



SPOKANE MUNICIPAL DUI COURT

Participant Handbook

Felony Reduction

Sometimes the wrong choices bring us to the right places

Dear Participant,

Welcome to the Spokane Municipal DUI Court Program. You are about to begin a new chapter in your life which will benefit you, your loved ones, and our community. As you progress through the program, you will be given the tools to establish and maintain a life free of alcohol and drugs. The DUI Court team is committed to your success and will do all they can to support your positive efforts, but the final responsibility is yours. You must be motivated to make this change and commit to a drug and alcohol-free life. Ultimately, it will be your hard work, determination, and your willingness to honestly confront your past that will determine your success in the program.

This handbook is designed to answer questions, address concerns, and provide overall information about the DUI Court Program. As a participant, you will be expected to follow the instructions given in DUI Court by the Judge and comply with the recommended treatment plan. This handbook will provide you with a general description of what is expected of you as a DUI Court participant.

We wish you the best and look forward working with you.

Sincerely,

The DUI Court Team

INTRODUCTION TO DUI COURT

The DUI Court is a problem solving, accountability court for repeat DUI participants that are suffering from substance use disorders. DUI Court participants are placed in a new setting for defendants which is therapeutic rather than confrontational. DUI Court participants submit to frequent and random drug testing, appear regularly before a judge, and are closely supervised for program compliance.

The DUI Court is a team approach between the treatment provider, community justice services office and Court to restructure the thinking of a participant, provide tools and treatment to prevent future alcohol/drug use and provide an immediate sanction for violation of the DUI Court rules. A DUI Court participant will be expected to abstain from all alcohol, and drugs, except as prescribed by a licensed medical doctor and approved by the treatment provider and community justice counselor.

In a traditional Court setting, the judge would not discuss a case with others or review information about a party until presented in open Court. In DUI Court, a DUI Court participant's progress in treatment and the DUI Court Program will be made known to the DUI Court Judge outside the courtroom. The information provided may result in a sanction being imposed upon the participant or an acknowledgment being presented. If you are going to participate in DUI Court, you agree the DUI Court Judge can discuss your case with members of the DUI Court Team, including the community justice counselor and treatment provider.

Because of state and federal law requirements, treatment results and records related specifically to DUI Court are **confidential**. Your court file may have two parts, one part which is confidential and not open to the public, although available to the DUI Court Judge and DUI Court Team. The other part of the file will be open to the public and will contain the charging document, procedural orders and any probation violations instituted by the Community Justice Services Department and Spokane City Prosecutors Office.

DUI Court sessions are open to the public. Treatment and performance on probation will be discussed in open court. Information that a participant hears during court about other participants **must be kept confidential**.

A DUI Court participant will be in the program a minimum of 36 months before graduating. To be eligible for graduation, a participant must be clean and sober for **four months** prior to graduation and completed all other DUI Court treatment requirements.

This handbook is provided to present an outlined description of the Spokane Municipal DUI Court. At the end of this document a Participant Contract is included. This contract and conditions of sentence must be signed by each participant before entry into DUI Court.

Table of Contents

Program Description	2
Phase Structure	5
Roles of DUI Court Team	11
Frequently Asked Questions (FAQ)	12
Rules and Responsibilities	18
DUI Court Contract	21

MISSION STATEMENT

The mission of the Spokane Municipal DUI Court is to help repeat DUI offenders by bringing about a change in behavior that will end DUI recidivism, stop the abuse of alcohol and drugs, and protect the public. This will be accomplished by utilizing a non-adversarial team approach, enhanced supervision, the use of best practices, and customized treatment plans that support participant rehabilitation, self-efficacy, and individual accountability.

PROGRAM DESCRIPTION

What is a DUI Court?

A DUI Court is an accountability and problem-solving court dedicated to changing the behavior of offenders arrested for DUI. The goal of a DUI Court is to protect public safety by using the highly successful Drug Court model that uses accountability and long-term treatment to address the root cause of impaired driving: alcohol and other substance abuse.

The **Spokane Municipal DUI Court** is a voluntary program with the responsibility of handling cases involving repeat DUI participants who have substance use disorders. Participants who opt into the DUI Court are managed through comprehensive supervision, treatment services, and a graduated system of incentives, interventions and sanctions. Rather than focusing only on the crimes you commit and punishments you receive, the DUI Court attempts to address your underlying issues.

As part of a comprehensive approach to encourage a sober lifestyle, your individual supervision program will include a combination of substance use treatment, mental health treatment, cognitive behavioral therapies, frequent and random biological testing for alcohol and/or drug use, regular court hearings, and regular contact with your assigned community justice counselor to assist you in obtaining additional services.

The DUI Court Judge will be closely involved in your case as a team member. 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.

