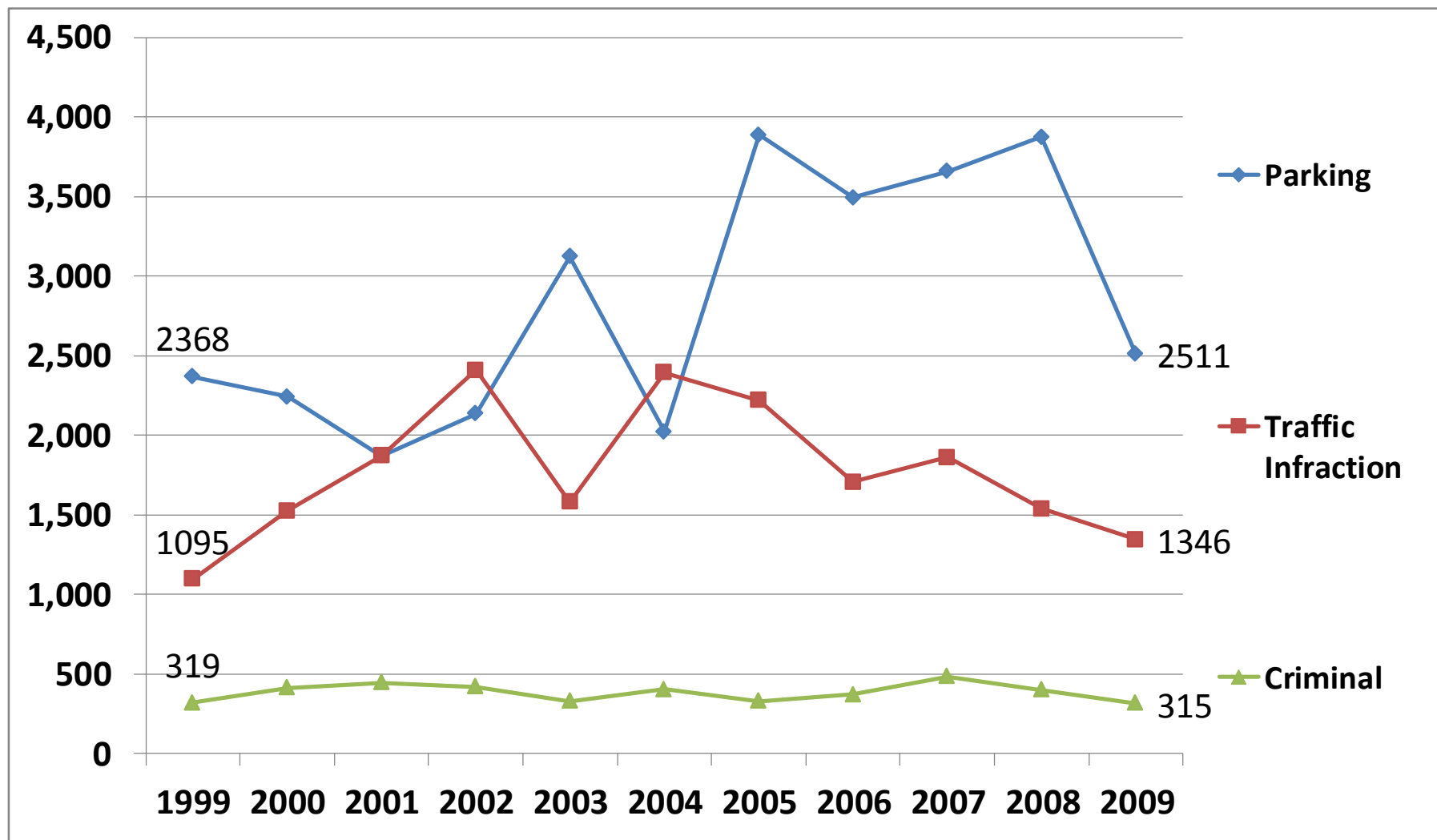
# COBI Municipal Court Number of Cases Filed 2009



# Cases Filed in COBI Municipal Court

Source: Judicial Information System (JIS)

