



SPOKANE COUNTY DUI COURT

Participant Handbook

Revised February 2022

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Mission Statement

The mission of the Spokane County DUI Court is to compel chemically-dependent offenders to address their chemical dependency, criminal thinking and behavior. This is accomplished through support, accountability, treatment, intensive supervision and consistent contact with the DUI Court team. By eliminating alcohol/drug use and the associated criminal activity, it is the intent of the Court to also reduce recidivism, enhance community safety, reduce alcohol or drug related deaths or injuries and increase rehabilitation.

I. DESCRIPTION

What is DUI Court?

DUI Court is a therapeutic court with the responsibility of handling cases involving repeat DUI offenders who are chemically dependent. Participants are managed through comprehensive supervision, treatment services, and a graduated system of incentives and sanctions. Rather than focusing only on the crimes you commit and punishments you receive, DUI Court attempts to address your underlying issues and assist you with any needs you may have.

As part of a comprehensive approach to encourage a sober lifestyle, your individual supervision program will include completion of a chemical dependency and mental health evaluation. You will be required to engage in the recommended treatment program which will include Moral Reconciliation Therapy (MRT) or another Cognitive Behavioral Course authorized by the DUI Court Team. In addition to the treatment requirements, you will be required to attend frequent and random urinalysis testing for alcohol and/or drug use, frequent court hearings, and regular contact with your Probation Officer and/or Case Manager to assist you in obtaining any additional services. When appropriate, the Case Manager or the DUI Court team will refer you to local, state and/or county agencies for additional assistance.

The DUI Court team consists of the Judge, Prosecutor, Defense Counsel, Probation and Case Management. All team members will be closely involved in your case. You will be recognized or sanctioned based on your compliance with the program. If you choose not to work the program and want out, the balance of your suspended jail time may be imposed. On the other hand, if you *do* work toward treatment goals, you will be given an opportunity to gain the necessary tools to rebuild your life.

Why was I ordered into the DUI Court?

DUI Court was ordered as a condition of your probation because you met the following criteria:

- You have been convicted of three or more DUI/Physical Control, Minor DUI **or** amended DUI's or have had a previously "dismissed" deferred prosecution within the last ten years.

How does DUI Court work?

There are two common ways to enter DUI Court. First, you have already been convicted of your DUI charge and are ordered in due to current violations of your deferred sentence or probation conditions. There must be at least 36 months remaining on your current probation term. You may also be ordered into DUI Court if the Judge found you guilty of a new qualifying charge. A potential participant can also request to enter the program if they are not ordered in automatically. These individuals must set a motion through their counsel and will be determined on a case by case basis.

DUI Court participants remain in the program for a **minimum of 14 months and a maximum of 60 months. The amount of time it takes you to graduate is dependent on your progress. You must have 90 days of abstinence immediately prior to graduation.** There are five phases that you must complete. DUI Court is designed to address your addiction, mental health issues, criminal thinking, social and family problems, housing, transportation, insurance and employment or educational needs.

This is a team approach. Everyone wants you to succeed and create a new life free of dependency. Not only will you become part of this community during your treatment, but we will work to help you transition into a healthier lifestyle prior to graduation.

What happens during DUI Court?

You must complete all five phases, perform 20 hours of community service at a local non-profit, have a minimum of 90 days of sobriety and be violation free for a minimum of 30 days in order to graduate DUI Court. Your individual program is subject to change by the DUI Court team consistent with your progress through the phases. To advance to the next phase, you must complete the necessary tasks and assignments given to you by your treatment provider and the DUI Court team **AND** be violation free for a minimum of 30 days.

What is the resource room and supply closet?

All DUI Court participants will have access to the clothes/supply closet. The closet provides free clothing, winter coats, gloves, beanies, scarves, boots, socks, underwear, towels, sheets, blankets and personal hygiene items. If you are in need of clothing or other personal items, please contact one of our Case Managers.

All DUI Court participants will have access to our resource room. We currently have two computers with internet access to assist our participants with job searches, filling out job applications online, creating resumes, cover letters or other employment and educational needs. If you do not have access to a computer or internet and you would like to utilize our research room, please contact one of our Case Managers.

