

CITY OF OLYMPIA COMMUNITY COURT

POLICIES AND PROCEDURES

I. GENERAL

A. Background

Community courts seek to respond to crime through a combined strategy of holding offenders accountable and offering to help defendants with a range of social needs. Community Court is a non-traditional approach that works to provide practical, targeted solutions rather than traditional punishment. The Olympia Community Court opened its doors in January 2016 following a community needs assessment conducted by various justice system and community stakeholders. Working together with community partners specializing in housing services, education, employment, chemical dependency, health care, licensing, mental health services, and veterans' services, the Olympia Community Court offers individuals a hand-up, with the goal of restoring the person and community.

B. Mission

Through a collaborative effort between Olympia Municipal Court, the Olympia City Prosecutor's Office, Olympia public defenders, the Olympia Police Department, and community organizations, Community Court seeks to break the cycle of crime, reduce recidivism, and reduce overall impact on the justice system involving offenders committing minor nonviolent offenses through case management and access to supportive services.

C. Objectives

The objectives of the Olympia Community Court are to:

- Reduce use of jail as a sanction for low level offenses;
- Increase opportunities for life changing experiences through meaningful connections with service providers;
- Increase offender accountability through restitution and community service;
- Decrease probation violations for low level offenses and nuisance crimes through an intensive case management model;
- Increase success of participants through case management, employment, re-licensing, treatment and mental health services;
- Decrease amount of time from date of offense to date of disposition for Community Court cases; and
- Improve public trust in the justice system.

D. Core Planning Team

The foundation of Community Court is a team of court, prosecution, public defense, police, probation, academic and social service professionals dedicated to collaboration on cases to reach practical and targeted solutions.

All team members will be responsible for dissemination of information to their respective agency with regard to confidentiality laws that apply specifically to Community Court participants. Likewise, the sharing of information between team members is a vital part of working as a team. Team members will be charged with the education of peer professionals on the program and will develop community linkages which enhance the effectiveness of the program. In creating this partnership and uniting in a single goal of addressing an underlying problem affecting our community, we are pledging to enhance communication between the courts, law enforcement and social service agencies. Through this linkage of services, we expect wider participation and greater effectiveness in addressing the problems of individuals involved in the criminal justice system.

E. Location and Hours Of Operation

The Olympia Community Court operates out the Olympia Municipal Courthouse, located at 900 Plum St SE, Olympia WA. Community Court cases are heard from 9:00 a.m. to noon on Wednesdays in Courtroom 2.

The Community Court provider building is located next door to the courthouse at 909 8th Ave SE, Olympia. Various community organizations and treatment providers are stationed in this building at 9:00am on Wednesdays and are available to offer resources and referrals to Community Court participants and members of the public who are referred for services.

F. Community Engagement

Community engagement is a key tenet of the community court model. Community Court staff interact with the Olympia community at large through a number of ways in order to receive feedback from community members and be a visible presence in Olympia neighborhoods. Additionally, individual stakeholders and focus groups of service providers and justice system stakeholders were engaged early on as a part of the court planning process.

G. Data Collection

The Olympia Community Court tracks data on program performance on an ongoing basis. This data is used to gauge results, measure progress, and make improvements over time. Data collected includes number of cases, mandate types, and compliance rates.

II. AREA SERVED AND ELIGIBILITY

- A.** The Community Court hears low level misdemeanor offenses that occur throughout the City of Olympia. Individuals, who have committed an eligible offense in Olympia, may be screened for Community Court.

B. The following offenses will generally be considered Community Court eligible offenses. Offenses designated as domestic violence offenses will not be permitted to opt in.

