

TUMWATER PUBLIC HEALTH AND SAFETY COMMITTEE
MINUTES OF VIRTUAL MEETING
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CONVENE: 8:00 a.m.

PRESENT: Chair Peter Agabi and Councilmember Kelly Von Holtz.

Excused: Councilmember Leatta Dahlhoff.

Staff: City Administrator Lisa Parks, City Attorney Karen Kirkpatrick, Finance Director Troy Niemeyer, Fire Chief Brian Hurley, Police Chief Jon Weiks, Police Commander Jay Mason, Assistant Fire Chief Shawn Crimmins, and Police Administrative Supervisor Laura Wohl.

**APPROVAL OF
MINUTES:**

JUNE 11, 2024:

MOTION: **Councilmember Von Holtz moved, seconded by Chair Agabi, to approve the minutes of June 11, 2024 as published. A voice vote approved the motion.**

**THURSTON
COUNTY
PROSECUTOR
UPDATE:**

Jon Tunheim, Thurston County Prosecutor, briefed members on the status of Tumwater misdemeanor cases. The City contracts with Thurston County to provide prosecutor services. The Thurston County Prosecutor's Office administers all Tumwater misdemeanor cases, as well as any felony referrals from the City. The current caseload is approximately 1,300 open misdemeanor cases, which includes City of Lacey cases. Each deputy prosecutor is handling 330 open cases. The District Court has indicated the caseload level is nearing the pre-COVID level.

Over the last year, challenges have been in hiring and retaining lawyers. Last year, the Criminal Division had 11 vacant positions. Today, 28 lawyers are assigned to the Criminal Division. Efforts have concentrated on recruiting and onboarding new lawyers. A new program, *Intern to Employment* was created. Interns working in District Court who achieve Rule 9 status (limited license to practice) are eligible to apply for full-time employment prior to taking the bar exam. If selected, interns receive a provisional employment offer conditioned on passing the bar exam. The Office has hired four lawyers through the program. Two new hires are pending dependent on testing results. If hired, the Prosecutor's Office would have two vacant positions.

Mr. Tunheim described the impacts of digital discovery or the changing environment of evidence within the criminal justice system. Digital evidence includes cell phone data, personal computer, surveillance cameras from residents and businesses, and the addition of dash cameras and body cameras video. The City of Olympia has implemented a full body camera program within the Police Department similar to the Thurston

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County Sheriff's Office and Lacey Police Department. Washington State Patrol is scheduled to implement the state's body camera program. As a result, each case from a traffic stop to a homicide produces digital evidence that must be stored and maintained. Challenges include managing and storing data and providing data to defense attorneys through the discovery process. The Prosecutor's Office is implementing a new software program, *Justice Premier*, to enable uploading all digital evidence into the cloud, managing the evidence in the cloud, and providing evidence to the defense through the cloud.

Alternative therapeutic courts in Thurston County continue to experience success. Recently initiated is the Law Enforcement Division Program. A pathway was created for the Prosecutor's Office to utilize the program. Misdemeanor cases that meet criteria can be referred to the program from the Prosecutor's Office.

The Washington Supreme Court is considering changes in public defense caseload standards. The new standards are not in effect at this time. The Board of Governors for the Bar recommended standards to the Supreme Court. Public comment on the proposed standards is open until October 31, 2024. The new proposed caseload standards would significantly impact the Prosecutor's Office financially as it would reduce the number of cases a public defender could handle requiring the addition of lawyers to handle cases.

Christy Peters, Thurston County Prosecutor's Office, reported on a recent study of public defender resources in 39 counties across the state. Thurston County was identified as being at full capacity with no vacancies of public defenders.

Chair Agabi questioned the impact to the Prosecutor's Office in terms of maintenance and storage of data if new standards are adopted for public defense. Mr. Tunheim advised of some connection as discovery includes the management of evidence forwarded from law enforcement agencies, which would not change. However prosecution and defense lawyers must take time to view all video to understand the evidence forwarded from law enforcement. More hours of video sent from law enforcement agencies requires more time invested in each case creating additional workload and resources for prosecution and defense.