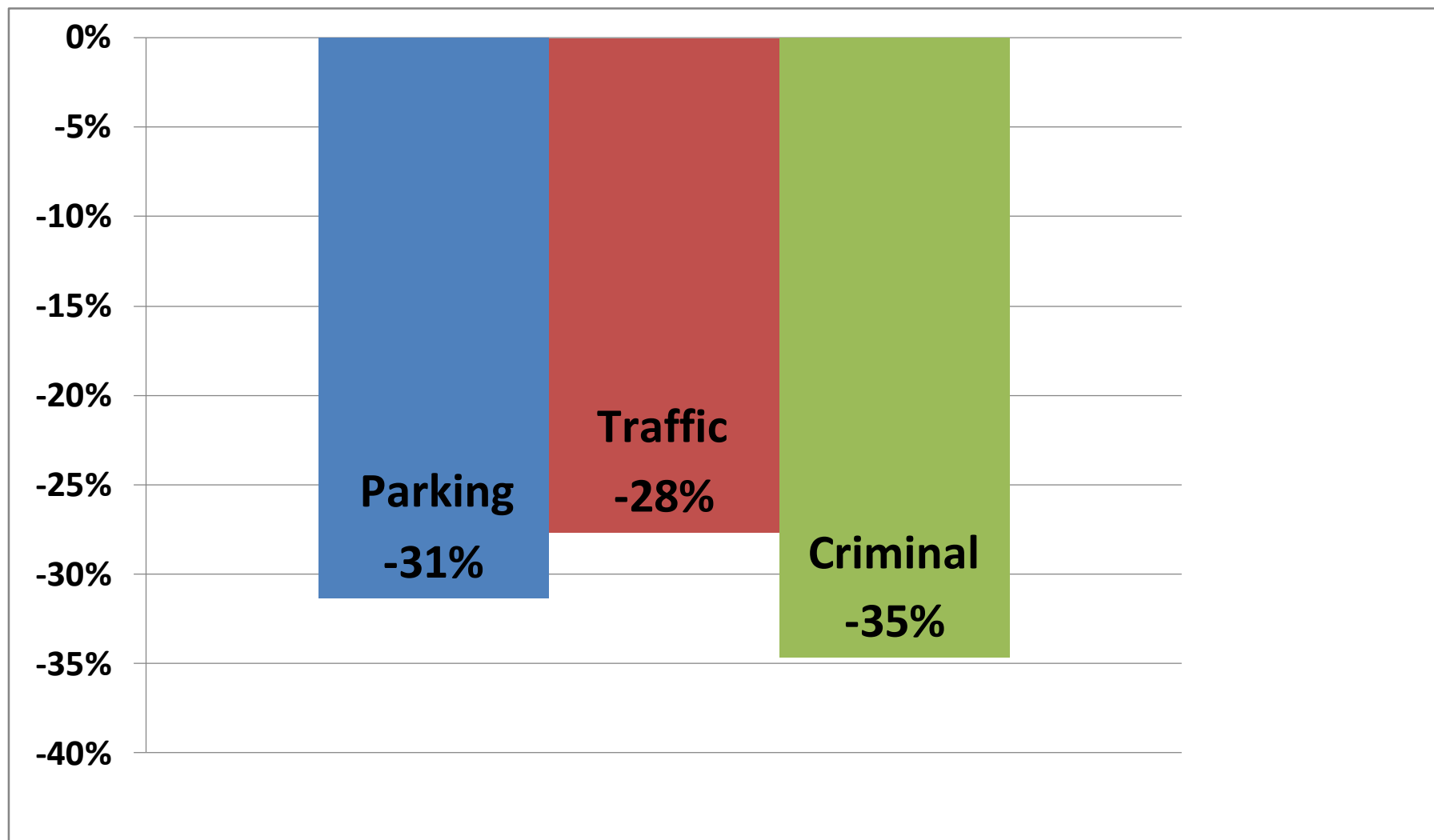
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# Change in Number of Cases Filed in COBI Municipal Court from 2007 to 2009

Source: Judicial Information System (JIS)

