

# **Nevada County DUI Court**



## **Operational Manual (4/11)**

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## **Introduction**

The concept of the Nevada County DUI court is to increase the level of accountability to high risk offenders by requiring them to participate in treatment combined with education, judicial accountability, testing and formal supervision. It is expected that these offenders will learn to manage their alcohol addiction, become more productive citizens and present a far smaller risk of re-offending. The program is designed to target repeat DUI offenders who live in Nevada County.

DUI court is modeled after the Nevada County's successful drug court program and is a collaboration of several agencies including the Superior Court, Probation Department, Behavioral Health, the Public Defender's Office, the District Attorney's Office, the Grass Valley Police Department, and local treatment providers. The program participants will be given professional help in confronting substance abuse issues but also this program will facilitate life changing improvements in the participant's lives.

The DUI court program stresses the rebuilding of family ties, creating a stable living environment, having a job, obtaining a GED and/or pursuing further education. A person wishing to enter the DUI Court program must be open to treatment and ready to acknowledge they have a substance abuse problem.

The DUI court program does not accept individuals with prior serious violence or strike offenses, PC 290 registrants, or felony DUI involving injury. The intensive four-phase program entails weekly group and individual sessions with a treatment provider along with regular meetings and testing with probation to ensure sobriety and program compliance. In addition, the participant will be expected to attend weekly self-help meetings as well as enroll in a DMV approved SB-38 multiple DUI offender education program. Upon successful completion of the DUI court, participants revert to informal probation. Upon completion of SB38 programs and after expiration of at least 3 years, participants can request early termination of probation.

## **Mission Statement**

The mission of the Nevada County DUI Court Program is to promote public safety by cost effective, judicially anchored, multi-disciplinary case management, and treatment system for high risk/high need DUI offenders. The goal of the program is to reduce the incidence of impaired driving that lead to crashes, injuries, and deaths, by rehabilitation, judicial accountability, and community education.

### **Program Goals**

1. Reduce recidivism among non-violent adult DUI offenders.
2. Reduce alcohol abuse among non-violent adult DUI offenders.
3. Increase the likelihood of successful rehabilitation through early, continuous, and intensive judicially supervised treatment, random alcohol/drug testing and the use of graduated incentives and sanctions.

### **Target Population**

The following are the eligibility criteria for entry into the Nevada County DUI court.

Qualifying factors:

- Resides in Nevada County
- Is at least 18 years old
- Has been arrested for DUI
- Has a history of alcohol/substance abuse
- No propensity for violence
- Multiple DUI Offenders
- Felony DUI Offenders

Disqualifying factors:

- Resides outside of Nevada County
- Is less than 18 years old
- Has a conviction for a serious violent offense
- Has a felony DUI offense with injury
- PC 290 registrant

## Case Flow

The process begins with the arrest by law enforcement. The DA will expedite filing on identified eligible cases and conduct record checks to confirm the arrestee has no prior disqualifying offenses. The DA will file qualifying charges and indicate on the offer memorandum if the case is or is not eligible for the DUI court program.

At arraignment, qualifying defendants who express an interest in DUI Court will be encouraged to discuss the program with their attorney, and to request an assessment.

Upon recommendation of the DUI Court Team and concurrence of the court, the defendant will enter a plea and be accepted into the DUI court. The court will order the defendant to report to the Probation Department and treatment provider for orientation and further assessment which will begin the "window period". The "window period" allows for a complete clinical assessment to confirm the defendant's suitability for the program. During the window period the team may determine the defendant is not suitable for the program or the defendant may rescind his/her decision to participate. Upon either, the defendant will be returned to court for case disposition or traditional case processing.

Upon closure of the window period the defendant will be sentenced into the DUI Court. Defendant will be remanded forthwith into custody to serve an initial period of custody (minimum of 30 days **actual**), with the balance being suspended as set forth under Paragraph 2 of the DUI Court Probation Terms. Upon release from custody, defendant will begin program participation according to the requirements listed in the next section. The program will last a minimum of 18 months.

## Phases

The program is structured into four phases. Each phase has requirements that must be met prior to the participant progressing to the next phase. All phases must be successfully completed for graduation.

### Orientation Phase 1: (Out-Client with SB-38 and 14-day window period)

	<u>Out-Client</u>	<u>DUI</u>
• Minimum length:	90 days	
• Testing:	3/week (minimum) Random	
• Individual counseling:	1/month	2/month
• Group counseling:	3/week	2/month
• Self-help meetings:	2/week	
• Probation meetings:	1/week	
• Court appearances:	weekly or bi-monthly	
• Treatment plan:	Develop with treatment provider Curfew 10:00 PM Serve some portion of mandatory jail sentence in custody (minimum 30 <b>actual</b> days)	

### Phase 2: Treatment Plan Development

	<u>Out-Client</u>	<u>DUI</u>
• Minimum length:	90 days	
• Testing:	3/week (minimum) Random	
• Individual counseling:	1/month	2/month
• Group counseling:	2/week	2/month
• Education		6 sessions 1 per week
• Self-help meetings	2/week	
• Probation meetings	1/week	
• Court appearances	Weekly or bi-monthly	
• Treatment plan	Set personal/treatment goals with provider Seek sponsor Clean and sober recreation/fellowship	6 sessions 1 per week

