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County of San Diego

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To: George F. Bailey
Supervisor, Second District

From: Norman W. Hickey
Chief Administrative Officer

COSTS PER JUDICIAL POSITION

You have requested an estimate of the daily and annual operating cost associated with adding a judicial position and the cost differential between criminal versus civil filings.

SUMMARY.

A summary of the results of our analyses is as follows:

1. It is estimated that the net annual cost of adding a judicial position is about $700,000($ 1983 daily cost). This is based on the trends in workload and costs for the courts and all of their support agencies (eg., District Attorney) between FY 85/86 and FY 87/88. The total cost, including overhead was estimated to be $900,000 and program revenue (eg., filing fees) was calculated at $200,000 per judicial position. The actual costs for each individual judicial position could vary significantly depending on the type of case assigned, etc.

2. The average cost per judicial position can vary widely depending on the type of cases assigned. Generally criminal cases are much more expensive than civil cases. Because of the lack of data, it is difficult to calculate the actual cost difference between civil and criminal cases. The table below on the following page presents the estimates of cost per judicial position:

TABLE I

ESTIMATED AVERAGE COST PER JUDICIAL POSITION (FY 87/88)

CASE TYPE	ANNUAL COST	DAILY COST(1)
Adult Criminal	1.4 million	3900
Civil (Municipal)	1.0 million	2927
Civil (Superior)	.6 million	1574
Juvenile	1.4 million	4012

(1) Excludes 12 holidays and thus assumes a 353 day year. This includes court costs of other support services (e.g. Probation, District Attorney).

3. The cost per filing can also vary significantly depending on the type of case. However, it is difficult to separate out the cost differential between Superior and Municipal and Civil/Criminal costs because of the lack of a detailed breakdown on expenditures for each type of case. The table below presents a breakdown of the overall costs for criminal and civil cases:

TABLE II

AVERAGE COST FOR CRIMINAL AND CIVIL FILINGS (FY 87/88)

FILING TYPE	COST
Criminal(Superior/Municipal)	$ 118.96
Civil (Municipal)	84.49
Civil (Superior)	404.52
Juvenile (1)	$ 357.18

(1) This includes juvenile traffic.

4. It is estimated that the annual capital/maintenance cost for a judicial position and support staff is about $150,000. This assumes the new space is debt financed at 8% and about 5,000 net square feet of space is required to accommodate each judicial position and related support agencies (eg.,District Attorney, County Clerk).

Sufficient data to allow the calculation of the cost differential between adding a Superior and Municipal court judge was not available. The reason for this is that there is not detailed expenditure data which would allow us to differentiate between the amount of time certain key support agencies spend on Municipal versus Superior Court matters. For example, the District Attorney does not have an accounting system which allocates costs to the Municipal Courts as opposed to the Superior Court for felony filings. Often work done by the justice support agencies is in support of both courts concurrently (eg., the District Attorney investigates a case to determine whether a case should be filed as a felony or reduced to a misdemeanor). Also sufficient time was not available to calculate program revenue for each type of judicial position/filing category.

Technical details are provided below on the methodology used to compute these estimates. It should be emphasized that these estimates are averages and that the cost could vary significantly between individual positions/filing categories.

METHODOLOGY.

There were two basic approaches used in calculating the cost per judicial position. The first approach estimated the incremental or marginal cost associated with the growth in judicial positions. The second approach calculated the current average cost per judicial position and filing category. Both methodologies sought to fully define the systemwide costs associated with a judicial position rather than just the direct costs (eg., bailiff,court clerk, District Attorney support staff, court reporter, judicial secretary, Public Defender) typically tied to a judge.

In summary, the two approaches which are used in calculating operating costs and the estimate of capital costs were computed as follows:

- OPERATING COST OF ADDING A JUDICIAL POSITION. This was based on an estimate of the historical cost increase (FY 85/86 to FY 87/88) in court/court support departments (Courts, District Attorney, Public Defender, County Clerk, Probation Adult and Juvenile Services, Marshal), applying an overhead rate (20 %)

of these costs, adjusting fcr inflation over the two year fiscal years, and reducing costs by program revenue which is specifically related to court workload (eg., filing fees). Program costs and revenues that were not directly tied to court workload were specifically excluded from these estimates (ie.,District-Family Support, County Clerk-Marriage License). The overhead rate excludes support provided by one court department to another (eg., Marshal to the Courts) but does include external overhead (eg., Human Services support to the District Attorney). For the same period in which net costs were computed, the increase in court workload (judicial weighted caseload) and judicial position requirements (workload standard per judicial position) were identified. The net cost increase for all court/court related departments was then divided by the increase in judicial position requirements to determine a net cost per judicial position. The table below summarizes the results of this methodology:

TABLE II

METHODOLOGY FOR CALCULATING NET COST INCREASE PER JUDICIAL POSITION

TOTAL COST INCREASE (INFLATION ADJ)	$23,953,339
INCREASE IN JUDICIAL POSITION REQ.	27.2
TOTAL COST INCREASE PER POSITION	880,637
PROGRAM REVENUE (FY 87/88)	23,222,030
NUMBER OF JUDICIAL POSITIONS (FY 87/88)	118
REVENUE PER JUDICIAL POSITION	196,797
NET COST INCREASE PER JUDICIAL POSITION	$ 683,840

As trial court funding revenue, which must be approved annually,is a general fund revenue , and is subject to waiver of the Gann limit, it was not counted as program revenue.

o <u>AVERAGE COST PER JUDICIAL POSITION</u>. This methodology broke down the cost per judicial position to functional areas. The data on expenditures came from the San Diego Justice Model, developed by the Courts/Chief Administrative Office, which identifies the various systemwide costs(eg., incarceration, arrest, prosecutorial screening, trial court costs) associated

with the justice system. For example, the model was used to estimate the County costs associated with adding 117 police officers in the City of San Diego.

It should be noted that the cost per criminal case varies widely (eg., traffic infraction versus robbery case). Unfortunately as indicated previously, data is not available to fully differentiate costs by filing type.

o CAPITAL AND MAINTANANCE COSTS PER JUDICIAL POSITION. The capital/maintenance costs per courtroom/judicial position were based on the following assumptions detailed in the table on the following page :

TABLE III

ESTIMATED CAPITAL/MAINTENANCE COSTS PER JUDICIAL POSITION

COSTS PER NET SQ.FT. OF CONSTRUCTION (1)	$ 260
NET SQUARE FEET PER COURTROOM/SUPPORT SPACE	5000 NSF
FINANCING COSTS(2)	8%, 25 years
ANNUAL MAINTENANCE/UTILITY COSTS(3)	$15,500

(1) Includes hard and soft costs

(2) The calculation of debt service incorporates financing costs (e.g. debt service reserve of 15%).

(3) Janitorial .90 cents sq. ft. per year. Gas, electric and water costs are assumed to be $2.20 per sq. ft.

These assumptions result in an estimated annualized cost of about $150,000 for constructing (debt service) and maintaining a courtroom and its support functions.

Please feel free to contact my office if you have further questions.

Respectfully,

David E. Janssen

NORMAN W. HICKEY
Chief Administrative Officer

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