

DISTRICT/MUNICIPAL COURT LIAISON COMMITTEE NEWSLETTER

On September 22, 2016 the committee had its first meeting after the summer break.

Michelle Petrich indicated that the Tacoma Municipal Court was in the final stages of the budget process. Tacoma Municipal Court Presiding Judge Ladenburg has been visiting and gathering information regarding the increased use of technology in courts from the Renton Municipal Court and the Kitsap and Thurston County Courts. The office of the Administrator of the Courts (AOC) have been touring and talking about case management. Tacoma Municipal Court operations has new personnel, Daina Trainer. She has replaced Karen Buchannon whose last day was September 30, 2016.

Judge Jasprica will be the Pierce County District Court Presiding Judge commencing in January 2017

Chuck Ramey, Administrator from the Pierce County District Court indicated that the budget is in pretty good shape. He also indicated there has been a drop in District Court filings. One reason for the decrease in filings may be the 22-23 percent decrease in hiring for the Washington State Patrol. It seems the Washington State Patrol has at approximately 10 vacancies they can't fill.

The Washington State Patrol hiring requirements and testing make it hard to get into the Patrol. The requirement that you can't have used marijuana within 2 years of applying also make it difficult. Judge Ross indicated at the Law and Justice meeting that Washington State Patrol maybe getting some assistance in filling positions. The Washington State Legislature did raise their wages, but it still maybe more lucrative to stay few years and transfer to a municipality or county law enforcement.

The District Court is working with Superior Court Presiding Judge Frank Cuthbertson and Pierce County Prosecutors to allow certain categories of cases that start as felonies but ultimately end up as misdemeanors to be refiled in Courts of Limited Jurisdiction and have the felony dismissed. The previous

procedure would be to have the Superior Court take the judgment and sentence on the misdemeanor and have periodic review hearings. The Superior Court docket system is not specifically set up for misdemeanor case management. Currently the cases set up for review are docketed in front of Commissioner Foley and as a commissioner she can't impose sanctions, therefore if sanctions are to be imposed the case has to be referred to a regularly sitting Superior Court judge.

Having these cases refiled in courts of limited jurisdiction would allow better court supervision through the probation department as well as better court efficiency as the judicial officer in that court can impose sanctions without the need to refer to a regularly sitting judge. Some of the cases under consideration would be opiate cases with a focus on heroin. The charge would be reduced from felony possession to a solicitation charge which is a misdemeanor. Certain property crimes might also be eligible for this type of treatment. In 2015, 220 cases were plead from felony to misdemeanor. This new procedure is slated to start in November. Judge Ross' court will have the first designated calendar.

On the issue of mental health, Pierce County is the only metropolitan county in the state of Washington that has not enacted the one tenth of one percent tax that was specially allocated for mental health. Pierce County has two Behavioral Health Specialist in their probation department, however they have approximately 100 - 110 cases and are getting to their maximum capacity.

The Washington State Patrol is conducting speed emphasis patrols on I 5. Many citations have been and will be issued. As a result, there may be a spike in criminal filings as many criminal cases start as routine traffic stops.

The Pierce County District Court is revamping the Civil division. There will be an extra civil trial docket and motion docket. Changes to the local rules have also been discussed. Judge Jasprica is a member of the forms committee and they have been working on standardizing court forms.

2Watch EHM signed agreement with Puyallup Tribal Court, through Judge Fox the Presiding Judge to provide EHM services to the tribal members who qualify. 2Watch also informed the committee that they are in the process of appealing a ruling from the Department of Revenue that their use of certain digital equipment requires that they be charged a tax. This ruling if sustained would dramatically

increase the cost of providing EHM, which would ultimately be passed on to the users who are often the ones who can least afford it.

Denise Whitley, from Department of Assigned Council announced that there will be a CLE on October 21, 2016 that will be open and free all panel attorneys. This CLE will focus on DUI and mental health factors in defense work. Ms. Whitley commented on the progress that has been made in working with the mentally infirmed in Tacoma Municipal Court and attributed much of that success to the passing and utilization of the 1/10 of one percent tax.

There was the general consensus amongst the committee members that the failure of the Pierce County Council to enact the tax was a determent not only to the mentally ill who would benefit directly from this legislation, but also a disservice to all of the citizens of Pierce County who have to pay for the fact that the criminal justice system is not the best or most economical method to address the issues that confront the mentally ill. In fact, the mentally ill tend to decompensate in jail. This decompensation makes their condition more difficult to treat.

The enactment of the 1/10 of one percent tax in the city of Tacoma has allowed for co-responders go with law enforcement. The Tacoma Police Department skill level has improved with their involvement with the co-responders. Officers are getting better at dealing with mentally ill offenders which often leads to situations deescalating and the mentally ill getting desperately needed help instead of criminal charges.

The District/Municipal Court Liaison Committee's next meeting is tentatively scheduled for November 17, 2016, 7:30 AM at the Harvester Restaurant located at 29 N Tacoma Avenue. All are welcome.