Curfew 10:00pm

**Phase 3: Ongoing Treatment**

	<b><u>Out-Client</u></b>	<b><u>DUI</u></b>
• Minimum length:	180 days	
• Testing:	2/week (minimum) Random	
• Individual counseling:	1/month	2/month
• Group counseling:	1/week	2/month
• Self-help meetings:	2/week	
• Probation meetings:	1/week	
• Court appearances:	Weekly or bi-monthly, or as directed by court	
• Treatment plan:	Review/update with provider Maintain sponsor Clean and sober Recreation/fellowship Curfew Midnight Employment or education Attend MADD Panel Serve balance of mandatory jail sentence (may be served on EM) Any balance of jail above mandatory minimum <b>may</b> be suspended	

**Phase 4: Stabilization/Mentoring/Achievement/Graduation**

	<b><u>Out-Client</u></b>	<b><u>DUI</u></b>
• Minimum length:	180 days	
• Testing:	1/week (minimum) Random	
• Individual counseling:		1/month
• Group counseling:		
• Self-help meetings:	2/week	
• Probation meetings:	1/week	
• Court appearances:	Monthly or as directed by court	

- Treatment plan:

Review/update  
Maintain sponsor  
Clean and sober  
Recreation/fellowship  
Curfew None  
FT Employment/education  
8 hours community service  
Mentor for new DUI court  
participant  
Serve balance of mandatory jail  
sentence (may be served on  
EM)  
Any balance of jail above  
mandatory minimum **may** be  
suspended

## **Probation Supervision**

Supervision of the participants in DUI Court includes unannounced home visits that are conducted at the probationer's residence by Deputy Probation Officers or local law enforcement agencies assigned to the program to ensure compliance with the terms and conditions of Probation. Random alcohol and drug testing along with searches of the participants' person and property are performed during these contacts to monitor adherence to the rules of the program

## **Sanctions**

If a participant fails to make progress in the program and upon recommendation of the team, any of the following sanctions may be imposed in response to non-compliant behavior:

- Verbal reprimand from the court
- Essay on assigned topics (to be read in group)
- Demotion to an earlier phase
- Community service hours
- Increased drug testing
- Increased meeting with probation
- Additional self help meetings
- Increased frequency of treatment sessions
- Increased individual treatment sessions
- Travel restrictions
- Curfew restrictions
- Sober Living
- Residential treatment
- Incarceration (up to 72 hours)
- Termination from program and suspended sentence imposed

## **Incentives**

Continued progress through the program may merit any of the following incentives:

- Verbal praise from the court and DUI court teams
- Certificates of recognition
- Eligibility to fish in fishbowl (i.e. movie tickets, gift certificates)
- Phase advancements
- Decreased court visits
- Possible fine reduction
- Reduction of probation term

## Graduation

- Acceptable level of sobriety (to include no positive alcohol/drug tests, including missed and tampered tests, for a minimum of 180 consecutive days) as determined by the treatment team
- Obtained gainful, consistent employment or sufficiently involved in a vocational/educational training program as determined by the treatment team
- Maintained consistent attendance at all court appearances and treatment team appointments
- No unexcused absences from scheduled services for 45 consecutive days
- Achieved stable living arrangements and healthy interpersonal relationships as determined by the treatment team
- Achieved an understanding of personal problems of addiction, criminal behavior, and relapse prevention as demonstrated through a written graduation application
- Definitive aftercare plan which may include self-help meetings, HCA outpatient counseling, group attendance at former contract residential program, or active participation in DUI Court Alumni Association
- Fulfillment of goals as stated in your individual treatment plan or positive progress toward appropriate long-term life goals
- Proof of completion of required community service hours
- Proof of attendance at all other events or courses as required by the DUI Court Judge
- Completion of statutory minimum jail sentence
- Proof of completion of GED/Diploma or an approved equivalent program as required by the DUI Court Judge

### **Criteria That May Result in Termination**

- New DUI (for any substance)
- Arrest for sales, violence (or any other disqualifying factor)
- Fails to engage/thrive in treatment
- Absconds (over one year)
- Driving with a measurable amount of alcohol
- Dishonesty
- Serious violations of program rules

**HEALTH CARE AGENCY  
DUI COURT EVALUATION**

<u>Identifying Information</u>			
<b>Date:</b>		<b>Assessed by:</b>	
<b>Last:</b>		<b>First:</b>	<b>MI:      DOB:</b>
<b>Street Address:</b>			<b>Phone #:</b>
<b>City &amp; Zip:</b>			<b>Ethnicity:</b>

<u>Drug/Alcohol History</u>							
	DRUG/ALC	FREQUENCY	DOSE	RUN	ROUTE	AGE @ 1 <sup>st</sup>	YRS OF USE
1							
2							
3							
OTHER							

Longest period of sobriety: \_\_\_\_\_ When: \_\_\_\_\_

Methods used to maintain sobriety: \_\_\_\_\_

Self-Help meeting experience: \_\_\_\_\_

Treatment programs: \_\_\_\_\_ Residential: \_\_\_\_\_

History of methadone/antibuse or other meds: \_\_\_\_\_

<u>Bio-Psychosocial Factors</u>	
Current support system: _____	
Who is in the home: _____	
Children (how many & ages): _____	Who has custody: _____
Mental illness history: _____	
Past or current psychotropic meds: _____	
Hospitalizations: _____	
Suicidal Ideation (past/current): _____	
Orientation (time, person, place): _____	
Chronic medical conditions: _____	
Medication required & type: _____	

<u>Employment</u>	
Current employment: _____	Employment specialties: _____
Past employment: _____	
Longest period of employment: _____	



