

**From:** [Cathy Halka](#)  
**To:** [Monica Rouse](#); [SAC](#)  
**Subject:** FW: Questions for PDs  
**Date:** Monday, October 10, 2022 12:24:51 PM

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Hi Monica,  
Please post this response on the public comments page.

Thanks,  
Cathy

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Work Schedule: Tuesday through Friday  
This email is subject to disclosure through the Public Records Act.

-----Original Message-----

From: Starck Follis  
Sent: Friday, September 09, 2022 3:27 PM  
To: Cathy Halka <[CHalka@co.whatcom.wa.us](mailto:CHalka@co.whatcom.wa.us)>; Maialisa Vanyo <[MVanyo@co.whatcom.wa.us](mailto:MVanyo@co.whatcom.wa.us)>; Jane Boman <[JBoman@co.whatcom.wa.us](mailto:JBoman@co.whatcom.wa.us)>  
Cc: Barry Buchanan <[BBuchana@co.whatcom.wa.us](mailto:BBuchana@co.whatcom.wa.us)>  
Subject: RE: Questions for PDs

Peter:

Thank you for your interest. I will encourage Jane and Maia to respond with their perspectives as well (lawyers in the same room can't agree and will argue about what color the walls are!)

1. Blake and Drug Court: First, several people who were in Drug Court and doing well had to be dismissed out because their underlying charge was Possession of a Controlled Substance. Now Drug Court is comprised mostly of property crimes. It is hard to say how Blake has affected the numbers of property crime offenders. Clearly the crime rate has risen during covid and some of that may in part be due to the decriminalization of drug possession for the most part. Statistically, things like theft, trafficking stolen property, auto theft, etc are all up and it is hard to pinpoint the exact reason(s). However, if those crimes are up, it should lead eventually to more people in drug court in my opinion.

2. If by "document management system" you mean case management system, which will manage documents, we are going live with a new case management system at the end of the month. We currently have an antiquated system that I would not call a document management system that has been in place for many years. This case management process was commissioned by Jack Louws in his final years as Executive and is finally coming to be. The prosecutors office is somewhat behind us on their system but it is well underway now.

3. I am not sure, but I would venture a guess that the jail has always been mostly pre-trial. Upon conviction, most offenders are sentenced to short jail terms or prison terms-- anyone sentenced to more than one year goes to prison.

The system and usually the defendants try to avoid long jail sentences.

There are many reasons we are bogged down: Essentially no trials for two+ years; work from home; office closed to the public; booking restrictions making people in no particular hurry to resolve their cases; recidivism because people are not held pretrial due to booking restrictions; Supreme Court rules relieving people's obligation to appear in court; continuances freely given; the lack of willingness to reassign cases in the prosecutor's office when the prosecutor handling a case is unavailable (causing continuance); offers on cases that are not attractive enough to entice defendants to plead; and probably a hundred other reasons. We are having conversations about this problem now.

When the pandemic began, I said many times to the bench and the prosecutor's office that we could not do business as usual and get through this. Though some changes were made, not nearly enough in my view. As I said to Maia the other day, "if you aren't selling enough cars, you have to drop the price." The same is true in resolving cases-- more trials and better offers-- failing that, you have to find a way to bring the numbers down by reducing crime (treatment/programming) or diverting more out of the criminal justice system.'

My two cents.

Starck Follis  
Director  
Whatcom County Public Defender

-----Original Message-----

From: Cathy Halka  
Sent: Friday, September 9, 2022 2:48 PM  
To: Starck Follis <SFollis@co.whatcom.wa.us>; Maialisa Vanyo <MVanyo@co.whatcom.wa.us>; Jane Boman <JBoman@co.whatcom.wa.us>  
Cc: Barry Buchanan <BBuchana@co.whatcom.wa.us>  
Subject: FW: Questions for PDs

Hello,  
Thanks for your presentation this afternoon!

Please see the questions below from SAC Member Peter Frazier.  
Please provide responses to me as soon as possible, and I will share with SAC Members and post online.

Thanks,  
Cathy

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-----Original Message-----

From: Peter Frazier <peter.frazier@gmail.com>  
Sent: Friday, September 09, 2022 2:33 PM  
To: Cathy Halka <CHalka@co.whatcom.wa.us>  
Subject: Questions for PDs

Starck, Maia, and Jane

Thank you for your presentation.

A few follow up questions:

1. Jane, how has the Blake decision affected drug court?
2. Stark, is it true your office and the Prosecutor's office do not have a document management system? If so, isn't this a very basic tool of the practice of law in 2022?
3. I am very concerned that nearly the entire population of the jail is pre-trial. Was it this way before Covid? Why are the courts and this system so bogged down (beyond what we discussed today) and what needs to happen to get things moving?

Thanks,  
Peter Frazier

Sent from my iPhone