

Superior Court of the State of Washington for the County of King

Richard F. McDermott
Presiding Judge

516 3rd Ave. C-203
Seattle, WA 98104

April 22, 2011

Larry Gossett, Chair
King County Council
King County Courthouse
516 Third Avenue, Room 1200
Seattle, WA 98104-3272

RE: Veterans' Court Proviso – Superior Court Response

Dear Councilmember Gossett:

On behalf of the King County Superior Court judges, I am writing to provide the Court's position in regard to the options to pilot specialty court services for veterans contained in the report submitted by the Office of Performance, Strategy and Budget (OPSB). The report, prepared in response to the King County Council proviso in the 2011 Adopted Budget, provides five options. We are commenting on those options which involve the King County Adult Drug Diversion Court, specifically options three, four and five.

Option three, incorporation of a consolidated veterans' calendar within adult drug court, would be quite manageable for the current adult drug court program. The eligibility criteria would remain the same but the court would designate a specific day and time for veterans' cases to be heard, much as the court currently does for those drug court participants enrolled in the young adult track. Option four, development of a veterans court track which leverages off of the existing adult drug court, is also feasible from a Superior Court standpoint. However, any changes to the drug court eligibility criteria would require formal approval by the Drug Court Executive Committee and would have to comport with RCW 2.28.170, the statute governing drug courts (attached). The statute prohibits previous convictions and current charges of a serious violent offense or sex offense and also prohibits entry into drug court of current offenses in which the defendant used a firearm; or caused substantial or great bodily harm or death to another person. Also, if the number of cases in drug court significantly increased, the program would require an increase in staff, although the increase would be minimal because the program would utilize to the greatest extent possible, Veterans Administration resources for case management and treatment.

We regrettably are not able to support option five: the creation of a new stand-alone therapeutic court exclusively for veterans, located in Superior Court. A stand-alone court would require an allocation of judicial resources and the creation of a new court calendar. Prosecution and defense staff would have to be increased, as would court administrative and treatment staff. Currently Washington law allows drug courts but no other types of treatment courts have enabling legislation. We are amenable to further discussion and consideration of a pilot in Superior Court with the understanding that evaluation criteria and a means for tracking outcomes will be established at the

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outset of any pilot and that within a reasonable period of time (in all probability at least a year) the pilot will be examined for efficiency and effectiveness.

Thank you for the opportunity of working on this exciting project.

Sincerely,

A handwritten signature in blue ink that reads "Richard F. McDermott". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Richard F. McDermott, Presiding Judge