- Trespass
- Camping
- Urinating in Public
- Pedestrian Interference
- Failure to Respond to Notice of Infraction
- Minor in Possession
- Minor Exhibiting Effects
- Supply Liquor to Minor
- Driving While License Suspended Third Degree (DWLS 3)
- Theft
- Possession of Stolen Property (PSP)
- Unlawful Issuance of Bank Checks
- Vehicle Prowling 2nd Degree
- Malicious Mischief
- Property Damage
- Graffiti
- Violation of Exclusion Order
- Littering
- Disorderly Conduct
- Possession of Marijuana
- Use Drug Paraphernalia
- Obstructing Justice
- Hindering Law Enforcement
- Resisting Arrest
- False Statement to a Public Servant
- Criminal Impersonation
- Possession of Dangerous Weapon
- Carry Concealed Weapon

C. The prosecutor may, in his or her discretion, decide that a person charged with a crime is eligible to opt in to Community Court on minor nonviolent offenses. In determining eligibility for Community Court, the prosecutor should consider all available information, including the nature of the offense, the facts alleged in the police report, any prior violent and/or felony history, and any behavior that demonstrates a level of criminal sophistication which exceeds the scope of available resources. Factors to consider for inclusion into Community Court include the following: a demonstrated willingness to comply with conditions and/or accept responsibility, a need for social services, a lack of resources in county of residence, and motivation to make changes.

- D. Community members who are not charged with a crime may sometimes appear at Community Court or the provider building seeking services on a walk in basis. Community Court staff and social service providers may provide voluntary assistance to these community members through social service referrals and linkages.

III. PERSONNEL

Community Court staff are responsible for adhering to the Community Court Policies and Procedures and for working together to problem solve individual cases and challenges as they arise. The following list includes core Community Court staff and their roles.

Community Court Judge: The Community Court Judge presides over all cases. The Judge regularly reviews case status reports detailing each participant's compliance with the treatment plan, administers sanctions and incentives to increase each participant's accountability, to enhance the likelihood of long-term compliance, and insures timely resolution of legal issues for all cases.

City Prosecutor: The Community Court Prosecutor reviews all charges and determines which cases qualify for Community Court. The Prosecutor reviews each participant's risk/needs assessment and works in collaboration with the public defender and the participant to develop an individualized plan. The prosecutor also regularly appears for weekly staff meetings and all Community Court hearings.

Public Defense Coordinator: The Public Defense Coordinator oversees the Community Court's general progress and operations, is responsible for data tracking, and supervises the public defenders who are assigned to community court. The Coordinator is also responsible for reaching out to the providers via email and in person for scheduling needs and education on any process changes.

Community Court Public Defender(s): The Community Court Public Defender (CCPD) represents and counsels defendants in the court process. The CCPD works in collaboration with the prosecutor to develop an individualized plan for each participant. The CCPD also regularly appears for all Community Court hearings. Depending on the current caseload, one or two public defenders should be regularly assigned to the Community Court so as to promote consistency and teamwork with other court staff.

Probation Officer: The probation officer assigned to Community Court is responsible for completing risk/needs assessments for participants and providing recommendations to the prosecutor and the CCPD. The probation officer regularly appears for court hearings and weekly staff meetings to provide input on compliance and noncompliance.

Case Manager: The case manager is responsible for keeping in contact with participants and with providers. The case manager provides weekly updates to the core team regarding each participant's compliance with court orders.

Court Administrator: The court administrator oversees the court process and supervises the court clerks. The court administrator ensures that the Community Court process is efficient and that

Community Court participants are properly scheduled. Additionally, the court administrator attends the weekly staff meeting to discuss each participant's progress in Community Court.

Police Department/Jail Manager: The jail manager oversees the operation of the Municipal jail. The jail manager works in collaboration with the Community Court team and attends weekly staff meetings to discuss participant compliance.

IV. COURTROOM PROCEDURES

- A.** Community Court is held every Wednesday morning. An out of custody arraignment is scheduled for 9:00am on Wednesdays. Notice is provided via an officer citation or notice will be mailed to the last known address. If the participant is in custody for arraignment and is eligible for Community Court, the court may release him or her to appear on Wednesday morning.

