WHATCOM COUNTY DUI HANDBOOK

David N. Jolly

THE WHATCOM COUNTY DUI HANDBOOK

DAVID N. JOLLY

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“Life is a succession of lessons which must be lived to be understood.”

Ralph Waldo Emerson

For LJJ

David N. Jolly is also the author of:

The DUI Handbook for the Accused (2007)
DUI/DWI: The History of Driving Under the Influence (2009)
The DUI Handbook for the Accused II (2010)
The Drug DUI Handbook (2011)
The DUI Investigation Handbook (2011)
The Ultimate Washington State DUI Handbook (2011)
The Traffic Ticket Handbook (2011)
The Washington State DUI Pocket Handbook (2012)
The Whatcom County DUI Handbook (2013)
The Snohomish County DUI Handbook (2013)
The Skagit County DUI Handbook (2013)
The Island County DUI Handbook (2013)
The King County DUI Handbook (2013)
The Marijuana DUI Handbook (2014)
Traffic Stops in Washington: A Lawyer's Handbook (2016)
Search and Seizure: A Lawyer's Handbook (2016)
Confessions & Statements: A Lawyer's Handbook (2016)
Criminal Convictions & Immigration: A Lawyer's Handbook: (2017)
The Skagit County DUI Handbook: 2017 (2017)
The Whatcom County DUI Handbook: 2017 (2017)
The Skagit County DUI Handbook: 2018 (2018)
The DOL Hearing Handbook for Lawyers (2018)
The Whatcom County DUI Handbook: 2018 (2018)
The Skagit County DUI Handbook: 2019 (2019)
The Snohomish County DUI Handbook: 2019 (2019)
The Island County DUI Handbook: 2019 (2019)
The Whatcom County DUI Handbook: 2019 (2019)
The Skagit County DUI Handbook: 2020 (2020)
The Snohomish County DUI Handbook: 2020 (2020)

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2020 DOL UPDATES & REMINDERS

Warning: You will read this warning throughout this book, the DOL is very difficult to deal with. Do not take risks with your driver's license. Abide by all the rules and prepare early. Be prepared for frustration as the DOL is a governmental agency that frequently makes mistakes. Further, the DOL software is notoriously inaccurate and, in many instances incorrect. Always carefully read all DOL documents and abide by all their instructions. Any violations of DOL rules may result in additional criminal sanctions and/or civil penalties. Please read the DOL chapter for more details.

- You only have **7 days** from the date of your arrest to request a DUI hearing to save your driver's license
- Include the $375 fee with the form (check or money order)
- If you fail to request a hearing within 7 days, you will lose your license **30 days** from the date of arrest
- The DOL must hold the hearing within **30 days** (business days) of their receipt of the hearing request
- The DOL only must give **5 days** (business days) notice of the hearing
- If you fail to submit the request timely or, lose the hearing, you can still drive with an Ignition Interlock License.

Preface

BEING ARRESTED FOR DUI in Whatcom County is an introduction to a world of complex law, demanding Judges, fickle prosecuting attorneys, biased Department of Licensing hearing officers, overzealous police officers, and a multitude of conditions and expenses that seem to never end. Such punishment and conditions may include jail, bail, probation, fines, court dates, a department of licensing hearing, license suspension, ignition interlock device, SR 22 insurance, alcohol evaluation, alcohol awareness class or treatment, and a DUI victim's panel, among many possible requirements. Therefore, most people feel overwhelmed after they face the sobering fact that they are in for a long and difficult journey.

It is therefore important that a person who has been arrested for DUI immediately educate themselves about the many requirements demanded of them. The first thing you should do is confirm whether you have been provided a court date.

In Whatcom County, you will more than likely appear in court within days of your arrest if a breath sample was requested by the arresting officer. Even if you were taken for a blood draw, you may be required to appear in court the week following your arrest. If you already know your court date you must prepare to appear in court so that you do not risk a bench warrant for your arrest.

If you have been arrested for DUI in Whatcom County or know someone who has, it is imperative to become educated about the DUI process quickly. *The Whatcom County DUI Handbook* provides the reader with all the information on the Washington DUI process with the focus on Whatcom County and the Municipal Courts including Bellingham, Blaine, Everson-Nooksack, Ferndale, Lynden and Sumas. Every alcohol treatment center, AA meeting location, DUI victim panel, ignition interlock device company, Department of Licensing office, bail bonds company, prosecutor attorney's office, law enforcement office, probation office and court in Whatcom County is listed and detailed in this book. This is the only resource you will need following an arrest for DUI in Whatcom County, and it is this book, *The Whatcom County DUI Handbook.*

CHAPTER 1

DUI Court Procedures

THE MOST INTIMIDATING consequence of being arrested for DUI in Whatcom County is the court process. following your arrest, you are now a defendant and as such you will be paraded into court before a Judge who will advise you of the consequences of your actions, including up to 364 days in jail. Intimidating? Yes! However, there are steps you must take to reduce the fear and lessen the threat.

Bail

Bail is a process through which you are permitted to pay money in exchange for your release

from police custody, usually after booking or sometimes after the arraignment if the Judge demands that you are taken into custody. As a condition of release, you must promise to appear in court for all scheduled court dates - including arraignment, pre-trial hearings, readiness hearings, motions, and the trial itself.

If you are not allowed to post bail immediately after booking, a judge may later decide on the bail amount at a separate hearing or at the arraignment, or alternatively, may permit the individual to be released on his own personal recognizance ("PR"). The bail amount may be predetermined, through a "bail schedule," or the judge may set a monetary figure based on:

- Your DUI record and criminal history;
- Seriousness of the DUI offense, in terms of injury to others;
- Your ties to family, community, and employment.

If bail is imposed, you or your friends and family may "post" the full bail amount as set by the court, or a "bond" may be posted in lieu of the full amount. A bond is a written guarantee that the full bail amount will be paid if you fail to appear as promised. Bonds are usually obtained through a bail bond agency that charges a fee for posting of the bond (usually about 10 percent of the bail amount). Bail bond agencies may also demand additional

collateral before posting the bond, since the agency will be responsible for paying the full bail amount if the suspect "jumps bail" and fails to appear as promised.

If you are arrested, booked, and granted release on your own "personal recognizance," no bail money needs to be paid to the court, and no bond is posted. You are then released after promising, in writing, to appear in court for all upcoming proceedings. Most state criminal courts impose certain conditions on personal recognizance release, which include no driving unless you are properly licensed and insured, no consumption of alcohol or illegal drugs, and no refusing a breath test if lawfully requested. Additionally, there may be addition- al conditions such as attendance at AA meetings or getting an alcohol/drug evaluation within a prescribed time limit. In Whatcom County, an additional condition of release is "not frequenting bars and taverns," is imposed by all Judges.

If you are released on your own "personal recognizance" and subsequently fail to appear in criminal court as scheduled, you will be subject to immediate arrest.

The Arraignment

The arraignment is your first appearance in court and may occur as soon as the next available court

date after your arrest, or in some instances you will be notified by mail (summons) with the arraignment date. In situations when you are notified by mail the date might be within a couple of weeks of your arrest or several months later, depending on the jurisdiction of your DUI. The arraignment is mandatory; hence you must appear. The first appearance is primarily for the advisement of rights and your opportunity to enter a plea of "not guilty." If you have an attorney, he will advise you of the proper procedures. You should always request a jury trial (you can change your mind later, if you so wish) and naturally, always plead not guilty.

After the arraignment, the Judge will decide whether any conditions should be imposed on you. For first time offenders with relatively low breath or blood test results, the typical conditions include no driving unless you are licensed and insured, no driving after drinking, or no consumption of alcohol or non-prescribed drugs pending trial. For those with prior offenses, or relatively high breath test results, the conditions can include additional penalties such as the installation of an ignition interlock device, installation of a SCRAM/TAD bracelet, the requirement of probation monitoring, or the burden of significant bail.

It is important to note that there is a risk that you will be taken into custody during your arraignment, particularly if you are a repeat offender.

Hence, having a lawyer present will help your cause tremendously. After the arraignment, you will be given notice to appear for a pre-trial hearing.

The Pre-trial | Omnibus Hearing

The pre-trial hearing (often referred to as the "Omnibus Hearing" in Whatcom County District Court) is typically the second scheduled court date and is scheduled at your arraignment and is usually several weeks after your arraignment, depending on the court. In Whatcom County, the Omnibus/Pretrial hearing is usually 6-8 weeks after the arraignment. The pre-trial/Omnibus hearing is intended to provide an opportunity for your lawyer and the prosecutor to discuss the case (pros and cons), explore plea bargaining options, and to determine whether the parties have exchanged all information required by court rules.

Continuances of the pre-trial hearing are not uncommon. Typically, pre-trials are continued because the defense needs to:

- Obtain court ordered information, such as police radio tapes, toxicology reports, documents relating to the breath test, accident reconstruction reports, missing pages from police reports, etc.;
- Complete witness interviews;
- Complete independent investigations;

- Retain an expert witness;
- Locate missing witnesses;
- Obtain alcohol evaluations;
- Prepare a Deferred Prosecution;
- Conduct additional negotiations with the prosecutor; and/or
- Continue for the presentation of a disposition (the parties may have an agreement but need more time to prepare).

If no continuance is needed and no acceptable plea bar- gain has been offered, your attorney may note (schedule) various legal motions (to argue the validity of certain evidence – see next paragraph) or confirm a trial date.

The Motion Hearing

The motion (or suppression) hearing can be the most important hearing in your defense because it is at the motion hearing that the judge will hear legal challenges to the admissibility of the State/City's evidence, and a ruling in your favor can result in evidence being suppressed (excluded) from your trial, including evidence of a blood or breath test, the results of some or all the field sobriety tests, or any adverse statements you may have made. Successful pre-trial motions often compel the prosecutor to make an advantageous plea bargain offer, or on occasion, result in the dismissal of the

charge!

Most courts schedule the motions hearing for a date well in advance of the trial. Some courts, however, schedule most motions for the morning of trial. Most Judges will rule on most motions immediately.

The Trial

The length of a DUI jury trial is typically two days. It may be as short as a day if there is no blood or breath test, and if there are few witnesses, but rarely does it last three days or more.

