

Washington State Traffic Safety Resource Prosecutor Newsletter

Spring 2025, edition 56

Brought to you by TSRPs, Bradley Lane & Michelle Rutherford

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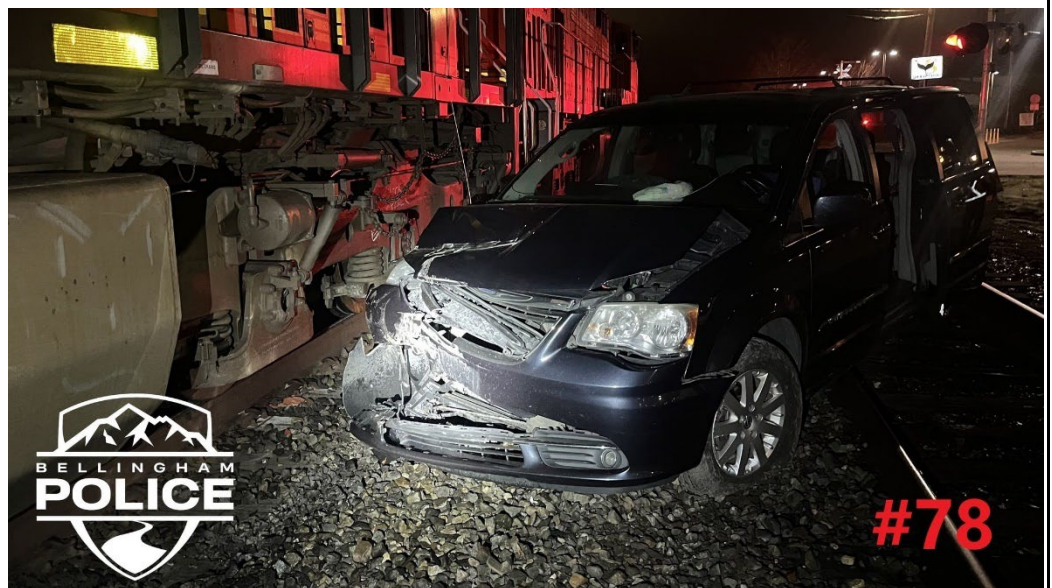
BELLINGHAM POLICE ARREST 84 DUI DRIVERS SO FAR, INCLUDING A CRASH INTO A TRAIN -

Bellingham police officers have arrested 84 drivers for DUI since the start of the year, including two recent cases involving collisions in early March, authorities said.

The first incident happened on March 1 at about 3:30 a.m., when officers responded to a crash involving a taxi and a slow-moving train near the Bellingham Ferry Terminal.

According to police, the taxi driver misjudged a turn onto Harris Street, veering off the road and getting stuck on the train tracks. Both the driver and a passenger managed to exit the car before the train collided with the taxi. No injuries were reported. Officers determined the

driver was under the influence and placed them under arrest. The second case happened on March 4 at approximately 8:33 a.m. on North State Street.



Police said a driver rear-ended another car after accelerating from a red light. No injuries were reported, but officers noticed signs of impairment and arrested the driver for DUI.

Officers conducted emphasis patrols targeting impaired drivers, with support from the Northwest Region Target Zero program - “We encourage you to arrange for a sober ride or make plans to walk after celebrating,” police said in a statement. “Evidently, we need to remind rideshare drivers to ensure you are sober when picking up passengers who have called you for a safe ride home.” [STORY HERE](#)

LEGISLATIVE / CASE LAW HOT TOPICS

There were a number of legislative developments in impaired driving law this past year which will affect how we prosecute cases in 2025-2026. [DOWNLOAD YOUR LEGISLATIVE UPDATES HERE](#)
A big thanks to Judge Portnoy and all who worked to assemble this quick and easy guide to our legislative updates!

Per Se 0.05 BAC? Not This Time Around

Unless you’ve been prosecuting under a rock for the past couple of years, the state legislature has made repeated attempts to pass some form of a bill which, in substance, would reduce our Washington per se measurement from a 0.08 BAC to a 0.05. As it currently sits, the only state in the union with a 0.05 BAC is Utah and they boast some very promising results. Neither of our proposed 0.05 BAC bills made it out of its respective chamber this legislative session. Both house bill 1315 and senate bill 5067 will have to wait

until next session. In the meantime, it’s worth noting that the US is the only country in the world with a 0.08 BAC in a majority of jurisdictions. The research for the 0.05 BAC is very promising – Check out the article below for some research on the imposition of the 0.05 BAC in Canada.