**Superior Court of California, County of Nevada  
DUI Court**

Case No. \_\_\_\_\_

People v. \_\_\_\_\_

**DUI Drug Court Plea Agreement**

1. If this plea is allowed by the Court, I agree to give up the rights necessary to carry out the agreement set forth herein and in the Plea Forms (Tahl Forms) and Probation Addendum executed along with this Plea Agreement. I have consulted with counsel, and/or feel that I understand the DUI Drug Court program and feel that it is a program in which I can be successful and which will benefit me. I accept the consequences outlined below and on pages 1, 2, 3 of the Plea Forms and Probation Addendum, incorporated by reference herein. \_\_\_\_\_

2. I agree that the DUI Drug Court program begins with my signature on this form, and that I am subject to all the requirements of the program as of my signature. Nonetheless, I understand that, within Fourteen (14) calendar days of this plea (Window Period), I may withdraw from the DUI Drug Court Program, withdraw this plea of guilty or admission of probation violation and have my Constitutional and procedural rights reinstated. The People agree that, under these circumstances, neither this plea nor this agreement can be used against me as evidence in this case. I understand I must personally appear before this court to withdraw from the DUI Court and to withdraw my plea. \_\_\_\_\_

3. I further understand that within Fourteen (14) calendar days of this plea (Window Period), the court may terminate my participation in the DUI Court Program for reasons of unsuitability or for reasons of non-compliance with the entry requirements of the program. If this happens, I can withdraw my plea of guilty, if I wish, and enter a new plea of not guilty. \_\_\_\_\_

4. At any time during my participation with the DUI Court, if I have provided false information regarding my identity, or if I have suffered disqualifying convictions, or have pending criminal charges in another court which have not been disclosed to the DUI Court, I understand that I can be terminated from the program and sentenced consistent with the new information. Terminations following the Window Period do not provide for the withdrawal of plea, and will be accompanied by probation terms and a jail sentence, consistent with the terms of my plea. \_\_\_\_\_

5. I agree to abide by the rules and regulations of the DUI Court Program and of the Probation Department, treatment provider, and any other organization which provides services to me during the DUI Court Program. I agree not to commit any crimes, not to use or possess alcoholic beverages, not to use or possess any controlled substances or other contraband, not to possess any deadly or dangerous weapons, not to frequent establishments where the primary item for sale is alcoholic beverages and not to associate with persons who are possessing, using, or under the influence of controlled substances or are using or under the influence of alcohol. \_\_\_\_\_

6. I understand that, during my participation in the DUI Court, if I fail to comply with the rules and regulations of the DUI Court Program (including the items listed in 5 above), I would be subject to sanctions by the court, or termination depending on the severity of the violation and the number of violations which had come before. The decision of the court is final on all sanctions to be imposed.

\_\_\_\_\_

7. I understand that one sanction which may be imposed is to be taken into custody (jail). I also understand that I have a right to a probation violation to verify the violation for which I am being sanctioned. At that hearing I have a right to an attorney, to confront and cross examine any witnesses against me, to subpoena witnesses to testify on my behalf, and testify myself or remain silent. *I hereby give up the right to a probation hearing when I am taken into custody for a period of time not to exceed 72 hours. When I am taken into custody for less than 72 hours this will be considered a SANCTION but NOT a PROBATION VIOLATION.* \_\_\_\_\_

8. I understand at the successful conclusion of the DUI Court, probation will revert to informal, and upon proof of successful completion of both the DUI Court and the SB-38 multiple offender program without any intervening probation violations and the passage of at least 3 years, I may petition the court for my probation to be terminated, (even if this occurs prior to the time period called for in the plea forms). I understand there will be no dismissal of charges. \_\_\_\_\_

9. I understand that the DUI Court Program requires complete abstinence from drugs and alcohol. This includes not possessing or using any drugs or alcohol (including prescription and over the counter drugs unless possessed/used with the express permission of Probation). I understand I may not have alcohol within my residence in which I live, (even though I may share the residence with other adults). \_\_\_\_\_

10. I understand that I will be drug and/or alcohol tested regularly and randomly. A positive test for any drug, alcohol or illegal substance will be a dirty test for which I will be sanctioned. A missed test or a failure to test, (without permission) will be considered a dirty test for which I will be sanctioned. Any evidence of adulteration, flushing, or efforts to mask or change a test result will be considered a dirty test for which I will be sanctioned. \_\_\_\_\_

11. I understand that California Law provides for mandatory license suspensions on second and third DUI cases and requires proof of financial responsibility or minimum insurance. During participation in the DUI Court program I will not drive a car unless I have a valid California driver's license and insurance as required by law. I understand my violation of these requirements is a serious violation of the DUI Court rules for which I can be sanctioned or terminated from the program. \_\_\_\_\_

12. I understand that one of the requirements of the DUI Drug Court is to enroll in and complete a DMV approved multiple offender program (SB-38), I will remain in this program until completion and will immediately notify my probation officer and the court if I am terminated from the program or if I discontinue the program for any reason. \_\_\_\_\_

13. DUI cases with priors have mandatory jail sentences, (VC23542 – 10 days, VC 23546 - 120 days, VC 23550(a) 16/2/3 prison or 180 days). I understand that these sentences exist and that despite participating in the DUI Court, I will have to serve these sentences in some fashion prior to graduation from the program. I understand that it is anticipated by the court and the program, that I will serve at least 30 days in actual custody upon sentencing, but that any balance of the mandatory minimum may be served on electronic monitoring (EM) during the term of a successful program. I understand that if I am to do EM, I must qualify for and serve the sentence under the direction of the Nevada County Probation Department. I understand that I will not receive any custody credits for being involved in the DUI Court Program unless I actually serve custody time before or during the program. \_\_\_\_\_

14. The services of the Public Defender, Probation, Behavioral Health, treatment provider, and any outside agencies which may provide services to the DUI Court, have expenses attached to them. These agencies and/or DUI Court will pass on the expenses (of providing these services to the participants of DUI Court) on an ability to pay basis. Each participant must undergo a financial assessment to determine the amount of contribution they will make toward the cost of services provided in the program.

