

Benton County Superior Court

Adult Drug Court



Policies and Procedures

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General Program Description

The Benton County Adult Drug Court is a pre-adjudication program that provides eligible defendants the opportunity to receive intensive supervised substance use disorder treatment, case management, and support. The drug court includes rigorous community supervision and strict accountability, frequent and random substance abuse testing, regular court appearances, and family/support involvement tailored to the individual needs of each participant. A combination of incentives and interventions is used to motivate participants and, upon completion of each stage of the program, recognition is provided. A graduation ceremony is held upon successful completion of the program.

Therapeutic or Problem-Solving Courts are built upon a unique partnership between the criminal justice system and the treatment community which structures treatment intervention around the authority and personal involvement of a single Therapeutic Court judge. Problem-Solving Courts are also dependent upon the creation of a non-adversarial courtroom atmosphere where a dedicated team of court officers and staff work together toward a common goal of breaking the cycle of behavioral health disorders and criminal behavior.

Mission Statement

The vision of the drug court is reflected in its mission statement:

It is the mission of the Benton County Adult Drug Court to advance the safety and wellbeing of our community, to heal and rehabilitate high risk and high need offenders, and to conserve justice system resources. This will be achieved through the diversion of qualifying offenders to a program of comprehensive treatment and education, offender accountability, and intensive court supervision designed to help participants gain control of their lives and stop the cycle of recidivism caused by their addiction.

Goals and Objective

Primary Goal 1: To promote community safety and well being

Secondary Goal 1.1: Reduce criminal behavior/recidivism among participating offenders

Process Objective 1.1.1: Frequent and intense court supervision of participants

Process Objective 1.1.2: Frequent home contacts with participants

Outcome Objective 1.1.3: Reduce re-arrest rate of participants during program participation

Outcome Objective 1.1.4: Reduce re-arrest rate of participants following graduation from program

Secondary Goal 1.2: Decrease participants' (and participants' dependents') reliance upon social and human services and increase their abilities to live independently and responsibly

Process Objective 1.2.1: Direct participants to assistance in securing employment and drug-free housing
Process Objective 1.2.2: Direct participants to training and mentoring in life skills, such as parenting and financial management

Process Objective 1.2.3: Direct participants to assistance in eliminating deficits in basic education

Outcome Objective 1.2.4: Full payment by participants of restitution

Outcome Objective 1.2.5: Full employment or continued employment of participants upon graduation

Outcome Objective 1.2.6: Every drug court graduate to have at least a high school diploma or general equivalency diploma (GED)

Outcome Objective 1.2.7: Full economic, social and psychological support of participants' dependents

Primary Goal 2: To heal and rehabilitate non-violent addicted offenders

Secondary Goal 2.1: Reduce and eliminate use of controlled substances and alcohol

Process Objective 2.1.1: Assess participant addiction and treatment needs using American Society of Addiction Medicine standards.

Process Objective 2.1.2: Refer participants to appropriate substance abuse treatment services and mental health services.

Process Objective 2.1.3: Monitor and assess the effectiveness of treatment service providers

Process Objective 2.1.4: Encourage participants' use of and participation in services through appropriate application of interventions and incentives

Outcome Objective 2.1.5: Graduation of at least 70% of participants

Secondary Goal 2.2: To assist participants in regaining their lives and re-uniting families

Process Objective 2.2.1: Conduct a strength-based assessment of each participant and engage participants in appropriate services relating to education, employment, housing, financial responsibility, families, physical and mental health and other issues that affect their ability to remain clean and sober and succeed in the program

Outcome Objective 2.2.2: Graduate participants who are maintaining a sober and drug-free recovery, have at a minimum a high school equivalency diploma, are employed, are responsible parents, and are becoming responsible, productive members of the community.

Primary Goal 3: To conserve justice system resources

Secondary Goal 3.1: Reduction in direct costs of arrest and incarceration of participants

Process Objective 3.1.1: Structure treatment, services, and supervision to reduce opportunities for and risks of further criminal behavior

Outcome Objective 3.1.2: Reduction of the number of jail-bed days for participants

Outcome Objective 3.1.3: Reduction of participants' contacts with law enforcement

Secondary Goal 3.2: Reduction in direct costs of judicial services/system

Process Objective 3.2.1: Formulate individualized plans for treatment, services and supervision that will promote steady and successful advancement through the program

Process Objective 3.2.2: Direct participants to assistance in obtaining/improving employment and developing financial responsibility

Outcome Objective 3.1.3: Participants complete at a minimum 120 community services hours.

Outcome Objective 3.1.4: Reduction of trial costs and court docket congestion, and maximization of cost avoidance

Eligibility for Drug Court

Eligible Offenders

- Adult offenders with a diagnosis of a substance use disorder.
- No prior sexual offense convictions or pending sexual offense charges as defined in RCW 9.94A.030(47).
- Currently charged with an eligible offense for which no determination of guilt has been entered.
- Assessed by an SUD treatment provider as high need and completion of an ORAS risk assessment.
- The State will not amend any charges to allow for an offender to qualify for Adult Drug Court.
- Be 18 years of age or older
- Be legally competent
- Be insured (privately, Medicare, Medicaid) or Medicaid-eligible and complete Medicaid application within three days of being accepted into ADC
- Be free of active warrants or able to resolve them quickly
- Agree to comply with treatment and their recommendations
- Agree to be compliant with any court orders
- Agree to waive certain legal rights

Eligible Offenses

- Most class B and C property crimes including but not limited to the following:
 - Forgery
 - Possession of stolen property
 - Theft
 - Malicious mischief
 - Burglary 2nd degree
 - Residential Burglary
- Most class B and C assaults are eligible pursuant to RCW 2.30.030 with prosecutor, victim, and law enforcement input.
- Other felony offenses not listed as eligible, but may be eligible by special findings, will be individually evaluated on a case-by-case basis, pursuant to RCW 2.30.030

Ineligible Offenses

- Sexual offenses as defined by federal law or RCW 9.94A.030(47), or any out of state comparable offense.

