

# **Whatcom County Council Criminal Justice and Public Safety Committee**

**COUNTY COURTHOUSE  
311 Grand Avenue, Ste #105  
Bellingham, WA 98225-4038  
(360) 778-5010**



## **Committee Minutes - Final**

**Tuesday, June 6, 2023  
11:20 AM  
Hybrid Meeting**

**HYBRID MEETING - ADJOURNS BY NOON, MAY BEGIN EARLY  
(PARTICIPATE IN-PERSON, SEE REMOTE JOIN INSTRUCTIONS AT  
[www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil), OR CALL 360.778.5010)**

### **COUNCILMEMBERS**

Barry Buchanan  
Tyler Byrd  
Carol Frazey

### **CLERK OF THE COUNCIL**

Dana Brown-Davis, C.M.C.

## **Call To Order**

Committee Chair Barry Buchanan called the meeting to order at 11:20 a.m. in a hybrid meeting.

## **Roll Call**

**Present:** 3 - Barry Buchanan, Tyler Byrd, and Carol Frazey

Also Present: Todd Donovan, Ben Elenbaas, Kaylee Galloway, and Kathy Kershner

## **Announcements**

## **Special Presentation**

### 1. [AB2023-364](#) Report from the Public Defender's Office

Stark Follis, Public Defender, reported about the prevailing issue of caseloads. He stated the five positions added to the Public Defender's Office with American Rescue Plan Act (ARPA) funds have only allowed them to tread water. He stated most of their problem is in Superior Court (over the last four or five years, less serious cases have been replaced with serious violent and high-property-damage cases) and in his view, that has a lot to do with the percentage of the people who are in the jail pre-trial, and because those cases are more difficult to resolve, they take more attorney time. As staffing increases in the Sheriff's Office, Prosecutor's Office and Bellingham Police Department, the cases increase for the Public Defender's Office. When more cases come in the door than go out, the pending caseloads go up and that creates higher job dissatisfaction with our lawyers and makes it harder to recruit and retain people.

The ways to bring case numbers down would be to either reduce the crime rate or implement more diversified and complete diversion type programs to keep the cases from coming into his office at all. He has talked to people in both the Prosecutor's Office and the Sheriff's Office about an idea of diverting lower-level property offenses from Superior Court to Bellingham Municipal Court and getting them out of "felony-land" which is based on a \$750 threshold. The Prosecutor has also implemented "direct filing" where lower-level property offenses are filed in District Court as a misdemeanor with a timeframe for their resolution.

He answered, if something goes to Municipal Court, whether the City is responsible for finding defenders and stated they are. He answered whether it is attorneys that decide the \$750 threshold and stated it is the State. He answered how many people it might take out, whether it is something that

the Council can dictate or whether it is up to the prosecuting attorney, and what the ask is for the Council,

Stark stated that having more people go through Mental Health and Drug Courts does not solve his problem. He spoke about the Legal Intervention and Network of Care (LINC) program in King County which diverts people who have been found not competent and who need a restoration to a community-based services program instead of having them sit in the jail.

He also stated we have a real problem in this community with the absence of conflict council and answered what happens to people if the Public Defender cannot represent them and they cannot get other conflict counsel, and whether peer pressure would help in getting attorneys to take on some of these cases.

He spoke about some positive efforts and stated they are embarking on a project to take over Ferndale Municipal Court defense so Ferndale is probably going to fund the Public Defender for a couple of lawyers and a legal assistant as well as deferring some of the cost of the building and maintenance. The case management system has also been a great thing and County Facilities has put together some plans to remodel their office.

Stark and Tyler Schroeder, Director of Administrative Services, answered questions about the ten ARPA-funded positions in the office and what will happen to those.

**This agenda item was REPORTED.**

### **Items Added by Revision**

There were no agenda items added by revision.

### **Other Business**

There was no other business.

### **Adjournment**

The meeting adjourned at 11:50 a.m.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

**Barry Buchanan-via email 6/30/2023**

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Dana Brown-Davis, Council Clerk

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Barry Buchanan, Committee Chair

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Kristi Felbinger, Minutes Transcription

SIGNED COPY ON FILE