



Sonoma County DUI Court

Revised February 2008

**Operational Manual
(02/08)**

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Introduction

The concept of the Sonoma 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 scrutiny, 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 Sonoma County.

DUI court is modeled after the County's successful drug court program and is a collaboration of several agencies including the Superior Court, Probation Department, Alcohol & Other Drug Services, the Public Defender's Office, the District Attorney's Office, the Sheriff's Department and local law enforcement agencies. 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 violence and sex crimes, or drug sales convictions. The intensive three-phase program entails weekly group and individual sessions with an assigned Health Care therapist along with regular meetings and testing with probation to ensure sobriety and program compliance. In addition, the participant will be expected to attend weekly 12 step meetings as well as enroll in a DMV approved SB1344 multiple offender program. Upon successful completion of the DUI court participants revert to informal probation. Upon completion of SB1344 programs, participants can request early termination of probation.

Mission Statement

The mission of the Sonoma County DUI court is to enhance community safety, reduce DUI recidivism, and foster a healthier and safer life for the participants and their families, by increasing treatment, supervision and accountability of the high risk impaired driver.

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, periodic alcohol/drug testing and the use of graduated incentives and sanctions.

Target Population

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

Qualifying factors:

- Case originates in Sonoma County
- Resides in Sonoma County
- Is at least 18 years old
- Has been arrested for DUI
- Has a history of alcohol/substance abuse
- No propensity for violence
- 1st DUI (by special recommendation only)
- 2nd DUI
- 3rd DUI

Disqualifying factors:

- Resides outside of Sonoma County
- Is less than 18 years old
- Has gang affiliation
- Has a sales conviction
- Is on parole *
- Enrolled in drug court
- Has a violent offense
- Has mental health issues that would interfere with the ability to comply with program requirements
- Has a felony DUI offense *
- DUI with collision resulting in felony conviction *
- DUI with significant injuries (23153)

*to be re-evaluated during the course of the program

Case Flow

The process begins with the arrest by law enforcement. The arresting agency will conduct the first level of screening by indicating whether the arrestee is a multiple DUI offender on the complaint submitted to the DA. Police reports on eligible cases will be submitted as early as two, but not later than five days to the DA. The DA will expedite conduct record checks to confirm the arrestee has no prior disqualifying offenses. The DA will file qualifying charges and indicate on the complaint that the case is or is not eligible for the DUI court program.

Custody cases will be arraigned within 48 hours. Out-of-custody cases will be assigned an arraignment date within 15 days of arrest. Defense counsel will have the opportunity to advise the defendant of the DUI court between arrest and arraignment in out-of-custody cases, and upon appointment at arraignment for custody cases.

At arraignment qualifying defendants who express an interest in DUI court will be referred to a Settlement Conference to determine if they want to participate in this program. Once they plea in the originating court they will be referred to the next session of DUI court for observation and screening by the DUI Court Team (AODS, Probation, DA, PD, Judge). If the defendant appears suitable to the program, they will be given an assessment appointment with AODS and a return court date.

At the return court date AODS will make a recommendation based on the assessment. Upon concurrence by the Court, the defendant will be accepted into the DUI Treatment Court Program. The Court will order the defendant to report to the Probation Department and the AODS treatment provider for further assessment, and to get started in treatment. The defendant will also be referred to the Multiple Offender Drinking Driver Program.

The first portion of the DUI Treatment Court Program is considered a "window period." The "window period" allows for a complete clinical assessment to confirm the defendant's suitability for the program. During this period of time the team may determine that 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 continues program participation according to the requirements listed in the next section. The program will last a minimum of 12 months.

Phases

The program is structured into three phases plus an orientation phase. 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. (See Appendix A Page – DUI Court Treatment Program Design)

Phase 1: (with 14 day window period)

- Minimum length: 3 months
- Testing: 2/week
- Individual counseling: 1/week
- Group counseling: 1/week
- 12 step meetings: 3/week
- Probation meetings: 1/week
- Court appearances: weekly or bi-weekly
- Treatment plan: Develop with therapist
Curfew

Phase 2: Treatment Plan Development

- Minimum length: 3 months
- Testing: 1/week
- Individual counseling: 2/month
- Group counseling: 1/week
- 12 step meetings: 3/week
- Probation meetings: 1/week
- Court appearances: weekly or bi-monthly
- Treatment plan: Set personal goals
Seek sponsor
Clean and sober recreation/fellowship
Curfew

