

SUPREME COURT OF THE STATE  
OF WASHINGTON

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State of Washington,

Respondent,

v.

Snohomish County District Court, Evergreen Division,  
The Hon. Terry Simon, Judge Pro Tem, and  
Alysha Velasquez,  
Appellants.

Snohomish County Superior Court  
Cause No. 11-2-03307-2

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MOTION FOR DISCRETIONARY REVIEW

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SUPREME COURT  
STATE OF WASHINGTON  
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CLERK

**A. IDENTITY OF PETITIONER**

Alysha Velasquez asks this court to accept review of the decision designated in Part B of this motion

**B. DECISION**

Ms. Velasquez seeks direct review of The Honorable Judge Castleberry's Decision and Order on Merits after Issuance of Writ of Certiorari signed March 25, 2011, ruling that Judge Pro Tem Simon of Snohomish County District Court, Evergree Division, committed an error of law when authorizing disbursement of the fines and forfeitures of the district court to pay for the cost of a deferred prosecution examination, investigation, report and course of treatment for Ms. Velasquez, an indigent defendant. A copy of Judge Castleberry's decision is attached in Appendix 1.

**C. ISSUES PRESENTED FOR REVIEW**

The issue presented for review is whether RCW 10.05.130 authorizes disbursement of funds to pay for an indigent defendant's deferred prosecution course of treatment.

#### **D. STATEMENT OF THE CASE**

On January 5, 2010 The Honorable Judge Pro Tem, Terry Simon, of Snohomish County District Court, Evergreen Division, granted defense counsel's request for funds to pay for the cost of Alysha Velasquez's investigation, examination, report and treatment plan for a deferred prosecution on Evergreen District Court Case Number 8910A-10D and 8910B-10D pursuant to RCW 10.05.130. RCW 10.05.130 states that "funds shall be appropriated from the fines and forfeitures of the court to provide investigation, examination, report and treatment plan for any indigent person who is unable to pay the cost of any program of treatment." RCW 10.05.130.

Judge Simon concluded that the use of the term "treatment plan" throughout RCW 10.05 was unambiguous. Applying the tools of statutory construction, Judge Simon ruled that "treatment plan" as used in RCW 10.05.130 refers to the entire course of treatment in a deferred prosecution program, not merely the document containing the recitation of the treatment recommended.

On February 4, 2011, the State filed a motion to reconsider and argument was heard on February 22, 2011. The court declined to reconsider and on February 25, 2011, the State filed an Application and Affidavit for a Writ of Certiorari under Snohomish County Superior Court

Case Number 11-2-03307-2. The State argued that RCW 10.05.130 does not authorize a district court to order public funds to be applied towards a deferred prosecution program of treatment and therefore Judge Simon acted beyond the jurisdiction conveyed to him when authorizing such disbursement from the fines and forfeitures of the district court. The State argued that the statute is clear and unambiguous and that the term “treatment plan” refers to an actual document reciting the recommended treatment rather than the course of treatment itself.

Parties filed briefs on the issue of whether or not a writ of review should be granted pursuant to RCW 7.16.040. Pursuant to City of Seattle v. Holifield, 170 Wn.2d 230 (2010), the State argued that Judge Simon’s order constituted a substantial departure from the usual course of proceedings that merited appellate review. See City of Seattle v. Holifield, 170 Wn.2d 230, 244-45 (2010). After oral argument on November 12, 2010, the Superior Court determined that such disbursement of funds was a substantial departure from the usual course of proceedings and granted a hearing on the merits.

Parties submitted additional briefing and a hearing on the merits pursuant to RCW 7.16.120 was held on March 10, 2011. On March 11, 2011, the Superior Court issued its oral ruling that the term “treatment plan” is unambiguous and refers only to the actual document containing

the recitation of recommended treatment. Therefore, the Superior Court concluded that Judge Simon created a clear error of law. On March 25, 2011 a written order was signed to this effect.

#### **E. ARGUMENT WHY REVIEW SHOULD BE GRANTED**

RCW 10.05 authorizes the district courts to grant deferred prosecutions in some misdemeanor DUI cases. RCW 10.05.130 authorizes appropriation of funds from the fines and forfeitures of the court to provide investigation, examination, report and treatment plan for any indigent person who is unable to pay the cost of any treatment program. RCW 10.05.130. At issue here is whether the language of RCW 10.05.130 requires the courts to pay for an indigent defendant's treatment or whether it authorizes the court to pay for the evaluation that ultimately recommends treatment. The defense contends that the statute unambiguously orders the court to pay for the entire course of treatment if the defendant is found indigent.

1. The plain language throughout RCW 10.05 makes clear that the term "treatment plan" refers to the entire course of treatment and not merely the recitation of the recommended treatment.

When interpreting a statute, the court first looks at the statute's plain language. State v. Armendariz, 160 Wn.2d 106, 110 (2007). If the plain language is subject to only one interpretation, the court's inquiry ends because the language does not require construction. Id.; State v. Thornton, 119 Wn.2d 578, 580 (1992). In those instances where the statutory language is plain and unambiguous, the statute's meaning must be derived from the wording of the statute itself. Wash. State Human Rights Comm'n v. Cheney Sch. Dist. No. 30, 97 Wn.2d 118, 121 (1982). To determine the plain meaning of the language, the court should examine the statute in which the language in question appears as well as related statutes or other provisions of the same act in which the provision is found. Homestreet, Inc. v. State, Dept. of Revenue, 166 Wn.2d 444, 457-58 (2009). Appellate courts have not previously engaged in statutory interpretation of RCW 10.05.

The standard for determining whether an indigent person is entitled to public funds under RCW 10.05.130 turns on whether the person is unable to pay the cost of any program of treatment. The statute therefore contemplates inclusion in the deferred prosecution program of those indigent individuals who cannot afford the cost of the treatment program. The Superior Court's narrow interpretation of "treatment plan" would lead to situations where indigent defendants are deemed by as being in need of treatment and eligible for the deferred prosecution program, however,

their inability to pay for the course of treatment prohibits their participation. Thus, the Superior Court's interpretation undermines the legislature's intent to include indigent defendants in the deferred prosecution program. The term "treatment plan" therefore does not refer to the recitation of the recommended treatment, but rather refers to the actual course of treatment.

Additionally, the language in RCW 10.05.060 that a petitioner must agree to pay for the cost of the treatment plan "if able to do so" also demonstrates an intent to include those defendants in the deferred prosecution program who cannot afford to pay for the costs associated. Therefore, the statutory language of the provisions of RCW 10.05 clearly indicates an intent to include those defendants who would be unable to pay for the costs associated with a course of treatment. The plain and unambiguous language of the statute authorizes a judge to allow for disbursement of funds from the fines and forfeitures of the court to provide for the investigation and examination, report, and course of treatment and thus he did not commit any error of law.

Other provisions throughout RCW 10.05 lend support to the position that "treatment plan" refers to the actual course of treatment. The plain language of RCW 10.05.060 also contradicts the Superior Court's narrow interpretation of the phrase "treatment plan." Pursuant to RCW 10.05.060, the court examines "the treatment plan"; if the court approves

the plan, it may grant the petition if the petitioner agrees to comply with *its* terms and conditions and agrees to pay the cost *thereof* if able to do so. RCW 10.05.060 (emphasis added). “Its terms and conditions” refers to the treatment plan’s type, nature, length, schedule and cost. Id. “The costs thereof” refers to the petitioner’s ability to pay for the course of treatment. Id. RCW 10.05.060 confirms that a petitioner must agree to the terms and conditions of the course of treatment, not merely the recitation of the recommended treatment.

Additionally, the language contained in RCW 10.05.090 also supports the position that the “treatment plan” referred to in RCW 10.05.130 means the entire course of treatment for the deferred prosecution program. “If a petitioner who has been accepted for a deferred prosecution fails or neglects to carry out and fulfill any term or condition of the petitioner’s *treatment plan*, the facility administering the treatment shall immediately report such breach to the court.” RCW 10.05.090 (emphasis added). The court shall then hold a hearing to determine whether the petitioner should be removed from the deferred prosecution program. Id. If a petitioner has already been accepted on a deferred prosecution, non-compliance with the “treatment plan” as used in the RCW 10.05.090 plainly means non-compliance with the actual course of treatment. The plain language of the provisions of RCW 10.05 read in

conjunction with one another establishes that the term “treatment plan” as used in RCW 10.05.130 refers to the actual course of treatment.

2. Even if the statute is deemed susceptible to more than one reasonable interpretation and therefore ambiguous, applying the tools of statutory construction leads to the conclusion that RCW 10.05.130 authorizes the district courts to disburse funds to pay for an indigent defendant’s course of treatment in a deferred prosecution.

A statute is ambiguous if it is susceptible to two or more reasonable interpretations, but a statute is not ambiguous merely because different interpretations are conceivable. State v. Hahn, 83 Wn.App. 825, 831 (1996). Each word of a statute is to be accorded meaning. State ex. rel. Schillberg v. Barnett, 79 Wn.2d 578, 584 (1971). Whenever possible, statutes are to be construed so that no clause, sentence, or word shall be superfluous, void, or insignificant. Kasper v. City of Edmonds, 69 Wn.2d 799, 804 (1966). A court is required to assume the legislature meant exactly what is said and apply the statute as written. Duke v. Boyd, 133 Wn.2d 80, 87 (1997).

The legislature’s intent in authorizing the deferred prosecution program was to provide an alternative to punishment for those persons who would benefit from a course of treatment as recommended by a treatment facility. RCW 10.05.010, Leg. Finding 1985 c 352. In reading RCW 10.05 as a whole and in order to harmonize the individual provisions, the language must be construed to effectuate the Legislature’s

intent to encourage those in need of treatment to participate in the deferred prosecution program and to include those who may benefit from the program regardless of their ability to pay for the cost of any program of treatment. The Superior Court's interpretation of "treatment plan" conflicts with the legislative intent of RCW 10.05 and renders certain language contained in its provisions superfluous.

The Superior Court's interpretation of "treatment plan" would render the entirety of RCW 10.05.130 superfluous. As previously discussed, the standard for determining if a person qualifies for public funds under RCW 10.05.130 is whether the person is unable to pay the cost of any program of treatment. In construing the words "treatment plan" so narrowly, the Superior Court's interpretation would lead to situations where indigent defendants are deemed by a treatment facility as being in need of treatment and eligible for the program, however, their inability to pay for the course of treatment prohibits their participation.

Additionally, RCW 10.05.060 states that the petitioner must agree to comply with the terms and conditions of the treatment plan and agree to pay for the cost thereof if able to do so. RCW 10.05.060. The Superior Court's constricted interpretation of "treatment plan" would render the words "if able to do so" superfluous as it would lead to the conclusion that all petitioners are required to pay for their course of treatment. The provisions of RCW 10.05 when read as a whole clearly signal the

legislature's intent to include indigent defendants who are unable to pay for the deferred prosecution course of treatment.

3. The legislative history for Senate Bill 2613, ultimately codified as RCW 10.05, demonstrates an intent on the part of the Senate and House Judiciary Committees to provide deferred prosecution treatment at public expense for indigent defendants, thus avoiding any potential equal protection constitutional challenges.

Additional guidance regarding the legislature's intent may be found in the Senate Bill 2613 legislative history file kept at the Washington State Archives. Senate Bill 2613 was adopted in 1975. Wash. Laws, 1975 1st Ex. Sess., Ch. 244. During its public comment period, a number of individuals from the criminal justice community expressed concern over constitutional issues that may be raised to challenge the law under equal protection grounds. The language contained in RCW 10.05.130 was not contained in the original bill. S.B. 2613 (Wash. 1975). On February 25, 1975, Prosecuting Attorney James E. Carty of Clark County wrote a letter to Senator Dan Marsh and expressed the following concerns:

"I entered a new section, numbered 13 on the enclosed draft. I pointed out to the judge, and he agreed, that we could well run into constitutional problems if the program was limited only to those who could afford it. The section I threw in is certainly not the last word nor am I hung up on it at all. It is my feeling, and I believe the judge agrees, that everybody with a problem should be treated equally."

Letter from James Carty, Prosecuting Attorney (Feb. 25, 1975).

In opposition to Senate Bill 2613, The Honorable Judge James P. Healy wrote a letter to the Senate Judiciary Committee regarding his concerns with the contents of the bill:

“Section 2 of the proposed bill proposes that as a condition precedent, the defendant agree to pay the costs of a diagnosis of the alleged problem or problems; and in Section 4 of the proposed bill provides that a facility or center shall conduct ‘at the expense of the person (defendant) an investigation and examination to determine (1) whether the person suffers from the problem alleged;’ etc. Those provisions are going to provide an immediate constitutional challenge that the provisions are available only to a person who is not indigent; that the bill is designed only for the protection of the wealthy and not the poor.”

Letter from The Hon. Judge James P. Healy (Mar. 26, 1975).

On April 2, 1975, Senator Marsh submitted a proposed amendment to Senate Bill 2613 that included the language that now comprises RCW 10.05.130:

NEW SECTION. Sec. 13. Funds shall be appropriated from the fines and forfeitures of the court to provide for a treatment program for any person who is indigent or is unable to pay the cost of any program of treatment.

Proposed Amend. S.B. 2613 (Wash. 1975).

On April 2, 1975, the Senate Judiciary Committee convened to discuss S.B. 2613. Testimony on S.B. 2613 – Pre-trial Diversion

Programs, Senate Judiciary Committee, Apr. 2, 1975. The Honorable Judge Lyle Truax, Clark County District Court Judge, addressed concerns voiced by senators after reviewing the originally proposed bill. See id. Senator Fleming expressed unease that problems will arise if the program is limited only to those who can pay for the treatment and Senator Francis directed him to the proposed amendment and the addition of the new language in Section 13. Id. at P.6. Grant County Prosecuting Attorney Paul Clausen also indicated that the proposed Section 13 alleviates one of his objections to the language in the original bill:

“The original act provides that the defendant has to agree to pay the costs. Whoever drafted this, I think that is highly unfair that any person who is going to be allowed should be able to take advantage of whatever the law allows rather than require him to be able to foot the bill. I think this is entirely a violation of due process.”

Id. at P.13.

The bill subsequently passed in the Senate and on April 10, 1975 a senate bill analysis was generated indicating that Section 13 provides for “payment of the cost of the treatment program for indigents out of fines and forfeitures of the court (in other cases costs are payable by the participant).” S.B. 2613 Analysis (Wash. 1975). The bill next moved to the House Judiciary Committee. On May 14, 1975, the house judiciary committee met to consider S.B. 2613. The bill was passed on that date.

On May 19, 1975, a House of Representatives Bill Report was generated indicating that the Judiciary Committee adopted Section 13 for “supplying treatment program to indigents.” H.B. Rep. ESB 2613 (Wash. 1975).

The members of the senate and house judiciary committees clearly considered arguments from those in the criminal justice system that constitutional challenges were inevitable should the legislation be limited to only those individuals with an alcohol dependency problem and the funds to pay for their course of treatment. The legislative history of S.B. 2613 establishes that the legislature intended to provide for the cost of the treatment program for indigent defendants out of the fines and forfeitures of the district courts. The legislative intent supports Commissioner Moon’s order disbursing funds and therefore his order did not contravene the dictates of RCW 10.05.

4. Appellant seeks direct review to the Supreme Court because the case involves an issue of broad import which requires a prompt and ultimate determination.

In order to qualify for a deferred prosecution, a treatment facility must find that the individual suffers from alcoholism, that long term treatment is required, and that without treatment there is a probability that similar misconduct will occur in the future. RCW 10.05.040(1)-(3). In

the context of a driving under the influence charge, an individual who is in need of such treatment and does not have access to it presents a significant community safety issue.

Alcoholism is a disabling and handicapping condition. American Medical Association, Definitions, H-30.995. The Diagnostic and Statistical Manual of Mental Disorders (DSM IV), published by the American Psychiatric Association, recognizes alcoholism as a disorder where abusers are recurrently and persistently beset with an urge to drink so compelling that the individual continues to drink despite sustaining substantial damage to their health, personal and business affairs as a result of their drinking. DSM-IV 303.90. At the district court level, Mr. Hutchison expressed a desire to participate in a deferred prosecution program and acknowledge a need for treatment to address his alcoholism. The Superior Court's ruling, however, abruptly halted Mr. Hutchison's ability to obtain treatment for his mental health condition.

Additionally, it may be extrapolated that many similarly situated indigent alcoholics charged with crimes in the district courts find themselves without the financial means to pay for a course of alcohol treatment. Alcoholics' recurrent intoxication frequently results in termination of employment. Id. Consequently, it may be inferred that many alcoholics that lose employment become indigent. The denial of

funds to pay for a course of treatment for an indigent defendant may affect many defendants' ability to obtain the necessary treatment and therefore create risk not only for the individual's well being, but also the rest of the community and the motoring public. The complications of alcoholism are exceedingly numerous. The population of jails and hospitals would be dramatically reduced without alcoholism. Id. The American Psychiatric Association recognizes that alcoholics are likely to be arrested for driving while under the influence of alcohol and are more likely to have motor vehicle accidents. Id.

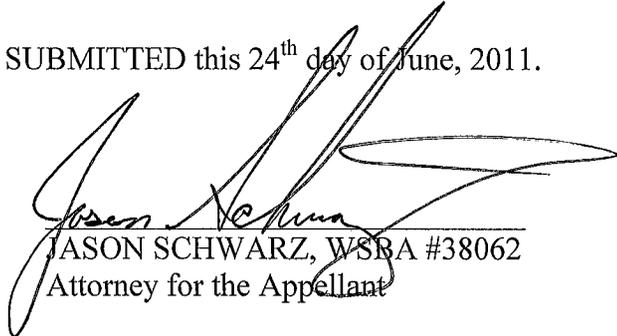
According to Caseloads of the Courts of Washington 2010 Annual Report, 38,191 individuals were charged with driving under the influence or physical control throughout the state. Of those charged, 6,768 were accepted into the deferred prosecution program. These statistics reflect the broad public import of this issue. For the aforementioned reasons, Mr. Hutchison seeks direct review of the Superior Court's ruling that the language of RCW 10.05.130 does not authorize the district courts to pay for the course of an indigent defendant's deferred prosecution treatment.

#### **F. CONCLUSION**

This court should accept review for the reasons indicated in Part E, vacate the Superior Court's ruling, and order the District Court to release

funding to pay for the treatment of indigent defendants seeking deferred prosecutions.

RESPECTFULLY SUBMITTED this 24<sup>th</sup> day of June, 2011.



JASON SCHWARZ, WSBA #38062  
Attorney for the Appellant

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APPENDIX 1

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MAR 2 2011

SUPERIOR COURT OF WASHINGTON  
FOR SNOHOMISH COUNTY

THE STATE OF WASHINGTON, )  
Ex rel. Mark K. Roe, )  
 )  
Petitioner, )  
 )  
vs. )  
 )  
SNOHOMISH COUNTY DISTRICT )  
COURT, CASCADE )  
DIVISION )  
 )  
The Hon. Paul F. Moon, Comm'r, )  
Respondent, )  
 )  
DOUGLAS P. HUTCHISON, )  
 )  
Defendant. )

No. 10-2-08562-7

Cascade Dist. Ct. # 596A-10D

DECISION AND ORDER  
ON MERITS AFTER ISSUANCE  
OF WRIT OF CERTIORARI

CLERK'S ACTION REQUIRED

**DECISION**

At the outset, this Court thanks both counsel for the excellent and thorough briefing and research submitted.

This Court issues its decision and order in the captioned Hutchison matter, a writ of review having previously issued. This decision applies with equal force to the Velasquez matter, 11-2-03307-2, which presents the same issue, which has been joined with Hutchison, and on which a writ of review has just issued.

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SNO. CO. PUBLIC DEFEND

In the District Court, a commissioner (in Hutchison) and a judge pro tem. (in Velasquez) ordered that the cost of treatment in deferred prosecutions, sought by indigent defendants and approved by the court, would be paid for by public funds, per RCW 10.05.130. The question before this Court, upon writs of review having been granted, is whether these rulings are contrary to law. RCW 7.16.040. The matter is of first impression in the State. There are no reported cases on point. Historically, the District Courts have ordered that defendants seeking deferred prosecutions obtain a substance abuse evaluation prior to entering the deferred prosecution. On occasion, the District Courts have ordered that this treatment plan be paid out of public funds if the petitioner was indigent, but have consistently declined to obligate public funds to pay for any approved treatment itself.

The question is one of statutory interpretation. This Court reviews such a question de novo. City of Spokane v. Spokane County, 158 Wn.2d 661, 672-73, 146 P.3d 893 (2006); State v. Wentz, 149 Wn.2d 342, 346, 68 P.3d 282 (2003).

The primary statute under consideration is RCW 10.05.130, which states in its entirety:

Funds shall be appropriated from the fines and forfeitures of the court to provide investigation, examination, report and treatment plan for any indigent person who is unable to pay the cost of any program of treatment.

RCW 10.05.130. The defense, as respondents here, assert that the term "treatment plan" in the statute includes the "course of treatment," or the "treatment program," or the treatment itself. In support, the defense has filed extensive documentation dealing with the legislative history of the statute. These

documents suggest that it was the intention of at least some legislators, and of some interested individuals in the criminal justice system, that treatment itself would in fact be paid for out of public funds.

The prosecuting attorney, as petitioner, counters that a close examination of the legislative history indicates that if public funds were to be applied for deferred-prosecution treatment, the legislature intended that it solely be from the then-established "justice court suspense fund." The prosecution goes on to argue that since the "justice court suspense fund" was eliminated in 1984, any intent to pay for treatment out of public funds was eliminated *sub silentio* ~~as well~~, when the funding source was eliminated.

