

# Kittitas County Upper and Lower District Courts Behavioral Health Court (BHC)

## **Eligibility Criteria**

An individual must have a diagnosed substance use disorder and/or diagnosed serious and persistent mental illness.

Serious and persistent mental health diagnoses to be considered are: Schizophrenia, other psychotic disorders, Bipolar disorders, Major Depression, PTSD and other mental disorders that are determined by formal assessment to have had an impact on the individual's judgment and decision making at the time of the charged offense. The qualifying diagnosis must be amenable to treatment interventions and the therapeutic court process.

Exclusionary criteria include primary diagnosis of dementia, developmental disabilities, or traumatic brain injury.

The referred person must be assessed as being a high risk to re-offend and to fail to appear and high need for services with serious risk factors for poor outcomes in standard treatment or community supervision programs; with typical examples having extensive criminal histories, delinquent peer affiliations, or antisocial tendencies.

The individual must be a legal resident of Kittitas County.

## **Disqualifying Elements**

- A hold or active warrant from any court or agency outside Kittitas County.
- Adult or juvenile criminal history with conviction(s) for:
  - Class A felony
  - A "violent offense" or a "serious violent offense" as defined by RCW 9.94A.030
  - A "sex offense" or any offense alleging sexual motivation
  - A firearm offense (including theft or unlawful possession of a firearm) or any prior offense with a firearm enhancement or element requiring use or possession of a firearm as part of the crime
- The matter is set for trial within the next 30 days.

## **Discretionary Elements**

- DUI or Physical Control – if accompanied by a diagnosed serious and persistent mental health disorder. Upon successful completion of the program, the charge will be amended to a lesser-related offense that qualifies as a prior offense per RCW 46.61.5055(14)(a).
- Previous recent failure in a therapeutic court except withdrawal during the early "trial" phase.
- DV offenses and felony assaults (except for Class A felonies) may be eligible at the discretion of the prosecuting authority, with the consensus of the BHC team.
- The prosecuting authority shall attempt to obtain the victim's agreement to allow the defendant to enter therapeutic court. However, the prosecuting authority shall retain the final say as to admission of a defendant into the program, regardless of a victim's wishes.