Phase 3: Ongoing Treatment

- Minimum length: 3 months
- Testing: 1/week
- Individual counseling: 2/month
- Group counseling: 2/month
- 12 step meetings: 2/week
- Probation meetings: 1/week
- Court appearances: bi-monthly or monthly
- Treatment plan: Review/update
Maintain sponsor
Clean and sober
Recreation/fellowship
Curfew
Employment or education
Attend MADD Panel

Phase 4: Stabilization/Mentoring/Achievement/Graduation

- Minimum length: 3 months
- Testing: 1/week
- Individual counseling: 1/month
- Group counseling: 2/month
- 12 step meetings: 1/week
- Probation meetings: As instructed
- Court appearances: 1/month
- Treatment plan: Review/update
Maintain sponsor
Clean and sober
Recreation/fellowship
Curfew
FT Employment/education
8 hours community service
Mentor for new DUI court participant
Serve mandatory jail sentence

Other Treatment Requirements

Your DUI Court Judge may require you to fulfill other program goals such as attending community college courses or attending recovery related events. Further the DUI Court Judge may impose additional conditions of probation such as a curfew. The Judge will inform you of any additional requirements and your attorney, probation officer, and AODS counselor will clarify such requirements.

Probation Supervision

Supervision of the participants in DUI Court includes unannounced home calls that are conducted at the probationers residence by Deputy Probation Officers 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. Local Law Enforcement also assists with the field supervision of the participants.

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:

- Admonishment from the Court.
- Increased alcohol/drug testing.
- Writing an essay on a DUI Court related topic which must be read aloud at your AODS group meeting.
- Increased participation in self-help meetings.
- Increased participation in individual/group counseling sessions.
- Increased frequency of court appearances.
- Community service hours in addition to those required by the program.
- Demotion to an earlier phase.
- SCRAM testing device.
- Commitment to residential AOD treatment.
- Incarceration
- Formal probation violation.
- Expulsion from program and imposition of sentence

Incentives

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

- Verbal praise from the Court and DUI Court Team
- Certificates of Recognition
- Gift certificates
- Phase Advancements
- Decreased court reviews

Education, Vocation, and Employment Programs

Recovery from alcohol/substance addiction includes becoming a self-sufficient, productive responsible member of the community. During the treatment program you will be encouraged to seek employment or be involved in educational pursuits, as appropriate. Your counselor may assist you in obtaining an assessment of your needs and skills and referral to appropriate agencies.

Graduation Criteria

- An acceptable level of sobriety as determined by the treatment team
- Maintained consistent attendance at all required treatment activities and court appearances
- No unexcused absences from scheduled services for 45 days
- Achieved stable clean and sober living arrangements
- Completion (with your counselor) of an aftercare plan to support your sobriety
- Proof of completion of required community services hours
- Submittal of a written graduation advancement request

Termination Criteria

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

Appendix A: DUI Court Treatment Program Design

DUI Court Program Components	Phase 1: (w/ window period)	Phase 2: Treatment Plan Development	Phase 3: Ongoing Treatment	Phase 4: Stabilization/Mentoring Achievement/Graduation
Minimum length	3 months	3 months	3 months	3 months
Testing ¹	2/week	1/week	1/week	2/month
Individual counseling	2/month	2/month	1/month	1/month
Group counseling	1/week	1/week	2/month	2/month
12 step meetings	3/week	3/week	2/week	1/week
Probation meetings	1/week	1/week	1/week	as instructed
Court appearances	weekly or biweekly	weekly or bi-monthly	Bi-monthly or monthly	monthly
Treatment plan	Develop with Therapist	Set personal goals	Review/update	Review/update
		Seek sponsor	Maintain sponsor	Maintain sponsor
		Clean and sober recreation/fellowship	Clean and sober recreation/fellowship	Clean and sober recreation/fellowship
Other requirements	Curfew	Curfew	Curfew	Curfew: Midnight
		Employment or education	Employment or education	FT Employment/education
		Attend MADD Panel		Mentor new participant
				Serve mandatory jail sentence

