LLCrRLJ 7.2(h)
Deferred Prosecutions and Orders of Continuance

Required demonstration of amenability to treatment (Effective 11/01/06)

(1) Prerequisites to entry of Order

An order deferring prosecution of a criminal charge will not be entered absent sufficient evidence that the Petitioner has demonstrated her/his amenability to treatment by successfully completing two months of treatment in the proposed program. Successful completion means that the Petitioner is fully compliant with every requirement of the treatment program, and has remained so at all times during that two month period. The Order granting such a petition will not be signed unless the petitioner is physically present in the courtroom. The requirement of the presence of the Defendant is to allow inquiry of the petitioner by the Court to determine whether the petitioner is amenable to treatment and whether the Court, in conformity with the statute, will grant such a petition. The order deferring prosecution of a criminal charge will not be granted until after the completion of a standardized risk evaluation to determine the level of supervision appropriate to that petitioner.

(2) Alcohol Related Driving Offenses

No alcohol related driving offense, including DUI, Actual Physical Control, Negligent Driving in the First Degree, or Minor Driving after Consuming, Will be resolved except by plea of guilty to the original charge, plea of guilty to an amended charge, dismissal, trial, or under the terms of an RCW 10.05 "Order of Deferred Prosecution".

(3) AOC's/SOC's

The Court will no longer be a party to any form of agreement between the Plaintiff and the Defense, whether designated "Agreed Orders of Continuance", "Stipulated Orders of Continuance" or by any other name. Neither the District Court nor its probation department shall have a duty to supervise, monitor, or oversee performance of any agreement entered into by the parties relating to such continuances. Those agreements may be filed with the Court as grounds for continuance of the time for trial only.