Each participant must come to an agreement on these costs prior to graduation from the program (however payments of the amount agreed upon may continue after graduation). In the event a participant feels an assessment is unfair, that issue may be brought to the court for reconsideration. The decision of the court will be final. A willful failure to pay assessment(s) can delay graduation. A willful failure to pay assessments can be enforced as a probation violation. In no event will probation be ended prior to payment of all assessments. \_\_\_\_\_

15. Part of DUI Court's treatment process may include; a) the use of an alcohol monitoring device, b) requirement that a participant live in a sober living home, or c) require a participant to reside in a residential treatment program. These increased levels of treatment are imposed not as a punishment but in an attempt to better address the addiction issues of an individual participant. Since they are not imposed as punishment, time spent in these treatment modalities will not reduce custody time which may be required either by state law or against the stayed time imposed at the time of plea. The court retains the right to give credits for time spent in a residential treatment program. In signing this agreement and accepting the DUI Court program, I agree to waive any custody time credits which might otherwise exist for a court's imposition of these probation obligations. \_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Defense Attorney

Witnessed:

Dated: \_\_\_\_\_

\_\_\_\_\_

Notice to Attorneys with clients entering DUI Court

Once your client enters his/her plea of guilty and is sentenced into the DUI Court Program, his/her case will continue to come back to court on a regular basis for progress reviews. Court appearances will be bi-weekly at the outset and will be reduced as the program continues and the participant progresses in the program. Ultimately court appearances will occur at a frequency of about once per month.

It is up to you and your client to decide whether you will continue to appear with the participant each time the case comes to court. Unfortunately, because of the quantity of participants in the program and the number of appearances by each participant, the Court cannot make special accommodations for counsel and their schedules. If a participant is scheduled for a DUI Court appearance, the court will proceed with that appearance at the time scheduled, whether or not the attorney is present. If the attorney is not present, the attorney's presence will be deemed waived. At each progress review/court appearance participants may be subject to sanctions without a hearing and a sanction may include incarceration up to 72 hours.

One solution for this situation is for the attorney to withdraw as attorney of record as of the expiration of the fourteen day "Window Period", when the client has been fully accepted into the program. The Nevada County Public Defender's Office has a deputy assigned to the DUI Court and will have the court staffed during its times of operation. The Nevada County Public Defender's Office will not make special appearances on these cases, but will accept appointment as attorney of record, for defendants who are participants in this program.

Please mark your election below.

*We(client and attorney) agree that the attorney is to be relieved as of the time the client has been accepted into the DUI Court Program (end of Window Period and commencement of phase 1) and the Nevada County Public Defender's Office is to be appointed as the attorney of Record.*

*We agree that the attorney will not be relieved.*

*I agree to pay the Public Defender fee as ordered by the court.*

Dated: \_\_\_\_\_

Attorney: (print name) \_\_\_\_\_  
Signed \_\_\_\_\_

Client: (print name) \_\_\_\_\_  
Signed \_\_\_\_\_

NCPD: accepted \_\_\_\_\_

Judge: Approved \_\_\_\_\_  
(4/1/11)

## DUI COURT ORIENTATION PHASE TEST

The following is a True/False test that you must complete during the Orientation Phase of the DUI Court program. Many of the answers can be found in your Participant's Handbook; however, many answers are not in the handbook. You are expected to find the answers through your own research; and as such, you may seek answers by asking any member of the DUI Court team such as your Therapist, Probation Officer, Attorney, etc. Also, you may seek answers from other participants in the program. When you are ready to request advancement into Phase One, you must first review the correct answers of this test with your CoRR counselor.

### Instructions

Read each of the following statements. Circle "T" for True and "F" for False for each of the statements based on your research. When complete, review your answers with your therapist.

1.    T    F    I may use over-the-counter medication as long as it doesn't contain alcohol.
2.    T    F    Participation in the DUI Court program is voluntary and is my personal choice.
3.    T    F    Forging 12-step cards is a serious violation of DUI court rules.
4.    T    F    Sanctions are a means of promoting positive behavior in DUI Court.
5.    T    F    Alcohol is a drug.
6.    T    F    It is okay for me to continue to associate with anyone who uses drugs or drinks as long as they don't do it in front of me.
7.    T    F    It is okay to miss a drug test as long as I call Probation or CoRR ahead of time.
8.    T    F    If I am attending my best friend's wedding, I can have one glass of wine to toast the new couple.
9.    T    F    I can exercise on a regular basis to promote good health and good habits.
10.   T    F    I must complete the Alcohol and Recovery and Relapse Prevention courses at CoRR as a requirement to graduate.
11.   T    F    Marijuana is not a drug.
12.   T    F    I can move anywhere as long as I notify my Probation Officer within seven days.
13.   T    F    I must be ready to provide both a breath and adequate urine sample each time I test.
14.   T    F    I may not possess any dangerous or deadly weapons.
15.   T    F    I need a sponsor before I can be promoted to second phase.