DUI Court participants will be eligible for a plea deal to decrease jail time and are placed on up to 60 months of supervision; however, you can graduate in approximately 36 months once you complete all five phases. **You must have four consecutive months (120 Days) of abstinence prior to graduation.** The DUI Court is designed to address your substance use disorder, mental health issues, criminal thinking, social and family problems, transportation, housing and your employment or education needs.

Your individual program is subject to change by the 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. **Each participant's progress through the program is based solely on the individual performance and compliance with the phase system.**

Eligibility Criteria and Disqualifiers

Eligibility Criteria

DUI Court is a court designed to address High Risk and High Need offenders with a second or third offense within seven years. **Any potential DUI Court participant must observe one DUI Court docket prior to formal entry into DUI Court.**

When determining whether an offender is high risk, the following indicators should be looked for:

1. Offender has a cluster of DUIs outside the seven-year period.
2. Offender has a failed or prior completed Deferred Prosecution.
3. Offender has other Alcohol or Drug related offenses (i.e., Domestic Violence, Theft of Alcohol, or other drug-based crimes).

NOTE: First time offender may be eligible if they meet high risk/high need criteria, however the main focus is on offenders that meet the criteria above.

The following individuals ARE NOT ELIGIBLE for DUI Court:

- Individuals who are currently charged with or who have been previously convicted of a **serious violent offense or sex offense** defined in RCW 9.94A.030.
 - (a)
 - 1) Murder in the first degree
 - 2) Homicide by abuse
 - 3) Murder in the second degree
 - 4) Manslaughter in the first degree
 - 5) Assault in the first degree
 - 6) Kidnapping in the first degree
 - 7) Rape in the first degree
 - 8) Assault of a child in the first degree
 - 9) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or
 - (b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection

***Continued on next page.

The following individuals ARE NOT ELIGIBLE for DUI Court (continued):

- Individuals who are currently charged with or who have been previously convicted of a **serious violent offense or sex offense** defined in RCW 2.30.030 (3)
 - (a) Individuals who are currently charged or who have been previously convicted of a serious violent offense or sex offense as defined in RCW [9.94A.030](#);
 - (b) Individuals who are currently charged with an offense alleging intentional discharge, threat to discharge, or attempt to discharge a firearm in furtherance of the offense;
 - (c) Individuals who are currently charged with or who have been previously convicted of vehicular homicide or an equivalent out-of- state offense; or
 - (d) Individuals who are currently charged with or who have been previously convicted of: An offense alleging substantial bodily harm or great bodily harm as defined in RCW [9A.04.110](#), or death of another person.

The following may be disqualifiers for DUI Court:

- Current Therapeutic Court involvement
- ICE or DOC community custody holds
- Residency outside Spokane County
- Active gang affiliation
- Use of marijuana
- Active Federal Probation
- Pending felonies
- Cases in active warrant status
- Pending cases from other counties
- Presumptive window for allowing case into DUI Court is 120 days regardless of blood draw timing issues or refile length

PHASE STRUCTURE

Phase 1: Acute Stabilization (Orientation & Engagement)

You must remain in this phase for at least 60 days

- Serve mandatory minimum sentence (if applicable after reduction)
- Attend the DUI Victims Impact Panel
- Attend court every week
- Monthly home visits
- Meet with Community Justice Counselor at least once per week
- Random drug and alcohol testing at a minimum of 8 x per month
- Daily alcohol monitoring with curfew from 9:00 PM – 5:00 AM
- Additional testing at Community Justice Services Department discretion
- Obtain medical assessment and primary care provider
- Schedule a mental health assessment by completion of phase 1
- Develop an education or employment plan (if employed in the marijuana industry must find new employment)
- Develop a transportation plan/childcare plan
- Stable housing with a plan for clean and sober housing
- Plan for changing/eliminating negative people places and things
- Be enrolled into the recommended treatment program with acceptable attendance and participation
- **Personal Project:** Indicating why you should be promoted to Phase 2. Include accomplishments to this point, sanctions and behaviors changed to overcome possible repeat behavior.

In order to complete Phase 1:

- Minimum of 60 days since opting in
- Minimum of 14 consecutive days clean, sober and violation free at the end of phase one
- Complete education or employment plan
- Complete transportation and childcare plan
- Live in stable housing with a plan for clean and sober housing
- Attended the DUI Victims Impact Panel
- Completed mandatory minimums (if applicable)
- Engaged in treatment
- Compliant with supervision
- Develop a plan for resolving outstanding warrants (if applicable)
- At least **TWO Face to Face** Interactions with officers during house visits
- Complete and present to the court your project and application to move to Phase 2

Phase 2: Clinical Stabilization (Early Recovery)

