

DISTRICT/MUNICIPAL COURT LIAISON COMMITTEE

NEWSLETTER

On March 23, 2017 the committee had its regularly scheduled bi-monthly meeting.

The City of Tacoma has instituted a program in which indigent Tacoma Municipal Court defendants can participate in Electronic Home Monitoring at no expense. This program saves the City of Tacoma the expense of housing an indigent individual in jail. Judge Elizabeth Verhey, Assistant Presiding Judge of the Tacoma Municipal Court, was on hand and provided clarification to the Committee on the process that took place in selecting the City's EHM vendor. Judge Verhey also informed the committee of the funding source for this program.

This EHM program is not a part of the Municipal Court's budget. It is a non-departmental budget item and as such is managed by the City of Tacoma's City Manager. At the time of the selection of the City's EHM vendor, the Tacoma City Manager was T.C. Broadnax. Mr. Broadnax has since gone on to become the City Manager of Dallas, Texas. The City of Tacoma has hired Nora Blakeslee to coordinate the EHM program and jail housing. Judge Verhey indicated that the Court was consulted on their needs during the selection of the EHM vendor as a significant stakeholder. The Court's opinions regarding EHM providers were solicited, including favorable ratings for all of them. Ultimately, the final decision was made by the City Manager. The company selected was Sentinel, a company based in California. The Court has two (2) approved EHM providers, 2Watch and Sentinel. If an individual is found to be indigent, they must go to Sentinel if they want the City of Tacoma to pay for the EHM expense. If they want to go to 2 Watch, they may but at their own expense.

Representatives from 2Watch Monitoring had in previous meetings voiced their disappointment as they felt they were not given a fair opportunity to compete in the selection process. 2Watch is a local EHM company that has worked hard to forge solid relationships with Courts in Washington and especially in Pierce County which they consider to be their base of operations. John McGowan of 2Watch indicated that he was aware of the fact that the Court did not make the final decision as to the City's EHM provider, and he appreciated Judge Verhey informing him of the selection process.

Judge Verhey gave an update on the Tacoma Municipal Court Mental Health Calendar. The Mental Health Calendar is held every Wednesday morning and Judge Verhey is the Judge assigned to handle this calendar. Since its inception a year and half ago, over 300 individuals have been seen on this calendar. Judge Verhey reported that the Mental Health Calendar has been successful in reaching many of the goals set for the program. In particular, identifying and providing service to the mentally challenged individuals who find themselves in the City of Tacoma criminal justice system. Judge Verhey gave credit to all members of the Mental Health

Calendar team - Nicole Beges from Department of Assigned Counsel, Erik Furer from the Tacoma City Attorney's office, Commissioner Denny Ball, the Pierce County Jail Mental Health unit, the City of Tacoma DMHP co-responders, the Pierce County DMHPs, the Pierce County Jail transport team, the Tacoma Municipal Court staff and the Greater Lakes Mental Health team. Judge Verhey also praised to the City of Tacoma Mental Health Co-Responders who patrol with the Tacoma Police Department. Judge Verhey estimated that with the assistance of the Mental Health Co-Responders 50 to 60 percent of the mentally challenged are diverted from jail as the result of their initial police contact.

Michelle Petrich, Tacoma Municipal Court Administrator offered to confirm that statistic with the Tacoma Police Department. Ms. Petrich contacted Assistant Chief Shawn Gustason, of the Tacoma Police Department, Operations Bureau. He indicated that the Tacoma Police Department does in fact keep that statistic, they call it a diversion. They count a diversion as a Police response to a call and the subject contacted is not taken to jail or the hospital due to intervention by the Mental Health co-responders. Beginning on 04-02-15 the Tacoma Police Department has had 420 contacts and 319 of those contacts have been diverted. This is a 76% diversion rate.

The committee would like to thank Michelle Petrich and Assistant Chief Shawn Gustason for sharing this amazing statistic.

This type of success may not have been possible without the additional funding from the 1/10 of one percent increased sales tax approved by the City of Tacoma specifically enacted to provide funding for mental health and substance abuse.

Unfortunately, the Pierce County Council, did not approve the 1/10 of one percent sales tax increase. Their decision was made despite the fact that there is a significant population of mentally challenged individuals who could greatly benefit from services that could be provided if these funds were available.