The Court will first hear preliminary matters (motions in imine) which are followed by the jury selection (called "voir dire"). This is the process whereby both sides ask the potential jurors questions to determine their biases, views on police, DUIs, etc., and to enable each party to excuse up to three jurors.

Once the jury is selected both your lawyer and the prosecuting attorney give opening statements where they outline for the jury what they expect the evidence to show. The defense attorney may choose to give his or her opening statement after the prosecutor has rested his or her case.

The prosecutor then presents his or her witnesses which typically include:

- Investigating police officers;
- Civilian witnesses or hospital

personnel that may be available and favorable to the prosecution;

- "Expert witnesses" from the State Patrol breath test department or the state's toxicology lab, both of whom will testify that the breath testing device was operated and maintained in accordance with all required state statutes and regulations governing breath testing; or
- In a blood draw case, the person who drew the blood and the toxicology lab technician who analyzed the blood will be called.

After the prosecutor's case, the defense may, but is not required to present evidence. In most cases, much of the defense has already been presented through the defense attorney's vigorous cross-examination of the prosecution witnesses.

Typical defense witnesses include:

- People you were with prior to being stopped by the police who can testify to the amount you had to drink, your apparent state of sobriety, unimpaired coordination, speech and appearance;
- Passengers in your car who can testify to your condition at the time of the arrest, plus your driving and performance of the roadside tests;
- People you may have called from

your car after the stop or from the police station who can testify to your speech;

- The public defender or other lawyer you called from the station who can testify to your speech, the appropriateness of your questions and your ability to understand and follow instructions;
- Anyone you called or who saw you after release who can testify to your sobriety, coordination, speech and appearance;
- Any experts retained to challenge the accuracy/reliability of the breath or blood test;
- Defense investigators who have interviewed prosecution witnesses, including the arresting officer, photographed or videotaped the road traveled and the scene of the field sobriety tests, or who is an ex- pert on the limitations of "field sobriety testing;" and
- The defendant does have the option to testify, but cannot be required to. Most juries want to hear from the defendant personally, but there may be sound reasons your attorney will recommend against testifying. While the decision rests with the defendant, the defense attorney's advice should be considered very carefully.

After all the evidence is presented, the judge instructs the jury as to what the law is that they are expected to apply to the facts of the case. Then both lawyers present closing arguments.

Following the closing argument, the jury will have the opportunity to discuss the case (deliberate) and this can last anywhere from 15 minutes to one or more days. Only three outcomes are possible at this juncture:

1. All six jurors can vote to acquit and the case will be over and the matter dismissed;
2. All six jurors can vote to convict and the Defendant will be found guilty; or
3. The jurors can deadlock without reaching a unanimous verdict. This is called a "hung" jury and the judge will declare a mistrial. The prosecutor then has the option of re-trying the case at a future date, offering a plea bargain to a reduced charge, or dismissing the case.

Sentencing

If you are convicted for DUI, whether after a guilty plea or a jury verdict, the appropriate legal punishment is determined at the sentencing stage. Several different kinds of punishment may be imposed on a person convicted of DUI, including:

- Payment of fines and costs (statutory and probation costs)
- Jail

- Probation
- Suspended sentence (for 5 years)
- Suspension of driver's license
- Community service
- Drug/alcohol evaluation and treatment or alcohol/drug information school (ADIS)
- DUI Victim's Panel
- Ignition Interlock Device (may be mandatory and imposed by the Department of Licensing)

Sentencing usually takes place almost immediately following a plea to DUI or an amended charge or, following a guilty verdict after trial. The sentencing judge receives input from the prosecutor and the defense. In some instances, a judge may give you a new court date for sentencing. There are some judges who demand that you complete an alcohol evaluation prior to the imposition of sentence (another good reason to obtain the evaluation early).

For sentencing purposes, a judge may consider the following:

- Your criminal history and any prior convictions for DUI
- Level of intoxication and your behavior
- Impact of the DUI on any victims (i.e. whether injuries or passengers)
- Your personal, economic, and social circumstances

- Your regret or remorse that you express
- The agreement between you and the prosecuting attorney

Probation

A consequence of a criminal conviction, for DUI or some other crime is probation. The purpose of probation is to monitor the individual to ensure compliance of the sentencing conditions, such as completion of an alcohol evaluation, alcohol treatment, payment of fines, and maintaining lawful conduct.

If you fail to comply with the conditions imposed at sentencing the court may summons you to appear to explain your failure to comply. There are some instances when the failure to comply is relatively minimal and can be corrected prior to your court appearance. In other instances, the failure to comply may be severe (i.e. new DUI arrest) and the punishment that results may be harsh (i.e. 30 days or more of jail).

Probation can be supervised or unsupervised, with the former demanding monthly meetings with a probation officer. The way to avoid lengthy supervised probation is to have the alcohol/drug evaluation and the alcohol drug information school or treatment completed prior to sentencing. This leaves probation very little to supervise.

If you have been arrested for DUI and have

either had the case amended to a lesser offense, been convicted of DUI or entered a Deferred Prosecution, Whatcom County District Court will place you on active probation and demand you appear at the probation office the same day your court case concludes. The Cities of Bellingham, Lynden, Everson, and Sumas use the same probation office as Whatcom County District Court cases while the Cities of Blaine and Ferndale have their own separate probation facilities.

Active probation (supervised probation) is a "unique" feature to Whatcom County and not practiced as aggressively in neighboring Counties. In Whatcom County, expect at least one year of active probation. Active probation costs, wait for it, $100 per month!

DUI Appeals

If you have been convicted of a DUI you may "appeal" your case and request that a higher court review certain aspects of the case for legal error, as to either the conviction itself or the sentence imposed. Importantly, you must initiate the appeal within 30 days of the finding of guilt. If you plead to a DUI (or any other offense) you will waive your right to appeal.

In an appeal, you argue that there were key legal mistakes which affected the jury's decision and/or the sentence imposed and that the case

should be dismissed or that you should be re-tried or re-sentenced.

In considering an appeal, the court reviewing the case looks only at the "record" of the proceedings in the lower court and does not consider any new evidence. The record is made up of the court reporter's transcripts (or court recordings) of everything said in court, whether by the judge, the attorneys, or witnesses. Anything else admitted into evidence, such as documents or objects, also becomes part of the record. Therefore, it is critical that your attorney present a solid case and a sound record for later review.

CHAPTER 2

DUI Penalties & Conditions

Penalties (minimum)

[<.15/>.15 or Refusal]	1st DUI	2nd DUI	3rd DUI
Jail	1 day/2 days	30 days/ 45 days	90 days/ 120 days
EHM		60 days /90 days	120 days/ 150 days
Fine	$991/$1246	$1246/ $1671	$2096/ $2946
License Suspension	90 days/ 1 year	2 years/ 3 years	3 years/ 4 years
SR 22 Insurance	3 years	3 years	3 years
Ignition Interlock	1 year	1-5 years	1-10 years
Alcohol Eval	Yes	Yes	Yes
DUI Victim Panel	Yes	Yes	Yes
Probation	5 years	5 years	5 years

Jail

Mandatory criminal penalties for a Washington State DUI depend on a breath or blood draw reading (or refusal to provide a breath/blood sample) and whether you have any prior DUI convictions within a seven-year period. The mandatory minimum penalties for DUIs are prescribed by the State Legislature and prohibit judges from going lower than the predetermined penalties.

Regardless of the mandatory minimum penalties you should not assume that the judge will necessarily sentence you to these minimum penalties. A judge always has the discretion to impose up to the maximum penalty permitted by law. You may be sentenced to more than the mandatory minimums if there are factors in your case that would warrant a judge to impose a greater penalty. These factors include, but are not limited to, having passengers in the car (it is worse if the passengers are minors), if you have prior DUIs but they occurred more than seven years ago, if there was an accident, if you were highly belligerent to the police officer, and so on. Importantly, if you were incarcerated after you were arrested for the DUI you may be given credit for time served, assuming you served more than 24 hours in jail.

Sentencing Enhancements

A sentencing enhancement refers to a situation

or fact in your case that the prosecutor and/or judge will potentially use against you to increase the penalties if you are convicted. Facts that could be considered to enhance your punishment (meaning, more jail to serve) would include:

- a child (or any passenger) in the vehicle;
- excessive speed;
- an exceptionally high BAC reading (over 0.15);
- refusing the submit to a blood or breath test;
- an accident, property damage, or injury arising out of the DUI;
- prior related offenses.

Work Release

Work release is an alternative to jail that permits you to work during the day and then return to jail in the evening. You must get permission from the judge and then must be approved by the local corrections facility (or probation department) to participate in the work release program. You will be charged by the day for this privilege. The catch is that typically you must be sentenced to at least 10 days in jail (15 days in jail in some jurisdictions) before you become eligible to apply for work release. This may not be an option in some courts so discuss this option with your attorney prior to sentencing.

In Whatcom County, you must work in the

County to qualify for the work release program. Further, you will be required to report to the Work Release facility ("Alts") immediately after sentencing, although the work release may begin several weeks later.

Electronic Home Monitoring

Electronic home monitoring (EHM) is "electronic jail" that is served in your home and is imposed at the discretion of the Judge if you are convicted of DUI. If EHM is granted by the judge, you must still "qualify" for it by means of an application through the jail where it is ordered to be served. generally, the jail administrators screen out persons they feel pose "problems" or "risks."

The availability of EHM as an alternative to jail is dependent on jurisdiction, so it's important that your attorney be familiar with the court and the prosecuting attorney and their practice when it comes to EHM. If EHM is not permitted as an alternative to jail as an option for the court, there may be another way to petition the court to grant EHM. A judge may grant EHM as an alternative to jail if the defendant has medical needs that make jail time impractical (for the defendant and jail staff) or medically harmful. In Washington State EHM is mandatory in addition to jail time when the DUI is the second or third in a seven-year period.

EHM devices now use Global Positioning

Satellites (GPS) to constantly track, record and report your location. All EHM devices monitor your movements and if you walk beyond a prescribed distance, the computer calls the central monitoring computer and "reports" a violation. EHM is not free and if permitted you will pay for such a "privilege." There is a cost for EHM so please consult with your attorney.