- Any delivery of a controlled substance or possession with intent to deliver/sell will be reviewed for eligibility on a case-by-case basis. The State will take into consideration whether the offender is dealing to support a habit or dealing for profit. Law enforcement must agree with the potential participants participation in the program if referred on these charges.
- Offenses where the defendant has prior convictions or current charges where a firearm has been used in the commission of the offense.
- Felony DUI regardless of the prong it is charged under will not be eligible for Adult Drug Court.
- A defendant charged with Assault in the Second degree is not automatically ineligible per RCW 2.30.030. The referral will be reviewed for eligibility on a case-by-case basis and may be transferred following special findings. Victim approval is required, firearms may not be involved or used in furtherance of the crime, and the State will take into consideration, including but not limited to, the severity of the harm as well prior history.
- A defendant charged with an eligible Class B Felony or Class C Felony, who is also charged with a Driving While Under the Influence (DUI) or Physical Control arising out of the same criminal fact pattern, may be eligible to bring that DUI/Physical Control in. This will be reviewed for eligibility on a case-by-case basis. They may still be eligible for drug court if they agree to plead guilty or do a Deferred Prosecution.
- A defendant charged with an eligible Class B Felony or Class C Felony, who has a prior conviction Assault in the Second Degree regardless of the prong may be eligible. This will be reviewed for eligibility on a case-by-case basis.
- Other offenses prohibited under RCW 2.30.030

Qualification for Drug Court

Potential drug court participants may be identified by the prosecutor or may be referred to the prosecutor for eligibility screening and consideration for referral to drug court by superior court, law enforcement officers, the Washington Department of Corrections, the Washington Department of Social and Health Services, or other attorneys. Before being referred to the prosecuting attorney, potential participants must obtain a substance use disorder assessment within the last 6 months and be enrolled in treatment. The prosecutor will review the potential participant's criminal history and police reports to determine if the prosecutor will approve the defendant's case for Adult Drug Court. If approved by the prosecutor, the referral form will be sent to the Behavioral Health Specialist to complete an ORAS assessment. The Behavioral Health Specialist will contact the potential participant to schedule the ORAS. The participant has 30 days to complete the ORAS (from date of initial contact to the Behavioral Health Specialist. Failure to complete the ORAS within 30 days will result in denial of participation in the program. If the potential participant is determined to have risk factors, based on the ORAS assessment, the Adult Drug Court team will staff the participant and make a final determination on eligibility. If determined to be eligible, the prosecutor will note the potential participant for Motion and Order to Transfer to Adult Drug Court, and entry of the Participation Agreement. The original defense attorney must go over the Participant Handbook with the potential participant prior to referral to the prosecutor. Defendants with active warrants are ineligible for Adult Drug Court until they can be resolved. If the defendant is referred with an active warrant, the Adult Drug Court Team will send a rejection notification to the defense attorney informing them that their defendant may be referred again once warrant(s) are resolved. Failure to comply with the foregoing requirements may result in being placed at the bottom of the referral list or denial of participation in Adult Drug Court.

The drug court will seek to maintain, insofar as available resources permit, a maximum caseload of 150 active participants. If additional resources become available, the maximum caseload of participants may be increased. The team will closely monitor the progress of current participants and the transfer of potential participants with the objective of limiting the period any potential participant is on the referral list.

Entry into Drug Court

Potential participants approved for participation enter the drug court program by executing a participation agreement and stipulation to reports signed by the participant, defense attorney, prosecutor, and judge. The agreement states that failure of the participant to abide by the terms of the agreement may result in termination from drug court and return of the case for a bench trial on the pending charge(s). The agreement includes a stipulation by the participant that in the event of termination and return for trial the court will consider the police reports attached to the agreement as the sole basis for its determination of guilt or innocence. The agreement also provides that upon successful completion of and graduation from the drug court program the pending criminal charge(s) that have been transferred to drug court will be dismissed with prejudice. **In cases where the charge is a DUI, the charge will not be dismissed but amended down to a Negligent Driving in the First Degree.**

Each participant, immediately following acceptance into drug court, will begin (or continue) such treatment as is determined appropriate by the drug court team (utilizing the assessment and treatment recommendation information) and ordered by the Court.

Each new participant is required to attend every weekly drug court session during phase I unless specifically excused by the court. Every participant and the Adult Drug Court Team has the right, for a period of 28 days immediately following execution of the drug court participation agreement, to discontinue (or “opt out”) of drug court. The opt out period may be extended upon agreement of the drug court team. In the event a participant elects to opt out of drug court during the 28 days opt out period, the case will be transferred back to the regular criminal docket and original defense attorney. No information obtained or statements made in the course of drug court proceedings will be used against a participant who opted out of the Adult Drug Court program either voluntarily or by the Adult Drug Court team. Participants who do not opt out will be required to participate fully in all phases of the drug court program and will only be released from drug court by successful graduation or termination.

Drug Court Sessions

The court will hold drug court sessions on the same day and hour each week (excluding holidays) as set by the court. Staffing and review by the drug court team of every scheduled case will immediately precede each drug court session. Before each team staffing, Behavioral Health Specialist will update participation notes for each participant and provide that information to the Adult Drug Court team. At the weekly staffing and review the team will discuss and evaluate the weekly progress of each participant, determine whether the participant is complying or has violated drug court requirements or rules and determine whether changes in treatment or other services are warranted and what interventions and/or incentives should be given to the participant for the week.

Courtroom behavior is important, and participants will be advised that the following behavior at court sessions will not be tolerated:

Arriving late and leaving early: Court sessions begin at 1:30pm and end when the judge declares the docket to be concluded. An important part of Adult Drug Court participation is attendance and attention for the duration of court sessions unless specifically excused by the court. Requests for permission to leave court early will not be routinely granted. Participants are responsible for arranging other obligations and plans to accommodate their attendance at complete drug court sessions.

Talking/movement around the courtroom: Drug court sessions, while less formal than other court proceedings, are, nevertheless, formal court proceedings, and participants will be required to conduct themselves accordingly. Chatting or visiting and movement in and out of the courtroom are not appropriate during drug court sessions.

Attire, food and cell phones in the courtroom: Participants are required to wear appropriate clothing to court. This includes pants, skirts, blouses, t-shirts (must sit at or below the waist band). Tank tops and cut-off shorts are not appropriate. Food, drinks and powered cell phones or pagers are not permitted in the courtroom

Drug Court Phases

Drug court is a minimum 18-month, six-phase program aimed at intervening in substance use issues and criminal behavior through intense supervision and participation in treatment and recovery services. Initially, participants are required to appear weekly at court sessions. As a participant successfully completes a phase and is graduated to the next phase, court attendance, reporting and treatment requirements will be adjusted to recognize and reflect the participant's progress. When a participant has successfully fulfilled the terms of the participation agreement and completed phases I through VI and an essay for graduation has been reviewed with the participant and approved, the participant will receive a graduation certificate.

