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# State Supreme Court: Some closed drug court meetings OK

By *MARTHA BELLISLE, Associated Press* | Published: Dec 18, 2014 at 12:39 PM PST (2014-12-18T20:39:33Z)



SEATTLE (AP) - The Washington Supreme Court ruled on Thursday that certain drug court hearings can be closed to the public, but two justices dissented arguing that the constitution demands an open courtroom and open proceedings to ensure that the courts are operating fairly.

Writing for the majority, Justice Mary Fairhurst said some of the state's adult drug courts hold closed meetings, called staffings, where the judge, lawyers and treatment professionals meet to discuss the case. The closed meetings are followed by hearings in open court.

But Adonijah Lacroy Sykes, a drug court participant, challenged those closed meetings, saying they tainted all the procedures that followed. She had been arrested on three drug charges and was allowed to participate in the King County adult drug diversion court. But when Sykes was unable to comply with the court's requirements, the state moved to remove her from the program. Her lawyers tried to rescind the drug court agreements and vacate the orders so that she could fight the charges at a trial court. They argued the closed-door hearings that went on in her case violated the state's constitution.

The state agreed with Sykes, but the drug court denied the motions, arguing the closed meetings were legal.

Fairhurst and five other justices agreed. They said adult drug courts are philosophically and intentionally different from ordinary criminal courts, so they are not subject to the state's open courts constitutional requirement. These courts are designed in a way that allows all participants to work toward a common goal -- the successful completion of the program by the defendant. That collaborative atmosphere is different from criminal cases, which are adversarial in nature.

"Where there are issues of genuine contention among the members of the adult drug court team (regarding either matters of fact or appropriate consequences), presumptively closed staffings allow those issues to be discussed, explored, and even argued without affecting the team's collaborative appearance," Fairhurst wrote. "Public access to staffings interferes with a key feature -- the appearance and fact of collaboration -- that differentiates adult courts from ordinary criminal adjudications."

Each drug court in the state can decide whether to keep certain hearings closed or open, the justices said.

But Chief Justice Barbara Madsen and Justice Sheryl Gordon McCloud disagreed.

Madsen said the closed meetings form the basis for what is done at later open hearings and impact whether a defendant will be terminated from the program.

"In other words, information is gathered, viewpoints are vetted, decisions are made and conflicts are resolved in the staffings, which are run by a drug court judge who resolves any conflicts," Madsen wrote in her dissent. "While orders are later formally entered during the subsequent court proceedings, it is clear that the process of decision-making and issue resolution occurs in the staffings."

These meetings "can fairly be characterized as judicial proceedings," and on that basis they are subject to the open court provision in the state's constitution.

McCloud added that the constitution does not require drug rehabilitations to occur in public, but "the constitution instead requires that if the case is in court, it has to be public."