

SULTAN CITY COUNCIL AGENDA ITEM COVER SHEET

ITEM NO: D-1

DATE: January 8, 2009

SUBJECT: Prosecution Services

CONTACT PERSON: Deborah Knight

ISSUE:

The issue before the City Council is to discuss the presentation from Snohomish County Prosecutor, Janice Ellis regarding her decision to refer all property crime cases with a value of \$1,000 or less to cities and prosecute the cases as misdemeanors in district courts.

STAFF RECOMMENDATION:

Discuss the presentation from Snohomish County Prosecutor, Janice Ellis and provide direction to staff.

SUMMARY:

Effective January 1, 2009, the threshold of property felony crime prosecution increased from \$250.00 to \$1,000.00. The Council heard a presentation from Snohomish County Prosecutor, Janice Ellis regarding her decision to change the county's Charging and Disposition Standards for certain Class C felonies including:

- Theft – expect theft from a person
- Theft of rental/leased property
- Organized retail theft
- Possession of stolen property – except motor vehicles and firearms
- Unlawful issuance of bank checks
- Trafficking in stolen property
- Insurance/welfare/housing fraud
- Money laundering
- Malicious mischief
- Burglary of a retail establishment when based on a previously trespassed shoplifter
- Theft of/possession of less than three stolen access devices and identity theft with less than three victims - unless there is evidence of manufacturing, a

vulnerable victim, or the access/device/personal identification was taken in a residential burglary, robbery or theft from a person.

This is essentially an unfunded mandate that will shift costs from the county to the City of Sultan. These costs will likely include:

- Higher costs for public defense
- Higher costs for prosecution
- Higher costs for jail fees

FISCAL IMPACT:

Ms. Ellis' decision places a larger financial burden on the City of Sultan by treating state mandated felony cases as misdemeanors. Prosecution of felony cases is the responsibility of counties and the state.

The city contracts with the Snohomish County Prosecutors Office under an Interlocal Agency Agreement for prosecution services including misdemeanors. Under the new Charging and Disposition Standards, the number of misdemeanor cases paid for by the city will increase. Court costs and jail fees are likely to increase as well.

The exact amount of the increase is unknown. The City Council will need to monitor the 2009 budget to ensure adequate revenues to cover increased expenses.

ALTERNATIVES:

There are few if any alternatives. Other Snohomish County cities have contracted with law firms to handle their misdemeanor cases. The City of Sultan contracts with the county for this service. The city could choose to hire a private law firm to handle misdemeanor cases.

Several cities reviewed the state statutes regarding the threshold for felony property crimes that are relevant to the prosecutor's decision. The consensus is any legal challenge to this decision is unlikely to succeed.

RECOMMENDED ACTION:

Discuss the presentation from Snohomish County Prosecutor, Janice Ellis and provide direction to staff.

ATTACHMENTS:

SEE P-1 FOR ADDITIONAL DETAILS