[CATCH-UP ON THE PUBLICATION HERE](#)

Abstract

Except for Quebec, all Canadian provinces have introduced administrative laws to lower the permitted blood alcohol concentration (BAC) to .05% or .04% for driving—or having the care of—a motor vehicle. Using linear mixed effects models for longitudinal data, this study evaluates the effect of administrative BAC laws on fatal alcohol related crashes and law enforcement patterns in Canada from 1987 to 2010. Results reveal a significant decrease of 3.7% (95% C.I.: 0.9–6.5%) in fatally injured drivers with a BAC level equal or greater than .05% following the introduction of these laws. Reductions were also observed for fatally injured drivers with BAC levels greater than .08% and .15%. The introduction of administrative BAC laws led neither to significant changes in the rate of driving while impaired (DWI) incidents reported by police officers nor in the probability of being charged for DWI under the Criminal Code.

Vacating DUI Convictions? Little Support This Session

Many sighed in relief as house bill 1112 failed to meet the deadline to make it out of committee this session. This proposed bill would have permitted a misdemeanor to effectively vacate a prior DUI conviction after a specified cooling-off period from drug or alcohol-related driving offenses. The voices in opposition of this bill were many and this was mirrored by the apparent lack of support it received from the legislature. Aside from the arguments concerning deterrents, public safety, and accountability, the bill also failed to address some very obvious resulting incongruencies which would emerge between the proposed legislation and other sentencing statutes or the Sentencing Reform Act. We’ll probably see something like this again, but not this session.

Did Somebody Say Broader Toxicological Lab Testing Options? Not This Session



Another DUI-related bill failed to garner the organized support to clear the community safety committee this session and that's house bill 1228. This bill sought to amend RCW 46.61.506 to simplify the possibility of utilizing non-WSP labs (private or government) to conduct tox analysis on impaired driving suspect samples. Although many of the state impaired driving stakeholders voiced some support for possible changes to the current model, this bill failed to make its way forward as the preferred vehicle for change.

Gross Misdo – Negligent Driving-1 Vulnerable User Victim is in Effect

If you recall back in 2023, the legislature passed house bill 1112 making Neg-1-Vulnerable user a gross misdemeanor. Essentially, this bill sought to fill a void that other states had already filled – criminalizing conduct which fails to rise to a reckless *mens rea* but is negligent or careless in nature. After it was signed into law, this change was held in abeyance to give, among other things, the courts, DOL, and other agencies time to prepare for the change. This change occurred in January of this year! **Are your LEOs referring Neg-1-Vulnerable User cases? Are You Going Forward on These Cases? Let us know!**

State v. Sliger, No. 39315-1-III (August 1, 2024) – Not Quite a “Done Deal”?

If you don't practice in Appellate Division III, this one might not be on your radar. We have a Division-III opinion on a mouth-check case!

Just a brief case run-down: Defendant was arrested for vehicular homicide. During the investigation, Defendant spat-out a wad of chewing tobacco prior to administration of the BrAC test. During the pre-breath test mouth-check, our officer asked the Defendant if he had anything in his mouth. The Defendant said, “no”. The officer also performed a visual mouth-check and noted strands of tobacco in the Defendant's mouth prior to the test. The test was performed. On appeal, the Defendant challenged the



breath test evidence stemming from an alleged defective mouth-check. Our ruling on appeal: An officer can rely on a subject's denial so long as the officer is not otherwise aware of the presence of a foreign substance. Here, the officer performed two compliant mouth-checks and noted some remaining chewing

tobacco. A “foreign substance” is defined as a substance that, “adversely affect[s] the accuracy of test results.” Here, the trial court made findings that a wad of tobacco IS a foreign substance but the BAC tech testified that strands would not affect the test. Absent an express finding from the judge, we assume the trooper’s testimony as true and that the tobacco would not affect the test, therefore, it was not a “foreign substance” within the meaning of the statute.