Advancement Criteria

No positive/missed tests	30 consecutive days	30 consecutive days	30 consecutive days	120 consecutive days
No unexcused absences	14 consecutive days	21 consecutive days	21 consecutive days	45 consecutive days
12 step meetings	Document minimum attendance for 30 days	Document minimum attendance for 30 days; must have a sponsor	Document minimum attendance for 30 days; work with sponsor minimum of 90 days	Verbal expression of understanding of 12 step concepts
Treatment Plan	Acknowledge problem and commit to being drug free	Employment or positive response to vocational or educational goals	Employment or positive response to vocational or educational goals	Consistent employment or educational or vocational training
		Demonstrate positive adjustment to treatment	Continue to demonstrate positive adjustment to treatment	Stable living arrangement; healthy interpersonal relationship
			Verbal expression of understanding of 12 step concepts	Achieved understanding of addiction, relapse prevention
			Progress toward goals	Fulfillment of goals
				Complete community service hours
				Aftercare plan

¹ PO, AODS and law enforcement will conduct additional tests with a breathalyzer.

ALCOHOL & OTHER DRUG SERVICES
DUI COURT EVALUATION

Identifying Information

Name:		Assessed by:	
Last:	First:	MI:	DOB:
Street Address:		Phone #:	
City & Zip:		Ethnicity:	

Drug/Alcohol History

	DRUG/ALC	FREQUENCY	DOSE	RUN	ROUTE	AGE @ 1 ST	YRS OF USE
1							
2							
3							
OTHER							

Longest period of sobriety: _____ When: _____

Methods used to maintain sobriety: _____

12-Step meeting experience: _____

Treatment programs: _____ Residential: _____

History of methadone/antibuse or other meds: _____

Bio-Psychosocial Factors

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: _____

Employment

Current employment: _____ Employment specialties: _____

Past employment: _____

Longest period of employment: _____

Government aid (SSI, SSDI, Medi-Cal, Welfare, AFDC, Cal-works): _____

Factors preventing employment: _____

Level of education: _____ Factors preventing school: _____

SONOMA COUNTY PROBATION DEPARTMENT DUI COURT EVALUATION FORM

Date _____

Ct. Case # _____ DA# _____ RPO _____

me: _____
Last First Middle

AKAs _____

Address: _____
Street Apt. # City State Zip

How long at current address? _____ Single Married Divorced Widowed

Phone Number: _____ SS# _____ DOB _____

CDL#: _____ Valid Yes/ No Expiration _____ Ethnicity _____

Offense _____ Arresting Agency: _____ DR# _____

In Custody _____ Out of Custody _____ Booking # _____ Place of Birth _____

Eligibility

Prior convictions for offenses other than H&S 11350, 11377, 11550? YES NO

Any Cases pending in S.C. or any other jurisdiction? YES NO

Does present offense involve violence? YES NO

Does the defendant present a danger to public safety? YES NO

(Prior record of violence or weapons possession?)

Currently on Probation? YES/NO A# _____ DPO _____

Currently on Parole? YES/NO CDC# _____ Agent _____

Legal resident of a participating city? YES NO

Does defendant acknowledge a substance abuse problem? YES NO

Is the defendant willing and capable of complying with terms and conditions of DUI Court? YES NO

Living Situation

Currently living with _____
Names, relationships, and ages

Children in Home _____
Names, relationships, and ages

Where will you live when released? _____

Who will you live with? _____
Names, relationships, and ages

Children not living with you _____ Do you provide support? YES/NO
Anyone in the home using drugs or alcohol? _____ / On probation or parole? _____

Is defendant or anyone in the home affiliated with any gang? _____

/ weapons in home? _____ Method of Transportation? _____

Parents' Names: _____

Address: _____
Street Apt.# City State Zip

Father's occupation _____ Mother's _____

Spouse's name _____ DOB _____ Date of Marriage _____

Spouse's occupation _____ Employment _____

Drug/Alcohol Use

Drugs/Alcohol of Choice 1. _____ 2. _____ 3. _____ 4. _____

Frequency of Use 1. _____ 2. _____ 3. _____ 4. _____

Amount of Use 1. _____ 2. _____ 3. _____ 4. _____

How long have you used drugs/alcohol? _____ Age started? _____

Longest period of sobriety _____ When? _____

Methods used to remain sober _____

Treatment programs used _____

Have you ever been in any residential program? _____

Are you now, or have you ever been, on methadone/antabuse or other medications? _____