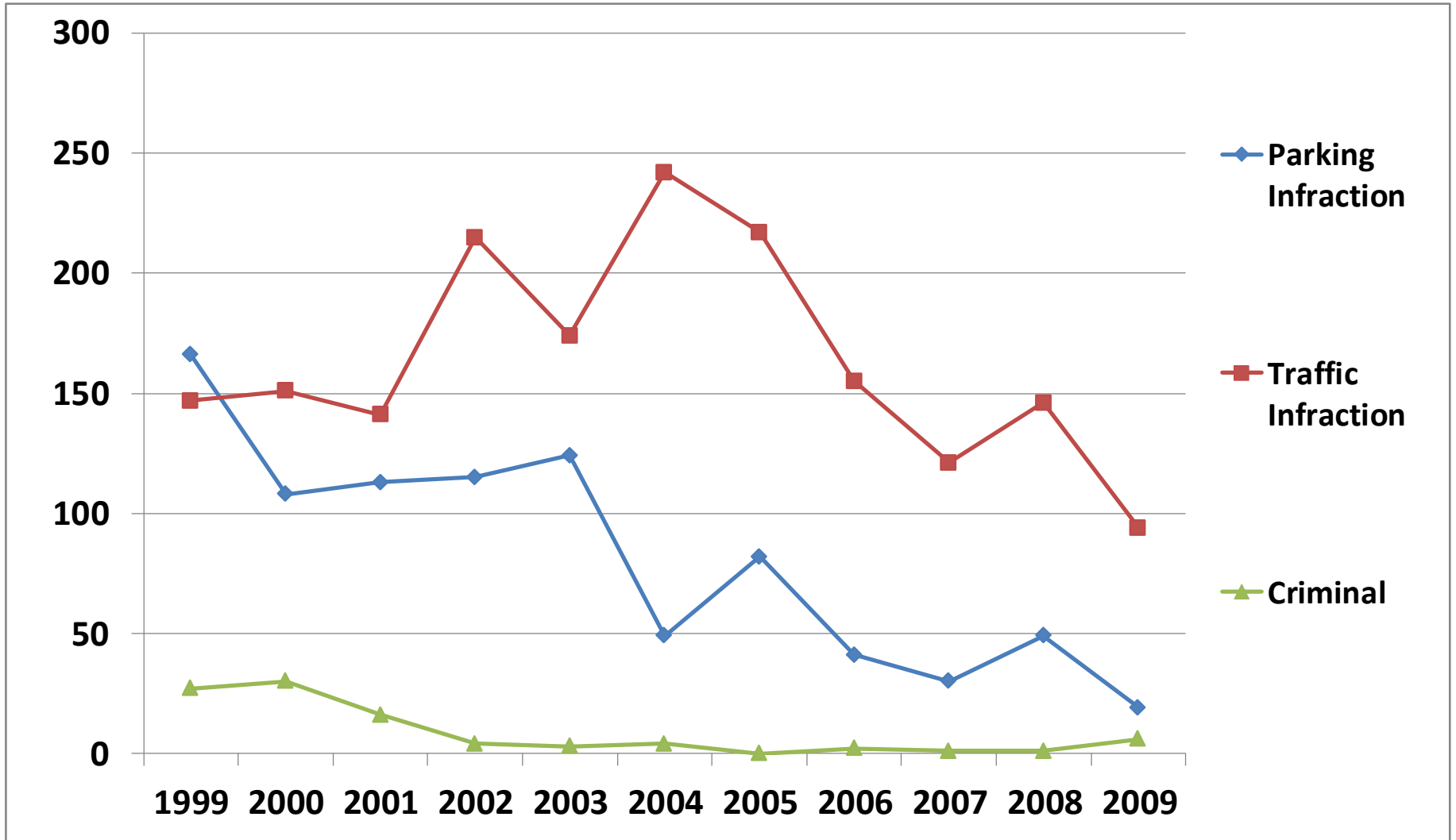
<http://www.courts.wa.gov/caseload/>



# Contested Hearings in COBI Municipal Court

Source: Judicial Information System (JIS)

