



proud past, promising future

CLARK COUNTY
WASHINGTON

AUDITOR
GREG KIMSEY

MEMORANDUM

Date: February 11, 2009

To: The Honorable Barbara Johnson, Clark County Superior Court
The Honorable John P. Hagensen, Clark County District Court
Sheriff Garry E. Lucas

Cc: Prosecuting Attorney Art Curtis
County Administrator Bill Barron
Clark County Audit Oversight Committee
Greg Kimsey, Chair
Mark Boldt, BOCC
Vernon Peterson, CPA

From: Laurence L. Feltz, Senior Management Analyst

Subject: Video Arraignment Savings

Washington courts increasingly use video conferencing equipment to connect courtrooms to jails or other holding areas. This video connection is commonly limited to use for court actions such as initial appearances and arraignments¹. Security is improved and efficiencies are gained because inmates do not have to be transported to the courtroom.

Rules for Superior and District courts in Washington establish requirements to be met to assure that using video for arraignments and other court actions is consistent with the Constitutional right to a public trial. Washington court rules state that the video conferences must be conducted in a manner such that all participants:

"can simultaneously see, hear and speak with each other. Such proceedings shall be deemed held in open court and in the defendant's presence for the purposes of any

¹ The term "Video Arraignment" as used in this paper encompasses the use of video conferencing for arraignments, initial court appearances, and other court actions.

Audit Services

1300 Franklin Street, Suite 575, P.O. Box 5000, Vancouver, WA 98666-5000

(360) 397-2078, Fax (360) 397-6007, www.clark.wa.gov/auditor

statute, court rule or policy. All video conference hearings...shall be public, and the public shall be able to simultaneously see and hear all participants and speak as permitted by the trial court judge. Any party may request an in person hearing, which may in the trial court judge's discretion be granted."

VIDEO ARRAIGNMENT IN WASHINGTON COUNTIES

At the District Court level, 19 of Washington State's 39 counties (49 percent) use video conferencing for arraignments and selected other court actions. At the Superior Court level, 10 of the 39 counties (26 percent) use video arraignment.²

For the state's top 13 counties in terms of population, the percentage use of video arraignment increases to some extent. Eight of the 13 (62 percent) use it in District Courts, and 5 of 13 (38 percent) in Superior Courts.

Common reasons given by Washington court representatives for implementing video conferencing are characterized as follows:

Increased Security. Video arraignment reduces risks associated with transporting inmates between the jail and courtroom. Because of the security advantage, video arraignment was often in use in Washington counties even when the jail and courtroom were physically connected or in close proximity ("across the street").

Reduced Transportation and Personnel Costs. Expenses associated with providing security and supervision for inmates who are being transported between the jail and courthouse are reduced. Fewer transportation assets (buses, etc.) are needed and fewer security personnel are required.

Jail Release Efficiencies: If an inmate is released during arraignment, the defendant must first be transported back to jail in order to process paperwork prior to being released. According to an attorney who works as a public defender in Clark County, inmates generally prefer video arraignment because of the possibility of being released from jail more quickly.

Courtroom Efficiencies: Fewer delays are experienced while waiting for inmates to be transported to the courtroom. Delays affect the entire court (including the judge, bailiff, public defender, district attorney, etc.). With fewer delays, the court is more efficient and can better manage its docket.

VIDEO ARRAIGNMENT: CONCERNS

In deciding whether to provide video arraignment, jurisdictions weigh advantages against a number of factors and concerns, such as the following:

- it may be important for the inmate to see and experience first-hand the formal impact of the reading of the charge.

² Appendix A provides specific information for each of Washington's 39 counties, including notes on whether and how video arraignment is used.

- the judge may miss an opportunity to accurately assess the physical, emotional, and mental condition of an inmate; these are factors that may weigh on pretrial decisions, such as release from detention.
- it may be necessary for the court to personally see and speak with the inmate to assure that he understands the nature of the proceeding.
- the gravity and influence of the proceeding may be lessened in that the inmate may be located in a room that bears no resemblance to a judicial forum.
- the inmate may miss an opportunity to meet with family or friends who might be able to provide assistance--such as in attempts to obtain bail.
- defense attorneys who have both video arraignment clients (the client is in jail) and non-custody clients (the client is in the courtroom) may have difficulty coordinating consultations for the separate locations.
- additional administrative procedures (and resulting costs) are necessary to handle the video arraignment process--for example, developing daily schedules.