Do you have transportation issues? If you do, we can help!

Contact one of our Case Managers for daily, 7-day, monthly or monthly reduced fare STA bus passes.

The following phase descriptions are not all inclusive. **Each participant's progress through the program is based solely on their individual performance and compliance with the following phase system.**

****Phase movement/Graduation may take longer depending on Court schedule.**

Spokane County DUI Court Phase System

Phase I: Acute Stabilization

You must remain in this phase for at least 60 days.

- Attend your probation intake
- Meet with your Therapeutic Court Case Manager
- Attend court twice per month
- Meet with probation at least once per week
- Random urinalysis testing 8 times per month
- Additional urinalysis, breath or oral fluid testing at probation's discretion
- Complete chemical dependency evaluation and a mental health evaluation
- Attend the DUI Victims Impact Panel
- Attend two self- help group meetings per week if not in treatment
- Enroll into the recommended treatment program(s) with acceptable attendance and participation.
- **Personal Project:** Goodbye Letter

In Order to Complete Phase I:

- Submit any treatment evaluation(s) within 30 days if requested
- Report to ALL scheduled court appearances and probation appointments
- Be engaged in the recommended treatment program(s)
- Attend DUI Victims Impact Panel
- Be in compliance with your individual supervision program
- Live in clean and sober housing
- Complete and turn in your True/False Orientation Phase Test
- Complete probation intake
- Complete risk/needs assessment with a Therapeutic Case Manager
- Be violation-free and be clean/sober for a minimum of 30 days
- Complete and present to the Court your application to move to Phase II and personal project

Phase II: Clinical Stabilization

You must remain in this phase for at least 90 days

- Attend court twice per month
- Meet with probation a minimum of two times per month
- Meet with a Therapeutic Case Manager on an as needed basis
- Random urinalysis testing 6 times per month
- Additional urinalysis, breath or oral fluid testing at probation's discretion
- Treatment compliance which also includes entering into Moral Reconciliation Therapy (MRT) or an approved course authorized by the DUI Court Team
- Attend self-help group meetings per your treatment plan
- Work towards relicensing (including insurance, Ignition Interlock etc.)
- **Personal Project:** Autobiography

In Order to Complete Phase II:

- Report to ALL scheduled court appearances and probation appointments
- Be in compliance with all treatment requirements
- Be compliant with your individual supervision program
- Live in clean and sober housing
- Be violation-free and be clean/sober for a minimum of 30 days
- Complete and present to the court your application to move to Phase III and personal project

Phase III: Pro-Social Habilitation

You must remain in this phase for at least 90 days

- Attend court twice per month
- Meet with probation a minimum of two times per month
- Meet with a Therapeutic Case Manager on an as needed basis
- Random urinalysis testing 6 times per month
- Additional urinalysis, breath or oral fluid testing at probation's discretion
- Treatment compliance which also includes MRT unless otherwise authorized by the DUI Court Team
- Attend self-help group meetings your per treatment plan
- Work towards relicensing (including insurance, Ignition Interlock etc.)
- Start looking for employment or educational opportunities
- **Personal Project:** Strengths, Weaknesses, Opportunities & Threats (SWOT)

In Order to Complete Phase III:

- Report to ALL scheduled court appearances and probation appointments
- Work towards employment or an educational program
- Be in compliance with all treatment requirements
- Compliance with your individual supervision program
- Live in clean and sober housing
- Be violation-free and be clean/sober for a minimum of 30 days
- Complete and present to the court your application to move to Phase IV and personal project

Phase IV: Adaptive Habilitation

You must remain in this phase for at least 90 days

- Attend court once a month
- Meet with probation a minimum of one time per month
- Meet with a Therapeutic Case Manager on an as needed basis
- Random urinalysis testing 6 times per month
- Additional urinalysis, breath or oral fluid testing at probation's discretion
- Treatment compliance which also includes MRT unless otherwise authorized by the DUI Court Team
- Attend self-help group meetings your per treatment plan
- Continue to work towards relicensing (including insurance, Ignition Interlock etc.)
- Actively look for employment or educational opportunities
- Develop a community service plan (20 hours required)
- **Personal Project:** Relapse Prevention Plan

