

# **Yakima County DUI Court Program Participant Handbook**



# **DUI Court**

Helping you put the pieces back together

## TABLE OF CONTENTS

I.	Message to Participant _____	3
II.	Mission Statement _____	4
III.	Program Description _____	4
IV.	Team Members _____	5
V.	Target Population _____	8
VI.	Eligibility Criteria _____	8
VII.	Entry Process _____	9
VIII.	Program Phases _____	9
IX.	Staffing and Hearings _____	14
X.	Termination Criteria _____	14
XI.	Graduation Criteria _____	14
XII.	Sanctions and Incentives _____	15
XIII.	Treatment Protocol _____	16
XIV.	Supervision Protocol _____	18
XV.	Case Management Protocol _____	18
XVI.	Testing Protocol _____	19
XVII.	Fees _____	20
XVIII.	Indigency Determination Policy _____	21
XIX.	Expectation of all Participants _____	22
XX.	Team Members _____	25
XXI.	Handbook Acknowledgement and Receipt _____	26



Dear Participant:

Welcome to the Yakima County District Court DUI Court Program. You are about to begin a process of renewal, a process which will benefit you, your loved ones and the community. The tools you learn will help you establish and maintain a life free of alcohol and drugs. In taking these steps you will improve the quality of your life as well as the safety and security of our community.

This handbook has been created to give you a full explanation of the DUI Court Program, so you can make an informed decision before entering the program and also prepare you to comply with the conditions of this program.

Everything the DUI Court Program asks you to do and not do, contributes to your success at remaining alcohol and drug free. The entire DUI Court team is committed to your success and will do all they can to support your positive efforts. Ultimately, it will be your hard work, determination and your willingness to honestly confront your past that will determine whether you will be successful.

We wish you the best and good luck in your program.

Sincerely,

Alfred Schweppe  
DUI Court Judge

## **MISSION STATEMENT**

The mission of the Yakima County DUI Court is to promote public safety through intensive court monitored treatment and assistance of high risk repeat DUI offenders by utilizing a collaborative approach which demands accountability of the offenders, court and treatment providers while focusing on public safety and a measurable reduction of DUI offenses.

## **PROGRAM DESCRIPTION**

The Yakima County DUI Court program is a court supervised integrated and comprehensive therapeutic court program for nonviolent adults, repeat and or high-risk DUI defendants whose crime(s) is related to or caused by drug and/or alcohol addiction. DUI Court program utilizes a team approach to supervision of participants. The team consists of representatives from the prosecutor's office, public defender's office, probation services, a substance use treatment provider, court, and law enforcement. This is a voluntary program that includes regular court appearances before a designated DUI Court Judge who oversees your progress and compliance.

Merit Resource Services will administer a screening and diagnostic assessment in order to determine appropriateness for the program as well as treatment placement if accepted. All outpatient treatment services will be provided through Merit Resource Services. After acceptance into DUI Court, you will be placed into the appropriate treatment program.

Additionally, a probation officer will be assigned to you. Your probation officer along with other team members will monitor your individual plan as well as compliance with treatment and the rules of the DUI Court Program. Your probation officer will also perform random breath tests, urinalysis tests and home visits. Your probation officer and/or the law enforcement representative on the team will visit your residence without an appointment and will report to DUI Court team with their findings. It is important that you eliminate association with family members, friends, or situations in which alcohol or drugs are in use. Part of your change toward sobriety is the association with clean and sober people. Social situations, work contacts, and residences will be reviewed to know that there are clean and sober activities occurring. Any living situations that are questionable will be checked on and reported to the DUI Court Team by your probation officer.

DUI Court consists of four separate phases; the normal length for the first phase is three months with the remaining phases being 5 months in length. The goal is for you to have completed this program in 18 months but depending on your performance in the program it could take longer. At a minimum you will be in the program for 18 months.

## **TEAM MEMBERS**

The core members of the DUI Court team include:

- DUI Court Judge
- Prosecuting Attorney
- Defense Attorney
- Probation Officer
- Substance Use Treatment Provider
- Court Coordinator/Program Manager
- Yakima County Sheriff's Office

The cornerstone to any therapeutic court, including this program, is accountability. You are held accountable to the program by each member of the team. The level of supervision of your activity, progress and work in this program is extensive. We know from research that ongoing intense supervision will help to ensure your success in this program. Below is a summary of each of the team members and their role on the team.

### **DUI Court Judge:**

The DUI Court Judge works diligently to safeguard that all participants are treated fairly and in accordance with the law, that you have an understanding of what is required of you in this program and ensures that you will be accountable to the program requirements. In this way, the Judge ensures that you are successful and ultimately that the community is safe.

The DUI Court Judge commitments are as follows:

- Understands the nature of addiction.
- Willing to engage in the team process.
- Administers sanctions and incentives considering the team's recommendations and the participant's comments.
- Ensures the participant is accountable to the program requirements.

### **Court Coordinator/Program Manager:**

The Coordinator and Program Manager work to provide support to the DUI Court team. They serve as a point of contact for outside agencies, community members and other law and justice professions for the DUI Court Program. They work to secure resources, funding and cooperation from other agencies that benefit the program and the participants.

The Coordinator and Program Manager commitments are as follows:

- Commits him or herself to the program mission and goals
- Is available to lend whatever support is needed to the team
- Facilitates contact between the team and other agencies

- Collects data and evaluate program activities and report back to the team
- Researches and applies for funding or resource opportunities

### **The Prosecutor:**

The Prosecutor ensures community safety concerns by maintaining eligibility standards while participating in a non-adversarial environment which focuses on the benefits of therapeutic program outcomes.