Because of these concerns, counties may opt to exclude certain types of cases from video arraignment. For example, in Clark County, domestic violence arraignments are not done by video.

VIDEO ARRAIGNMENT IN CLARK COUNTY

Clark County District Court conducts arraignments by video every weekday afternoon.³ Each of the six District Court courtrooms is equipped with a video monitor large enough to be seen from the public seating area. The courtrooms are connected to four rooms in the jail that also have monitors. During the arraignment, the judge can see and talk to the inmate, and the inmate to the judge.

Prior to the start of the video arraignment, the defense attorney meets with the inmate in the video room. The attorney gives notice when ready, and the arraignment goes "on-line." The defense attorney generally is in the jail video room with the inmate during the arraignment.

The jail video arraignment area contains two "holding" rooms, one for men inmates and another for women. Inmates wait in these rooms until called to go to the video arraignment rooms. Inmates can make their way from the jail living areas ("pods") to the holding rooms without being physically escorted by custody officers.

The video arraignment facilities include an administrative office area, and the facilities are staffed by two custody officers. One of the officers is at a computer communicating with the courtroom. Some of the necessary paperwork associated with the proceeding is completed on-line. Other paperwork (for instance hard copies to be given the inmate) are faxed. Clark County has acquired an on-line signature capability to add efficiency to the process.

³ In addition, the city of Battle Ground reimburses Clark County (\$10,160 in 2008) for use of video arraignment facilities. Battle Ground video arraignments are held on Thursday mornings.

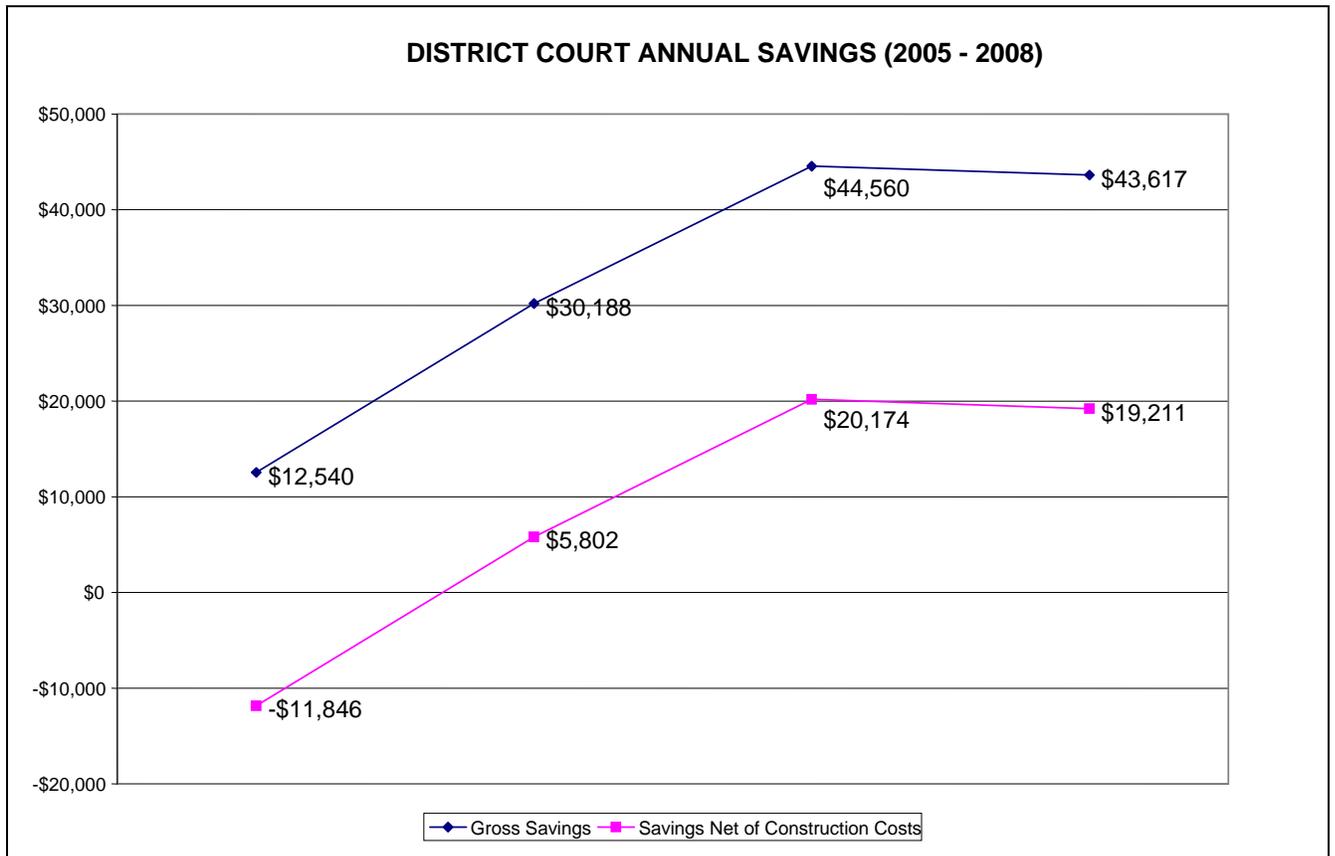
The jail's video arraignment area contains four additional rooms (adjacent to the rooms currently being used in the "video arraignment corridor") that can be used for video arraignment when sufficient demand develops.