If the prosecutor has made a Community Court recommendation, the participant should meet with the Community Court Public Defender assigned for the Wednesday morning calendar. If the participant agrees to participate in Community Court, he/she will begin the Community Court process:

- 1) If the participant agrees to participate in Community Court, the CCPD should file a Request to Opt-in/Waiver of arraignment. Once this request is filed, the participant is scheduled for a 9:01 opt-in hearing in Community Court. If the participant declines Community Court, he/she will proceed to arraignment in Municipal Court.
- 2) Upon agreeing to Community Court, the participant should be directed to the provider building @ 909 8th Ave SE.
- 3) The participant meets with a probation officer (or other qualified person) to complete a risk/needs assessment.
- 4) To complete the risk/needs assessment, the participant must sign a release of information and disclose current needs, personal information, and history.
- 5) A copy of the risk/needs assessment should be provided to the CCPD, the prosecutor and case manager.
- 6) The prosecutor and CCPD will review the risk/needs assessment and discuss the links and/or conditions that may be required.
- 7) The CCPD will review the proposed disposition and forms with the participant.
- 8) The proposed resolution is presented to the judge for review.
- 9) The participant enters a plea of guilty or a stipulated order of continuance. On a plea, the prosecutor and CCPD will generally recommend a deferred sentence.
- 10) The participant will appear in Community Court to enter his/her disposition on the record.

- 11) The participant will complete any required community service hours and link with all recommended providers and comply with any follow up appointments and/or conditions.
- 12) The participant may be required to appear for review hearings or check-in's prior to the final graduation date.
- 13) Once the participant completes all program requirements, the case may be dismissed, reduced, or otherwise closed on the date of graduation.

- B.** The courtroom procedures should always be flexible enough to accommodate the given circumstance or situation.

COMMUNITY COURT CASE FLOW CHART (next page)

