

## COMMUNITY COURT POLICY

**OBJECTIVE:** To provide access to resources to offenders charged with nuisance crimes and/or other low level offenses in order to stop criminal behavior in the future.

**ELIGIBLE OFFENSES:**

The prosecutor may, in his or her discretion, decide that a defendant is eligible to opt into community court on particular offenses. The following offenses will generally be considered community court eligible offenses. Offenses designated as domestic violence offenses will not be included.

- Trespass (except trespass on residential property)
- Urinating in Public
- Pedestrian Interference
- Failure to Respond to Notice of Infraction
- Littering
- Disorderly Conduct (except assaultive behavior)
- Possession of Marijuana
- Use Drug Paraphernalia

An offender with no criminal history who opts-in to community court at arraignment, is eligible to have the offenses listed in the table below reduced to an infraction upon completion of the intake/orientation process and completion of required links with service providers and/or stake holders.

Criminal offense	Infraction	Fine
TRESPASS	Prohibited Land Use OMC 18.04.040 B1	\$ 103
DISORDERLY CONDUCT NOISE VIOLATION	Violation of Noise Standards OMC 8.24.020 J	\$ 103
PEDESTRIAN INTERFERENCE	Fail to obey Ped control device RCW 46.61.060 Ped crossing not at crosswalk RCW 46.61.240	\$ 56
FAILURE TO RESPOND TO NOTICE OF INFRACTION	Reduce to underlying infraction	\$ TBD
URINATE IN PUBLIC	Prohibited Land Use OMC 18.04.040 B1	\$ 103
POSSESS MARIJUANA	Sell/Give Drug Paraphernalia RCW 69.50.4121	\$ 250
USE DRUG PARAPHERNALIA	Sell/Give Drug Paraphernalia RCW 69.50.4121	\$ 250
LITTERING	Throw/deposit debris RCW 46.61.645	\$216

An offender with prior criminal history charged with the above listed offenses or with Violation of Exclusion Order, may opt-in to community court at arraignment, if the City determines that he or she is eligible for community court. Upon determining eligibility, the City may offer a deferred sentence with terms that will be negotiated on a case by case basis.

**DWLS 3:**

An offender charged with DWLS 3, who has no more than 4 prior similar offenses within 5 years, who opts into community court at arraignment, will have their charge reduced to the infraction No Valid Operator's License with ID. A mitigation hearing would be scheduled. If the offender appears at the mitigation hearing with proof of a valid license, the City recommends a \$150 fine. If a valid license is not obtained, the fine will be \$350. Offenders with 5 prior DWLS or NVOL offenses within 5 years, may still opt into community court at arraignment with entry of a plea of guilty. A sentencing date would be scheduled. If defendant appears at the sentencing hearing with a valid license, the City will recommend no jail time and a \$43 conviction fee.

**THEFT:**

An offender charged with Theft, with no prior criminal history, may be eligible to opt into community court at arraignment. Upon determining eligibility for community court, the City may offer a 6 month deferred sentence with conditions of no law violations, no entry into the involved business, pay a \$400 fine, complete Moral Reconciliation Therapy program, and complete a community court intake and other requirements.

**MIP:**

An offender charged with MIP, with no prior criminal history, may be eligible to opt into community court at arraignment. Upon determining eligibility for community court, the City may offer a 6 month deferred sentence with conditions of no law violations and completion of a community court intake/orientation and requirements which will be negotiated on a case by case basis.

IN ALL CASES, THE PROSECUTOR RETAINS THE DISCRETION TO ALLOW CERTAIN OFFENDERS TO OPT IN TO COMMUNITY COURT, EVEN IF NOT SPECIFICALLY LISTED ABOVE.

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