

Superior Court judge says county prosecutor should resign

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Grays Harbor Superior Court Judge David Edwards is calling for the resignation of county Prosecuting Attorney Katie Svoboda, citing a large backlog of cases in the Prosecutor's Office and what he says is an inclination to agree to plea bargains too often.

Along with his call for her resignation, Edwards is speaking out against Svoboda's request for funds generated by a voter-approved sales tax designed specifically to raise more money for public safety funding.

"I don't know what she (Svoboda) does. She clearly isn't managing her deputy prosecutors and her department," Edwards said in a telephone interview. "When she put in her request seeking raises and another deputy prosecutor, that's when I responded. That's what tipped me over. She responded with her email about the increase in backlog and she acted like it was a great reason for her to get what she wants, when really it's a reason why she should resign."

In an interview last week, Svoboda said Edwards' calls for her resignation are, "just ridiculous" and added that the funding she's requesting will help address the case backlog.

"I'm certainly not going to resign. I'm proud of my department," she said. "If people look at the facts, they'll understand. It's a one-sided fight, and I'm not going to fight with (Edwards)."

She also pointed out that plea bargains have to be accepted by judges. "Every plea bargain has to be approved by the judge. If the plea bargains are so bad, why are they accepting them? It's because they're not bad plea bargains," Svoboda said. "We're always working to resolve cases in a way that vindicates the work of law enforcement, give justice to the victim and makes the best use of the resources we're provided."

In August, voters approved a three-tenths of 1 percent sales tax increase for public safety, which includes police, judicial and other expenses related to public safety agencies.

The prosecutor's office has requested a total of nearly \$236,000 from the tax for 2017. Line items include an additional deputy prosecutor at more than \$77,000, raises for the other deputy prosecutors and the chief deputy administrator at more than \$62,000, hiring a legal secretary at more than \$27,000, a data management specialist at more

than \$48,000, and equipment and furniture (five computer scanners and office furniture) for more than \$20,000.

The judge has pushed back saying a backlog of some 380 cases for the prosecutor's office is an example of deficiencies in that office.

Edwards v. Svoboda

In an Oct. 11 email sent to the "three-tenths committee" (composed of county Commissioner Vickie Raines, Sheriff Rick Scott, Svoboda and Edwards), as well as the other two county commissioners and Superior Court judges, Edwards wrote that Svoboda should not expect additional revenue and that the three-tenths money should be used for the Sheriff's Office (including corrections).

That email from Edwards prompted a response from Svoboda outlining the caseload of her department, the increases throughout the years, and the backlog (which she refers to as "pending investigations").

The backlog, according to Svoboda, has increased annually in recent years, from 146 in 2014 to more than 380 as of her response on Oct. 13.

That email sparked the judge's calls for Svoboda's resignation.

"(The backlog) is the result of the complete failure in management in the prosecutor's office," Edwards said. "I think she ought to resign and let the commissioners appoint someone who has the proper skill set to handle the position."

Comparisons

In two emails to the three-tenths committee and the county commissioners, Svoboda wrote that an increase in cases has led to her staff struggling. She provided numbers comparing her department to counterparts in other similarly sized counties in Washington State.

Grays Harbor County, a population of about 73,000 people, has 10 attorneys, eight of whom are criminal deputy prosecutors, and two civil deputy prosecutors. In 2015, there were 515 felony filings.

Clallam County, with a population of just over 72,000, has 12 attorneys, 10 of whom are criminal deputy prosecutors, and two who are civil deputy prosecutors. In 2015, 476 felony cases were filed in Clallam County, according to Svoboda's report.

On Nov. 23, a court representative at Clallam County said they had 295 felony cases that were outstanding (filed by law enforcement but not yet addressed by the prosecutor's office).

Lewis County, with a population of nearly 77,000, has 12 attorneys, nine of which are criminal deputy prosecutors, and three civil deputy prosecutors. In 2016, 723 felony cases were filed in Lewis County, according to Svoboda's report. Some 133 total cases are "in referral status." Of those, 98 of the pending cases are for felonies.

Lewis County Prosecutor Jonathan Meyer said there were some 300 backlogged cases when he took office in 2011.

"We made a concerted effort and we had to bring in outside help to catch up on that," Meyer said. "Every year, it's our goal to end with zero. It's always a struggle and a feat to keep up with these, especially when you're being asked to do more with less."

