

RESIDENTIAL DOSA DEFENSE PACKET MATERIALS

- 1) **Residential DOSA Drug Court Opt-in Instructions for Defense Attorneys**
- 2) **Order for Community Residential DOSA Screen and Pre-sentence Examination**
- 3) **Residential DOSA Drug Court Contract**
- 4) **Order for Release to Substance Abuse Treatment Facility**
- 5) **Drug Court Informed Consent and Authorization for Release of Information**
- 6) **Order for Priority Payment of Drug Court Fee**
- 7) **Defense Verification of Address**
- 8) **Residential DOSA Drug Court Fee Sheet**
- 9) **ABHS—What to Bring**
- 10) **Physician's letter**
- 11) **Suitability Screen**

RESIDENTIAL DOSA DRUG COURT OPT- IN INSTRUCTIONS

Step 1 – ELIGIBILITY FOR RESIDENTIAL DOSA

- No sex offense at any time;
- Current charge is not a violent or sex offense;
- Current offense can not involve a sentence enhancement under RCW 9.04A.533(3), or (4);
- No felony DUI or felony Physical Control charge;
- No violent offense within the last ten years;
- If the current offense is a violation of the Uniform Controlled Substance Act or criminal solicitation to commit such a violation, the offense must involve only a small quantity of the particular controlled substance;
- Defendant cannot be subject to a deportation detainer;
- The end of the standard range for the current offense is greater than one year and the midpoint must be no higher than 24 months; and
- Defendant has not received a DOSA more than once in the prior 10 years before the current offense.

Step 2 – PLEADING GUILTY/EVALUATION

The defendant needs to plead guilty. The end of the standard range for the current offense must be greater than one year and the midpoint must not be higher than 24 months.

If the defendant is being considered for Residential DOSA, the following documents will need to be entered with the court after the plea is taken:

- Order for Community Residential DOSA Screen and Pre-Sentence Examination, per RCW 9.94A.660. (Clerk's Action Required)
- Waiver of Speedy Sentencing.

**The Clerk of the Court will fax the Order for the evaluation to Spectrum Health.

**The drug and alcohol evaluation will be completed within 14 days. A review date should be set before the plea judge approximately 14 days or less from the date of the plea.

**Spectrum Health will fax the evaluation to the Drug Court Coordinator who will distribute a copy of the evaluation to all parties, including the plea judge.

Step 3 – DOSA REVIEW DATE

Once Spectrum Health has completed its evaluation and all parties have received a copy of the evaluation, the case should go back before the plea judge. This date would be the date set under Step 2. At that time, counsel makes argument for consideration of Residential DOSA.

If the plea judge **does not** decide that Residential DOSA is appropriate, then the defendant will be sentenced before the plea judge within his/her standard range.

If the plea judge agrees with a Residential DOSA sentence, then a Memorandum of Disposition should be signed by the plea judge stating Residential DOSA is appropriate in this case.

The Memorandum of Disposition should set the case before the Drug Court judge on the next **Friday at 1:00 p.m.** for entry of the following:

- Judgment and Sentence Order;
- Residential DOSA Drug Court Contract;
- Order for Release to Inpatient Treatment; and
- Drug Court Informed Consent and Authorization for Release of Information

Defense counsel will need to be present at the hearing.

In-custody defendants will be picked up by American Behavioral Health Systems (ABHS) at the jail on the date and time contained in the Spectrum Health evaluation.

Out of custody defendants will be picked up by ABHS at the West entrance of the Clark County Jail off 11th St. and Grant on the date and time contained in the Spectrum Health evaluation.

Step 4 – DOSA DRUG COURT

Once the defendant has been sentenced to a Residential DOSA sentence, a Drug Court defense attorney will be assigned to the case. That defense attorney will work with the defendant until he/she has successfully completed the DOSA sentence or has had their Residential DOSA revoked.