This is a good case for us and merely reaffirms the reasoning which already supports our argument on this issue. *Sliger* remains to be good law, however, in the meantime, the litigants have petitioned the state Supreme Court for discretionary review. Will *Sliger* remain intact? Time-will-tell (but if I were a betting man - “probably”). The BAC Tech witness on this case, Trooper John Axtman, joined your TSRPs for their most recent Case Law update and is extremely knowledgeable when it comes to the scientific and technical rationale supporting our foundational conditions precedent to BrAC ticket admission. He can be reached at John.Axtman@wsp.wa.gov.

[READ THE AGO’S PETITION RESPONSE HERE](#)

Who’s Having *Wasuge* Problems? – On August 12th of last year, Division-I released its opinion in *State v. Wasuge* (No. 85286-8-I). For those who are unfamiliar, this is a case with the, “burn-off – retrograde extrapolation – Widmarks” issue. Just a quick rundown for you: A 911 caller reports a driver stopped in the middle of a residential road at 6:45am. The vehicle’s engine was running, the keys were in the ignition, and the transmission was in drive. Officers responded and conducted an investigation. They observed the Defendant sitting in the reclined driver’s seat asleep with his feet resting on the floorboard. Officers made a Physical Control arrest and they performed a valid blood draw at 8:51am with a toxicological analysis of 0.076 BAC. Defendant was charged with DUI, IID violation, and DWLS. At trial, the Defendant testified that he had consumed multiple beers before “breaking down” where the officer had located him. The state proceeded on the “affected by” prong of DUI and adduced testimony about the American Medical Association’s 0.05 BAC recommendation and the significance of a, “burn off rate.”



On appeal, the defendant challenged the judge’s discretion to admit various pieces of testimonial evidence. Specifically, they challenged the admission of the testimony related to the AMA’s 0.05 BAC recommendation as well as the concept of burn-off as it was elicited generally. Division-I ruled that this testimony, “crosses into the forbidden territory in which testimony with an ‘expert’ imprimatur opines on the ultimate issue of guilt, which is for the trier of fact alone.” During *voir dire*, the State asked jurors about their opinions on, “proposed legislation to lower the legal limit to 0.05 in the state of Washington.” In that way, the jury was “primed to view the

prosecution through a particular prism.” Specifically, the *per se* theory of DUI wasn’t charged, therefore, none of this had any relevance. Similarly impermissible was the admission of the burn-off evidence. The notion of “burn off” went beyond a general discussion in that the witness produced BAC calculations using general ranges of subject factors lacking any specific factual nexus to the defendant. This evidence lacked relevance for this reason.

We have suggestions when you’re faced with *Wasuge*-style challenges. It’s your TSRPs’ opinions that this case **does not** stand for the proposition that tools such as “burn off” or retrograde extrapolation are

impermissible at trial. However, it **does** highlight a specific practice point which may require a small tweak on your part. Make sure your witness is using some specific qualities which provide a nexus between your calculations and the defendant (weight from the certified driver's license, etc). Also, make clear that the resulting calculation is not being offered for its *per se* value but because of the impairing qualities associated with that number (in an affected-by case). Your TSRPs can help you through this if you need assistance. *Wasuge* shouldn't really hurt our cases so long as we know how to argue the issues correctly.

[READ THE DIVISION-I OPINION HERE](#)

[SOME OTHER ODDS & ENDS](#)

Does the Bench have the Discretion to Dismiss my Case with Prejudice when I Never Asked for that? NO

We had a recent decision come down from Division-II clarifying the role of the trial judge when granting a state's motion to dismiss a case. Check-out, *State v. W. H.*, No. 59094-8-II (March 4, 2025). Here, the prosecution moved to dismiss their case **without** prejudice preserving their remaining time for trial. The trial court decided to dismiss the case **with** prejudice after consideration of the prosecution's motion. On review, Division-II found that the trial court abused its discretion – the trial court's inquiry is limited to whether to grant the state's motion in its current form NOT whether the state's motion should be granted in its current form or WITH prejudice. Reverse. This sort of thing happens pretty frequently in some jurisdictions in western WA so keep this one in your back pocket!



[DOWNLOAD THIS OPINION HERE](#)



The Ninth Circuit Talks About Procedural Due Process and Parking Tickets...

Check-out *Andrew Grimm v. Portland*, No. 23-35235 (Jan. 3, 2025).