The Prosecutor commitments are as follows:

- Participates as a team member in a non-adversarial manner
- Promotes a sense of a unified team presence
- Commits him or herself to the program mission and goals
- Monitors offender progress to define parameters of behavior that allow continued program participation and suggests effective sanctions and incentives for program compliance
- Is knowledgeable about addiction, alcoholism and general pharmacology and applies that knowledge to respond to compliance in a therapeutically appropriate manner.

### **The Defense Attorney:**

The Defense Attorney's primary function is to ensure participants' legal rights are protected and to advocate for participants when issues arise concerning compliance with program requirements. He/she attends all staffing sessions and communicates participants' goals and desires to the team.

The Defense Attorney commitments are as follows:

- Advocates for participants and recommends appropriate sanctions and incentives
- Monitors client progress to support full participation and ensure the appropriate provision of treatment and other rehabilitative services
- Communicates team concerns to the participant and advises the participant accordingly
- Ensures that the participant's legal rights are protected
- Works with participants to resolve issues with the Department of Licensing

### **Probation Officer:**

The Probation Officer works closely with each participant and acts as a resource or source of support while navigating through this program. The Probation Officer engages each participant on all aspects of their life to build a strong working relationship in an effort to ensure success.

The Probation Officer commitments are as follows:

- To the program mission and goals.

- Maintains a balanced view and providing coordinated and comprehensive supervision of the DUI offender so as to minimize manipulation and splitting of program staff
- Provides accountability
- Monitors the offender's behavior and program compliance outside of the court by making home visits and scheduling regular office visits

### **Law Enforcement Officer:**

Law Enforcement provides accountability for participants through participation in court staffing's, attending court/graduations and providing input on sanction/incentive recommendations. They also assist the probation officer with random searches of participants' homes and may perform alcohol breath tests as requested by the court. Their involvement helps to build a positive rapport between law enforcement and participants, as well as the participants' families. In addition, they are the court's eyes and ears in the community, reporting any contact with program participants either positive or negative, to the court.

The Law Enforcement Officers commitments are as follows:

- Commits him or herself to the program mission and goals
- Participates as a team member in a non-adversarial manner
- Provides accountability and support
- Monitors the offender's behavior and program compliance outside of the court by making home visits and monitoring participants in the community

All team members work together to hold the participant accountable, promote a sense of a unified team presence, protect internal and external program integrity and protect public safety.

## **TARGET POPULATION**

The Yakima County DUI Court targets those offenders who have been deemed to be high risk/high need and who are dependent on alcohol or other drugs. In an effort to ensure that we accept those within this target population we use the DUI Rant screening tool to identify whether a potential candidate for this program is high risk/high need. Additionally, we utilize an evidence-based assessment tool to determine level of dependence on alcohol and/or drugs.

## **ELIGIBILITY CRITERIA**

All potential candidates for the DUI Court, must meet the following initial eligibility criteria to be considered for admission into the program.

- ✓ Reside in Yakima County.
- ✓ If in custody, must not have any other holds including immigration holds, or a long-term jail sentence.
- ✓ Cannot have any other cases pending.
- ✓ Cannot have a conviction for a prior sex offense (including allegation of sexual motivation) in adult or juvenile court.
- ✓ Cannot have a past conviction that is a violent offense (including convictions for vehicular homicide/vehicular assault) in adult or juvenile court.
- ✓ Cannot have a conviction for a Class A felony in adult or juvenile court.
- ✓ Cannot have a felony conviction for a firearm offense or any conviction with a firearm enhancement in adult or juvenile court.
- ✓ Cannot have a domestic violence conviction within the past 3 calendar years unless agreed by the parties.

If the initial eligibility criteria are met, the following requirements must also be met:

- ✓ Must screen on the DUI Rant as high risk/high need.
- ✓ Must be assessed as drug/alcohol dependent.



## **ENTRY PROCESS**

The following is a brief overview of the entry process after a case has been filed by a police officer/prosecutor into the DUI Court. Please note, we only consider candidates for the DUI Court who are charged through Yakima County District Court at this time.

1. After the referral paperwork is filed, the case will be transferred to the DUI Court regular calendar on Thursdays at 3:00 p.m.
2. The defendant is required to complete the following tasks before they will be considered for admission:
  - Attend at least 2 DUI Court sessions
  - Participate in the DUI Rant screening and an interview, conducted by the team's coordinator.
  - Read the DUI Court handbook
  - Submit to a drug/alcohol assessment through Merit.
3. If accepted by the DUI Court, the participant will then meet with the probation officer and treatment provider to ensure that all court obligations are clear, a schedule is identified as it relates to treatment and appointments with the probation officer, color line and UA testing is discussed as well as other program obligations.

## **PROGRAM PHASES**

The following table outlines the steps identified by the DUI court team that clients must progress through to complete each of the four phases of the DUI court program.