You must remain in this phase for at least 90 days

- Attend court every other week
- 2 home visits
- Meet with Community Justice Counselor weekly
- Random drug and alcohol testing at a minimum of 8 x per month
- Daily alcohol monitoring with curfew from 10:00 PM – 5:00 AM
- Additional testing at Community Justice Services Department discretion
- Obtain a mental health assessment
- Address medical issues if present
- Making progress toward education or employment plan
- Follow transportation plan (including insurance, Ignition Interlock etc.)
- Following childcare plan (if applicable)
- Develop financial plan
- Maintain stable housing with a plan for clean and sober housing
- Demonstrate changing negative people places and things
- Be in compliance with treatment (SUD and MH if applicable)
- Comply with supervision
- Begin peer recovery groups per treatment plan
- **Personal Project:** Indicating why you should be promoted to Phase 3. Include accomplishments to this point, sanctions and behaviors changed to overcome possible repeat behavior. Also include personal short and long-term goals.

In Order to Complete Phase 2:

- Minimum of 90 days in Phase 2
- Minimum of 30 consecutive days clean, sober and violation free at the end of phase 2
- Engaged in treatment
- Compliant with supervision
- Addressing medical issues if necessary
- Following transportation plan
- Following childcare plan if applicable
- Maintaining stable housing with a plan for clean and sober housing
- Engaged in peer recovery groups per treatment plan
- Develop a plan for resolving outstanding warrants (if applicable)
- At least **TWO Face to Face** Interactions with officers during house visits
- Complete and present to the court your project and application to move to Phase 3

Phase 3: Pro-Social Habilitation (Maintenance & Relapse Prevention)

You must remain in this phase for at least 90 days

- Attend court once per month
- 2 home visits
- Meet with Community Justice Counselor a minimum of two times per month
- Random drug and alcohol testing at a minimum of 8 x per month; no option of make-up UA test
- Additional testing at Community Justice Services Department discretion
- Address medical issues (if applicable)
- Maintain active employment, education, or skill development program
- Follow established transportation plan (including insurance, Ignition Interlock etc.)
- Follow established childcare plan
- Develop Community Service Plan
- Address financial plan
- Live in clean and sober housing
- Demonstrate changing negative people, places, and things
- Be in compliance with treatment
- Comply with supervision
- Maintain peer recovery groups
- Begin cognitive behavioral program
- Establish recovery network
- Establish pro-social activity
- **Personal Project:** Indicating why you should be promoted to Phase 4. Include accomplishments to this point, sanctions and behaviors changed to overcome possible repeat behavior. Also include personal short and long-term goals.

In Order to Complete Phase 3:

- Minimum of 90 days in Phase 3
- Minimum of 45 consecutive days clean, sober and violation free at the end of phase 3
- Engaged in treatment
- Compliant with supervision
- Establish pro-social activities and recovery network
- Provide proof of active employment, education, or enrollment in skill development program
- Have developed a community service plan (40 hours required for graduation)
- Develop a plan for resolving outstanding warrants (if applicable)
- At least **TWO Face to Face** Interactions with officers during house visits
- Complete and present to the court your project and application to move to Phase 4

Phase 4: Adaptive Habilitation

You must remain in this phase for 90 days

- Attend court once a month
- 2 home visits
- Meet with Community Justice Counselor a minimum of one time per month
- Random drug and alcohol testing at a minimum of 8 x per month; no option of make-up UA test
- Additional testing at Community Justice Services Department discretion
- Address medical issues (if applicable)
- Maintain active employment, education, or skill development program
- Follow transportation plan (including insurance, license reinstatement, and IID if applicable)
- Follow childcare plan
- Follow financial plan
- Live in clean and sober housing
- Demonstrate changing negative people, places, and things
- Be in compliance with treatment
- Comply with supervision
- Maintain peer recovery groups
- Continue cognitive behavioral program
- Maintain recovery network
- Maintain pro-social activity
- Address ancillary services (i.e., parenting, family support)
- **Personal Project:** Indicating why you should be promoted to Phase 5. Include accomplishments to this point, sanctions and behaviors changed to overcome possible repeat behavior. Include goals for after treatment is completed, formulate a plan for relapse prevention, and identify support system.