It is likely that EHM will likely continue to grow in use as the technology increases in sophistication, decreases in price and the cost of confinement in jail continues to rise, and the punishment continues to increase for a conviction for DUI. Additionally, the number of people filling the jails continues to increase and jurisdictions are eager to find alternatives to filling the jails.

The City of Bellingham has started a program that mirrors the Electronic Home Monitoring program. The program is run separately from the Whatcom County Alternatives program and is directly through the Bellingham Municipal Court. It has proven to be a good alternative for defendants and permits more flexibility with work schedules and locations. We don't praise every new program in the criminal court system, but this is one program that has proven to be very successful for all involved. The program is detailed in a following paragraph and is called "Friendship Diversion Services."

Community Service

Community service for DUI offenders was developed in the 1980s as an alternative to jail because of high jail costs and limited available space. Whether community service is permitted is ultimately up to the presiding judge.

Once you qualify for community service and it has been approved by the judge, you will be provided a jail commitment date and the opportunity to complete the community service prior to the commitment. If you successfully complete the community service, you will not need to appear for your jail commitment. On the other hand, if you do not complete the community service you will still need to appear.

Community service involves working at a not-for-profit organization. Depending on the court, you may be limited to specific organizations to serve your community service. Be sure to check with the court, or better yet, have your attorney check into this. Typically, organizations that would be approved include the Salvation Army, food Banks, food Kitchens, City Parks and recreation, Libraries, and so on. You will need to provide proof of your service to the court after you complete the hours. Proof should be on the not-for-prof- it's letterhead and signed by an executive of the organization.

You should be warned that many judges will not permit you to perform community service in lieu of jail. It is important to know your judge.

Friendship Diversion Program

The City of Bellingham and the City of Blaine, utilize a program called “Friendship Diversion.”

The program’s mission is: “To provide a supervised alternative for the criminal justice system wherein the victim is restored, the community benefits from work provided by the defendant at non-profit or governmental agencies as well as through the reduction in costs in disposing of the crime and, finally, the defendant, on successful completion, will not have a criminal conviction and has accepted responsibility for their behavior.” This program was implemented as a part of BRIC, (Bellingham's Reduction Incarceration Challenge), to help address the request from the Whatcom County Sheriff to reduce the City of Bellingham's inmate population in the Whatcom County jail. If your case is in Bellingham Municipal Court you will be well advised to discuss this program with your attorney and if it will apply to your case.

Work Crew

Work crew is an alternative sentencing

program that is designed to reduce jail overcrowding by providing minimum risk offenders a work option to meet court obligations. If the jurisdiction in which you are charged permits work crew, you must first qualify and be referred to the work crew program from the court. To qualify for the program, you will be screened first to ensure that you qualify. Once you qualify you will be assigned work and your work will be monitored to ensure that you complete all the assigned tasks.

It is important to know the jurisdiction where your DUI occurred as some offer work crew in lieu of jail while others do not. Be advised that work crew does not replace mandatory jail and can only be used when the DUI is amended to a lesser offense, where jail is not mandatory.

DUI Victim Impact Panel

Another requirement of probation that is generally imposed at sentencing is a DUI victim impact panel. While this is not a mandatory requirement, practically speaking every judge imposes this sanction. The DUI victim impact panel is a community meeting where volunteers who have been victims, offenders, and witnesses of DUIs give testimonies regarding their experiences they have endured due to the actions of drivers under the influence. The panel's focus is to encourage people to be responsible for their

choices. It goes without saying, but it still must be said, you must be completely sober when attending.

Ignition Interlock Device

The ignition interlock device (IID), or breath alcohol ignition interlock device (BIID)), is gaining popularity in governmental circles, court systems, and advocates against the crime of driving under the influence. The device is a breath test type apparatus that is connected to the vehicle's dashboard, or more correctly to its ignition mechanism. The instrument requires the driver to provide a breath sample before allowing the vehicle to start. If the breath sample renders a clean result (i.e. a blood alcohol concentration reading below the permit- ted amount (usually, 0.00, 0.02, or 0.04 per cent) the vehicle's engine will start. Alternatively, if the driver provides a breath sample that is over the required amount then the vehicle will not turn over and the failed attempt will be reported to the governing agency.

While the vehicle is in motion (or the engine is turned on) the IID will randomly require the driver to provide another breath sample. The time between required breath samples is dependent on the calibration of the unit, however typically random breath samples are required every 10 to 20 minutes while the vehicle is in operation. The

purpose behind the random breath sample is to prevent a driver from having a "sober" friend blow into the device starting the vehicle. If the requested breath sample is not provided or exceeds the required limit, the device will record the incident, warn the driver and then start up an alarm (e.g., lights flashing, horn honking, etc.) until the ignition is turned off, or a clean breath sample has been provided.

A common, but inaccurate belief is that interlock devices will turn off the vehicle's engine if alcohol is detected. Since this would then create an unsafe or dangerous driving situation that would expose interlock manufacturers to substantial liability, a vehicle's engine does not turn off if a breath sample detects too much alcohol on a driver's breath. It is physically impossible for an interlock device to turn off a running vehicle.

The devices keep a running record of the activity on the unit and this record, or log, is printed out or downloaded each time the device's sensors are calibrated, commonly at 30, 60, or 90-day intervals. In the DUI realm, these records are provided to the courts for probation review and to the Department of Licensing in some instances. If the court still has jurisdiction and a violation is detected the court may require the driver to re-appear and possibly face addition sanctions.

An Ignition Interlock Device (IID) may be

ordered by the court following sentencing or at arraignment. The law now requires the installation of an IID within 5 days of arraignment if you have been previously arrested for DUI.

Warning: Ignition interlock devices are delicate, fickle and archaic machines. They are far from perfect and will fail at some point. Knowing, this, please do not contribute to the problems you will undoubtedly face if you have one of these devices. Please learn how to use them, do not permit others to use the machine unless they also understand the device (and are trustworthy), do not drink or eat in the vehicle or within 30 minutes of driving, and do not remove the machine until you have confirmed with the DOL that you may do so.

Secure Continuous Remote Alcohol Monitor (SCRAM) (aka TAD)

The "Secure Continuous Remote Alcohol Monitor system," or more commonly known as SCRAM, is a water and tamper-resistant Bracelet that collects, stores and transmits measurements of an individual's blood alcohol content (BAC). The SCRAM device is made by a company named AMS, was developed in 1991, first introduced in 2003, and now is used in more than forty states.

The device is considered a transdermal alcohol sensor and measures alcohol that is lost through the skin from sweat. The device utilizes

three technologies that work simultaneously, yet separately, namely the transdermal Alcohol Content (TAC) for alcohol detection, as mentioned, thermometer for determination of body temperature of the subject, and infra- red signal system for detection of distance from the skin to the SCRAM unit. The gadget, worn as an ankle Bracelet, "sniffs" every 30 minutes and transfers data via a wireless connection to a probation officer or other law-enforcement official. The device can also detect tampering. This device is used frequently in courts where Judges impose conditions of release after an arraignment or preliminary hearing or by probation departments after sentencing.

SMART Mobile Portable Alcohol-Monitoring Devise

The SCRAM/TAD devices are very expensive and there is now an alternative that costs less than one-quarter as much, the "SMART Mobile Portable Alcohol-Monitoring Devise." This portable device must be on your person or in close proximity 24/7 as you must provide a breath sample multiple times per day and evening. The device is pre-set with a number of pre-set times and one or two random times when it indicates a need to provide a breath sample. While far less expensive, it is a riskier device than SCRAM as it requires the person to actively blow when requested while SCRAM automatically provides results without

effort from the participant. However, if cost is an issue – the device costs around $100 per month while the SCRAM is closer to $500 per month.

Restitution

Restitution is money that you would pay if there was any physical damage that resulted from your arrest and charge for DUI. For example, if there was an accident you must provide proof that either you paid for all the damages that you were liable for (or the insurance deductible). If there is a plea agreement that results in a criminal conviction, whether it be the original charge or DUI or a lesser offense, or if you enter a deferred prosecution, the court will can order that you pay restitution. If the amount of restitution is known, you must pay this amount within a prescribed period of time (typically 30 to 90 days). If the amount of restitution is not known, the court will request that the prosecuting attorney contact the victim and request an amount (with supporting evidence) to be forwarded to the court. The court will demand that the amount of restitution is provided to the court within a certain amount of time, typically within 30 to 90 days of the order. If the prosecutor fails to provide the court with this information you will not have to pay the restitution. Alternatively, if the amount of restitution provided appears to be too much and you dispute the amount, you will be afforded the

ability to request a “restitution hearing” to argue the validity of the amount.

Insurance

If you are convicted of a DUI (or your license was suspended in the administrative hearing) you will be required to obtain SR-22 automobile liability insurance for a period of at least three years.

When you are eligible to have, your license reinstated you go to the Department of Licensing and make an application for reinstatement. The SR-22 form must be taken to your insurance company who then completes the form and mails it directly to the Department of Licensing. The insurance company acknowledges responsibility for reporting any lapse in insurance coverage directly to the Department of Licensing, which may result in an additional suspension of your driver’s license.

There are restrictions that coincide with this type of insurance. Such restrictions include the ability to drive only specific cars that are included in the policy. Practically speaking, however, the biggest effect that SR 22 insurance has is increased insurance costs. How much more is dependent on your age, the type of car being insured, driving record, type of coverage, limits of coverage, and the insurance company itself. The higher risk, and therefore higher cost, refers to the fact that the

insurance is covering a convicted DUI driver. The requirement of having high-risk insurance for a period of at least three years is one of the harshest economic consequences of being arrested for DUI.

Costs

The fines that you are required to pay for a DUI or a lesser offense are, unfortunately, only part of the story. You may also potentially be responsible for the BAC Fee ($250); an emergency response fee; filing and conviction fees; overtime for officers and finally, there will be probation costs that can be extraordinarily expensive.