PHASES OF DRUG COURT

Phase I-Acute Stabilization	
Key Concept:	Starting Drug Court—Show up, Be Open, Be Honest
Minimum Time in Phase:	60 days in Phase I with 30 days of consecutive clean time prior to promotion to phase II.
Requirements:	<ul style="list-style-type: none"> Continue treatment as recommended Sign all necessary ROI for the ADC team and any treatment providers Show up to Drug Court weekly and on time. Go to every treatment session on time Call UA line daily, and take a UA if required at Washington Behavioral Health only Attend recovery-based self-help meetings, starting at 5 meetings per week Provide verification of self-help meetings to Behavioral Health Specialist and SUD treatment provider Try to find a sponsor Meet with Behavioral Health Specialist weekly Develop 3 proximal goals with Behavioral Health Specialist Be sanction free for 14 consecutive days prior to promotion to phase 2 <p>* If at any point you have barriers, please reach out to one of the Drug Court Team Members.</p>

Phase II-Clinical Stabilization

Key Concept:	Engage in intensive therapy, learn relapse prevention strategies, work on vocational or educational plans, complete a mental health assessment.
Minimum Time in Phase:	75 days in Phase II with 30 days of consecutive of clean time prior to promotion to phase III.
Requirements:	<ul style="list-style-type: none"> • Attend Drug Court every two weeks • Follow Treatment Plan • Call UA line daily, and take a UA if required at Washington Behavioral Health • Attend recovery-based self-help meetings, starting at 5 meetings per week • Provide verification of self-help meetings to Behavioral Health Specialist and SUD treatment provider • Get a sponsor and work with your sponsor regularly • Develop 3 proximal goals with Behavioral Health Specialist • Develop 1 distal goal with Behavioral Health Specialist • Establish a fab five support group

	<ul style="list-style-type: none"> • Must have a Mental Health Assessment completed prior to phase up • Try to find a Home Group • Continue meeting with your Behavioral Health Specialist as scheduled or every two weeks • Start looking for a job/get into school/look for a place to volunteer • Complete 24 hours of community service towards 120 community service requirement • Start making payments on restitution, if applicable (a minimum of 10% must be paid before promoting to Phase 3) • Develop 3 proximal goals with Behavioral Health Specialist • Develop 1 distal goals with Behavioral Health Specialist • Be sanction free for 30 consecutive days prior to promotion to phase 3 <p>* If at any point you have barriers, please reach out to one of the Drug Court Team Members.</p>
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Phase III- Pro-Social Habilitation

Key Concept:	Focus on rebuilding healthy relationships, develop positive coping mechanisms, begin to address life skills.
Minimum Time in phase:	90 days in Phase III with 45 days consecutive clean time before promotion to phase IV.
Requirements:	<ul style="list-style-type: none"> • Attend Drug Court every three weeks or as ordered by the Court • Follow Treatment Plan • If recommended Mental Health services must follow recommendations • Call UA line daily, and take a UA if required at Washington Behavioral Health • Provide verification of self-help meetings to Behavioral Health Specialist and SUD treatment provider • Work on your recovery with your sponsor regularly • Attend recovery-based self-help meetings, starting at 3 meetings per week • Attend case management appointments every 3 weeks or as set by case manager • Provide weekly schedule of school, employment or volunteer hours to case management • Must have paid 30% of Restitution if applicable before promoting to Phase IV • Make a Budget • Set a goal to attend sober functions outside of self-help meetings to continue to build recovery capital. • Complete 24 hours of community service towards 120 community service requirement • Develop 3 proximal goals with Behavioral Health Specialist • Develop 1 distal goal with Behavioral Health Specialist • Be sanction free for 45 consecutive days prior to promotion to phase 4 <p>* If at any point you have barriers, please reach out to one of the Drug Court Team Members.</p>

Phase IV-Adaptive Habilitation

Key Concept:	Continue to solidify recovery, look for work, participate in education, vocational training, work to stabilize finances.
Minimum Time in phase:	90 days in Phase IV with 60 days consecutive clean time before promotion to phase V.
Requirements:	<ul style="list-style-type: none"> • Attend court every 4 weeks or as ordered by the Court • Follow Treatment Plan • Call UA line daily, and take a UA if required at Washington Behavioral Health. • Attend recovery-based self-help meetings, starting at 3 meetings per week • Provide verification of self-help meetings to case management meetings and to treatment providers • Attend case management every 4 weeks or as set by case manager • Work on your recovery with your sponsor regularly • Complete 24 hours of community service toward 120 community service requirement • Must have paid 50% of Restitution if applicable before promoting to Phase V • Be sanction free for 60 days prior to promotion to Phase Five • Develop 3 proximal goals with Behavioral Health Specialist • Develop 1 distal goal with Behavioral Health Specialist • Be sanction free for 60 consecutive days prior to promotion to phase 5 <p>* If at any point you have barriers, please reach out to one of the Drug Court Team Members.</p>

Phase V-Continuing Care

Key Concept:	Focus on long-term recovery and maintenance, engage in employment or education, active participation in recovery network.
Mandatory Time in Phase:	120 days in phase V with 90 days consecutive clean time prior to graduation.
Requirements:	<ul style="list-style-type: none"> • Attend court every 5 weeks or as ordered by the Court • Follow Treatment Plan • Call UA line daily and take a UA if required at Washington Behavioral Health. • Attend recovery-based self-help meetings, starting at 3 meetings per week • Provide verification of self-help meetings to Behavioral Health Specialist and SUD treatment provider • Continue working with sponsor and working on your 12-Step program • Attend case management every 5 weeks or as set by case manager • Complete 24 hours of community service toward 120 community service requirement • Must have paid 75% of Restitution if applicable • Must not have any active warrants • Develop 3 proximal goals with Behavioral Health Specialist • Develop 1 distal goals with Behavioral Health Specialist • Work on developing a stable housing plan for after graduation. • Be sanction free for 90 consecutive days prior to promotion to phase 6 <p>* If at any point you have barriers, please reach out to one of the Drug Court Team Members.</p>