16. T F During the Orientation Phase, I need to attend only four 12-step meetings per week.
17. T F Drug testing can be increased or decreased at any time.
18. T F In order to graduate from DUI Court, I must be employed full-time or display meaningful progress toward an educational goal.
19. T F Before advancing in the program, I must demonstrate a positive adjustment to treatment, which includes having a positive attitude towards staff.
20. T F I must report as directed to my Probation Officer even if I am having a bad day. i.e. bad weather, heavy traffic, missed my bus, etc.
21. T F I must drug test 3 times per week in the Orientation phase and in Phase 1.
22. T F It is ok to live with someone who uses drugs.
23. T F If I live with someone on probation or parole, I do not need to tell my Probation Officer.
24. T F Any Peace Officer (Probation Officer, Police Officer, Sheriff Deputy, etc.) can search me and my property at any time with or without a search warrant.
25. T F If I cannot give an adequate urine sample when asked, it will be considered the same as a dirty test.
26. T F If the police stop me for a traffic violation, I do not need to tell my Probation Officer.
27. T F I may use prescription medications without informing a member of the DUI Court team.
28. T F If I am allowed to leave the area for an extended period of time, I am responsible for the condition of the SCRAM device when I return.
29. T F Only the Judge can excuse me from a Court appearance.
30. T F On average, it takes a minimum of 12 months to complete the DUI Court program.
31. T F The threat of losing my job is a sufficient reason to not show up for a DUI Court appointment.
32. T F If I test positive for a drug because I used an herbal supplement or a diet aid, it won't count against me if I bring in the bottle.
33. T F I am only required to be drug tested during scheduled testing times.
34. T F The DUI Court program is free.
35. T F I can be late for curfew as long as I have a good reason.
36. T F Empty bottles of alcoholic beverages are okay to have in my home as long as they are uncapped, clean and dry.
37. T F Both NA and AA meetings can be counted as my 12-Step meeting ordered by the court.
38. T F If I hear that my Probation Officer or CoRR therapist is not in the office on the day that I am to report, it is okay not to go in.

- 39. T F In Phase III, I will be required to serve any stayed jail sentences on electronic confinement.
- 40. T F It is my responsibility to be familiar with all the rules and policies of DUI Court.
- 41. T F If I am ordered to do something by the Judge that isn't in the Participant's Handbook, I don't have to do it.
- 42. T F It is okay to ride my bicycle while intoxicated because it is safer than driving a car.
- 43. T F If I am in DUI Court it is okay to drive even if my license is suspended.
- 44. T F If I fail to provide a urine test for any reason, it will be considered a "dirty" test.
- 45. T F I can change my therapist or Probation Officer, if I feel she/he is being unfair.
- 46. T F I may wear shorts to court.
- 47. T F I may not leave the state without prior approval of my Probation Officer.
- 48. T F I must receive approval from my Probation Officer in order to spend the night away from my home.

I have reviewed the correct answers to this Orientation Phase test with my assigned therapist. I understand the rules and policies of the DUI Court program as outlined in the Participant's Handbook. Therefore, I wish to request advancement into Phase One of the program.

\_\_\_\_\_  
Name (Print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Therapist Signature

\_\_\_\_\_  
Date

Phase II Request DUI Court

Date: \_\_\_\_\_

Name: \_\_\_\_\_

DOE: \_\_\_\_\_

Counselor: \_\_\_\_\_

Present Phase: Phase 1      Effective Date: \_\_\_\_\_

Phase 1 Orientation: Indoctrination, Assessment & Assimilation

**LENGTH: 90 Day Minimum**

YES    NO    Advancement Criteria:

\_\_\_    \_\_\_    (A) Drug/alcohol test 3 times per week with no positive test results (including missed or tampered tests) for 30 consecutive days and no jail sanctions for 30 consecutive days. Date of last positive test or jail sanction: \_\_\_\_\_.

\_\_\_    \_\_\_    (B) No unexcused absences from scheduled counseling sessions for consecutive days. Date of last unexcused absence \_\_\_\_\_. 14

\_\_\_    \_\_\_    (C) Reports to Probation Department as instructed by their Probation Officer.

\_\_\_    \_\_\_    (D) Documented required minimum attendance of two weekly self-help meetings for at least one month.

\_\_\_    \_\_\_    (E) Acknowledgement of extent of alcohol/substance abuse problem and a commitment to live an alcohol and drug free lifestyle.

\_\_\_    \_\_\_    (F) Completion of Orientation Test.

\_\_\_    \_\_\_    (G) Has served initial custody time as ordered by court (minimum 30 actual days). of

Comments: \_\_\_\_\_

\_\_\_\_\_

PHASE III REQUEST  
DUI COURT

DATE: \_\_\_\_\_

NAME: \_\_\_\_\_

DOE: \_\_\_\_\_

COUNSELOR: \_\_\_\_\_

PROBATION OFFICER: \_\_\_\_\_

PRESENT PHASE: Phase II      EFFECTIVE DATE: \_\_\_\_\_

**PHASE II: Treatment Plan Development      LENGTH: 180 Days Minimum**

**Yes    No    Advancement Criteria:**

- |     |     |   |
|-----|-----|---|
| ___ | ___ | (A) Drug/alcohol test 3 times per week with no positive test results (including missed or tampered tests) or jail sanctions for at least 90 consecutive days. Date of last positive test or jail sanction: _____. |
| ___ | ___ | (B) No unexcused absences from scheduled services for 21 consecutive days. Date of last unexcused absence _____.  |
| ___ | ___ | (C) Report to Probation Department as instructed by the Probation Officer.  |
| ___ | ___ | (D) Employed or positive response to vocational/educational goals.  |
| ___ | ___ | (E) Documented required minimum attendance at four self-help meetings for at least 90 days.   |
| ___ | ___ | (F) Verbal expression of understanding the self-help concepts. Must be working with a self-help sponsor.  |
| ___ | ___ | (G) Acknowledgement of severity of alcohol/substance abuse problem and a commitment to live an alcohol and drug-free lifestyle.   |
| ___ | ___ | (H) Demonstration of a positive adjustment to treatment.  |
| ___ | ___ | (I) Actively making some form of payment to Probation & CoRR.   |
| ___ | ___ | (J) Completion of HIV education with CoRR.  |
| ___ | ___ | (K) Submittal of written Phase III advancement request.   |

**Comments:** Explain how DUI Court has changed your life. Include what you have learned in Phase II and why you are ready to be advanced to Phase III. Please use additional pages for comments.