In Order to Complete Phase 4:

- Minimum of 90 days in Phase 4
- Minimum of 60 consecutive days clean, sober and violation free at the end of phase 4
- Engaged in treatment
- Compliant with supervision
- Engaged in pro-social activities
- Engaged in recovery network
- Provide proof of active employment, education, or skill development program
- Live in clean and sober housing
- Address ancillary services (parenting, family support)
- Have developed and begun community service plan (40 hours required)
- Have resolved outstanding warrants
- At least **TWO Face to Face** Interactions with officers during house visits

Phase 5: Continuing Care

You must remain in this phase for 90 days

- Attend court once per month
- 2 home visits
- Meet with Community Justice Counselor a minimum of once per month
- Random drug and alcohol testing at a minimum of 4 x monthly; no option of make-up UA test
- Additional testing at Community Justice Services Department discretion
- Address medical issues (if applicable)
- Maintain active employment, education, or skill development program
- Follow transportation plan
- Follow childcare plan
- Follow financial plan
- Live in clean and sober housing
- Demonstrate changing negative people, places, and things
- Be in compliance with treatment
- Comply with supervision
- Maintain peer recovery groups
- Complete cognitive behavioral program
- Maintain recovery network
- Maintain pro-social activity
- Address ancillary services (i.e. parenting, family support)
- Development of continuing care plan
- **Phase 5 project: Complete essay detailing what you have learned throughout each phase in DUI Court.**

In order to complete Phase 5:

- Minimum of 90 days in phase 5
- Minimum of 90 consecutive days clean, sober and violation free
- Successfully completed all treatment including cognitive behavioral therapy
- Compliant with supervision
- Maintained pro-social activities and recovery network
- Maintain all other services and requirements
- Continuing care plan completed
- Employed or enrolled in education or skill development program
- Living in clean and sober housing
- At least **TWO Face to Face** Interactions with officers during house visits

Pre-Graduation (Remaining time if Phase 5 is completed before 36 months)

- Monthly or every other month court appearance as determined by the team
- Monthly or every other month meeting with your Community Justice Counselor
- Random drug and alcohol testing at a minimum of 4 x monthly
- At least **ONE Face to Face** Interaction with officers during house visits
- Notify Community Justice Counselor of any police contact
- Notify Community Justice Counselor of any changes in your address or phone number
- Maintain Conditions of DUI Court Contract
- Maintain Conditions of Supervision

Additional Information

The phase structure will last for at least 36 months and can be extended due to noncompliance or until satisfactory completion of all requirements are achieved. The minimum period of probation is 36 months. If a participant has been in DUI Court for at least 36 months and has successfully completed all five phases, probation will terminate at the time of graduation.

Home Visits: All participants are expected to fully cooperate with Law Enforcement requests during at-home visits. These visits will occur throughout participation in DUI Court. During these visits you may be asked to provide a breath sample for alcohol. Additionally, you may not have alcohol, drugs or non-prescribed medications in your residence or vehicle. Sanctions may be imposed for violations, including not cooperating with any requests to enter and search your premises or vehicle for prohibited substances. Law enforcement provides information about your progress and your behavior outside of the court room. Refusal to consent to a search may lead to the issuance of a Search Warrant, with sufficient probable cause. Officers assist the court by enforcing DUI Court Bench Warrants. Their professional observations, opinions and written reports as experienced community policing officers play an important role in determining how well you are doing in the program.

Employment in retail alcohol and marijuana sales and service industry:

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

Roles of DUI Court Team

DUI Court Judge Kristin O’Sullivan

The Judge, or her designee, will preside over all DUI Court hearings and participate as an active member of the multidisciplinary team. The Judge will assist in motivating and monitoring the participants in their success in DUI Court. She will ensure a cooperative atmosphere for attorneys, community justice counselors, law enforcement, and treatment providers. The Judge will be responsible for all final decisions regarding incentives and sanctions.

Community Justice Counselor (Probation) Sean Red

Community Justice Counselor will participate as an active member of the DUI Court multidisciplinary team. They will provide coordinated and comprehensive supervision and case management. The community justice counselor will monitor random alcohol and drug testing, including breathalyzer testing, CAM, GPS, or other Electronic Home Monitoring. Community justice counselor is responsible for team communication on behalf of participants for requests of the court, travel passes, and other communication.

Prosecutor Joni Morse

A Prosecutor will be assigned to the DUI Court and participates as a member of the multidisciplinary team. The prosecutor operates in a non-adversarial manner during court to promote a sense of a unified team presence while addressing participant’s needs utilizing a therapeutic approach. The prosecutor participates in court promoting activities.

Public Defender Bob King and Bridget Condon

A Public Defender is assigned to the DUI Court multidisciplinary team. The Public Defender will advise the defendant as to the nature and purpose of the DUI Court, the rules governing participation, the consequences of abiding or failing to abide by the rules, and how participating or not participating in DUI Court will affect his/her interests. The Public Defender will also participate as a Team member, operating in a non-adversarial manner during court, to promote a sense of a unified Team presence.

Treatment Providers Patricia Shropshire and Sue Hernandez

Attend DUI court staffing and courts hearings while maintaining a professional relationship as a member of the multidisciplinary team. Treatment will advocate for clients in a therapeutic manner as they provide access to a continuum of treatment and other related services and monitor treatment compliance. Service categories include substance use outpatient and intensive outpatient, co-occurring disorder, mental health, and gambling use disorder treatment.