QUESTIONS? Contact Drug Court defense attorneys:
Mary H. Arden at 360/694-4551; ardenlaw@comcast.net or
Barry Brandenburg at 360/695-6335; barry.brandenburglawfirm@gmail.com

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF CLARK**

STATE OF WASHINGTON

Plaintiff,

vs.

Defendant

NO. _____

**ORDER FOR COMMUNITY
RESIDENTIAL DOSA SCREEN AND
PRE-SENTENCE EXAM PER
RCW 9.94A.660 (ORDOSA)**

Offense: _____

DOB: _____

CCN: _____

[X] Clerk's action required

The Court will consider imposing a sentence under the **Residential** Chemical Dependency Treatment-Based Alternative sentence (DOSA). It is hereby

Ordered that the Defendant shall participate in a:

- Chemical dependency assessment and pre-sentence examination with a DOC contracted provider. The Court will **email** this Order to **Spectrum Health Systems**: docdosascreening@doc1.wa.gov
- Risk Needs evaluation. The Court will **fax** this Order to DOC: 360-576-6009

It is further **Ordered** that sentencing in this case shall occur on _____, 20____, at ____ am/pm before Judge _____ in Room _____ of the _____ County Courthouse.

It is further **Ordered** that within 10 days of receiving this Order, the examination report shall be delivered to the Court Clerk and a copy to the **Drug Court Coordinator at (fax number): (360) 759-6620**, and to the Department of Corrections Headquarters CD Unit.

[] Defendant is residing in the community. Defendant's name, address and telephone number are: _____.

[] Defendant is incarcerated at: _____.

[] Defense counsel's name and address (print): _____.
Defense counsel's fax number: _____.

Dated: _____

Judge

Presented by:

Deputy Prosecuting Attorney
WSBA No. _____
Print Name: _____

Attorney for Defendant
WSBA No. _____
Print Name: _____

Defendant
Print Name: _____

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7 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**
8 **IN AND FOR THE COUNTY OF CLARK**

9 STATE OF WASHINGTON
10 Plaintiff,

NO. _____

11 vs.

**RESIDENTIAL DOSA DRUG COURT
CONTRACT**

12 _____,
13 Defendant

14
15 In consideration of being accepted into the Clark County Superior Court Residential
16 DOSA Drug Court Program (RDDC), I agree to the following terms while I am in the program.
17 The following contract terms are hereby incorporated into the defendant's Judgment and
18 Sentence on case number _____ entered on _____.

- 19
20 1. **OBEY LAWS/REPORT POLICE CONTACT:** I will obey all laws and report any
21 contact with law enforcement personnel to my Residential DOSA Drug Court
22 probation officer within twenty-four (24) hours.
- 23 2. **COURT ORDERS:** I agree to abide by all Court Orders, this includes but is not
24 limited to No Contact Orders, Sanction Orders, and Orders to enter and complete
25 treatment.
- 26 3. **HEARINGS:** I will appear at all scheduled court hearings or as ordered by the Judge,
27 or as directed by the Residential DOSA Drug Court DOC officer.