PHASE IV  
REQUEST  
DUI COURT

DATE: \_\_\_\_\_

NAME: \_\_\_\_\_

DOE: \_\_\_\_\_

COUNSELOR: \_\_\_\_\_

PROBATION OFFICER: \_\_\_\_\_

PRESENT PHASE: Phase III EFFECTIVE DATE: \_\_\_\_\_

**PHASE III: On-going treatment LENGTH: 180 Days Minimum**

**Yes No Advancement Criteria:**

\_\_\_ \_\_\_ (A) No positive alcohol/drug tests (including missed or tampered tests) for at least 120 consecutive days. Date of last positive test: \_\_\_\_\_.

\_\_\_ \_\_\_ (B) No unexcused absences from scheduled services for 30 consecutive days. Date of last unexcused absence \_\_\_\_\_.

\_\_\_ \_\_\_ (C) Report to Probation Department as instructed by their Probation Officer.

\_\_\_ \_\_\_ (D) Employed or actively pursuing vocational/educational goals.

\_\_\_ \_\_\_ (E) Documented attendance of a minimum of three self-help meetings per week for at least 90 days.

\_\_\_ \_\_\_ (F) Verbal expression of understanding of 12-step concepts. Actively working with a sponsor.

\_\_\_ \_\_\_ (F) Progress towards treatment plan goals and demonstration of a positive adjustment to ongoing treatment.

\_\_\_ \_\_\_ (G) Submittal of written Phase IV advancement request.

\_\_\_ \_\_\_ (I) Current with financial obligations or making positive progress towards payments with CoRR and Probation.

\_\_\_ \_\_\_ (J) Enrollment in GED or Diploma program, if needed.

\_\_\_ \_\_\_ (H) Has served mandatory jail time if any.

**Comments:** Explain how DUI Court has changed your life. Include what you



**DUI COURT APPLICATION FOR GRADUATION**

<b>Name:</b>	<b>Date:</b>	
<b>DOB:</b>		
<b>Address:</b>	<b>City:</b>	<b>Zip:</b>
<b>Phone numbers:</b>		

**How long have you been in DUI Court?**

**How long have you been clean and sober?**

<b>Name of employer:</b>	
<b>How long have you been at this job?</b>	<b>Since:</b>
<b>Who do you live with?</b>	
<b>Is this a sober living environment?</b>	

**What have you learned while you have been in DUI Court?**     *See attached*


**How has DUI Court helped you?**     *See attached*


**What are your plans for the future?**     *See attached*


**If you remain in a counseling program after graduation, which one?**     *See attached*


# EtG DUI Court Client Contract

## URINE ABSTINENCE TESTING AND INCIDENTAL ALCOHOL EXPOSURE CONTRACT

Recent advances in the science of alcohol detection in urine have greatly increased the ability to detect even trace amounts of alcohol consumption. In addition, these tests are capable of detecting alcohol ingestion for significantly longer periods of time after a drinking episode. Because these tests are sensitive, in rare circumstances, exposure to non-beverage alcohol sources can result in detectable levels of alcohol (or its breakdown products). In order to preserve the integrity of the DUI Court testing program, it has become necessary for us to restrict and/or advise participants regarding the use of certain alcohol-containing products.

It is **YOUR** responsibility to limit your exposure to the products and substances detailed below that contain ethyl alcohol. It is **YOUR** responsibility to read product labels, to know what is contained in the products you use and consume and to stop and inspect these products **BEFORE** you use them. **Use of the products detailed below in violation of this contract will NOT be allowed as an excuse for a positive test result. When in doubt, don't use, consume, or apply.**

**Cough syrups and other liquid medications:** DUI Court participants have always been prohibited from using alcohol containing cough/cold syrups, such as Nyquil. Other cough syrup brands and numerous other liquid medications, rely upon ethyl alcohol as a solvent. DUI Court participants are required to read product labels carefully to determine if they contain ethyl alcohol (ethanol). All prescription and over-the-counter medications should be reviewed with your case manager before use. Information on the composition of prescription medications should be available upon request from your pharmacist. Non-alcohol containing cough and cold remedies are readily available at most pharmacies and major retail stores.

**Non-Alcoholic Beer and Wine:** Although legally considered non-alcoholic, NA beers (e.g. O'Douls, Sharps) do contain a residual amount of alcohol that may result in a positive test result for alcohol, if consumed. DUI Court participants are not permitted to ingest NA beer or NA wine.

**Food and Other Ingestible Products:** There are numerous other consumable products that contain ethyl alcohol that could result in a positive test for alcohol. Flavoring extracts, such as vanilla or almond extract, and liquid herbal extracts (such as Ginko Biloba), could result in a positive screen for alcohol or its breakdown products. Communion wine, food cooked with wine, and flambé dishes (alcohol poured over a food and ignited such as cherries jubilee, baked Alaska) must be avoided. Read carefully the labels on any liquid herbal or homeopathic remedy and do not ingest without approval from your Probation Officer or Drug and Alcohol Counselor.