Spokane Police Department Matthew Breese and Mike Thomas

Police officers attend DUI Court staffing meetings to provide law enforcement insight and perspective regarding DUI Court participants as part of the multidisciplinary team. Officers will provide information and support to participants in the community and encouraging them to succeed in their participation of the DUI Court. Officers will also conduct curfew checks and house checks on participants. Officers create and foster healthy relationships with participants while ensuring community safety.

Frequently Asked Questions (FAQ)

How much time will the process take?

Each participant will be assessed whether they meet the criteria to participate in DUI Court. This involves a series of meetings with attorneys and completing evaluations. Participants will initially meet with their attorney to determine whether they meet specific criteria. Next, each participant will need to undergo the CARS assessment, this assessment takes up to 2 hours to complete. Then, the participant will be required to complete an Alcohol/Drug evaluation at a qualifying facility, these assessments can take up to 3 hours. Upon entry into DUI court this evaluation, if not completed with New Horizons, will be shared with New Horizons, where treatment will take place. **Any potential DUI Court participant must observe one DUI Court docket prior to formal entry into DUI Court.**

What if I relapse?

Substance use disorder can be an all-consuming and devastating disease. The 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 the team and treatment counselors to make appropriate recommendations.

A self-reported relapse does not necessarily lead to termination from the DUI Court or from treatment. **You will get credit for your honesty, which will be reflected in the outcome of your violation hearing in front of the judge. If you are dishonest about a relapse, sanctions may apply.**

What is a therapeutic intervention?

Therapeutic interventions are tools the team utilizes to assist a participant in overcoming program noncompliance. Failure to progress in the program, attend treatment sessions, or meet program requirements may result in a therapeutic intervention, as ordered by the court.

- Verbal admonishment
- Apology letter to judge, team, and fellow participants
- Essay/Presentation or other writing assignment
- Increased or imposed curfew times
- Weekly court appearance
- Additional check-ins with community justice services
- Increase in treatment requirements
- Community Service hours
- Increased drug and alcohol testing
- Extended time in phase
- Breath testing device with camera
- GPS/EHM/Alcohol monitoring bracelet

What are sanctions and what type of sanctions will the court impose?

Failure to comply with the DUI Court program requirements may lead to court intervention or sanction. Continued failure to progress in the program after therapeutic court interventions, or any other failed behavior may result in sanctions, as ordered by the court.

- Breath testing device with camera
- GPS/EHM/Alcohol monitoring bracelet
- DOC work crew
- Flash sanction (booked into jail from court)
- Termination from DUI Court with imposition of suspended sentence

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 the community justice counselor. You will have an opportunity to 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.

How are alleged violations handled?

DUI Court Violation hearings will be conducted in a different manner than traditional Probation Violation hearings. Alleged violations will be discussed prior to Court, in staffing, by all DUI Court Team Members. The nature of the alleged violation will be discussed, including possible defenses, and recommendations will be made to the Judge. No decision will be rendered during this meeting. Before the court hearing begins your attorney will discuss the alleged violation with you and determine whether to address the violations that day or whether to set a contested hearing at a future date. If the alleged violation is addressed that day in Court, you will be allowed the opportunity to address the Court on the matter and the Court will then render its decision. The Court's decision will be the final judgment on the Violation.

What are incentives?

Incentives are given to recognize participants who have achieved measurable accomplishments and goals. At the court's discretion, any of the following incentives may be granted:

- | | |
|-----------------------------------|---------------------------------|
| • Verbal praise and encouragement | • Candy or other treats |
| • Applause | • Decreased court appearances |
| • Phase advancement | • Reduction of supervision |
| • Travel approvals | • Keychains |
| • Gift cards | • Notebooks |
| • Bus passes | • Graduation ceremony and award |
| • Uber or Lyft Gift Cards | |

***This list is not exhaustive and additional incentives may be added at any time.

How do alcohol / drug screens work?

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

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

Definitions:

- Refusal: Refusing to test when asked.
- Rejected: Testing agency may reject sample due to heavy sediment in urine, super clear urine or abnormal smell.
- Dilute test: All urine samples that return from the lab with a creatinine level below 20 ng are considered dilute and are treated as a positive. A dilute screen is caused by consuming large amounts of excessive fluids, i.e. water, coffee, tea or soda. This technique is an attempt to manipulate UA results and will be considered a violation. Claiming that you did not know, will not be an acceptable excuse.
- Abnormal test: Urine creatinine that is either below 20 ng /dL or above 400 ng /dL is considered an abnormal urine sample.
- Missed test: failure to appear for a pre-scheduled testing time
- Adulterate or falsify: The intentional tampering with a urine sample by the donor. Examples: Eating or drinking substances that may alter the test, adding substances directly to the urine to alter results, diluting or substituting specimen with someone else's drug free urine.
- UTP (Unable to Provide): Participant is unable to provide a urine sample at the time of testing.