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4. **RESIDENTIAL DOSA DRUG COURT PROGRAM (RDDC):** I understand that the Residential DOSA Drug Court program is a twenty- four (24) month program. I agree to be in the program until successful completion or until I am discharged. **NOTICE—if a defendant has charges pending or is under investigation for criminal activity in any jurisdiction, this can be a basis for termination.**
 5. **DRUG COURT FEE & RESTITUTION:** I agree to pay \$600 non refundable Drug Court fee. I understand that full payment of the participation fee and any restitution are expected prior to successful completion of the Residential DOSA Drug Court program.
 6. **JUDGMENT & SENTENCE COSTS:** I understand that I will owe court costs, fines, Victim/Assessment fee, lab fee, drug fund contribution and restitution (if applicable). These fees are either on my current Judgment and Sentence Order (PV case) or will be placed on my Judgment and Sentence upon successful completion or discharge from Residential DOSA Drug Court. I understand that Judgment and sentence costs which are not paid in full prior to completion of the Residential DOSA Drug Court program may be placed on a payment review docket for further financial review by the Court.
 7. **RELEASES:** I will sign all *Releases of Information* as deemed necessary by the treatment agency, Department of Corrections, and Drug Court.
 8. **TREATMENT:** I will enter into and successfully complete all treatment deemed necessary by the court. I will abide by all rules/regulations set by the treatment agency and all conditions and requirements ordered by the court. I will appear in person to Clark County Superior Court at my regularly assigned time on the first Thursday following completion of all required treatment, or termination from an inpatient treatment facility. I will report in person to the Department of Corrections (DOC) within twenty-four hours following my completion of all required treatment or termination from an inpatient facility. The failure to appear or report in person may result in additional criminal charges including, but not limited to the charge(s) of Bail Jump and/or Escape, violations of supervision, sanctions, and/or termination from the program and imposition of sentence pursuant to RCW 9.94A.660(5), 9.94A.660(7), and RCW 9.94A.660(8).

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9. **SOCIAL/INTIMATE CONTACT:** I agree not to have any sexual, intimate, or social contact with any person currently under DOC supervision or those with a felony conviction (excluding RDDC hearings, treatment or support meetings). Social contact can be allowed only with prior approval by the court.
10. **RANDOM URINE SAMPLES:** I agree to submit to witnessed urine, breath, or other screening whenever requested to do so by the treatment program staff, the judge, Department of Corrections, or any Residential DOSA Drug Court personnel within one hour of the request.
11. **ALTERING OF A DRUG SPECIMEN:** I understand any attempt on my part to alter any type of drug test specimen, either through use of a foreign device, consumption of a masking agent, or any other means, may result in my immediate termination from the program.
12. **ALCOHOL/DRUGS:** I will not possess or use alcohol or drugs unless lawfully prescribed by a physician, in which case I will provide copies of the prescription at the next contact with my case manager and treatment provider. I will not possess, buy, sell or consume any substances that are herbal incense, potpourri, bath salts and/or any non-prescribed mind or mood altering substances. Such substances include, but are not limited to: Spice, K2, “Mr. Nice Guy”, Salvia and Brainfreeze. I understand and agree that although these mind-altering substances may not currently be illegal, I understand and agree that any possession, use, buying or selling by me of these substances, will result and be treated as a “use” sanction/penalty within the Residential DOSA Drug Court program and will impact my progression through the program.
13. **PRESCRIPTION MEDICATION USE:** I will request, whenever possible, that any medication prescribed by a licensed physician be a non-narcotic. I will seek approval from my DOC officer and the treatment agency for any over-the-counter or prescribed medication prior to using such medication and I will take such medication as prescribed. Use of prescription drugs, other than psychotropic and antibiotic medications may impact my *clean time* and movement through my Residential DOSA Drug Court phases.

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14. **DOC CONDITIONS:** I agree to comply with all other conditions DOC may impose including, but not limited to curfew, home checks and non association with certain people.
 15. **RESIDENCE/TRAVEL/OVERNIGHTS:** I will reside in Clark County, Washington. Without first notifying and obtaining permission from DOC and/or the Court I will not: 1) change residences; 2) spend the night at any address other than the one that has been approved by the court; or 3) travel out of county/state.
 16. **SEARCH OF PERSON/HOME:** Upon request, I must submit to a search of my person, residence, vehicle or other personal property when asked by my Residential DOSA Drug Court probation officer or any law enforcement officer acting at the direction of Residential DOSA Drug Court.
 17. **FIREARMS:** I will not possess, use, own, or have under my control, any firearm, nor will I reside where firearms are present. Any exception as to residence requires prior written approval from the Court.
 18. **ASSOCIATIONS:** I will not associate with or be near convicted felons or those on DOC supervision, or any person using/possessing any controlled substance or alcohol.
 19. **EMPLOYMENT:** I agree to be employed, a student, or a full-time homemaker (as determined by the court) prior to completion of Residential DOSA Drug Court.