CH A PTER 3

Washington State Law and Statutes

Driving Under the Influence (DUI)

RCW 46.61.502

UNFORTUNATELY, WE CANNOT avoid looking at the statute for the explanation of a DUI. This is the case because a DUI is the creation of the Legislature who decided what the definition of a DUI was and what the blood alcohol content limit would be. Thus, it is the statute in each state that defines what a DUI is and it is this definition that the prosecutor must prove beyond a reasonable doubt.

In Washington State a person is guilty of driving while under the influence of intoxicating liquor, marijuana or any drug if the person drives a vehicle within the state:

(a) And the person has, within two hours after driving, an alcohol concentration of 0.08 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or
(b) The person has, within two hours after driving, a THC concentration of 5.00 or higher as shown by analysis of the person's blood made under RCW 46.61.506; or
(c) While the person is under the influence of or affected by intoxicating liquor, marijuana, or any drug; or
(d) While the person is under the combined influence of or affected by intoxicating liquor, marijuana, and any drug.

Looking at the statute, it is clear that it is not only the excessive consumption of alcohol or marijuana (THC) that can place the driver in fear of being arrested for a DUI. But the law does not limit driving under the influence of drugs to marijuana as any use of drugs, legal or illegal, that

can put in criminal jeopardy a driver of a motor vehicle. Further, lawful use of a prescription drug is not a defense to a charge of DUI.

Physical Control

RCW 46.61.504

The law states that you are in physical control of a motor vehicle if you are in a position to physically operate and control a motor vehicle. You do not need to be moving the car or even have moved the car to be properly charged with the offense. Over the years this law has been somewhat refined and now there is a requirement that you not only be able to physically operate a motor vehicle but also have the means to do so. Typically, this involves having the ignition keys in close proximity or in the ignition switch.

The statute for Physical Control, RCW 46.61.504, reads as follows:

(1) A person is guilty of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug if the person has actual physical control of a vehicle within this state:

(a) And the person has, within two hours after being in actual physical control of the vehicle, an alcohol concentration of 0.08 or higher as shown by analysis

of the person's breath or blood made under RCW 46.61.506; or

(b) The person has, within two hours after being in actual physical control of a vehicle, a THC concentration of 5.00 or higher as shown by analysis of the person's blood made under RCW 46.61.506; or

(c) While the person is under the influence of or affected by intoxicating liquor or any drug; or

(d) While the person is under the combined influence of or affected by intoxicating liquor and any drug.

The statute for this offense is not very helpful in defining the element of "physical control." However, case law helps to a degree as it is defines being in "actual physical control of a motor vehicle" as having the authority to manage a reason- ably operable vehicle or is in a position to regulate movement of the vehicle. *State v. Smelter*, 36 Wn. App. 439, 674 P.2d 690 (1984).

Juvenile DUI (Minor DUI)

RCW 46.61.503

Under Washington law, it is a crime for a person under the age of 21 to drive or to be in physical control of a vehicle after consuming alcohol with an alcohol concentration over 0.02. This is a strict standard and is treated with zero tolerance. The amount of alcohol required to get to a level of 0.02 is minimal, less than one beer or a glass of wine. Such a violation has grave consequences and may result in a criminal charge, an arrest, license suspension, and possibly jail.

The statute for a juvenile DUI, RCW 46.61.503, reads as follows:

(1) notwithstanding any other provision of this title, a person is guilty of driving or being in physical control of a motor vehicle after consuming alcohol if the person operates or is in physical control of a motor vehicle within this state and the person:

(a) Is under the age of twenty-one; and

(b) Has, within two hours after operating or being in physical control of the motor vehicle, either:

(i) An alcohol concentration of at least 0.02 but less than the concentration specified in RCW 46.61.502, as shown by analysis of

the person's breath or blood made under RCW 46.61.506; or

(ii) A THC concentration above 0.00 but less than the concentration specified in RCW 46.61.502, as shown by analysis of the per- son's blood made under RCW 46.61.506.

A "minor DUI" is a misdemeanor and has a maximum penalty of 90 days in jail and a $1,000 fine. Additionally, in all likelihood there will be probation for up to two years and the conditions imposed by the court at sentencing will certainly include an alcohol assessment and follow up (an 8-hour alcohol awareness class or lengthy alcohol treatment), the attendance at a DUI victim's panel, and possibly community service or jail time.

Additionally, there is also the possibility of a 90-day license suspension imposed by the Department of Licensing for those arrested for a minor DUI. This suspension occurs irrespective of the outcome in the criminal case.

Finally, if you are a minor and have a breath rest result of .08 or greater, or THC in your system over 0.05, or if the prosecutor can prove that you were impaired at the time of driving, you can also be prosecuted for an adult DUI and be facing the same consequences, including mandatory jail.

Reducing the DUI Charge

The objective of any DUI attorney is to ensure that their client does not end up with a DUI on their record. Clearly the hope is that the DUI is dismissed and that all related charges disappear. While this does occur from time to time, the reality is that most cases with a qualified DUI attorney are disposed of with the amendment of the DUI charge to a lesser offense. Equally as true is that occasionally DUI cases present very few defenses and have circumstances that do not lend them- selves to an amendment and then the job of the attorney is to mitigate the damage that has already been done.

The facts of the DUI usually dictate what will ultimately happen with the charge. If you have a BAC reading of more than twice the limit and all available defenses cannot be successfully challenged, or all challenges have failed, the chance of having the DUI charge amended to a lesser offense be- comes a difficult proposition. Further, if there is an accident or there are passengers in the vehicle who are minor children, it becomes an even more difficult proposition to have the DUI charges amended to a lesser offense. At times when all legal defenses have been challenged but have failed your attorney must be adept at mitigating the damage. In other words, worst case scenario your attorney must ensure that your DUI case doesn't go

from bad to worse with the addition of greater penalties, including more jail. In cases with high BAC readings (over 0.15), when an amendment to a lesser offense is not an option, your attorney should at least be able to work an offer of "no BAC reading," which may help with a license suspension and will lower mandatory jail and fines.

Reckless Driving

RCW 46.61.500

Reckless driving is a crime in Washington State and is a "gross-misdemeanor" and punishable by up to 364 days in jail and a fine of $5000. Unlike DUIs there is no mandatory penalty sentence and therefore no mandatory jail. Another significant difference is that probation is 2 years in length, not 5 years as it is in a DUI. Lastly, reckless driving is a non- alcohol related crime.

If convicted of reckless driving there is an automatic license suspension of 30 days. This suspension will not take effect immediately but you will receive notice from the DOL after the court approves of the plea. The court then forwards the plea of Reckless Driving to the DOL and the DOL then issues the suspension. The suspension will result in the requirement of SR-22 insurance for 3 years.

The statutory definition of Reckless Driving is:

(1) Any person who drives any vehicle in willful

or wanton disregard for the safety of persons or property is guilty of reckless driving. Violation of the provisions of this section is a gross misdemeanor punishable by imprisonment of not more than one year and by a fine of not more than five thousand dollars.

(2) The license or permit to drive or any nonresident privilege of any person convicted of reckless driving shall be suspended by the department for not less than thirty days.

Reckless Endangerment

RCW 9A.36.050

It is not uncommon to see the charge of Reckless Endangerment charged along with a DUI or, have the threat of a charge of Reckless Endangerment being added to your DUI charge. Typically, this charge is considered if you have passengers in your vehicle. Additionally, in some instances your DUI charge may be amended to Reckless Endangerment. Such an amendment may occur when Reckless Driving is not acceptable due to the required 30-day license suspension. Reckless Endangerment does not have a mandatory driver's license suspension.

The statutory definition for Reckless Endangerment, RCW 9A.36.050, reads as follows:

> A person is guilty of reckless endangerment when he or she recklessly engages in conduct not amounting to drive-by shooting but that creates a substantial risk of death or serious physical injury to another person.

Negligent Driving in the First Degree

RCW 46.61.5249

Negligent Driving in the first Degree is a Misdemeanor and has a maximum penalty of 90 days in jail and a $1,000.00 fine. Additionally, like Reckless Driving, there are no mandatory penalties with this charge and subsequent conviction. There is no driver license suspension, no mandatory jail, and no mandatory requirement to carry SR-22 high risk insurance.

It is important to remember that unlike a DUI you do not need to be impaired to be convicted of Negligent Driving in the First Degree. Technically, if you have a sip of beer and drive in a negligent manner you can be arrested for negligent Driving in the First Degree.

The statutory definition of Negligent Driving in the first Degree, RCW 46.61.5259, reads as follows:

> A person is guilty of negligent driving in the first degree if he or she operates a motor vehicle in a manner that is both negligent and endangers or is likely to endanger any person or property, and exhibits the effects

of having consumed liquor or an illegal drug.

Negligent Driving in the Second Degree

RCW 46.61.525

With the exception of a dismissal, the amendment of a DUI charge to Negligent Driving in the Second Degree is regarded the best possible result possible. Negligent Driving in the Second Degree is not a criminal offense but a civil traffic infraction. Therefore, this offense does not result in a criminal conviction and hence there is no jail. While most of my clients, rightly, want this outcome it must be advised that such an outcome is rare.

The statutory definition of Negligent Driving in the Second Degree, RCW 46.61.525, reads as follows:

(1)(a) A person is guilty of negligent driving in the second degree if, under circumstances not constituting negligent driving in the first degree, he or she operates a motor vehicle in a manner that is both negligent and endangers or is likely to endanger any person or property.

CH A PTER 4

Alcohol/Drug Evaluations, Classes and Treatment

IN THE CONTEXT of driving under the influence, alcohol and drug use is front and center. While the great majority of DUI offenders are not substance abusers who require treatment, for those who are there exists another very real dilemma, re-offending. Thus, most courts will order the defendant charged with DUI to undergo an alcohol/drug evaluation to determine whether they suffer from substance dependency.

Mandatory Alcohol/Drug Evaluations

Mandatory alcohol/drug evaluations and treatment of DUI offenders to address potential substance abuse problems has support in law enforcement, in the judiciary, and organizations such as MADD. The idea is that if the offender is evaluated, found in need of treatment, and thereafter is treated for substance abuse issues then the chance of repeating the crime of DUI is diminished.