Mr. Tunheim cited a recent case of a police pursuit involving over 25 officers from multiple jurisdictions with all officers wearing body cameras. Most of the patrol cars had dash cameras resulting in hours of video for one pursuit case.

Ms. Peters said the Prosecutor's Office is considering the expansion of the internship program. Typically, the program included both undergraduate

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interns in addition to law students. It is now more important for undergraduate students to participate as they review body camera footage saving a significant amount of case time.

City Attorney Kirkpatrick noted that if the proposed standards for public defender caseloads are adopted, the City's costs for public defense with the Office of Public Defense could double. The Association of Washington Cities is involved and sponsoring some listening sessions. The committee will receive updates as the issue moves forward. Although the Office of Public Defense is at full capacity today, the new standards affect caseloads requiring more public defenders.

HOMELAND SECURITY REGION 3 OMNIBUS MUTUAL AID AGREEMENT:

Fire Chief Hurley reported Homeland Security Region 3 is comprised of Grays Harbor, Lewis, Masson, Pacific, and Thurston Counties. The agreement is available to most cities, counties, and tribes within the region. Homeland Security Region 3 serves as an emergency management function through coordination and cooperation for all hazards planning, preparedness programs, response, and recovery.

Participating agencies expressed an interest in mutual assistance throughout the entire region using different resources, not just fire department resources. In the event of an emergency, agencies request assistance for personnel, equipment, and materials. Each jurisdiction and county has many resources that could be shared. The agreement enables mutual assistance during natural and human-caused emergencies.

Participation in the agreement is voluntary and reimbursement is negotiable.

Fire Chief Hurley cited an example of how agreement was utilized approximately two years ago to respond to a fire at a nursing home in Montesano. The incident devastated the facility displacing 77 residents. The Region 3 Incident Management Team was activated and was able to coordinate the transfer of patients to other facilities in and outside the region.

Staff requests approval to place the Homeland Security Region 3 Omnibus Mutual Aid Agreement on the July 16, 2024 City Council consent calendar with a recommendation to approve and authorize the Mayor to sign.

MOTION:

Councilmember Von Holtz moved, seconded by Chair Agabi, to place the Homeland Security Region 3 Omnibus Mutual Aid Agreement on the July 16, 2024 City Council consent calendar with a recommendation to approve and authorize the Mayor to sign. A voice vote approved the motion.

INTERAGENCY

City Administrator Parks reported the proposed agreement is identical to a

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REIMBURSEMENT AGREEMENT IAA25301 BETWEEN WASHINGTON STATE ADMINISTRATIVE OFFICE OF THE COURTS AND CITY OF TUMWATER:

prior agreement and covers the period from July 1, 2024 through June 30, 2025. The agreement is between the Office of the Courts and the City of Tumwater for legal fees reimbursed to a party subject to the felony drug possession law deemed unconstitutional by the Blake decision. The agreement enables the City to reimburse any costs the City might incur if someone who was subject to the law requests reimbursement of fees. The agreement establishes a maximum amount of \$28,507 the City could potentially recover.

City Attorney Kirkpatrick noted that the City has not incurred any expenses with respect to reimbursements resulting from the Blake decision other than for fees absorbed by the Office of Public Defense.

MOTION:

Councilmember Von Holtz moved, seconded by Chair Agabi, to place the Interagency Reimbursement Agreement IAA25301 Between Washington State Administrative Office of the Courts and the City of Tumwater, on the July 16, 2024 City Council consent calendar with a recommendation to approve in substantially similar form as approved by the City Attorney and authorize the Mayor to sign. A voice vote approved the motion.

ADDITIONAL ITEMS:

There were no additional items of discussion.

ADJOURNMENT:

With there being no further business, Chair Agabi adjourned the meeting at 8:39 a.m.

Prepared by Valerie L. Gow, Recording Secretary/President
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