In Order to Complete Phase IV:

- Report to ALL scheduled court appearances and probation appointments
- Be in compliance with all treatment requirements
- Be in compliance with your individual supervision program
- Live in clean and sober housing
- Continue to work towards relicensing (including restricted license/insurance and ignition interlock)
- Start performing community service hours
- Be violation-free and be clean/sober for a minimum of 30 days
- Complete and present to the court your application to move to Phase V and personal project

Phase V: Continuing Care

You must remain in this phase for at least 90 days

- Attend Court one time per month
- Meet with probation a minimum of one time per month
- Meet with a Therapeutic Case Manager on an as needed basis
- Random urinalysis testing 6 times per month
- Additional urinalysis, breath or oral fluid testing at probation's discretion
- Complete treatment including MRT unless otherwise authorized by the DUI Court Team
- Continue to work towards relicensing (including restricted license, insurance, Ignition Interlock etc.)
- If not employed or enrolled in an education or skill development program, continue to explore employment or educational opportunities
- Continue to perform required community service hours for graduation

In Order to Complete Phase V and graduate DUI Court:

- Report to ALL scheduled court appearances and probation appointments
- Address any needs with a Case Manager
- Have at least 90 continuous clean/sober days
- Be violation free for a minimum of 30 days
- Live in clean and sober housing
- Successfully completed all treatment including MRT or other authorized program
- Provide verification of 20 hours of community service
- Complete and present to the court your application to graduate
- Complete a Graduate survey

Employment in retail alcohol and cannabis sales and service industry:

Program participants shall not enter nor frequent bars or cannabis retailers or any other business whose primary purpose in sales is alcoholic beverages or cannabis; however, employment in restaurants and bars may be permitted, provided participant maintains sobriety and program compliance and has received court approval. Failure to maintain sobriety and program compliance will result in a court ordered removal from the work site.

Employment in a place that sells alcohol or cannabis must be disclosed and discussed with the Court and subject to the Court's discretion as all participants have a no use, possession or consumption clause in their Judgement and Sentence. If your request is approved by the Court, the Judge will amend your Judgement and Sentence allowing you to possess for work purposes only.

Additional information:

The DUI Court program can be completed in a minimum of 14 months or up to a maximum of 60 months.

In the unfortunate event you are ordered into DUI Court on a subsequent DUI conviction, your phase projects and community service hours may differ from those listed on the previous pages. Phase projects are assigned at probation's discretion.

II. FREQUENTLY ASKED QUESTIONS

What if I relapse?

Chemical dependency can be an all-consuming and devastating disease. Your DUI Court team and treatment counselors know this. Effective and appropriate treatment depends on your **honesty**. If you are not honest about your own personal challenges and relapses then you will get inappropriate recommendations, and you will feel like you are wasting your time. Reporting challenges and relapses will help your DUI Court team and treatment counselors to make appropriate recommendations.

If a relapse does occur, it is extremely important to disclose your relapse to your Probation Officer and your treatment counselor as soon as possible so we can help you through the relapse. While a sanction may be imposed, you will get credit for your honesty which will be reflected in the outcome of your violation hearing. **If you are dishonest about your relapse, harsh sanctions may apply.**

Team Response to Violations

In the event of a violation, a flash sanction may be imposed or a show cause hearing will be held where all pertinent information will be presented by probation. You will have an opportunity to have defense counsel present your version of the alleged events and the Judge will make a determination if the violation did or did not occur and will impose sanctions if deemed necessary.

What sanctions are given?

If you fail to comply with your treatment program, individual supervision program, receive new criminal charges, fail to take a urinalysis test, attend court hearings or probation appointments, relapse or violate any other terms of your individual DUI Court supervision plan, the Judge will sanction your actions. Possible sanctions include:

- Judicial warning
- Writing assignments
- Community service
- Increased urinalysis testing
- Portable breath testing device with camera
- Increased court appearances
- Extended or loss of phase time
- GPS/EHM/Alcohol monitoring bracelet
- Geiger work crew
- Work release incarceration
- Jail time
- Flash sanction, i.e., booked into jail from court or a weekend in jail
- Termination from DUI Court Program with imposition of suspended sentence

What are incentives?

