



KENT MUNICIPAL DUI COURT

Introduction & Welcome

Welcome to Kent Municipal DUI Court. This handbook is designed to answer your questions 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, comply with the treatment plan developed for you by your evaluator/treatment provider, and cooperate with probation.

If you are reading this handbook it means that you are a candidate for DUI Court based on your history of alcohol/drug use and other encounters with law enforcement. It also means that we are confident that DUI Court will help you learn how to make successful choices free from the influence of alcohol or drugs.

Overview

DUI Court is a five-phase program for adults who have been charged with DUI or Physical Control and have a history of alcohol and/or drug abuse. It is a collaborative effort between the Judge, Prosecuting Attorney's Office, Public Defenders' Office, Kent Police Department, Kent Probation, and local treatment providers. By working together, the DUI Court Team will work to provide a variety of programs and supervision geared toward helping you maintain an alcohol/drug free life.

DUI Court involves frequent court appearances, inpatient and/or outpatient treatment, random urinalysis or other alcohol/drug testing, regular sober support group meetings, counseling, and homework assignments. The DUI Court awards incentives for compliant behavior and imposes sanctions for negative behavior. Participants who do not comply with the rules may be placed in short-term custody,

and/or moved back to the previous phase of DUI Court. Other sanctions may be imposed as deemed appropriate by the DUI Court Team.

Participants may also be terminated from DUI Court for major sanctions, a culmination of minor sanctions, or by showing a general lack of progress with treatment. It is your responsibility to ensure that you understand what is required of you as a DUI Court participant and that you are in compliance with the program.

Understand that your participation in the DUI Court program is a privilege, it is not a right. You are required to follow all DUI Court rules in addition to following any and all recommendations made by the DUI Court Judge or your treatment provider. Failure to follow such recommendations could result in sanctions or termination from the program.

DUI Court Team

The DUI Court Team consists of the following members:

- Kent Municipal Court Judge
- DUI Court Defense Attorney (your attorney)
- Prosecuting Attorney
- Court Administrator
- Kent Municipal Court Probation
- Treatment Provider(s)
- Law Enforcement

Prior to the DUI Court session, the DUI Court Team members meet to discuss your progress. During this meeting, the DUI Court Team discusses your compliance/lack of compliance, possible sanctions or incentives, and the direction that your individualized treatment will take based on your individual circumstances and needs.

DUI Court Hearings

As a DUI Court participant, you will be required to appear in DUI Court on a regular basis. Failure to appear will result in a warrant being issued for your arrest and

detention in jail until you can appear before the Court. If you have questions about your court appearances you may contact your Probation Officer or your attorney. Any absence from DUI Court participation must be excused at least one week prior, unless such absence is due to an unforeseen emergency and sufficient proof of such is provided.

The Truth

1. You must tell the truth at all times to DUI Court Team members, law enforcement officers, treatment providers, medical providers, and court employees.

Releases & Sharing Information

2. You must agree to sign any and all releases of information necessary to allow the DUI Court Team to monitor your progress, your conduct, law enforcement issues, alcohol/drug use and medical issues and to allow all team members, treatment providers, medical providers and others to discuss your situation freely with each other. Your confidential information will not be disclosed to other outside parties without your permission, unless authorized by law.

Alcohol & Drug Consumption and Contact

3. You will not possess or consume alcohol in any form.
4. You will not possess or consume any illegal drug, marijuana in any quantity or form, or any non-prescribed controlled substance. You will not possess drug paraphernalia. You are also prohibited from the medical use of marijuana, even if prescribed by a physician, unless expressly authorized by the DUI Court team.
5. You will not live or stay in any home where alcohol, marijuana, illegal drugs or non-prescribed controlled substances are located or consumed. You will not be present at any establishment where the primary business is selling

alcohol or marijuana. You will not be present at any location where illegal drugs or marijuana is possessed, consumed or distributed.