Svoboda says those comparison won't match up realistically.

"The problem is, you're never going to have an exact match, because Lewis County is not Grays Harbor County...", Svoboda said on Nov. 21. "Every community sets what is most important to them. ... Every prosecutor has to find out what's important to that county. There's a reason there are 39 (counties) of us — it's meant to be individual to the community."

Comparing Svoboda's office to that of past years in Grays Harbor County also would not paint an accurate picture, Svoboda contends.

"The work of a prosecutor has changed dramatically," she wrote on Nov. 16. DNA evidence and computer forensics are now available, and cases have become more complex. Law enforcement agencies are recording interviews, meaning more time must be spent reviewing evidence (compared to a written interview), Svoboda said.

Changes in technology and how evidence is prepared are not valid excuses for the backlog, Edwards says.

"There are 400 felony cases where police have completed investigations and they're just collecting dust," Edwards said in the phone interview. "There are 400 perpetrators — at least as identified by police as having committed felonies — not being held to answer for their crimes."

"It's a dangerous situation for Grays Harbor County. You can't have 400 perpetrators walking the streets not being held accountable for their crimes," he added.

Edwards offered additional criticism of Svoboda's office regarding plea deals.

"The prosecutor's office has turned into a plea-bargain factory, where cases aren't going to trial. That's a disservice to the public and to the police who invest so much of their time and resources into these investigations," Edwards said. "Some cases require a hard line be taken by the prosecutor's office, and that line has gotten a lot smaller since Katie has taken over that office."

Svoboda said she was surprised at Edwards' comments regarding her request for revenue.

"I've never seen an elected official put themselves into another elected official's budget," she said, noting that the situation is unique with the three-tenths funding because the Prosecutor's Office, the courts, and the Sheriff's Office all can draw from that funding. "What was more surprising to me, is that in the people that he spoke with, he never came and talked to me. There are things I could have explained if he had wanted to come and sit down and have that conversation. The second memo (a follow-up sent by Edwards during the week of Oct. 17) was only provided to me by the (commissioners), and not given to me by the judge."

She disagrees with Edwards' assertion that her office can do more about the backlogged cases.

"My people work hard, and they are dedicated to this county. The idea that you can just sort of get an infinite amount of work out of someone when you're in a county that pays at just about the bottom of the scale for prosecutors — it doesn't make sense to me. The assertions made in those memos by the court don't make sense to me," Svoboda said. "My door is open. Judge, public, press — I'm proud of my office. Is it perfect? No, but we are always working to do better."

Svoboda doesn't plan to stop requesting funds from the three-tenths of 1 percent sales tax revenue.

"I'm going to push until they just tell me they're not going to listen to it anymore, and if they tell me not now, I'm just going to come back in three months and six months. The need doesn't go away," Svoboda said. "(The additional deputy prosecutor and a support person for new software) are the two things that are going to turn us into the office we really want to be. It's frustrating to be so close to getting to that goal and having it taken away. I'm not done fighting for this yet."

Budget meeting

Two things didn't happen at a Grays Harbor County budget meeting on Nov. 21 — the commissioners did not submit their respective budget proposals, and no decisions were made regarding the use of public safety sales tax.

Raines said the county was only allocating a portion of the potential \$1.4 million in sales tax. Svoboda's requests were left out of the initial discussion during that meeting. Svoboda noted her concern for her department, and Raines said no requests were completely off the table.

"We will wait to see how the revenues come in. ... Then we'll be able to allocate once we see where they are," Raines said.

Svoboda said waiting isn't a good idea.

"I really can't wait any longer for the deputy prosecutor. It's causing problems," Svoboda said.

Those problems include the backlog of cases.

Both commissioners Frank Gordon and Vickie Raines (Commissioner Wes Cormier was absent) agreed the three-tenths of 1 percent public safety sales tax revenue should be spent in part to fund requests from the corrections department totalling \$710,000. Those requests would eventually hire five corrections deputies, three support specialists for jail control, and a radio repeater.

The commissioners also agreed to \$50,000 for software replacement for public safety and criminal justice, \$100,000 for future facility needs, and more than \$390,000 for three resident deputies.

While the commissioners agreed to that spending, there was no motion made or approved by the commissioners.