**Mouthwash and Breath Strips:** Most mouthwashes (Listerine, Cepacol, etc) and other breath cleansing products contain ethyl alcohol. The use of mouthwashes containing ethyl alcohol can produce a positive test result. Drug Court participants are required to read product labels and educate themselves as to whether a mouthwash product contains ethyl alcohol. Use of ethyl alcohol-containing mouthwashes and breath strips by DUI Court participants is not permitted. Non-alcohol mouthwashes are readily available and are an acceptable alternative. If you have questions about a particular product, bring it in to discuss with your Probation Officer or Drug and Alcohol Counselor.

**Hand Sanitizers:** Hand sanitizers (e.g. Purell, Germex, etc.) and other antiseptic gels and foams used to disinfect hands contain up to 70% ethyl alcohol. Excessive, unnecessary, or repeated use of these products could result in a positive urine test. Hand washing with soap and water are just as effective for killing germs.

**Hygiene Products:** Aftershaves and colognes, hair sprays and mousse, astringents, insecticides (bug sprays such as Off) and some body washes contain ethyl alcohol. While it is unlikely that limited use of these products would result in a positive test for alcohol (or its breakdown products) excessive, unnecessary or repeated use of these products could affect test results. Participants must use such products sparingly to avoid reaching detection levels. Just as the court

requires DI Court participants to regulate their fluid intake to avoid dilute urine samples, it is likewise incumbent upon each participant to limit their use of topically applied (on the skin) products containing ethyl alcohol.

**Solvents and Lacquers:** Many solvents, lacquers and surface preparation products used in industry, construction, and the home, contain ethyl alcohol. Both excessive inhalation of vapors, and topical exposure to such products, can

potentially cause a positive test result for alcohol. As with the products noted above, DUI Court participants must educate themselves as to the ingredients in the products they are using. There are alternatives to nearly any item containing ethyl alcohol. Frequency of use and duration of exposure to such products should be kept to a minimum. A positive result will not be excused by reference to use an alcohol-based solvent. If you are in employment where contact with such products cannot be avoided, you need to discuss this with your Probation Officer or Alcohol and Drug Counselor. Do not wait for a positive test result to do so.

**Remember! When in doubt, don't use, consume, or apply.**

**I HAVE READ AND UNDERSTAND MY RESPONSIBILITIES:**

\_\_\_\_\_  
PARTICIPANT

\_\_\_\_\_  
DATE

## DUI Court PROBATION TERMS

Name: \_\_\_\_\_ Case No: \_\_\_\_\_

Defendant is to serve **5 years Probation**. Initially and during the term of DUI Court participation, probation will be Formal (Supervised). Upon graduation from the DUI Court, Probation will revert to informal probation. (initials) \_\_\_\_\_

### ***PROBATION SHALL BE ON THE FOLLOWING TERMS:***

1. **Violate no law** (excluding infractions). (initials) \_\_\_\_\_

2. **Complete \_\_\_\_\_ days in jail as follows:**

Minimum of 30 actual days to be served in custody commencing forthwith. Balance of statutorily mandated minimum term of \_\_\_\_\_ to be served during Phases 3 & 4 of the DUI Court Program. Em (electric monitoring) will be available to most participants. The DUI Court will advise all participants during the “window period” of their eligibility for EM. \_\_\_\_\_ days remaining custody time shall be stayed pending successful completion of DUI Court.

3. **Pay the following fines and fees** (required by law):

- a. \$540 + penalty assessment (\$1,944)
- b. (\$100 Probation Revocation Fee Suspended)
- c. \$100 State Restitution Fund Fine
- d. \$50 Alcohol Abuse Education Fee (PC 1463.25)
- e. \$40 Court Security Fee
- f. \$30 Criminal Conviction Assessment Fee (GC70373, per count)
- g. \$4 Air Fee
- h. \$25 Arrest Fee
- i. \$35 Installment Account Fee

**Total \$2,228.00**

The payment of fines and fees shall be supervised by probation. Participants shall create a plan with the assistance of their probation officer to complete payment within a 36 month period. (initials) \_\_\_\_\_

### ***OTHER TERMS OF PROBATION:***

4. **Do not drive without a valid California Driver’s License and proof of insurance in your possession.** (initials) \_\_\_\_\_

5. **Do not own, use or possess alcoholic beverages** or empty beverage containers. Do not associate with persons using or under the influence of alcohol. Do not go where alcohol is the primary item for sale (bars & liquor stores). (initials) \_\_\_\_\_

6. **Do not drive with any measurable amount of alcohol in your system** or any other intoxicating substance in your system. An “intoxicating substance” is any substance which would impair a person’s mental or physical ability to any degree. It includes legal, illegal, and over-the-counter drugs and medications. (initials) \_\_\_\_\_

7. **Submit to a chemical test** (blood or breath) as requested by any peace officer or (blood, breath, or urine) as requested by any probation officer. (initials) \_\_\_\_\_