6. You will not associate with persons who are using alcohol, marijuana, or controlled substances, or any persons who are distributing marijuana or controlled substances, or persons who are engaged in a criminal or drug life style.
7. It is your responsibility to develop and maintain relationships that are positive and beneficial to your recovery. You may be required to discuss and/or explore the impact a given relationship has on your recovery.
8. You will use over-the-counter medications only as recommended by the manufacturer. You will inform your chemical dependency counselor if you need any prolonged or regular use of over-the-counter medications. You will not use Nyquil, generic substitutes, or any cough, cold, or other medication containing alcohol. You will not use any personal care products (such as mouthwash) that contain alcohol.
9. You will inform any medical professional who you see for treatment of your DUI Court status and addiction/abuse history. You may be required to sign the required medical release and ask the medical professional to consult with the DUI Court team. You will inform your probation officer within 72 hours of seeing any medical provider.
10. Any time you receive any prescription for any drug or any direction from a medical care provider to take any drug or medication, you will inform your chemical dependency counselor and your probation officer immediately and will bring any and all drugs in their proper containers to your probation officer for inspection. You must also bring the medication to each probation appointment and urinalysis test for monitoring.
11. You may not be able to participate in DUI Court if you have a chronic or prolonged need for medications that are narcotic, addictive or mood altering, even if prescribed by a physician.

Urinalysis and Other Testing

12. You must submit to frequent, random, and observed urine samples for testing as directed by the DUI Court Team. You must call the designated phone number daily and provide samples as required. If you miss a test, are late for a test, refuse a test, or fail to provide a test within the designated time period, it will be regarded as a positive test. It is your responsibility to know when you are to be tested and to be at the designated test site promptly at the scheduled time.
13. You are responsible to ensure that you do not consume any substance which may result in a positive, out of range, adulterated or diluted urine test. You will take no actions and use no devices or substances that may alter test results. Falsification of a urinalysis test may result in sanctions or termination from the program.
14. If you contest a positive result, and the test is confirmed positive by a laboratory, you will be responsible for the cost of the testing, and you will be sanctioned for dishonesty.

Treatment

15. You must follow and successfully complete the treatment plan developed by your treatment provider. This may include extended inpatient treatment, residential placement, intensive outpatient treatment, and any other treatment requirements, which will be based on your individual needs. You will follow all rules, regulations and requirements of any treatment program you participate in.
16. You must attend frequent sober support/ "self-help" meetings (AA, NA, etc.) as directed by the DUI Court Team and/or your treatment provider. You must also verify your attendance with approved forms and participate fully in the methods of recovery recommended by those meetings/programs. Your attendance forms may not be filled out by any other current DUI Court participant. Credit will not be given for more than one meeting per day.

17. You will participate to the best of your ability in any recommended therapy or treatment for problems other than alcohol and drugs.
18. You will participate to the best of your ability and successfully complete any recommended educational or vocational program or services. This may include high school, a GED program, college, vocational programs, work training, work search programs, etc.
19. If you are not in an educational program, you must actively seek and obtain employment as directed. You understand that your employment prospects may be limited to the extent employment requires you to possess alcohol and/or drugs.
20. You are expected to have suitable housing. Part of recovery is maintaining a clean residence and lifestyle. If a lawful search of your residence demonstrates that you are maintaining unsuitable living conditions, you may be sanctioned. If you are residing at a clean/sober house, you must follow all rules of the house. Failure to do so could result in sanction(s) or termination from this program.
21. You agree to follow the requests and directions of the DUI Court Team and all rules and procedures established for DUI Court.

Court Hearings

22. You will be present at all of your scheduled DUI Court sessions and expected to stay during the entire time unless excused prior to DUI Court.
23. You will follow all rules and guidelines for your appearance and conduct in court. This includes: no clothing that is immodest, inappropriate or that displays gang, drug, alcohol, crime, sexual or vulgar graphics or words. No short shorts, short skirts, exposed bellies, exposed underwear, or transparent clothing. Shoes are required. Hats must be removed while in the courtroom. No unnecessary talking, noise or distractions.
24. Any use of cellphones will be prohibited in DUI Court.

25. You are encouraged to include parents, relatives, significant others and friends in DUI Court, however, it is your responsibility to ensure that your guests or children are not causing excessive noise or disruption in the courtroom or on your way to and from the courtroom. It is your responsibility to remove disruptive children from the courtroom. If such disruption causes you to miss any portion of court, your attendance may not be excused by the Court and you may receive a sanction. Please seek childcare if necessary to prevent disruptions in court (part of your recovery involves planning ahead). If you bring your child, please bring someone with you who can remove them from the courtroom, if necessary.

26. You will not use disrespectful words or actions or behave in a disrespectful manner to any member of the DUI Court Team, DUI Court participants, employees of the Court, treatment provider employees, or law enforcement. This rule applies at all times, not just while you are in court. You must remember at all times, that your behavior is a reflection on all DUI Court participants and the DUI Court Program.