19 My attorney has explained and we have fully discussed all of the above and I understand
20 and wish to enter into this Residential DOSA Drug Court contract. I have no further questions.
21

22 _____ Date: _____
23 Defendant

24 I have read and discussed this Residential DOSA Drug Court contract and I believe the
25 defendant is competent and fully understands the terms of this Residential DOSA Drug Court
26 contract.

27 _____ Date: _____
Defense Attorney, WSBA # _____

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**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF CLARK**

STATE OF WASHINGTON

Plaintiff,

vs.

Defendant

NO. _____

**ORDER FOR RELEASE TO
SUBSTANCE ABUSE TREATMENT
FACILITY (Residential DOSA)**

IT IS HEREBY ORDERED that the defendant shall be released from custody to an inpatient substance abuse treatment facility on _____, 20__ at _____ AM/PM.

The defendant shall appear in person to the Clark County Superior Drug Court at his/her regularly assigned time on the first Thursday or Friday following discharge from the inpatient substance abuse treatment facility.

- Thursday 10:30 AM Last name begins with A – L
- Thursday 2:00 PM Last name begins with M – Z
- Friday 1:00 PM For all defendants and DOSA

The defendant shall also appear in person to his/her treatment case manager and to the Department of Corrections (DOC) within 24 hours following his/her completion or discharge from the inpatient substance abuse treatment facility. **THE FAILURE TO APPEAR AND REPORT IN PERSON MAY RESULT IN A WARRANT FOR YOUR ARREST, ADDITIONAL CRIMINAL CHARGES, TERMINATION FROM THE PROGRAM, AND/OR SANCTIONS.**

RELEASE TO: ABHS EMPLOYEE

OTHER: Defendant's progress hearing will be set within 30 days from his/her entry at the inpatient treatment facility. The progress hearing will be set for _____ at _____ AM/PM before the Drug Court judge. Defendant is not required to be present at the progress hearing if he/she is still attending inpatient treatment.

DATED this _____ day of _____, 20_____.

SUPERIOR COURT JUDGE

Deputy Prosecuting Attorney

Defendant

W.S.B. # _____

DOSA Order for Release to Substance Abuse Treatment

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF CLARK**

STATE OF WASHINGTON

Plaintiff,

vs.

Defendant

NO. _____

**DRUG COURT / RESIDENTIAL DOSA
INFORMED CONSENT AND
AUTHORIZATION FOR
RELEASE OF INFORMATION**

I, _____, authorize the Clark County Superior Drug Court Team and the following members of the team:

Drug Court case managers	Drug Court Prosecuting Attorney and their assistant
DOC (DC) Probation officers	Drug Court Defense Attorneys
Drug Court Judge	CCSO/VPD assigned law enforcement officer
Drug Court Coordinator	Drug Court Alumni Representative
Drug Court Admin Assistant	

To communicate with and disclose to one another the following information:

My name and other personal identifying information
My DOC/criminal status and history
My status as a patient in AOD/ MH treatment
Initial and subsequent evaluations of my service needs
Summaries of AOD/MH assessment, history, case plans, progress and compliance
Attendance in AOD/MH treatment and drug test results
Other: _____

The purpose of the disclosures authorized in this consent is to enable the Clark County Drug Court and its Team to evaluate my program compliance and need for services. I am aware that the above information is protected by federal and state regulations.

I understand that regulations, including 42 CFR Part 2, RCW 71.05.390 and WAC 275-56-240, prohibit disclosure of these records without my consent or as otherwise permitted by those regulations.

I also understand that I may revoke this consent in writing at any time except to the extent that action has been taken in reliance on it, and that in any event this consent expires automatically as follow:

One month following termination/graduation from the Clark County Drug Court Program

DATED: _____

Defendant

Defense Attorney WSB# _____

Defendant's date of birth

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF CLARK**

STATE OF WASHINGTON

Plaintiff,

vs.