You will be rewarded for accomplishments in DUI Court. It is the intent of the DUI Court Judge and team to recognize effort and program benchmarks. Incentives may include:

- Verbal praise
- Gift cards
- Candy and other treats

How do alcohol / drug screens work?

You will be required to provide ongoing, random urine, breath or blood samples and/or be hooked up on other equipment, to monitor your sobriety. Any positive urinalysis test, tampered samples, positive readings on the equipment or refusal to provide a sample may be grounds for sanctions.

A refusal, an abnormal, or a missed test will be considered a positive test. Any attempt to adulterate or falsify a test result will be considered a positive test. If you are unable to provide a sample within the designated testing hours, it will be considered a positive test.

Frequency of testing is subject to change at Court's discretion at any time.

While participating in DUI Court, you may not consume or use any alcohol, marijuana or other illegal drugs. DO NOT take non-prescribed drugs or prescribed drugs not as prescribed.

***DO NOT USE ANOTHER PERSON'S VAPE PEN**

DO NOT ingest non-alcoholic beer or wine, poppy seeds in any form (muffins, bagels), kombucha, flushing agents, "natural" or herbal remedies, over-the-counter medications such as Nyquil, mouthwash which contains alcohol, Metabolife (or other over-the-counter diet aids), Kratom, Spice, CBD, THC, bath salts, salvia, cough medicine containing dextromethorphan, any synthetic alternatives to marijuana or opiates, or any other substance containing alcohol. Supplements with creatine are forbidden. **YOU are responsible for what you put in and on your body. Read ingredients listed on the labels of everything.** If you have any doubts, ask a pharmacist for assistance or contact your probation officer. **Claiming that you did not know WILL NOT be an acceptable excuse.**

What if I have a serious medical condition?

In general, if you have a serious medical condition you will not be excluded from DUI Court. You must be willing to **fully** disclose your condition and medical care to the treatment providers and DUI Court team. If you are taking medication for your condition, you must continue to do so according to your primary care physician's directions. Although we can be flexible and work around your condition, you must be able to engage in and complete treatment. You **must** provide a copy of all prescriptions to your probation officer and **must** advise the team of any changes in your medications.

Can I use prescription medications?

As a general rule, DUI Court participants are expected to be drug-free. If your doctor prescribes a medication, you must disclose to your doctor that you are in DUI Court and in treatment so that your doctor can determine if this is the best medication for you. The prescription must be reviewed and

approved by probation. You will be required to provide a copy of the prescription and to sign a Release of Information between the prescribing doctor and your Probation Officer. While in DUI Court, you must use ONE doctor and ONE pharmacy unless authorized by the DUI Court Team.

What is Moral Reconciliation Therapy (MRT)?

MRT is an evidence-based, cognitive behavioral program developed to reduce recidivism and reduce criminal behavior. MRT confronts and seeks to change faulty criminal thinking by enhancing the offender's social, moral and behavioral deficits.

MRT is a sixteen-step program, including twelve mandatory steps and four optional steps. Facilitators will guide you in self-assessment, building trust, setting goals, helping yourself and others while redirecting behavior so that you are able to think through the decision process.

MRT is offered by several local treatment agencies in the Spokane area. MRT is an open-ended program allowing offenders to enter the program at any point in their supervision.

What if I need to move, change roommates, or get a new job?

You must notify your Probation Officer **before** you move to a new address or change your phone number if possible. All address and phone number changes must be reported within 48 hours of the change or you may be sanctioned.

You must notify probation immediately if you get a new job, quit, get laid off, or are fired.

What if I want to travel outside of Spokane County?

If you need to travel outside Spokane County, you must first contact your Probation Officer to request permission to leave. If you are requesting a day trip, it is usually approved, as long as there is advanced notice and you are in full compliance. An overnight or out-of-state trip will require Court permission. Most out-of-state travel will require a trip permit. You will be required to test **prior** to leaving and **immediately** upon return while actively engaged in the program.