Law Violations & Contacts with Law Enforcement

27. You must obey all laws. If you engage in any criminal act, you may be prosecuted for any new charges in addition to any sanctions you face in DUI Court.

28. You are expected to engage in law-abiding behavior at all times, this includes violations of the traffic code or infractions.

29. If you are contacted by any law enforcement officer, you must inform the officer that you are a Kent Municipal DUI Court participant. You must inform your Probation Officer within 24 hours if you have contact with a law enforcement officer and you will give full details about such contact.

Providing Notice & Getting Permission

30. You must have or work to obtain suitable housing, a working telephone, and transportation arrangements.
31. You must inform your probation officer within 24 hours of any change in telephone number (including disconnection), residence, employment, training, and/or school. When possible, you will provide 72 hours prior notice of these changes. Always discuss emergency situations with your probation officer as soon as possible.
32. You must obtain permission from the DUI Court Team prior to changing treatment providers. You must first inform your probation officer of your request to transfer treatment providers and reasons why a transfer is being requested. Your probation officer will discuss the transfer with the DUI Court Team and a decision will be made at your next DUI Court hearing.
33. You must obtain permission from the DUI Court Team prior to leaving the State of Washington for any reason.

Sanctions

The DUI Court team will impose sanctions for any violations of DUI Court rules. Any failure to follow any recommendation of the DUI Court Team or your treatment provider, and any other DUI Court rule violation may result in sanctions. Sanctions may include, but are not limited to:

- Verbal reprimand
- Loss of privileges
- Increased treatment requirements
- Additional UAs, meetings or other contacts
- Imposition of a curfew
- Work crew
- Homework assignments
- Community service work
- Return to an earlier phase
- Immediate incarceration
- Termination from DUI Court

Sanctions will be recommended by the DUI Court Team and are designed based on the nature of the noncompliance and your individual situation. The ultimate sanction imposed will be decided by the judge at the time of your hearing. Do not compare any sanctions you or others receive with prior sanctions or future sanctions. The DUI Court Team may have information not disclosed to other participants about individual circumstances and the DUI Court Team recommends sanctions and incentives based on unique and individual circumstances.

Incentives

Upon the recommendation of the DUI Court Team, participants may earn rewards or incentives for compliant behavior. Incentives may include, but are not limited to:

- Praise by the Court/Judge
- Gift certificates
- Raffle tickets
- Prizes
- Sobriety tokens
- Decreased program requirements
- Promotion to next phase
- Certificates of graduation

Community Service

You must perform work for a non-profit organization, i.e., church, charitable, civic or governmental organization. We do not accept community service performed through any internet organization. It is up to you to find a place to work. The non-profit organization does not have to be in the City of Kent. When you complete the hours, proof must be provided in one of two ways. Either have the agency complete the court-approved community service verification form, or the agency must write the Court a short note/letter (on the agency's letterhead/stationary) stating how many hours have been completed. Either must be signed and include a phone number so the information can be verified.

Payments

You are required to be in compliance at all times with your time payment agreement for court costs and fines with the Kent Municipal Court.

Compliance Checks

As a participant in DUI Court, you may be required to submit your person, vehicle, place of residence or other area to a lawful search and seizure of drugs or other contraband at any time. Any law enforcement officer who observes a current participant of DUI Court in any of the following circumstances is authorized to arrest that individual:

- in violation of any criminal law;
- using alcohol, marijuana, illegal drugs or non-prescribed controlled substances;
- being under the influence of alcohol, marijuana, illegal drugs or non-prescribed controlled substances
- possessing alcohol, marijuana, illegal drugs or non-prescribed controlled substances; or
- being in the presence of a person in possession of alcohol, marijuana, illegal drugs or non-prescribed controlled substances.

Participants detained in jail after arrest will be brought before a DUI Court Judge at the next scheduled DUI Court hearing.

Phase Progression

The DUI Court program consists of five distinct phases. Movement between these phases is based on status in treatment, probation, employment/ furthering education goals, abstinence, compliance level, homework assignments and meeting financial obligations. Phases are designed to build upon the skills acquired in the previous phase and allow the participant to more effectively learn to identify and manage their substance abuse and/or co-occurring mental illness/symptoms and foster stable, independent living.