## DUI COURT – PHASE STRUCTURE

Phase	Goals	Expectations of Participant	Phase Advancement Requirements
<p>Phase: <b>One</b></p> <p><b>Minimum of 3 months</b></p>	<p>The participant will most likely come into DUI Court in the <i>Pre-contemplative</i> stage of change. This is not so much a stage, but rather a prelude to the formal stages of change. The defendant does not seriously consider the idea of change and is not yet acknowledging that there is a problem behavior that needs to be change.</p> <p><b><u>Chief Goal:</u></b>  <b>Engagement and communication with the objective of building an alliance and relationship with the participant.</b></p>	<p><b>Participant will:</b></p> <ul style="list-style-type: none"> <li>• Attend and comply with Substance Abuse Disorder Treatment, Mental Health Treatment and/or other treatment recommended by your treatment case manager or treatment provider.</li> <li>• Attend and participate in face to face appointments with your probation officer at least once a week or as directed by your probation officer.</li> <li>• You will be subjected to random home visits by your probation officer and/or law enforcement.</li> <li>• Appear every week in DUI court or as required by DUI court Judge. If just recently released from in-custody, you will be required to appear at the next DUI court session. DUI court is every Thursday at 3:00 p.m. or as otherwise directed.</li> <li>• Call UA color line daily for random UA's and take UA as directed.</li> <li>• Attend and participate in five self-help groups each week or as recommended by your treatment case manager. This could include AA, NA, Rational Recovery or other sober support as approved by your treatment case manager. Verify weekly attendance w/your probation officer or treatment case manager.</li> <li>• Obtain a sponsor that is verified by your treatment case manager. Maintain weekly contact with sponsor.</li> <li>• Live in a clean &amp; sober environment approved by the DUI Court, this may include moving into a clean &amp; sober housing facility.</li> <li>• If you have an ignition interlock installed in your vehicle you must use one that is equipped with a camera.</li> <li>• Work on driver's license issues.</li> <li>• Comply with all court orders.</li> <li>• Obtain a physical exam from a doctor.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Write an essay indicating why you should be promoted to Phase 2. Essay should include accomplishments achieved to this point, sanctions and behaviors changed to overcome possible repeat behavior.</li> <li>✓ Not have incurred any DUI court program violations 30 days prior to promotion to next phase.</li> <li>✓ Regular court appearances</li> <li>✓ Progress with treatment plan</li> <li>✓ Sponsor verified</li> </ul>

Phase	Goals	Expectations of Participant	Phase Advancement Requirements
<p>Phase: <b>Two</b></p> <p>Minimum of 5 months</p>	<p>The participant may begin Phase 2 still in the <u>Pre-contemplative</u> stage but will rapidly transition to the <u>Contemplative</u> stage – acknowledging that there is a problem but not yet ready or sure of wanting to make a change and then to the <u>Action</u> stage – where the participant believes he/she has the ability to change behavior and is actively involved in taking steps to change his/ her behavior by using a variety of different techniques.</p> <p><b>Chief Goal:</b>  <b>Consistency in following treatment plan and overall acceptance of the program.</b></p>	<p><b>Participant will:</b></p> <ul style="list-style-type: none"> <li>• Continue to attend and comply with Substance Abuse Disorder Treatment, Mental Health Treatment and/or any other treatment recommended by your treatment case manager or treatment provider.</li> <li>• <i>Begin attending Moral Reconciliation Therapy (MRT).</i></li> <li>• Meet with probation officer at least every 2 weeks.</li> <li>• You will be subjected to random home visits by your probation officer and/or law enforcement.</li> <li>• Appear every other week in DUI court or as required by DUI court Judge.</li> <li>• Call UA color line daily for random UA's and take UA as directed.</li> <li>• Begin other services as determined by assessments (e.g. domestic violence counseling, anger management, medical/dental)</li> <li>• Continue self-help group attendance, verify weekly attendance w/your probation officer or treatment case manager.</li> <li>• Maintain weekly contact with sponsor.</li> <li>• Maintain stable housing.</li> <li>• Obtain employment or engage in employment/ vocational training or education.</li> <li>• Take pre-test for GED, or alternative education &amp; follow recommendation, if applicable.</li> <li>• Pay fees as agreed per the fee agreement</li> <li>• Continue to work on Driver's License issues.</li> <li>• Comply with all court orders.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Write an essay indicating why you should be promoted to Phase 3. Essay should include accomplishments achieved to this point, sanctions and behaviors changed to overcome possible repeat behavior.</li> <li>✓ Not have incurred any DUI court program violations 30 days prior to promotion to next phase.</li> <li>✓ Regular court appearances</li> <li>✓ Progress with treatment plan</li> <li>✓ Sponsor verified</li> </ul>

Phase	Goals	Expectations of Participant	Phase Advancement Requirements
<p>Phase: <b>Three</b></p> <p><b>Minimum of 5 months</b></p>	<p>The participant will enter Phase 3 still in the <i>Action</i> stage - where the participant believes he/she has the ability to change behavior and is actively involved in taking steps to change his/ her behavior by using a variety of different techniques.</p> <p><b><u>Chief Goal:</u></b>  <b>Reaching personal and treatment goals/ sustaining achievements.</b></p>	<p><b>Participant will:</b></p> <ul style="list-style-type: none"> <li>• Continue to attend and comply with Substance Abuse Disorder Treatment, Mental Health Treatment and/or any other treatment recommended by your treatment case manager or treatment provider.</li> <li>• Attend Victim Impact Panel.</li> <li>• Meet with probation officer at least monthly.</li> <li>• You will be subjected to random home visits by your probation officer and/or law enforcement.</li> <li>• Make court appearances every 4 weeks.</li> <li>• Call UA color line daily for random UA's and take UA as directed.</li> <li>• Comply with all court orders.</li> <li>• Continue self-help group attendance, verify weekly attendance with your probation officer or treatment case manager.</li> <li>• Maintain stable housing.</li> <li>• Maintain employment or engagement in employment / vocational training or education.</li> <li>• Take test for GED, if applicable.</li> <li>• Continue weekly contact with sponsor.</li> <li>• Pay fees as agreed per the fee agreement.</li> <li>• Continue to work on Driver's License issues.</li> <li>• Develop a plan and or start working toward completion of 40 hours of community service.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Write an essay indicating why you should be promoted to Phase 4. Essay should include accomplishments achieved to this point, sanctions and behaviors changed to overcome possible repeat behavior.</li> <li>✓ Not have incurred any DUI court program violations 30 days prior to promotion to next phase.</li> <li>✓ Regular court appearances</li> <li>✓ Progress with treatment plan</li> <li>✓ Sponsor verified</li> </ul>