COST SAVINGS IN CLARK COUNTY: ACTUAL AND POTENTIAL

According to the data provided by the Sheriff's Office, 31 percent (4,310 of 13,745 total) of the District Court's arraignments in 2008 were conducted by video.

Labor Cost Savings from Video Arraignment in District Court

Since deputies did not have to be assigned to transport inmates from the jail to the courtroom, video arraignment saved labor costs. In 2008, an estimated \$10.12 in labor cost per inmate was saved. There were 4,310 inmates arraigned by video in 2008, for a total labor cost savings of \$43,617.⁴ After deducting costs associated with the depreciation of facilities built for video arraignments,⁵ the net potential savings for 2008 are an estimated \$19,211. The chart shows that these savings have generally been increasing over time. This is primarily because more arraignments are being done by video, increasing from 2,999 in 2006 to 4,310 in 2008.

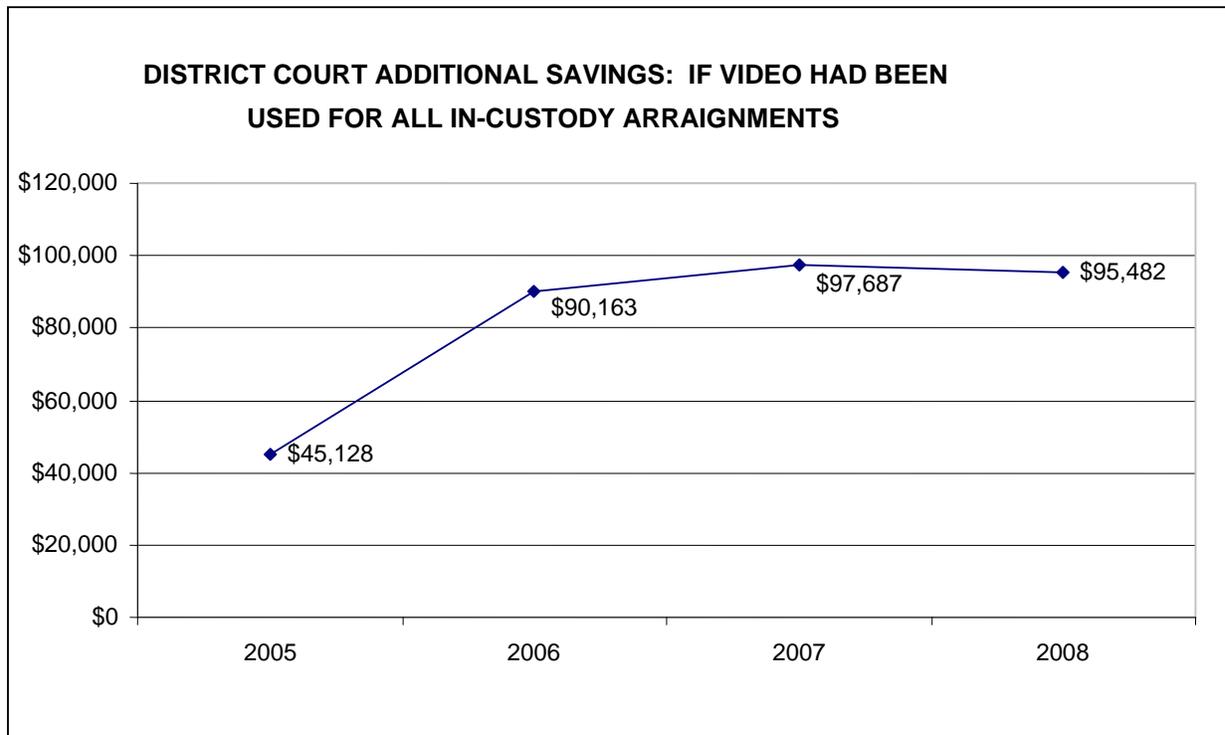


⁴ See Appendix B for details of this calculation.