Have you ever been hospitalized or medicated for mental illness: _____

History of violence _____ Suicidal Ideation _____ Homicidal Ideation _____

Employment and Education

Are you currently employed: YES NO Since when? _____ Full or Part Time? _____

Job Title _____ Employer's address _____

Phone Number _____ Supervisor's Name _____

Longest period of employment _____ Why left _____

Highest grade completed _____ Trade school or college _____

What other job skills do you have? _____

Are you receiving government aid? _____ Amount _____

Candidate's Statement

Assessment

Recommended for the program YES NO

Comments (include reasons for not recommending the candidate): _____

Accepted by the Court: YES NO Progress Review Date: _____

Case No. _____

People v. _____

DUI 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 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 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 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, gang affiliation, 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, Alcohol & Other Drug Services 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 completion of successful completion of both the DUI Court and the SB1344 multiple offender program without any intervening probation violations, 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 a "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.

I understand that one of the requirements of the DUI Court is to enroll in and complete a DMV approved multiple offender program (SB1344), 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 either one or two priors have mandatory jail sentences, (VC23542 - 96 hrs, VC 23546 - 120 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 the minimum sentence on electronic confinement (SEC) during the term of a successful program or at least the minimum sentence upon termination. I understand that if I am to do SEC, I must qualify for and serve the sentence under the direction of the Sonoma 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.

Dated: _____

Defendant

Defense Attorney

Witnessed:

Dated: _____

Name: _____ Case NO: _____

Probation Terms – 2d/3d DUI Court

1 Defendant to serve 5 years Probation, initially and during the term of active DUI Court participation to formal probation. Defendant may request probation to revert to informal probation upon graduation from the program. {initials_____}

Probation to be on the following terms;

- 1. Violate No Law.
- 2. Complete _____ days jail. Stayed during the successful completion of DUI Court, (except for any statutory minimum term which will be served on SEC during the term of DUI court as ordered by the Court). (CWP, SEC or County Parole is not available except as expressly provided herein). {initials_____}
- 3. Pay the following fines and fees; {initials_____}
 - a. \$390 plus penalty assessment e. \$ 20 Court Security Fee
 - b. \$100 State Restitution Fund f. \$78 State of CA surcharge
 - c. \$50 alcohol abuse education fee g. \$1 Night Court fee
 - d. \$37 testing fee h. other mandatory fees imposed at plea

These fines and fees to be paid as follows: (check one) {initials_____}

(Supervised by Probation) Fines and Fees to be paid as directed by Probation during the term of the DUI Court. I acknowledge that I will not be approved for graduation until all fines and fees are paid., or

(VAC) Fine of \$390 plus penalty assessment converted to 8 days (64 hours) VAC (Volunteer Community Service) to be completed as directed by probation. Fees (items b-g) will be paid as directed by Probation. (Note the Volunteer Center charges an application/processing fee to supervise the required volunteer service).

OTHER TERMS OF PROBATION:

- 4. You are not to drive without a valid California Driver's License and Insurance {initials_____}
- 5. Do not own, use or possess drugs or alcoholic beverages. {initials_____}
- 6. Do not drive with any alcohol, drugs or intoxicating substances in you system. {initials_____}
- 7. Submit to a chemical test of breath and/or blood on the request of any probation or peace officer. {initials_____}
- 8. Submit your person and property, including residence, premises, container or vehicle under your control to search and seizure at any time of the day or night, by any law enforcement or probation officer, with or without a warrant, and with or without reasonable cause, or reasonable suspicion. {initials_____}
- 9. Cooperate with your probation officer 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 probation. {initials_____}
- 12. Not own, use or possess any type of dangerous or deadly weapons. {initials_____}
- 13. Attend, complete, and provide proof of a DMV and Court approved SB-1344 multiple offender alcohol program. {initials_____}
- 14. Obey all laws orders, rules and regulations of the Probation Department, the DUI Court, the Sonoma County Alcohol & Other Drug Services, the Court and the Jail. {initials_____}

15. Attend, complete and provide proof of a Court approved Victim Impact Panel {initials _____}
16. Involved in a collision, pay restitution to the victim as directed by Probation. {initials _____}
17. Pay any booking fee as ordered by the Court, and as directed by Probation. {initials _____}

18. Pursuant to VC 13352 your driving privilege; (1 prior) is suspended for 2 years subject to the right to apply to DMV for a restricted license when you comply with VC 13352 and 13352.5, or (2 priors) is revoked for 3 years (2 priors). {initials _____}

19. Use your true name and true DOB in dealing with DMV, the Court and law enforcement. Do not apply for a driver's license in any other state or any other name without disclosing this conviction and any suspension or restriction caused by this conviction. {initials _____}

