

Crossroads Unit Overview

The Prosecutor's Office Crossroads Unit was created in 2020 through funding approved by the Council. In Quarter 1 2020 we assigned a Deputy Prosecuting Attorney and legal secretary to the new positions and they set about drafting the criteria for eligibility for the program, developing a screening process, and creating the necessary office procedures for staff tasks, case-tracking, etc., They then began monitoring new bookings at the Snohomish County Jail to identify individuals who might be eligible for diversion through our Restorative Alternatives to Prosecution (RAP) program—specifically, persons arrested for low-level drug possession offenses. However, soon after they started this practice, the COVID-19 pandemic descended upon us. In early March of 2020, Snohomish County courts suspended all but essential operations. At the same time, the Prosecutor's Office convened a group of criminal justice stakeholders to develop a plan to mitigate the risk of a COVID-19 outbreak at the Jail by significantly reducing the inmate population and restricting new bookings. As a result, from the end of Quarter 1 2020 through late February 2021, very few individuals were arrested and booked for low-level drug offenses. Even so, the Crossroads DPA continued to monitor bookings for eligible individuals.

Impact of Blake Decision

On February 25, 2021, the Washington Supreme Court declared the statute criminalizing possession of a controlled substance unconstitutional. Effectively, from the minute the Court's decision was published it was no longer a crime to possess personal use amounts of controlled substances in Washington. That meant that police could no longer arrest individuals who were found to possess drugs and prosecutors could no longer file charges against individuals who were in possession of drugs. The Court's decision also meant that all pending cases involving that conduct had to be dismissed, all such referrals awaiting review in the Prosecutor's Office had to be declined, and all persons previously convicted of violating that statute were eligible to have their convictions vacated. It also meant that many of the individuals who were involved in our alternative programs (Drug Court, TAP, and RAP) were no longer eligible because their underlying criminal charges were dismissed.

Quarter 1 2021 Report

As mentioned above, criminal jury trials in Superior Court were suspended for several months at the beginning of 2020 and again in November before resuming in February. Even with the resumption of jury trials, court operations remain limited and many court processes have been modified. For example, many hearings are now being conducted without the requirement that defendants appear in court; instead, they can appear via video conferencing or through their attorneys. As another example, the courts have mostly stopped issuing bench warrants when defendants fail to appear for court hearings. These changes have unfortunately resulted in a continuing scenario where out-of-custody defendants have little incentive to engage with our alternative programs.

On top of that, the Blake decision has significantly altered the landscape and closed one of the primary avenues through which our alternative programs engaged individuals struggling with addiction.

Despite these challenges, and with the understanding that a return to “normal” criminal justice processes may take some time, we remain convinced that the Restorative Alternatives to Prosecution program provides an innovative, effective and responsible alternative to traditional prosecution. Consistent with that belief, even before the Blake decision we expanded the eligibility criteria for the program to include low-level property offenses with a demonstrated nexus to chemical dependency in the hope that we can extend the opportunity to participate in the RAP program to more defendants. We also pulled cases involving lower-level nonviolent and property offenses from other existing caseloads and reassigned them to the Crossroads DPA and legal secretary to give them more direct access to and control over a larger number of cases that may be appropriate for diversion into the RAP program or one of our other alternative programs. The Crossroads DPA and legal secretary are currently dismissing cases impacted by the Blake decision, reviewing cases for possible amendment to other viable charges, declining cases in the charging que, working the remaining caseload, and meeting with the other alternative programs to restructure the Crossroads Unit in order to continue providing services to defendants with chemical dependency and behavioral health disorders.

Quarter 1 2021 Statistics

Total number of 2-gram or less PCS cases with offers for RAP: 4

Total number of cases with RAP offers with drug weights between 2g and 5g: 0

Total number of non-drug cases with offers for RAP: 0

Number of cases diverted: 0

Number of cases with pending evaluations: 0

Number of cases moving to prosecution: 0

Number of cases in treatment: 2

Number of cases dismissed for completion: 0

Recidivism rate: 0%

Additional cases handled by DPA: 30 cases involving nonviolent property offenses with chemical dependency or behavioral health nexus (assessed by criminal history or other evidence in the case).