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## Incarceration issues to fore in prosecutor race

### Both Erb and Richey promise county criminal justice reform

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**BELLINGHAM** — On Wednesday, Sept. 19, James Erb and Eric Richey — both Democratic contenders for county prosecuting attorney — gave voters a glimpse into how they might alter justice dealings in Whatcom County if selected by voters for the job.

enced of the two, while Erb stressed that he will bring about the change he says Richey failed to enact in his current position as chief criminal deputy prosecuting attorney.

Erb is currently the senior assistant city attorney for the City of Bellingham.

### Holding county officials accountable

Joy Gilfilen, president of the restorative coalition and moderator for the evening, said she ran into ethical problems leading up to the 2015 general election including the ballot measure to fund an expansion of the county jail.

Current Whatcom County Prosecuting Attorney Dave McEachran announced this spring that he will retire from the position he has held since 1974. Someone new will be elected to a four-year term Nov. 6.

The question-and-answer forum was organized by the Restorative Community Coalition and held at First Congregational Church of Bellingham. Questions could also be submitted before the debate.

The county prosecutor's areas of responsibility include Superior, District, civil and juvenile courts as well as the Victim-Witness Assistance Unit, according to Whatcom County's website.

Both Erb and Richey seemed to agree on most county issues influenced by the prosecutor role. However, they differed on what they believe makes them more qualified for the job. Richey repeated that he is the most experi-

Complaints on a jail mailer sent out to voters went unanswered by the Prosecuting Attorney's Office and the Whatcom County Sheriff's Office, Gilfilen said. It was more than a year later that Whatcom County Executive Jack Louws was fined \$500 by the state Public Disclosure Committee for violations of only targeting mailers toward households with at least one registered voter and not fully showing the probable cost of the new jail.

Gilfilen said she felt she was caught in a corporate-to-corporate conversation and was not truly heard. She asked the candidates how they planned to locate the problem and address it, so the "taxpayer could be represented."

"The county prosecutor works for you," Erb said, speaking first on the topic. "They're beholden to you. If you have a county prosecutor who doesn't respond

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# Forum: Candidates open of Restorative Justice idea

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to you or your concerns, your responsibility is to vote at the ballot box for someone who will."

Erb said he has heard the Prosecutor's Office referred to as a "black box" — an impossible place to get information, and that will be the first thing to change if he is elected.

Richey spoke of quarterly meetings he plans to hold, for the community to come in and talk with him unfiltered. He said he will work toward updating computers in the office that hinder communication.

## Inclusion of Restorative Justice

Restorative justice is a different approach to fairness, one not yet practiced in the county. In it, a mediated response to a crime is reached between the victim and the offender — if they are open to the exchange. The goal is to reach a solution for all parties. At times, other organizations' agents participate.

Erb and Richey were asked if they thought

this approach could be beneficial.

Richey said he sees the practice best used with property crimes, and is unsure of using the mediated gathering with victims of domestic violence and sexual assault. "It puts the victim back in the room with the perpetrator," he said.

Erb disagreed. "What restorative justice does is, it allows the victim to be heard and truly be restored," he said.

Erb said that often a heavy-handed prosecution ends up punishing the person, with strong implications for families as well. These impacts may remove the sole provider from a household, or cause them to lose their job "rather than them trying to work through the problem in a restorative way," Erb said. "We do need to expand our thinking when it comes to restorative justice."

Both said they are open to using the practice in the future.

## Jail solutions

The Whatcom County Jail's future is up in the air

after two election defeats of large-scale costly replacement, a situation echoed by both officials and residents in the community. The overpacked facility has led to a higher use of citations over jail time for low-level crimes.

The Whatcom County Sheriff's Office is in charge of maintaining jail facilities. But the idea of removing the responsibility from Sheriff Bill Elfo and his team and placed elsewhere came up at the forum.

Candidate Richey did not address this question directly, saying he has no ill will to speak on the sheriff and that he does a "real good job with the work he does." He is disappointed that the jail is in its current "inhumane" state.

Richey does not favor a new jail being built on a Ferndale site as was proposed twice to voters. He wants to show that "we can reduce incarceration and we don't need as large of a jail as proposed."

Erb said he believes the responsibility of running the jail should move elsewhere. He said he has witnessed a myriad of mismanagement of the jail, both as a capital facility and specific inci-



**Restorative Community Coalition president Joy Gilfilen (center) speaks during the prosecutor forum between Eric Richey (left) and James Erb (right). The forum gave voters a glimpse at where the the candidates stand on justice issues.** (Ashley Hiruko/Lynden Tribune)

dents within jail walls.

"The time has come for the jail to move away from the sheriff and toward a civil oversight board," Erb said.

In order to reduce the overcrowded condition of the jail, Richey said, his first steps would be to reduce incarceration. "It's the only thing we can really do to make any change."

Richey said decisions of whether and where to build

a jail do not fall on the county prosecutor. "[The prosecutor] does get to decide how many go there and how long they stay," he added. "That's an impact I can have, something I will do immediately and something I am uniquely qualified for."

Erb countered that the county prosecutor is ultimately the one to determine who is in the county jail, and that the office that Richey

is part of has led to what he sees as over-incarceration in the county.

"It's time for a real change," Erb said, "a real change in leadership and a real change in approach."

Both Erb and Richey agreed that low-level offenders need to be removed from within the jail and that those in need of mental health and drug treatment services should be diverted.