⁵ Total construction cost of \$609,645. The net savings calculation assumes a 25 year life, which results in an annual depreciation cost of \$24,386.

Potential Savings if Video Arraignment Were More Fully Implemented

In District Court during 2008, there were 9,435 inmates moved from the jail to courtrooms. Since video arraignment saved an estimated \$10.12 per inmate in 2008, an additional \$95,482 would have been saved if all inmates had been arraigned at the jail. The following table shows that the maximum potential savings, if video arraignment had been used for all inmates, ranged from an estimated \$45,000 in 2005 to over \$97,000 in 2007.



These are maximum possible savings, since they are based upon all arraignments being conducted by video. As discussed in the "Concerns" section of this report, there are circumstances and case types for which the court will opt against the use of video. For example, in Clark County District Court, all domestic violence cases are arraigned by personal appearance in the courtroom.

It is reasonable to assume that, if Superior Court opted to use video arraignment for selected cases, there would be labor cost savings similar to those experienced by District Court. For example, if the Superior Court used video arraignment in a manner similar to District Court (for 31 percent of video arraignments) potential labor cost savings would approximate \$29,000 for 2008. The incremental cost of adding video arraignment functionality to Superior Court would be smaller than the initial cost associated with District Court. The video arraignment facilities at the jail have been constructed, and there is excess capacity. Since use of these facilities for video arraignment is currently limited largely to afternoons, some additional usage could be absorbed. There are also four additional rooms in the jail's video arraignment corridor that could be hooked up to courtrooms if demand for the service dictated.

CONCLUSIONS AND MATTERS FOR CONSIDERATION

Many Washington counties, including Clark County, have found that selected advantages accrue to the use of video arraignment. Some of these advantages are quantifiable; dollars are saved because fewer custody officers are required to provide security while transporting inmates to courtrooms. Other advantages are difficult to quantify numerically. These include increased security for the public, the inmate, and the custody officer, and time saved in courtroom that would otherwise be lost while waiting for transported inmates to arrive. Inmates can also benefit from the efficiencies inherent to video arraignment. The process can take less time than the alternative, and--if this is the result of the arraignment--be released from jail more quickly than would otherwise be the case. Given these advantages, Clark County's District Court and Superior Court may wish to consider more fully utilizing the video arraignment option.

APPENDIX A

VIDEO ARRAIGNMENT IN WASHINGTON COUNTIES

		Video Arraignment Used?	Video Arraignment Used?	
County	2008 Population	Superior Court	District Court	Notes
King	1,884,200	No	No	No space in jail. VA is used by Seatac and Des Moines Municipal Courts
Pierce	805,400	No	Yes	Used for more than first appearances. Attorneys have choice of being at the jail or in the courtroom.
Snohomish	696,600	Yes	No	Used daily for arraignments.
Spokane	459,000	Yes	Yes	Used primarily for first appearances, arraignments, stay hearings. Biggest advantage avoid transportation delays; using VA, can handle a large docket in a relatively short amount of time. Also used by municipal courts.
Clark	424,200	No	Yes	
Kitsap	246,800	No	Yes	Also used by municipal courts.
Thurston	245,300	Yes	Yes	District Court--inmate must sign form agreeing to use of video. Superior Court says that this isn't necessary. City of Lacey transports to jail, then uses video, but will be establishing a direct link.
Yakima	235,900	No	No	Three courtrooms in basement of the jail. Public attends by entry into the jail courtrooms.
Whatcom	191,000	Yes	Yes	Used for first appearances. Judge and clerk go to courtroom in the jail. Public is connected by video from viewing rooms outside the jail.
Benton	165,500	No	No	A courtroom is located in the jail. Public watches proceedings from outside the jail via video.