Completing an alcohol/drug evaluation may be compulsory for you if you have been arrested for DUI, regardless of the eventual outcome. It is essential that you do not randomly choose a treatment center. This is an area where direction from your attorney is critical.

Regardless of whether the evaluation is court ordered or if you do it on your own you must be evaluated by a certified counselor in an alcohol program approved by the department of social and health sciences. The evaluation is typically two hours in length and involves your participation in the self-reporting questionnaires (MAST and DAST) and an interview with the alcohol/drug counselor. The face to face interview may involve the counselor asking you follow up questions from the questionnaires or alternatively asking you questions about your family history (regarding relatives you may have had substance abuse problems) and your general drinking (or drug use)

patterns.

As mentioned, you must get the evaluation from a certified facility. There is no list of approved agencies in this book because the list is voluminous. Also, it is best to get a referral from your attorney because there are some treatment agencies that are better than others. It is important to remember that these agencies are businesses and they make most of their money from treatment, hence there is a willingness by many to quickly recommend treatment when perhaps it is not necessary. Also, your attorney can recommend certified treatment agencies so you do not waste your time and money attending a non-certified treatment facility.

When you go to the evaluation you will be required to bring the following information:

- A copy of your five-year driving abstract or record, which is available at your nearest state patrol or department of licensing office;
- A copy of your police report and BAC ticket (Describes the "what, why, when, and where's" of your arrest); and
- A copy of any court orders or citations.

The alcohol evaluation is to determine whether you are alcohol dependent and whether you should receive alcohol treatment. The alcohol

treatment facility will then prepare a treatment recommendation for the court. If you sign a release form giving permission for the treatment provider to release a copy of the evaluation, a copy will be provided to your attorney, the court and the Department of Licensing (if applicable). It is my firm recommendation that you only sign a release to your attorney who can first review the evaluation to confirm that it is accurate and reflects your combined expectations. Based on this diagnoses and recommendation, the court must order an offender to complete either an approved alcohol drug information school (ADIS) or a more intensive treatment program. See below for more details on ADIS.

If you are evaluated, you must be evaluated in accordance with the criteria that has been outlined by the bureau of alcohol and substance abuse within the department of social and health services. There are three categories of evaluation and corresponding treatment:

1. No significant problem (NSP);
2. Significant problem level 1 (SP1); or
3. Significant problem level 2 (SP2).

SP1 indicates a finding of alcohol abuse, while SP2 is a finding of alcoholism. For a defendant evaluated as NSP, alcohol information school will be recommended. For a defendant evaluated as SP1, a treatment program up to one-

year in length will be recommended, and for the defendant evaluated as SP2, a treatment program up to two-years in length will be recommended.

It is very important to remember that if convicted of a DUI (or related offense) the court will order that you follow what- ever the treatment facility recommends. In other words, even if you are diagnosed as NSP, you must nevertheless complete at least the alcohol school (this is a minimum requirement).

The costs for treatment vary and in some insurance companies will pay for some of the treatment. Other insurance plans may not cover any of the treatment while a few will pay for the entire treatment plan.

While these long-term treatment plans are generally tailored to the individual's need they are still governed by D.S.H.S. guidelines. The typical 2-year intensive outpatient treatment plan consists of about two to three months of meetings 3-5 times per week. These meetings consist of one- on-one meeting with a counselor, group meetings with other individuals in the treatment facility, attendance at Alcoholics Anonymous, or some other alcohol support group. The intensive two to three-month phase is then followed by approximately six months of once per week meetings. The remainder of the two-year program involves once per month

meetings.

Alcohol and Drug Information School (ADIS)

Alcohol and Drug Information School (ADIS) is an 8-hour program designed to educate the participants about the dangers of alcohol and drugs. ADIS is typically recommended by a treatment provider for those who are deemed to have no significant problem (NSP) with alcohol or drugs.

ADIS includes the following topics:

- Expectations, Pre-test, Choice
- Blood Alcohol Concentration
- Long Term Effects of Alcohol & Drug Abuse
- Patterns of Use, Nonuse, Social Use, Misuse, Abuse and Addiction
- Underage Drinking and Driving
- Washington Penalties
- Financial and Personal Losses
- Breaking the Family Cycle
- Exploring Values / Making Decisions
- Change Plans and Post-test

CHAPTER 5

Deferred Prosecution

Unique to Washington and allows you to have your DUI dismissed on the condition that you complete a 2-year alcohol/ drug treatment program. The program is divided into 3 phases: i) approx. 3 months long (3+/week); ii) approx. 6 months long (once/week); iii) approx 15 months long (once/month). Participants must also complete 2 AA meetings per week for 2 years.

PROS:

- DUI dismissed (in 5 yrs)
- No loss of license
- No SR 22 insurance
- No jail

CONS:

- 2 years of Treatment
- Considered a "prior" DUI;
- Ignition Interlock Device;
- Only one DP a lifetime;
- Costly unless good insurance

WASHINGTON STATE OFFERS those who have been charged with a DUI a program that is unique to this state. Deferred prosecution permits those who are alcohol or drug dependent or suffer from mental health issues to enter a two-year treatment program in exchange for a complete dismissal of the charge (or charges) in five years, no jail, and no loss of license. RCW 10.05. This program is a godsend for many but the consequences for failure to strictly adhere to the program can be horrendous.

The Washington legislature has recognized that some people who are charged with criminal offenses are not necessarily criminal by nature but suffer from a problem that needs treatment. The legislature has recognized that the best way to keep an alcoholic (or drug addict) from driving drunk (or affected by drugs) is to get him or her to stop drinking or abusing drugs. from this belief came the deferred prosecution statute.

The deferred prosecution statute allows you to petition (ask) the court for a deferral or postponement of their case for a period of five years while you seek treatment for your dependency problem. If the Petition is granted the advantages are obvious: you keep your license, keep the DUI (and/ or other charges that were a product of the DUI) off your re- cord, avoid being fined, and, except for cases of where those charged

refused the blood or breath test, avoid administrative license suspensions. Importantly, you are given an opportunity to sober up and regain control of your life.

To qualify for deferred prosecution, you must obtain an evaluation from a state approved treatment agency. The treatment facility will conduct a detailed assessment and if it concludes that the criminal conduct was the result of alcoholism, drug addiction or mental health problems and that you are amenable to treatment, meaning you are serious about treatment and willing to be treated, you are eligible for deferred prosecution if you have never been granted a deferred prosecution before. You are only permitted one per lifetime!

If you are considering entering in the Deferred Prosecution program in Washington it is critical that you and your attorney be familiar with the court where the Petition for Deferred Prosecution will be entered. Every court has its own rules and procedures that you must follow to qualify.

In DUI cases the most frequent reason an individual decides to enter the deferred prosecution program is because of a drinking problem. The program consists of a statutorily required two-year treatment program which is broken down to a demanding three phase schedule. The first phase is typically three or four nights a

week (sometimes five nights a week depending on the provider) for the first two or three months (seventy-two hours of treatment in the first 90 days) or can involve an inpatient program. Phase two involves weekly treatment and counseling for six months. Phase three, the least rigorous of the three phases, requires counseling once a month for the balance of the two-year program. Importantly and not to be forgotten, two Alcoholics Anonymous or other self-help meetings per week are required for the full two years.

Those who choose the Deferred Prosecution option are then placed on supervised probation which requires a monthly meeting with a probation officer. The cost for this privilege can vary, but typically it is approximately $50 to $100 per month for the first two years and an annual flat fee for each of the remaining three years. The probation costs vary depending on which jurisdiction you are in, but the numbers quoted are typically what you could expect. Additionally, an ignition interlock device (IID) will be required for at least one year (more than one year if this is not your first offense in seven years).

If you submitted to a blood or breath test, a deferred prosecution will save your license. This is clearly one of the big benefits to the program. However, in the case of a test refusal, you will still face a license suspension unless you prevail at the

DOL hearing.

Three years after the completion of the deferred prosecution treatment program (total of 5 years), the charge(s) is dismissed. What you are required to do during the three years after treatment ends and the case is dismissed, is to stay out of criminal trouble and adhere to all the requirements imposed by the judge. Typically, the judge will require you to continue with AA attendance and maintain law abiding behavior.

If you are considering doing the deferred prosecution program you should do so seriously. This program is not for the faint of heart and failure will bring dire consequences as the court demands strict compliance. I meet with every client who decides to do the program to ensure that they know exactly what they are getting into. The program can be a great way to deal with a serious legal matter, your ability to drive, and a significant health issue.

It is important that you address important key issues prior to entering the program to limit the risk of failure. These include:

- Do you need treatment?
- Are you amendable and committed to treatment?
- Do you have the support of family and friends?
- Are you willing to change your lifestyle?
- Will your schedule permit the demands

of treatment?

- Can you afford treatment?
- Will your insurance pay for treatment (whole or in part)?
- Do you like the treatment agency?
- Do you like the treatment counselor(s)?
- Is the treatment agency's location convenient for you?

If you fail to comply with the deferred prosecution the results are ominous – the charge of a DUI will result in a conviction and any other accompanying charges will result in convictions. further, if you fail to comply the penalties that would normally be imposed will possibly be harsher than if you had simply plead guilty originally. Judges look at deferred prosecutions as a privilege and are none too impressed if you fail to fulfill your required duties.

As previously indicated you are permitted only one per lifetime. Therefore, if you are not completely committed to recovery you would be foolish to enter into a deferred prosecution. Additionally, if you are a first-time offender you must carefully consider if you want to use your one deferred prosecution allowance for the first-time offense or if you want to reserve it just in case you re-offend.

Critically a deferred prosecution is considered a prior offense if you are subsequently convicted of a

DUI within seven years. Therefore, if you are charged (and convicted) of another DUI within seven years the deferred prosecution will be used to substantially enhance the mandatory minimum penalties to be imposed on the subsequent DUI.

If you successfully complete the deferred prosecution you will significantly benefit from the rewards of the program, both legally and personally. Your DUI (and any other charges that were included in the deferred prosecution) will be dis- missed and you will have also benefited from the completed treatment and, hopefully, new found sobriety.