Neither one of these positions is stated in the legislative intent within the confines of the statutory language itself at RCW 10.05. And both petitioner and respondent concede and agree that if the statute's meaning is plain and unambiguous, the statutory meaning must be derived from the wording of the statute itself. In such a case, the court cannot look to legislative history not set forth in the statute itself. And it is axiomatic that a court will not look to extraneous materials to create an ambiguity that does not otherwise exist. Courts do not construe an unambiguous statute because plain words do not require construction. Davis v. Dep't of Licensing, 137 Wn.2d 957, 963, 977 P.2d 554 (1999). "In judicial interpretation of statutes, the first rule is 'the court should assume the legislature means exactly what it says. Plain words do not require construction.'" City of Kent v. Jenkins, 99 Wn. App. 287, 290, 992 P.2d 1045 (2000) (context of deferred prosecution statute). A statute is not rendered

ambiguous merely because different interpretations are conceivable. State v. Hahn, 83 Wn. App. 825, 831, 924 P.2d 392 (1996), review denied, 131 Wn.2d 1020 (1997); State v. Sunish, 76 Wn. App. 202, 206, 884 P.2d 1 (1994). When a statute is clear and unambiguous, a court may not engage in statutory construction. State v. Bolar, 129 Wn.2d 361, 366, 917 P.2d 125 (1996); State v. Hahn, 83 Wn. App. at 834.

The fundamental question before the court is whether RCW 10.05.130 is plain and unambiguous on its face. This Court concludes that it is. RCW 10.05.130 sets forth the various items that will be paid for "from the fines and forfeitures of the court:" Investigation; examination, report, and treatment plan. There is nothing within these terms that would suggest that the report and treatment plan include the treatment itself.

To the extent further inquiry is even necessary, undefined statutory terms are given their usual and ordinary meaning. Hahn, 83 Wn. App. at 832; Nationwide Ins. v. Williams, 71 Wn. App. 336, 342, 858 P.2d 516 (1993), review denied, 123 Wn.2d 1022 (1994). When a term is not defined in the statute, courts may look to the ordinary dictionary meaning. State v. Sunish, 76 Wn. App. at 206; State v. Friend, 59 Wn. App. 365, 366-67, 797 P. 2d 539 (1990) (deferred prosecution context). In the ordinary meaning of things, the plan for treatment and the treatment itself are two separate and distinct concepts, for one is the *plan* of action, and the other the *action* itself. These are two different terms, for two different concepts.

Moreover, although the statute does not define “treatment,” RCW 10.05.050 sets forth what should be included in the “treatment plan.” If the treatment facility’s written report stating findings and recommendations supports treatment,

[the facility] shall also recommend a treatment or service plan setting out

- (a) The type;
- (b) Nature;
- (c) Length;
- (d) A treatment or service time schedule; and
- (e) Approximate cost of treatment[.]

RCW 10.05.050(1)(a) – (e). “A copy of the treatment plan shall be filed with the court.” RCW 10.05.060. The plan sets forth the intended course of treatment; and obviously there is a distinction between the treatment plan and the treatment itself, as reflected in RCW 10.05.050. Additionally, RCW 10.05.130’s concluding language states that some relief is available to “any indigent person who is unable to pay the cost of any *program* of treatment” (emphasis supplied). This indicates a distinction between “plan” and the cost of treatment itself. “Where different terms are used in the same statute, the presumption is that the legislature intended they have separate meanings.” State v. Mendoza, 165 Wn.2d 913, 921, 205 P.3d 113 (2009), citing Densley v. Dep’t of Ret. Sys., 162 Wn.2d 210, 219, 173 P.3d 885 (2007).

It is clear and unambiguous that the phrase “treatment plan” does not include treatment itself. The statutory scheme mirrors the same distinction between “treatment plan” and treatment itself as is found in the ordinary use of the term. Therefore, this court concludes that, per the plain and unambiguous

language of the statute, the commissioner and judge pro tem. acted without lawful authority when ordering that the cost of treatment be paid out of the fees and forfeitures of the court. This court grants the relief requested by petitioner. Reversed.

**ORDER**

NOW THEREFORE, IT IS HEREBY ORDERED that the orders authorizing the expenditure of public funds, out of the fees and forfeitures of the District Court, for the payment of deferred-prosecution treatment of indigent persons, are hereby *vacated*, as made without lawful authority, and therefore null and void; and the matters are *remanded* to Snohomish County District Court, Cascade Division (Hutchison) and Evergreen Division (Velasquez) for further proceedings consistent with this opinion and order. A separate order, consistent with this opinion and incorporating it by reference, shall enter in Velasquez under its caption.

DONE IN OPEN COURT this 25 day of March, 2011.

  
RONALD L. CASTLEBERRY, J.  
Superior Court Judge

Presented by:

  
Charles Blackman, #19354  
Deputy Prosecuting Attorney  
Attorney for Petitioner

Approved as to form:

  
Whitney Rivera, # 38139  
Attorney for Defendant  
Respondent Hutchison

## APPENDIX 2

**RCW 10.05.130**

**Services provided for indigent defendants.**

Funds shall be appropriated from the fines and forfeitures of the court to provide investigation, examination, report and treatment plan for any indigent person who is unable to pay the cost of any program of treatment.

APPENDIX 3

**RCW 10.05.060**

**Procedure upon approval of plan.**

If the report recommends treatment, the court shall examine the treatment plan. If it approves the plan and the petitioner agrees to comply with its terms and conditions and agrees to pay the cost thereof, if able to do so, or arrange for the treatment, an entry shall be made upon the person's court docket showing that the person has been accepted for deferred prosecution. A copy of the treatment plan shall be filed with the court. If the charge be one that an abstract of the docket showing the charge, the date of the violation for which the charge was made, and the date of petitioner's acceptance is required to be sent to the department of licensing, an abstract shall be sent, and the department of licensing shall make an entry of the charge and of the petitioner's acceptance for deferred prosecution on the department's driving record of the petitioner. The entry is not a conviction for purposes of Title 46 RCW. Upon receipt of the abstract of the docket, the department shall issue the petitioner a probationary license in accordance with RCW 46.20.355, and the petitioner's driver's license shall be on probationary status for five years from the date of the violation that gave rise to the charge. The department shall maintain the record for ten years from date of entry of the order granting deferred prosecution.

[2009 c 135 § 1; 1994 c 275 § 17; 1990 c 250 § 13; 1985 c 352 § 9; 1979 c 158 § 4; 1975 1st ex.s. c 244 § 6.]

APPENDIX 4

**RCW 10.05.090****Procedure upon breach of treatment plan.**

If a petitioner, who has been accepted for a deferred prosecution, fails or neglects to carry out and fulfill any term or condition of the petitioner's treatment plan or any term or condition imposed in connection with the installation of an interlock or other device under RCW 46.20.720, the facility, center, institution, or agency administering the treatment or the entity administering the use of the device, shall immediately report such breach to the court, the prosecutor, and the petitioner or petitioner's attorney of record, together with its recommendation. The court upon receiving such a report shall hold a hearing to determine whether the petitioner should be removed from the deferred prosecution program. At the hearing, evidence shall be taken of the petitioner's alleged failure to comply with the treatment plan or device installation and the petitioner shall have the right to present evidence on his or her own behalf. The court shall either order that the petitioner continue on the treatment plan or be removed from deferred prosecution. If removed from deferred prosecution, the court shall enter judgment pursuant to RCW 10.05.020 and, if the charge for which the deferred prosecution was granted was a misdemeanor or gross misdemeanor under Title 46 RCW, shall notify the department of licensing of the removal and entry of judgment.

[2010 c 269 § 10; 2008 c 282 § 17; 1997 c 229 § 1; 1994 c 275 § 18; 1985 c 352 § 12; 1975 1st ex.s. c 244 § 9.]

APPENDIX 5

**RCW 10.05.040**

**Investigation and examination.**

The \*facility to which such person is referred, or the department of social and health services if the petition is brought under RCW 10.05.020(2), shall conduct an investigation and examination to determine:

- (1) Whether the person suffers from the problem described;
- (2) Whether the problem is such that if not treated, or if no child welfare services are provided, there is a probability that similar misconduct will occur in the future;
- (3) Whether extensive and long term treatment is required;
- (4) Whether effective treatment or child welfare services for the person's problem are available; and
- (5) Whether the person is amenable to treatment or willing to cooperate with child welfare services.

[2002 c 219 § 9; 1985 c 352 § 7; 1975 1st ex.s. c 244 § 4.]

APPENDIX 6

prosecution shall upon notice of conviction in another court remove the defendant's docket from the deferred prosecution file and require the defendant to enter a plea to the original charge.

**NEW SECTION.** Sec. 11. Delay in bringing a case to trial caused by a defendant requesting deferred prosecution as provided for in this chapter shall not be grounds for dismissal.

**NEW SECTION.** Sec. 12. Two years from the date of the court's approval of deferred prosecution for an individual defendant, those dockets that remain in the special court deferred prosecution file relating to such defendant shall be dismissed and the records removed.

**NEW SECTION.** Sec. 13. Funds shall be appropriated from the fines and forfeitures of the court to provide investigation, examination, report and treatment plan for any indigent person who is unable to pay the cost of any program of treatment.

**NEW SECTION.** Sec. 14. Sections 1 through 13 of this act shall constitute a new chapter in Title 10 RCW.

Passed the Senate June 8, 1975.

Passed the House June 7, 1975.

Approved by the Governor June 26, 1975.

Filed in Office of Secretary of State June 27, 1975.

**CHAPTER 245**

[Engrossed Senate Bill No. 2670]

**ALCOHOLIC BEVERAGE CONTROL  
INTERSTATE PASSENGER CARRIERS**

**AN ACT** Relating to liquor licenses and taxes; amending section 2, chapter 13, Laws of 1970 ex. sess. as amended by section 2, chapter 208, Laws of 1971 ex. sess. and RCW 66.24.420; adding a new section to chapter 66.24 RCW; and repealing section 23L added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 and RCW 66.24.390.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 2, chapter 13, Laws of 1970 ex. sess. as amended by section 2, chapter 208, Laws of 1971 ex. sess. and RCW 66.24.420 are each amended to read as follows:

(1) The class H license shall be issued in accordance with the following schedule of annual fees:

(a) The annual fee for said license, if issued to a club, whether inside or outside of incorporated cities and towns, shall be three hundred thirty dollars.

(b) The annual fee for said license, if issued to any other class H licensee in incorporated cities and towns, shall be graduated according to the population thereof as follows:

Incorporated cities and towns of less than 10,000 population; fee \$550.00;  
Incorporated cities and towns of 10,000 and less than 100,000 population; fee \$825.00;

Incorporated cities and towns of 100,000 population and over; fee \$1,100.00.

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APPENDIX 7

SENATE BILL NO. 2613

State of Washington  
44th Regular Session

By Senators Marsh, Francis and  
Jones

Read first time February 17, 1975, and referred to JUDICIARY  
COMMITTEE.

1 AN ACT Relating to criminal procedure; and adding a new chapter to  
2 Title 10 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 ~~NEW SECTION.~~ Section 1. Upon arraignment a person charged  
5 with a misdemeanor or gross misdemeanor may petition the court to be  
6 considered for a diversion program.

7 ~~NEW SECTION.~~ Sec. 2. The petition shall allege that the  
8 wrongful conduct charged is the result of or caused by either alcohol  
9 problems or emotional and/or mental problems for which the person is  
10 in need of treatment and unless treated the probability of future  
11 recurrence is great, along with a statement that the person agrees  
12 to pay the cost of a diagnosis of the alleged problem or problems.  
13 The petition shall also contain a case history of the person  
14 supporting the allegations.

15 ~~NEW SECTION.~~ Sec. 3. The arraignment judge upon consideration  
16 of the petition may continue the arraignment and refer such person  
17 for a diagnostic investigation and evaluation to an approved  
18 alcoholic treatment facility as designated in chapter 70.96A RCW, if  
19 the petition alleges an alcohol problem or to an approved mental  
20 health center, if the petition alleges a mental or emotional problem.

21 ~~NEW SECTION.~~ Sec. 4. The facility or center shall conduct at  
22 the expense of the person an investigation and examination to  
23 determine:

- 24 (1) Whether the person suffers from the problem alleged;  
25 (2) Whether the problem is such that if not treated there is  
26 a probability that similar misconduct will occur in the future;  
27 (3) Whether extensive and long term treatment is required;  
28 and  
29 (4) Whether effective treatment for the person's problem is  
30 available.

1           **NEW SECTION.** Sec. 5. The facility or center shall make a  
2 written report to the court stating its findings and recommendations  
3 after the investigation and examination required by section 4 of this  
4 act. If its findings and recommendations support treatment, it shall  
5 also recommend a treatment plan setting out:

- 6           (1) The type;
- 7           (2) Nature;
- 8           (3) Length;
- 9           (4) A treatment time schedule; and
- 10          (5) Approximate cost of the treatment.

11          The report with the treatment plan shall be filed with the  
12 court and a copy given to the defendant and defendant's counsel.

13          **NEW SECTION.** Sec. 6. If the report recommends treatment, the  
14 court shall examine the treatment plan. If it approves the plan and  
15 the defendant agrees to comply with its terms and conditions and  
16 agrees to pay the cost thereof or arrange for the treatment, an entry  
17 shall be made upon the person's court docket showing that the person  
18 has been accepted for diversion. A copy of the treatment plan shall  
19 be attached to the docket, which shall then be removed from the  
20 regular court dockets and filed in a special court diversion file.  
21 If the charge be one that an abstract is required to be sent to the  
22 department of motor vehicles, an abstract of the docket showing the  
23 change, the date of defendant's acceptance for diversion, and the  
24 defendant's treatment plan shall be sent to the department of motor  
25 vehicles, which shall make an entry of the charge and of the  
26 defendant's acceptance for diversion on the department's driving  
27 record of the defendant.

28          **NEW SECTION.** Sec. 7. When treatment is either not  
29 recommended or not approved by the judge, or the defendant declines  
30 to accept the treatment plan, the defendant shall be arraigned on the  
31 charge.

32          **NEW SECTION.** Sec. 8. Evidence pertaining to or resulting  
33 from the petition and/or investigation is inadmissible in any trial  
34 on the charges, but shall be available for use after a conviction in  
35 determining a sentence.

36          **NEW SECTION.** Sec. 9. If a defendant, who has been accepted

1 for diversion, fails or neglects to carry out and fulfill any term or  
2 condition of the defendant's treatment plan, the facility, center,  
3 institution, or agency administering the treatment shall immediately  
4 report such breach to the court. The court upon receiving such a  
5 report shall hold a hearing to determine whether the defendant should  
6 be removed from the diversion program. At the hearing, evidence  
7 shall be taken of the defendant's alleged failure to comply with the  
8 treatment plan and the defendant shall have the right to present  
9 evidence on his or her own behalf. The court shall either order that  
10 the defendant continue on the treatment plan or be removed from  
11 diversion. If removed from diversion, the defendant's docket shall  
12 be returned to the regular court files and the defendant shall be  
13 arraigned on the original charge.

14 **NEW SECTION.** Sec. 10. If a defendant is convicted in any  
15 court of an offense similar to the one for which the defendant is in  
16 a diversion program, the court in which the defendant is under  
17 diversion shall upon notice of conviction in another court remove the  
18 defendant's docket from the diversion file and require the defendant  
19 to enter a plea to the original charge.

20 **NEW SECTION.** Sec. 11. Delay in bringing a case to trial  
21 caused by a defendant requesting diversion as provided for in this  
22 chapter shall not be grounds for dismissal.

23 **NEW SECTION.** Sec. 12. Two years from the date of the court's  
24 approval of diversion for an individual defendant, those dockets that  
25 remain in the special court diversion file relating to such defendant  
26 shall be dismissed and the records removed.

27 **NEW SECTION.** Sec. 13. Sections 1 through 12 of this act  
28 shall constitute a new chapter in Title 10 RCW.

APPENDIX 8

CRIMINAL DEPARTMENT  
GEORGE O. DANKENWALD, CHIEF DEPUTY  
SHANON SWENSON HOWARD  
GREGORY J. THOMP  
PHILIP "CASEY" MARSHALL

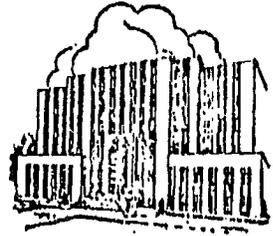
CIVIL DEPARTMENT  
JAMES L. SELLERS, CHIEF DEPUTY  
THOMAS C. DUFFY

INVESTIGATORS  
CARL NETTER

DOMESTIC RELATIONS NON-SUPPORT  
E. R. MEISNER

JAMES E. CARTY  
PROSECUTING ATTORNEY  
CLARK COUNTY, WASHINGTON  
201 COURT HOUSE  
VANCOUVER, WASHINGTON 98660  
TELEPHONE 699-2261

February 25, 1975



Senator Dan Marsh  
Washington State Senate  
Legislative Building  
Olympia, Washington 98504

Re: S.B. 2613

Dear Senator Marsh:

I have gone over the proposed bill very carefully and have discussed it with Judge Truax. The judge agrees with me that the word "diversion" should not appear in the bill and that the words "deferred prosecution" should be used in lieu thereof. Accordingly, there is enclosed herewith a re-draft showing these changes.

The word "diversion" has by custom been limited to prosecutor directed programs in various parts of the United States. Eventually, if we can find funding and personnel, we will also be using diversion in District Court. This will be different than the deferred prosecution which the judge has in mind. Judge Truax is aiming at doing something about a particular class of offenders. This would properly fall under the court's use of deferred prosecution. We would have no objection to this but would have serious objection if the word "diversion" were used in the legislation.

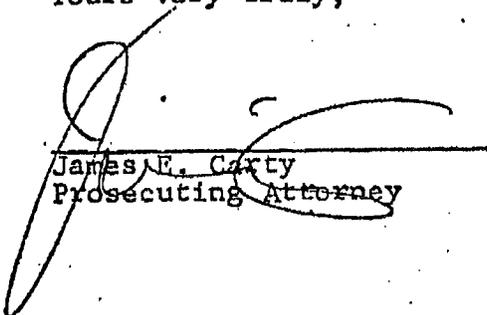
I entered a new section, numbered 13 on the enclosed draft. I pointed out to the judge, and he agreed, that we could well run into constitutional problems if the program was limited only to those who could afford it. The section I threw in is certainly not the last word nor am I hung up on it at all. The district court in this county does generate quite a bit of revenue and there is no reason the funds for those who are indigent or cannot afford a treatment program cannot be paid for from appropriations from this source of revenue. It is my feeling, and I believe the judge agrees, that everybody with a problem should be treated equally.

The judge is agreeable to the changes which I have discussed in this letter. If these changes are made, the legislation will have my support. I would anticipate that you are going to pick

up some flack from law enforcement, both from the local level and the State Patrol. I want to make it clear that I have no objection to the court being given authority to defer prosecution in the cases Judge Truax has in mind. In fact, I would not object if the deferral authority were broadened.

In any event, there is going to have to be funding for those who cannot afford it or we are going to run into some real difficult constitutional questions.

Yours very truly,



James E. Carty  
Prosecuting Attorney

JEC/sd

CC: Senator Pete Francis  
Ron Hendry

## APPENDIX 9

JAMES P. HEALY, JUDGE  
DEPARTMENT FIVE

The Superior Court  
State of Washington  
Tacoma 98602

March 26, 1975

All Members of the Senate Judiciary Committee  
Washington State Legislature  
44th Regular Session  
434 Public Lands Building  
Olympia, Washington 98504

Re: Senate Bill 2613  
Criminal Procedure - diversion program

Gentlemen:

I am writing to you as an individual judge. The opinions contained in this letter are not intended to be the comments of anyone other than the writer, as an individual who was a practicing lawyer for thirty-three years before I became a Superior Court Judge.

I do not believe there is any need for the above-referenced legislation. I do believe that, if it is passed, it will do a great deal of harm, will clog the courts, and delay the administration of the criminal courts to such an extent that the general public will become even more disenchanted with the effectiveness of the courts and the entire criminal law system.

There is nothing that is provided for in this bill which could not be worked out under the present law, after the entry of a plea and in the course of a deferred sentence, upon the conditions that are usually imposed by the current practice in the ten departments of the Superior Court of Pierce County.

The bill is undoubtedly designed to prevent people who have committed wrongful conduct either

All Members of Senate  
Judiciary Committee

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March 26, 1975

because of alcohol problems or emotional or mental problems, which constitute a crime, from having a criminal record if they will be properly diagnosed and treated.--In that event the defendant will be entitled to two years grace, and, if they stay clean and on the rehabilitation program for that period of time the case will be dismissed and the records removed from the diversion file in the Clerk's office.

Section 2 of the proposed bill proposes that as a condition precedent, the defendant agree to pay the costs of a diagnosis of the alleged problem or problems; and in Section 4 of the proposed bill provides that a facility or center shall conduct "at the expense of the person (defendant) an investigation and examination to determine (1) whether the person suffers from the problem alleged;" etc.

Those provisions are going to provide an immediate constitutional challenge that the provisions are available only to a person who is not indigent; that the bill is designed for the protection of the wealthy and not the poor.--In fact, the only justification for the bill can be that a person should not be charged for committing a crime if it is the result of, or caused by, either alcohol problems or emotional or mental problems. It is a lowering of the standards required for a plea of insanity.

It is a device that will be used to delay trials so that witnesses will be unavailable, or, memories will be faded and convictions will be that much more difficult.