Phase	Goals	Expectations of Participant	Graduation Requirements
<p>Phase: <b>Four</b></p> <p><b>Minimum of 5 months</b></p>	<p>The participant will spend Phase 4 in the <u>Maintenance</u> stage. This involves being able to successfully manage temptations and sustain healthy practices.</p> <p><b><u>Chief Goals:</u></b>  <b>Reaching personal and treatment goals/sustaining achievements.</b>  <b>Reinforcing and maintaining a clean, sober and legal lifestyle.</b></p>	<p><b>Participant will:</b></p> <ul style="list-style-type: none"> <li>• Continue to attend and comply with Substance Abuse Disorder Treatment, Mental Health Treatment and/or any other treatment recommended by your treatment case manager or treatment provider.</li> <li>• Successfully complete Substance Abuse Disorder Treatment 3 months prior to graduation.</li> <li>• Develop relapse prevention plan.</li> <li>• Meet with probation officer monthly.</li> <li>• Make court appearances every 4 weeks.</li> <li>• Call UA color line daily for random UA's and take UA as directed.</li> <li>• Comply with all court orders</li> <li>• Continue self-help group attendance, verify weekly attendance with your probation officer or treatment case manager.</li> <li>• Maintain stable housing.</li> <li>• Maintain employment or engagement in employment / vocational training/education</li> <li>• Completion of GED, if applicable.</li> <li>• Complete 40 hours of community service.</li> <li>• Demonstrate engagement in community support groups (AA, NA, etc.).</li> <li>• Continue with sponsor.</li> <li>• Pay all fees and restitution in full.</li> </ul> <p><b>NOTE: All conditions must be completed prior to exit interview.</b></p>	<p><b>Graduation Requirements:</b></p> <ul style="list-style-type: none"> <li>✓ Development of a relapse prevention plan.</li> <li>✓ Minimum 18 months in program.</li> <li>✓ Must be sanction free at least 30 days prior to graduation.</li> <li>✓ Consistency in keeping appointments w/probation officer, treatment, etc.</li> <li>✓ Stable housing.</li> <li>✓ Stable employment/education.</li> <li>✓ 40 hours of community service completed.</li> <li>✓ Completion of GED, if applicable.</li> <li>✓ Engagement in community support groups (AA/NA or other sober support groups), including regular contact with Sponsor.</li> <li>✓ All fees/restitution paid.</li> <li>✓ 6 months of sobriety before graduation.</li> <li>✓ Completion of all program requirements.</li> </ul>

## **STAFFINGS AND HEARINGS**

Staffing is the meeting that is held prior to the court session where the DUI Court team members meet to discuss the progress of participants. The discussion consists of behaviors that are concerning as well as good things that participants are doing. During these discussions, strategies or resources are identified that might provide assistance or support for participants.

Present during the staffing are the DUI Court Judge, court coordinator/manager, treatment counselors, probation officer, the prosecutor assigned to DUI Court, the DUI Court defense attorney and the law enforcement officer assigned to DUI Court. The weekly court session is held immediately following the staffing. All team members attend the court session. The DUI Court coordinator is responsible for preparing the court schedule.

## **TERMINATION CRITERIA**

The DUI Court Judge and team will review your progress and compliance in all DUI Court Program phases. If you have continual non-compliance issues or rule violations, a termination notice will be given by the DUI Court Judge. Termination notice will give the participant the opportunity to get back into compliance and make forward progress in the DUI Court Program. While on termination notice, one violation regardless of its severity is grounds to be terminated from the DUI Court Program. Continued non-compliance will result in termination from the DUI Court Program.

New criminal activity, charged or alleged, inappropriate behavior with DUI Court Program team members or other DUI Court Program participants can result in immediate termination from the DUI Court Program. Upon termination from DUI Court Program, you may be remanded back to jail and a sentencing hearing will be scheduled.

## **GRADUATION CRITERIA**

DUI Court graduation requirements are:

- Development of a relapse prevention plan.
- Minimum of 18 months in the program.
- Successfully complete Substance Abuse Disorder Treatment 3 months prior to graduation.
- Must be sanction free at least 30 days prior to graduation.
- Not have incurred new criminal charges.
- Consistency in keeping appointments w/probation officer, treatment etc.
- Stable housing.
- Stable employment/education.
- Completion of 40 hours of community service.
- Completion of GED if applicable.
- Engagement in community support groups (AA/NA or other groups), including regular contact with Sponsor.

- Demonstrates involvement in the community
- Completion of all program requirements.
- All DUI Court program fees and criminal case costs paid in full.

## **SANCTIONS AND INCENTIVES**

At each court hearing, participants are held accountable for their performance and program compliance. Both compliant and noncompliant behaviors will be addressed with rewards and sanctions ordered to reinforce the consequences of participants' choices and behaviors.