ARREST/IN CUSTODY

CITATION OR BOOK/RELEASE



**PROSECUTOR REVIEWS REPORT
SCREENS FOR COMMUNITY COURT**



COURT SCHEDULES ARRAIGNMENT

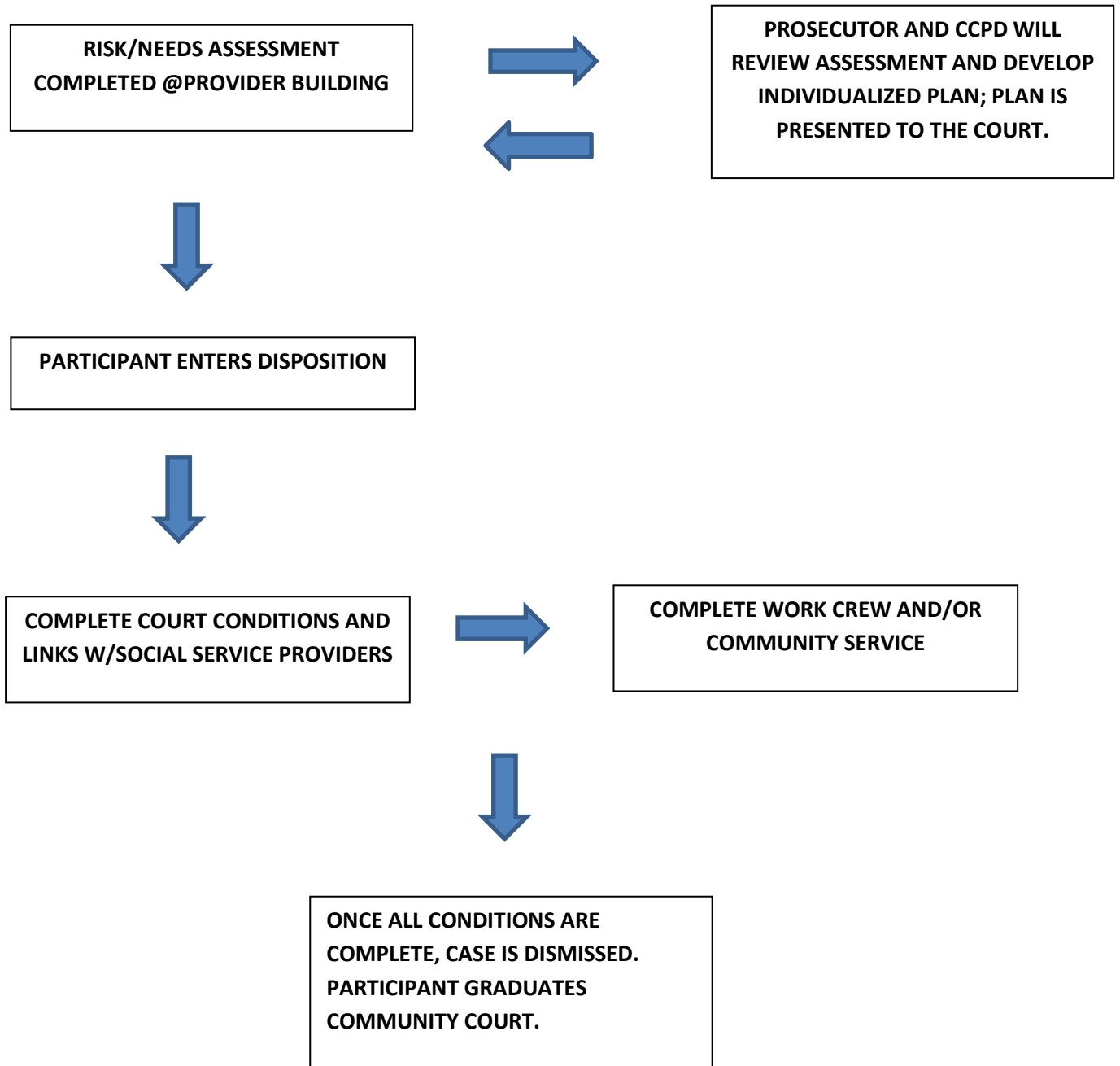


**IF ARRAIGNED IN CUSTODY, THE
COURT WILL GENERALLY RELEASE
WITH AN ORDER TO APPEAR IN
COMMUNITY COURT ON
WEDNESDAY AT 9:01 AM.**

**IF OUT OF CUSTODY, THE COURT
WILL SCHEDULE A 9:00 AM
ARRAIGNMENT. IF PARTICIPANT
OPTS IN TO COMMUNITY COURT,
CASE IS SCHEDULED FOR 9:01AM.**

**COMMUNITY COURT OPT IN FORM
FILED; CASE SCHEDULED FOR
COMMUNITY COURT**





V. OPERATIONAL STANDARDS

A. Prosecutor Screening

The prosecutor shall review all police reports and referrals to determine eligibility for Community Court. The prosecutor should factor in any acts of violence alleged in the police report, prior criminal history, public safety concerns, the nature of the charge and whether the criminal behavior appears to be caused by the need for social services.

B. Public Defender Review

The Community Court Public Defender should review all Community Court eligible cases and meet with participants to explain the Community Court process, to assess whether there is a willingness to participate and whether the client would benefit from links with social service providers.

C. In Custody Cases

In all Community Court cases, the prosecutor should generally recommend a release from jail to appear out of custody to opt in. However, if there is a public safety issue or significant risk of failure to appear, the prosecutor may recommend bail. All Community Court participants should be instructed to report to the provider building to meet with staff and begin linking with providers. In custody participants can complete the risk/needs assessment in jail with the case manager and/or probation or upon release to Community Court.

D. Staffing Meetings

The Community Court team, i.e., the judge, prosecutor, Community Court Public Defender, probation, jail staff, and court staff, should meet on a weekly basis to discuss the participant progress in Community Court. The weekly team meeting will take place on Mondays at noon. In the event that the meeting cannot be held on Monday, the meeting will be on Friday at noon.

Staffing meetings are also opportunities for staff to reflect on current and future operations and work collaboratively through any challenges that arise.

E. Risk/Needs Assessment

A probation officer and/or other qualified person will complete a risk/needs assessment for all participants prior to appearing before the judge in Community Court. The risk/needs assessment used by the Community Court is the Criminal Court Assessment Tool (CCAT), which assesses the risk of reoffending and criminogenic needs of participants. The risks/needs assessment provides a risk score and any recommended links and conditions. In the event that a probation officer and/or other qualified person is unavailable to administer the risk/needs assessment, the CCPD should complete the risk/needs assessment. The risk score will be considered in determining the nature and intensity of any intervention.