Denise Whitley from the Department of Assigned Counsel mentioned that one of the major benefits resulting from the 1/10 of one percent increase is the increased assistance in housing. Securing adequate housing provides a foundation that allows the mentally challenged to obtain consistent treatment and also makes it much easier to keep in touch with their court appointed attorneys in regards to their legal obligations.

Ms. Whitley shared with the committee that the Pierce County Sheriff's Office is currently involved in training to work with Mental Health Co-Responders.

The committee was pleased to welcome Kimberly J. Cox, Assistant City Attorney, City Prosecutor for Lakewood, University Place, Steilacoom & DuPont. Ms. Cox indicated that the Lakewood Police Department was also utilizing the assistance of a mental health co-responder. Ms. Cox described the addition of the mental health co-responder as a force multiplier, in that

the mental health co-responder greatly enhanced the effectiveness of the Lakewood Police Department in dealing with mentally challenged contacts.

Ms. Cox briefed the committee on the new Lakewood Police Department Phlebotomy Program. Lakewood police officers participating in the program are now authorized to draw blood in impaired driving cases. The majority of blood draws performed under this program are being done pursuant to a warrant, however if the individual requests to have a blood draw the officer can perform that as well. Although this program is new to the State of Washington, Ms. Cox revealed that jurisdictions in Arizona and Idaho have been utilizing Police officers for blood draws for some time now. Ms. Cox was quick to recognize the issues presented in allowing police officer to take blood samples in a criminal case. Ms. Cox reached out to her colleagues in both Arizona and Idaho and was assured that these procedures if done correctly would very likely withstand judicial challenge. The Lakewood Police Officers involved in this program have successfully completed training in phlebology and meet the standards promulgated by the Washington Administrative Code for persons qualified to draw blood. Ms. Cox indicated that the Lakewood Police Officers will not force a blood draw on an uncooperative subject. The blood draws are audio and video recorded and taken in the presence of a second officer. Ms. Cox pointed out that by allowing the officer to draw blood there is no lapse in time and the evidence is not subject to the availability of a hospital employee.

Erika Nohavec, Pierce County Deputy Prosecuting Attorney gave the committee an update on the continued reduction of back logged cases in Pierce County District Court. All misdemeanor cases referred to the Prosecuting Attorney's Office in 2016 have been reviewed and charging decisions made. Approximately 150 cases referred in 2017 are pending screening. That number is a significant reduction and represents several Pierce County Deputy Prosecutors working very hard to alleviate the back log. Ms. Nohavec also reported that the DART (Drug Assistance Reduction Team) program is in full swing with approximately 20 defendants currently participating. Ms. Nohavec reported that Pierce County District Court Judge Maggie Ross has the authority to grant the dismissal of the Superior Court case immediately upon entry of the plea in District Court, avoiding any delay in adjudicating the felony matter.

Maralise Hood Quan, Director of the Center for Dialog and Resolution (formally known as the Pierce County Center for Dispute Resolution) gave an open invitation to all members of the committee and any other interested individuals to come by and check out their new location at 717 Tacoma Ave S, Tacoma WA 98402. Their new facility can accommodate virtually any size mediation or arbitration. The individual rooms have Wi-Fi access and many are equipped for audio-visual presentations. The Center just had an open house on the 30th of March, but all are welcome to drop by for a quick tour of the facilities. Ms. Quan announced that the Center will be offering Mediator training April 20, 2017 please call the Center at 253.572.3657 or check out their website www.centerforresolution.org for more information.

John McGowan of 2Watch monitoring company announced that their long fought battle with the Department of Revenue was over. 2Watch in conjunction with the JAMAG (Jail Alternative Monitoring Advisor Group) committee, and on behalf of the entire EHM industry in the State of Washington has been battling over the tax status of EHM companies. The Department of Revenue had declared them to be retail product vendors as opposed to service providers. By declaring them as a retail product vendor 2Watch and other EHM providers were determined to owe significant back taxes. In 2Watch's case nearly \$300,000.00 in back taxes were assessed by the Department of Revenue. Mr. McGowan reported that the declared back tax burden had caused other EHM companies to go out of business. The additional tax burden would have substantially increase the cost to the individual consumer making it much more difficult for low income individuals to take advantage of this jail alternative. The Department of Revenue's determination reversing their original decision, has made the EHM industry in Washington more competitive bringing additional cost savings for the offenders.

The District/Municipal Court Liaison Committee's next meeting is tentatively scheduled for May 25, 2017, 7:30 AM at the Harvester Restaurant located at 29 N Tacoma Avenue. All are welcome.