When considering whether to impose a sanction and what that sanction should be, the Judge listens to input from the DUI Court team and from the participant. Additionally, the Judge will review the participant's program history to include the number of previous consequences, the participant's current phase level, and the participant's attitude and ownership of the behavior.

The Judge will order an incentive for a participant in recognition of their efforts in recovery and to reinforce their positive behaviors. Incentives are granted on an as-earned basis, however, it is routine for program certificates to be granted to clients for achieving certain milestones within the program.

The table below outlines the types of responses to behaviors that may be utilized by the Judge.

<b>RESPONSES TO BEHAVIOR</b>	
<b>INCENTIVES</b>	
<b>ACHIEVEMENTS</b>	<b>RESPONSES</b>
<ul style="list-style-type: none"> <li>★ Phase Advancement</li> <li>★ Sober Time</li> <li>★ Exceptional participation in treatment</li> <li>★ Exceptional participation in support meetings</li> <li>★ Completion of GED</li> <li>★ Job promotion</li> <li>★ Obtaining a job</li> <li>★ Enrolling in college/trade school</li> <li>★ Obtain a sponsor</li> <li>★ Obtain a Driver's License</li> <li>★ Achieving treatment milestones</li> <li>★ 3 months without a sanction</li> </ul>	<ul style="list-style-type: none"> <li>★ Recognition by the Judge</li> <li>★ Courtroom recognition</li> <li>★ Certificates of achievement</li> <li>★ Get out of Court free pass</li> <li>★ Fishbowl prize</li> <li>★ Phase advancement</li> <li>★ Program graduation</li> <li>★ Gift cards or activities (as funding permits)</li> <li>★ Free pass out of town</li> <li>★ Credit for 2 hours toward required 40 hours of community service (program requirement does not count toward MRT community service)</li> <li>★ Sober support coins, pens etc.</li> <li>★ Lunch with the Team</li> <li>★ Leave court early pass</li> </ul>

<b>SANCTIONS</b>	
<b>CHOICES</b>	<b>RESPONSES</b>
<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Missed court appearances</li> <li><input checked="" type="checkbox"/> Missed appointment with probation officer</li> <li><input checked="" type="checkbox"/> Missed support meetings</li> <li><input checked="" type="checkbox"/> Violation of court order</li> <li><input checked="" type="checkbox"/> Dilute, Tampered or Positive drug test</li> <li><input checked="" type="checkbox"/> Missed drug test (considered a positive drug test)</li> <li><input checked="" type="checkbox"/> Missed treatment</li> <li><input checked="" type="checkbox"/> Inappropriate behavior at treatment facility</li> <li><input checked="" type="checkbox"/> New DUI or other arrest</li> <li><input checked="" type="checkbox"/> Driving while license suspended/revoked</li> <li><input checked="" type="checkbox"/> Failure to perform sanctions</li> <li><input checked="" type="checkbox"/> Noncompliance with treatment plan</li> <li><input checked="" type="checkbox"/> Dishonesty</li> <li><input checked="" type="checkbox"/> Failure to attend graduation</li> <li><input checked="" type="checkbox"/> Violation of home check rules</li> </ul>	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Reprimand from the Judge</li> <li><input checked="" type="checkbox"/> Increased court appearances</li> <li><input checked="" type="checkbox"/> Increased drug testing including alcohol monitoring bracelet, portable breath device or any other device or mechanism to monitor abstinence.</li> <li><input checked="" type="checkbox"/> Remand to jail</li> <li><input checked="" type="checkbox"/> Phase demotion</li> <li><input checked="" type="checkbox"/> Additional community service hours</li> <li><input checked="" type="checkbox"/> Work crew</li> <li><input checked="" type="checkbox"/> Essay presented to Judge</li> <li><input checked="" type="checkbox"/> Court watch with an essay</li> <li><input checked="" type="checkbox"/> Termination notice</li> <li><input checked="" type="checkbox"/> Termination from the program</li> <li><input checked="" type="checkbox"/> Attend a team staffing</li> <li><input checked="" type="checkbox"/> Moving to clean and sober housing</li> <li><input checked="" type="checkbox"/> Book reports</li> <li><input checked="" type="checkbox"/> Letter of apology</li> <li><input checked="" type="checkbox"/> Delayed phase advancement</li> <li><input checked="" type="checkbox"/> Attend defensive driving class</li> <li><input checked="" type="checkbox"/> Electronic Home Monitoring</li> <li><input checked="" type="checkbox"/> Daily check-ins at Merit or Probation</li> </ul>

## **TREATMENT PROTOCOL**

### **Substance Use Disorder (SUD) Treatment**

Alcohol and other substance use disorders are viewed as a bio-psycho-social illness that is primary, chronic, and progressive and treatment must meet all needs of the individual in order to be most effective. The Yakima County DUI Court believes that effective and individualized treatment is an essential function of the Therapeutic Court model and strives to provide the most up to date and comprehensive treatment to all of our participants. The DUI Court program utilizes Merit Resource Services for all outpatient alcohol/drug treatment and urinalysis collection. Each participant is responsible for the cost of their treatment while in the program. Fees for SUD treatment will be based on the participants' health insurance and/or income. Treatment fees can be discussed with MERIT personnel prior to entering treatment. The DUI Court covers costs associated with urinalysis collection and testing.