I have already adverted to the doctrine of equal protection for the poor as well as for the rich. If this bill is passed then the legislature should, in fairness, fund rehabilitation and treatment programs for the poor; but somewhere there is a limit as to

All Members of Senate  
Judiciary Committee

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March 26, 1975

how much money the government can get by taxation to fund these kind of programs.-- Criminal justice can bankrupt the government if you are going to let every person charged with a crime claim by some alleged case history that their problems were caused by alcohol or emotional or mental problems.

If this bill is passed, you are going to destroy the effectiveness of the constitutional provision for a speedy trial. That constitutional provision should be for the benefit of the prosecution, and the general public, as well as for the defendant.

In short, I submit to you that everything you should reasonably desire, including the cancellation of a criminal record for well-deserving people, can be accomplished today under the deferred sentence program that is already on the books with respect to most crimes; without the expense and delay that will be caused by this proposed legislation.

If the bill is passed, I submit that the general public is going to ask you the question: "Is the state becoming an over-indulgent father?" Are we advertising to the general public that everyone who complains that his crime is the result of an alcohol problem, or an emotional or mental problem that shall be free from punishment, or any prosecution for punishment, for a period of two years; and then be released completely free to such an extent that the past act cannot even be brought up in any subsequent criminal proceedings involving another crime.

The time to impress people with the need for a rehabilitation program is after they have admitted they have done wrong, and agreed to follow a plan for rehabilitation, with the knowledge that if they do not follow the plan for rehabilitation that they are going

All Members of Senate  
Judiciary Committee

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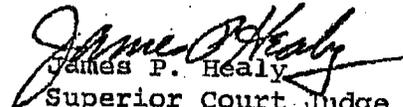
March 26, 1975

to have to go to the Department of Institutions without the need for any other trial except a revocation proceeding, under the deferred sentence procedure already in effect; or under the suspended sentence procedure already in effect.

I readily acknowledge that there are some limitations to the deferred and suspended sentence procedures; but I submit that they are adequate programs, and Senate Bill 2613 is not necessary, and if passed will be bad legislation.

I hope that you do not pass Senate Bill 2613.

Yours very truly,

  
James P. Healy  
Superior Court Judge  
Department 5  
Tacoma, Washington

fr

APPENDIX 10

Proposed Amendments to Senate Bill 2613  
From Senator Marsh  
April 2, 1975

Strike "diversion" wherever it appears and insert "deferred prosecution"

On page 1, line 9, after "problems" and before "or" insert  
", or drug problems"

On page 1, line 19, after "problem" and before "or" insert ", an approved drug treatment center as designated in Chapter 71.24 RCW if the petition alleges a drug problem,"

On page 1, line 24 after "conduct" strike "at the expense of the person"

On page 3, following section 12, add a new section to read as follows:

"NEW SECTION. Sec. 13. Funds shall be appropriated from the fines and forfeitures of the court to provide for a treatment program for any person who is indigent or is unable to pay the cost of any program of treatment." And renumber the following sections accordingly.

On page 2 line 15, after "conditions and" add ", if financially able"

APPENDIX 11

TESTIMONY ON SB 2613 - PRE-TRIAL DIVERSION PROGRAMS

Senate Judiciary Committee meeting on April 2, 1975.

JUDGE LYLE TRUAX - Clark County, District Court Judge

Before I start, there are a number of amendments that have been suggested to this and I assume you have the amendment sheet before you. One of the amendments would change the word "diversion" to some other word and the word suggested in the amendment is "deferred prosecution" and I would like to suggest that you use another word which would be "treatment". The reason for not using the word "diversion" is that confusion can come up with existing diversion programs which I think are entirely different than this program. Deferred prosecution is another type of program that is in the statute which I think would cause more confusion. If we had it just basically a treatment program, using the word "treatment" in place of "diversion" where it occurs throughout the bill, it would clarify that and I would strongly recommend that.

I had a call from some of the treatment facilities and they would like to have a couple of amendments on page 3, line 2, after the word "plan" they would like "or shall have been discharged from treatment" to come before "the". And then on line 10 on the same page (3), after the word "plan" and before the word "or" --  
SENATOR FRANCIS

I would rather go through the bill first, before we start talking about these little amendments.

JUDGE TRUAX

OK. First of all, this is a bill to help get people into voluntary treatment of those types of crimes which are caused basically by a condition such as alcoholism, drug problems or emotional or mental problems. The basic purpose of the bill is to find an avenue by which we can get these people into treatment. I think all the research and surveys that have been done show that these types of people having these types of problems are in all probability,

JUDGE TRUAX (cont.)

unless their problem is treated, are going to be back again into the revolving door of the courts. This is a method by which these people can be taken out and placed into treatment. The way the bill operates is upon arraignment the defendant has the right to file a petition. In this petition he alleges that he has either an alcohol problem or a drug or a mental or emotional problem and that the problem was one of the causes of his misconduct and that he requests that the problem be treated. Upon that being filed at arraignment, the court refers him to a treatment center for diagnosis and the sets out for an alcohol problem would be to those that are proved as treatment centers in the recent act here that we are under now. Drug problems also treatment centers and the mental health center if it is a

SENATOR FRANCIS

Why do you insist on having all this happen at arraignment?

JUDGE TRUAX

This is a time that the person -- the sense of the bill is to give the defendant -- he's the one who is asking for it.

SENATOR FRANCIS

Why can't he ask for it later?

JUDGE TRUAX

I assume he could later if he wants to. I don't think there is anything here that would stop him --

SENATOR FRANCIS

If you need the bill, then it must be because you don't have the jurisdiction to do it without the bill. The bill only authorizes it upon arraignment.

JUDGE TRUAX

If you want to have it other times, that is fine, I don't have any --

SENATOR FRANCIS

Are you doing it now by the way?

JUDGE TRUAX

No. People going to treatment now are going because of the judge's decision. This placement is upon the person who is charged before the court and his counsel as a way of putting this person into treatment and that bypasses the rest of the court.

SENATOR FRANCIS

Isn't it a fact that some prosecutors do this now before --

JUDGE TRUAX

We have in our county a very fine diversion program. This diversion program affects first offender felonies. It doesn't address itself to these people who are problem people. These are the people who have a problem which has to be treated and --

SENATOR FRANCIS

I guess what I am asking -- let's start with the prosecutor. Does not the prosecutor have the discretion as to whether or not to charge someone?

JUDGE TRUAX

No, say a fellow is picked up for drunk driving. The prosecutor has no -- that's already done before the prosecutor gets into the picture.

SENATOR FRANCIS

Alright, where there has been no charge and it is up to the prosecutor to charge, he has the discretion then. If he wants to condition his exercise of discretion upon a person seeking treatment he can do so?

JUDGE TRUAX

That's right.

SENATOR FRANCIS

Now, this would give the judge also some discretion to not go any further in the --

JUDGE TRUAX

It would give the defendant discretion, to seek treatment in place of prosecution.

SENATOR FRANCIS

No, this would give the judge the discretion as to whether to go along with the request of the defendant.

JUDGE TRUAX

Yes. The first discretion is on the defendant.

SENATOR FRANCIS

Well, he has to ask to seek a remedy.

JUDGE TRUAX

And then the judge refers him to a treatment center --

SENATOR FRANCIS

Alright, the judge doesn't have to refer him to a treatment center, does he?

JUDGE TRUAX

I would assume not. The bill doesn't say that. The bill says he shall --

SENATOR FRANCIS

It says the arraigning judge, upon consideration of the petition, may continue the arraignment and refer --

JUDGE TRUAX

The next point of discretion is upon the treatment center as far as their diagnostic evaluation of this person to determine whether or not he has a problem that unless treated there is a probability that there will be a future violation and then they prepare a report back to the court along with a treatment plan which is presented to the defendant. This is the second time the defendant has the right for a decision. He has to decide whether he wants to continue in this program and then the judge has the next decision. He has to approve and if it is finally approved then the charge is removed from the existing

JUDGE TRUAX (cont.)

criminal docket and placed into a special treatment file and then if he goes through the program and there is no further violation within the next two years the charge is removed and dismissed.

SENATOR CLARKE

What would this do to the judges' right to require restitution if the crime, for instance, was destroying property or taking money or something like that, where perhaps normally, at least under a new enactment we have here, the court has a right to require restitution. What happens to that in here?

JUDGE TRUAX

I would imagine that would be something -- I don't know how that would be handled.

SENATOR CLARKE

It seems to me there ought to be some --

JUDGE TRUAX

You maybe could put something in there for that. This is basically -- when you get the person into treatment that is the sum and substance of the bill. An avenue for doing this which is a little bit more voluntary if the judge says either go to treatment or go to jail for 60 days. Also in this --

SENATOR FLEMING

Section 4 says "The facility or center shall conduct at the expense of the person an investigation . . .". When a judge, under present law, recommends treatment for an individual, that cost is bared by the public, isn't it?

JUDGE TRUAX

There are a number of different ways. We have a lot of people going into treatment for alcoholism. Some of them have insurance policies for which that is paid. Some of them are able to pay their own costs of treatment. A lot of them Public Assistance picks up. Also, veterans, you get persons in the Veterans

JUDGE TRUAX (cont.)

treatment for alcoholism for nothing. You have a lot of different avenues that you can work.

SENATOR FLEMING

Are those same avenues going to be open?

JUDGE TRUAX

Oh, yes.

SENATOR FLEMING

Because he or she are asking for this and if you limit it to those who can pay for it you are going to have problems.

JUDGE TRUAX

When this person is sent -- say it is an alcohol problem --

SENATOR FRANCIS

We have a proposed amendment from Senator Marsh on that right after the bill. It says, "NEW SECTION. Sec. 13." It says "providing funds for people who can't pay". I worry more about that section because it mandates what a facility has to do and I am wondering if that is a sensible way of doing it. Wouldn't it be less of an invasion of the functions of the facility if we told the judge what kind of information he should request from the facility?

JUDGE TRUAX

I don't get you --

SENATOR FRANCIS

We are getting into a lot of subject matter in this bill. We are now passing laws about what facilities have to do, what these centers have to do in the way of providing investigations and examinations. I am not sure that everybody that should have received notice has received notice when we start getting off into these areas. We are passing laws about the people who are operating those facilities.

JUDGE TRUAX

The amendment I have to make comes from those who operate one of the facilities and is a suggestion they have. I would like to call your attention to the fact that as far as -- this bill will probably be used largely in drunk driving cases where we get the person, using this bill, so he can go into treatment for alcohol problems. When the person goes under this, this holds back the suspension of a driver's license. It does send the information to DMV so they can have it entered on his driving record and this is pretty much in conformity with the suggestions of the Department of Transportation on this type of method for using treatment where you know the person is an alcoholic and he needs treatment rather than jail time or something like that.

Are there any more questions.

SENATOR MARSH

You will probably want to hear other witnesses but I was going to ask about a couple of those specific things about amendments.

SENATOR FRANCIS

Why don't we get into that now, we have an overview of the bill and now we can find out how the amendments fit in.

JUDGE TRUAX

I have these 2 amendments on page 3, I can give them to the clerk.

SENATOR MARSH

Could you read them again to us slowly please.

JUDGE TRUAX

On page 3, line 2, after "plan" and before "the" insert "or shall have been discharged from treatment". On line 10, the same page, after "plan" and before "or" insert "if acceptable to the treatment facility".

SENATOR FRANCIS

At that point, on line 2 you haven't said wrongfully discharged or you haven't said discharged for failure to be able to carry it out properly, so I

SENATOR FRANCIS (cont.)

would take it that would include a person who had completed the treatment successfully and yet later in that same sentence you say that they 'shall immediately report such breach to the court'.

JUDGE TRUAX

This is asked by the treatment center which felt that they should have a right, say if a person is acting up terribly, just destroying the treatment program --

SENATOR FRANCIS

I see. You are talking about a person who is discharged because they are not --

JUDGE TRUAX

That's right.

SENATOR FRANCIS

Alright, we will have to reword that amendment proposal.

SENATOR MARSH

Judge Truax recommended the substitution of the word "treatment" wherever the word "diversion" is. I went through the bill and on page 2, line 20, if we substitute the word "treatment" there, it will read then ". . . filed in a special court ((~~diversion~~)) treatment file."

JUDGE TRUAX

I think that is alright because that is basically what this is. I think we had better call it what it is rather than some other word because I think if you use the same word throughout you are better off. So people will know just exactly what it means.

SENATOR MARSH

In Section 4, the Chairman is concerned about the fact of us ordering a facility or center to do certain things. As far as you are concerned, would it destroy the intent if it said something like this "the arraigning judge shall

SENATOR MARSH (cont.)

require the petitioner to obtain an investigation and examination to determine. . ."

JUDGE TRUAX

No, that would be alright. As long as we have those conditions below that because those are basically what we are seeking to find out. Anything you can do to improve the bill will be appreciated.

RICHARD LEE - Director, District Probation Court, Vancouver

There are a couple of points I wanted to make on why I think the probation officer certainly and also it has been discussed in our State Association of Probation Officers. I think one of the areas is that we see so much in the evolution of a person coming into the system with a drinking problem is the fact that they get a couple of DWI's under their belt until they really get serious about doing something about it and by that time their license situation is in a very precarious position -- they lose their license and with that we see them lose the ability of getting to work and back legally and, as a consequence, they often end up with further legal problems due to driving while suspended so we frequently have people who are doing very well on their sobriety -- they live out in Yacolt, Washington, or someplace like that and they work in Camas or someplace and are in real bad trouble because they are getting this driving while suspended from time to time. I think this is one area that this bill could really impact on. The person would be allowed to get treatment and yet not have a conviction which puts their license in jeopardy.

The second thing is that Judge Truax has mentioned that we have a diversion program in Clark County and have had one for about the last year through our Prosecutor's office and it has proven out very successful and I think the basic reason why is because it allows treatment to become a first alternative rather than a last one. I think the experience we have had in the corrections field is that

RICHARD LEE (cont.)

when people have this motive of getting treatment, of avoiding a conviction, rather than after the damage of a conviction is done, it seems like their attitude in treatment, just the fact that their interest is really -- they can see the interest for them much more than after a conviction is done, really adds to their success in the treatment end of it.

One last point and that is that I am also an ex-police officer and I can see where some of the law enforcement people would come from on first examination of this bill. They would say, "well, this is another bill that is going to allow people to slip out of having to face the responsibility of their actions. Here is a guy driving out there in a drunken condition and now he is not going to be convicted and what a lousy thing that is." One of the things that might be considered is the fact that when a person does go through treatment, generally, if they are paying for it out of their own pocket, it is a much more costly process to them for instance, on a typical DWI which generally will cost the person in fines of about \$300, a great deal more in increased insurance cost, but generally the fines are around \$300. Our local treatment programs that they would be referred to in our community run anywhere from \$625 to about \$1,600 for that treatment. The time involved is a great deal different. The average DWI offender or misdemeanor offender does not spend 21 days in jail, or does not spend 28 days in jail. They do spend that amount of time in treatment. I think that is important to know.

The last area, I think, is the emotional commitment they have to make. It is easier for a person to sit in jail and feel sorry for himself with a lot of other losers who are sitting in there feeling sorry for themselves than it is to get into a treatment program. To get into some group sessions and individual counseling sessions which really have the main thrust of making the person face their responsibility for their actions. That is the first step toward recovery

RICHARD LEE (cont.)

that any treatment program is about -- helping that person face that responsibility. The commitment all along the line: financial; emotional; and certainly the time, is much greater under this bill than if we just treat the person in the traditional way.

I think it is a good bill and I hope that it will be supported. I would like to make one suggestion and that is that in the bill regarding your comments Senator (Clarke) about restitution, you will notice that in section 6 it says "If the report recommends treatment, the court shall examine the treatment plan." I was wondering, while you were making your comments, why the court couldn't have input into that treatment plan also and include restitution when necessary.

I feel that this bill allows a person to help themselves. It allows them to take their money and their time and their emotional resources and spend it to the benefit of themselves and to their family and, in the consequence, to all of us.

PAUL CLAUSEN, Grant County Prosecuting Attorney

I am against this bill. I am not particularly against the theory, the idea of treatment of DWI's or people with alcohol problems. My primary objection is I think that the bill is possibly constitutionally wrong in that it gives the judge discretionary powers with regards to who shall be prosecuted. You have the judge wearing the same hat, the same as the prosecutor, the same as the judge and I think this is wrong. From my studies and research on diversionary programs, and this is really what it is regardless of what you call it, that the success of the programs are dependent to a large extent on the prosecuting attorney's office. Screening the cases as to which one should be put on and, of course, determining what the facts are as far as the crime, and then saying what the problems may be with regards to the subject of prosecution. What is going to happen to the case if the person is put on a diversionary program, and

PAUL CLAUSEN (cont.)

say he falls off the ladder 23 months afterwards. Is it the same? Is the case finished? For all practical purposes there may not even be a case. I think that the success of any diversionary program should be dependent upon involving the prosecuting attorney. I would have no objection if any diversionary has to have the approval of the court but, from the way this bill is written, the prosecuting attorney may never even show up in court and it is all handled without any input at all from the prosecuting attorney's office.

My next objection --

SENATOR FRANCIS

Wait a minute. I have a little trouble grasping that last idea. In Section 3 it says "The arraignment judge upon consideration of the petition may continue the arraignment. . .". Now, I see nothing in there that would lead me to believe that the prosecutor and the defense counsel haven't argued that thing pretty thoroughly before the judge reaches his conclusion.

PAUL CLAUSEN

There is nothing in there that says that the judge has to consider any position or anything from the prosecuting attorney's office.

SENATOR FRANCIS

Why would you need it written down? Isn't it obvious, unless it's forbidden to argue it they are going to listen.

PAUL CLAUSEN

Are they? Why shouldn't it, for a practical matter, be handled by the people who are in charge of prosecuting the case?

SENATOR FRANCIS

That is a different thing. I am asking you how you can justify your statement that he is not going to listen to the prosecutor?

PAUL CLAUSEN

He is not going to but I said there is nothing in there to require it. There is nothing to require any input or any consideration to it.

SENATOR MARSH

If on line 16, after "petition" you inserted the following "and after listening to arguments of the prosecutor's office and counsel for the petitioner" would that satisfy you?

SENATOR FRANCIS

Well, it wouldn't satisfy me, I will tell you that. I can't see writing something like that in every paragraph that we are going to write. It is obvious that you listen to the arguments of counsel and I think it is ridiculous to state that you have to put it down in writing every time what a judge obviously does. I just think it is ridiculous to even suggest that.

PAUL CLAUSEN

Well, it is my experience with judges in some of these cases that the prosecuting attorney might as well not even appear.

SENATOR FRANCIS

Well, I certainly hope you go out and let the voters know that the next time.

PAUL CLAUSEN

My second objection seems to be taken care of. The original act provides that the defendant has to agree to pay the costs. Whoever drafted this, I think that is highly unfair that any person who is going to be allowed should be able to take advantage of whatever the law allows rather than require him to be able to foot the bill. I think this is entirely a violation of due process. I guess that has been sort of taken care of in the form of amendment. Then, of course, is the question of supervision of this person after he has gone through the treatment program. Now, the treatment program lasts for how long? Some six weeks, maybe several months. The diversionary program as put in there lasts for two years. There is nothing, it appears, of who is going to keep track of them after they get out of the treatment center. It does say that the terms of condition of a

PAUL CLAUSEN (cont.)

defendant's treatment plan, and I think it should be more specific. Then it goes back to the judge, the judge decides what to do, and again there is no rules of procedure or how the prosecuting attorney is going to be brought into the situation or how --

SENATOR FRANCIS

That is a good point. How do you go about doing it now where it is the prosecutor who exercises that discretion?

PAUL CLAUSEN

We do not have a diversionary program set up in my county because we do not have the funds to operate a probation department which I think is necessary to keep track of these people, or even to screen them before they are put into the diversionary program.

SENATOR FRANCIS

Couldn't you, for example, a guy comes in and you finally work out an agreement with him or his attorney that you are going to let him see a psychiatrist for six months and you are going to hold the thing in your desk drawer during that period and you want a monthly letter from him or a monthly letter from his psychiatrist during that six months. You have got control and you don't need a probation department for that. He is reporting directly to you as prosecutor.

PAUL CLAUSEN

I have done that in cases of mental illness type situations and so far as I know we have had several programs work out that way. But the program is strictly on the basis of a continuing treatment to a psychiatrist.

SENATOR FRANCIS

And continuing contact so you can make sure that they are doing it. And, that is really what you are saying we need here is some means of assuring that the judge or whoever it is who is exercising this discretion knows what is going on.

PAUL CLAUSEN

I think that provision should be made for every county to be able to do this or some financial situation set up so that this can be done because one of the problems I can see in this thing is maybe there should be limited to DWI cases. I can see where if this thing passes, every, I can't remember, either first or second offense, is going to be a DWI case and every defense counsel is going to say "go in there and ask for diversion from the court". And, really, I think that if something like that should happen that every county should be set up to do it and I think that the Legislature should put some guidelines that everybody should be entitled to do this. These DWI cases are quite involved. You have one judge in one county throughout the state say "I really believe in the treatment" and you get another judge someplace else that thinks "No sir, this isn't worth a darn" and you really don't get equal treatment and that is one of the things that we hear about the criminal law, that people are treated differently in other persons and are given different sentences.

SENATOR FRANCIS

This is one thing that struck me about the part where it has to be done at arraignment. It struck me two ways: (1) That it is a trap to the unwary for those who are either without an attorney or get an attorney that they used in the business or something else and (2) on the other end of it, the professional criminal defense attorney is going to be pushing for this every single case and there you are.