Phase VI-Lifelong Recovery/Pre-Graduation

Key Concept:	Continue to build lifelong recovery skills and prepare life after graduation from the Adult Drug Court Program.
Minimum Time in Phase:	120 days in phase VI with 90 days consecutive clean time prior to Graduation
Requirements:	<ul style="list-style-type: none"> • Attend court every 6 weeks • Graduation or completion from Treatment (if not completed in an earlier phase) • Call UA line daily, and take a UA if required at Washington Behavioral Health. • Continue meeting with your sponsor regularly, discuss Relapse Prevention Plan • Attend recovery-based self-help meetings, starting at 3 meetings per week • Provide verification of self-help meetings to Behavioral Health Specialist and SUD treatment provider • Attend case management every 6 weeks • Pay off your restitution as required per the ADC Policy and Procedures • Be sanction free for 90 days prior to graduation • Must have Paid in Full Restitution prior to Graduation. • Complete Graduation Essay • Must not have any active warrants • Develop 3 proximal goals • Develop 2 distal goals • Must complete all 120 community service hours prior to graduation • Establish housing transition plan for life after Drug Court • Be sanction free for 90 consecutive days prior to graduation <p>* If at any point you have barriers, please reach out to one of the Drug Court Team Members.</p>

Participant Identification to Law Enforcement

Upon any contact by a drug court participant with any law enforcement officer, the participant is required to promptly advise the officer that they are a participant in drug court.

Random Home Visits

Participants will be subject to random, unannounced visits to their places of residence or employment by drug court representatives. All visits will be conducted discretely and courteously, and visits to places of residence are preferred.

Search and Arrest of Participants

Participants are required to submit their person, property, vehicle, place of residence and/or personal effects to search and a seizure of any narcotics, drugs or other contraband found, at any time, with or without a search warrant.

If a search results in the discovery of narcotics, drugs or other contraband, such items shall be seized and destroyed in accordance with Washington State law. If evidence found is a basis for new charges, the search will stop, and law enforcement may be called to apply for a search warrant under Washington State law. Upon approval of the search warrant and seizure of such evidence, law enforcement may file a report with the prosecutor's office to determine if new charges may be filed. Any violation of the Adult Drug Court conditions of the participation agreement or conditions of pre-trial release may result in a warrant.

Participants who are arrested pursuant to a warrant or new criminal charges will appear before a judge or court commissioner the next court day following arrest and will be required to appear at the next scheduled drug court session.

Incentives and Interventions

Critical to the success of drug court participants are prompt incentives that encourage and reward their compliance with drug court requirements and progress in recovery and prompt interventions that discourage and interrupt their non-compliance with the participation agreement. The team will determine in weekly staffing, whether participants are in compliance or non-compliance. The team will determine, from all information available to or obtained by it, what are appropriate incentives or interventions based upon consideration of the nature and degree of the participant's compliance or non-compliance, the status of the participant's recovery, the participant's history of compliance and recovery and what will most reasonably and effectively promote the participant's recovery and success in completing drug court requirements.

Upon acceptance into drug court participants, by execution of a participation agreement, will in the event the court determines that non-compliance requires an intervention a participant may, upon being advised of such an intervention, request a hearing before the court. Upon such a request, a hearing will be held, whenever practicable, at the time the request is made, and in any event within 48 hours of the request. If a request for hearing is made, the court may consider whether conditions for the participant's release pending hearing should be imposed in

accordance with CrR 3.2.

Incentives

The drug court will utilize a graduation of incentives, tailored to appropriately recognize and encourage each participant’s accomplishments and successes, ranging from congratulation and praise in court to tangible rewards (e.g. gift certificates, event passes) to the ultimate reward of graduation from drug court and dismissal of the pending charge(s).

Incentives may include, but are not limited to:

- a. Verbal praise
- b. Rocket docket
- c. Fishbowl
- d. Spinning of the ADC Prize Wheel
- e. Skip a week
- f. Approval of pre-planned travel
- g. Reduction in case management meetings
- h. Reduction in sober support
- i. Reduction in time in phase requirements
- j. Promotion to next phase
- k. Graduation

Interventions

The drug court will utilize the following graduation of interventions, ranging from the least severe (e.g. admonitions in court) to the most severe (e.g. incarceration), selected to specifically discourage and deter non-compliance with drug court requirements and to aid and reinforce treatment and services necessary for recovery.

Interventions may include, but are not limited to:

Low	Moderate	High
Admonishment from the bench	Increased supervision requirements	Day report
Essay or Letter of Apology	Additional community service (8-16 hours)	EHM
Daily Activity Log	Superior Court Docket	Home Detention/Curfew
Increased court sessions	Jail Sanction (1-3 days)	Jail sanction (3-6 days)
Increased UA frequency	Home visits by case management	Mix of low/moderate intervention
Increased Sober Support	No contact orders	Phase reduction
Additional Community Service (4-8 hours)	Extension of phase	Roundtable/Essay for staying in the program
Increase Tx level of care based on tx recommendations	Stripping of clean time	Notice of Termination
	Work crew	Termination from the

Termination from Drug Court

Termination will occur upon a participant's election to opt out of drug court following execution of the drug court participation agreement.

Termination will also occur if a new charge(s) is filed against a participant alleging an offense(s) that is ineligible for drug court. If a participant, while in drug court, is charged with a new offense that would otherwise be eligible for drug court participation, the drug court team will consider the participant's circumstances on a case-by-case basis and determine if continued participation in drug court is appropriate and compatible with the new charge.

Termination from drug court may occur as the consequence of particularly serious violations of drug court requirements or policies or persistent non-compliance with drug court requirements.

Serious violations that may result in termination include, but are not limited to:

- Violence or threatened violence to another participant or to drug court personnel
- Filing of any new felony charge against the participant
- Tampering with a test sample
- Absconding from drug court

Persistent failures to comply with drug court requirements may result in termination, but in most instances, only after a succession of interventions has been imposed that has not resulted in improved compliance and progress.