		Video Arrestment Used?	Video Arrestment Used?	
County	2008 Population	Superior Court	District Court	Notes
Skagit	117,500	No	No	Considering adding VA. Currently used for juvenile court.
Cowlitz	99,000	Yes	Yes	Used for first appearances only.
Grant	84,600	No	Yes	
Island	79,300	No	Yes	Used for arraignments and all in custody hearings except trials.
Lewis	74,700	No	No	Jail and courthouse are physically connected.
Chelan	72,100	No	No	
Grays Harbor	70,900	No	Yes	Basically for arraignments. Attorney not present.
Franklin	70,200	No	No	Would like to have it for District Court.
Clallam	69,200	No	Yes	District Court II (Forks) uses VA. District Court I (Port Angeles) does not. VA also used for juveniles.
Walla Walla	58,600	No	No	Superior Court is connected to jail by hallway. District Court is a block away from the jail.
Mason	56,300	No	No	Jail and courtrooms are connected by a tunnel.
Stevens	43,700	No	Yes	Used for arraignments.
Whitman	43,000	No	No	Video connects two courthouses together (Pullman and Colfax). Defendant is in one courtroom (brought from jail) judge in the other.
Okanogan	40,100	No	No	Superior and District courts use a courtroom located in the jail itself.
Kittitas	39,400	No	No	
Douglas	37,000	Yes	Yes	Used daily, for more than just arraignments, including sentencing if defendant agrees to waive appearing in courtroom.
Jefferson	28,800	Yes	Yes	Superior Court, used for initial appearances. District Court used for arraignments, change of pleas. Not used for sentencing.
Pacific	21,800	No	Yes	South District (Long Beach) has VA. North District (South Bend) does not.

		Video Arrestment Used?	Video Arrestment Used?	
County	2008 Population	Superior Court	District Court	Notes
Asotin	21,400	Yes	Yes	Used for arraignments, bond hearings, continuances , but not plea or sentencing .
Klickitat	20,100	No	Yes	West District Court (White Salmon) uses VA for first appearances, arraignments. Jail is 50 miles away. East District Court in Goldendale does not.
Adams	17,800	Yes	Yes	Used for arraignments.
San Juan	16,100	No	No	Would like to have it to save transportation costs. Inmates are held in Coupeville jail. Have to be flown over to Friday Harbor for court appearances.
Pend Oreille	12,800	No	No	Courtrooms and jail in same building.
Skamania	10,700	Yes	No	Used for arraignments.
Lincoln	10,400	No	No	District courthouse attached to jail. Superior Court across street.
Ferry	7,700	No	Yes	Used for first appearances, arraignment, continuations, pre trial hearings. Very helpful for security purposes.
Columbia	4,100	No	No	Have equipment, but its not connected yet. Plan to use it for arraignments.
Wahkiakum	4,100	No	No	
Garfield	2,300	No	No	
Total	6,587,600	Yes = 10	Yes = 19	
Top 13 counties (population)		Yes = 5	Yes = 8	

APPENDIX B

DISTRICT COURT COST SAVINGS
CALCULATION METHODOLOGY
2008 EXAMPLE⁶

2008 Totals

- A. Number of Inmates Arraigned by Video in 2008 = 4,310
- B. Number of Sheriff's Office Staff Hours to Handle Video Arraignments = 1,444
- C. Staff Hours Used per Video Arraignment (B/A) = .335

- D. Number of Inmates Transported for Non-Video Arraignments = 9,435
- E. Number of Sheriff's Office Staff Hours = 5,253
- F. Staff Hours used per Non-Video Arraignment (E/D) = .557

- G. Staff Hours Saved by using Video Arraignment = (.557 - .335) = .222

- H. Dollars Saved per Video Arraignment = (.222) (\$45.62 hourly labor) = \$10.12⁷

- I. Total Dollars Saved = (\$10.12) (4,310 total Video Arraignments) = \$43,617

Custody Office: Average Hourly Cost		
	2007	2008
Wages	25.00	25.82
Benefits	7.25	7.49
Uniform/Equip	1.48	1.48
Total Direct Cost	33.73	34.79
Department Overhead	4.79	4.94
County Indirect Costs	5.71	5.89
Total Overhead Cost	10.50	10.83
Total Hourly Cost	44.23	45.62

⁶ All data used in calculations, including hourly rate data, was provided by the Clark County Sheriff's Office.

⁷ Total differs due to rounding.