

Cowlitz County Drug Court funding in limbo as state law expands need at lower court, mental health tax to sunset

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The Daily News

October 12, 2023

The possibility of the Cowlitz County drug court program [expanding to a lower court level in light of a new state law remains](#) in limbo as officials grapple with the budget.

Cowlitz County Therapeutic Courts Manager Adam Pithan said the department is in "waiting mode," because the program, which is currently held in superior court, can't expand to the lower court until funding is OK'd by the Cowlitz County Board of Commissioners.

Pithan said he expects commissioners to review funding by the end of the year. Until then, many people arrested for simple drug possession today aren't going through the court system to seek treatment in lieu of jail: they are facing misdemeanor charges and leaving people with a substance use disorder without the extra incentive to get clean.

What changed?

A new drug possession law, dubbed the "Blake fix," went into effect on July 1 in reaction to the 2021 Washington state Supreme Court ruling that struck down Washington's criminal statute barring possession of a controlled substance.

Now, a person who knowingly possesses a controlled substance is charged with a gross misdemeanor, sending them to district court, not a felony like under the previous law, which sent them to superior court.

Drug court is a 12-month program where participants enter treatment for drug addiction, and if they complete the program, current charges are dropped.



Judge Michael Evans holds a drug court hearing at Cowlitz County Superior Court on Tuesday, Oct. 11. The county is considering expanding the program to district court, but how the program would be funded is in question. Cowlitz County Therapeutic Courts Manager Adam Pithan said there are 92 people in the superior court drug court program today, with 14 at intake, and the program can accept a maximum of 100. (Emily Urfer)

The program is expected to remain in the superior court, Pithan said, because people arrested for drug-related felonies can also enter the program at the higher court. For example, if a person breaks into a truck with the intent to use their ill-gotten gains to purchase drugs, they would meet the criteria for superior court's drug court.

Pithan said the Cowlitz County Drug Court Office does not anticipate any impact from the new law on current programs or clients.

Presiding Cowlitz County District Court Judge M. Jamie Imboden said cases in Cowlitz County District Court are up since the new law took effect, but haven't impacted the court's operations.

Imboden said a person arrested for illegal possession could not go to prison if convicted for that alone because gross misdemeanors are typically punishable for a maximum time of no more than 364 days in jail and a possible fine.

Treatment

From July 1 through Aug. 8, there have been 78 possession charges and 13 use charges, according to Imboden. Since July 1, superior court's drug court accepted 10 people, Pithan said.

Admitting fewer people into drug court would be a deterrent to sobriety, said Substance Abuse Counselor Supervisor Breezy Lorenzo at Awakenings in Kelso. Lorenzo said she works with Cowlitz County Drug Court clients to ensure they are compliant with treatment to prevent them from being locked up.

She said the intensive outpatient treatment center sees 80 to 100 clients a month, with a little over a quarter from drug court. She has seen new drug court clients come in since the new law took effect, she added, but without another drug court at the lower level, some arrestees will miss out on the extra resources to reach sobriety.

"Sometimes when in addiction you just need an extra push and direction to get clean," she said.

Funding

Pithan said the drug court office will likely have a definite answer on funding in December after the Cowlitz County Board of Commissioners approves the final county budget for 2024 and 2025. He still maintains hope that the program will start accepting clients at the district court level until January 2024.

Cowlitz County Board Commissioner and Vice Chair Arne Mortensen said commissioners have not been formally asked to fund the court.

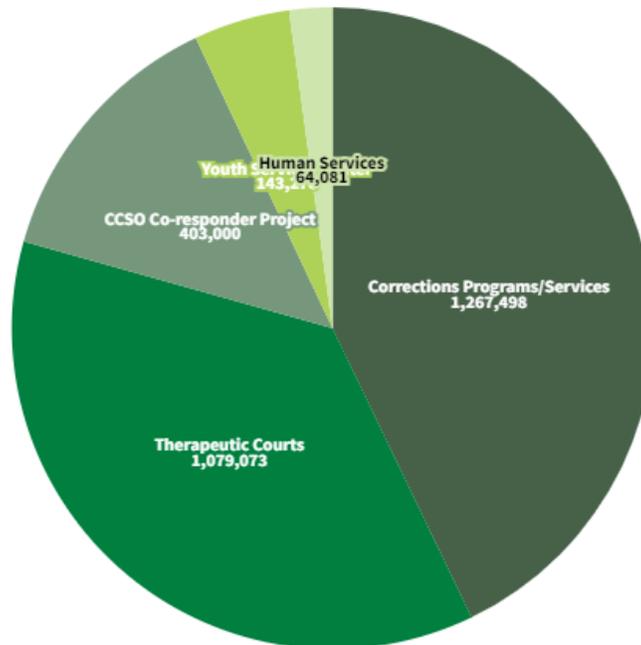
"I have not yet seen an ask by anyone from the courts for money for a district court drug court, and that topic has not been discussed in any public meeting," said Mortensen.

He also mentioned that the final decision on the drug court expansion to the district court level "may be impacted by the upcoming budget decision on the 0.1% behavioral health tax."

The tax [is set to sunset at the end of 2024](#), but the board wants to make a decision this year to account for the change in the next biennial budget. About 36% of the 2.5 million annual revenue goes to therapeutic courts, including the superior court's drug court.

Cowlitz County 1/10 of 1% mental health sale tax 2023 budget

The sales tax, which adds a penny to a \$10 purchase, is set to sunset at the end of 2024.



Source: Cowlitz County • Lee Enterprises graphic

✿ A Flourish chart

Pithan acknowledges there is not "unanimous support" among the Cowlitz County Board of County Commissioners even to continue funding the therapeutic court programs at the superior court level.

Cowlitz County Superior Court Judge Michael Evans, the presiding Cowlitz County Therapeutic Court Judge, pointed out that drug court motivates people to get clean.

"The accountability drug courts offer, through a structure of sanctioning negative behavior and incentivizing positive behavior, is what many people need to get out of the revolving door of the criminal justice system," said Evans.

The Daily News, Longview, Wash.