Persistent failures that may result in termination include, but are not limited to:

- Dishonesty to the Court and ADC team
- Positive test results
- Missed or refused tests
- Missed court sessions
- Missed treatment session
- Violations of criminal laws
- Failure to participate in court ordered treatment or services
- Failure to demonstrate, over a reasonable period, progress through drug court and toward sustained sobriety

Upon the recommendation of any drug court team member that a participant be terminated, the team will consider the recommendation at the next staffing. If it is the consensus of the team that termination of the participant from drug court should proceed, the participant will be provided written notice that termination is being considered which advises the participant of the allegation(s) that is the basis for termination. At the next regular drug court appearance, the participant will be given the opportunity to admit or deny the allegation(s) and, if requested by

the participant, the consideration of termination will be scheduled for a hearing at which the participant will have the right to be represented by counsel and present additional information in support of continuing in Adult Drug Court. The prosecutor will present information in support of termination based upon the prior record and interventions throughout the participants time in Adult Drug Court. Testimony will not be permitted unless the court finds good cause to allow testimony.

The judge will determine whether a participant is terminated, taking into account the views of the other team members and any information provided by the participant. If a judge determines that the participant should be terminated from drug court following a hearing, the judge will make specific findings and conclusions in support of such determination. If a participant requests to voluntarily terminate from the program prior to notice of termination or after notice of termination, the participant will have the opportunity to discuss the consequences of termination with defense counsel. If, after discussing voluntary termination, with counsel and it is determinate that the participant would still like to terminate the program, a record will be made at the next available drug court docket stating that the participant would voluntarily like to terminate the agreement.

Upon entry of an order of termination due to voluntary termination or after a hearing, the case will be set for a stipulated bench trial on the next available Adult Drug Court docket. The Drug Court judge will review the stipulations and attached police report for a determination of guilt. If the participant is found guilty as charged, the Drug Court Judge will move to sentencing or set sentencing for a later Adult Drug Court docket.

Graduation from Drug Court

To be eligible for graduation from drug court, participants must, at a minimum, have actively participated in drug court for 16-months, and have successfully completed each of the phases of drug court.

In determining whether a participant should be graduated from drug court, the team will consider the participant's current circumstances, including (1) stability in family and other significant personal relationships, housing and employment, (2) support systems in place for continued sobriety, (3) progress in court-ordered treatment of co-existing disorders, (4) recommendations of treatment providers, and (5) plans for and commitment to continued sobriety and recovery.

When a participant qualifies for completion of phase V, a graduation essay will be provided to the participant. Prior to graduation, the essay shall be completed and submitted to the drug court team. The participant will be required to attend the team staffing at which the application for graduation is presented and reviewed. Graduation ceremonies will take place in the courtroom. Graduations will be scheduled as needed. Upon graduation and dismissal or reduction of the pending charge(s), a participant is relieved of all drug court requirements.

Graduates

Drug court graduates who are charged with new offenses following graduation from drug court will not be considered eligible for drug court unless the drug court team agrees by consensus that there exist exceptional circumstances that warrant consideration for participation.

Opted-out Participants

Prior participants who have opted out of drug court may not re-enter drug court on the same underlying charge(s). Prior participants who have opted out of drug court, and thereafter have been charged with a new offense, may be referred to the prosecutor for possible participation under the new charge.

Terminated Participants

Prior participants who have been terminated from drug court for serious violations, repeated non-compliance or the filing of new, ineligible charges, will not be considered eligible for drug court unless the drug court team agrees unanimously that there exist exceptional circumstances that warrant consideration for participation.

Residence and Travel of Participants

Residence

Frequent contact with participants and monitoring of their compliance by the ADC Therapeutic coordinator, Behavioral Health Specialist and/or law enforcement personnel are a requirement under the drug court program. Therefore, participants must live at a residence approved by the drug court team and at all times reside within Benton or Franklin County or within five miles of the boundaries of Benton or Franklin County. Participants are required to keep the Behavioral Health Specialist informed of their current address and phone number(s) at all times and must provide advance notice and obtain approval 48 hours prior to moving. All persons residing in the home must be approved prior to a change of address. The drug court team on a case-by-case basis can address emergency housing.

Travel

Participants may travel outside Benton and Franklin Counties only upon the prior, express authorization of the ADC Therapeutic coordinator, Behavioral Health Specialist or Judge, and only subject to the requirements and restrictions governing drug court participation and any other conditions and restrictions imposed. Travel requests must be made one week in advance of the dates of travel. Requests should be made in writing to the participant's Behavioral Health Specialist. The Behavioral Health Specialist will present the request to the Adult Drug Court team, and the participant will be notified as soon as a decision has been made.

Limited English Proficiency Participants

All reasonable steps will be taken to ensure that participants with limited English proficiency (LEP) have full and meaningful access to the drug court and services provided through it. The team will develop and periodically update an LEP Plan to provide for the timely and reasonable provision of language assistance to LEP participants. The plan will reflect the fact that for a sizeable segment of the community Spanish, rather than English, is the primary language. It will include, among other things: a projection of the number of potential drug court participants for whom Spanish is the primary language and the number for whom a language other than English or Spanish is the primary language; the nature of language services (e.g. oral interpretation and/or written translation) reasonably necessary for various drug court functions, programs and services; standards of interpreter/translator proficiency required for various drug court functions, programs and services and protocols for determining that the standards are satisfied; and procedures for ensuring the timely identification of need for language services and the timely provision of them.

Court certified Spanish interpreters under contract with the counties will be utilized as necessary at court sessions. Court certified interpreters in other languages will be provided through the Washington Administrative Office of the Courts as necessary for court sessions. Interpreters for other court functions, programs and services will be selected and provided as set forth in the LEP Plan.

Participant Payment of Restitution and Fees

Participants are required, to the extent of their reasonable ability and resources, to pay the following:

- full restitution for the pending charge(s) as outlined below

The combined restitution owed on all pending cases in Benton County Superior Court may not exceed \$7,500 and the Benton County Prosecuting Attorney must be in agreement with the case/cases being transferred or filed into Adult Drug Court. The participant will be required to sign a restitution order for **the total amount of restitution owed** as a condition of acceptance into Adult Drug Court. For any restitution above \$2,000, the participant must pay \$2,000 of the financial obligation in accordance with Adult Drug Court in order to graduate successfully from Adult Drug Court.

A participant whose restitution exceeds \$2,000 and who is not able to fully pay it prior to meeting all other graduation requirements, will graduate Adult Drug Court after paying \$2,000 of the total restitution amount. All other requirements of Adult Drug Court must also be completed. However rather than the case being dismissed, the participant will agree to plead guilty to a gross misdemeanor with an agreed two-year deferred sentence recommendation. The only condition of the deferred sentence will be to pay the outstanding balance of the original restitution order. At graduation, a review date will be set to determine if the participant has complied with the conditions of the deferred sentence.