F. Release of Information

Each participant must sign a release of information in order to proceed with a risk/needs assessment. In the event that a participant declines to sign the release, he/she should be directed back to the Community Court Public Defender who will counsel the individual on existing options. A continued refusal to sign the release may result in discontinuing a participant's involvement in Community Court and transferring the case to the traditional court process.

G. Intervention and Supervision Level

The results of the risk/needs assessment will serve as a guide for the Community Court team in determining the intervention and supervision level for participants. Low risk participants will generally face a deferral period of 30 days to 90 days. Recommended interventions and supervision may include community service, work crew, and making links with social service providers, if necessary. Moderate risk participants will generally face a deferral period of 90 days to 180 days. Recommended interventions and supervision may include community service, work crew, completing a treatment program and making links with social service providers. High risk participants will generally face a deferral period of 180 days to 2 years. Recommended interventions and supervision may include community service, work crew, completing a treatment program and making links with social service providers. . However, in cases where a protective order is needed or where restitution is reserved, jurisdiction may exceed the above recommendations.

H. Program conditions

As a requirement for program completion, the Community Court Judge may mandate a participant to complete work crew, community service hours, chemical dependency treatment, mental health treatment and/or other social service linkages. To graduate, a participant must comply with all required conditions.

- 1) **Community work crew:** The work crew is supervised by the probation department. Work crew participants complete clean up and community improvement projects throughout the City. Participants who are mandated to complete work crew, must first schedule the work crew days with probation. On the scheduled work crew day, the participant must report to the probation office before 8am to begin an eight hour day.
- 2) **Social service linkages:** Generally, participants will be required to link with social service providers. The specific links that are required will be determined by the court after reviewing recommendations based on the risk/needs assessment. For low risk participants, simply meeting or "linking" with the on-site provider will generally be sufficient. Each participant will have a sheet in which their "link" signs their form as proof that they met. The providers on site also have a binder that is kept on site in which the participant's signature is placed in as backup proof that they met. For moderate to high risk participants, conditions may require follow up appointments, submitting to sobriety monitoring and/or completion of a treatment program.

I. Case management

Community Court cases are managed by the court through regular hearings and personal appearance in court. Additionally, the case manager provides weekly reports on progress and maintains regular contact with participants.

J. Case disposition

A stipulated order of continuance may be offered to a participant without any criminal history, who opts in to Community Court at arraignment. A participant with prior criminal history who is eligible for a Community Court recommendation, will be offered a deferred sentence, except as noted in section (V)(J)(1) below.

1) Driving While License Suspended 3rd Degree (DWLS3) Policy:

A participant charged with DWLS 3, who has no more than 5 prior similar offenses within 5 years, who opts into Community Court at arraignment, may have their charge reduced to the infraction No Valid Operator's License with ID (NVOLw/ID). A mitigation hearing may be scheduled. If the offender appears at the mitigation hearing with proof of a valid license or substantial progress toward obtaining license, the City Prosecutor will recommend a \$150 fine. If a valid license is not obtained or substantial efforts have not been made, the City Prosecutor will recommend a \$350 fine. All fines can be paid through community service and work crew, as described above. Offenders with more than 5 prior DWLS3 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 Prosecutor will recommend no jail time.

IN ALL CASES, THE PROSECUTOR RETAINS THE DISCRETION TO ULTIMATELY DECIDE IF AN OFFENDER IS PERMITTED TO OPT IN TO COMMUNITY COURT, EVEN IF NOT SPECIFICALLY DELINEATED ABOVE.

K. Review hearings

A Community Court participant may be scheduled for a review hearing or "check-in" prior to final graduation. A Community Court check-in should be scheduled at 9:02am if the participant needs to meet with providers or complete a needs assessment, otherwise the hearing should be scheduled for review at 10:00am. A review hearing will be held on the record in Community Court. However, if a participant is scheduled to check-in, he/she may leave after making required links and meeting with the CCPD, case manager or prosecutor.

L. Compliance

A Community Court participant will be required to provide proof of compliance. Suitable methods of proof will include verbal or written confirmation from a Community Court provider. Alternatively, an outside provider may email the case manager or CCPD or provide a letter of compliance on the organization's letterhead.

