



Judge Sheryl Bachart
Presiding Judge
Lincoln County Circuit Court
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April 14, 2023

Sen. Elizabeth Steiner, Co-Chair
Rep. Tawna Sanchez, Co-Chair
Joint Committee on Ways and Means

RE: Support of SB 5512

Dear Co-Chairs Steiner and Sanchez and members of the Committee:

I am the presiding judge for Lincoln County Circuit Court. I have been a judge for almost 15 years and have been responsible for the implementation of SB 48 (2021) in this jurisdiction.

We are fortunate in Lincoln County to have a pretrial release program run through our Sheriff's Dept. That program has been up and running since 2018. What that means for our county is the implementation of SB48 has been smooth since we had the tools in place. With the pretrial program what we are seeing is judges are making more informed decisions on pretrial release. We have seen a decrease in our failure to appear rates. In addition, persons are being held for less time in our jail pretrial. The missing piece of our program now is a Release Assistance Officer (RAO). By statute, this must be an OJD employee and approving the Chief Justice's Recommended budget will provide for RAO's to expand pretrial release programs across the state and here in Lincoln County.

Why is this so important now? We are relying on RAO's now more than ever. Under the Mink/Mossman order we have persons returning to the jail, discharged from OSH not because they are able to aid and assist in their defense, but because they have exceeded the time they are allowed to stay at OSH. Their criminal charges are still pending, and they are in need of mental health treatment. Pretrial is a resource we are utilizing locally to come up with a release plan to get persons in need on mental health treatment out of our jail and engaged in services. A RAO can assist in connecting these persons with services in our community and provide monitoring while that person remains on release.

In Lincoln County, we have over 80 participants in our specialty courts. In the past two years I have used court resources to grow the number of specialty courts we offer from 3 to 7 and have almost tripled the number of participants. Almost 75% of those in our specialty courts are on downward dispositional departure sentences, which means they would be sentenced to prison or jail but for our specialty court programs. Any reduction in our budget could mean a reduction in the number of participants in these programs. We know better outcomes are achieved if we can get persons enrolled in treatment within 50 days of the incident which brings them before the

court. ROA's engage persons as soon as they enter into the criminal justice system. ROA's help us identify persons earlier to get them out of our jails and prisons and engaged in treatment much earlier in the process.

Another goal with funding pretrial programs is the development of a statewide risk assessment tool and sharing of information amongst jurisdictions. Judges rely of risk assessment tools in making release decisions. Release decisions are some of the most difficult decisions we have to make, many times because we have limited information at the time we are making those decisions. A risk assessment tool allows the judge to make more informed, reliable decisions based on objective criteria. The funding would also provide for a statewide pretrial case management system so judges and pretrial services can access information in other jurisdictions. A statewide case management system provides another tool for accountability, making our communities safer.

We have dedicated significant court resources to advance the goals of reducing the incarcerated population. It has proven to be a sound investment for the state and this community, and I hope you will support implementing the pretrial release law the legislature passed in 2021 throughout the state.

Thank you for the opportunity to provide this testimony and I would be happy to answer any questions you may have.

Sincerely,

A handwritten signature in cursive script that reads "Sheryl Bachart".

Sheryl Bachart
Presiding Judge
Lincoln County Circuit Court