The Behavioral Health Specialist will coordinate with the participant and defense attorney to determine a reasonable rate of monthly payments toward restitution, costs, and fees. An Agreed Restitution Order will be entered at the time of opt in, if applicable. Restitution and any other fees must be paid at by a certain percentage beginning in Phase 2, and restitution should be paid pursuant to the above policy.

In the event a participant is terminated from drug court, all restitution, costs, and fees ordered by drug court will be included in the legal financial obligations as previously ordered. The court may also order additional fines and costs as part of the judgement and sentence imposed upon the participant on the underlying charge(s).

Inter-participant Relationships

Romantic or intimate relationships between participants often pose a high risk of diverting focus from individual sobriety, may foster co-dependency, are frequently the source of stress and emotional pain, and the initiation of such relationships while in drug court is prohibited. The court may also require that such relationships, existing prior to commencement of drug court participation, be terminated or suspended.

Financial relationships or transactions, such as lending/borrowing money or jointly owning property, between participants are prohibited.

Self-Help Meetings

Essential tools in recovery from substance use include self-examination and reflection and peer support and motivation from others who are in successful recovery, and participants will be required to develop and utilize such tools. Those tools are available through 12-step and other organized sober support recovery groups within the community. Participants will be required to participate in self-help meetings and may be required to engage in the 12-step program with a sponsor. In the event of conflict between the religious or personal beliefs of a participant and religious elements or components of such groups, the participant will be exempted from participation in such groups and participation in alternative services and programs that provide such recovery tools will be required. Participants must also bring proof of sober support meeting attendance to case management sessions and to the SUD treatment provider upon request. Failure to attend full meetings or bring attendance slips to office sessions may result in an intervention in court. Online meetings will not count toward your weekly meeting requirements, but participants are not prohibited from attending.

In connection with participation in 12-step or other sober support meetings, participants are required to establish and maintain during their participation in drug court a close relationship with a sponsor that includes frequent and regular contact.

Prohibited Discrimination

Every participant has the right to be exempted from participation in any activities or programs that incorporate any religious elements or components that are contrary to their religious or personal beliefs. No participant will be denied entry into drug court, prevented from participating in and successfully completing and graduating from drug court or in any other way be penalized by reason of being so exempted from participation in activities or programs.

No potential participant will be granted or denied entry into drug court, nor any participant provided, or denied, any treatment or collateral services or benefits through drug court or prevented from participating in and successfully completing and graduating from drug court on the basis of race, ethnicity, color, national origin, gender or sexual orientation.

Case Management

The Behavioral Health Specialist and ADC Therapeutic coordinator are responsible for providing primary case management and supervision of all drug court participants. During the period between each drug court session, the Behavioral Health Specialist and/or ADC Therapeutic coordinator, or an approved designee, will personally review progress with each participant. At the court session the participant will provide proof of treatment participation, meeting attendance, receipt of services, employment or housing status, or other information that the participant was either requested to provide or wishes to show the judge. The judge will review with the participant each task the participant has completed or failed to complete.

The case management of drug court participants is built around the use of the substance use assessment, any mental health records, and current evaluation tools. It entails an interactive, coordinated process between the Behavioral Health Specialist /ADC Therapeutic coordinator and participant, with the ultimate goal of identifying the strengths and challenges of the participant and developing interventions and strategies around those issues. Case management and supervision will provide: (1) planning for intervention services and the fulfillment of criminal justice obligations; (2) brokering treatment and other services and assuring continuity as the participant progresses through treatment and program completion; (3) monitoring and reporting progress of the participant; (4) supporting the participant by identifying problems, and advocating for the participant with legal, treatment, social service, and medical and mental health systems; (5) monitoring urinalysis, breath analysis or other chemical testing; and (6) monitoring of phases.

Each participant is required to attend scheduled appointments with the Behavioral Health Specialist or ADC Therapeutic Coordinator. The schedule and frequency of these meetings is based on phase and progress. Participants who arrive more than 15 minutes late for any scheduled appointment will be counted as a no-show/missed appointment for that week and may receive an intervention in court.

Substance Use Assessments

Treatment providers approved by the court will complete assessments as ordered by the court.

Prior to a potential participant's first formal appearance in drug court a written assessment and recommended treatment plan will be provided to the drug court team. The assessment will be based on American Society of Addiction Medicine criteria and comply with applicable Washington Administrative Code requirements. All information that is collected at this point is kept confidential except insofar as CFR 42 and/or state law requires reporting of such information. Such confidential information not subject to mandatory reporting may not be used in proceedings other than drug court unless the team, by consensus, determines that it should be. The treatment specialist will provide assessment and treatment information and recommendations to the other drug court team members at each staffing.

Mental Health Assessments

As part of a holistic and comprehensive approach to helping our participants, all Adult Drug Court Participants must complete a mental health assessment. The mental health assessment must be completed before a participant is allowed to go into the final phases of the program. Mental health assessments help the Drug Court Team better understand the challenges that Drug Court Participants are dealing with and allow the Drug Court Team to better assist people stay in long term recovery.

Drug Testing

Regular, random drug and alcohol testing is a key and mandatory component of the drug court program, and is conducted by various means, including, but not limited to urine, breath, saliva and sweat analysis. Testing is completed on a random basis and every sample collection is directly and fully observed. Test results will be used solely to determine if the offender is complying with drug court rules and requirements and/or progressing satisfactorily, to determine if the treatment plan needs modification, or to determine whether the participant should be terminated or graduated from the program. Test results will not, under any circumstances, be used as evidence of a new crime; however, test results for a participant who is subject to probation or other court-ordered supervision may be provided to the supervising entity.

Test sample collections and field testing are conducted on a random basis by trained staff Washington Behavioral Health. To facilitate random drug testing, each drug court participant is required to call into a testing color line voicemail or check online every day to receive instructions for sample submissions unless expressly excused from doing so by the coordinator, case manager, or judge. Failure to comply with the instructions will result in intervention, and failure to provide a sample as directed will result in the loss of drug court clean time, and potentially at intervention from the court.