Defendant “parked a car on the side of a downtown street, paid for an hour and 19 minutes of parking through a mobile app, and then left the car on the street for seven days. During that time, City parking enforcement officers issued multiple parking citations, which they placed on the car's windshield.

After the car sat on the street for five days, a parking enforcement officer added a red slip warning that the car would be towed. [The defendant] did not move the car, and, two days after the warning slip was placed on the windshield, the car was towed.

The panel held that the City conformed with the requirements of the Fourteenth Amendment by providing notice reasonably calculated to alert [the defendant] of the impending tow. The warning slip placed on the car's windshield five days after [the defendant] had parked the car and two days before the car was towed, which explicitly stated that the car would be towed if it were not moved, was reasonably calculated to inform [the defendant] of the impending tow.

Why do we care about this? We often deal with government protocols and procedural due process. One situation which stands front-and-center is that involving the offense of Driving While License Suspended cases. This is a topic of hot debate in recent months and is currently under litigation in Snohomish County. Are you currently fencing with defense counsel over due process issues on a DWLS case? **Contact us!**

[READ THE 9th CIRCUIT OPINION HERE](#)

WHAT IS ARIDE?

ARIDE stands for Advanced Roadside Impaired Driving Enforcement.

Your TSRPs recommend that all line prosecutors complete ARIDE - If you have not attended an ARIDE class, and you prosecute DUI cases, you are missing out on vital information that will assist you in prosecuting impaired driving cases. Most Prosecutors are unaware that they can attend this class if there is space available. Your TSRP's will keep you informed of all of the classes in 2024 and 2025. If you cannot attend a bootcamp, attend ARIDE!



ARIDE - An introduction to DRUGS that impair driving; builds confidence in the application and assessment of the SFSTs and introduces officers to the signs and symptoms drugs will exhibit when consumed. This class is a requirement prior to attending DRE School and to work TZT HVE DUI Emphasis shifts. Highly encouraged for all patrol officers and especially FTOs.

Upcoming ARIDE, BAC Operator, and SFST refresher class dates and location. You must reach out to Information/Registration Contact: Officer Jon Huber, SPD training Coordinator at Jonathon.Huber@seattle.gov to attend the Seattle training. Reach out to Rebecca Cortez with WSP at Rebecca.Cortez@wsp.wa.gov for all other listed training. Space is limited and may not always accommodate prosecutors auditing the class.

BAC Cert. / SFST Refresher:

- April 9, 2025
Seattle, WA
- May 14, 2025
Seattle, WA
- May 30, 2025
Vancouver, WA



- June 4, 2025
Seattle, WA
- June 5, 2025
Seattle, WA
- June 11, 2025
Seattle, WA

- April 21-22, 2025
Bremerton, WA
- April 22-23, 2025
Union Gap, WA
- May 5-6, 2025
Seattle, WA
- May 14-15, 2025
Wenatchee, WA

ARIDE:

- April 7-8, 2025
Longview, WA

GREEN LAB: May 9, 2025 - Seattle, WA

ATTENTION Impaired Driving Enforcers & DREs:

Your NHTSA 2024 DRUGS AND HUMAN PERFORMANCE FACT SHEET is now available from our own Dr. Fiona Couper from the Washington State Patrol. Download the fact sheet and disseminate it to your peers!



[DOWNLOAD THE FACT SHEET HERE](#)

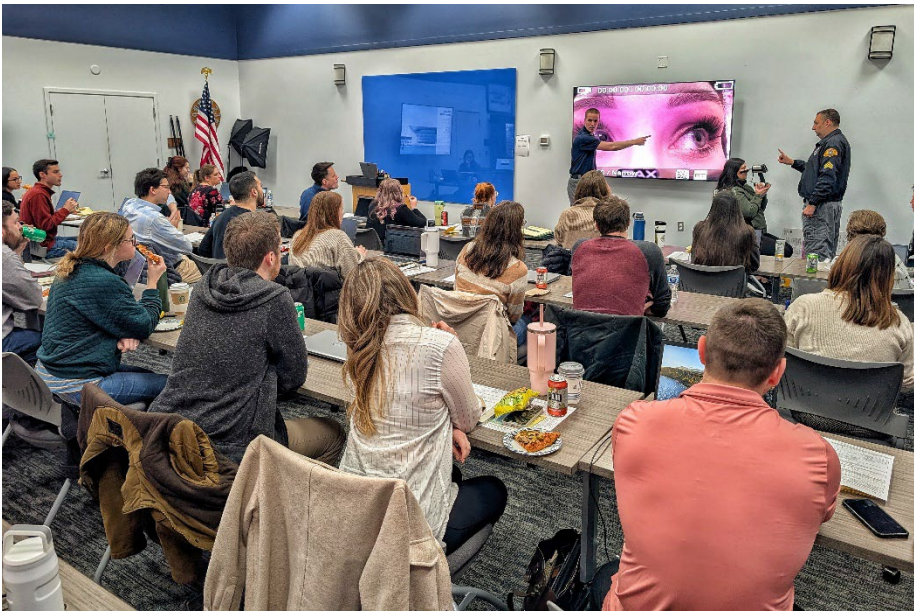
THAT'S A WRAP! OUR 2025 SPRING PROSECUTOR BOOTCAMP