PAUL CLAUSEN

I really think we should have a program and everybody is entitled to it and more or less directing that if they think they can be treated, put them on it. Put them on it rather than leaving too much discretion to the court. If we are trying to get the DWI's off, maybe that is one of the ways of doing it, requiring them to go to take treatment. You can't require it with discretion, but make it available to everybody.

SENATOR MARSH

Mr. Chairman, do you think the word "may" on page 1, line 16, should be "shall"?

SENATOR FRANCIS

No. I was thinking that, well I am not sure what the solution would be. It seems to me that that ought to be available at any point and not just at the arraignment level. Let's just keep listening. Maybe it's fine the way it is.

PAUL CLAUSEN

I think really this is a DWI bill for most practical situations. I can't perceive of many cases where it is going to come up otherwise and I think I would suggest that the bill be limited strictly to DWI and give everybody an opportunity to take advantage of it and maybe it might have a better effect on people.

I really think that the prosecuting attorney or somebody who is going to be gum shoeing the prosecution of this thing, when the guy falls off the ladder or something, should have some input into this situation to keep track of it. I think that if it is a matter of discretion of the prosecution it probably belongs in the office of the prosecuting attorney and not with the judge wearing both hats.

DAVE BOERNER - King County Prosecuting Attorney's Office

(end of tape) . . . diversion programs exist both at the precharging level and after charging.

SENATOR FRANCIS

Are you getting at the same thing that Paul was, that only in DWI cases is the deferred sentence really not sufficient to solve the problem and therefore we might need this for DWI?

DAVE BOERNER

I think the deferred sentence solves the problem in all cases. If the problem is that drunk drivers shouldn't have their license taken away from them then I suggest that that be done directly. if the problem is the insurance premiums are too high their insurance should not go up,

DAVE BOERNER (cont.)

insurance companies should not consider the fact that people have driven while intoxicated, then I think the bill should be addressed to that point. My concern here is that the bill attempts to do by indirection what apparently there is no willingness to do directly.

SENATOR FRANCIS

It may be that if we -- I understand what you are saying and I follow that reasoning all the way through -- but on the other hand if you have this big stick out here that we now have of saying "no matter what happens, if you are convicted you lose your license" that certainly is a pretty good motivating factor for the person who has the opportunity to not go through the trial, knowing that if he goes through trial he is going to lose his license, that's a pretty good motivating factor to work pretty hard on the treatment program.

DAVE BOERNER

That person can do the same thing without this bill. My point is the bill must -- the only thing I can see that the bill does, the only authority the bill grants that isn't existing presently, is to do this over the objection of the prosecuting attorney. We can have Ron Hendry -- in Pierce County they have a program that involves stipulating continuance with treatment. There are a number of programs around the state. I think the intent here is to, in effect, give the judicial branch the power to determine who should be tried and who should not be tried. I am not saying the prosecutor should have all the role but the executive branch, the way the system works, decides who is prosecuted and who is not. This is an attempt to exclude that. As I said before, all of the things that can be done under the present law with the various diversion programs around the state is contradictory to other legislation dealing with DWI and the habitual traffic offender law. Under this bill, no one will be convicted of anything. With regard to the non-DWI, we can mention lots of things that are gross misdemeanors that are covered by this bill. The bill includes mental health. I suppose under some definitions everyone who steals has a problem and thus is entitled to treatment. I question

DAVE BOERNER (cont.)

that is the public policy statement

DAVE GEHRT

I understand what you are saying about it being possible to do a lot of these things that are done in this bill without a change in the law. It's been a while since I have been in to talk to your office but I have tried a couple of times to talk to your people, particularly your office because that is what I am experienced with, about similar types of programs and got nowhere.

DAVE BOERNER

We don't have diversion programs and do not believe in them and I would be happy to discuss it with you but others may differ from that. I think if the matter is serious enough to warrant criminal prosecution it is serious enough to warrant a determination of that prosecution. I don't believe in using criminal charges as a club to coerce people into treatment.

SENATOR FRANCIS

That makes a very good statement for why we might need this bill.

DAVE BOERNER

If you want to exclude the executive branch, yes.

SENATOR FRANCIS

Or if we want to over ride the discretion of a particularly obstinate prosecutor.

SENATOR MARSH

Mr. Chairman, obviously there is a split among prosecuting attorneys because our prosecuting attorney endorses the bill. I am wondering, if you (Boerner) were to work with Judge Truax who is here today and one of our deputy prosecutors, Jim Sellars, do you think it is possible that you and Paul could maybe work out some of these concerns or do you think you are just totally opposed to the bill

SENATOR MARSH (cont.)

and it wouldn't do you any good?

DAVE BOERNER

No. There are a number of problems that could be solved and I think the bill could be a much better bill if you gave the prosecuting attorney a role and provide for -- there are a number of practical problems on proof. This doesn't give the prosecutor a voice if he can't prove the case a year from now. The remedy here is to go ahead and re prosecute but that is impossible until                    deal with those kinds of things. But my real question is I don't know if it is necessary to accomplish the purposes that all of us                    and there is a role for treatment I think can be accomplished rather than that

SENATOR FRANCIS

The problem of proof is an important one which is usually solved by a contractual arrangement if the prosecutor --

DAVE BOERNER

There is no requirement here that the defendant in any way indicate guilt or responsibility for the act.

SENATOR MARSH

But if he goes through treatment and his problem is solved and he makes restitution, hasn't society been served?

DAVE BOERNER

Yes, if it always worked we would have no objections but it doesn't always work. The problem is the remedy proposed in the bill is re prosecution. Re prosecution a year or 18 months later may be quite a different thing than prosecution now. Witnesses have forgotten, a whole variety of problems.

SENATOR FRANCIS

We will certainly want to deal with those specifics and we may want to -- we may end up on your side philosophically -- at least we want to get it all out

SENATOR FRANCIS (cont.)

in front of us now.

DAVE KIRK - Department of Motor Vehicles

I would like to briefly comment there is no question but that the intent of the bill is certainly meritorious. My comments, however, will be a little more of a technical nature from the point of view of DMV. I would suggest a couple of minor changes -- if this goes they are going to be important.

On page 3, line 15, after "an" and before "offense" insert "subsequent". Lots of times the chronology of these events does not always fall into place. A person might be convicted of an offense which actually was committed prior to the one which got the person into the diversion program. It is a technicality but it is kind of important.

In the section just above that, it speaks to the removal of a person from the diversion program if he 'falls off' so to speak. There is no provision for notifying our department that we ought to remove the entry. There ought to be a way to clean up the record. Again, it might be sort of understood but it might be kind of good to have it in there too.

One eventuality that might occur frequently is the situation that we very, very often see in driver's records where a person is going through some kind of a traumatic period in his life and he is charged "bang, bang, bang" with two or three DWI's. Some of them could be in different courts. You might have 2 of these diversion programs going on at the same time, neither court being aware of the other one. There ought to be some way to deal with that. This, of course, assumes I think that the purpose of putting this on the person's record is that the court is going to get a copy of the record so that they can find out what is going on but again that might be a pretty broad assumption that you can't always understand, or anticipate. The other thing I would suggest is that if (this is merely a recommendation) it is the point where the bill is being considered for possible amendment or redoing, it might be a good idea to involve the Department

DAVE KIRK (Cont.)

of Social and Health Services. I think we all agree that alcoholism is a very serious problem and we all have ideas of ways to go about it. In fact, that is what is happening and in our work with the treatment facilities around the state and DSHS we become aware that everybody has their own program and there are many, many kinds and the problem is that we are all sort of going off in different directions and I really think that involving DSHS would help get a uniform system that would operate effectively statewide rather than all these little center's programs.

LOIS PARKER - Executive Director, Thurston-Mason Alcoholism Recovery Council

I am in agreement with the Council about this bill. One thing I do want to comment on -- The Department of Social and Health Services is involved to a certain degree already, inasmuch as the community alcoholism centers, which every county in the state I believe does contain, are approved centers and they would be the people who did write the treatment program for the person involved in the DWI and the Department of Social and Health Services does have a tracking system whereby they can keep track of who is there and who is in what treatment program. So, DSHS has already been involved.

As far as the matter of supervision is concerned, in the community alcoholism centers which fall under my jurisdiction, we do provide supervision at the present time and do provide information to the courts relating to the progress, or if the person is not making progress, of each individual. It is not unusual for us, even though we do have a certain amount of compassion and certainly expertise in this matter of alcoholism, it is also not unusual for us to sometimes pick up the phone and call the probation department and suggest that this person's probation be revoked because they are not following through.

We do, in fact, provide written follow up to our courts regarding the progress of each client.

JIM SELLARS - Deputy Prosecuting Attorney, Clark County

Jim Carthy wanted to be here today but he was unavoidably detained and sent me instead.

JIM SELLARS (cont.)

We have a principal objection to the use of the word "diversion". We have a diversion program which, to us, means that the entire criminal justice system is diverted and we are afraid that some kind of confusion might arise with the word "diversion" in this bill since the persons handled via the procedure set up in this bill --

SENATOR FRANCIS

Other than that you support the bill?

JIM SELLARS

That is my understanding.

SENATOR MARSH

I have a letter from Jim Clarty dated February 25, 1975, did you take a look at that Jim?

JIM SELLARS

I am aware of that.

GEORGE WOLFE - Director, Clark County Council on Alcoholism

We simply want to go on record as concurring with the basic tenants of this bill. We feel that there is no jeopardy to any the defendants. In many cases as it is now the defendant coming in front of the court at arraignment time doesn't get to see the prosecutor anyway because he pleads guilty. This would give us the basic tool to deal with his driver's license situation on behalf of his illness rather than a person who is basically a criminal at heart.

SENATOR FRANCIS

That concludes the list of people we had to testify on that bill. I appreciate your help very much.

BILL NO: SB 2113 DATE: 4-2-75

SHORT TITLE: Pre-trial diversion programs. LOCATION: 433 RLB

Name	Address	Telephone	Affiliation	Would Like To Testify	Pro/Con
Judge Hylt-Teva	Vancouver	699-2424	District Court	yes	Pro
Richard A. Lee	Vancouver	699-2342	District Court Probation	yes	Pro
George O. Wolf	Vancouver	696-1631	Clark Co. Courthouse	yes	Pro
Frank Barber	Olympia	943-8510	Thurston County Alcohol Etc. Div.	yes	Pro
Caul Klassen	Eschata	954-2011	Grand Co. Prob.	yes	Agg.
JIM SELLERS	Vancouver	699 2261	Clark County Prosecutors Office	yes	
DAVE KIRK	OLYMPIA	6472	DMV	Yes	PRO
David Boerner	Seattle	344-2580	King Co. Prob. Atty	Yes	Agg.

APPENDIX 12

SENATE BILL ANALYSIS

BILL NO. S.B. 2613, committee amendment

DATE: 4/10/75

SHORT TITLE: authorizing pre-trial diversion programs approved by the court

SPONSOR: Senators Marsh, Francis and Jones

COMMITTEE: on Judiciary

ANALYZED BY: Bill Gales

Issue: Should a person charged with a misdemeanor or gross misdemeanor which purportedly resulted from alcohol problems, or drug problems, or emotional or mental problems be permitted to have the prosecution of those charges deferred pending successful completion of a treatment program?

Analysis: Present law: There is no state statute establishing a deferred prosecution program where the court and prosecutor share in the decision. A prosecuting attorney himself has the authority to refrain from prosecuting a particular case and after conviction can suspend or defer the sentence pending participation in a treatment program.

The bill: Sec. 1 - Upon arraignment on a misdemeanor or gross misdemeanor a defendant can petition the court for participation in a deferred prosecution program.

Sec. 2 - Requires such a petition to allege alcohol, drug, mental or emotional problems.

Sec. 3 - The judge with the concurrence of the prosecuting attorney can continue the case and order a diagnostic evaluation.

Sec. 4 - States the nature of the diagnosis..

Sec. 5 - States the type of recommendations the diagnosing facility should make.

Sec. 6 - Once the court approves a treatment plan, the file shall be placed in a special deferred prosecution docket.

Sec. 7 - If a treatment plan is not approved, defendant shall be arraigned.

Sec. 8 - Excludes the evidence contained in or stemming from the petition from trial but permits its use at sentencing.

Sec. 9 - Provides for a court hearing before the participant is dropped from a treatment program.

Sec. 10 - Conviction of a similar offense during participation in a treatment program to result in arraignment on the original charge.

**SENATE BILL ANALYSIS**  
**S.B. 2613**

page two

*Sec. 11 - Removes defense of denial of right to a speedy trial based upon a delay caused by participation in this deferred prosecution program.*

*Sec. 12 - Provides for automatic dismissal of the charges two years after approval of participation in the deferred prosecution program.*

*Sec. 13 - Provides for payment of the cost of the treatment program for indigents out of fines and forfeitures of the court (in other cases costs are payable by the participant).*

*Evaluation: The bill establishes a formal deferred prosecution program for individuals with certain types of problems (alcohol, drug, emotional or mental) who commit less serious offenses. This type of program is now being conducted on an informal basis in a few Washington counties as well as in other parts of the country; this bill would make it available state wide.*

*Section 13 does not provide for payment of an indigent's diagnosis which is presumably an oversight and should be added.*

APPENDIX 13

# BILL REPORT

HOUSE OF REPRESENTATIVES  
Olympia, Washington

Bill No.:

ESB  
2613

Pre-trial diversion program  
Brief Title From Status of Bills

Senators Marsh, Francis and Jones  
Sponsor

Reported by Committee on Judiciary

Committee Recommendation: Majority DPA (8)

Minority \_\_\_\_\_

Majority Report Signed By: \_\_\_\_\_ Minority Report Signed By: \_\_\_\_\_  
(Complete only if a Minority Report is filed)

Companion Measure  
No. \_\_\_\_\_

5-19-75  
Date

Mooney 3-4826  
Staff Contact (Name & Tel. No.)

\*\*\*\*\*

**Purpose of Bill and Effect on Existing Law:** Provides the courts with the alternative of having persons treated in a diversion program if: (1) their misdemeanor is the result of an alcohol or emotional/mental problem; (2) without treatment the probability of future reoccurrence is great, and (3) if the person agrees to pay the cost of diagnosis and treatment.

**Effect of Committee Amendments:** Conforms language to section 4 provision in section 13 for supplying treatment program to indigents; Requires entry of plea to the original charge if defendant is convicted of an offense similar to one for which he is in a diversion program; Specifies arraignment in a court of limited jurisdiction; Provides the courts with the alternative of having persons treated in a diversion program if their misdemeanor is the result of an alcohol, drug or mental problem,  
**Fiscal Impact:** (removes emotional problem). Removes requirement that a copy of the defendant's treatment plan be submitted to D.M.V.  
**Principal Proponents:** \_\_\_\_\_ **Principal Opponents:** \_\_\_\_\_

Pat Straumberg, King Co. Div. of Alcohol Services  
Judge Lyle Truax  
Nick Hughes, Wash. State Council on Alcoholism

Attachments:

Comments: (Continue on Reverse)

MAY 9, 1975

HOUSE JUDICIARY COMMITTEE  
Walter Knowles, Chairman

SENATE BILL 2613 - Authorizing pre-trial diversion programs  
approved by the court

Dear Chairman Knowles and Members of the Committee:

This bill addresses itself to the following human aspects:

- (1) Motivates the alcoholic to seek help for himself where otherwise he may not;
- (2) Alcoholism is a treatable illness; therefore, it needs positive reinforcement. By removing the charges, the offender does not need to spend a lifetime with an albatross around his neck;
- (3) Since alcoholism does not limit itself to any age group, a growing percentage of alcoholics being young people, this does provide for removing obstacles that could jeopardize their employment;
- (4) Is conducive to removing the stigma of alcoholism and aids the restoration of human dignity.

Senate Bill 2613 does not complicate the judicial system in handling these cases.

Respectfully submitted,

*Helen Moberg*

Helen Moberg  
Chairman, Grant County Council on Alcoholism

*Dorothy Downing, Grant County*

Dorothy Downing  
Washington State Council on Alcoholism Board of Directors

APPENDIX 14

# Alcoholism and Alcohol Abuse (alcohol dependence, DSM-IV 303.90; alcohol abuse, DSM-IV 305.00)

Alcoholism, also known as alcohol dependence, is a common disorder. Lifetime prevalence rates vary widely according to the methodology used, but probably close to 10% of the U.S. population is affected. Asians, however, particularly those from China, Korea, and Japan, appear to have much lower rates. At all ages alcoholism is more common among males than females; however, given the somewhat later age of onset in females, the ratio tends to decrease in higher age groups. Overall the ratio is probably 3:1.

Alcoholics and alcohol abusers are recurrently and persistently beset with an urge to drink, an urge that is of sufficient compellingness for them to continue to drink despite the fact that because of their drinking they sustain substantial damage to their health and personal or business affairs. Amongst alcoholics, but not in alcohol abusers, one also sees the development of both craving and of neuroadaptation, with either tolerance or withdrawal.

This chapter deals with alcoholism and alcohol abuse in an overall sense. The following chapters cover alcohol intoxication, alcohol withdrawal, delirium tremens, and other alcohol-related disorders.

## ONSET

The onset of alcoholism or alcohol abuse is generally insidious and spans many years. For men, onset is generally dated to the late teens or the early twenties; however, most alcoholics are not recognized as such until their late twenties or early thirties, and many more years may pass before the alcoholic or someone else recognizes the need for treatment. Although some otherwise typical onsets have been described in patients over 60, it is rare for the onset to occur past the age of 45.

The onset in women tends to be later than that in men.

Alcoholics who concurrently have an antisocial personality disorder seem to have an earlier onset, generally in the teenage years.

Although precisely dating the onset is very difficult, many alcoholics, in retrospect, can point to a period in their lives when they "crossed the line," after which their efforts to control their drinking became futile.

## CLINICAL FEATURES

In a full-blown case of alcoholism, drinking has become the primary need in an alcoholic's life, to the detriment or neglect of almost all other activities. The urge to drink may be experienced as a craving, an imperious need, or a compulsion; at times, however, when the alcoholic is off guard it may merely sneak up insidiously, and the alcoholic may begin drinking without knowing why.

Denial is ubiquitous in alcoholism. Almost all alcoholics deny they have a problem with drinking or rationalize it one way or another. They are often quick to lay blame for their drinking on situations or other people. Upon close inquiry, however, one often sees that drinking is in large part autonomous. Although stressful events may be followed by increased alcohol consumption, the alcoholic is also intoxicated during the good times, or simply the neutral times of life.

Most alcoholics make attempts to control their drinking, and although they may have some successes, these are generally short-lived. This "loss of control" was at one point considered the hallmark of the alcoholic. However, it may be just as fair to say that the hallmark is rather a sense of a need to control. Normal people do not experience a need to control their drinking; they simply stop, without giving it a second thought.

When alcoholics do drink, most eventually become intoxicated, and it is this recurrent intoxication that eventually brings their lives down in ruins. Friends are lost, health deteriorates, marriages are broken, children are abused, and jobs terminated. Yet despite these consequences the alcoholic continues to drink. Many undergo a "change in personality." Previously upstanding individuals may find themselves lying, cheating, stealing, and engaging in all manner of deceit to protect or cover up their drinking. Shame and remorse the morning after may be intense; many alcoholics progressively isolate themselves to drink undisturbed. An alcoholic may hole up in a motel for days or a week, drinking continuously. Most alcoholics become more irritable; they have a heightened sensitivity to anything vaguely critical. Many alcoholics appear quite grandiose, yet on closer inspection one sees that their self-esteem has slipped away from them. Most alcoholics also display an alcohol withdrawal syndrome when they either reduce or temporarily cease consumption. Awakening with the "shakes" and with the strong urge for relief drinking is a common occurrence; many alcoholics eventually succumb to the "morning drink" to reduce their withdrawal symptoms.

Some degree of tolerance occurs in all alcoholics. Here the alcoholic finds that progressively larger amounts must be consumed to get the desired degree of intoxication; if the amount is not increased, the alcoholic finds that the degree of intoxication becomes less and less. Some alcoholics, however, late in the course of the disorder may experience a relatively abrupt loss of tolerance that can be profound. The alcoholic who routinely drank a quart of bourbon a day now finds that a couple of shots of bourbon leads to hopeless intoxication.

Excessive use of other intoxicants is common among alcoholics. Benzodiazepines are popular among those past their late twenties; in younger patients, marijuana, cocaine, and opioids may be preferred. For most alcoholics, however, these substances are merely ancillary; alcohol remains the "drug of choice."

Other disorders are often seen concurrent with alcoholism, including major depression, panic disorder (with or without agoraphobia), social phobia (of the generalized type), and, somewhat less commonly, bipolar disorder and schizophrenia. Of the personality disorders, antisocial personality disorder occurs in male alcoholics more often than one would expect by chance; the same is true for borderline personality disorder among female alcoholics.

Alcohol abusers are similar to alcoholics in that they continue to drink despite serious adverse consequences. But abusers are different from alcoholics in two ways. First, most alcohol abusers do not develop neuroadaptation as manifested by tolerance or withdrawal; the sustained drinking generally required to produce these phenomena is for the most part seen only in alcoholism. Exceptions, however, exist as some people seem particularly prone to developing withdrawal and may in fact have the shakes after only a few weeks of drinking, only then to become and remain abstinent. Such people probably do not have alcoholism. Second, one may inquire as to whether the drinker experiences a craving for alcohol rather than merely a desire for it. The alcohol abuser wants to drink and looks forward to it. The same may be true of the alcoholic at times; however, the alcoholic also has a craving for alcohol and because of that craving the ability to choose whether to drink or not is lost. At times the alcoholic simply "has to" drink. Consequences may deter the alcohol abuser, and the abuser may decide to stop because of them and then go ahead and stop. For the alcoholic, however, drinking persists despite the most disastrous consequences; some may continue to drink even while they lie on their death-bed in the hospital.