20. Comply with the DUI Court plea agreement and the reasonable directions of the Sonoma County Alcohol & Other Drug Services and its employees and the Sonoma County Probation Department and its employees. {initials _____}

21. Pay the costs of Probation and AODS based on my ability to pay and as directed by Probation and AODS, not to exceed Fifty Dollars \$50.00 per month per agency {initials _____}

22. I understand that the Court may ultimately determine the conditions of probation and I have the right to request the Court to modify or strike any condition imposed by the Probation Department that I feel is unreasonable. {initials _____}

I have read and agree to all the conditions of probation, set forth above.

Defendant: _____

Defendant

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 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 Sonoma 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 Sonoma 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 Sonoma County Public Defender's Office is to be appointed as the attorney of Record.

We agree that the attorney will not be relieved.

Dated: _____

Attorney: (print name) _____
Signed _____

Client: (print name) _____
Signed _____

OCPD: accepted _____

Judge: Approved _____

DUI COURT PHASE 1 TEST

The following is a True/False test that you must complete during the Phase 1 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 your DUI Court mentor or 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 AODS 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 court 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 AODS 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 AODS 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 – including the use of the drug sweat patch.
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 drug sweat patch/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 I cannot put any adhesive tape on my Drug Patch.
37. T F Empty bottles of alcoholic beverages are okay to have in my home as long as they are uncapped, clean and dry.
38. T F Both NA and AA meetings can be counted as my 12-Step meeting ordered by the court.
39. T F If I hear that my Probation Officer or AODS therapist is not in the office on the day that I am to report, it is okay not to go in.

40. T F In Phase III, I will be required to serve any stayed jail sentences on electronic confinement.
41. T F It is my responsibility to be familiar with all the rules and policies of DUI Court.
42. 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.
43. T F It is okay to ride my bicycle while intoxicated because it is safer than driving a car.
44. T F If I am in DUI Court it is okay to drive even if my license is suspended.
45. T F If I fail to urine test for any reason, it will be considered a "dirty" test.
46. T F I can change my therapist or Probation Officer, if I feel she/he is being unfair.
47. T F I may wear shorts to court.
48. T F It is my responsibility to prevent my urine sample bottle from leaking.
49. T F I may not leave the state without prior approval of my Probation Officer.
50. 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 I
REQUEST
DUI COURT

DATE: _____

NAME: _____

DOE: _____

THERAPIST: _____

PROBATION OFFICER: _____

PRESENT PHASE: Orientation EFFECTIVE DATE: _____

Phase Orientation: Indoctrination, Assessment & Assimilation

LENGTH: 3 MONTHS

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. Date of last positive test: _____.

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

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

___ ___ (D) Documented required minimum attendance at five to seven 12 step 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 and submittal of Phase I request.

___ ___ (G) Completion of financial evaluation/TB test/HIV education with AODS.

Comments: _____

PHASE II REQUEST
DUI COURT

DATE: _____

NAME: _____

DOE: _____

THERAPIST: _____

PROBATION OFFICER: _____

PRESENT PHASE: Phase I EFFECTIVE DATE: _____

PHASE I: Treatment Plan Development LENGTH: 3 MONTHS

Yes No Advancement Criteria:

- | | | |
|-----|-----|--|
| ___ | ___ | (A) Drug/alcohol test 3 times per week with no positive test results (including missed or tampered tests) for at least 90 consecutive days. Date of last positive test: _____. |
| ___ | ___ | (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 12 step meetings for at least 90 days. |
| ___ | ___ | (F) Verbal expression of understanding the 12 step concepts. Must be working with a 12 step 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 & AODS. |
| ___ | ___ | (J) Submittal of written Phase II advancement request. |