We completed a successful return to our 5-day DUI Bootcamp last week in Lake Stevens. Big thanks, to our LEO family and guest speakers! You were all a large part of making that training happen and making

Bootcamp the premier training in the State for DUI Prosecutors. The TSRPs would not be able to accomplish this without you. Thank you for investing in the next generation for Prosecutors.

We had over 30 attendees appear for the training and obtain CLE credits. We also had multiple guest attorney presenters between Wednesday and Friday to help instruct on the legal topics.



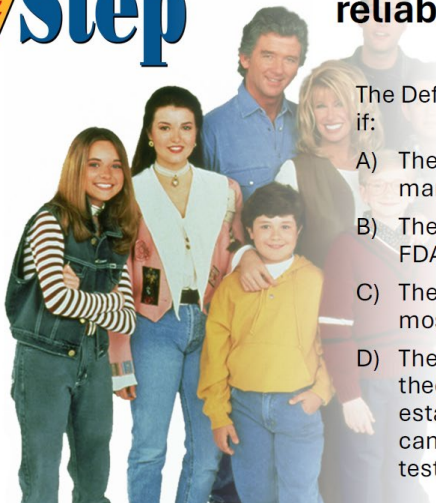
Lake Stevens PD were wonderful hosts and we are grateful for their hospitality. WSP Impaired Driving Section ran another outstanding wet lab and supplied volunteers. This was a special Bootcamp due to all the star power from Law Enforcement Agencies, our Toxicology Lab, defense bar, and DOL. You guys are amazing. Enjoy some photos from the training and navigate over to the website for more content! See you in the fall for our **Eastern WA Bootcamp**.

UPCOMING TSRP APPEARANCES & TRAINING

Your TSRPs are in their busiest season – Conference Season! Catch Brad and Michelle in April at the April Law Enforcement Liaisons Traffic Safety Champions Conference in Wenatchee, WA where they'll present on a number of hot topics.

Not able to make it to the Spring LEL Conference? Why not the April WSAMA Spring Conference in Cle Elum? Join Brad and Michelle for around 3-hours of programming on the criminal track April 25th. Michelle will be joined by Jon Huber (Seattle PD) in a presentation on cannabis impaired driving prosecution while Brad will present on toxicology hot topics. Speaking of tox hot topics, if you missed the

Step **By** Step



Let's say it's a 702-reliability contention...

The Defense argument ONLY works if:

- A) The vial is expired and is manufactured by BD
- B) The defense introduces the FDA shelf-life material
- C) The defense introduces the most recent BD declaration
- D) The defense provides some theory as to why well-established stability studies can't be trusted (expert testimony)

presentation on Expired Vials, you can get up to speed at WSAMA as your TSRPs teach you how to dismantle this defense argument

HOW ABOUT EXTENSIVE ADVANCED TRAINING? - Join us for Lethal Weapon 2025!

Brad and Michelle are offering Lethal Weapon Advanced Collision Prosecution Training on July 28, 2025 - July 31, 2025, at the Kirkland Police Department. This is an advanced offering for LEOs who investigate crash cases and the prosecutors who take those cases to trial.

