

**TUMWATER PUBLIC HEALTH AND SAFETY COMMITTEE**  
**MINUTES OF VIRTUAL MEETING**  
**September 12, 2023 Page 1**

**CONVENE:** 8:00 a.m.

**PRESENT:** Chair Leatta Dahlhoff and Councilmembers Peter Agabi and Angela Jefferson.

Staff: City Attorney Karen Kirkpatrick, Finance Director Troy Niemeyer, Fire Chief Brian Hurley, Police Chief Jon Weiks, Communications Manager Ann Cook, Police Administrative Supervisor Laura Wohl, and Legal Assistant Sharleen Johansen.

**CHANGES TO AGENDA:** There were no changes to the agenda.

**APPROVAL OF  
MINUTES: PUBLIC  
HEALTH & SAFETY  
COMMITTEE, JULY  
11, 2023:**

**MOTION:** **Councilmember Jefferson moved, seconded by Councilmember Agabi, to approve the minutes of July 11, 2023 as presented. A voice vote approved the motion.**

**THURSTON  
COUNTY  
PROSECUTOR  
UPDATE:**

Christy Peters, Chief of Staff, Thurston County Prosecuting Attorney's Office, provided an update on statistics of Tumwater cases handled by Thurston County Prosecuting Attorney's Office from 2022 through June 30, 2023. The update included actions surrounding the Blake ruling and an overview of all alternative criminal justice options by Thurston County courts.

During 2022, the Thurston County Prosecuting Attorney's Office received 480 cases. Prior to the pandemic, two-thirds of referred cases were charged across the country. Today, more cases are charged or individuals are evaluated to determine if they are eligible to participate in pre-diversion alternatives to avoid entering the criminal justice system. Non-Domestic Violence (DV) charged offenses represented 65% of all cases in 2022 with 30% of those cases charged in 2022. Total charged cases in 2022 equaled 57% of all cases handled by the Office.

In 2023, it is likely the number of cases will increase by approximately 20% with current cases on pace to reflect that increase. DV cases this year reflect charges for over 50% of all DV cases. Through June 30, 2023, Thurston County received 274 cases with the forecast predicting 550 cases by the end of 2023. Overall, over 50% of cases in 2023 have been charged after considering alternative options for each case.

*Post-State v. Blake*, was a ruling by the Washington State Supreme Court in February 2021 for the unlawful possession of a controlled substance.

**TUMWATER PUBLIC HEALTH AND SAFETY COMMITTEE**  
**MINUTES OF VIRTUAL MEETING**  
**September 12, 2023 Page 2**

Previously, unlawful possession of a controlled substance was a felony. The ruling made possession no longer a crime. At the time of the ruling, all individuals in custody in the Thurston County Jail were screened for any charges for unlawful possession of a controlled substance. At that time, of 250 individuals in jail, one individual was charged only with unlawful possession. The individual was subsequently released. Many other counties in the state had many individuals charged only with unlawful possession of a controlled substance.

In 2023, the Legislature passed a bill making unlawful possession of a controlled substance (UPCS) a gross misdemeanor effective August 2023. To date, Thurston County has received 5 UPCS referrals and warrants. All five individuals with UPCS charges were also charged with other crimes. Of the five cases, two of the cases originated from Tumwater. Thurston County reviews all cases to determine if the case is appropriate to refer to Law Enforcement Assistant Diversion (LEAD) for referral to a treatment provider or other support service to assist the individual getting back on track. A LEAD representative meets with the defendant at the jail prior to court to determine if the defendant is interested in the LEAD alternative. If agreement is attained for the individual to enter the program, the arraignment is waived.

Councilmember Jefferson asked about the recidivism rate for LEAD. Ms. Peters advised that staff is working on statistics, which will be a future factor in determining the successful outcome of the program. Staff will review individuals in connection with other charges to determine the risk to the public. If individuals continue to escalate criminal behavior and are charged with other crimes, such as firearms or felony assaults, those individuals would not be referred to the LEAD program. The program serves low-level offenders to afford those individuals an opportunity to participate even if not successful the first time the individual participated in the program.

Ms. Peters reported last year, Thurston County Prosecuting Attorney's Office received a national grant to sponsor a data dashboard. Staff is downloading all data to the dashboard. The five-month process began in September and by February, the dashboard will be published with current data. LEAD information will be included in the data dashboard.