Prior to entry into the DUI Court program each candidate is assessed for a substance use disorder. This assessment gives the candidate and the team an idea of the best treatment



modality to address alcohol/drug issues. Treatment participation is required for all DUI Court Participants.

From the assessment an individualized treatment plan will be developed that is designed to meet the needs of each participant. Treatment may include but is not limited to:

- Detoxification
- Stabilization
- Referral Services
- Urinalysis and Breathalyzer Tests
- Individual Counseling
- Group Counseling
- Substance Abuse Education
- Moral Reconciliation Therapy (MRT)
- Family Program (Requirement for DUI Court)
- Seeking Safety Groups
- Relapse Prevention
- Specialized Treatment Tracks
- Co-Occurring Treatment
- Problem Gambling Treatment

Medication Assistance Treatments is an important part of the DUI Court program. All of the services and support that is provided through this program is designed to help participants in recovering from their addiction. Treatment services are designed to promote independence, responsibility and choices of the participant. The treatment providers are committed to promoting attendance, engagement and development of a therapeutic relationship between staff and participants. Every effort shall be made to accommodate an individual's schedule, daily activities and responsibilities when arranging services, unless otherwise warranted by factors related to safety or protection from harm.

### **Mental Health (MH) Treatment**

Comprehensive Mental Health is our partner for mental health services. All DUI Court participants are required to get a Mental Health Evaluation before the completion of Phase 2 of the DUI Court Program. Participants who have health care under WA Apple Health will be referred to Comprehensive for Mental Health Assessments. Participants who do not have WA Apple Health will be responsible for selecting a Mental Health treatment provider to complete their assessment with. The cost of this assessment will be the responsibility of the participant. Participants are expected to follow through with mental health recommendations as per the team's direction.

From the assessment an individualized treatment plan will be developed that is designed to meet the needs of each participant. Treatment may include but is not limited to:

- Individual Therapy
- Group Counseling
- Trauma therapy/Cognitive Processing Therapy (CPT)

- CBT Depression Protocol
- CBT Bipolar Protocol
- Seeking Safety
- Pharmacological Treatments (When clinically indicated for the person served, pharmacological treatment shall be provided or arranged to ameliorate psychiatric and substance abuse problems.)

## **SUPERVISION PROTOCOL**

Community supervision is provided by a probation officer assigned to the DUI Court team who is also a staff member with the Yakima County Probation Services. Once the participant is accepted into the program, the probation officer monitors his/her behavior and program compliance outside of the courtroom by making home visits with the team's law enforcement officer and scheduling regular office visits. Initially they meet with the participants on a weekly basis; the frequency lessens as the participant progresses. The probation officers attend the staffing, court hearings, maintain a computerized record that contains documentation of the participant's movement through the program, complete "violation" reports as required for those participants who fail to comply with the program rules, attend training retreats and graduation ceremonies and above all, maintain a balanced view of the DUI offender so as to minimize manipulation and splitting of program staff.

Regarding home visits, every participant's residence is checked after acceptance into the program. The purpose of this initial check is for the probation officer to know where you live, know who you live with and verify that the home is consistent with the program mandate that you live in a clean and sober environment.

While the initial home visit will be scheduled with you, subsequent community contacts (including home visits) will be conducted randomly. At any time, the probation officer and law enforcement representative can show up at your residence, place of employment or school. The purpose of these community contacts is two fold – to lend support to you on your journey to recovery but also to ensure compliance with program rules.

During these home visits, the probation officer will check the premises to ensure that there is no indication of alcohol or drugs or other violations of the program. The probation officer and law enforcement officer will talk to anyone who is living in the home and will want to get to know your family and friends. The objective is to get to know you and to understand your addiction so that we can provide you with the tools, support and resources to help you on your road to living a clean and sober life.

## **CASE MANAGEMENT PROTOCOL**

Case management actually begins before the defendant is admitted to DUI Court. Case management is done by every member of the DUI Court team. As a team we work together to identify and remove barriers to recovery. The team is knowledgeable

regarding community resources and works with the participants to access housing, basic needs (food and clothing), transportation (bus passes are available), medical and dental care, psychiatric care and medication. The team, especially the treatment professionals and probation officer, have an understanding of the variety of insurance and health maintenance options available and assists participants in accessing those benefits. When the participant's life issues are dealt with up front, he/she is able to concentrate more fully on recovery.

Once the defendant is accepted into DUI Court, the team works together to assist the participant in identifying and overcoming his/her "barriers" to recovery. In general, the treatment provider works with the participant on treatment matters: support groups and relapse and recovery issues.

The probation officer, along with the assistance of other team members, assists the participants with housing, physical and mental health issues, dental health, food, clothes, and other issues that affect the day to day living circumstances of the participant.

The probation officer monitors the compliance with court requirements such as attendance at court hearings, support groups, treatment, drug testing, and employment and GED classes. They make referrals, often after consulting the rest of the team, to appropriate community resources and maintain documentation of the participants' progress.

## **TESTING PROTOCOL**

Participants undergo random drug testing throughout their participation in DUI Court. Methods of analysis include alcohol breath tests, alcohol monitoring bracelets and urinalysis (UA). All collections for UA testing are observed. Participants are not permitted to consume alcohol, drugs (including marijuana with a medical prescription), non-prescribed narcotic medication or excessive amounts of over-the-counter medication that contain alcohol or other substances that are capable of altering your mind/mood condition.