This course will improve the skills and knowledge of prosecutors and law enforcement handling impaired driving cases resulting in fatalities or serious physical injuries. The goal of the course is to successfully hold impaired drivers accountable for their crimes. In turn, this deters motorists from operating vehicles while impaired by any substance, and thus reduces traffic related crashes, deaths and injuries. The course shares this purpose with several other programs of instruction developed by the National Highway Traffic Safety Administration (NHTSA), most notably programs focused on enforcement and adjudication of impaired driving offenses. This is done by utilizing a written training curriculum (instructor manual and participant manual), a fact scenario case file, PowerPoint slides, and subject matter experts as faculty members.

[CHECK THE WEBSITE FOR DETAILS HERE](#)

Introducing the new Impaired Driving Coordinator with Spokane PD

Introducing Spokane Police Dept. DRE Coordinator, Mike Thomas

Officer Thomas works for the Spokane PD as our new Impaired Driving Coordinator in that region. This is a position with the grant-funded support of the Washington Traffic Safety Commission with the mission to assist with community outreach and education on the topic of impaired driving. Officer Thomas is focused on reducing fatal and serious injury collisions through training and education. A part of this position allows him to attend the Spokane Municipal DUI Therapeutic and Accountability Court, where they help to monitor some of the highest risk and highest need DUI offenders in the community. Officer Thomas, a Drug Recognition Expert (DRE) Instructor, DRE Regional Coordinator, and member of the Washington State DRE Advisory Board, focuses much of his time on training officers in the region. He has been providing training for SFST's, BAC, and A.R.I.D.E. training for officers. He provides valuable training on current drug trends for first responders,



hospitals, treatment providers, probation, parole, and education professionals. This training helps to identify those struggling with substance use disorder and connects them with services with the understanding these people are potentially driving while impaired.

If you need any assistance on anything impaired-driving enforcement, contact Officer Thomas at mthomas@spokanepolice.org

A Case to be made for IID's as an Effective Deterrent

Deterrent Effects of Ignition Interlock Devices: Insights from a Recent Study

By: Sgt. Brandon A. Villanti, WSP, Ignition Interlock Program Manager

A recent study published in the *American Journal of Preventive Medicine* examines the deterrent effects of Ignition Interlock Devices (IIDs) on drivers without prior DUI convictions. IIDs are devices installed in vehicles that require the driver to pass a breath alcohol test before starting a vehicle, preventing alcohol-impaired driving. The study, conducted in 2023, involved 583 adults from the United States who participated in a discrete choice experiment to evaluate the deterrent effects of various penalties, including fines, jail time, IIDs, license suspensions, and alcohol treatment. The research aimed to understand how the potential of facing a one-year IID penalty influences individuals' willingness to drive under the influence.

The findings revealed that the deterrent effect of a one-year IID penalty is comparable to an increase in DUI fines of approximately \$2,200. This suggests that the mere possibility of having to install an IID can be a significant deterrent against impaired driving. The study also found that IIDs have a notable deterrent effect even among those without previous DUI convictions, showing that the presence of such penalties can influence the behavior of a broader population.

Furthermore, the research demonstrated that the deterrent effect of a one-year IID penalty is similar to a 10-day extension of jail time. Even a brief one-month IID penalty can also have a substantial deterrent impact. This suggests that even short-term IID requirements can effectively discourage impaired driving, which may be a more manageable and less costly alternative to longer penalties such as extended jail time or fines.

These findings underscore the potential of IIDs as both a preventive tool and a punitive measure. By understanding their significant deterrent effects, policymakers can make more informed decisions regarding their use, helping to enhance road safety and reduce alcohol-impaired driving. The study provides valuable insights into the effectiveness of IIDs and supports their broader implementation as a means to prevent impaired driving across the general population.

[READ MORE ABOUT THE STUDY HERE](#)

TSRP TRAFFIC TUESDAYS AND WEBINAR WEDNESDAYS



Getting there is half the battle! Traffic Tuesdays & Webinar Wednesdays

Join us for our TSRP Traffic Tuesday Training or our Webinar Wednesday sessions. These are available free-of-charge and virtual for all prosecutors and LEOs interested in honing their impaired driving case

skills. All trainings can be registered with WSBA for credit after the fact. These are ongoing series and they're all FREE TO ATTEND!

