

KITTITAS COUNTY
Board of County Commissioners

AGENDA STAFF REPORT

AGENDA DATE: December 2, 2014

ACTION REQUESTED: Deny Claim for Damages from Dean K. Hermesen
(Claim #2014-100-600-03)

BACKGROUND: On October 14, 2014, Claimant Dean K. Hermesen filed a claim with Kittitas County alleging that he was incarcerated 120 days over the maximum penalty, and that excessive fines were imposed, related to a criminal violation which occurred on or about June 5, 2002.

INTERACTION: Claimant filed a claim for damages alleging \$20,000.00 in damages. No estimates, bills, or further explanation were included with the claim to support the claimed damages.

The Prosecutor's Office requested input from the Upper County District Court, which was received. The Upper County District Court confirmed that the criminal case underlying this claim was a Cle Elum Municipal Court matter, not an Upper Kittitas County District Court matter.

The Prosecutor's Office recommends denial of this claim. RCW 39.34.180(1) provides that each county, city, and town is responsible for the prosecution, adjudication, sentencing, and incarceration of misdemeanor and gross misdemeanor offenses committed by adults in their respective jurisdictions. Consequently, a claim regarding a Cle Elum Municipal Court matter should be directed by the Claimant to the City of Cle Elum.

Further, even if the Upper County District Court had jurisdiction over the underlying criminal case, it is well-settled in Washington that Judges are immune from civil damages suits for acts performed within their judicial capacity. As criminal sentencing is clearly a judicial function, any potential recovery would be barred by judicial immunity.

RECOMMENDATION: Deny Claim #2014-100-600-03 as requested.

ATTACHMENTS: Claim of Dean K. Hermesen
Written response to claim by Upper County District Court

LEAD STAFF: Michael P. Nigrey, Deputy Prosecuting Attorney