All participants must submit to an initial "full screen" urinalysis test upon entrance to the drug court. Further testing throughout the drug court phases will be conducted by either presumptive quick tests (instant results) or full-screen testing procedures. The presumptive testing will test for the presence of alcohol, marijuana, methamphetamine, opiates, PCP, cocaine, and additional substances and for sample adulteration. All positive presumptive tests will be submitted for confirmatory testing, with a test report provided, whenever possible, within 48 hours.

Participants may be required to submit to, and pre-pay for, additional drug screen tests as a condition of being permitted to travel outside Benton and Franklin Counties. The court will be notified at the next drug court staffing when a participant has tested positive. Positive test results will result in the loss of clean and sober time accumulated in drug court prior to the sample collection and may result in other interventions as well.

Refusal to provide samples, unexcused missed sample collections, evidence of sample dilution or other adulterations or willful failure to provide sufficient samples for testing will result in the loss of clean time accumulated in drug court prior to the sample collection and may result in additional court interventions. Refusals will be considered the equivalent of a positive test. Stalling (30 minutes or more), unexcused missed sample collections, other failures to comply with instructions may be considered the equivalent of a positive test.

Prescription Drug Usage

Participants are expected to be drug free, including the use of mood-altering prescription medications. All prescription medications must be reported to the ADC Therapeutic coordinator. Participants who take prescription medications or other mood-altering substances that would cause a positive urinalysis test without drug court approval may receive an intervention or termination according to the following guidelines.

On-going Pain Medications

Potential participants with chronic pain that requires on-going and repeated use of prescription pain medications which are opiate, opiate-based, or benzodiazepine medications will not be considered appropriate candidates for drug court. If the defendant chooses to participate in drug court, he or she will be required to consult their physician about the ability to discontinue use of all above listed prescription pain medications and provide information from their treating physician concerning the treatment alternatives and / or potential risks to their condition if they do discontinue pain meds.

Temporary Pain Medications

Participants, who opt-in to Adult Drug Court and then experience an episode of acute pain, must have a special form completed by their doctor. The doctor must indicate on the form that he or she is aware that the Participant presenting the form is in Adult Drug Court and is expected to remain drug free except in extreme instances.

Forms are available through the Court and treatment. Completed forms should be provided to the Court at Participant's next hearing and to the treatment provider at Participant's next appointment. Forms will include the following:

- doctor's name and signature;

- medication prescribed;
- amount prescribed (including refills);
- reason for prescription; and
- duration of treatment.

Prohibited Substance Policy

All Therapeutic Court Participants are required to remain drug and alcohol free and are not allowed to use any form of mood-altering chemicals.

- Participants will not possess, use, distribute, sell, or have under their control any illegal drugs or drug paraphernalia.
- Participants will not possess and/or consume alcohol or marijuana in any form. This includes non-alcoholic beer, wine, or spirits, and any ingestible or topical products containing THC or CBD.
- Participants will not possess and/or consume any substance intended to replace an otherwise illegal/prohibited substance. All synthetic/designer drugs marketed and sold under false pretenses as “supplements” or with the warning “not for human consumption” are strictly prohibited.
- Participants will not use or possess canned air such as, but not limited to, air duster, carbon dioxide (CO2) canisters, nitrous oxide, or any other canister that could be used for inhalant or huffing purposes.
- Participants will not possess and/or consume any products intended to substitute or alter the results of a urine drug test such as creatine, nitrites (Klear, Whizzies), UrinAid, Urine Luck, Certo, Sure Jell, diuretics, etc.

Consuming and/or possessing any substance referenced above or in the list below is a violation of the terms and agreement and is grounds for an immediate notice of termination being filed and may result in termination from the program.

Prohibited Substance List

Alcohol (Ethanol)	<ul style="list-style-type: none"> • Beer, wine, or spirits • Non-alcoholic beer, wine, or spirits • Foods containing alcohol • Cough syrup or liquid medications containing alcohol such as Nyquil, Dayquil, Robitussin, TheraFlu, etc. 	<ul style="list-style-type: none"> • Mouthwash • Kombucha • Solvents
Amphetamines, Stimulants & Pseudoephedrine	<ul style="list-style-type: none"> • Adderall • Vyvanse • Ritalin • Concerta • Quillivant 	<ul style="list-style-type: none"> • Phentermine (Adipex, Lomaira) • Allergy and cold medications containing pseudoephedrine such as Alka-Seltzer Cold,

	<ul style="list-style-type: none"> • Methylphenidate • Dexedrine • Dextroamphetamine • Modafinil • MDMA (Ecstasy/Molly) 	<ul style="list-style-type: none"> • Claritin-D, Mucinex-D, Allegra-D, Advil Cold and Sinus, Sudafed, Tylenol Cold, Tylenol Severe Cold & Flu, TheraFlu, Robitussin Cold Cough & Flu.
Benzodiazepines	<ul style="list-style-type: none"> • Alprazolam (Xanax) • Clonazepam (Klonopin) • Chlordiazepoxide (Librium) 	<ul style="list-style-type: none"> • Diazepam (Valium) • Lorazepam (Ativan)
THC, CBD, & Synthetic Cannabinoids	<ul style="list-style-type: none"> • Any product containing THC or CBD (edible, drink, flower, dab wax, vapes, topical) • Delta-8 • Delta-9 	<ul style="list-style-type: none"> • Delta-10 • Spice/K2 • THC-A • THC-O • THC-P
Opioids, Opioid Derivatives, Synthetic Opioids	<ul style="list-style-type: none"> • Codeine • Fentanyl • Heroin • Hydrocodone (Lortab, Loracet, Norco, Vicodin) • Hydromorphone (Dilaudid) • Morphine (Avinza, Kadian, MS Contin, Nucynta ER) 	<ul style="list-style-type: none"> • Morphine Sulfate • Oxycodone (Oxycontin, Percodan, Percocet) • Poppy Seeds and/or foods or drinks containing poppy seeds • Tramadol • Xylazine (Tranq)
Methamphetamines	<ul style="list-style-type: none"> • 	
Miscellaneous Substances	<ul style="list-style-type: none"> • All Appetite Suppressants • All Inhalants • All Supplements • All Synthetic substances • Anything labeled “Not for Human Consumption” • Bath Salts • Caffeine Pills • Cathinones (Monkey Dust) • Creatine • Diphenhydramine (Benadryl) • Flakka • Kava • Ketamine • Khat • Kratom 	<ul style="list-style-type: none"> • 7-hydroxymitragyne (7-OH, 7-Hydroxy) • Pseudoindoxyl • Krokodil • Mephedrone • Mescaline • Phenibut (Anvifen, Bifren, Noofen, PhGaba, β-phenyl-GABA) • Poppy Seeds (food or drinks containing poppy seeds) • Spice/KS • Steroids • Tianeptine (Tia, Tianna, Zaza) • Xyrem (GHB) • Xylazine (Tranq)
Hallucinogens	<ul style="list-style-type: none"> • Dimethyltryptamine (DMT) • Ecstasy “Molly” • Ketamine 	<ul style="list-style-type: none"> • MDPV (Monkey Dust) • Mushrooms (Psilocybin) • PCP