8. **Submit to Search and Seizure** of your person and property, including residence, premises, container, or vehicle under your control, at any time of the day or night, by any peace or probation officer, with or without a warrant, and with or without probable cause. (initials)\_\_\_\_\_
9. **Cooperate with your Probation Officer and the DUI Court Team** in any plan for psychological, psychiatric, alcohol and/or drug treatment. (initials)\_\_\_\_\_
10. **Seek training, schooling, or employment**, and maintain a residence and associates as approved by your Probation Officer. (initials)\_\_\_\_\_
11. **Attend and complete a DMV approved multiple offender program (SB-38)**. (initials)\_\_\_\_\_
12. **Attend and complete a Victim Impact Panel**. (initials)\_\_\_\_\_
13. **Obey all laws, orders, rules, and regulations** of the Probation Department, The DUI Court, treatment provider, and jail. (initials)\_\_\_\_\_
14. **Pay restitution in an amount (determined by the court) and manner as required by the Collections Department**. (If your arrest included injury to person(s) or property). (If you contest the amount of restitution required by the court, you must request a hearing within 30 days of notice of the amount of restitution required).
15. Be advised that upon a second conviction for DUI within 10 years your driving privilege will be **suspended** by DMV for 2 years. Upon a third conviction for DUI within 10 years your driving privilege will be **revoked** by DMV for 3 years. You may be eligible for a restricted license before the end of this period. The final decision to issue a license or restricted license is with DMV. It is the participant's obligation to provide proof to the court that DMV is ready and willing to issue a restricted license. (initials)\_\_\_\_\_
16. **Use your true name and DOB** in dealing with the court, law enforcement, and DMV. Do not apply for a driver's license in any other name or any other state without the court's permission.(initials)\_\_\_\_\_
17. **Comply with the DUI COURT PLEA AGREEMENT** and the reasonable direction of the DUI Court Team. (initials)\_\_\_\_\_
18. **Complete financial assessments with Probation, Collections, and your treatment provider** and pay the reasonable cost of each. In addition, pay the reasonable fees of the Public Defender (if you use their services). All financial assessments will be determined on an ability to pay basis. If you disagree with the amount assessed by any of these agencies, you have a right to request a hearing before the Judge. You must apply for a hearing within 30 days of being assessed. (initials)\_\_\_\_\_

I understand the court may modify the conditions of probation (with reasonable notice). I also understand that I have a right to request the court to modify or strike conditions of probation that I feel are unreasonable. The decision of the court will be final. (initials)\_\_\_\_\_

**I HAVE READ THESE CONDITIONS OF PROBATION AND HAVE READ THE DUI COURT PLEA AGREEMENT. I AGREE TO THESE TERMS.**

Date: \_\_\_\_\_

Signed: \_\_\_\_\_  
 Defendant

## COMMUNITY RE-ENTRY PHASE

The community re-entry phase consists of participation in optional self-help groups, employment, and other areas of self-improvement.  
The Client is monitored by attending a one hour re- entry group, monthly for six months.

Client Name: \_\_\_\_\_ Client No. \_\_\_\_\_

Date of entry into Re-Entry: \_\_\_\_\_ Estimated Date of Completion: \_\_\_\_\_

Date of 1<sup>st</sup> \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ 3<sup>rd</sup> \_\_\_\_\_ 4<sup>th</sup> \_\_\_\_\_ 5<sup>th</sup> \_\_\_\_\_ 6<sup>th</sup> \_\_\_\_\_

This section to be completed by the Client, check all that apply:

1. Employment:    employed    unemployed    interviewing    mailing resumes    newspapers

Progress: \_\_\_\_\_

2. Family Relationships:    improving    increased communication    identifying problems

Progress: \_\_\_\_\_

3. Community Resources:    1 Stop Office    church    county programs    work/education schools

4. Optional Self-Help:    attending AA    NA    CODA    other    weekly    bi-weekly

5. Personal Goals:    improvement in – positive thinking    behavior    attitude    sober lifestyle

6. Relapse Prevention:    identifying risks    lifestyle changes    recognizing symptoms

Client's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### Attitude Communication

### Behavior

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Enthusiastic                  | <input type="checkbox"/> Appropriate; aware of responsibilities     | <input type="checkbox"/> Extremely verbal    |
| <input type="checkbox"/> Cooperative as a group member |   | <input type="checkbox"/> Moderately verbal   |
| <input type="checkbox"/> Passive-Resistive             | <input type="checkbox"/> Behaves appropriately                      | <input type="checkbox"/> Quiet; needs probes |
| <input type="checkbox"/> Uncooperative                 | <input type="checkbox"/> Unsure of group member role                | <input type="checkbox"/> No communication    |
|  | <input type="checkbox"/> Inappropriate; disruptive to group process |  |

Counselor: \_\_\_\_\_  
Date: \_\_\_\_\_

## DUI Court Participant Instructions

1. You have been ordered to keep the following appointments:

**Probation Appointment Time**

109 ½ North Pine St.  
Nevada City, CA  
(530) 265-1200

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**Community Recovery Resources**

(CoRR)  
440 Henderson St.  
Grass Valley, CA  
(530) 273-9541

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*Failure to keep these appointments, may result in your “OR” being revoked and a warrant being issued for your arrest.*

2. What you will need for your intake appointment at CoRR:

Income verification, please provide one or more of the following:

- ✓ Income tax return from prior calendar year
- ✓ Current pay vouchers or pay stubs
- ✓ Bank statement from prior two months
- ✓ Award letter from county welfare such as Notice of Action or Passport to Services
- ✓ Letter from employer on employer letterhead

***YOU WILL NOT BE OFFICALLY ADMITTED INTO TREATMENT WITHOUT THE APPROPRIATE FINANCIAL DOCUMENTS AS SPECIFIED ABOVE.***

4. Picture identification or drivers license.
5. Insurance card (if applicable) such as; Medi-Cal, Blue Cross, Blue Shield, etc.
6. Referral paperwork (if applicable) from court, probation, CPS, DOT, etc.

***7. Keep track of all self-help meetings on a meeting log sheet or calendar and bring them to all your court appearances! Failure to do so may result in the revocation of your “OR” release.***