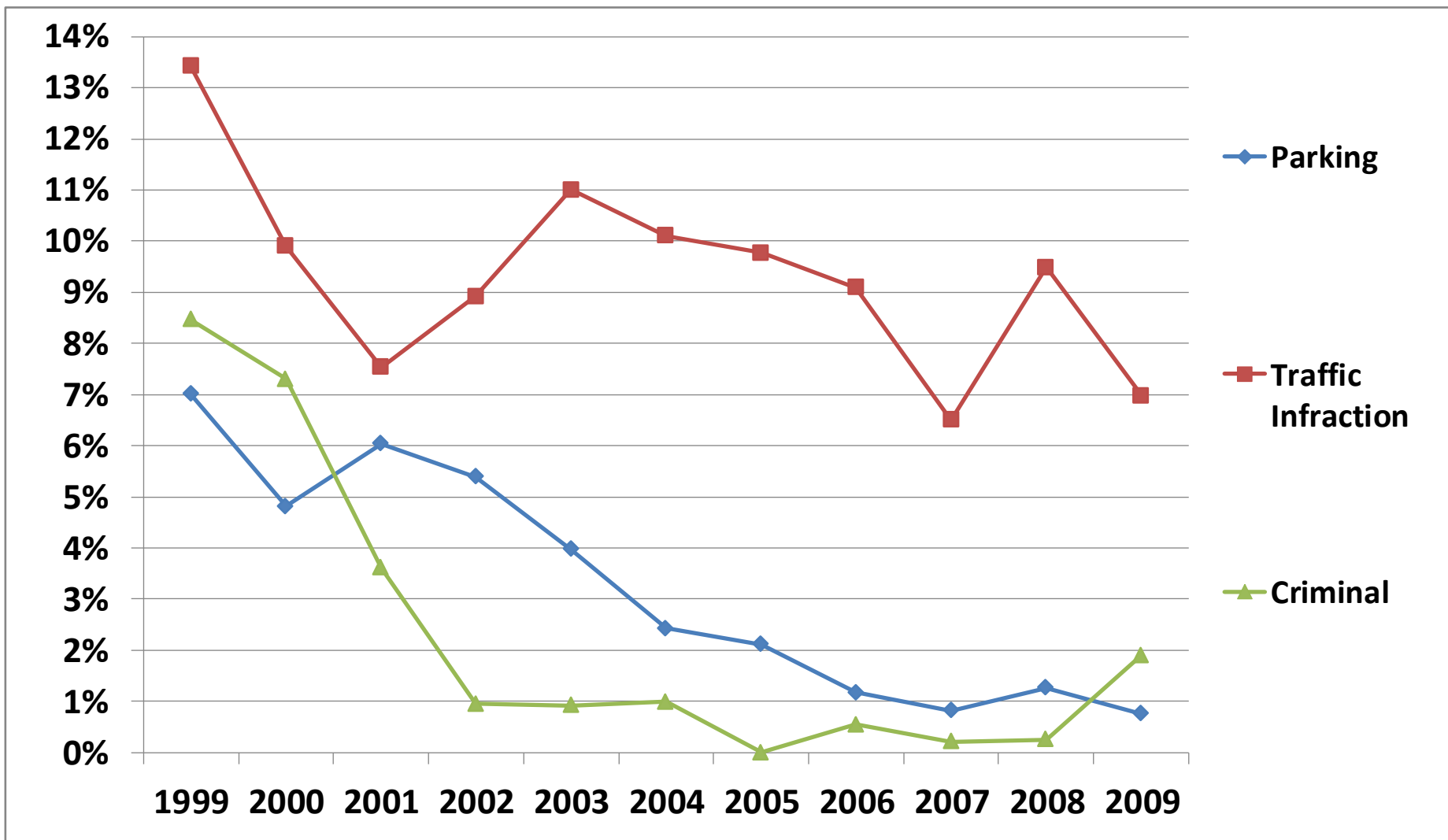
<http://www.courts.wa.gov/caseload/>



# Percentage of Total Cases Filed Resulting in a Contested Hearing in COBI Municipal Court

Source: Judicial Information System (JIS)