	<ul style="list-style-type: none"> • LSD • Methoxetamine 	<ul style="list-style-type: none"> • Tryptamine • Inhalants
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Team Member Responsibilities

Each drug court team member is integral to the successful operation of the Benton County Adult Drug Court. Although each team member contributes the perspective of his or her respective discipline, every member commits to working collaboratively and cooperatively as a team to assist participants in becoming clean and sober and law-abiding members of the community. Each team member recognizes the critical importance of weekly case staffing, on-going training and education, and continuing team building and team-sustaining activities. With respect to issues relating to appropriate treatment or service requirements for individual participants or appropriate incentives or interventions for individual participants the team will endeavor to resolve such issues by consensus, and, if consensus is not possible, by majority vote of the members present.

The team, by consensus or majority as provided above, will determine, after full discussion and consideration of all reports and information provided at weekly staffing, on a more-probable-than-not basis, each participant’s level of progress and compliance and any violations or failures to comply. Any member of the team who believes that additional information should be considered by the team should outline to the team the nature and substance of such additional information and request that the team obtain and/or consider such additional information.

Team members include the core members listed below:

Drug Court Judge

The Adult Drug Court Judge determines the focus and direction of the Adult Drug Court program through effective leadership and collaboration with the Adult Drug Court Team.

The Adult Drug Court Judge:

- a. provides responses, support, encouragement, rewards and interventions, as necessary, as the Adult Drug Court participant progresses through the program;
- b. makes final decisions when consensus among the Team cannot be reached;
- c. leads pre-Court staffing meetings;
- d. promotes Adult Drug Court policies, rules and procedures; and
- e. serves as the central figure in a team effort that focuses on sobriety, accountability and recovery as the primary goals for Adult Drug Court participants.

Prosecutor

The role of the Adult Drug Court Prosecutor is to protect public safety by ensuring that each candidate is appropriate for the program and complies with all Adult Drug Court requirements. The Adult Drug Court prosecutor serves as the “gate keeper” for potential participants to the Adult Drug Court program.

The Adult Drug Court Prosecutor:

- a. participates fully as an Adult Drug Court team member;
- b. makes eligibility recommendations and contacts collaborative agencies for input;
- c. makes recommendations for termination and/or Court responses that balance community safety needs with potential for therapeutic outcomes;
- d. participates in a cooperative manner at Adult Drug Court hearings and meetings, and promotes a unified Adult Drug Court Team approach;
- e. monitors client progress in the Adult Drug Court program; and
- f. adheres to Adult Drug Court policies, rules, and procedures.

Defense Attorney

The role of the Adult Drug Court Defense Attorney is to ensure his or her client’s legal rights are protected while encouraging the client's full participation in the program. Within the parameters of the Rules of Professional Conduct, defense counsel:

- a. participates fully as an Adult Drug Court Team member;
- b. advises a client of their legal rights, legal options, and potential sentencing outcomes;
- c. actively monitors client progress in Adult Drug Court and discusses the long-term benefits of a drug-free lifestyle;
- d. participates in a cooperative manner at Adult Drug Court hearings and meetings and promotes a unified Adult Drug Court Team approach; and
- e. adheres to Adult Drug Court policies, rules, and procedures, including reminding Participants of their agreements, the Adult Drug Court rules, mandates, and expectations, and the need to accept consequences for lack of compliance;

Treatment Provider

The treatment providers support Adult Drug Court participants by engaging in SUD services including, inpatient referrals, intensive outpatient treatment, individual and group treatment services and therapeutic case management. The treatment provider for the Adult Drug Court participants attend weekly staffing or provide updates to the case managers on a participants compliance with treatment.

ADC Therapeutic Coordinator

The ADC Therapeutic Coordinator is responsible for the administrative, financial, and contractual aspects of the program, public relations, collaboration with other criminal justice and community agencies, and facilitating monthly business meetings and trainings. The ADC Therapeutic Coordinator engages in case management with participants and facilitates the continuing growth of the Adult Drug Court program.

Behavioral Health Specialist/Active Probation Officer

The Behavioral Health Specialist/APO, in cooperation with treatment providers, will provide case management of all drug court participants, and will gather and distribute weekly progress information to all drug court team members at weekly staffing. The Behavioral Health Specialist/APO will meet with each prospective participant, prior to the initial team staffing to determine whether the participant is accepted for drug court participation, to obtain information that will be helpful to the team in assessing the participant's suitability for drug court. That information includes the level of substance use, family environment, significant relationships and support systems, employment history, prior history of treatment and counseling, medical and mental health needs, abuse history, cultural issues, and other psychosocial risk factors. The Behavioral Health Specialist is responsible both for providing information and recommendations relating to issues of accountability and treatment and for participating cooperatively and collaboratively with other team members in team meetings and staffing.

Law enforcement Representative

representative serves as liaison between the drug court and the law enforcement community, and identifies and maintains contact with at least one officer within each city police department, sheriff's department, Washington Department of Corrections office and Washington State Patrol detachment within Benton and Franklin Counties for the purpose of developing a network between those agencies and the drug court team and developing and maintaining a plan and system for monitoring drug court participants. The law enforcement representative attends all weekly team staffing's and provides input on law enforcement contact with participants prior to entering Adult Drug Court or while in Adult Drug Court.

Mental Health Services

In most cases Mental Health Services will be provided by Washington Behavioral Health.

Department of Corrections Liaison

The Department of Corrections liaison provides information, expertise, and recommendations with respect to criminal history and current or previous supervision history. The liaison may help develop a network for monitoring participants on dual supervision, including referrals to appropriate treatment or skills programs available through the Washington State Department of Corrections.