As mentioned, the deferred prosecution program is statutorily derived. Therefore, although statutes are not particularly exciting to read, in the case of a deferred prosecution they are necessary, hence the inclusion of two of the most important components of the deferred prosecution program, RCW 10.05.020 and RCW 10.05.150.

Finally, if you choose to participate in the deferred prosecution program, be sure to save your driver's license. To do so, you must file the Intent to Seek Deferred Prosecution with the Department of Licensing prior to the DOL hearing. The DOL will then "stay" your license suspension for 150 days (beginning the day of filing the DUI in court) until the deferred prosecution petition is filed in court. Once the deferred prosecution petition is filed the court

will forward paperwork to the DOL confirming the deferred prosecution. The DOL will then notify you in writing and advise you to exchange your current license with a “temporary” license. You will be further advised to install an ignition interlock device.

CHAPTER 6

Department of Licensing

IF YOU HAVE been arrested for a DUI your driver's license may be at risk. Following your release from custody the Officer should provide you with a document that puts you on notice that the Department of Licensing (DOL) intends to suspend your license. It does not even matter to the DOL that you might eventually be acquitted of the DUI charge or that the DUI charge might be amended to a lesser offense that does not result in a license suspension. If your breath test result is .08 or higher

or if you refused to take the breath test (or blood draw), the arresting officer will report you to the DOL.

However, you should not simply let your license be suspended without a fight. You can challenge the suspension or revocation of your license by returning the Hearing request to the DOL within **7** days of your arrest. This is a significant change from previous years and demands immediate attention.

If you decide to take no action or miss the deadline the DOL will suspend or revoke your license. This result will not change even if you have valid legal defenses and even if you are found innocent of the DUI charge.

If your license is suspended you must then file proof of financial responsibility (high risk insurance, also known as SR -22 insurance) for the next three years, the same as if you had been convicted of the DUI charge.

If you have the hearing and lose based on a decision by a Department of Licensing hearing officer, you may appeal the decision within 30 days of the date of the decision. If you do this in Washington State, for instance, it may void your ability to successfully be granted an Ignition Interlock License, so be careful.

In addition to fighting the potential suspension of your license, the DOL hearing has another

potential benefit – evidence gathering. Your attorney has an opportunity to subpoena the arresting officer (or other officers involved) and question him/her regarding the details of your case. This "free deposition" may prove insightful and prepare your attorney for trial, negotiation or lead to new legal defense issues that were otherwise unknown. Do not overlook the value of the Department of Licensing hearings.

Finally, if you do lose the DOL Hearing and have your license suspended you are eligible for a "restrictive license" so that you can drive while your regular license is suspended. Such a license is called an Ignition Interlock License and will be discussed later in this chapter.

License Suspensions

One of the many collateral consequences of being arrested for DUI, as already discussed, is the dreaded, harmful, inconvenient and expensive driver's license suspension.

A license suspension received in one state may then be entered into a database called the U.S. Interstate Driver's License Compact. The Driver's License Compact is an agreement between 45 participating States to share information about drivers and their Department of Licensing (DOL/DMV) records that include, but are not limited to, infractions, convictions, driver's license

suspensions, license restrictions, revocations, DUI charges, accidents, and eligibility for license reinstatement. Jolly, David N. *The DUI Handbook for the Accused*. Outskirts Press (2007). This information is provided to the National Driver Register (NDR).

Another collateral consequence of a DUI and a resulting license suspension is additional insurance. This insurance in the United States is termed "SR-22," which is an administrative form that attests to an insurance company's coverage, or the posting of a personal public bond in the amount of the state's minimum liability coverage for the licensed driver or vehicle registration. SR-22s are typically filed with the respective State's Department of Licensing (DOL) / Department of Motor Vehicles (DMV) and in some States, must be carried by the licensed driver, or in the registered vehicle (particularly if the licensee has been cited for coverage lapses, DUI or other administrative infractions). SR-22 insurance attests to coverage for a vehicle regardless of operator (owner liability coverage) or cover a specific person regardless of the specific vehicle operated (operator liability coverage).

Deferred Prosecution

If you have chosen to do the deferred prosecution you may be able to keep your license. Such a benefit will obviously save your license but

will also avoid the substantial cost of SR-22 insurance. The process is rather simple but requires good timing and knowledge.

If you decide to petition the court for deferred prosecution you must first request a DOL hearing by submitting the driver's hearing request form with the DOL within 7 days of your arrest. Secondly, complete and file the DOL's form entitled *Intent to Seek Deferred Prosecution*. once the form is complete and filed with the DOL the DOL will "stay" the suspension of your license until the petition and order for deferred prosecution have been approved by the court. However, the DOL will not "stay" your license suspension forever. They will only "stay" your license suspension for up to 150 days following the filing of the DUI in court. Hence, timing is essential to save your driver's license.

Following the approval of the petition and order for deferred prosecution you will receive a letter from the DOL which directs you to exchange your current license with a "temporary" license and have installed the ignition interlock device. The length of the ignition interlock device (IID) installation mirrors the length that the device is required for a first, second, or third DUI conviction. Hence, if the current DUI is your first DUI arrest in seven years you will be required to have the IID installed in your vehicle for one year. Similarly, if the

current DUI is your second DUI arrest in seven years you will be required to have the IID installed in your vehicle for five years, and so on.

Finally, the benefit of keeping your license only applies if you provided a breath test (or blood draw) and does not apply to "refusal" cases. To keep your license in a refusal case means you'll have to prevail at the DOL hearing.

Department of Licensing Hearing

At the Department of Licensing hearing, a Hearing Examiner (employed by the DOL!) will determine whether there was 1) a valid stop/contact by the officer, 2) if there was probable cause to arrest, 3) if the petitioner was properly ad- vised of his/her implied consent warnings, and 4) if the breath or blood test was properly administered and the results were 0.08 or above or if the refusal was proper (or, 0.02 for minors, or 0.05 THC for marijuana DUIs).

The hearing is conducted by a telephone call to the petitioner's attorney's office and the petitioner can attend if he/she wishes (we advise that you do). The hearing officer records the hearing stating the issues to be determined and moves to admit the state's exhibits, namely the police and toxicology report (if it is applicable). The petitioner may also submit exhibits. Once the preliminary matters are dealt with live testimony is elicited as either the

Officer or the Petitioner, or both, may testify at the hearing. Typically, there is no decision rendered on the day of the hearing and a written decision is mailed to the petitioner and his/her attorney in the weeks following the hearing.

Under 21

For those drivers who are under the age of 21 years there is also an automatic 90-day license suspension imposed by the DOL in Washington State if arrested for a minor DUI. Like a regular DUI, the same procedures apply and the driver must apply for the hearing within 7 days of the arrest and pay the $375.

At the hearing, a Hearing Examiner will determine the same issues as a regular DUI except the breath test result must be .02 or more. If the license suspension is sustained at the hearing, the driver's license is suspended for 90 days the first time, or for one year or until the driver turns age 21 the second time, whichever is longer.

If your license is suspended, either because you fail to re- quest a hearing or if you lose the hearing, you will be required to obtain high-risk insurance (SR-22 insurance) for three years following the suspension period.

RESTRICTED LICENSES
Ignition Interlock License

In Washington State a specific license called the Ignition Interlock Driver License (IIL) is offered and allows the suspended driver to drive vehicles equipped with an ignition interlock device, so long as the suspension was the result of an alcohol-related DUI or Physical Control. The requirements are that the driver must have been arrested for, or convicted of, an alcohol-related DUI or Physical Control; must have had a valid driver license; must not have been convicted of vehicular assault or vehicular homicide within 7 years be- fore the incident for which you are requesting an IIL; and the current suspension or revocation isn't for, or doesn't include, Minor in Possession, Vehicular Assault, Vehicular Homicide, or Habitual Traffic Offender.

Importantly, when driving with an IIL, the driver must maintain an interlock device on all vehicles that are driven, including employer's vehicles, you drive during work hours. The driver cannot drive a commercial motor vehicle while you have an IIL.

However, this license seems to be useless if you must driver an employer's vehicle while your license is suspended. Thankfully, this requirement may be waived if the employer signs an Employer Declaration for Ignition Interlock Waiver.

The application for the IIL requires the Ignition Interlock to be installed and SR 22 insurance obtained. Proof of both must be submitted to the

DOL prior to the application being approved. go to www.washdui.com and click on "driver's license" for details and the application for the IIL.

Commercial Drivers

Governing the Commercial Driver and the privilege to drive is the Commercial Motor Vehicle Safety Act of 1986. The Act continued to give states the right to issue CDLs, but the federal government established minimum requirements that must be met when issuing a CDL.

For those with a Commercial Driver's License (CDL) and who are stopped for a DUI the consequences of a license suspension can be particularly troublesome. Matters become worse if the holder of the CDL is stopped (and arrested) for DUI while driving a commercial vehicle. When a police officer determines that a commercial driver has any alcohol in his system while driving, the driver will immediately be issued an out of service order valid for twenty-four hours which means the driver may not operate any commercial vehicle for a twenty-four-hour period. The officer may then require the driver to submit to a test of his breath to determine the alcohol content. If the driver has an alcohol concentration of .04 or more, or if the driver refuses to submit to a breath test, the officer will submit a sworn statement reporting these findings to the DOL within 72 hours of the incident.

Once the DOL has received this report and notified the driver, the driver may request a hearing within 7 days. If no hearing was requested or if it is proven at the hearing that the driver had an alcohol concentration of .04 or more, or refused the breath test, the driver will be suspended from driving a commercial vehicle. For a first violation, the driver will be suspended for one year and for a second or subsequent violation the driver will be suspended for life.

Like a regular driver, even if the commercial driver wins the DOL hearing and defeats the administrative suspension, he or she still faces suspensions if convicted of a DUI in the criminal court. In summary, if you are a CDL holder you must be very careful in how you proceed with your DUI. Simply because the DUI is amended to a lesser charge may not have any benefit to your CDL.

Commercial Driver's License (CDL)

As mentioned elsewhere in this book, a charge of DUI may impact your CDL tremendously. Further, even a reduction from DUI to a lesser offense may still potentially harm your CDL. As always, the key is educating yourself regarding the potential dangers that come with a DUI charge and the almost inevitable fallout follows.