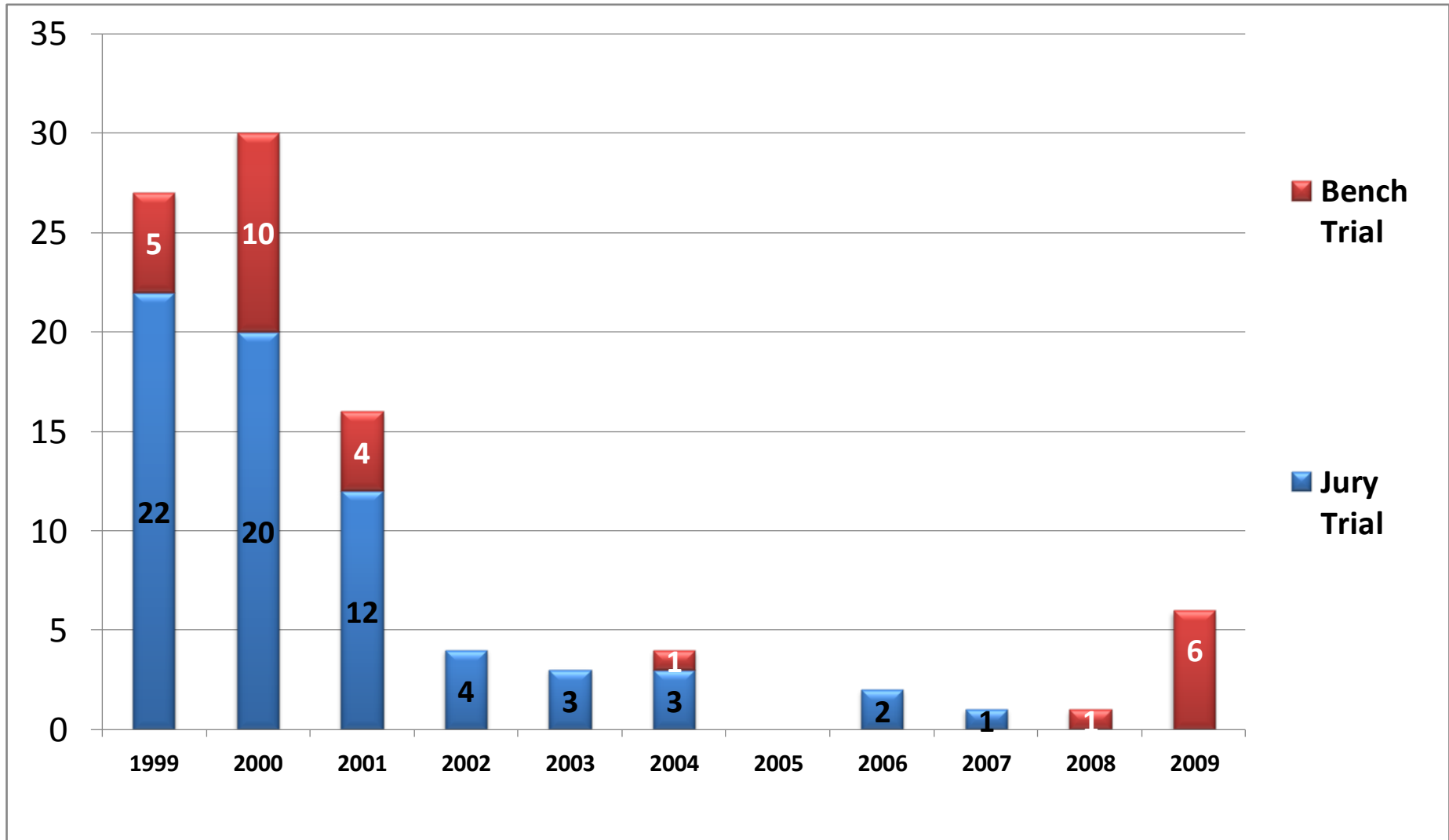
<http://www.courts.wa.gov/caseload/>



# Number of Trials Held – COBI Municipal Court

Source: Judicial Information System (JIS)

<http://www.courts.wa.gov/caseload/>





# Number of Protection Order Petitions Filed COBI Municipal Court

Source: Judicial Information System (JIS) <http://www.courts.wa.gov/caseload/>