Frequency of testing is subject to change at court's discretion at any time. While participating in the DUI Court, you may not consume any alcohol, marijuana or other illegal drugs at any time for any reason.

Participants are informed of different nonalcoholic/drug-based substances that may lead to positive results testing. Participants are responsible for what they put in their body. A participant's claim that he or she did not know is not an acceptable excuse.

Participants can ask to be retested if they believe their sample is diluted or otherwise not acceptable. The first retest per month is covered by the court, any additional tests will be paid for by the participant.

WARNING:

Do not ingest non-alcoholic beer or wine, Kombucha Tea, poppy seeds in any form (muffins, bagels), 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 (including THC free CBD), 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 community justice counselor. **Once again, claiming that you did not know, will not be an acceptable excuse.**

What if I have a serious medical condition or have a current medical prescription medication?

In general, if you have a serious medical condition, you will not be excluded from the 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 community justice counselor and **must** advise the team of any changes in your medications. All prescriptions **must** come from a primary care physician or ARNP, the primary care physician of a participant **cannot** be changed without notifying the court beforehand. Prescriptions must be current and taken as prescribed.

What if I have a mental health condition that requires medication and/or I am diagnosed with one during my time in DUI Court?

If you have a diagnosed mental health issue which requires medication you **must** remain on that medication even if this issue is discovered during the course of your time in the DUI Court, all medication **MUST** be taken as prescribed. This medication cannot be in violation of DUI Court’s consumption policy.

What is Cognitive Behavioral Therapy?

Cognitive Behavioral Therapy (CBT) is the term used for a group of psychological treatments that are based on scientific evidence. These treatments have been proven to be effective in treating many psychological disorders.

CBT is different from many other therapy approaches by focusing on the ways that a person's cognitions i.e., thoughts, emotions and behaviors are connected and affect one another.

In cognitive therapy, participants learn to:

- Distinguish between thoughts and feelings
- Become aware of the ways in which thoughts can influence feelings in ways that sometimes are not helpful.
- Learn about thoughts that seem to occur automatically, without even realizing how they may affect emotions.
- Evaluate critically whether these "automatic" thoughts and assumptions are accurate, or perhaps biased.
- Develop skills to notice, interrupt and correct these biased thoughts independently.

Moral Reconation Therapy (MRT) and Moral Reconation Therapy (MRT) Relapse Prevention

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 addressing the participant'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 an open-ended program allowing participants to enter the program at any point in their supervision.

What are the Costs associated with DUI Court?

Alcohol monitoring bracelet: Sliding Scale \$1-\$18 dollars/day (currently covered by DUI Court)

UA testing: \$40 per test (currently covered by DUI Court)

Standard DUI costs (1A Mandatory Minimum Sentencing) *Subject to review.*

Probation costs *Subject to review.*

Can I use prescription medications?

As a general rule, DUI Court participants may not use any Schedule I-IV drugs. If your doctor prescribes medication, you shall sign a release of information between the prescribing doctor and community justice services in order to verify your prescription. Failure to disclose all medical and prescription information may be considered a violation and subject to sanction. Participant must notify doctor of participation in Spokane Municipal DUI Court program before being prescribed any medication. Participant must show DUI Court Contact Card to doctor at every visit.

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

You must notify your community justice counselor **before** you move to a new address or change your phone number. You must notify your community justice counselor immediately if you get a new job, quit, get laid off or fired. You may not reside with a fellow DUI Court participant while in DUI Court.

What if I want to travel outside of Spokane County?

If you need to travel outside Spokane County (or across the state border), you must first contact your community justice counselor 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 compliance. An overnight or out-of-state trip (including travel across state border) will require a travel request form to be submitted at minimum 2-days before planned travel. The travel request form must contain your relapse prevention plan. DUI Court team will review and grant permission or deny your request. You may be required to be on alcohol monitoring or GPS while on approved travel and you may be required to do a urinalysis test **prior** to leaving and **immediately** upon return. In the event an emergency trip outside of the County is needed it must be reported (via email, voicemail, phone call, text message) to your community justice counselor prior to leaving and you will be subject to **immediate** testing upon return.

What if I have contact with Law Enforcement?

You must report all police contact to your community justice counselor within 24 hours of contact. (Messages left for community justice counselor will be considered contact)

Police/Law Enforcement contact includes any sort of interaction with law enforcement personnel, including outside Probation/Parole agencies. Must present DUI Court Contact Card to law enforcement upon contact. 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 community justice counselor.

If you receive a subpoena or a restraining order, or are a party to a lawsuit, you must report that to your community justice counselor.