Importantly, you may lose your CDL privilege whether you are arrested for DUI while driving a

commercial vehicle or a private car. However, it is considered far more severe if you are arrested for DUI while driving a commercial vehicle. Therefore, the restrictions and applicable laws are far stricter than regular DUIs.

The demands that you not drive, operate, or be in physical control of a commercial motor vehicle while having alcohol concentration of 0.04 or more. Further, law enforcement shall issue an out-of-service order valid for twenty-four hours against a person who drives, operates, or is in physical control of a commercial motor vehicle while having alcohol in his or her system or who refuses to take a test to determine his or her alcohol content as provided by RCW 46.25.120. RCW 46.25.110

In Washington State a CDL holder has specific duties if he is convicted of a driving related crime. A CDL holder who is convicted of violating a state law or local ordinance relating to motor vehicle traffic control, in any other state or federal, provincial, territorial, or municipal laws of Canada, other than parking violations, shall notify the DOL thirty days of the date of conviction and his employer in writing of the conviction within thirty days of the conviction. RCW 46.25.030(1) (a)(b) Similarly, a CDL holder must also notify his employer if his driver's license is suspended, revoked, or canceled by a state, who loses the privilege to drive a commercial motor vehicle in a

state for any period, or who is disqualified from driving a commercial motor vehicle for any period. RCW 46.25.030(1)(d) Such notification must take place before the end of the business day following the day the driver received notice of that fact.

In the DUI context, the CDL holder is disqualified from driving a commercial motor vehicle for a period of not less than one year if he is suspended pursuant to a Department of Licensing ruling or if the person has been convicted of a first violation, of DUI or driving a commercial motor vehicle while the alcohol concentration in the person's system is 0.04 or more, or driving a noncommercial motor vehicle while the alcohol concentration in the person's system is 0.08 or more, or is 0.02 or more if the person is under age twenty-one. RCW 46.25.090

Unfortunately for the CDL holder the disqualification of their license may also occur even if the DUI has been amended. Such examples include the disqualification of the CDL for not less than 60 days if there is a conviction of reckless driving where there has been a prior serious traffic violation or 120 days if convicted of reckless driving where there have been two or more prior serious traffic violations.

CHAPTER 7

Miscellaneous DUI Issues

TRAVEL TO CANADA

2020 Update: Canada's legal system was updated on January 1, 2019 and this may make entry into Canada impossible after a DUI conviction or reduction from DUI, absent a Visa.

Inadmissible Entry into Canada

If you travel to Canada and are facing a criminal charge, whether it be a more serious felony matter or a "simple" misdemeanor, you must know the implications of a conviction. The Canadian Government has determined that certain persons are "inadmissible" to Canada and therefore are not allowed to enter Canada or remain in Canada.

Members of Inadmissible Classes include those persons who have been convicted of certain criminal offenses, which include, but are not limited to:

- Felony convictions
- Possession of illegal substances
- Unauthorized possession of a firearm
- Shoplifting
- Theft
- Assault

The Canadian Government also views a DUI as an extremely serious offense. If you are convicted of a DUI, you will not be permitted entry into Canada. If you wish to travel to Canada there is a means to either remove the status of "inadmissible" or travel into the country while you are "inadmissible" if you follow certain procedures. Click on *www.washdui.com* and go to "important links" for the government of Canada website for more information and the application.

Inadmissible Status Removal

You can remove the "Inadmissibility Status" by applying for a Minister's Approval of Rehabilitation. You may initiate this process five years after the end of probation.

Entering Canada with an Inadmissible Status

If necessary, you may enter Canada during the Inadmissible Status. To do so you must apply for

a Temporary Resident Permit. If you are seeking entry for a single or limited period, the Temporary Resident Permit application must be completed and the Canadian government will charge a fee for the Temporary Resident Permit.

IMMIGRATION CONSEQUENCES

For those who are not U.S. Citizens there are bigger consequences that result from a DUI conviction than jail, fines, and a license suspension. Depending on the specific State statutes DUI convictions can be determined to be a "crime involving moral turpitude" and a "crime of violence" under present US immigration laws. Such a conviction can lead to inadmissibility to or deportation from the U.S., denial of adjustment during the green card process, or a finding of bad moral character at a naturalization interview. ***The first piece of advice is that you must consult with an immigration attorney.***

Citizenship

In the event a non-resident is able to avoid inadmissibility or removal resulting from a DUI conviction, even one such conviction still can affect the alien's naturalization process. The U.S. Citizenship and Immigration Services (USCIS) may consider any criminal conviction in making a determination regarding good moral character for

purposes of an application for naturalization.

It is imperative to be honest when considering naturalization and disclose all previous arrests and convictions with an immigration attorney before applying for citizen- ship. Although one DUI would not automatically disqualify the applicant, one must disclose it and have completed the probation before filing a citizenship application. Also, several DUI convictions can render the applicant a habitual drunkard and result in inadmissibility, and even removal.

CAR RENTALS

A DUI conviction may prevent you from renting a vehicle from a commercial agency. The policies of rental companies vary and you should consult different companies. For instance, some rental companies will rent to individuals who have been convicted of a DUI but charge the individual a higher rental rate. The problem is even greater if you have been ordered not to driver unless you have installed an ignition interlock de- vice. Additionally, if you have a restrictive license (such as an Ignition Interlock license of an Occupational License) rental agencies may not honor such a license.

VACATING A DUI (EXPUNGEMENT)

Many states do permit a person to vacate (expunge) a DUI. Unfortunately, Washington State

does not permit an individual to vacate a DUI conviction. However, the court may vacate Reckless Driving or Negligent Driving First Degree, even if amended from a DUI. However, most courts will not consider vacating Reckless Driving or Negligent Driving First Degree until 7 years following the conviction, and in some instances 10 years.

VEHICLE IMPOUND

As of October 2019, a mandatory tow of a vehicle is no longer the law in Washington State. However, if your vehicle is not parked lawfully following your arrest for DUI or if there is no sober driver to remove the vehicle from the scene, you can still expect your vehicle to be towed. Thus, charges for the hook-up, tow, and time in the tow yard in the form of storage will be accrued. From experience the costs of this impound is between $200 and $500.

EMPLOYMENT AND BACKGROUND CHECKS

A concern many have after being arrested and charged with DUI is how such a crime will affect employment. This is a very tough question to answer so the proper answer would likely be, it depends! If the defendant is a commercial truck driver or a professional pilot, for instance, there

should be great concern for the maintenance of employment.

However, the more frequent question is, what will appear on a background check? It is important to understand that there are many different kinds of background checks. Some of these display only convictions, other driving history and the more thorough (called NCICs) display almost everything from the criminal charge through to the final conviction. Further, there is no way to accurately predict what company will utilize what specific background check.

Regardless of the result of the DUI, it is accurate to declare that an arrest and criminal charge will still be potentially visible, regardless of the final result. Even a dismissal will not hide the past in many of these background checks.

For additional information regarding employment and background checks, talk with your attorney (who may refer you to an employment lawyer or your Union representative).

AVOIDING A (ANOTHER) DUI

If you have a drink with friends, colleagues, clients, or at a sporting event and drive, you are eligible to be stopped and potentially charged with a DUI. Regardless of whether you have only one drink or multiple drinks, you are a candidate to be

stopped by a police officer if you chose to drive. I have represented (or prosecuted) too many individuals to mention who have been charged with a DUI with a blood alcohol concentration level of less than 0.080. If you once thought that you were okay to drive with one or two drinks in your system, you were very wrong.

If you have had a couple of drinks (or a couple too many) consider these tips:

- Do not drink and drive
- Avoid driving late at night
- Drive a vehicle that is in proper working order
- Do not drive from a bar (drinking establishment) parking lot
- Turn your head lights on at night
- When you see the officer's lights, pull over immediately
- Make a good impression-be polite
- Be prepared to be stopped
- Remain silent, but if you don't, be honest
- If you had "one for the road," tell the officer
- Politely refuse all field sobriety tests (FSTs)
- If you take the FSTs inform the officer of any physical impairment
- Do not refuse the BAC (breath test) at the police station but request to speak to an attorney prior to the test

- Request the Administrative License Hearing within the time limit
- Hire an experienced DUI attorney

CHAPTER 8

Whatcom County Contacts

WHATCOM COUNTY COURTS

District Court
311 Grand Avenue, Ste 401
Bellingham, WA 98225-4046
Phone: (360) 676-6770
Fax: (360) 676-7685
Matthew S. Elich, Judge
David M. Grant, Judge
Tony Parise, Commissioner

Bellingham
2014 C Street
Bellingham, WA 98225-4019

Phone: (360) 778-8150
Fax: (360) 778-8151
Debra A. Lev, Judge
Pete Smiley, Commissioner

Blaine
435 Martin Street
Ste. 4000
Blaine, WA 98230-4107
Phone: (360) 332-8311
Fax: (360) 543-9835
Michael B. Bobbink, Judge

Everson-Nooksack
Location: 111 W Main Street
Everson, WA 98247-8250
Mailing: PO Box 315
Everson, WA 98247-0315
Phone: (360) 966-3411
Fax: (360) 966-3466
Michael B. Bobbink, Judge

Ferndale
5694 2nd Avenue
Ferndale, WA 98248
Mailing: PO Box 291
Ferndale, WA 98248-0291

Phone: (360) 384-2827
Fax: (360) 383-0938
Mark Kaiman, Judge

Lynden
300 4th Street
Lynden, WA 98264-1905
Phone: (360) 354-4270
Fax: (360) 318-0301
Terrance G. Lewis, Judge

Sumas
Location: 433 Cherry Street
Sumas, WA 98295
Mailing: PO Box 9
Sumas, WA 98295-0009
Phone: (360) 988-5711
Fax: (360) 988-8855
Michael B. Bobbink, Judge

WHATCOM COUNTY PROBATION

Whatcom County District Court Probation provides adult probation services for offenders charged with misdemeanors in the Whatcom County District Court and some Municipal Courts that contract with Whatcom County, currently the City of Bellingham, City of Lynden, City of Everson, and City of Sumas. Blain and Ferndale have their own probation departments.

