

Commissioners Hall, Jacobson and Miller,

I understand the BOC has made a decision to significantly change the deflection program for Lincoln County. The decision as I understand it is to have an employee of parole and probation take on the duties of the deflection coordinator. I appreciate the interest of the Board in making sure Lincoln County's deflection program is successful. We have been meeting for months with the active participation of Commissioner Miller. It has been a very collaborative, cohesive process. Lincoln County is truly unique in the cooperation and support of community partners. This program is being implemented with the support of law enforcement, the DA, the courts, the county, and the recovery programs critical to the success of any deflection program. The support of all community partners is absolutely unheard of in my conversations with other judges throughout the state.

I am confused about the questions now being raised just as the bill became effective. If there were questions this subcommittee could have answered, I would hope you would have reached out long before now. Just to be clear, the decision to have the deflection coordinator in the DA's Office was not the DA's suggestion or decision. It makes sense to have it there. The lynch pin of deflection is the DA's decision whether or not to prosecute. There are several "off ramps" throughout the process when a person is cited for a drug enforcement misdemeanor. At each point, the DA makes a decision whether to proceed with prosecution, or deflect. There are very good reasons a post-conviction agency such as parole and probation, should not be responsible for reviewing and managing pre-disposition reports from law enforcement agencies. They should not be responsible for receiving and reviewing reports from treatment agencies. Nor are they equipped to handle expungement of records. At no meeting did Mr. Campa suggest the coordinator be housed in his agency. If he did, it would have been discussed by the subcommittee. The coordinator position is a full-time position. It cannot be managed with other responsibilities. I hope this point has been made clear.

I do not believe Mr. Campa understands the deflection program as he has not been an active participant at any of our meetings. Commissioner Miller has been. I hope the BOC understands that if the DA decides to prosecute these offenses, there is no deflection program. That decision is entirely within her discretion. We have worked very hard to thread the needle with the law enforcement community to ensure there is accountability in our program, but also opportunities for persons to engage meaningfully in recovery.

The unilateral decision of the BOC to put the coordinator in the parole and probation office undermines months of collaborative work by the subcommittee. We are all invested in the success of the deflection program. Sheriff Landers and DA Wallace are the chairs of the subcommittee. I am sure they are happy to answer any questions you may have about the deflection program. I am also very familiar with other deflection programs throughout the state. Most coordinators are housed in the DA's office. There are very good reasons for doing so and I am happy to answer any questions you may have about why it makes the most sense in our county. I believe Lincoln County is poised to be an example for the state on what positive collaboration can look like. We already are leading examples in our pretrial services and

specialty courts. Deflection can be yet another example. Please have confidence in the collaborative efforts of the persons responsible for the success of this program.

I hope you reconsider your position. Or, at a minimum, allow an opportunity to have a public discussion of this decision. We are all committed to doing what will best serve our community.

Thank you,

**Sheryl Bachart**

Presiding Judge

Lincoln County Circuit Court