M. Incentives and Sanctions

The Community Court team should utilize incentives and sanctions to promote or discourage certain behaviors by participants. Incentives and sanctions should be applied consistently, with advance notice, and on a graduated schedule.

- 1) Incentives:** Incentives may include less frequent court hearings or have an early graduation scheduled. The Community Court team may develop other incentives from time to time.
- 2) Sanctions:** Sanctions may include completing additional community service, work crew, more intensive treatment plans, extending jurisdiction and jail. A participant who fails to comply with any condition may be required to complete work crew as a sanction in lieu of revocation. A participant, who fails to comply with work crew sanctions, will be ordered to complete a jail sanction or alternatively face revocation of the deferral or stipulated order of continuance. Jail sanctions are a last resort.

N. Revocation and Termination

Before terminating a participant, the Community Court team should problem solve among each other and with the participant. In the event that participants fail to comply with supervision requirements or conditions and no reasonable use of incentives and sanctions has been effective, or that the individual can no longer be managed safely in the community, the deferral or stipulated order of continuance may be revoked.

O. Graduation

A participant, who has complied with all conditions, may have his/her charge dismissed unless otherwise noted in subsection (V)(J)(1). A participant who has graduated Community Court will receive a certificate of completion.

A graduation date should be set at or near the end of the proposed deferral or stipulated order of continuance. Alternatively, if the charge has been reduced to an infraction, the graduation date should be set at the same date as the mitigation hearing.

P. Revocation hearing

A participant who has committed new criminal law violations or has failed to comply with any imposed conditions may have the stipulated order of continuance or deferred sentence revoked. Upon revocation, the participant may be ordered to complete additional conditions, work crew, day jail, EHM or jail as a sanction.

Rocio D. Ferguson, Chief Prosecutor

Policies established January 2016. Last modified March 2019.

Appendix 1: PARTNERS

In an effort to provide participants with wrap-around services through linkages, the Community Court partners with the following community organizations:

Pinnacle Peak

Pinnacle Peak is a Washington State Certified Chemical Dependency Treatment and Mental Health Counseling. They offer chemical dependency assessments, mental health assessments, outpatient addiction treatment, alcohol and drug information school, counseling and more.

Pacific Mountain Workforce Development Council

Pacific Mountain Workforce Development Council is a partner with Work Source that helps find employment opportunities for those in need. Pacific Mountain will help with employment security and developing job-finding skills such as creating resumes, cover letters, and applications.

SeaMar

Sea Mar is a community health center that specializes in medical, dental, and mental/behavioral health assistance. Sea Mar can help with enrollment in health insurance and finding medical clinics to fit each person's individual set of needs. They can also help with applying or renewing healthcare applications or food stamps.

SideWalk

SideWalk helps men and women without children experiencing homelessness in the Thurston County community. SideWalk can help with screening for local shelters and can conduct a Vulnerability Index to assess your level of need. They also maintain a vulnerability based waitlist for Drexel Housing and Quixote Village.

South Puget Sound Community College (SPSCC)

SPSCC has many options for education that tailor to the specific goals, interests and learning styles of their students including; adult basic education, office career training, automotive service training, and options to get a diploma/GED (ages 21 and up). They also provide help with financial aid services.

Village Vans

Intercity Transit's Village Vans program is a FREE job skills and driver training program designed to help individuals build a career. In addition, Village Vans provides FREE transportation to help you look for work, get to medical appointments or the grocery store, and more.

Family Support Center

The Family Support Center helps men, women with children with housing and other basic needs. Additionally, the Family Support center can provide referrals for victims of domestic violence.

Department of Social and Health Services

The Department of Social and Health Services, or DSHS, is Washington's social services department. The agency assists children, families, vulnerable adults and seniors with benefits, food assistance, financial aid, medical and behavioral health care and other services.

Partners in Prevention Education

Partners in Prevention Education (PIPE) is a community based organization which offers a safe environment for youth and young adults to access

Intercity Transit

Intercity Transit provides various transportation option for the south Puget Sound region. Five major transit centers or transfer points are served by several routes throughout the region.