Whatcom County District Court
311 Grand Avenue, Ste 406
Bellingham, WA 98225-4038
Phone: (360) 676-6708
Fax: (360) 738-2452

Municipal Court Probation: Blaine
344 H Street
Blaine, WA 98230-4109
Phone: (360) 332-8311
Fax: (360) 332-8330

Municipal Court Probation: Ferndale
Location: 2095 Main Street
Ferndale, WA 98248
Mailing: PO Box 291
Ferndale, WA 98248
Phone: (360) 384-5421
Fax: (360) 384-1163

WHATCOM COUNTY PROSECUTORS

In Whatcom County, the prosecuting attorneys for both Whatcom County District Court and Bellingham Municipal Court are "in house," meaning they are employed by the Whatcom County Prosecuting Attorney's office and the City of Bellingham City Attorney's office. In the other cities in Whatcom County, namely Blaine, Everson-Nooksack, Ferndale, Lynden and Sumas, the prosecuting attorney is a contracted position. This position is contracted with a local private attorney and because the contracts may periodically change, I advise contacting the specific court for the most up-to-date information.

Whatcom County Prosecuting Attorney
Courthouse Suite 201
311 Grand Avenue
Bellingham, WA 98225
Phone: (360) 676-6784

City of Bellingham
Criminal Division
Office of the City Attorney
2014 C Street
Bellingham, WA 98225
Phone: (360) 778-8290 Fax: (360) 778-8291

WHATCOM COUNTY LAW ENFORCEMENT

Washington State Patrol
3860 Airport Way
Bellingham, WA 98226-8040
Phone: (360) 676-2007

Whatcom County Sheriff
311 Grand Ave
Bellingham WA 98225
Phone: (360) 676-6650

Bellingham Police Department
Police Department
505 Grand Avenue
Bellingham, WA 98225
Phone: (360) 778-8800

Lynden Police Department
203 19th Street
Lynden, WA 98264
Phone: (360) 354-2828

Sumas Police Department
433 Cherry Street
Sumas, WA 98295
Phone: (360) 988-5711

Blaine Police Department
322 H Street
Blaine, WA 98230
Phone: (360) 332-6769

Ferndale Police Department
Ferndale Police Department
2220 Main Street P.O. Box 1257
Ferndale, WA 98248
Phone: (360) 384-3390

Everson-Nooksack Police Department
111 West Main Street
Everson, WA 98247
Phone: (360) 966-4212

WHATCOM COUNTY ALCOHOL | DRUG TREATMENT FACILITIES

Advanced Choices
2505 Cedarwood Avenue, Ste A
Bellingham, WA 98229
Phone: (360) 752-3262

Assessment & Treatment Associates (ATA)
Bellingham Branch
2219 Rimland Drive, Suite 301
Bellingham, WA 98226
Phone: (425) 289-1600

Belfair Clinic
1130 North State Street
Bellingham, WA 98225
Phone: (360) 676-4485

Bridges Treatment and Recovery
1221 Fraser Street, Suite E1
Bellingham, WA 98229
Phone: (360) 714-8180

CCS Recovery Center
2806 Douglas Avenue
Bellingham, WA 98225

Phone: (360) 676-2187

Contact Counseling
1118 Finnegan Way, Suite 103
Bellingham, WA 98225
Phone: (360) 671-3277

Lummi Care
2530 Kwina Road, Bldg. A.
Bellingham, WA 98226
Phone: (360) 384-2330

Nooksack's Tribe Genesis II
6750 Mission Road
Everson, WA 98247
Phone: (360) 966-7704

Sea Mar
4455 Cordata Pkwy.
Bellingham, WA 98226
Phone: (360) 734-5458

Visions
1603 East Illinois Street
Bellingham, WA 98226
Phone: (360) 647-4266

Waterfront Counseling in Blaine
383 Martin Street
Blaine, WA 98230
Phone: (360) 332-8549

Whatcom Community Detox
Division of Pioneer Human
2030 Division Street
Bellingham, WA 98227
Phone: (360) 676-2205

Outside of Whatcom County

Assessment & Treatment Associates
Mountlake Terrace Branch
21907 – 64th Avenue W., Suite 310
Mountlake Terrace, WA 98043
Phone: (425) 289-1600

Assessment & Treatment Associates
Bellevue Branch
13353 Bel-Red Road, Suite 101
Bellevue, WA 98005
Phone: (425) 289-1600

WHATCOM COUNTY DUI VICTIM IMPACT PANELS

DUI Victim Panels are considered mandatory, so please complete the Victim Panel while your case is pending.

Whatcom County Courthouse Council Chambers
311 Grand Avenue, Bellingham, Washington 98225
Arrive: 6:30 pm (Runs from 7 pm to 9 pm)
Cost: $50
Website and Sign Up:
https://www.whatcomcounty.us/806/Victim-Impact-Panel

DUI Victim Panel Schedule 2019
January 6
February 10
March 16
April 20
May 18
June 22
July 27
August 31
October 5
November 9
December 14

Assessment & Treatment Associates
ATA does DUI Victim Panels on Saturdays. Call for details.

WHATCOM COUNTY BAIL BONDS COMPANIES

A Ace Bail Bonds
227 Prospect Street
Bellingham, WA 98225-4403

A Affordable Bail Bonds
Phone: (360) 336-5200

A Express Bail Bonds
Phone: (360) 671-7887

All City Bail Bonds
2 Prospect Street
Bellingham, WA 98225
Phone: (360) 734-1111

An-Exit Bail Bonds
Bellingham, WA 98225
Phone: (360) 738-1300

Angie's Bail Bonds
306 Flora Street
Bellingham, WA
Phone: (360) 671-0222

A-Signature Bail Bonds
1301 Fraser St # A3
Bellingham, WA
Phone: (360) 714-1110

Barry's Bail Bonds
227 Prospect Street
Bellingham, WA 98225
Phone: (360) 734-6000

Lucky Bail Bonds
98 Central Avenue
Bellingham, WA 98225
Phone: (360) 746-3297

WHATCOM COUNTY IGNITION INTERLOCK COMPANIES

Guardian Interlock Systems
Phone: 1-800-499-0994
Website: http://guardianinterlock.com
Whatcom County Location:
No Whatcom County location. Nearest location is:
GIS Everett (#535)
12432 Hwy 99 Suite 85
Everett, WA 98204

Draeger Safety Diagnostics Inc.
Phone: 1-800-977-0091
Website: http://www.dsdi4life.com/
Whatcom County Location:
Mobile Music Unlimited
1801 Cornwall Ave
Bellingham, WA 98225

Smart Start Inc.
Phone: 1-800-880-3394
Website:
http://www.smartstartinc.com/
Whatcom County Location:
Dr. John's Auto Clinic
1420 Kentucky Street
Bellingham, WA 98229

#1A LifeSafer of Washington Inc.

Phone: 1-800-325-2657

Website: www.lifesafer.com

Whatcom County Location:

LifeSafer
710 Sunset Pond Lane

Suite 10 Bldg B

Bellingham, Washington 98226

Phone: (888) 855-0630

Consumer Safety Technology Inc. (Intoxalock)

Phone: 1-877-777-5020

Website:

http://www.intoxalock.com/

Whatcom County Location:

No Whatcom County location. The nearest location is:

1420 Roosevelt Ave #4

Mt Vernon, WA 98273

WHATCOM COUNTY SR 22 INSURANCE

Many, but not all, insurance companies will sell their clients customers SR 22 insurance. This is an option although we recommend seeking SR 22 insurance elsewhere so that your insurance company is not informed of your indiscretion quite so quickly. Check with us for information on where to get SR 22 insurance.

WASHINGTON DEPARTMENT OF LICENSING

Department of Licensing
Hearings & Interviews Section
PO Box 9048
Olympia, WA 98507-9048
Phone: (360) 902-3900 http://www.dol.wa.gov/

DOL Fax Numbers for proof of:

Alcohol/Drug Evaluations	(360) 570-7044
Hearings and Interviews	(360) 570-4950
Restricted Driver Licenses	(360) 570-7824
SR 22 Insurance Certificates	(360) 570-7040

Whatcom County Auditor
311 Grand Avenue, Ste 103
Bellingham, WA 98225-4038
Phone: (360) 676-6740

Bellingham DOL – Cordata
4180 Cordata Parkway A
Bellingham, WA 98226
Phone: (360) 676-2096

Bellingham Auto Licensing
Fred Meyer Shopping Ctr
804 Lakeway Drive
Bellingham, WA 98229

Phone: (360) 733-0148

Northwest Licensing
2502 Cedarwood Avenue
Bellingham, WA 98225
Phone: (360) 756-9821

Sunset Cost Cutter Licensing
Sunset Square Shopping Ctr
1275 E Sunset Drive
Bellingham, WA 98226-3506
Phone: (360) 676-9883

Blaine Cost Cutter Licensing
Blaine International Center
1733 "H" St #100
Blaine, WA 98230-5107
Phone: (360) 332-7089

Valley Drug Licensing
Everson Shopping Ctr
208 E Main Street
Everson, WA 98247
Phone: (360) 966-3481

Ferndale Cost Cutter Foods Licensing
Cost Cutter Center
1750 La Bounty Drive
Ferndale, WA 98248
Phone: (360) 380-6887

Lynden Food Pavilion
Lynden Towne Plaza
8130 Guide Meridian
Lynden, WA 98264-9421
Phone: (360) 354-8080

David N. Jolly

David N. Jolly is a Washington State Attorney who focuses on defending those accused of Driving Under the Influence crimes.

David was born in Australia and spent his youth equally in Australia and Canada. David graduated from the University of Calgary and moved to the United States to attend Northern Illinois University College of Law. After graduating as the Graduation Class Speaker in 1997, he moved to Washington State and began practicing law the same year.

Prior to opening his own law practice in 2004, he had more than 7 years as a prosecuting attorney and in private practice.

David has authored more than 25 legal books including the award winning, The History of DUI/DWI. His law practice has offices in both Bellingham and Mt. Vernon and he is also licensed to practice in Federal Court.