In the event an emergency trip outside of the County is needed, it must be reported (via email, voicemail, phone call, text message) to probation prior to leaving and individual will be subject to **immediate** testing upon return. Proof of travel will also be required.

What if I have contact with Law Enforcement?

You must report all police contact to your Probation Officer within 24 hours of contact. Police/Law Enforcement contact includes any sort of interaction with law enforcement personnel, including outside Probation/Parole agencies. Contact could include, but is not limited to: Being asked for ID by law enforcement, being a passenger in a vehicle that is contacted by law enforcement, being involved in a crime event or collision where law enforcement respond, or being questioned by law enforcement personnel as a suspect, victim and/or witness to a criminal act.

If you learn that you have a warrant or are the subject of an investigation, or if you are sought as a witness, you must report that to your Probation Officer.

If you receive a subpoena or a restraining order, or are a party to a lawsuit, you must report that to your Probation Officer.

What about my license?

The Department of Licensing (DOL) oversees your license status. If you want to regain your driving privilege, our Therapeutic Court Case Managers can give you the tools to start the process. Though having a valid driving license is not a requirement of the program, it is highly encouraged.

Many participants, while not eligible for a traditional license, may be eligible for a Restricted or Ignition Interlock License. Even if you are eligible for a license, an Ignition Interlock device may be required. This is determined by Department of Licensing. If you have questions, please contact the Department of Licensing at (360) 902-3900.

If you need financial assistance for the Ignition Interlock device, please visit the DOL website and fill out the Financial Assistance Application and submit it to the Department of Licensing. The URL is: <https://www.dol.wa.gov/forms/500024.pdf>

III. RULES AND RESPONSIBILITIES

CONFIDENTIALITY

You are required to sign a Release of Information which allows probation to give information to the DUI Court Team. The team consists of the Judge, Prosecuting Attorney, Public Defender, Therapeutic Court Coordinator, Probation Officer and Case Manager. Your privacy is respected and the team will make every effort to protect your identity.

Confidentiality is also essential to maintain the integrity of group therapy sessions. Nothing that is discussed within the confines of those meetings will leave those meetings. No information pertaining to another client should be discussed outside of the group. This confidentiality applies to things said in the courtroom as well.

FINANCIAL OBLIGATIONS

All court payments are to be established and paid through PAR Acceptance Corp. Information regarding your payments may be obtained from the court clerks.

If your charge involved a property crime, you are required to pay the restitution that is owed to the victim(s) of the crime. The amount of restitution, if any, was determined at your sentencing. You must make regular payments on your restitution in accordance with the court order.

In the State of Washington, there are mandatory fines and fees for a DUI. These fines and fees will be laid out in your Judgement and Sentence. You will also have a probation fee while in the program. At the Judge's discretion, these fines and fees may be placed on hold for a period of time or reduced based on your financial status. For more information, please contact your Probation Officer or Defense Counsel.

COURT ATTENDANCE

Attendance in court is ABSOLUTELY mandatory on the dates you are ordered to appear by the Judge. As you advance through the phases of the program, court appearances may be decreased. You must arrive at court at least five minutes before the docket begins, and remain in the courtroom until after the docket is complete unless excused by the Judge.

If you are not present in court on the required days, a bench warrant may be issued. It is then your responsibility to get the warrant quashed or turn yourself in. ***If this does not happen, you will be arrested and remain in jail until your next DUI Court appearance.***

COURTROOM BEHAVIOR

You are expected to maintain appropriate behavior at all times in the courtroom and courthouse. This includes:

- No talking while court is in session unless it is your turn
- The Judge should always be addressed as “Judge” or “Your Honor”
- No eating or drinking in the courtroom
- No smoking or vaping in the courthouse
- No chewing gum
- No chewing tobacco
- Be on time and do not leave during the hearing except to use the restroom
- Turn off cell phones or they may be confiscated
- Court is NOT the appropriate time to speak with any of the team members. You must call or set up an appointment.
- **Dress appropriately!** Shoes and shirts are required and no hats, shorts, sunglasses or tank tops should be worn. You are expected to maintain appropriate grooming. Clothing or accessories that are distracting or disturbing in Court, including clothing or accessories that promote or advertise alcohol, drugs, or inappropriate language, are inappropriate for court and disruptive to the judicial process.