RULES AND RESPONSIBILITIES

CONFIDENTIALITY

You are required to sign a Release of Information which allows Community Justice Services Department to give information to the DUI Court Team. The team consists of the judge, prosecuting attorney, public defender, court coordinator, community justice counselor, law enforcement and treatment provider. 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.

Participants will be required to sign the DUI Court Release of Information & Waiver of Rights and Publicity Consent Form.

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 clerk.

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.

COURT ATTENDANCE

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

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 court date.***

Absences may be excused if a documented reasonable excuse for the absence is provided.

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
- Be respectful of others
- No food or beverage in the courtroom
- No smoking
- No chewing gum
- No chewing tobacco
- No vaping
- Do not bring your children to court
- The Judge should always be addressed as “Judge” or “Your Honor”
- Be on time and do not leave during the hearing except to use the restroom
- No cell phone use during court
- **Dress appropriately.** Clothing bearing alcohol or drug related themes or promoting, or advertising alcohol or drug use is considered inappropriate. Do not wear hats, sunglasses, short shorts, short skirts, low cut tops or tank tops. Dress that is disturbing and distracting in court is inappropriate and disruptive to the judicial process.

ZOOM COURTROOM BEHAVIOR

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.
 - a. Just like the hearings we hold in court; you are expected to participate throughout the entire hearing. Please do not move around during the hearing or leave the screen. You can mute your microphone, but please remain in the camera’s view.
 - b. Please do not get in a car and drive around.
- **Dress appropriately.** Clothing bearing alcohol or drug related themes or promoting, or advertising alcohol or drug use is considered inappropriate. Do not wear hats, sunglasses, short shorts, short skirts, low cut tops or tank tops. Dress that is disturbing and distracting in court is inappropriate and disruptive to the judicial process.

GRADUATION

You will be eligible for graduation once you have completed all five phases as outlined above and have been in DUI Court for a minimum of 36 months. The time frame varies according to your performance and will be determined by the 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 the DUI Court and accomplishment of achieving a clean and sober life.

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 the DUI Court is to lead by example, and to help facilitate abstinence and outreach prevention programs. All graduates are invited to participate.

DUI COURT CONTRACT-FELONY REDUCTION

Upon entry of a plea of guilty, the defendant agrees to the following terms of probation as conditions of entry into Spokane Municipal DUI court:

MANDATORY CONDITIONS OF SENTENCE

- ☐ (a) The defendant shall not drive a motor vehicle without a valid license. (b) The defendant shall not drive a motor vehicle without proof of liability insurance or other financial responsibility. (c) The defendant shall not drive or be in physical control of a motor vehicle with an alcohol concentration of .08 or more or a THC concentration of 5.00 nanograms per milliliter of whole blood or higher, within two hours after driving. (d) The defendant shall submit to a breath or blood alcohol test upon the reasonable request of a law enforcement officer. (e) The defendant shall not drive a motor vehicle without a functioning ignition interlock device as required by the Department of Licensing. **For each violation of the above mandatory conditions, the court shall order your confinement for a minimum of 30 days, which may not be suspended or deferred. For each incident involving a violation, the court shall suspend your license for 30 days.**
- ☐ No criminal violations of law or alcohol related infractions.
- ☐ Comply with the rules and requirements of the Department of Licensing regarding the installation and use of a functioning ignition interlock device.
- ☐ Comply with the requirement to install an ignition interlock device for 6 months in addition to any other ignition interlock device requirements imposed by the Department of Licensing or the court. (Passenger under 16, RCW 46.61.5055(6).)
- ☐ The court has ordered the defendant to refrain from consuming any alcohol or drugs. The defendant must comply with alcohol and drug monitoring as authorized by law

ADDITIONAL CONDITIONS OF SENTENCE

- ☐ Supervised Probation for **60** months subject to reduction (**minimum of 36 months**) depending on progress and graduation by the Defendant. Abide by all rules and regulations of Community Justice Services Department as outlined in the DUI Participant Handbook.
- ☐ Obtain a drug/alcohol evaluation and follow any recommended treatment.
- ☐ Obtain a mental health evaluation and follow any recommended treatment.
- ☐ No use, possession, or consumption of alcohol, marijuana, or controlled substances unless prescribed and then only in the manner prescribed and comply with DUI Court policies.
- ☐ Complete the Victim Impact Panel.

- ☐ Complete a cognitive behavioral course.
- ☐ Complete the 40 hours community service hours required for graduation.
- ☐ Advise doctor of participating in DUI Court and substance abuse treatment, must show “DUI Court Contact Card” at doctors’ visit, and advise doctor to add note to medical records.
- ☐ Submit to testing for drugs and alcohol throughout the term of probation.
- ☐ No driving without a valid license or meeting interlock requirements. Violations will be handled on a case-by-case basis and may involve an immediate jail sanction and up to termination.