Councilmember Agabi inquired about resources in the county for mental health. Ms. Peters responded that BHR Behavioral Health provides some mental health services as well as other mental health providers. It depends on the individual and if they qualify for Medicaid or other qualifications for different levels of service. Individuals with substance abuse also suffer from mental health issues. Although Thurston County does not have services for everyone, the county does have more services per capita than many other counties in the state. Many service providers are limited in their ability to serve based on state and federal grants. Thurston County is

**TUMWATER PUBLIC HEALTH AND SAFETY COMMITTEE**  
**MINUTES OF VIRTUAL MEETING**  
**September 12, 2023 Page 3**

fortunate as the county assesses a treatment sales tax affording ample funding for different services to include mental health and substance abuse.

Police Chief Weiks added that Thurston County also offers a Mental Health Court. LEAD is another option. If mental health is the primary issue, Mental Health Court is another option.

Ms. Peters reviewed alternatives to traditional criminal justice. It is important to consider that for the LEAD program, the decision is rendered before the individual is arraigned. If an individual is arraigned, a second screening occurs to determine whether the individual is appropriate for referral to Mental Health Court, Drug Court, DUI Court, or Veteran's Court. In Juvenile Court, any individual under 18 years of age can be referred to the behavioral health alternatives option that includes both substance abuse and mental health issues. LEAD is the diversion program, which is flexible process that sets specific parameters based on the offense and the individual.

Chair Dahlhoff asked whether data in the dashboard reflects programs that are more effective for community members than other programs. Ms. Peters advised that all alternative programs were established at different times. The oldest program is the Drug Court, which has been in existence for over 20 years. The history, statistics, and the recidivism numbers are comprehensive for Drug Court as there is more data. As LEAD is the newest program, less data are available. The intent is to demonstrate the differences between the programs through the dashboard. She encouraged the committee to invite a staff lead from the different court programs to share data and information. Drug Court has excellent data on recidivism data for graduates, as well as for those who partially complete the program.

Ms. Peters conveyed that the biggest challenge facing the Thurston County Prosecuting Attorney's Office is recruitment and retention of staff. Deputy prosecutors and line staff are unionized but lack contracts since December 31, 2022. Both groups are entering mediation. The Thurston County Prosecuting Attorney's Office has lost several attorneys and staff to state agencies and other cities and counties because compensation is not competitive. Two newer attorneys recently hired took pay cuts to work in Thurston County. Currently, the Thurston County Prosecuting Attorney's Office has 28 FTEs for criminal prosecution and 20 filled positions. The office is experiencing a 30% staff vacancy. The vacancy rate was higher last week; however, three staff members recently passed the bar and are now employed as deputy prosecutors.

Councilmember Jefferson reported the Law and Justice Council is updating its vision and mission. The Council's four goals include:

1. Prioritize community safety while preventing entry into, deeper

# **TUMWATER PUBLIC HEALTH AND SAFETY COMMITTEE**

## **MINUTES OF VIRTUAL MEETING**

**September 12, 2023 Page 4**

- involvement in, or return to the criminal justice system.
- 2. Identify and eliminate disparities in our criminal justice system.
- 3. Build trust in the criminal justice system among the public, community organizations, and participating agencies.
- 4. Use data and evidence-based practices to build a more effective and efficient criminal justice system.

In the near term, the Council is working with the Thurston County Prosecuting Attorney's Office and plans to sponsor panels, focus groups, and surveys to make the community safer.

Councilmember Agabi asked about the status of representation for those individuals who cannot afford their own attorney given the vacancy rate in the Prosecutor's Office. Ms. Peters advised that the Thurston County Public Defender's Office provide a public defender to individuals unable to afford an attorney. At this time, public defenders have been provided to approximately 90% of individuals who are charged with a higher percentage representing individuals in Superior Court than in District Court because more individuals have been arrested of crimes that are more serious. The Court screens each individual with a majority of the individuals assigned a public defender. State law limits the number of cases handled by public defenders. When those numbers are close to the monthly cap, private attorneys are hired to serve as public defenders.

The committee thanked Ms. Peters for the update.

City Attorney Kirkpatrick advised that the committee would receive another presentation in six months to include an update on data.

Chair Dahlhoff expressed a desire to strengthen the touch points with the courts and what the Police Department is experiencing on the streets.

City Attorney Kirkpatrick reported the City has a contract with the Public Defender's Office. Staff can schedule a briefing to the committee as well. The committee supported the suggestion.