The participant must call [877-789-3344](tel:877-789-3344) EVERY day, including weekends and holidays, to see if his/her assigned group is scheduled to test that day. The telephone message changes each morning, including weekends and holidays. The participant is advised to listen to the date and the **entire** message. If the participant is called, you must report to Merit Resource Services to provide a sample. The available time for testing will differ depending on the location you are reporting to. It is your responsibility to find out the available times for testing and report accordingly to meet your obligation to provide a valid sample.

Things to note regarding urinalysis testing:

- The participant is observed to ensure freedom from errors.
- Missed, tampered or dilute tests do count as positive (dirty) tests. If you miss a UA, it must be made up the next day.

- Positive tests do result in immediate sanctions that may include time in jail to help stop the drug and alcohol using behavior.

Additional urine drug testing and/or alcohol breath testing may be administered at the court or at the probation office.

Participants are required to read the frequently asked questions on dilute UA's and acknowledge that they understand the information. It is the participant's responsibility to provide an adequate sample that can be tested when required to do so.

If during the program the participant is administered narcotic medication as part of a medical condition or medical procedure, it is the responsibility of the participant to inform the treatment and probation team member in advance of taking any of the medication, if possible. The participant will be provided with guidelines for appropriate use of prescription and over-the-counter medications that will not cause them to test positive for alcohol or other prohibited substances. The team may require that the participant provide documentation from their medical doctor and/or authorize a release to allow for the treatment provider to contact the doctor to discuss concerns about the prescription as it relates to the participant's sobriety.

## **FEES**

All participants who have entered DUI Court are required to pay the following fees.

- \$ DUI Court Program Fee of \$1800.00 should be paid per the fee agreement.
- \$ Payment of restitution, if any ordered– must be paid prior to the exit interview.
- \$ If ordered to move to clean and sober housing, the participant may be required to pay for the rental costs.
- \$ Participants are required to pay costs for treatment. Every effort is made to assistance in finding a funding source for treatment costs – including assistance with applications for Apple Health. Treatment costs do not have to be paid off prior to graduation. Merit Resource Services will work with participants to find acceptable arrangements for payment of treatment.
- \$ The participant may be required to pay for costs related to alcohol monitoring, excluding UA costs. (i.e. ignition interlock device or other portable breath test device).

## Indigency Determination Policy

Effective: November 12, 2020

The Yakima County DUI Court Program strives to make access to our therapeutic court available to all who meet the eligibility criteria. Moreover, it is the objective of the Court to reduce barriers for potential participants accessing the Court and/or current participants being successful based on financial challenges. Because DUI Court is a therapeutic court, it is understood and well recognized that the Court functions on the premise of ensuring the participants are held accountable for their conduct while at the same time providing therapeutic and supportive responses to behavior.

### **Program Fee:**

Accountability in a therapeutic court comes in many forms, including the requirement that those who have an ability to pay costs related to their participation do so. The costs to participating in the DUI Court Program is \$1800.00.

Understanding that there are those who come to this program with financial challenges, each potential participant will undergo a financial screening prior to acceptance into the Program. The purpose of this financial screening is to preliminarily determine the potential participants present and/or future ability to pay. Upon entry into the Program the Court will review the financial screening, inquire of the participant about their financial status and decide their present/future ability to pay the program fee and enter an order to that effect.

Upon entry into the Program, the participant will sign a fee agreement that will identify the program fee set by the Judge, the amount of restitution if any owed, set forth a payment schedule and a date each month when the payment must be made. Each participant will be required to make a minimum monthly payment to be set by the Coordinator as outlined by the fee agreement. If an issue arises and the minimum monthly payment needs to be modified the Coordinator has the discretion to make that modification so long as a payment of some amount is made each month. Moreover, the Coordinator has discretion to modify the due date for the monthly payment.

At any point in time, while participating in the Program, a participant present and/or future ability to pay can be reassessed either at the request of the participant or the DUI Court team. At the time of re-assessment an updated determination will be made regarding the participants present/future ability to pay.

If the participant is paying an amount less than the full program fee, the Court may require the participant to perform community service hours, at the rate of \$15 per hour in lieu of the program fee. Such community service hours must be at a non-profit organization and proof of completion must be submitted to the court coordinator on letterhead from the organization. All community service will be verified by the coordinator or other member of the DUI Court team.

At the time of entry, the participant must sign a program fee agreement. The fee agreement will list the amount owed and a payment schedule. No participant will be prevented from phasing up and/or graduating from the Program because of inability to pay the program fee.

If the program fee is not paid at the time of graduation or in the event of a termination, the Court shall take whatever normal steps to attempt to collect the debt including referring the account to a collection agency.

**Restitution:**

It is the policy of the DUI Court Program to require all participants regardless of ability to pay, to pay restitution to the victim and/or the State that is directly related to the conduct that brought them into the program. Restitution may not be converted to community service hours. Restitution must be paid prior to the exit interview in order to graduate. In the event of termination, the Court shall take whatever normal steps to attempt to collect the debt including referring the account to a collection agency.

## **EXPECTATIONS OF ALL PARTICIPANTS**

The DUI Court has the following expectations of all participants:

- ❑ Attend all ordered treatment sessions. This includes individual and group counseling, educational sessions, 12-Step self-help meetings, or other meetings conducive to your recovery. If you are unable to attend a scheduled session, you must contact your treatment provider or treatment case manager as soon as possible. Few excuses will be accepted, and an additional fee will be assessed by the alcohol dependency treatment provider for failure to attend.
- ❑ Be on time. If you are late, you will not be allowed to attend and will be considered non-compliant. This means be on time for; school/employment, treatment, counseling sessions, one on one with case managers and Court. You must make contact with the appropriate contact if there is a possibility you may be late. You will be given names and office phone numbers of other individuals to contact any time you anticipate being late or absent. Generally, only a medical matter with a physician's note is considered a reasonable excuse.
- ❑ You are expected to be polite and respectful to staff and peers at all times. Maintaining appropriate behavior shows the progress you are making toward your recovery. Participant's children are expected to be quiet and under the control of the parent while in the courtroom or at other agencies.