SESSIONS COMING UP:

April 2, 2025

- The Effect of Drugs in a DUI-D Case: Inhalants, Part 1 – The DRE
- [Click to Register](#)

April 8, 2025

- The Effect of Drugs in a DUI-D Case: Inhalants, Part 2 – The Toxicologist
- [Click to Register](#)

April 22, 2025

- Cannabis and the Eyes
- [Click to Register](#)

April 23, 2025

- The Effect of Drugs in a DUI-D Case: Cannabis, Part 1 – The DRE
- [Click to Register](#)

April 30, 2025

- The Effect of Drugs in a DUI-D Case: Cannabis, Part 2 – The Toxicologist
- [Click to Register](#)

May 7, 2025

- The Effect of Drugs in a DUI-D Case: Poly-Drug Use, Part 1 – The DRE
- [Click to Register](#)

May 13, 2025

- How to Get Cooperation for DRE Evaluations
- [Click to Register](#)

May 14, 2025

- The Effect of Drugs in a DUI-D Case: Poly-Drug Use, Part 2 – The Toxicologist
- [Click to Register](#)

May 28, 2025

- DRE Testimony: What a DRE Officer Can Do for Your Next Drugged Driving Trial
- [Click to Register](#)

June 4, 2025

- Beyond Breaker: Toxicology Standards & Tech on Trial
- [Click to Register](#)

June 17, 2025

- Over-the-Counter Drugs in Drugged-Driving Investigations
- [Click to Register](#)

June 18, 2025

- Windows on Impairment: The Eyes Say it All
- [Click to Register](#)

June 25, 2025

- Decoding SFST & DRE Illusory Correlations – Polishing Our Capability & Proficiency
- [Click to Register](#)

February 26, 2025

- The Effect of Drugs in a DUI-D Case: Hallucinogens, Part 2 - The Toxicologist
- [Click to Register](#)

March 5, 2025

- The Effect of Drugs in a DUI-D Case: Dissociative Anesthetics, Part 1 - The DRE
- [Click to Register](#)

March 12, 2025

- The Effect of Drugs in a DUI-D Case: Dissociative Anesthetics, Part 2 - The Toxicologist
- [Click to Register](#)

March 18, 2025

- Driving Under the Influence of Dissociative Anesthetics: Pharmacology and Case Profiles
- [Click to Register](#)

March 19, 2025

- The Effect of Drugs in a DUI-D Case: Narcotic Analgesics, Part 1 - The DRE
- [Click to Register](#)

March 26, 2025

- The Effect of Drugs in a DUI-D Case: Narcotic Analgesics, Part 2 - The Toxicologist
- [Click to Register](#)

CONGRATS TO OUR NEWEST DREs!

Congrats to our graduating DRE class!

DRE school #42 took place the last two weeks of January in Lake Stevens and all 12 students successfully completed the two weeks of in classroom training. In early February, the class traveled to Philadelphia for field certifications. The students completed 72 training evaluations and completed reports on their 12 evaluations. On February 28, 2025, 11 students completed the Final Knowledge Exam (FKE) and successfully graduated from DRE school. The last student took their FKE on March 13, 2025, and successfully graduated from DRE school.



DRE school #42 brought 12 new members into the DRE program including four new DREs from agencies that did not have a current DRE.

Reach out to your new DREs, form connections, and coordinate to assist on cases and training!

Title	First Name	Last Name	Agency
Officer	Leonardo	Bassi-Rodriguez	Seattle Police Department
Detective	Spencer	Boyd	King County Sheriff's Office
Officer	Nick	Huff	Bothell Police Department
Trooper	Regan	Klepac	Washington State Patrol
Officer	Patrick	Satterwhite	Seattle Police Department
Trooper	Noah	Baker	Washington State Patrol
Officer	Michael	Baughn	Spokane Police Department
Officer	Blake	Tucker	Wenatchee Police Department
Officer	Zachary	Marshall	Arlington Police Department
Officer	Amalie	Ratliff	Mountlake Terrace Police Department
Deputy	Dylan	Heck	Jefferson County Sheriff's Office
Officer	Sean	Williams	Bremerton Police Department

We also want to take a moment to recognize one of our new DREs, Seattle PD Officer Leonardo Bassi Rodriguez, who is being honored by the Seattle Police Department with the Medal of Valor. This prestigious award is SPD's second-highest honor, given to officers who have demonstrated exceptional courage and bravery in the line of duty, often risking their own safety to protect others. This is a tremendous achievement, and we want to extend our congratulations to Officer Bassi on this well-deserved recognition.