Family Education and Support Services

Family Education and Support Services is a nonprofit organization which provides education and support for parents and families.

Appendix 2: Court forms

1. Consent for Release of Confidential Information
2. Waiver of Arraignment/Request to Opt in to Community Court

Olympia Municipal Community Court
Consent for Release of Confidential Information

I, _____ have agreed to participate in the

(Defendant Name)

Olympia Municipal Community Court process. I understand that if I opt into the program, I am required to accept services which may include housing, education services, employment, alcohol/drug treatment, mental health treatment, work crew, community service, assistance with case management, and/or other services in order to participate in this program.

I understand that information regarding my attendance and progress in mandated programs/treatment, as well as my alcohol and drug treatment records/mental health records are or may be protected by federal and state law and regulations.* As a condition of participating in the program, however, I will consent to release these records as provided in this release.

I authorize the staff of the Olympia Municipal Community Court and the providers of the services described in my treatment plan to release and share information with each other.

This information includes (check appropriate boxes):

- ☐ Information provided to probation/case manager at intake
- ☐ Community Based Agency Programs (*Including: mental health evaluation/ attendance/ treatment/progress and/or discharge information*)
- ☐ Substance Abuse Programs (*Including: admission/ treatment/ progress/ attendance and/or discharge records*)
- ☐ Job Training/ Employment
- ☐ Educational Programs
- ☐ Housing services
- ☐ Basic needs
- ☐ Other: *Please specify Agency Name and information requesting:*

Furthermore, by signing this consent form, I am authorizing the release and re-disclosure of the foregoing information to representatives from the following (check appropriate boxes):

- ☒ The Judge and Court Staff
- ☒ The City Prosecutor
- ☒ The Public Defender
- ☒ The Public Defense Coordinator
- ☒ Municipal Probation
- ☒ Jail Supervisor
- ☒ Sidewalk Housing
- ☒ Sea Mar Basic Needs/Mental Health/Case Management
- ☒ South Puget Sound Community College (SPSCC)
- ☒ Pacific Mountain Workforce Development Council
- ☒ Village Vans
- ☒ Northwest Resources
- ☐ Other (please specify):

The express purpose for the release and re-disclosure of the listed information is to appropriately and effectively plan and manage services, to apprise the listed parties of my current conditions, treatment progress, and ongoing prognosis, and is limited to these purposes. If any providers of treatment or other services request that I sign additional consents, waivers, or releases authorizing them to disclose or share any information related to the treatment plan or my participation in the Court program, I will do so.

The reasons this information needs to be released and shared are:

- To allow the staff of the Olympia Municipal Community Court and the providers of treatment and other services to coordinate treatment and services with each other;
- To enable the Judge and staff of the Court, my Public Defender, the City Prosecutor , my Case Manager, and Municipal Probation to monitor whether I am in compliance with all the terms of the order issued by the Olympia Municipal Community Court Judge.
- To enable the staff and the Judge of the Community Court to make informed decisions regarding ongoing treatment planning, community service, work crew, my continued participation in the Court Program, and the outcome of my criminal case.

I hereby also consent to the release of my DCH (Defendant Criminal History) for identification purposes only.

I understand that my consent will remain in effect until revoked by me or until there has been a formal and effective termination or revocation of my participation in community court.

(other time when consent can be revoked and/or expires by order from a court of competent jurisdiction)

I understand, generally, the court cannot condition my treatment on whether I sign a consent form, but in certain circumstances, I may be denied treatment or participation in this program if I revoke or do not sign a consent form.

(Date)

(Signature of Defendant)

(Date)

(Signature of Authorized Representative, if required)

OLYMPIA MUNICIPAL COURT

For the STATE OF WASHINGTON

CITY OF OLYMPIA, Plaintiff,

vs.

_____,
Defendant.

Case No. _____

**WAIVER OF ARRAIGNMENT AND
REQUEST FOR COMMUNITY COURT OPT-IN**

The defendant hereby stipulates to probable cause for the purpose of arraignment only and hereby waives arraignment. The defendant further requests to set for a community court opt-in.

Date d this _____ day of _____, _____.

Defense Attorney

Defendant