#### COURSE

Alcoholism may run an episodic or a chronic course. The alcoholic who experiences an episodic course is often referred to as a binge drinker. The binges themselves may last for days or weeks; in between them the alcoholic may go for months or a year or more without drinking at all. The alcoholic with a chronic course may drink on a regular daily basis or have brief periods of abstinence. The "weekend alcoholic" falls in this category. The pattern may change from episodic to chronic over many years. In most cases the complications of alcoholism tend to add up after 10 to 15 years: women tend to experience a more rapid progression than men.

Spontaneous remissions do occur in alcoholism, and they may be missed in epidemiologic surveys, as patients are generally reluctant to discuss their previous drinking. The general clinical impression, however, is that a full spontaneous remission is relatively rare.

The overall course of alcohol abuse is not as clearly understood: some may stop or successfully moderate their drinking; some may continue to drink abusively for an indefinite period of time without ever developing a craving and neuroadaptation, while some may develop these phenomena, thereby prompting a revision of the diagnosis to one of alcoholism.

#### COMPLICATIONS

The complications of alcoholism and alcohol abuse are exceedingly numerous. The population of our jails and hospitals would be dramatically reduced without alcoholism.

Both alcoholics and alcohol abusers are liable to arrests for public intoxication and driving while intoxicated, and both are more likely to have motor vehicle accidents, to lose jobs and to face separation from their loved ones. Other complications seen in both groups (albeit more commonly in the heavier-drinking alcoholics) include blackouts, alcohol withdrawal (the "shakes"), gastritis and fatty liver.

Alcoholics, in addition to the foregoing complications, are also at much higher risk for other complications, including the following.

Suicide is relatively common in active alcoholics, occurring in perhaps 15%. Risk factors include male sex, depression, unemployment, lack of social supports, and significant general medical illnesses, such as pancreatitis, cirrhosis, and others. An alcohol-induced depression may occur, and indeed such a "secondary" depression is seen in at least one-half of all alcoholics.

Drinking during pregnancy exposes unborn children to the risk of prematurity, low birth weight, and fetal alcohol syndrome.

Other complications of alcoholism include seizures ("rum fits"), delirium tremens, alcohol hallucinosis, alcoholic paranoia and alcoholic dementia. Head trauma, often with subdural hematoma, may be quite common.

Thiamine deficiency may be followed by Wernicke's encephalopathy, with a subsequent Korsakoff's syndrome.

Alcoholic cerebellar degeneration, polyneuropathy, and myopathy may completely disable the patient.

Alcoholic hepatitis is common, and cirrhosis may occur in something less than 10% of alcoholics with the subsequent development of bleeding esophageal varices. Recurrent bouts of pancreatitis are not uncommon.

Alcoholics are more prone to infections of all sorts; aspiration pneumonia is common, bacterial meningitis less so.

Laboratory abnormalities are common and may or may not be associated with symptoms. These include the following: hypomagnesemia, hypoprothrombinemia, megaloblastic anemia, thrombocytopenia, hypoglycemia, and ketoacidosis. The combination of an otherwise unexplained increase in mean corpuscular red blood cell volume and an elevation of the serum gamma-glutamyl transferase (SGGT) level is very suggestive of alcoholism. Another "marker" for alcoholism is an elevated carbohydrate-deficient transferrin (CDT) level in the absence of significant hepatic disease.

Alcoholic cardiomyopathy is a rare but often fatal complication.

Central pontine myelinolysis and Marchiafava-Bignami disease are extremely rare complications but carry a high morbidity and mortality. Tobacco-alcohol amblyopia may occur. Occasionally, desperate alcoholics may seek intoxication with isopropyl (rubbing) alcohol or with methanol (wood alcohol), with consequences as described in their respective chapters.

## ETIOLOGY

Family history, twin and adoption studies leave little doubt as to the importance of inheritance in alcoholism, which may account for up to 60% of the risk. Genetic studies, however, have not as yet yielded conclusive results. Earlier studies suggesting an association with certain polymorphisms at the dopamine D2 receptor (DRD2) gene have not been consistently replicated; whether more recent studies suggesting associations with various polymorphisms at the genes for the serotonin transporter or for neuropeptide Y will stand the test of time is uncertain.

Clinical studies of the non-alcoholic sons of alcoholics have yielded some interesting findings, as might be expected given the evidence for inheritance. Electrophysiologic studies have demonstrated a reduced P300 wave and a reduction in alpha activity while not drinking coupled with an increase in alpha activity while drinking. Of more interest from a clinical point of view, however, is the response of sons of alcoholics to a drink as compared to controls. As a group, these non-alcoholic sons of alcoholics had a lower degree of intoxication than did controls. Furthermore, over long-term follow-up the sons with the lowest response had a 60% chance of developing alcoholism; by contrast, in the sons with the most normal response the chance of developing alcoholism was only 15%. Clearly, among sons of alcoholics, being able to "hold one's liquor" is an ominous prognostic sign.

The reduced prevalence of alcoholism among some Asian groups, noted earlier, is related to a differential inheritance pattern of certain normally occurring alleles for aldehyde dehydrogenase. Ethanol is normally metabolized by alcohol dehydrogenase to acetaldehyde, which in turn is rapidly metabolized by aldehyde dehydrogenase to acetic acid. A majority of Asians, however, have forms of aldehyde dehydrogenase which are slow acting, thus allowing for an accumulation of this toxic intermediary metabolite with the production of an extremely dysphoric "Antabuse" reaction as described in the chapter on disulfiram. Naturally such individuals would be unlikely to pursue further intoxication, and thus less likely to become alcoholics.

## DIFFERENTIAL DIAGNOSIS

The main impediments to the diagnosis of alcoholism are the denial seen in alcoholics and the low index of suspicion held by most physicians. All patients should be directly asked how much they drink, and whenever there is a history of arrests, job loss or separation and divorce, this point should be pursued with vigor: when appropriate, this history should be pursued with significant others. Other "red flags" include any of the other complications mentioned earlier, including especially otherwise unaccounted for tremor, gastritis or hepatitis. Another "red flag" of some note is a combination of an elevated MCV and SGGT, which is strongly suggestive of alcoholism.

In cases where the course of alcoholism or alcohol abuse is clearly episodic, one must consider whether these might be occurring "secondary" to some other disorder which also has an episodic course, such as major depression or bipolar disorder. Patients with a depression or major depression or bipolar disorder may "drink to drown their sorrows" and patients with mania, as in bipolar disorder, in their overall exuberant excessiveness, often also drink to excess. In these cases a careful history may reveal the onset of a mood disturbance before the onset of excessive drinking, and a subsequent spontaneous moderation of alcohol intake when the mood disturbance resolves. In cases of concurrent alcoholism and depression where it is not clear whether the depression is primary or occurring secondary to the alcoholism, it may be necessary to observe the patient into abstinence to make the correct diagnosis: whereas a depression of major depression typically persists well into abstinence, an alcohol-induced secondary depression generally undergoes a spontaneous remission within four weeks.

A similar diagnostic strategy may be adopted in cases where there is significant antisocial or "borderline" behavior and it is not clear whether these represent an independent personality disorder or complications of alcoholism. This is especially true when the onset of alcoholism occurs in middle or early teenage years. Alcoholics often commit many antisocial acts to continue drinking: lying, stealing, using aliases (if under age), and consistently failing to meet family or work responsibilities are common. Repeated intoxication also seriously impairs the alcoholic's ability to form lasting relations or a stable sense of identity. Whether a personality disorder diagnosis is warranted depends on whether these symptoms persist despite a prolonged period of abstinence.

## TREATMENT

The goal of treating alcoholism is abstinence. Attempts have been made to enable the alcoholic to continue drinking in a controlled fashion, but without sustained success. This goal must be stated to alcoholics clearly, simply, and unmistakably. With regard to alcohol abuse, there is debate as to whether the goal should be abstinence or controlled drinking. Although some alcohol abusers are able to moderate their drinking to a "social" level, it is not possible to predict which of them will be able to accomplish this. Given this unpredictability, and the potentially grievous complications of alcohol abuse, it may be prudent to approach alcohol abusers in the same way as alcoholics.

Some alcoholics, by an extraordinary act of will, are able to stop on their own, but this is rare, and the vast majority of

alcoholics will continue to drink unless they receive help. In such cases various psychosocial measures are helpful and may be offered. Drugs, such as disulfiram, naltrexone and topiramate, are discussed later, but it must be borne in mind that their usefulness here is limited.

Various counseling methods, including notably cognitive-behavioral therapy, have been successful in a minority of cases. For patients who fail to achieve abstinence with counseling, the physician should consider referral to Alcoholics Anonymous (AA).

Alcoholics Anonymous is the oldest treatment approach to alcoholism, and, if participated in fully, has the best success. Patients should be instructed to attend "ninety meetings in ninety days" and to get an AA "sponsor." Given the wide variety of AA meetings, most patients, by sampling a large number, will find somewhere they feel "at home." Many patients, though initially accepting such a prescription for AA, will fail to follow through, and attend only a few meetings. Here, a failure to achieve sobriety, rather than serving as evidence for the ineffectiveness of AA, is simply a manifestation of non-compliance.

At some point most alcoholics are hospitalized, either to effect a period of enforced abstinence or to treat one of the complications of alcoholism. The goal of an admission, in addition to treatment of any complications, should be to engage the patient in a psychosocial treatment program, such as AA. Although 4-week inpatient rehabilitation programs were once popular throughout the United States, they have not been shown to increase the chances of long-term abstinence. Questions have been raised as to whether most alcoholics are even capable of understanding the sort of educational program offered during these 4-week stays. Most recently detoxified alcoholics experience a very mild delirium, the "fog," that may last for weeks. Until this "mental fog" lifts, truly the only new idea that befogged alcoholics may be able to grasp is that if they want to stay sober they should go to 90 meetings in the 90 consecutive days after discharge, starting with a meeting on the day of discharge.

Family and friends should be encouraged to stop "enabling" patients by rescuing them or otherwise shielding them from the consequences of their drinking. Most family and friends hate to see alcoholics suffer, but in alcoholism the experience of consequences is the best, and sometimes the only, effective teacher. Thus when family or friends "protect" alcoholics, they only enable them to stay in denial and continue drinking, thus hastening the alcoholic's demise. Those family and friends who find it difficult to stop "enabling" may benefit from attendance at Al-Anon, a group for family and friends that is allied with AA.

Three drugs, namely disulfiram, naltrexone, and, possibly, topiramate, may be of some benefit to some patients, but cannot be relied on in the absence of psychosocial methods.

Disulfiram, by inspiring patients with a fear of an "Antabuse" reaction should they drink, may make for enough sober time for patients to benefit from a psychosocial approach. Given the risks associated with disulfiram, cases must be highly selected, and disulfiram should generally not be prescribed to patients who are not committed to sobriety, as they generally end up drinking while taking it. This includes patients who want disulfiram so that they can "dry out" for a few weeks

and recover their health preparatory to resuming drinking, and also patients who are requesting the drug at the behest of others, whether it be a spouse or an employer. The use of disulfiram is discussed in detail in that chapter.

Naltrexone, in a dose of 50 mg daily, may, by reducing craving and damping the reinforcing euphoria of a drink should the patient "slip", reduce the number of drinking days and increase the chances of abstinence. These effects, however, are modest at best, and may, indeed, in the case of severe alcoholism, be negligible.

Topiramate, in a dose of from 100 to 200 mg, was recently demonstrated, in one double-blind comparison with placebo, to reduce drinking days, and the amount consumed on drinking days, and to increase the number of abstinent days. If these results are replicated, then topiramate will assume a place in the treatment on alcoholism; its effectiveness relative to either disulfiram or naltrexone, however, remains to be seen.

Although the role of the physician in the treatment of alcoholism per se is limited, medical attention to concurrent psychiatric disorders may be critically important. Depression, mania, frequent panic attacks, or schizophrenia may all so incapacitate patients that they are unable to participate in rehabilitative efforts. By relieving patients of the symptoms of the concurrent disorder, the physician may enable them to fully involve themselves in their efforts at sobriety. If medications are used, their purpose must be clearly stated. Many patients fondly hope that taking a medicine will obviate the need for rehabilitative psychosocial work. Such hopes must be dashed; patients must understand clearly that no medicine for alcoholism itself exists. One must not prescribe sedative-hypnotics, including benzodiazepines, to outpatient alcoholics. Although these have a place in the treatment of alcohol withdrawal, as described in that chapter, they are contraindicated for outpatients. Furthermore, when nonhabituating medicines, such as antidepressants or antipsychotics, are prescribed patients must be informed that they cannot get "hooked" on them. It is also prudent to tell patients that some members of AA, lumping nonhabituating and habituating medicines in the same group, frown on taking medication of any sort. Patients therefore should be advised to confine their discussions about medication to their prescribing physician.

During the first few months of abstinence, patients who went through alcohol withdrawal often complain of persisting symptoms, such as insomnia, easy startability, and other autonomic symptoms, and difficulty remembering or thinking clearly. In such cases, patient's may be reassured that these symptoms generally clear in a matter of months, generally never lasting more than six months. In cases, however, where such symptoms are disruptive to the patient's rehabilitative efforts, treatment with divalproex, as discussed in the chapter on alcohol withdrawal, may be indicated. If symptoms persist beyond six months despite abstinence, then another disorder must be sought.

Relapses are common; most occur in the first 6 months. Only about 50% of alcoholics achieve a year of continuous abstinence. The physician therefore must guard against becoming frustrated and must likewise help the patient avoid demoralization. A "slip" should not be taken as an indication of failure but rather as an indication to redouble one's efforts at treatment.

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APPENDIX 15



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Caseloads of the Courts of Washington

Courts of Limited Jurisdiction  
Cases Filed - 2010 Annual Report

Adams County

	-----Infractions-----		-----Misdemeanors-----								Total
	Traffic	Non Traffic	DUI/ Phy Control	Other Traffic	Non Traffic	Domestic Viol. (1)	Civil	Small Claims	Felony Complaints	Parking (2)	
<b>District Courts</b>											
<b>.State/County</b>	572,973	15,732	23,730	47,681	42,339	10,071	117,505	19,003	5,485	125,482	980,001
<b>.Municipal</b>	100,881	2,036	3,363	17,510	19,840	0	1	1	7	39,320	182,959
<b>Municipal Courts</b>	328,083	15,061	11,098	59,540	69,373	253	219	1	0	802,410	1,286,038
<b>State Total</b>	1,001,937	32,829	38,191	124,731	131,552	10,324	117,725	19,005	5,492	967,212	2,448,998
-- Top --											
<b>Adams County</b>											
<b>.Othello D</b>	2,051	8	58	301	192	42	397	17	0	1	3,067
<b>...Othello M</b>	603	45	46	227	210	0	0	0	0	15	1,146
<b>.Othello D Total</b>	2,654	53	104	528	402	42	397	17	0	16	4,213
<b>.Ritzville D</b>	7,532	28	53	286	156	12	129	6	0	0	8,202
<b>...Ritzville M</b>	118	3	5	18	25	0	0	0	0	0	169
<b>.Ritzville D Total</b>	7,650	31	58	304	181	12	129	6	0	0	8,371
<b>Adams County</b>	10,304	84	162	832	583	54	526	23	0	16	12,584
-- Top --											
<b>Asotin County</b>											
<b>.Asotin D</b>	973	63	56	150	255	92	685	0	0	0	2,274
<b>...Asotin M</b>	354	2	6	32	16	0	0	0	0	0	410
<b>...Clarkston M</b>	661	10	39	248	403	0	0	0	2	5	1,368
<b>.Asotin D Total</b>	1,988	75	101	430	674	92	685	0	2	5	4,052
<b>Asotin County</b>	1,988	75	101	430	674	92	685	0	2	5	4,052
-- Top --											
<b>Benton County</b>											
<b>.Benton D</b>	15,237	202	622	1,614	1,089	29	4,808	461	148	7	24,217
<b>...Kennewick M</b>	6,868	183	202	961	2,110	0	0	0	0	26	10,350
<b>...Prosser M</b>	388	17	29	95	73	0	0	0	0	1	603
<b>...Richland M</b>	3,741	218	237	868	1,039	0	0	0	1	88	6,192
<b>...W. Richland M</b>	849	33	49	79	123	0	0	0	0	0	1,133
<b>.Benton D Total</b>	27,083	653	1,139	3,617	4,434	29	4,808	461	149	122	42,495
<b>Benton County</b>	27,083	653	1,139	3,617	4,434	29	4,808	461	149	122	42,495
-- Top --											
<b>Chelan County</b>											
<b>.Chelan D</b>	8,133	661	322	536	815	81	1,633	246	12	1,145	13,584
<b>...Wenatchee M</b>	1,968	87	129	659	945	0	0	0	1	2,054	5,843
<b>.Chelan D Total</b>	10,101	748	451	1,195	1,760	81	1,633	246	13	3,199	19,427
<b>.Wenatchee TVB</b>	2,542	38	0	2	0	0	0	0	0	2,571	5,153
<b>Chelan County</b>	12,643	786	451	1,197	1,760	81	1,633	246	13	5,770	24,580
-- Top --											
<b>Clallam County</b>											
<b>.Clallam 1 D</b>	5,784	37	128	229	315	108	919	179	0	2	7,701
<b>...Port Angeles M</b>	661	28	80	232	630	0	0	0	1	5	1,637
<b>...Sequim M</b>	344	13	34	120	249	0	0	0	0	2	762
<b>.Clallam 1 D Total</b>	6,789	78	242	581	1,194	108	919	179	1	9	10,100
<b>.Clallam 2 D</b>	825	94	28	68	127	90	77	7	0	0	1,316
<b>...Forks M</b>	416	6	27	89	135	0	0	0	0	5	678
<b>.Clallam 2 D Total</b>	1,241	100	55	157	262	90	77	7	0	5	1,994

<b>Clallam County</b>	8,030	178	297	738	1,456	198	996	186	1	14	12,094
-- Top --											
<b>Clark County</b>											
.Clark D	29,427	352	1,463	2,592	2,572	588	6,570	1,557	0	278	45,399
...Camas M	1,417	21	52	264	261	0	1	1	0	558	2,575
...Vancouver M	6,382	215	225	2,183	2,956	0	0	0	1	474	12,436
...Washougal M	693	20	11	80	220	0	0	0	0	88	1,112
.Clark D Total	37,919	608	1,751	5,119	6,009	588	6,571	1,558	1	1,398	61,522
.Battle Ground M	1,979	97	92	448	374	0	0	0	0	453	3,443
.La Center M	104	3	3	26	43	0	0	0	0	0	179
.Ridgefield M	602	6	32	149	38	0	0	0	0	9	836
<b>Clark County</b>	40,604	714	1,878	5,742	6,464	588	6,571	1,558	1	1,860	65,980
-- Top --											
<b>Columbia County</b>											
.Columbia D	723	60	13	22	88	9	101	9	1	0	1,026
...Dayton M	299	24	4	33	31	0	0	0	0	5	396
.Columbia D Total	1,022	84	17	55	119	9	101	9	1	5	1,422
<b>Columbia County</b>	1,022	84	17	55	119	9	101	9	1	5	1,422
-- Top --											
<b>Cowlitz County</b>											
.Cowlitz D	9,895	136	384	870	806	283	2,333	498	0	17	15,222
...Castle Rock M	163	16	14	33	63	0	0	0	0	10	299
...Kalama M	274	6	22	50	38	0	0	0	0	3	393
...Kelso M	1,853	52	61	533	480	0	0	0	0	51	3,030
...Longview M	4,129	201	184	1,342	1,006	0	0	0	0	71	6,933
...Woodland M	722	8	43	149	99	0	0	0	0	112	1,133
.Cowlitz D Total	17,036	419	708	2,977	2,492	283	2,333	498	0	264	27,010
<b>Cowlitz County</b>	17,036	419	708	2,977	2,492	283	2,333	498	0	264	27,010
-- Top --											
<b>Douglas County</b>											
..Douglas	3,370	70	125	418	250	87	840	92	0	15	5,267
...Waterville M	0	8	0	0	0	0	0	0	0	0	8
..Site Total	3,370	78	125	418	250	87	840	92	0	15	5,275
..Bridgeport	928	15	32	138	66	7	1	3	0	0	1,190
...Mansfield M	0	1	0	0	0	0	0	0	0	0	1
..Site Total	928	16	32	138	66	7	1	3	0	0	1,191
.E Wenatchee M	3,230	52	118	371	330	33	1	0	0	56	4,191
<b>Douglas County</b>	7,528	146	275	927	646	127	842	95	0	71	10,657
-- Top --											
<b>Ferry County</b>											
.Ferry D	449	32	49	59	89	14	82	19	1	1	795
...Republic M	129	4	14	18	18	0	0	0	1	0	184
.Ferry D Total	578	36	63	77	107	14	82	19	2	1	979
<b>Ferry County</b>	578	36	63	77	107	14	82	19	2	1	979
-- Top --											
<b>Franklin County</b>											
.Franklin D	6,379	98	179	567	352	81	2,197	200	110	8	10,171
...Connell M	46	0	4	18	23	0	0	0	0	0	91
.Connell M	135	5	9	37	30	0	0	0	0	1	217
.Mesa M	0	12	0	0	0	0	0	0	0	0	12
.Pasco M	6,470	264	199	793	1,381	0	0	0	0	967	10,074
<b>Franklin County</b>	13,030	379	391	1,415	1,786	81	2,197	200	110	976	20,565
-- Top --											
<b>Garfield County</b>											
.Garfield D	1,525	30	11	63	75	5	42	4	0	0	1,755
<b>Garfield County</b>	1,525	30	11	63	75	5	42	4	0	0	1,755
-- Top --											
<b>Grant County</b>											