Defendant

NO. _____

**ORDER FOR PRIORITY PAYMENT OF
DRUG COURT FEE**

[X] Clerk's action required

IT IS HEREBY ORDERED that the Defendant's Drug Court fee of \$_____ in the above-entitled case shall be a priority payment.

DATED this _____ day of _____, 20__.

SUPERIOR COURT JUDGE

Presented by:

Approved to form and content:

Attorney for Defendant

W.S.B. # _____

Deputy Prosecuting Attorney

W.S.B. # _____

**DRUG COURT/RESIDENTIAL DOSA
DEFENSE VERIFICATION OF ADDRESS**

Defense attorneys are required to verify a defendant's address if they are out of custody or if they plan to be released from jail at time of acceptance into Drug Court.

Note: This does not guarantee release at time of opt-in.

Please provide the following information to the Court:

Defendant's full name: _____

Completed Address:

Street	City	Zip code
--------	------	----------

Phone: _____

Home land line	Cell phone
----------------	------------

Name and date of birth of person(s) defendant will be living with:

1. _____
2. _____
3. _____
4. _____
5. _____

Ask and answer the following questions:

- | | | |
|---|---|---|
| 1. Is this residence free from drugs and alcohol? | Y | N |
| 2. Are there any felons residing at this residence?
If yes, name w/dob _____ | Y | N |
| 3. Is defendant allowed to reside at this residence? | Y | N |

The above information was verified by a person other than the defendant via:

Speaking to (name) _____ Contact phone: _____

****If the defendant is in custody, he may not be released until the above information is verified by defense.**

RESIDENTIAL DOSA DRUG COURT FEE

Residential DOSA Drug Court Fee is \$600.

You will need to have a Residential DOSA Drug Court Contract for each case that your client comes into Drug Court on. There is one fee, no matter how many separate cases your client has.

If your client is coming into Residential DOSA Drug Court on multiple cases, (different cause numbers) the Residential DOSA Drug Court fee should only be included on the Contract that has the HIGHEST (most recent) cause number. Cross off the fee in all the other Drug Court Contracts so that your client is not charged more than once.

If your client is terminated from the program they will still be required to pay any of the unpaid balance of the \$600. This is in addition to regular J&S fees.

Questions? Contact Drug Court defense attorneys, Mary H. Arden at 360.694.4551; ardenlaw@comcast.net or Barry Brandenburg at 360.695.6335; barrybrandenburg@yahoo.com

American Behavioral Health Services (ABHS)

WHAT TO BRING

The following is a list of recommended personal items that all new clients should consider bringing with them to treatment. Although none are required, the items in *Italics* may help you feel more comfortable and at home:

- Good attitude and willingness to change
- All hair care products (alcohol-free and no aerosol cans)
- Personal hygiene products (i.e. deodorant—no aerosol cans, toothpaste)
- Sleepwear (non-revealing)
- Robe
- Slippers
- Shower socks/shoes
- *Favorite blanket or comforter*
- *Favorite pillow*
- 5-7 days of clothing (nothing tight or revealing)
- Inexpensive garments (those that can be laundered); dry cleaning is not available
- Tablets or spiral notebooks for personal use
- Stamps, envelopes, stationary, personal notebook
- 3 ring binder
- Roll of quarters
- Telephone card
- Alarm clock (no radio)
- Medications—must bring enough medication for the length of stay. Unopened, over-the-counter medications you will need during your stay (Tylenol, Ibuprofen, antacids, and topical creams only).