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

PHASE III
REQUEST
DUI COURT

DATE: _____

NAME: _____

DOE: _____

THERAPIST: _____

PROBATION OFFICER: _____

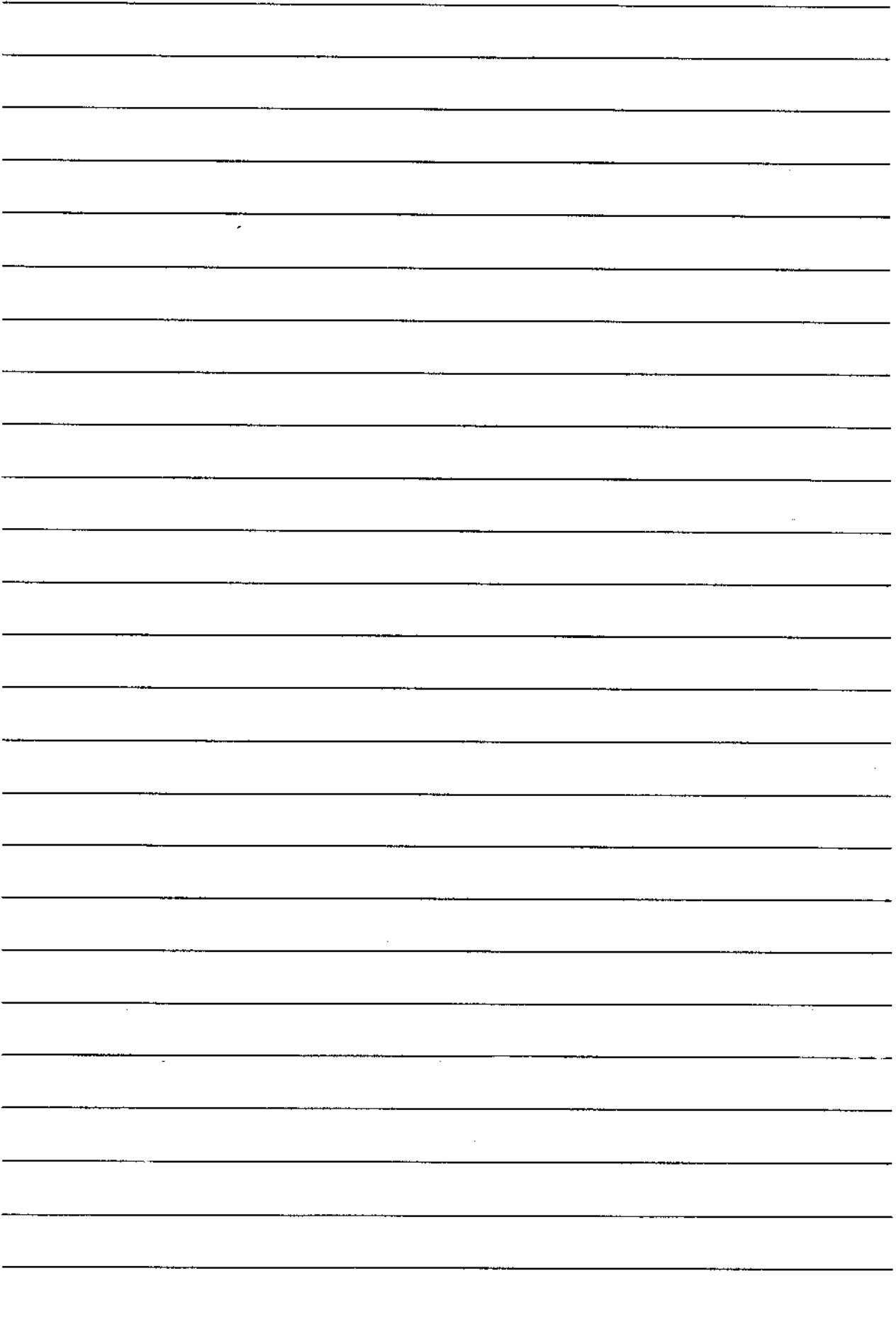
PRESENT PHASE: Phase II EFFECTIVE DATE: _____

PHASE II: On-going treatment LENGTH: 3 MONTHS

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 12 step 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 III advancement request.
- ___ ___ (I) Current with financial obligations or making positive progress towards payments with AODS and Probation.
- ___ ___ (J) Enrollment in GED or Diploma program, if needed.

Comments: Explain how DUI Court has changed your life. Include what you have learned in Phase I & II. Why you think you are ready to be advanced to Phase III. Please use a separate page to provide your comments.



DUI COURT APPLICATION FOR GRADUATION

Name:	Date:	
DOB:		
Address:	City:	Zip:
Phone numbers:		

How long have you been in DUI Court?

How long have you been clean and sober?

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

What have you learned while you have been in DUI Court? <i>See attached</i>

How has DUI Court helped you? <i>See attached</i>

What are your plans for the future? <i>See attached</i>

If you remain in a counseling program after graduation, which one? <i>See attached</i>