<b>.Grant D</b>	19,879	513	659	3,080	2,370	286	2,567	171	11	464	30,000
<b>.Electric City M</b>	35	1	0	0	0	0	0	0	0	0	36
<b>.Grand Coulee M</b>	115	1	0	2	0	0	0	0	0	0	118
<b>Grant County</b>	20,029	515	659	3,082	2,370	286	2,567	171	11	464	30,154
-- Top --											
<b>Grays Harbor County</b>											
<b>..Dept 1 (Montesano)</b>	65	2	279	803	913	0	4	0	144	0	2,210
<b>..Dept2 (Aberdeen)</b>	10,145	157	0	34	13	131	1,954	175	0	32	12,641
<b>.Grays Harbor D Total</b>	10,210	159	279	837	926	131	1,958	175	144	32	14,851
<b>.Aberdeen M</b>	3,715	68	40	793	1,015	0	1	0	0	432	6,064
<b>.Cosmopolis M</b>	270	9	8	54	33	0	0	0	0	2	376
<b>.Elma M</b>	341	4	43	122	155	0	0	0	0	5	670
<b>.Hoquiam M</b>	1,611	56	53	549	345	0	4	0	0	237	2,855
<b>.McCleary M</b>	141	0	5	46	38	0	0	0	0	0	230
<b>.Montesano M</b>	479	7	20	88	80	0	0	0	0	539	1,213
<b>.Oakville M</b>	121	5	0	30	8	0	0	0	0	0	164
<b>.Ocean Shores M</b>	314	48	29	120	96	0	0	0	0	21	628
<b>.Westport M</b>	251	8	23	97	164	0	0	0	0	26	569
<b>Grays Harbor County</b>	17,453	364	500	2,736	2,860	131	1,963	175	144	1,294	27,620
-- Top --											
<b>Island County</b>											
<b>.Island D</b>	5,368	186	354	416	431	124	831	149	0	38	7,897
<b>...Oak Harbor M</b>	1,615	63	75	274	313	0	0	0	0	34	2,374
<b>...Coupeville M</b>	38	0	1	9	0	0	0	0	0	17	65
<b>...Langley M</b>	77	3	2	13	0	0	0	0	0	18	113
<b>.Island D Total</b>	7,098	252	432	712	744	124	831	149	0	107	10,449
<b>Island County</b>	7,098	252	432	712	744	124	831	149	0	107	10,449
-- Top --											
<b>Jefferson County</b>											
<b>.Jefferson D</b>	5,572	109	150	561	445	89	357	67	0	0	7,350
<b>...Port Townsend M</b>	643	13	41	67	164	0	0	0	0	76	1,004
<b>.Jefferson D Total</b>	6,215	122	191	628	609	89	357	67	0	76	8,354
<b>Jefferson County</b>	6,215	122	191	628	609	89	357	67	0	76	8,354
-- Top --											
<b>King County</b>											
<b>.King D</b>	88,623	5,179	4,275	5,591	4,320	1,609	27,819	5,827	1,405	1,636	146,284
<b>...Beaux Arts M</b>	0	0	0	0	0	0	0	0	0	1	1
<b>...Bellevue M</b>	20,959	97	214	1,058	958	0	0	0	0	27,053	50,339
<b>...Burien M</b>	1,169	36	57	282	549	0	0	0	0	4,907	7,000
<b>...Carnation M</b>	289	0	16	60	25	0	0	0	0	0	390
<b>...Covington M</b>	844	14	36	277	173	0	0	0	0	105	1,449
<b>...Duvall M</b>	443	0	20	85	60	0	0	0	0	3	611
<b>...Issaquah M</b>	2	0	0	0	0	0	0	0	0	0	2
<b>...Kenmore M</b>	1,801	43	92	229	174	0	0	0	0	358	2,697
<b>...North Bend M</b>	3	0	0	0	0	0	0	0	0	0	3
<b>...Redmond M</b>	10,107	90	176	668	609	0	0	0	0	1,153	12,803
<b>...Sammamish M</b>	770	26	64	95	104	0	0	0	0	143	1,202
<b>...Shoreline M</b>	5,139	52	113	482	563	0	0	0	0	570	6,919
<b>...Vashon Island M</b>	82	1	9	19	6	0	0	0	0	9	126
<b>...Woodinville M</b>	296	4	31	92	108	0	0	0	0	121	652
<b>.King D Total</b>	130,527	5,542	5,103	8,938	7,649	1,609	27,819	5,827	1,405	36,059	230,478
<b>.Algona M</b>	1	0	0	1	0	0	0	0	0	0	2
<b>.Auburn M</b>	7,066	64	189	2,172	2,189	21	0	0	0	8,225	19,926
<b>.Black Diamond M</b>	799	17	30	177	71	0	8	0	0	46	1,148
<b>.Bothell M</b>	3,847	10	173	728	459	0	4	0	0	423	5,644
<b>.Clyde Hill M</b>	844	0	29	110	14	0	0	0	0	56	1,053
<b>.Des Moines M</b>	2,019	135	54	317	447	0	6	0	0	531	3,509
<b>.Enumclaw M</b>	1,599	2	131	241	315	0	0	0	0	251	2,539
<b>.Federal Way M</b>	11,862	487	276	1,635	1,947	0	4	0	0	1,110	17,321
<b>.Hunts Point M</b>	218	3	2	33	5	0	0	0	0	12	273

<b>.Issaquah M</b>	5,221	48	121	502	601	0	0	0	0	5,525	12,018
<b>.Kent M</b>	13,024	360	467	1,909	2,533	18	0	0	0	2,153	20,464
<b>.Kirkland M</b>	11,127	49	308	1,487	617	0	9	0	0	14,863	28,460
<b>.Lake Forest Pk M</b>	1,688	53	47	268	85	2	0	0	0	286	2,429
<b>.Maple Valley M</b>	1,137	46	40	92	74	0	0	0	0	48	1,437
<b>.Medina M</b>	619	26	38	91	17	0	0	0	0	104	895
<b>.Mercer Island M</b>	2,590	114	57	280	114	0	0	0	0	258	3,413
<b>.Newcastle M</b>	208	1	1	33	13	0	0	0	0	10	266
<b>.Normandy Park M</b>	317	12	54	85	59	0	0	0	0	12	539
<b>.Pacific M</b>	2,388	41	85	336	204	0	0	0	0	42	3,096
<b>.Renton M</b>	11,263	240	295	2,258	1,624	13	0	0	0	4,648	20,341
<b>.SeaTac M</b>	1,998	20	96	418	502	19	0	0	0	3,462	6,515
<b>.Seattle M</b>	55,120	5,503	1,343	4,753	9,909	0	0	0	0	600,546	677,174
<b>.Tukwila M</b>	2,215	103	51	634	1,441	16	0	0	0	612	5,072
<b>.Yarrow Point M</b>	107	4	7	21	1	0	0	0	0	56	196
<b>King County</b>	267,804	12,880	8,997	27,519	30,890	1,698	27,850	5,827	1,405	679,338	1,064,208
-- Top --											
<b>Kitsap County</b>											
<b>.Kitsap D</b>	25,579	387	872	2,118	1,579	290	4,080	590	1,165	1,075	37,735
<b>.Bainbridge Island M</b>	1,392	63	63	138	94	87	0	0	0	3,834	5,671
<b>.Bremerton M</b>	6,793	1,063	307	1,586	1,051	37	0	0	0	0	10,837
<b>.Port Orchard M</b>	2,476	63	83	677	314	0	10	0	0	3,349	6,972
<b>.Poulsbo M</b>	770	1	84	372	161	7	0	0	0	568	1,963
<b>Kitsap County</b>	37,010	1,577	1,409	4,891	3,199	421	4,090	590	1,165	8,826	63,178
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<b>Kittitas County</b>											
<b>.Lower Kittitas D</b>	8,596	428	360	720	1,150	87	1,051	46	0	179	12,617
<b>.Upper Kittitas D</b>	7,548	206	123	297	158	66	215	22	0	30	8,665
<b>.Cle Elum M</b>	580	1	26	101	50	0	2	1	0	9	770
<b>.Roslyn M</b>	35	2	7	18	7	0	0	0	0	18	87
<b>Kittitas County</b>	16,759	637	516	1,136	1,365	153	1,268	69	0	236	22,139
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<b>Klickitat County</b>											
<b>.E. Klickitat D</b>	2,031	52	65	139	215	57	188	31	73	3	2,854
<b>...Goldendale M</b>	125	13	20	66	195	0	0	0	0	0	419
<b>.E. Klickitat D Total</b>	2,156	65	85	205	410	57	188	31	73	3	3,273
<b>.W. Klickitat D</b>	739	33	34	64	117	32	155	18	0	2	1,194
<b>...Bingen M</b>	75	7	4	10	26	0	0	0	0	58	180
<b>...White Salmon M</b>	141	5	11	33	51	0	0	0	0	6	247
<b>.W. Klickitat D Total</b>	955	45	49	107	194	32	155	18	0	66	1,621
<b>Klickitat County</b>	3,111	110	134	312	604	89	343	49	73	69	4,894
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<b>Lewis County</b>											
<b>.Lewis D</b>	11,479	212	324	839	748	194	1,568	304	0	2	15,670
<b>...Morton M</b>	119	3	6	43	54	0	0	0	0	0	225
<b>...Mossyrock M</b>	56	1	3	21	14	0	0	0	0	0	95
<b>...Pe Ell M</b>	61	0	1	9	8	0	0	0	0	0	79
<b>...Toledo M</b>	10	0	2	17	26	0	0	0	0	0	55
<b>.Lewis D Total</b>	11,725	216	336	929	850	194	1,568	304	0	2	16,124
<b>.Centralia M</b>	1,435	73	47	595	522	0	0	0	0	24	2,696
<b>.Chehalis M</b>	592	2	54	394	511	0	0	0	0	1,350	2,903
<b>.Napavine M</b>	25	0	4	36	10	0	0	0	0	0	75
<b>.Vader M</b>	16	0	2	14	9	0	0	0	0	0	41
<b>.Winlock M</b>	35	0	7	53	26	0	0	0	0	0	121
<b>Lewis County</b>	13,828	291	450	2,021	1,928	194	1,568	304	0	1,376	21,960
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<b>Lincoln County</b>											
<b>.Lincoln D</b>	3,855	40	64	252	230	2	173	21	21	0	4,658
<b>...Davenport M</b>	0	23	0	0	0	0	0	0	0	0	23

...Odessa M	8	7	0	0	0	0	0	0	0	0	15
...Reardan M	478	0	0	0	0	0	0	0	0	0	478
...Sprague M	0	12	0	0	0	0	0	0	0	0	12
...Wilbur M	240	13	0	0	0	0	0	0	0	0	253
<b>.Lincoln D Total</b>	<b>4,581</b>	<b>95</b>	<b>64</b>	<b>252</b>	<b>230</b>	<b>2</b>	<b>173</b>	<b>21</b>	<b>21</b>	<b>0</b>	<b>5,439</b>
<b>Lincoln County</b>	<b>4,581</b>	<b>95</b>	<b>64</b>	<b>252</b>	<b>230</b>	<b>2</b>	<b>173</b>	<b>21</b>	<b>21</b>	<b>0</b>	<b>5,439</b>

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**Mason County**

<b>.Mason D</b>	<b>5,684</b>	<b>161</b>	<b>418</b>	<b>648</b>	<b>1,098</b>	<b>216</b>	<b>1,252</b>	<b>175</b>	<b>1</b>	<b>13</b>	<b>9,666</b>
<b>.Shelton M</b>	<b>932</b>	<b>26</b>	<b>69</b>	<b>337</b>	<b>385</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>289</b>	<b>2,038</b>
<b>Mason County</b>	<b>6,616</b>	<b>187</b>	<b>487</b>	<b>985</b>	<b>1,483</b>	<b>216</b>	<b>1,252</b>	<b>175</b>	<b>1</b>	<b>302</b>	<b>11,704</b>

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**Okanogan County**

<b>.Okanogan D</b>	<b>3,760</b>	<b>163</b>	<b>336</b>	<b>866</b>	<b>958</b>	<b>172</b>	<b>574</b>	<b>68</b>	<b>0</b>	<b>14</b>	<b>6,911</b>
...Coulee Dam M	35	0	0	0	0	0	0	0	0	0	35
...Okanogan M	199	2	1	0	1	0	0	0	0	2	205
...Oroville M	122	14	0	0	0	0	0	0	0	0	136
...Pateros M	4	0	0	0	0	0	0	0	0	0	4
<b>.Okanogan D Total</b>	<b>4,120</b>	<b>179</b>	<b>337</b>	<b>866</b>	<b>959</b>	<b>172</b>	<b>574</b>	<b>68</b>	<b>0</b>	<b>16</b>	<b>7,291</b>
<b>.Brewster M</b>	<b>341</b>	<b>67</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>15</b>	<b>423</b>
<b>.Omak M</b>	<b>502</b>	<b>53</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>14</b>	<b>569</b>
<b>.Twisp M</b>	<b>80</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>85</b>
<b>.Winthrop M</b>	<b>47</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>49</b>
<b>Okanogan County</b>	<b>5,090</b>	<b>303</b>	<b>337</b>	<b>867</b>	<b>960</b>	<b>172</b>	<b>574</b>	<b>68</b>	<b>0</b>	<b>46</b>	<b>8,417</b>

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**Pacific County**

<b>.N. Pacific D</b>	<b>3,024</b>	<b>25</b>	<b>53</b>	<b>90</b>	<b>227</b>	<b>41</b>	<b>179</b>	<b>20</b>	<b>0</b>	<b>1</b>	<b>3,660</b>
<b>.S. Pacific D</b>	<b>2,667</b>	<b>94</b>	<b>109</b>	<b>188</b>	<b>422</b>	<b>50</b>	<b>221</b>	<b>57</b>	<b>0</b>	<b>9</b>	<b>3,817</b>
<b>.Ilwaco M</b>	<b>32</b>	<b>1</b>	<b>0</b>	<b>9</b>	<b>15</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>59</b>
<b>.Long Beach M</b>	<b>102</b>	<b>5</b>	<b>3</b>	<b>21</b>	<b>65</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>9</b>	<b>205</b>
<b>.Raymond M</b>	<b>931</b>	<b>5</b>	<b>12</b>	<b>75</b>	<b>120</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>14</b>	<b>1,157</b>
<b>.South Bend M</b>	<b>742</b>	<b>1</b>	<b>15</b>	<b>57</b>	<b>62</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>879</b>
<b>Pacific County</b>	<b>7,498</b>	<b>131</b>	<b>192</b>	<b>440</b>	<b>911</b>	<b>91</b>	<b>400</b>	<b>77</b>	<b>0</b>	<b>37</b>	<b>9,777</b>

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**Pend Oreille County**

<b>.Pend Oreille D</b>	<b>706</b>	<b>143</b>	<b>52</b>	<b>130</b>	<b>281</b>	<b>0</b>	<b>176</b>	<b>8</b>	<b>6</b>	<b>0</b>	<b>1,502</b>
...Cusick M	5	7	1	1	2	0	0	0	0	0	16
...Ione M	14	0	2	11	4	0	0	0	0	0	31
...Metaline M	0	0	1	0	0	0	0	0	0	0	1
...Metaline Falls M	4	0	1	0	7	0	0	0	0	0	12
...Newport M	216	3	16	57	72	0	0	0	0	0	364
<b>.Pend Oreille D Total</b>	<b>945</b>	<b>153</b>	<b>73</b>	<b>199</b>	<b>366</b>	<b>0</b>	<b>176</b>	<b>8</b>	<b>6</b>	<b>0</b>	<b>1,926</b>
<b>Pend Oreille County</b>	<b>945</b>	<b>153</b>	<b>73</b>	<b>199</b>	<b>366</b>	<b>0</b>	<b>176</b>	<b>8</b>	<b>6</b>	<b>0</b>	<b>1,926</b>

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**Pierce County**

<b>.Pierce 1 D</b>	<b>51,481</b>	<b>1,746</b>	<b>2,758</b>	<b>6,623</b>	<b>3,753</b>	<b>1,231</b>	<b>10,682</b>	<b>2,076</b>	<b>0</b>	<b>107,681</b>	<b>188,031</b>
...Dupont M	423	15	34	254	33	0	0	0	0	0	759
<b>.Pierce 1 D Total</b>	<b>51,904</b>	<b>1,761</b>	<b>2,792</b>	<b>6,877</b>	<b>3,786</b>	<b>1,231</b>	<b>10,682</b>	<b>2,076</b>	<b>0</b>	<b>107,681</b>	<b>188,790</b>
<b>.Bonney Lake M</b>	<b>5,623</b>	<b>103</b>	<b>110</b>	<b>1,127</b>	<b>430</b>	<b>0</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>253</b>	<b>7,651</b>
<b>.Buckley M</b>	<b>1,343</b>	<b>3</b>	<b>126</b>	<b>229</b>	<b>134</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>1,842</b>
<b>.Eatonville M</b>	<b>132</b>	<b>53</b>	<b>7</b>	<b>42</b>	<b>63</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>15</b>	<b>312</b>
<b>.Fife M</b>	<b>4,617</b>	<b>16</b>	<b>139</b>	<b>1,041</b>	<b>810</b>	<b>0</b>	<b>25</b>	<b>0</b>	<b>0</b>	<b>8,746</b>	<b>15,394</b>
<b>.Fircrest M</b>	<b>2,697</b>	<b>6</b>	<b>27</b>	<b>338</b>	<b>80</b>	<b>0</b>	<b>29</b>	<b>0</b>	<b>0</b>	<b>29</b>	<b>3,206</b>
<b>.Gig Harbor M</b>	<b>826</b>	<b>14</b>	<b>65</b>	<b>165</b>	<b>195</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>65</b>	<b>1,330</b>
<b>.Lakewood M</b>	<b>7,320</b>	<b>280</b>	<b>201</b>	<b>1,896</b>	<b>1,570</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>12,500</b>	<b>23,767</b>
<b>.Milton M</b>	<b>1,053</b>	<b>3</b>	<b>75</b>	<b>281</b>	<b>149</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>1,565</b>
<b>.Orting M</b>	<b>790</b>	<b>12</b>	<b>60</b>	<b>113</b>	<b>125</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>56</b>	<b>1,156</b>
<b>.Puyallup M</b>	<b>5,417</b>	<b>62</b>	<b>432</b>	<b>1,482</b>	<b>1,410</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,703</b>	<b>10,506</b>
<b>.Roy M</b>	<b>342</b>	<b>0</b>	<b>6</b>	<b>64</b>	<b>9</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>421</b>

.Ruston M	525	0	16	180	33	0	0	0	0	139	893
.S. Prairie (SHP) M	78	0	0	4	0	0	0	0	0	0	82
.Steilacoom M	948	28	20	182	85	0	0	0	0	757	2,020
.Sumner M	1,884	3	77	306	257	0	1	0	0	463	2,991
.Tacoma M	13,086	1,257	924	3,934	4,375	0	0	0	0	85,201	108,777
.Wilkeson M	54	0	4	11	4	0	0	0	0	0	73
<b>Pierce County</b>	<b>98,639</b>	<b>3,601</b>	<b>5,081</b>	<b>18,272</b>	<b>13,515</b>	<b>1,231</b>	<b>10,744</b>	<b>2,076</b>	<b>0</b>	<b>217,617</b>	<b>370,776</b>

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**San Juan County**

.San Juan D	477	107	44	58	129	27	109	64	2	2,525	3,542
<b>San Juan County</b>	<b>477</b>	<b>107</b>	<b>44</b>	<b>58</b>	<b>129</b>	<b>27</b>	<b>109</b>	<b>64</b>	<b>2</b>	<b>2,525</b>	<b>3,542</b>

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**Skagit County**

.Skagit D	21,288	153	873	1,984	1,171	253	2,002	356	15	299	28,394
.Anacortes M	1,078	1	129	304	493	0	4	0	0	117	2,126
.Burlington M	1,559	18	58	488	746	0	0	0	0	163	3,032
.Mount Vernon M	1,355	178	64	566	818	0	5	0	0	2,594	5,580
.Sedro Woolley M	333	4	52	256	281	0	0	0	0	6	932
<b>Skagit County</b>	<b>25,613</b>	<b>354</b>	<b>1,176</b>	<b>3,598</b>	<b>3,509</b>	<b>253</b>	<b>2,011</b>	<b>356</b>	<b>15</b>	<b>3,179</b>	<b>40,064</b>

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**Skamania County**

.Skamiania D	1,534	282	74	202	361	34	172	17	0	51	2,727
.N. Bonneville M	29	1	3	12	18	0	0	0	0	4	67
.Stevenson M	42	1	9	24	45	0	0	0	0	8	129
<b>Skamania County</b>	<b>1,605</b>	<b>284</b>	<b>86</b>	<b>238</b>	<b>424</b>	<b>34</b>	<b>172</b>	<b>17</b>	<b>0</b>	<b>63</b>	<b>2,923</b>

