

DISTRICT/MUNICIPAL COURT LIAISON COMMITTEE NEWSLETTER

The District/Municipal Court Liaison Committee held its regularly scheduled meeting April 28, 2016. Committee members were glad to welcome Erika Nohavec as the new head of the Misdemeanor Division of the Prosecutor's Office. Ms. Nohavec is transferring from the Felony Adult Unit. Congratulations and best wishes to former prosecutors Laura Harmon and Ana Yu. Ms. Harmon has taken a position with the Snohomish County Prosecutor and Ms. Yu is now working for the Attorney General's office Department of Corrections Division. The Prosecutor's Office will be looking to fill the vacancies in the near future.

Pierce County District Court has recently received a Strategic Planning grant from the State Justice Institute Foundation. Pierce County District Court was awarded this grant as a result of a highly competitive process wherein a national committee selected the Court as a worthy recipient. One potential use of the \$50,000 grant would be to re-engineering and possibility create a working manual for on-boarding new judges and their staff.

The Presiding Judges of the Pierce County Superior & District Court have sent a letter of concern to the County Council regarding the 5th floor vacancy which has now extended into 7 years. The 5th floor was originally slated for additional courtrooms, unfortunately, the collapse in the economy necessitated halting the construction. The apparent abandonment of the County Administration Building proposal has furthered the length of time that will probably be necessary to utilize the vacant space on the 5th floor. The failure to create additional courtrooms has created an environment detrimental to stable operations of the court. Judicial rotations due to lack of adequate court space are difficult and deter from the efficiency of the court.

Chuck Ramey, Administrator of the Pierce County District Court, informed the committee that there has been a continual drop in criminal filings state wide approximately 22% This may be associated with the Washington State Patrol's inability to fill vacancies. There has been recent proposed legislation aimed at increasing compensation and benefits for WSP troopers. Many troopers start their law enforcement careers in the Patrol then move on to more lucrative positions in other jurisdictions. Fewer law enforcement officers equate to fewer filings. Ms. Nohavec indicated a possible contributing factor was the loss of target zero grants. This was a significant funding source for DUI litigation. These funds were utilized to create infrastructure to support major scale prosecution of DUI cases. Now the funds are no longer available as they have been transferred to other counties.

There was discussion of the Blazina decision. 344 P.3d 680, 182 Wn.2d 827 (Wash. 2015). The Supreme Court ruled that RCW 10.01.160(3) requires the record to reflect that the sentencing judge make an individualized inquiry into the defendant's current and future ability to pay before the court imposes Legal Financial Obligations (LFOs). This inquiry also requires the court to consider important factors, such as incarceration and a defendant's other debts, including restitution, when determining a defendant's ability to pay. The practical effect of establish a proper record regarding LFO's is that it increases the time necessary to sentence an individual. That in turn effects the time allowance for the docket in general.

The District Court is establishing a process to allow restitution payment through the court. Previously, restitution had to be paid directly between the offending party and the victim, the court only monitored compliance.

There was discussion of the disparity with regard to Electronic Home Monitoring. In most jurisdictions EHM is the financial responsibility of the defendants. Defendants with financial resources have the option those of limited resources may not be able to afford EHM. Representatives from 2Watch EHM informed the committee that they will extend the payment plan and exhaust ever option to provide EHM services to those of limited financial resources. 2Watch also informed the committee that there is recent issue that would increase the cost of providing EHM services. There is an effort to tax EHM as a cellular technology. This taxing effort has not been applied to all EHM companies. The Department of Revenue has indicated that do not have the resources to enforce this taxation across the board. There is legislation to combat the reason issue. Although some cellular technology is used in EHM, it is not the predominate technology used. This taxation only further complicates the problem of affordability of EHM.

Tacoma Municipal Court Commissioner Randy Hansen reported that the Tacoma Municipal Court's mental health docket has been very successful in delivering not only judicial services to the mentally infirmed, but also as a platform for seeking additional resources for the mentally infirmed who are brought into the justice system. Commissioner Hansen indicated that competency issues for defendants have increase at a noticeable rate. This may be due to an overall increase in the number of mentally infirmed or better recognition of defendants with mental issues or perhaps a combination of both factors. Commissioner Hansen also reported that the filings in Tacoma Municipal Court were down as well. This may also be a result of the inability to fill the vacant positions in the Tacoma Police Department. The relationship between the Tacoma Municipal Court and the Fife for jail services has ended. However, Tacoma Municipal Court still contracts with Fife EHM for services and continues to refer indigent defendants to the Fife EHM program.

There are plans for a mental health unit in Pierce County. The unit is projected to have approximately 100 beds and will be a great resource for the mentally ill in Pierce County. It is doubtful that this unit will come into existence without the County Council passing the mental health tax that was already approved by the City of Tacoma. The wisdom of passing the 1/10 of one percent sales tax has been proven in the City of Tacoma in the additional services it provides for the mentally ill. In addition to the mental health court in Tacoma, TPD officers have the assistance of mentally health professionals as co-responders to help with contacting mentally ill suspects. Tacoma Municipal Court Judge Elizabeth Verhey, presides over the Mental Health Docket. She indicates that these services divert individuals when possible, from being arrested and booked into jail, to an appropriate mental health service. As a result, the actual number of defendants presenting with competency issues is being reduced because they are being diverted from the criminal justice system into the mental health services system. The County Council has funded a commission to study the proposed tax. Hopefully, this will lead to passage so that the County will have more funds to address the needs of the mentally ill.

Pierce County District Court held Pro tem training, Friday May 6 2016. The training was well attended and the information quite valuable for those in attendance that were interested in serving as Pro Tem Judges for the Court. CLE credits are pending. In addition to the training the Judges encouraged the attendees to sit in on the various court dockets and to establish contact with the Judicial Assistances to enhance their eligibility to sit as a Pro Tem Judges in the future.

The District/Municipal Court Liaison Committee will be taking a summer recess and the next meeting is tentatively set for September 22, 2016 at the Harvester Restaurant at 7:30 am. Representatives from

the Pierce County District Court Probation Department have agreed to attend and give a presentation regarding their Behavioral Health Unit and some of the programs they administer such as work crew, day reporting and community service.