Phase 1 – Acceptance

Start Date: _____

- Minimum 1 month duration
- Read the DUI Court Participant Handbook
- Probation intake within 1 week of entry into DUI Court. Then, attendance as directed
- Enroll and start treatment program based on outcome of the alcohol/drug evaluation
- Identify sober support meeting time & place
- Attend sober support meetings 2x/week, or as directed
- Complete and present "Cost of My Use" homework assignment
- Attend court weekly, or as directed
- Attend randomized urinalysis testing
- No new criminal law or traffic violations
- Obtain DUI Court team approval to phase advancement

Completion Date: _____

Phase 2 – Realization

Start Date: _____

- Minimum 2 months duration
- Attend probation as directed
- Attend Victim Impact Panel
- Attend sober support meetings 2x/week, or as directed
- Maintain compliance with treatment program
- Identify community service organization
- Complete and present "SWOT" homework assignment
- Maintain complete abstinence for 30 days immediately prior to advancing to Phase 3
- Attend court weekly, or as directed
- Attend randomized urinalysis testing
- No new criminal law or traffic violations
- Obtain DUI Court team approval to phase advancement

Completion Date: _____

Phase 3 – Accountability

Start Date: _____

- Minimum 3 months duration
- Attend probation as directed
- Attend sober support meetings 2x/week, or as directed
- Maintain compliance with treatment program
- Complete 10 hours of community service
- Complete and present "Goodbye Letter" homework assignment
- Maintain complete abstinence for 45 days immediately prior to advancing to Phase 4
- Attend court bi-weekly, or as directed
- Attend randomized urinalysis testing
- No new criminal law or traffic violations
- Obtain DUI Court team approval to phase advancement

Completion Date: _____

Phase 4 – Integrity

Start Date: _____

- Minimum 6 months duration
- Attend probation as directed
- Attend sober support meetings 2x/week, or as directed
- Maintain compliance with treatment program
- Complete 25 hours of community service
- Complete and present "Relapse Prevention" homework assignment
- Maintain complete abstinence for 90 days immediately prior to advancing to Phase 5
- Attend court monthly, or as directed
- Attend randomized urinalysis testing
- No new criminal law or traffic violations
- Obtain DUI Court team approval to phase advancement

Completion Date: _____

Phase 5 – Accomplishment

Start Date: _____

- Minimum 12 months duration
- Attend probation as directed
- Attend sober support meetings 2x/week, or as directed
- Maintain compliance with treatment program
- Complete 40 hours of community service
- Obtain GED or have sustained employment (unless otherwise directed)
- Complete and present “My Journey” homework assignment
- Maintain complete abstinence for 180 days immediately prior to advancing to graduation
- Attend court monthly, or as directed
- Attend randomized urinalysis testing
- No new criminal law or traffic violations
- Obtain DUI Court team approval for graduation

Completion Date: _____

Termination

Warrants, new charges, illegal behavior, discharge from treatment, chronic non-compliance and/or continued dishonesty may result in your being terminated from the DUI Court program. If terminated, all remaining jail may be imposed. Other violations, which could result in termination, include the following:

- Failure to appear for alcohol/drug tests;
- Positive alcohol/drug tests;
- Altered alcohol/drug tests;
- Demonstrating a lack of program response by failing to cooperate with your probation officer or treatment program;
- Violence or threat of violence directed at DUI Court Team, other participants of the program or other clients of the treatment providers;
- Lack of attendance without approval;
- Inappropriate sexual relationships with treatment providers and/or other DUI Court participants;
- Warrants;
- New charges;
- Any other noncompliance with these rules, or any recommendations or orders made by the DUI Court Judge.

Graduation

You must participate in the DUI Court program for a minimum of 24 months. In order to graduate you must successfully complete all of the following graduation criteria:

- Complete 75 community service hours
- Maintain complete abstinence for a minimum of 180 days immediately prior to graduation
- Sanction-free for 30 days immediately prior to graduation
- Employed or actively pursuing vocational/educational goals
- Stable living environment
- Financially compliant
- No new criminal law or traffic violations
- Fulfilled all phase requirements, as well as any other probation and/or court conditions
- Obtain DUI Court team approval for graduation

Upon your successful completion of a treatment program and satisfaction of all other court requirements including continued sobriety, you will graduate from DUI Court and your case will be closed.

Graduation from the DUI Court Program is recognized as a very important event. Your loved ones will be invited to join you at a special ceremony as the DUI Court Team congratulates you for successfully completing the DUI Court Program and achieving your goal to establish an alcohol/drug-free lifestyle.