Suitability Screen = Therapeutic Specialty Courts



Section 1 – Client Demographics

Last Name: _____ First Name: _____ MI _____

DOB: ___/___/___ Current age: _____ Last 4 digits of SSN: _____

Gender: _____ Race: _____ Primary Language: _____

Marital Status: _____ Name & DOB of Child (ren):

Email address: _____ (custody Y or N) _____ dob _____

(custody Y or N) _____ dob _____

(custody Y or N) _____ dob _____

Physical Address: _____ Residence Type (house, apt., mobile home, condo,
shelter, Oxford, etc): _____

Mailing Address: _____ Home Phone: _____

Cell Phone: _____

Other/Message #: _____

List names of people you will be residing with and their relationship to you:

Are they sober? ___Y or ___N

List any addictive prescription medications in the home? _____

Emergency contact name & relationship: _____

Phone #: _____

Have you ever served in the military? If so, what branch: _____ Discharge _____

Year(s) enlisted (i.e. 1971): _____ Year(s) discharged: _____ Combat: ___ Rank _____

MO: _____ If National Guard, what State: _____

Section 2 – Education/Employment History

Highest Education Completed: _____

Have GED? ___Y or ___N

Desire to obtain one? ___Y or ___N

Do you have any learning disabilities that we need to know about? (Please explain):

Are you currently employed? ___Y or ___N When was the last time you had a job? _____

Company Name: _____

Job Skill(s): _____

Typical Work Schedule : _____

Do you have any Insurance benefits? _____

(i.e. TANF, ADATSA, Kaiser, Providence, Medicaid, Medicare, VA , Tri Care, etc)

Date you started receiving benefits _____

Section 3 – Physical Health/ Mental Health

Have you had Medical Treatment in the past 30 days?

Y or N If yes, Please explain: _____

Continuing illness or Chronic Pain issues?: Y or N Prescription Medications:
Any major head injuries in your past? Y or N _____

(*****Women Only*****: Are you pregnant? Due Date: _____ Under Doctor Care? Who? _____)

Have you in the past or currently involved in any Mental Health counseling agencies? Y or N
If yes, what Agency: _____ Counselor: _____ Diagnosis: _____

Age of Diagnosis: _____ Medications: _____ Taking meds as prescribed? Y or N
Any current/past suicidal thoughts? If so, how often: _____
Any current/past suicidal attempts? If yes, when and how often: _____
Any self-harmful cutting/mutilation? Y or N How often do you feel anxious? _____
Any past/current experience with hearing voices? Y or N What is your sleep like? _____
Seeing things that others may not? If so, when/how often? _____

Section 4 – Substance Abuse History

<u>Drugs listed below (√)</u> (check all used in past 12 months)	<u>Frequency of use</u> (Daily, weekly, monthly, etc)	<u>Age 1st used</u>	<u>Date last used</u>
Meth: _____	_____	_____	_____
THC: _____	_____	_____	_____
Heroin: _____	_____	_____	_____
Cocaine: _____	_____	_____	_____
Alcohol: _____	_____	_____	_____
RxPills: _____	_____	_____	_____
Inhalants _____	_____	_____	_____
Hallucinogens _____	_____	_____	_____
Other: _____	_____	_____	_____
Name of Abused Prescription drugs: _____			

What is your main drug of choice? _____

How do you use the drug (√)? snort smoke ingest IV use huff

Have you ever had Drug/ Alcohol treatment before? (If no, leave blank)

OUTPATIENT AGENCY: _____ YEAR _____ How long? _____ Complete? Y or N

INPATIENT AGENCY: _____ YEAR _____ How long? _____ Complete? Y or N

Section 5 – Other History

- Other than the cases you are being referred to this orientation, do you have any other pending cases/charges/ warrants in this county or anywhere else? _____
- Are you on DOC probation? If so, who is your officer? _____
- Have you been convicted of a serious violent or sex crime in the past? If so, please explain _____
- Have you been convicted of a charge that involved a firearm in the past? _____
- How old were you when you first became involved in the justice system/courts/probation? _____
- Do you have an active No Contact Order? If so, who/relationship? _____

Please explain why you want to be in this specialty treatment court?

On a Scale from 1 (low) to 10 (high): how interested are you in getting treatment and joining the program? _____