TESTING CONTRACT

- ☐ I understand I will be drug and alcohol tested frequently and on a random basis throughout the DUI Court program.
- ☐ I understand my testing frequency can be increased at any time while in the DUI Court program.
- ☐ I understand drug and alcohol testing will be performed on weekdays, weekends and Holidays.
- ☐ I understand drug and alcohol testing will be performed by a laboratory or program approved by the DUI Court.
- ☐ I understand that I must arrive at the testing facility as soon as possible after being notified that a test has been scheduled. You will be sanctioned for a missed test.
- ☐ I understand a staff person will directly observe the collection of test specimens. The staff person will be the same gender as you unless you, your defense attorney or your therapist request otherwise.
- ☐ I understand failure to provide a test specimen or providing an insufficient volume of fluid for analysis is a violation of the rules of the program and will be sanctioned accordingly.
- ☐ I understand I may not drink any fluid excessively before testing.
- ☐ I understand that I must avoid environmental contaminants such as alcohol-based hand sanitizer, perfumes, colognes, bug sprays or other chemicals such as paint lacquers, solvents, and gasoline.
- ☐ I understand I may be subjected to immediate spot testing if the DUI Court has reason to suspect use.

- ☐ I understand I have the right to challenge the results of a screening test by confirming the results through a laboratory-based test and may be charged the cost of the confirmation test.
- ☐ I understand I will be sanctioned for providing diluted, adulterated, or substituted test specimens. Urine specimens below 90 degrees F, above 100 degrees F, or that have a creatinine level below 20 ng/dL will be presumed to be diluted or fraudulent.
- ☐ I understand if I'm unable to provide a urine specimen, miss a random test or dilute, the court will consider the test a positive.
- ☐ I understand I will be sanctioned for using synthetic substances such as K2 or Spice that are designed to avoid detection by standard drug tests.
- ☐ I understand poppy seeds and flavoring extracts (for example: vanilla and almond extract) can result in a positive test.
- ☐ I understand using passive inhalation or secondhand exposure will not be allowed as an excuse for a positive test.
- ☐ I understand it is **my responsibility to read product labels** and to avoid exposure to products and substances that contain ethyl alcohol.
- ☐ I understand I will not be able to take nutritional supplements and herbal dietary supplements without contacting my community justice counselor for permission because they could negatively affect my urine test results.
- ☐ I understand that I am not allowed to use marijuana or any of its biproducts including but not limited to edibles, lotions, and oils.
- ☐ I understand that non-alcoholic beer and wine contain enough alcohol to result in a positive test and that I am prohibited from consuming these products.
- ☐ I understand that I will only take prescribed medication that is prescribed to me. I will provide my community justice counselor documentation of all prescriptions.
- ☐ I understand I am responsible for all testing costs.
- ☐ I have read and understand my responsibilities detailed above.

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 team to discuss my DUI Court case and treatment outside the courtroom and outside my presence. I further understand that my case may be accessed by members of each respective agency while in DUI Court.
- ☐ 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 community justice counselor. I further allow the Court and community justice counselor to disclose that treatment information to DUI Court team members and other medical, mental health and treatment providers.
- ☐ I authorize the community justice counselor and Court to discuss my treatment progress and records during DUI Court sessions. I authorize the community justice counselor and treatment provider to disclose to the DUI Court Judge the results of any urinalysis and to have those results discussed in court.
- ☐ I authorize my sentence judgment, 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.

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 this consent and release, or have had it read and explained to me, fully understand its contents, and enter into it voluntarily and without coercion.

ACKNOWLEDGMENT AND AGREEMENT

I, _____ have read/have been read the DUI handbook and agree to the terms stated in the handbook and by the Spokane Municipal DUI Court program. I understand that if I do not follow the court's rules, I can be terminated from DUI Court with imposition of my suspended sentence. I have received a copy of this agreement and agree to its terms and conditions.

Participant signature

Date

Defense Counsel

Date

Prosecuting Attorney

Date

DUI COURT PROGRAM CONTACT INFORMATION

Spokane Municipal Community Justice Services Department

1100 W. Mallon Ave

Spokane, WA 99260

Phone: (509) 622-5859

Email: sred@spokanecity.org

City of Spokane Public Defender's Office

824 N. Monroe St.

Spokane, WA 99201

Phone: (509) 835-5955

Office of the City Prosecuting Attorney

909 W. Mallon Ave

Spokane, WA 99201

Phone: (509) 835-5988

New Horizons Care Centers

701 E 3rd Ave

Spokane, WA 99202

Phone: (509) 838-6092 Ext 211

Email: pshropshire@nhccspokane.org

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