### **INTERLOCAL AGREEMENT WITH LEWIS COUNTY FOR USE OF JAIL FACILITIES AMENDMENT NO. 3:**

Police Chief Weiks presented the Interlocal Agreement with Lewis County for Use of Jail Facilities Amendment No. 3. In mid-2020, the City began contracting with the Lewis County Jail as an alternate jail to the Nisqually Jail. During that time, Lewis County Jail has not been open and the Police Department has not used the facility. However, the intent is to maintain the contract. The proposed contract includes a yearly rate adjustment. The request to the committee is authorization to move the contract forward to accept the yearly adjustment and to change the process. The contract includes a mechanism for adjusting the rate without the Council's review each year. The committee is requested to recommend the Council approve amendment 3 and authorization for the Police Chief to approve the yearly rate change from Lewis County.

**TUMWATER PUBLIC HEALTH AND SAFETY COMMITTEE**  
**MINUTES OF VIRTUAL MEETING**  
**September 12, 2023 Page 5**

Chair Dahlhoff asked about the differences in services offered by the Nisqually Jail versus the Lewis County Jail. Police Chief Weiks explained that in 2020, there was a major difference in services provided by both jails; however, since then, the Nisqually Jail has increased services to equal the services provided by the Lewis County Jail. The main reason for contracting with Lewis County was the pending case in Washington on whether municipalities could contract with tribal jails. With the advent of the pandemic, the issue has not been readdressed and services at Nisqually Jail have improved considerably. However, it is important to have another jail option if an incident requires another jail.

**MOTION:** **Councilmember Jefferson moved, seconded by Councilmember Agabi, to forward Amendment No. 3 to the Agreement for Use of Jail Facilities in Lewis County to the City Council with a recommendation for approval and for authorization for the Chief of Police to approve and implement future yearly daily bed rate adjustments using the process set forth in the Agreement. A voice vote approved the motion unanimously.**

**OTHER BUSINESS:** Chair Dahlhoff advised of her conversation with City Administrator Parks and Police Chief Weiks to schedule a briefing on the status of the School Resource Officer (SRO) program with the Tumwater School District and whether there are any new goals or priorities for SROs. Two recent incidents have occurred within a neighboring jurisdiction that she would like addressed as each neighboring school district have different roles and responsibilities for SROs. A second request was to receive an update on the status of code enforcement and the process based on an email regarding code enforcement issues surrounding parking.

Police Chief Weiks advised that he would follow up with City Administrator Parks to schedule a briefing. The update on the School Resource Officer program would likely be in November or December after several months is completed of the school year.

Councilmember Agabi questioned the purpose of receiving a briefing on the SRO program as the City has a contract with the Tumwater School District.

Chair Dahlhoff explained that the review would not involve the contract but rather to discuss issues she is often asked about from constituents about what is occurring in Tumwater versus a neighboring jurisdiction. It is important to remember that there are different cultures in neighboring jurisdictions along with different school boards and administrations. It is important to understand what is occurring in Tumwater schools and how Tumwater handles issues differently than other school districts.

Councilmember Agabi commented that when the SRO contract with the

**TUMWATER PUBLIC HEALTH AND SAFETY COMMITTEE**  
**MINUTES OF VIRTUAL MEETING**  
**September 12, 2023 Page 6**

Tumwater School District was considered by the Council, the Council discussed the type of activities SROs would be involved with. He asked whether the goal is to be able to communicate to community members, the role and responsibilities of SROs in the school district.

Councilmember Jefferson pointed out that it pertains more to the mental health that many students are contending with in addition to drug use and abuse. It is important to assess how those situations impact SROs to determine ways to focus efforts on keeping students safe and to prevent any violent incidents in schools.

Discussion ensued on the role of the Public Health and Safety Committee, how is it defined, and how to support first responders in the community. Chair Dahlhoff added that she does not want to lose the opportunity to discuss what police officers are experiencing, the type of support they need, and whether there might be a determination that youth may need different support.

Councilmember Agabi cautioned against addressing situations that perhaps the committee believes is troubling or wrong. Chair Dahlhoff assured that the discussion would be focused on data and data driven decisions.

Police Chief Weiks reported on a consent calendar item at an upcoming Council meeting concerning the replacement of the records management system across the law enforcement consortium in Thurston County with Tumwater Police Department leading the consortium. A contract will be presented to the Council that has been reviewed by the City Attorney for a program management contract. The company will be tasked to select and complete the contract process for a successful bidder.

**ADJOURNMENT:**      **With there being no further business, Chair Dahlhoff adjourned the meeting at 8:52 a.m.**

Prepared by Valerie L. Gow, Recording Secretary/President  
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