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**Snohomish County**

.Cascade D	24,809	132	640	687	726	178	1,859	216	0	60	29,307
...Arlington M	8	0	0	0	0	0	0	0	0	0	8
...Darrington M	92	1	20	41	29	0	0	0	0	2	185
...Granite Falls M	372	3	8	69	90	0	0	0	0	2	544
...Stanwood M	273	3	14	26	68	0	0	0	0	0	384
<b>.Cascade D Total</b>	<b>25,554</b>	<b>139</b>	<b>682</b>	<b>823</b>	<b>913</b>	<b>178</b>	<b>1,859</b>	<b>216</b>	<b>0</b>	<b>64</b>	<b>30,428</b>
.Everett D	21,109	215	643	597	3,050	414	4,916	794	2,321	46	34,105
...Mukilteo M	1,165	7	49	253	161	0	0	0	0	107	1,742
<b>.Everett D Total</b>	<b>22,274</b>	<b>222</b>	<b>692</b>	<b>850</b>	<b>3,211</b>	<b>414</b>	<b>4,916</b>	<b>794</b>	<b>2,321</b>	<b>153</b>	<b>35,847</b>
.Evergreen D	15,230	94	393	470	515	217	1,927	194	0	33	19,073
...Goldbar M	18	1	1	14	21	0	0	0	0	0	55
...Lake Stevens M	1	0	0	0	0	0	0	0	0	0	1
...Monroe M	2,253	10	87	125	428	0	0	0	0	43	2,946
...Snohomish M	680	28	45	118	311	0	0	0	0	2	1,184
...Sultan M	82	3	5	32	61	0	0	0	0	2	185
<b>.Evergreen D Total</b>	<b>18,264</b>	<b>136</b>	<b>531</b>	<b>759</b>	<b>1,336</b>	<b>217</b>	<b>1,927</b>	<b>194</b>	<b>0</b>	<b>80</b>	<b>23,444</b>
<b>.S. Snohomish D</b>	<b>27,941</b>	<b>264</b>	<b>1,160</b>	<b>864</b>	<b>874</b>	<b>466</b>	<b>4,266</b>	<b>564</b>	<b>0</b>	<b>776</b>	<b>37,175</b>
...Brier M	626	15	13	92	27	0	0	0	0	1	774
...Mill Creek M	833	9	60	381	219	0	0	0	0	65	1,567
...Mountlake Terrace M	2,540	4	103	752	393	0	0	0	0	14	3,806
...Woodway M	88	0	0	16	5	0	0	0	0	0	109
<b>.S. Snohomish D Total</b>	<b>32,028</b>	<b>292</b>	<b>1,336</b>	<b>2,105</b>	<b>1,518</b>	<b>466</b>	<b>4,266</b>	<b>564</b>	<b>0</b>	<b>856</b>	<b>43,431</b>
.Edmonds M	4,923	64	158	717	706	0	13	0	0	1,186	7,767
.Everett M	13,582	264	247	1,806	3,860	0	4	0	0	22,217	41,980
.Lynnwood M	8,759	202	482	1,900	1,998	0	9	0	0	714	14,064
.Marysville M	5,788	272	184	1,792	1,857	0	21	0	0	381	10,295
<b>Snohomish County</b>	<b>131,172</b>	<b>1,591</b>	<b>4,312</b>	<b>10,752</b>	<b>15,399</b>	<b>1,275</b>	<b>13,015</b>	<b>1,768</b>	<b>2,321</b>	<b>25,651</b>	<b>207,256</b>

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**Spokane County**

.Spokane D	35,007	818	1,419	3,448	2,091	869	10,232	1,319	26	4,229	59,458
...Liberty Lake M	691	3	26	133	79	0	0	0	0	6	938
...Spokane Valley M	9,672	120	135	1,459	1,186	0	0	0	0	573	13,145

<b>.Spokane D Total</b>	45,370	941	1,580	5,040	3,356	869	10,232	1,319	26	4,808	73,541
<b>.Airway Heights M</b>	781	6	12	299	166	0	0	0	0	5	1,269
<b>.Cheney M</b>	770	44	37	115	301	0	0	0	0	5,250	6,517
<b>.Deer Park M</b>	227	2	5	134	57	0	0	0	0	3	428
<b>.Medical Lake M</b>	450	19	14	55	33	0	0	0	0	22	593
<b>.Spokane M</b>	21,061	1,402	538	4,364	5,447	0	40	0	0	14	32,866
<b>Spokane County</b>	68,659	2,414	2,186	10,007	9,360	869	10,272	1,319	26	10,102	115,214

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**Stevens County**

<b>.Stevens D</b>	3,853	201	135	417	479	99	546	101	0	3	5,834
<b>...Chewelah M</b>	248	3	9	108	73	0	0	0	0	1	442
<b>...Colville M</b>	153	11	18	110	138	0	0	0	0	0	430
<b>...Kettle Falls M</b>	55	3	18	81	38	0	0	0	0	0	195
<b>...Springdale M</b>	10	6	0	2	5	0	0	0	0	0	23
<b>.Stevens D Total</b>	4,319	224	180	718	733	99	546	101	0	4	6,924
<b>Stevens County</b>	4,319	224	180	718	733	99	546	101	0	4	6,924

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**Thurston County**

<b>.Thurston D</b>	18,720	221	800	1,504	1,171	370	3,718	693	0	1,090	28,287
<b>...Lacey M</b>	1,198	7	184	1,120	1,041	0	0	0	0	295	3,845
<b>...Tenino Trials M</b>	1	0	0	3	0	0	0	0	0	0	4
<b>...Tumwater Trials M</b>	0	0	1	1	7	0	0	0	0	0	9
<b>...Yelm Trials M</b>	6	0	0	0	1	0	0	0	0	0	7
<b>.Thurston D Total</b>	19,925	228	985	2,628	2,220	370	3,718	693	0	1,385	32,152
<b>.Lacey TVB</b>	4,239	67	0	31	2	0	0	0	0	384	4,723
<b>.Olympia M</b>	3,565	63	142	645	2,204	0	4	0	0	0	6,623
<b>.Rainier M</b>	172	0	7	56	43	0	0	0	0	0	278
<b>.Tenino M</b>	301	3	11	100	101	0	0	0	0	17	533
<b>.Tumwater M</b>	2,740	9	67	626	349	0	0	0	0	139	3,930
<b>.Yelm M</b>	311	7	35	119	171	0	0	0	0	5	648
<b>Thurston County</b>	31,253	377	1,247	4,205	5,090	370	3,722	693	0	1,930	48,887

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**Wahkiakum County**

<b>.Wahkiakum D</b>	639	23	29	63	133	11	62	17	0	0	977
<b>Wahkiakum County</b>	639	23	29	63	133	11	62	17	0	0	977

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**Walla Walla County**

<b>.Walla Walla D</b>	8,634	153	281	1,044	872	111	1,632	101	8	3,503	16,339
<b>.Walla Walla D Total</b>	8,634	153	281	1,044	872	111	1,632	101	8	3,503	16,339
<b>.College Place M</b>	449	14	21	139	144	0	0	0	0	187	954
<b>Walla Walla County</b>	9,083	167	302	1,183	1,016	111	1,632	101	8	3,690	17,293

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**Whatcom County**

<b>.Whatcom D</b>	18,543	599	925	2,106	1,210	357	2,836	757	0	0	27,333
<b>.Bellingham M</b>	7,841	773	219	1,048	2,577	0	1	0	0	3	12,462
<b>.Blaine M</b>	3,226	9	20	200	171	0	0	0	0	76	3,702
<b>.Everson Nooksack M</b>	936	16	12	104	49	0	0	0	0	0	1,117
<b>.Ferndale M</b>	1,173	6	47	355	228	0	2	0	0	27	1,838
<b>.Lynden M</b>	1,055	14	47	348	151	0	0	0	0	44	1,659
<b>.Sumas M</b>	597	9	14	116	80	0	0	0	0	5	821
<b>Whatcom County</b>	33,371	1,426	1,284	4,277	4,466	357	2,839	757	0	155	48,932

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**Whitman County**

<b>.Whitman D</b>	8,138	462	327	515	1,294	81	380	136	15	0	11,348
<b>.Colfax M</b>	378	11	3	27	45	0	0	0	0	9	473
<b>.Colton M</b>	56	0	0	1	0	0	0	0	0	0	57
<b>.Union Town M</b>	56	2	0	0	0	0	0	0	0	0	58
<b>...Oakesdale M</b>	0	1	0	0	0	0	0	0	0	0	1
<b>...Palouse M</b>	0	1	0	0	0	0	0	0	0	0	1

...Rosalia M	0	1	0	0	0	0	0	0	0	0	1
<b>Whitman County</b>	<b>8,628</b>	<b>478</b>	<b>330</b>	<b>543</b>	<b>1,339</b>	<b>81</b>	<b>380</b>	<b>136</b>	<b>15</b>	<b>9</b>	<b>11,939</b>
-- Top --											
<b>Yakima County</b>											
<b>.Yakima D</b>	<b>17,019</b>	<b>286</b>	<b>1,179</b>	<b>2,350</b>	<b>1,588</b>	<b>379</b>	<b>7,988</b>	<b>551</b>	<b>0</b>	<b>214</b>	<b>31,554</b>
...Tieton M	122	8	0	10	6	0	0	0	0	0	146
...Yakima M	4	0	0	1	1	0	0	0	0	0	6
<b>.Yakima D Total</b>	<b>17,145</b>	<b>294</b>	<b>1,179</b>	<b>2,361</b>	<b>1,595</b>	<b>379</b>	<b>7,988</b>	<b>551</b>	<b>0</b>	<b>214</b>	<b>31,706</b>
.Granger M	135	0	0	59	78	0	0	0	0	2	274
.Moxee City M	208	16	0	0	0	0	0	0	0	1	225
.Selah M	389	17	20	118	87	0	0	0	0	14	645
.Sunnyside M	1,712	19	131	701	1,011	0	1	0	0	134	3,709
.Toppenish M	1,052	7	67	163	738	0	0	0	0	288	2,315
.Union Gap M	2,527	35	49	1,188	585	0	0	0	0	52	4,436
.Wapato M	388	5	33	158	474	0	0	0	0	21	1,079
.Yakima M	9,330	172	520	2,175	2,694	0	4	0	0	276	15,171
.Zillah M	185	17	1	44	62	0	0	0	0	10	319
<b>Yakima County</b>	<b>33,071</b>	<b>582</b>	<b>2,000</b>	<b>6,967</b>	<b>7,324</b>	<b>379</b>	<b>7,993</b>	<b>551</b>	<b>0</b>	<b>1,012</b>	<b>59,879</b>

1 Does not include related criminal charges, which are included in non-traffic misdemeanors.

2 Figures are incomplete. Many courts manage their parking infraction cases outside of JIS. Data for a specific court may be available from that court. Since November 2008 Seattle Municipal includes traffic camera citations with the parking numbers.

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APPENDIX 16



Courts Home | Caseloads of the Courts



Caseloads of the Courts of Washington

Courts of Limited Jurisdiction  
DUI/Physical Control Misdemeanors - 2010 Annual Report

Adams County

	-----Violations Disposed----- (1)						-----Proceedings-----							
	Filings	Charges	Guilty	Bail Forfeited	Not Guilty	Dismissed (2)	Reduced Amended	Jury	Non Jury	Stip to Rec	Other Arraignment	Defer Hearing	Cases Pros.	Appld
<b>District Courts</b>														
.State/County	23,730	23,861	10,305	3	77	4,773	11,084	636	244	191	25,116	153,590	3,883	101
.Municipal	3,363	3,383	1,669	1	8	806	1,392	36	13	199	4,085	23,817	656	10
Municipal Courts	11,098	11,691	5,337	2	32	2,137	5,156	128	200	1,518	10,904	60,891	2,229	30
State Total	38,191	38,935	17,311	6	117	7,716	17,632	800	457	1,908	40,105	238,298	6,768	141
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<b>Adams County</b>														
.Othello D	58	58	27	0	0	9	19	0	1	51	24	8	4	0
...Othello M	46	46	32	1	0	18	7	0	0	46	26	6	8	0
.Othello D Total	104	104	59	1	0	27	26	0	1	97	50	14	12	0
.Ritzville D	53	53	19	0	0	22	25	1	1	0	50	196	3	0
...Ritzville M	5	5	4	0	0	2	2	0	1	0	5	27	0	0
.Ritzville D Total	58	58	23	0	0	24	27	1	2	0	55	223	3	0
Adams County	162	162	82	1	0	51	53	1	3	97	105	237	15	0
-- Top --														
<b>Asotin County</b>														
.Asotin D	56	57	47	0	0	15	29	0	0	0	56	442	6	0
...Asotin M	6	6	4	0	0	2	4	0	0	0	7	33	0	0
...Clarkston M	39	39	16	0	0	28	11	0	0	0	36	219	7	0
.Asotin D Total	101	102	67	0	0	45	44	0	0	0	99	694	13	0
Asotin County	101	102	67	0	0	45	44	0	0	0	99	694	13	0
-- Top --														
<b>Benton County</b>														
.Benton D	622	623	440	0	5	129	175	28	29	0	845	3,845	49	9
...Kennewick M	202	202	134	0	0	41	43	1	1	0	340	1,217	22	0
...Prosser M	29	29	11	0	0	5	9	0	0	0	39	95	4	0
...Richland M	237	238	149	0	0	51	93	0	3	0	366	1,405	37	1
...W. Richland M	49	50	30	0	0	6	9	3	4	0	69	306	5	1
.Benton D Total	1,139	1,142	764	0	5	232	329	32	37	0	1,659	6,868	117	11
Benton County	1,139	1,142	764	0	5	232	329	32	37	0	1,659	6,868	117	11
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<b>Chelan County</b>														
.Chelan D	322	324	228	0	0	50	74	5	1	0	318	2,520	30	2
...Wenatchee M	129	130	87	0	1	19	36	3	0	0	128	1,135	13	0
.Chelan D Total	451	454	315	0	1	69	110	8	1	0	446	3,655	43	2
Chelan County	451	454	315	0	1	69	110	8	1	0	446	3,655	43	2
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<b>Clallam County</b>														
.Clallam 1 D	128	129	72	0	1	62	36	4	2	0	129	1,877	20	1
...Port Angeles M	80	80	59	0	0	22	18	3	0	0	93	1,082	8	0
...Sequim M	34	34	17	0	0	8	11	0	0	0	37	360	4	0
.Clallam 1 D Total	242	243	148	0	1	92	65	7	2	0	259	3,319	32	1
.Clallam 2 D	28	29	17	0	0	18	8	0	1	0	59	341	8	1
...Forks M	27	27	18	0	0	5	12	0	0	0	36	162	4	0
.Clallam 2 D Total	55	56	35	0	0	23	20	0	1	0	95	503	12	1
Clallam County	297	299	183	0	1	115	85	7	3	0	354	3,822	44	2
-- Top --														
<b>Clark County</b>														
.Clark D	1,463	1,472	764	0	1	209	479	6	3	0	2,293	9,716	136	3
...Camas M	52	53	34	0	0	6	16	0	0	0	104	467	3	0
...Vancouver M	225	233	176	0	2	98	38	4	0	0	585	2,797	40	2
...Washougal M	11	11	6	0	0	4	1	0	0	0	23	87	2	0
.Clark D Total	1,751	1,769	980	0	3	317	534	10	3	0	3,005	13,067	181	5

.Battle Ground M	92	92	44	0	0	9	49	0	0	0	106	923	10	0
.La Center M	3	3	1	0	0	3	2	0	0	0	3	63	1	0
.Ridgefield M	32	32	15	0	0	2	16	0	0	0	32	249	3	0
Clark County	1,878	1,896	1,040	0	3	331	601	10	3	0	3,146	14,302	195	5
-- Top --														
<b>Columbia County</b>														
.Columbia D	13	13	6	0	0	4	1	0	0	0	12	92	5	1
...Dayton M	4	4	4	0	0	8	0	0	0	0	4	46	0	0
.Columbia D Total	17	17	10	0	0	12	1	0	0	0	16	138	5	1
Columbia County	17	17	10	0	0	12	1	0	0	0	16	138	5	1
-- Top --														
<b>Cowlitz County</b>														
.Cowlitz D	384	384	338	0	5	98	44	15	1	0	369	2,562	54	1
...Castle Rock M	14	14	6	0	0	4	12	0	0	0	16	136	3	0
...Kalama M	22	22	7	0	0	5	10	0	0	0	24	135	7	0
...Kelso M	61	61	31	0	0	18	20	0	0	0	67	358	23	0
...Longview M	184	184	112	0	2	27	49	2	0	0	198	1,428	59	2
...Woodland M	43	43	23	0	0	14	24	0	0	0	43	317	26	0
.Cowlitz D Total	708	708	517	0	7	166	159	17	1	0	717	4,936	172	3
Cowlitz County	708	708	517	0	7	166	159	17	1	0	717	4,936	172	3
-- Top --														
<b>Douglas County</b>														
..Douglas	125	126	93	0	0	35	33	1	1	0	125	1,220	19	1
..Site Total	125	126	93	0	0	35	33	1	1	0	125	1,220	19	1
..Bridgeport	32	32	22	0	0	4	8	1	1	0	39	242	0	0
..Site Total	32	32	22	0	0	4	8	1	1	0	39	242	0	0
.E Wenatchee M	118	119	74	0	0	15	33	1	2	0	131	380	11	0
Douglas County	275	277	189	0	0	54	74	3	4	0	295	1,842	30	1
-- Top --														
<b>Ferry County</b>														
.Ferry D	49	54	14	0	1	14	22	0	0	0	30	238	2	0
...Republic M	14	14	0	0	0	2	3	0	0	0	8	10	0	0
.Ferry D Total	63	68	14	0	1	16	25	0	0	0	38	248	2	0
Ferry County	63	68	14	0	1	16	25	0	0	0	38	248	2	0
-- Top --														
<b>Franklin County</b>														
.Franklin D	179	181	124	0	1	53	48	6	3	0	282	1,629	22	2
...Connell M	4	4	2	0	0	0	2	0	0	0	5	20	1	0
.Connell M	9	9	5	0	0	4	16	0	0	0	7	16	1	0
.Pasco M	199	204	134	0	0	28	41	4	0	0	198	1,376	17	0
Franklin County	391	398	265	0	1	85	107	10	3	0	492	3,041	41	2
-- Top --														
<b>Garfield County</b>														
.Garfield D	11	11	3	0	0	4	7	0	0	0	10	75	0	0
Garfield County	11	11	3	0	0	4	7	0	0	0	10	75	0	0
-- Top --														
<b>Grant County</b>														
.Grant D	659	664	336	0	2	180	121	18	3	0	615	3,738	68	5
Grant County	659	664	336	0	2	180	121	18	3	0	615	3,738	68	5
-- Top --														
<b>Grays Harbor County</b>														
..Dept 1 (Montesano)	279	282	160	0	2	65	110	8	20	0	257	2,436	45	2
.Grays Harbor D Total	279	282	160	0	2	65	110	8	20	0	257	2,436	45	2
.Aberdeen M	40	40	28	0	0	7	10	0	0	0	39	379	5	0
.Cosmopolis M	8	8	1	0	0	5	5	0	2	0	7	24	0	0
.Elma M	43	43	18	0	0	12	15	0	0	0	44	253	11	0
.Hoquiam M	53	53	22	0	0	7	19	0	1	18	49	318	31	0
.McCleary M	5	5	2	0	0	1	2	0	0	0	5	39	3	0
.Montesano M	20	20	10	0	0	10	6	0	0	0	19	328	6	0
.Oakville M	0	0	0	0	0	0	1	0	0	0	0	3	0	0
.Ocean Shores M	29	29	6	0	0	11	14	0	0	0	34	71	12	0
.Westport M	23	23	0	0	0	10	23	0	4	0	22	130	9	0
Grays Harbor County	500	503	247	0	2	128	205	8	27	18	476	3,981	122	2
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<b>Island County</b>														
.Island D	354	355	183	0	2	79	161	8	3	0	248	3,447	58	4
...Oak Harbor M	75	75	44	0	0	23	32	0	0	0	58	813	6	0
...Coupeville M	1	1	1	0	0	0	1	0	0	0	1	26	0	0
...Langley M	2	2	0	0	0	0	1	0	0	0	0	16	1	0
.Island D Total	432	433	228	0	2	102	195	8	3	0	307	4,302	65	4
Island County	432	433	228	0	2	102	195	8	3	0	307	4,302	65	4

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<b>Jefferson County</b>														
.Jefferson D	150	151	78	0	0	59	74	6	2	0	147	1,411	18	3
...Port Townsend M	41	42	17	0	0	17	8	0	0	0	42	400	8	0
.Jefferson D Total	191	193	95	0	0	76	82	6	2	0	189	1,811	26	3
Jefferson County	191	193	95	0	0	76	82	6	2	0	189	1,811	26	3