- ❑ Dress appropriately for DUI Court hearings and treatment sessions. Shoes must be worn at all times. Clothing bearing drug or alcohol-related themes, promoting or advertising alcohol or drug use, or gang affiliation is considered inappropriate. Sunglasses are not to be worn inside DUI Court unless medically required. Shorts, cut-off pants, midriff tops, and flip-flops are not acceptable clothing. Your alcohol dependency treatment provider can provide clothing assistance and further instruction if needed.
- ❑ Your attitude and behavior are important at all times. Do not make threats towards other participants or staff or behave in a violent or inappropriate manner. Violent or inappropriate behavior will not be tolerated and will be reported to the DUI Court Team. This may result in termination from the program.
- ❑ Your social and work associations are expected to be clean and sober people. Work at restaurants and other businesses that bring you into contact with alcohol or drugs are to be avoided.
- ❑ Inappropriate sexual behavior or harassment towards other participants or staff will not be tolerated.
- ❑ Cell phones are to be turned off when you are in the courtroom or while you are participating in any treatment or case management session. You must have voicemail set up on your cell phone and be accessible to the team at any time.
- ❑ Receiving another criminal charge or committing criminal acts while a participant in DUI Court Program may be immediate grounds for termination from DUI Court Program. Report within 72 hours any contact with law enforcement to probation manager.
- ❑ Submitting forged 12-step/community service forms will be grounds for termination from DUI Court, this includes leaving meetings early.
- ❑ A written request to travel out of county must be filed in the DUI Court file 7 days prior to travel with final consideration made by the DUI Court Judge. No out of county travel allowed while in Phase 1. Travel requests while in Phases 2 and 3 will be considered on a case by case basis.
- ❑ You must fill out a “Change of Circumstances” form and submit to your probation case manager every time there is a change in your address, phone number, employment, or sponsor and must be submitted within 72 hours of the change(s).
- ❑ Mandatory attendance is required for all DUI Court appearances and DUI Court services unless you have documentation from a physician, a verifiable legal issue, or other set of circumstances that are acceptable to your alcohol dependency treatment provider, your probation officer, and the DUI Court Program Judge.

- ❑ You must pay court-imposed fees and restitution where applicable, according to the schedule outlined in the contract and this handbook in order to graduate.
- ❑ You must have prior approval to be away from the home overnight. You may also be required to follow curfew requirements. You are expected to participate in upkeep of the home. You must be pre-approved by the Court to move to a different residence. You may have unannounced visits from law enforcement and/or Yakima County Probation Services. You must notify your probation case manager immediately if you've been evicted from your home or clean and sober housing.



## **DUI COURT TEAM MEMBER LIST**

Judge Alfred Schweppe  
Yakima County District Court  
128 N. 2<sup>nd</sup> Street  
Yakima, WA 98901  
(509) 574-1804

Therese Murphy, Program Manager  
Yakima County District Court  
128 N. 2<sup>nd</sup> Street  
Yakima, WA 98901  
(509) 574-1804

Susie Silverthorn, Prosecuting Attorney  
Yakima County District Court  
128 N. 2<sup>nd</sup> Street  
Yakima, WA 98901  
(509) 574-1210

Ramon Nash, Defense Attorney  
Dept. of Assigned Counsel  
104 N. 1<sup>st</sup> Street  
Yakima, WA 98901  
(509) 574-1160

Eddy Zapien, Probation Officer  
Yakima County District Court Probation  
128 N. 2<sup>nd</sup> Street  
Yakima, WA 98901  
(509) 574-1869

Nora Campos, Probation Officer  
Yakima County District Court Probation  
1313 Wine Country Road  
Grandview, WA 98933  
(509) 574-1838

Laura Nanez, Program Coordinator  
Yakima County District Court  
128 N. 2<sup>nd</sup> Street  
Yakima, WA 98901  
(509) 574-1828

Scott Swallow, Deputy Sheriff  
Yakima County Sherriff's Office  
1822 S. 1<sup>st</sup> Street  
Yakima, WA 98901  
(509) 574-2500

Chad Morris, SUDP  
Merit Resource Services  
315 N. 2<sup>nd</sup> Street  
Yakima, WA 98901  
(509) 469-9366

**YAKIMA COUNTY DISTRICT COURT  
DUI Court Participant Handbook  
Receipt and Acknowledgement**

I have received a copy of the DUI Court Participant Handbook.

This Handbook contains information regarding requirements and rules which apply to me. I agree to read the Handbook, become familiar with the requirement, procedures and rules described, and follow them during my participation in DUI Court. If a policy, procedure or rule is unclear to me, I will be responsible for seeking clarification.

I understand that DUI Court reserves the right to modify or change any or all of the requirements, procedure and rules described in this Handbook, in whole or in part, at any time and without prior notice. In that case, changes will be communicated to me.

I also understand that a violation of the policies in this Handbook could subject me to sanctions and/or termination.

---

Please Print

Participant Name (First, Middle, Last)

---

Participant Signature

Date

---

Provided by