ZOOM BEHAVIOR

Our ability to hold hearings by Zoom is helpful because it avoids the need to come downtown, find parking and reduces the risk of contracting COVID. If we cannot maintain quality participation, then we will need to resume in-person. Treat a Zoom hearing as you would treat any other hearing:

- Tell anyone in the house that you are on a video meeting and should not be interrupted;
- Be in a room or space that is quiet without excess light and close the door;
- Stay engaged throughout the hearing
- Do not move around during the hearing or leave the screen. You can mute your microphone, but please remain in the camera’s view;
- Please do not get in a car and drive around; and
- Please maintain all courtroom behavior listed above as if you were physically in the courtroom.

IV. GRADUATION

You will be eligible for graduation once you have completed all five phases as outlined above. The time frame varies according to your performance and will be determined by the DUI Court Team. Your family, friends, employers, counselors and sponsor are welcome to come to court and share in this joyous and life-affirming occasion. There will be a graduation ceremony in which you will receive a certificate demonstrating your completion of DUI Court and accomplishment of achieving a clean and sober life.

V. ALUMNI GROUP

The DUI Court Alumni Group is a partnership made up of DUI Court graduates to give hope and encouragement to those recovering from addictions. The goal of DUI Court is to lead by example, and to help facilitate abstinence and outreach prevention programs. All graduates are invited to participate.

VI. DUI COURT RELEASE OF INFORMATION AND WAIVER OF RIGHTS

As a DUI Court participant, I agree and authorize the following:

I agree and authorize the DUI Court Judge to discuss my DUI Court case and my treatment progress with my Probation Officer or officers, my treatment providers and the DUI Court Team outside the courtroom and outside my presence.

I agree and acknowledge as part of the DUI Court Program I will not disclose to any other person, business or organization any treatment information I hear regarding another DUI Court participant during a DUI Court session.

I authorize my treatment providers to exchange my treatment information with the Court and Probation Officer. I further allow the Court and Probation Officer to disclose that treatment information to DUI Court team members and other medical, mental health and treatment providers.

I authorize the Probation Officer and Court to discuss my treatment progress and records during DUI Court sessions. I authorize the Probation Officer and treatment provider to disclose to the DUI Court Judge the results of any urinalysis, breath or oral fluids test and to have those results discussed in court.

I authorize my Sentencing Order, even though it orders me to participate in DUI Court, to be placed in the court file which is open to the public.

I understand that this consent will remain in effect and cannot be revoked by me until there has been a formal and effective termination or revocation of my release by me in writing. I agree I cannot participate in DUI Court unless all releases remain in effect. I further acknowledge that this release will expire upon my successful completion of probation and the DUI Court program.

VII.

PUBLICITY CONSENT FORM

I hereby consent to and authorize the use, publication and reproduction of all media by the DUI Court or anyone it authorizes, for all photographs/video taken of me, with or without names as the case may be for any editorial, promotional, advertising, educational or other purpose.

I understand that any photographs or videos may be used in any publication for promotion of DUI Courts. I realize that this coverage may place my picture, with or without further explanation, alone or accompanied by other pictures, in a story, on a website, or on a cover of any or all publicity materials for DUI Courts. I hereby release the DUI Court, its staff, and employees, or anyone it authorizes, from all claims relating to or arising from the uses consented above.

I am over eighteen years of age, have read the consent and release, or have had it read and explained to me. I fully understand its contents.

ACKNOWLEDGMENT AND AGREEMENT

I, _____ have read/have been read and I understand the DUI Court handbook and agree to the terms stated in the handbook and by the Spokane County DUI Court program. I understand that if I do not follow the court’s rules, I can be terminated from the program and sentenced to all or a portion of the suspended jail time at the Judge’s discretion. I have received a copy of this agreement and agree to its terms and conditions.

Participant signature

Date

Defense Counsel

Date

Prosecuting Attorney

Date