

**KITSAP COUNTY DISTRICT COURT
STATE OF WASHINGTON**

STATE OF WASHINGTON,

Plaintiff,

v.

Defendant.

No. _____

**INTERIM ORDER PENDING ACCEPTANCE
FOR DEFERRED PROSECUTION**

1. BASIS

THIS MATTER having come before the Court on the motion of the defendant for a deferred prosecution program pursuant to chapter 10.05 RCW; the Court having considered the records and files herein, testimony if any, other evidence offered and the argument of the parties; and being fully advised in the premises; now, therefore the following is hereby ordered –

2. CONDITIONS OF RELEASE

Prior to Court approval of defendant’s petition for deferred prosecution, the defendant shall comply with all of the following conditions of release –

- 2.1 **PREVIOUS CONDITIONS.** Defendant shall comply with all conditions of release previously ordered in this case.
- 2.2 **TREATMENT EXAMINATION.** Defendant shall submit to an investigation and examination by a Washington state-certified agency treatment provider for –
 - ___ substance use disorders; and/or
 - ___ mental problems; and/or
 - ___ domestic violence behavior problems.
- 2.3 **TREATMENT COMPLIANCE (RCW 10.05.040(5)).** The Court will not approve defendant’s petition for deferred prosecution unless defendant demonstrates amenability to treatment by –
 - (a) **Residential Treatment.** Completion of residential treatment; or
 - (b) **Substance Use Disorder Petitions.** Completion of a minimum of 18 hours of intensive outpatient treatment for substance use disorder petitions; or
 - (c) **Mental Health Petitions.** Completion of a minimum of 6 mental health sessions for mental health disorder petitions; or
 - (d) **Domestic Violence Petitions.** Completion of a minimum of 6 domestic violence treatment sessions for domestic violence petitions.

- 2.4 **ABSTINENCE.** Defendant shall not possess or consume –
- (a) **Alcohol.** Any beverage containing alcohol.
 - (b) **Cannabis.** Any cannabis.
 - (c) **Controlled Substances.** Any controlled substances unless prescribed by a physician.

2.5 **PANELS/CLASSES.**

Defendant shall complete the following panels and/or classes –

___ **DUI Victim's Panel.** Defendant shall complete a Washington state DUI victim impact panel and file written proof of completion with Probation Services within 90 days of today.

___ **DV Victim's Panel.** Defendant shall complete a domestic violence victim impact panel and file written proof of completion with Probation Services within 90 days of today.

___ **DV Parenting Class.** Defendant shall complete a domestic violence parenting class that is a minimum 24 hours in length which includes education on the effects of domestic violence on children and file written proof of completion with Probation Services within 90 days of today.

3. PROBATION SERVICES

- 3.1 **COMPLIANCE MONITORING.** Defendant's compliance with this Order shall be monitored by Probation Services pursuant to RCW 10.05.170.
- 3.2 **CONTACT INFORMATION.** Probation Services, 614 Division Street, MS-25, Port Orchard, WA 98366, and email at probation@kitsap.gov.
- 3.3 **IMMEDIATELY CONTACT PROBATION SERVICES.** Defendant shall contact Probation Services in room 106 of the Kitsap County Courthouse –
- (a) **Defendant Not In Custody.** Immediately following entry of this Order; or
 - (b) **Defendant In Custody.** Within 3 days upon defendant being released from custody.
- 3.4 **DEFENDANT RESPONSIBLE FOR FILING PROOF.** Defendant is responsible for filing timely written proof with Probation Services showing the defendant's compliance with this Order.

4. PETITION FOR DEFERRED PROSECUTION

- 4.1 **PETITION FOR DEFERRED PROSECUTION.** A petition for deferred prosecution and all required documentation in support thereof required by chapter 10.05 RCW shall be filed.
- 4.2 **WEBSITE FORM MANDATORY.** Use of the "Petition For Deferred Prosecution" form located on the Court's website is mandatory. The form is located at the Court's website at www.kitsap.gov/dc under the "Forms" link.
- 4.3 **7 DAY DEADLINE.** Defendant shall provide the petition for deferred prosecution to Probation Services **at least 7 days** prior to a hearing on the petition to provide sufficient time for review of the petition.

5. DEPARTMENT OF LICENSING STAY

- 5.1 **DEFENDANT RESPONSIBILITY.** If defendant intends to request a postponement of suspension or revocation of their driver’s license, it shall be the responsibility of defendant to complete the DOL form and send the form to DOL.
- 5.2 **DOL FORM.** The DOL form “Intent to Seek Deferred Prosecution” can be accessed at the Court’s website at www.kitsap.gov/dc under the “Forms” link or at the DOL website (www.dol.wa.gov).

6. TIME FOR TRIAL

- 6.1 **TIME TOLLED; NEW COMMENCEMENT DATE.** Time for trial is tolled and the new commencement date shall be the date that an order is entered denying the motion or revoking the deferred prosecution. CrRLJ 3.3(c)(2)(viii).
- 6.2 **DELAY NOT GROUNDS FOR DISMISSAL.** Delay in bringing this case to trial caused by a petitioner requesting deferred prosecution shall not be grounds for dismissal. RCW 10.05.110.

DATED – _____

JUDGE / COMMISSIONER / PRO TEM

[Note – Use of an electronic signature is an acceptable means for any Washington judicial officer or clerk to sign any document requiring a judicial or clerk signature. General Rule 30.]