

CHELAN COUNTY DISTRICT COURT PROBATION DEFERRED PROSECUTION POLICY

I. GENERAL STATEMENTS

Probationers on deferred prosecution in Chelan County are expected to fully comply with all conditions and terms of the Order Deferring Prosecution. Probationers will be supervised for five years. Monthly service fees will apply.

Rules governing deferred prosecution probationers:

1. There will be no early release from the statutory treatment requirements. The treatment portion of DP supervision is two years.
2. All treatment progress reports, including those reporting non-compliance, will be forwarded to Chelan County Probation Services. Progress reports will be filed on a monthly basis throughout the entire treatment program using a report format provided by probation.
3. No out of state transfers (including a return to a state of residence) will be allowed while the petitioner remains on deferred prosecution.
4. Probationer may not change the treatment provider without prior approval from probation services. Approval is limited to extraordinary circumstances.
5. Should any delay in the first phase of treatment (inpatient or IOP) occur, the petitioner will be required to be involved in at least weekly outpatient counseling and to participate in the required two (2) self-help recovery meetings (AA, NA, etc.) per week.
6. The use of medical cannabis (marijuana) is prohibited unless expressly permitted by the Court.

II. PROCEDURES UPON NOTICE OF NON-COMPLIANCE.

Any suspected violations of the conditions and terms of deferred prosecution will be investigated by the probation department. Upon good cause to believe a violation has occurred, the suspected violation will be reported to the Court and the prosecuting

authority together with a recommendation regarding possible sanctions, including revocation of deferred prosecution.

The probation department may recommend that no sanctions be imposed. If accepted by the court and prosecution, the violation will be noted in the case record, but the probationer will not be required to appear in court or face possible punishment. Typically, non-sanction violations involve:

1. non-criminal traffic violations;
2. first time relapses which are immediately self-reported;
3. a missed probation and/or treatment meeting;
4. failure to attend and/or verify self-help recovery groups; and
5. failure to complete a DUI Victim's Panel.

Non-sanction recommendations are generally reserved for "first time offenders" and are contingent upon immediate and appropriate corrective actions. Further, neither the court nor the prosecuting authority are bound by the probation department's recommendation.

In all other situations, a Declaration of Probation Violation will be filed with the court. Upon review by a judge, the court may order a hearing to determine if the probationer will be allowed to remain on deferred prosecution. The court will notify the defendant of the date and time of the hearing. In some cases, the Judge may issue a bench warrant.

Revocation of deferred prosecution is typical in the following situations:

1. conviction of a similar offense or an alcohol or drug related offense;
2. operating a motor vehicle without a valid license or insurance;
3. operating a motor vehicle without a required ignition interlock device;
4. failure to pay court costs, probation fees, or restitution;
5. failure to sign a Release of Information for confidential/medical information with the treatment provider to verify compliance;
6. use of prohibited substances;
7. failure to participate in treatment or self-help recovery meetings; and

8. non-compliance with ignition interlock device/license requirements, including alternative alcohol monitoring.

III. COURT HEARING AND DECISION:

If a hearing is ordered, a judge will determine whether a violation occurred and what sanction, if any, will be imposed. Conviction of a subsequent, similar offense will result in revocation. In all other circumstances, revocation of the deferred prosecution will be an option.

IV. SUCCESSFUL COMPLETION AND DISMISSAL

Successful completion of deferred prosecution requires:

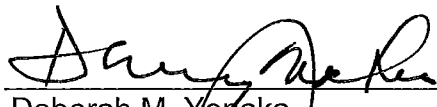
1. satisfactory completion of the treatment plan as set forth in the Order Deferring Prosecution;
2. compliance with all terms and conditions set forth in the Order Deferring Prosecution; and
3. payment of all financial obligations to the court and probation services, including restitution to a crime victim.

Upon full compliance with the Order Deferring Prosecution, the probation department will notify the Court and request dismissal of the case. The probationer will receive official notice that the judge has dismissed the original charge(s).

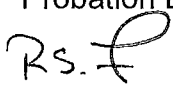
Approved this 16 day of June, 2014



Judge Nancy A. Harmon



Deborah M. Yonaka
Probation Director



Judge Roy S. Fore