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<b>King County</b>														
.King D	4,275	4,274	787	2	25	625	2,988	277	0	87	3,953	23,001	393	16
...Covington M	0	0	0	0	0	0	0	0	0	0	0	5	0	0
...Bellevue M	214	215	88	0	0	73	87	4	3	122	217	1,264	39	1
...Burien M	57	58	8	0	0	12	36	0	0	0	46	258	6	0
...Carnation M	16	16	1	0	0	2	10	0	1	0	15	88	2	0
...Covington M	36	37	15	0	0	5	18	0	0	5	34	291	25	0
...Duvall M	20	20	2	0	0	4	11	0	0	0	19	132	1	0
...Federal Way M	0	0	0	0	0	0	0	0	0	0	0	2	0	0
...Issaquah M	0	0	1	0	0	5	3	0	0	0	0	29	0	0
...Kenmore M	92	91	39	0	0	6	50	0	0	0	84	617	8	0
...Kirkland M	0	0	0	0	0	0	0	0	0	0	0	1	0	0
...Medina M	0	0	0	0	0	0	0	0	0	0	0	8	0	0
...Mercer Island M	0	0	0	0	0	1	0	0	0	0	0	1	0	0
...Newcastle M	0	0	0	0	0	0	0	0	0	0	0	1	0	0
...Normandy Park M	0	0	1	0	0	0	0	0	0	0	0	9	0	0
...North Bend M	0	0	0	0	0	0	0	0	0	0	0	3	0	0
...Redmond M	176	175	37	0	0	30	66	2	0	0	182	1,248	96	0
...Sammamish M	64	63	20	0	0	8	34	0	0	0	57	159	8	0
...Vashon Island M	0	0	0	0	0	0	0	0	0	0	0	2	0	0
...Shoreline M	113	113	64	0	1	30	43	2	0	0	108	979	18	0
...Snoqualmie M	0	0	2	0	0	2	0	0	0	0	0	23	0	0
...Vashon Island M	9	9	2	0	0	3	8	1	0	0	8	94	1	0
...Woodinville M	31	31	6	0	0	4	14	2	0	0	24	156	2	0
.King D Total	5,103	5,102	1,073	2	26	811	3,368	288	4	214	4,747	28,372	599	17
.Algona M	0	0	3	0	0	29	18	0	0	0	0	161	0	0
.Auburn M	189	191	95	0	0	20	85	0	1	0	21	2,083	21	0
.Black Diamond M	30	30	13	0	0	10	35	0	0	0	25	213	2	0
.Bothell M	173	174	69	0	0	41	145	2	7	7	158	986	59	0
.Clyde Hill M	29	29	10	0	0	2	16	0	2	0	29	80	0	0
.Des Moines M	54	54	27	0	0	23	28	1	1	0	49	474	6	1
.Enumclaw M	131	132	23	0	0	16	52	0	0	0	131	434	88	0
.Federal Way M	276	275	130	0	0	47	72	1	0	0	246	1,365	136	1
.Hunts Point M	2	2	1	0	0	0	8	0	0	0	4	27	0	0
.Issaquah M	121	121	48	0	0	14	74	1	0	0	108	581	14	0
.Kent M	467	469	224	0	1	55	177	4	0	0	462	2,328	41	1
.Kirkland M	308	309	104	0	2	36	165	3	25	3	283	945	44	0
.Lake Forest Pk M	47	47	21	0	0	16	16	2	0	0	40	249	4	0
.Maple Valley M	40	40	13	0	0	2	24	0	0	0	46	197	26	0
.Medina M	38	39	12	0	0	3	37	0	4	1	39	171	4	0
.Mercer Island M	57	57	4	0	0	2	46	0	0	0	24	159	4	0
.Newcastle M	1	1	1	0	0	0	3	0	0	0	1	16	0	0
.Normandy Park M	54	54	15	0	0	9	37	2	0	0	60	473	16	0
.Pacific M	85	86	8	0	0	13	67	3	1	0	95	719	50	1
.Renton M	295	298	115	0	2	47	102	1	1	200	290	1,467	17	1
.SeaTac M	96	96	41	0	1	13	41	4	0	4	71	927	15	1
.Seattle M	1,343	1,857	1,175	0	12	345	513	46	56	0	1,623	8,193	191	11
.Tukwila M	51	51	12	0	0	9	40	0	0	1	50	568	9	1
.Yarrow Point M	7	7	0	0	0	1	1	0	0	0	7	20	0	0
King County	8,997	9,521	3,237	2	44	1,564	5,170	358	102	430	8,609	51,208	1,346	35

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<b>Kitsap County</b>														
.Kitsap D	872	876	558	0	1	206	408	10	0	16	947	7,315	440	5

<b>.Bainbridge Island M</b>	63	66	16	0	0	16	33	0	0	0	57	676	32	0
<b>.Bremerton M</b>	307	308	158	0	0	76	45	12	0	0	283	1,825	147	0
<b>.Port Orchard M</b>	83	83	40	0	0	12	19	0	0	12	69	900	45	0
<b>.Poulsbo M</b>	84	85	21	0	1	13	27	1	0	1	85	677	55	0
<b>Kitsap County</b>	1,409	1,418	793	0	2	323	532	23	0	29	1,441	11,393	719	5
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<b>Kittitas County</b>														
<b>.Lower Kittitas D</b>	360	362	137	0	2	30	194	4	0	0	359	2,123	44	2
<b>.Upper Kittitas D</b>	123	123	31	0	0	23	80	0	0	0	39	388	13	2
<b>.Cle Elum M</b>	26	26	9	0	0	5	16	0	0	0	7	97	10	0
<b>.Roslyn M</b>	7	7	1	0	0	3	7	0	0	0	4	17	0	0
<b>Kittitas County</b>	516	518	178	0	2	61	297	4	0	0	409	2,625	67	4
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<b>Klickitat County</b>														
<b>.E. Klickitat D</b>	65	65	29	0	0	13	21	0	0	0	48	474	4	0
<b>...Goldendale M</b>	20	20	10	0	0	0	9	0	0	0	17	126	3	0
<b>.E. Klickitat D Total</b>	85	85	39	0	0	13	30	0	0	0	65	600	7	0
<b>.W. Klickitat D</b>	34	35	20	0	0	11	12	0	0	0	31	221	6	0
<b>...Bingen M</b>	4	4	2	0	0	2	1	0	0	0	4	34	0	0
<b>...White Salmon M</b>	11	11	2	0	0	6	9	0	0	1	11	98	2	0
<b>.W. Klickitat D Total</b>	49	50	24	0	0	19	22	0	0	1	46	353	8	0
<b>Klickitat County</b>	134	135	63	0	0	32	52	0	0	1	111	953	15	0
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<b>Lewis County</b>														
<b>.Lewis D</b>	324	324	234	0	2	108	166	9	0	0	324	3,562	49	1
<b>...Morton M</b>	6	6	2	0	0	7	2	0	0	0	5	68	1	0
<b>...Mossyrock M</b>	3	3	5	0	0	0	5	0	0	0	3	54	0	0
<b>...Pe Ell M</b>	1	1	0	0	0	1	1	0	0	0	1	4	0	0
<b>...Toledo M</b>	2	2	2	0	0	0	0	0	0	0	2	35	1	0
<b>.Lewis D Total</b>	336	336	243	0	2	116	174	9	0	0	335	3,723	51	1
<b>.Centralia M</b>	47	48	24	0	0	10	21	0	11	0	34	206	13	0
<b>.Chehalis M</b>	54	55	11	0	0	7	11	0	3	0	52	365	21	0
<b>.Napavine M</b>	4	4	2	0	0	0	0	0	0	0	4	20	1	0
<b>.Vader M</b>	2	2	2	0	0	2	1	0	0	0	3	21	0	0
<b>.Winlock M</b>	7	7	2	0	0	3	2	0	1	0	6	51	4	0
<b>Lewis County</b>	450	452	284	0	2	138	209	9	15	0	434	4,386	90	1
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<b>Lincoln County</b>														
<b>.Lincoln D</b>	64	65	28	0	0	18	30	0	2	0	58	143	2	0
<b>.Lincoln D Total</b>	64	65	28	0	0	18	30	0	2	0	58	143	2	0
<b>Lincoln County</b>	64	65	28	0	0	18	30	0	2	0	58	143	2	0
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<b>Mason County</b>														
<b>.Mason D</b>	418	419	223	1	0	115	105	6	0	0	437	4,602	43	0
<b>.Shelton M</b>	69	69	22	0	0	35	20	0	0	9	62	624	20	0
<b>Mason County</b>	487	488	245	1	0	150	125	6	0	9	499	5,226	63	0
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<b>Okanogan County</b>														
<b>.Okanogan D</b>	336	342	241	0	0	78	85	0	0	0	712	2,828	40	0
<b>...Okanogan M</b>	1	1	0	0	0	1	0	0	0	0	1	0	0	0
<b>.Okanogan D Total</b>	337	343	241	0	0	79	85	0	0	0	713	2,828	40	0
<b>Okanogan County</b>	337	343	241	0	0	79	85	0	0	0	713	2,828	40	0
-- Top --														
<b>Pacific County</b>														
<b>.N. Pacific D</b>	53	53	23	0	0	8	19	0	0	10	50	868	12	0
<b>.S. Pacific D</b>	109	110	32	0	0	31	38	0	0	0	136	948	21	2
<b>.Ilwaco M</b>	0	0	0	0	0	1	1	0	0	0	1	9	0	0
<b>.Long Beach M</b>	3	3	1	0	0	1	1	0	0	0	3	36	0	0
<b>.Raymond M</b>	12	12	7	0	0	5	3	0	2	0	12	54	9	0
<b>.South Bend M</b>	15	15	6	0	0	1	11	0	0	0	11	41	7	0
<b>Pacific County</b>	192	193	69	0	0	47	73	0	2	10	213	1,956	49	2
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<b>Pend Oreille County</b>														
<b>.Pend Oreille D</b>	52	52	28	0	0	9	27	0	0	0	24	369	5	0
<b>...Cusick M</b>	1	1	0	0	0	0	0	0	0	0	0	2	0	0

...Ione M	2	2	1	0	0	0	1	0	0	0	1	9	0	0
...Metaline M	1	1	0	0	0	1	0	0	0	0	1	1	0	0
...Metaline Falls M	1	1	0	0	0	0	1	0	0	0	1	0	0	0
...Newport M	16	16	7	0	1	6	10	0	0	0	8	148	0	0
.Pend Oreille D Total	73	73	36	0	1	16	39	0	0	0	35	529	5	0
Pend Oreille County	73	73	36	0	1	16	39	0	0	0	35	529	5	0

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**Pierce County**

.Pierce 1 D	2,758	2,789	1,175	0	19	501	1,209	49	1	0	2,399	11,349	1,404	8
...Dupont M	34	34	6	0	1	4	19	1	0	0	30	102	19	0
.Pierce 1 D Total	2,792	2,823	1,181	0	20	505	1,228	50	1	0	2,429	11,451	1,423	8
.Pierce 3 D	0	0	0	0	0	3	0	0	0	0	0	0	0	0
.Pierce 3 D Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0
.Bonney Lake M	110	110	15	0	0	9	71	0	0	0	91	687	9	0
.Buckley M	126	126	23	0	1	16	48	1	0	0	14	18	51	0
.Eatonville M	7	7	3	0	0	1	2	0	0	0	10	66	7	0
.Fife M	139	139	69	0	0	29	86	1	0	0	136	886	12	0
.Fircrest M	27	27	4	0	0	9	27	1	0	0	30	230	3	0
.Gig Harbor M	65	68	24	0	0	18	34	0	0	0	64	728	39	0
.Lakewood M	201	218	135	0	1	34	58	1	1	0	189	1,528	61	2
.Milton M	75	75	22	0	0	10	26	0	0	0	73	863	38	0
.Orting M	60	60	11	0	0	11	51	0	0	0	63	166	4	0
.Puyallup M	432	432	150	0	0	50	331	1	0	0	452	2,084	43	0
.Roy M	6	6	0	0	0	2	9	0	0	0	5	31	0	0
.Ruston M	16	16	6	0	0	5	4	1	0	0	18	212	15	0
.S. Prairie (SOP) M	0	0	0	0	0	0	1	0	0	0	0	0	0	0
.Stellacoom M	20	20	7	0	0	4	7	0	0	0	20	77	12	0
.Sumner M	77	80	18	0	0	18	61	0	0	0	79	452	5	0
.Tacoma M	924	930	335	0	2	134	590	3	1	691	818	3,680	145	3
.Wilkeson M	4	4	1	0	0	1	3	0	0	0	2	11	3	0
Pierce County	5,081	5,141	2,004	0	24	859	2,637	59	3	691	4,493	23,170	1,870	13

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**San Juan County**

.San Juan D	44	45	30	0	0	17	18	1	0	0	37	610	11	0
San Juan County	44	45	30	0	0	17	18	1	0	0	37	610	11	0

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**Skagit County**

.Skagit D	873	875	437	0	1	162	335	7	2	1	1,102	6,692	98	4
.Anacortes M	129	130	56	0	0	27	53	3	0	3	150	710	6	0
.Burlington M	58	59	19	0	0	18	24	0	0	3	71	423	9	1
.Mount Vernon M	64	64	48	0	0	49	22	0	1	0	102	668	11	0
.Sedro Woolley M	52	52	25	0	0	6	26	0	0	0	129	487	14	0
Skagit County	1,176	1,180	585	0	1	262	460	10	3	7	1,554	8,980	138	5

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**Skamania County**

.Skamania D	74	74	14	0	0	43	41	1	0	0	70	205	6	0
.N. Bonneville M	3	3	0	0	0	0	0	0	0	0	3	7	0	0
.Stevenson M	9	9	4	0	0	0	5	0	1	0	9	85	0	0
Skamania County	86	86	18	0	0	43	46	1	1	0	82	297	6	0

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**Snohomish County**

.Cascade D	640	640	234	0	0	88	189	10	1	0	608	2,986	51	2
...Arlington M	0	0	0	0	0	0	0	0	0	0	0	11	0	0
...Darrington M	20	20	7	0	0	0	4	0	0	0	19	70	0	0
...Granite Falls M	8	8	1	0	0	3	2	0	0	2	8	30	0	0
...Stanwood M	14	14	13	0	0	2	1	0	0	0	14	142	1	0
.Cascade D Total	682	682	255	0	0	93	196	10	1	2	649	3,239	52	2
.Everett D	643	654	422	0	2	126	292	14	0	0	662	3,616	90	2
...Mukilteo M	49	49	12	0	0	7	26	0	0	0	50	212	1	0
.Everett D Total	692	703	434	0	2	133	318	14	0	0	712	3,828	91	2
.Evergreen D	393	393	167	0	0	113	236	8	0	0	398	2,200	57	0
...Goldbar M	1	1	0	0	0	0	1	0	0	0	1	2	0	0
...Lake Stevens M	0	0	0	0	0	0	0	0	0	0	0	2	0	0
...Monroe M	87	88	27	0	0	16	47	0	0	1	83	293	11	0
...Snohomish M	45	46	20	0	0	14	35	0	0	0	43	312	9	0
...Sultan M	5	5	1	0	0	11	0	0	0	0	4	34	2	0

<b>.Evergreen D Total</b>	531	533	215	0	0	154	319	8	0	1	529	2,843	79	0
<b>.S. Snohomish D</b>	1,160	1,160	351	0	1	176	429	8	4	0	1,092	5,345	101	3
<b>...Brier M</b>	13	13	3	0	0	2	8	0	0	0	10	68	2	0
<b>...Mill Creek M</b>	60	61	18	0	0	14	73	1	0	0	65	474	10	1
<b>...Mountlake Terrace M</b>	103	103	19	0	0	16	84	1	0	0	100	605	9	0
<b>.S. Snohomish D Total</b>	1,336	1,337	391	0	1	208	594	10	4	0	1,267	6,492	122	4
<b>.Edmonds M</b>	158	157	71	0	1	13	60	6	14	0	166	756	67	0
<b>.Everett M</b>	247	254	106	0	1	67	91	1	1	0	266	1,884	64	0
<b>.Lynnwood M</b>	482	484	225	0	2	65	196	0	15	407	433	1,481	110	0
<b>.Marysville M</b>	184	188	133	0	0	38	69	5	3	157	177	1,768	44	0
<b>Snohomish County</b>	4,312	4,338	1,830	0	7	771	1,843	54	38	567	4,199	22,291	629	8

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**Spokane County**

<b>.Spokane D</b>	1,419	1,424	449	0	1	447	1,012	32	0	0	1,830	6,383	100	1
<b>...Liberty Lake M</b>	26	26	7	0	0	3	11	0	0	0	30	88	1	0
<b>...Spokane Valley M</b>	135	135	62	0	0	20	106	5	0	0	181	789	11	1
<b>.Spokane D Total</b>	1,580	1,585	518	0	1	470	1,129	37	0	0	2,041	7,260	112	2
<b>.Airway Heights M</b>	12	12	0	0	0	5	7	0	0	0	10	30	1	0
<b>.Cheney M</b>	37	39	10	0	0	11	23	0	0	0	36	226	1	0
<b>.Deer Park M</b>	5	5	1	0	1	0	4	0	0	0	0	10	0	0
<b>.Medical Lake M</b>	14	14	1	0	0	3	10	0	0	0	10	20	0	0
<b>.Spokane M</b>	538	540	200	0	2	91	329	6	0	0	683	1,588	40	2
<b>Spokane County</b>	2,186	2,195	730	0	4	580	1,502	43	0	0	2,780	9,134	154	4

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**Stevens County**

<b>.Stevens D</b>	135	137	63	0	0	21	56	5	0	0	160	722	12	0
<b>...Chewelah M</b>	9	9	4	0	0	4	3	0	0	0	11	43	1	0
<b>...Colville M</b>	18	18	8	0	0	2	10	0	0	0	29	94	0	1
<b>...Kettle Falls M</b>	18	19	9	0	0	2	9	0	0	0	23	99	3	0
<b>.Stevens D Total</b>	180	183	84	0	0	29	78	5	0	0	223	958	16	1
<b>Stevens County</b>	180	183	84	0	0	29	78	5	0	0	223	958	16	1

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**Thurston County**

<b>.Thurston D</b>	800	810	358	0	0	256	388	15	4	0	709	6,205	117	6
<b>...Lacey M</b>	184	187	104	0	0	31	61	0	0	21	175	1,176	72	0
<b>...Tumwater Trials M</b>	1	1	2	0	0	0	1	1	0	0	0	17	0	0
<b>.Thurston D Total</b>	985	998	464	0	0	287	450	16	4	21	884	7,398	189	6
<b>.Olympia M</b>	142	142	80	0	0	40	45	1	0	0	139	701	21	0
<b>.Rainier M</b>	7	7	1	0	0	0	4	0	0	0	8	13	1	0
<b>.Tenino M</b>	11	11	2	0	0	1	5	0	0	0	8	30	5	0
<b>.Tumwater M</b>	67	69	32	0	0	21	29	0	0	0	64	223	14	0
<b>.Yelm M</b>	35	35	15	0	0	8	16	0	2	0	28	96	13	0
<b>Thurston County</b>	1,247	1,262	594	0	0	357	549	17	6	21	1,131	8,461	243	6

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**Wahkiakum County**

<b>.Wahkiakum D</b>	29	30	13	0	0	7	12	1	0	0	47	107	3	0
<b>Wahkiakum County</b>	29	30	13	0	0	7	12	1	0	0	47	107	3	0

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**Walla Walla County**

<b>.Walla Walla D</b>	281	283	116	0	1	56	139	1	127	0	4	777	25	1
<b>.Walla Walla D Total</b>	281	283	116	0	1	56	139	1	127	0	4	777	25	1
<b>.College Place M</b>	21	21	15	0	0	4	8	0	33	0	7	129	0	0
<b>Walla Walla County</b>	302	304	131	0	1	60	147	1	160	0	11	906	25	1

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**Whatcom County**

<b>.Whatcom D</b>	925	932	371	0	0	154	530	35	26	0	1,252	12,199	72	5
<b>.Bellingham M</b>	219	222	102	0	0	32	108	3	1	0	221	1,630	20	0
<b>.Blaine M</b>	20	20	6	0	0	3	10	0	0	0	18	90	1	0
<b>.Everson Nooksack M</b>	12	12	3	0	0	6	7	0	0	0	9	50	1	0
<b>.Ferndale M</b>	47	47	17	0	0	5	26	0	0	0	27	90	6	0
<b>.Lynden M</b>	47	47	22	0	0	20	34	0	0	0	22	259	6	0
<b>.Sumas M</b>	14	14	7	0	0	36	4	0	0	0	13	72	2	0
<b>Whatcom County</b>	1,284	1,294	528	0	0	256	719	38	27	0	1,562	14,390	108	5

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**Whitman County**

<b>.Whitman D</b>	327	331	100	0	0	36	197	0	2	0	590	442	23	0
<b>.Colfax M</b>	3	3	0	0	0	1	2	0	0	0	3	2	0	0
<b>Whitman County</b>	330	334	100	0	0	37	199	0	2	0	593	444	23	0
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<b>Yakima County</b>														
<b>.Yakima D</b>	1,179	1,186	663	0	2	183	354	36	3	26	1,130	10,875	94	6
<b>...Grandview M</b>	0	0	5	0	0	7	0	0	0	1	0	82	0	0
<b>...Lower Valley M</b>	0	0	0	0	0	3	0	0	0	0	0	14	0	0
<b>...Tleton M</b>	0	0	0	0	0	2	0	0	0	0	0	5	0	0
<b>.Yakima D Total</b>	1,179	1,186	668	0	2	195	354	36	3	27	1,130	10,976	94	6
<b>.Selah M</b>	20	22	9	0	0	3	16	0	0	0	19	100	2	0
<b>.Sunnyside M</b>	131	131	44	2	0	18	38	0	3	0	115	290	10	0
<b>.Toppenish M</b>	67	67	12	0	0	24	21	0	0	0	63	397	6	0
<b>.Union Gap M</b>	49	49	16	0	0	10	37	0	0	0	51	392	2	1
<b>.Wapato M</b>	33	33	19	0	0	14	16	1	0	1	33	216	3	1
<b>.Yakima M</b>	520	521	366	0	2	78	128	5	0	0	495	1,210	71	2
<b>.Zillah M</b>	1	1	1	0	0	2	2	0	0	0	1	32	0	0
<b>Yakima County</b>	2,000	2,010	1,135	2	4	344	612	42	6	28	1,907	13,613	188	10

1 Dispositions do not reflect outstanding warrants. DUI dispositions--like DUI charges -- include those for any secondary charge on a DUI citation.  
 2 Dismissals include cases in which the defendant has successfully completed the terms of deferred prosecution.

Note: For more detailed DUI disposition and sentencing information (statewide figures only), see separate section "Driving Under the Influence."

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