NEW STATE FERRY DUI POLICY

If you were watching the news over the past month or so, you may have noticed that Washington State Ferrys (WSF) has enacted a new policy regarding onboard DUI drivers. This new policy largely changes when/how a DUI driver is passed from the Ferry to law enforcement custody at the point of arrival. Review the policy below. This might change which witnesses that you need to subpoena for motions or trial – take note and make the appropriate changes on Ferry cases – this would really only affect our county practitioners.

[READ THE NEW WSF DUI DRIVER POLICY HERE](#)

UPCOMING EMPHASIS PATROLS – RIDE-ALONG!

Target Zero emphasis patrols are a fantastic opportunity for your prosecutors to ride-along! We have our monthly King County corridor speed enforcement emphasis along 140th/132nd. We also have our upcoming April King County Distracted Driving emphasis – U-Text. U-Drive. U-Pay!

Mark your calendars for our statewide WSP DUI emphasis around May 5, 2025.

Also, mark your calendars for our huge 100-Safe Days of Summer Emphasis on June 7, 2025, in Bellevue, WA – we had 5 or 6 prosecutors on this one last year. Reach-out to your TSRPs or your Target Zero Manager for more information on grants or ride-along opportunities.

**Reach out to your regional Target Zero
Manager for local DUI emphasis
opportunities for you and your agency.
These are also great opportunities for ride-
alongs for your new prosecutors!**



The New 2024-2025 DUI BENCHBOOK Is Here!

The 2024-2025 DUI Benchbook for Washington is now available!

This comprehensive reference book for judicial officers seeks to thoroughly examine the legal and practical aspects of litigation concerning DUI and other impaired driving cases. You will find the 2024 updated version which should replace the 2023 version.



[DOWNLOAD YOUR
BENCHBOOK HERE](#)

The Washington State Driving under the Influence (DUI) Bench Book is published by LSP Publishing. It is funded by the Washington Traffic Safety Commission and provided to the Administrative Office of the Courts.

Thank you to Judge Portnoy and all of those who work tirelessly to bring this valuable material to the bench and to the attorneys who handle impaired driving cases!

ONE LAST CRAZY STORY HERE OUT OF THURSTON COUNTY – “Deja Vu? Man suspected of DUI arrested two nights in a row in Thurston County”

“A man has now been arrested two days in a row on suspicion of DUI in Thurston County. ‘In one of the more bizarre cases I’ve seen,’ Thurston County Sheriff said in a Facebook post. “TCSO deputies arrested the same man two nights in a row for DUI, at the exact time, in the exact same car, at the exact same intersection.”

According to the Thurston County Sheriff, this man was arrested around 9:47 p.m. on Feb.



16 after deputies were called to the scene of a crash in Olympia. The caller told deputies that a person, who appeared drunk, hit her parked car. When deputies arrived, the man was tested for intoxication and blew a 0.31. He was arrested and taken to jail on suspicion of DUI and released the next day.

Fast forward EXACTLY 24 hours - Sheriff Sanders said the next day around 9:47 p.m., deputies were called to the same intersection on reports of a car crash into the yard hitting a tree. The caller in this crash said the man appeared drunk. When deputies arrived, the man was once again tested for intoxication and blew a .030. He was arrested once again on suspicion on DUI but this time bail was set to \$50,000.” [STORY HERE](#)

AND FINALLY...

AN ASK FROM YOUR TSRP's:

As always, if you have reply briefs and defense briefs on emerging DUI issues, please send them to Bradley and Michelle. We are aware of a number of issues circling the state, but we are not always provided with the pleadings necessary to assist with a reply.

If you have CV's on experts, FF and CL that are prepared on an emerging issue, or anything you think we should be aware of, please send it our way.

We have the benefit of reaching out to national prosecutor partners on issues that have come up nationwide and we want to provide you with the best service possible.

Thank you!

Brad & Michelle

You can email us at: Bradley.lane@seattle.gov OR Michelle.Rutherford@co.snohomish.wa.us

FIND US ON THE WEB:

<https://WashingtonTSRP.org>

Opinions expressed here are those of the authors. Some issues discussed are evolving and fluid. They are expected to change over time. Always consult your policy documents and you legal advisor before changing practices or implementing revisions. Also please speak with your local criminal prosecutors. They will have the most up-to-date information about rulings and their effect on cases.