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EXECUTIVE OFFICE

COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

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W.T. _____ J.C. _____

D.F. _____ S.W. _____

G.L. _____ D.J. _____

for signature

ORDINANCE NO. 82-039
ESTABLISHING A PRE-PROSECUTION DIVERSION
ADVISORY BOARD AND ESTABLISHING FEES
FOR PRE-PROSECUTION DIVERSION
PROGRAM APPLICANTS

BE IT ORDAINED:

Section 1. That the following new chapter is added to the Snohomish County Code:

Chapter 2.98
PRE-PROSECUTION DIVERSION
ADVISORY BOARD AND FEES

Sections:

- 2.98.010 Pre-prosecution diversion program--purposes.
- 2.98.020 Program and evaluation fees.
- 2.98.030 Pre-prosecution diversion advisory board.
- 2.98.040 Effective date.

2.98.010 Pre-prosecution diversion program--purpose

(1) The pre-prosecution diversion program of the Snohomish County prosecuting attorney's office provides a valuable community-based rehabilitation program for persons accused of criminal offenses who freely volunteer to participate in the diversion program in lieu of prosecution. The goals of the diversion program include: the unburdening and conservation of judicial resources for the prosecution of more serious offenses; the reduction in the incidence of offender recidivism by providing community-based rehabilitation; and, the effective rehabilitation of motivated participants.

(2) Neither the availability of the program, nor its existence and continued operation, are established as a matter of right by the enactment of this ordinance.

(3) Should a diversion program applicant violate the terms of his/her deferred prosecution he/she, at the discretion of the prosecuting attorney, may be prosecuted for the offense.

2.98.020 Program and evaluation fees.

(1) To provide for the initial evaluation, referral and supervision of program participants, the following fees shall be charged:

(1) A \$100.00 evaluation fee to be paid by the applicant for the initial evaluation of the applicant.

(b) A \$500.00 program fee to be paid by the participant who is accepted into the program. This fee may be paid according to a payment plan established in the participant's diversion agreement.

(2) The program and evaluation fees may be waived or reduced for indigent persons by the pre-prosecution diversion advisory board. Upon referral to the board by the diversion program director, the fees shall be waived or reduced according to the individual's financial affidavit or other relevant financial information.

(3) The participant whose diversion agreement has been terminated by the program director because of failure to pay fees as agreed may appeal such termination to the pre-prosecution advisory board and the decision of the advisory board shall be final.

(4) The participant shall make all payments of fees in a guaranteed form of payment, such as a certified, cashier's or bank manager's check. Said check shall be made payable to Snohomish County and delivered to the diversion program office.

(5) All payments made to the diversion office shall be delivered to the office of the Snohomish County Treasurer, and shall be placed into the general fund.

2.98.030 Pre-prosecution diversion advisory board.

(1) A pre-prosecution diversion advisory board is hereby established to waive, reduce or leave intact fees for indigent program participants and applicants.

(a) Membership terms and compensation. The advisory board shall be composed of three members from the community, who shall be residents of Snohomish County. They shall serve one-year terms without compensation. In no event shall the members be reappointed for more than three terms.

The board members shall be nominated by the director of the diversion program and shall serve upon appointment by the County Executive, which appointment shall be confirmed by the Snohomish County Council. Members may be removed from office at the pleasure of the county by way of the same procedure as appointments.

No member of the board shall be a Snohomish County employee or an elected official of Snohomish County.

Vacancies on the board shall be filled in the same manner as the initial appointment.

(2) Meetings. The advisory board shall conduct bi-monthly meetings to review cases referred to it by the pre-prosecution diversion program director and to perform other duties as provided below.

(3) Dates. The pre-prosecution advisory board shall make the following determinations concerning program fees or evaluation fees:

(a) The board shall waive, adjust or leave intact the \$100.00 evaluation fee for indigent program applicants referred to the board by the program director. The applicant's financial affidavit and other relevant financial information may be considered by the board.

(b) The board shall waive, adjust or leave intact the \$500.00 program fee for program participants referred to the board by the program director. The participant's financial affidavit and other relevant financial information may be considered by the board.

(c) The board shall resolve disputes between program staff and program participants concerning program fees. The board shall act as final arbiter in disputes concerning evaluation and program fees.

(d) The board shall make a determination whether a participant shall be terminated from the program because of the participant's failure to pay program or evaluation fees as agreed.

2.98.040 Effective date. This chapter shall take effect on _____.

Dated April 26, 1982

Cliff Bailey
Chairman

ATTEST:

Ellie Snyder
Clerk of the Council

ATTEST

Donna Lipe Johnson

Willis D. Tucker
County Executive

() APPROVED () VETOED

5-4-82
Date

() EMERGENCY Date _____

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