

FRESNO COUNTY SUPERIOR COURT
DUI COURT

POLICY AND PROCEDURES

MANUAL



Fresno County DUI Collaborative Court Policies and Procedures Manual

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PROGRAM OVERVIEW

The Fresno County DUI Court is a court-supervised, comprehensive treatment, collaborative program for eligible participants. Research conducted for the County of Fresno has revealed that there is a significant amount of cases and growing concern of individuals driving while intoxicated. The implementation of this treatment court has been made to reduce the rate of recidivism amongst offenders and enhance public safety in our communities.

Similar to other national model DUI court programs, this post adjudication program is designed for adults and operates on a team concept involving increased supervision, mandatory substance abuse treatment, individual/group counseling as well as random and frequent tests to monitor compliance. Through evidence-based best treatment and supervision practices, participants will learn how to lead healthier and safer lives for themselves and their families while maintaining a clean and sober life.

The DUI Court is a two track treatment model program primarily targeting for High Risk/High Needs defendants charged with subsequent Misdemeanor DUI offenses. Defendants will first appear in their Home Court Department at which time they will be provided with information as to this treatment Court. Prima facie defendants will undergo a screening/assessment by the DUI Court Team to insure that they are eligible for the program. Those interested to participate will be admitted. Once approved the participant will plead guilty to the DUI Charges, a jail sentence will be imposed and stayed and they will begin the supervision and treatment program.

Defendants who decline participation in the program will be referred back to their home court for continued litigation. If the defendant later pleads guilty/no contest or is found guilty, they may be referred for re-screening and if still eligible mandated to participate in the program.

COMMUNITY ADVISORY BOARD

The committee will meet bi-annually to discuss the status of the program, make suggestions as to program policy & protocols and address any issues the program is encountering that encumber the goals set forth. The Steering Committee will be comprised of executive level personnel from each agency to facilitate the process of expeditiously resolving issues while having the support of that organization on the executive level.

Members:

- Judicial Officer presiding over the calendar
- Collaborative Court Coordinator
- Criminal Division Manager
- Public Defenders Office
- District Attorney's Office
- Probation Department
- Department of Behavioral Health
- Affiliated Alcohol Monitoring Agencies
 - Scram of CA
 - LifeSafer
- MADD (Mothers Against Drunk Driving)
- Other Community alliances

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PLANNING COMMITTEE

The DUI Court Planning Committee will be comprised of representatives from each agency involved in the day to day processes of this Court. Members will assist in providing oversight of court operations and contribute to the strategic planning in carrying out the goals of the program.

MISSION STATEMENT

The mission of the Fresno County DUI court is to provide offenders with a comprehensive program that will reduce the rate of recidivism and financial burden to the community while enhancing public safety. The accomplishment of this mission will be achieved through a coordination of collaborative Court services which include individualized treatment plans, close supervision and judicial involvement.

GOALS AND OBJECTIVES

GOAL	OBJECTIVES
<p>Goal I: Reduce Costs</p>	<ul style="list-style-type: none"> ▪ Provide an alternative to long-term incarceration for offenders who match the eligibility criteria and reduce the substantial costs associated with that incarceration. ▪ In choosing this alternative we will save taxpayer dollars by circumventing incarceration. Moreover, the burden on the criminal justice system will be reduced in having to handle fewer repeat offenders.
<p>Goal II: Promote Long term Recovery for Participants</p>	<ul style="list-style-type: none"> ▪ Provide community based therapeutic treatment and other supportive services based on the individualized needs of each participant supported through a comprehensive program of supervision, monitoring, and other elements such as rewards and sanctions. ▪ The DUI Treatment Court Program implements a new alternative for rehabilitation and recovery not currently available to offenders.
<p>Goal III: Reduce and eliminate use of alcohol and controlled substances, related criminal activity and recidivism rates to enhance community safety.</p>	<ul style="list-style-type: none"> ▪ Mandate intensive substance abuse treatment, close judicial supervision and mentoring of all participants. ▪ Frequent, random drug/alcohol testing as well as intensive supervision with random home contacts and compliance checks. ▪ Impose immediate sanctions for non-compliance as well as positive reinforcement and rapid response to success. ▪ Focus on rehabilitation and recovery while requiring personal accountability to break the cycle of addiction.
<p>Goal IV: Facilitate development to generate responsible, productive citizens</p>	<ul style="list-style-type: none"> ▪ Provide a system of care network through effective collaboration with the criminal justice, health care treatment, and social service systems. ▪ Each participant must actively participate in their recovery effort and will be required to: <ul style="list-style-type: none"> ▪ Document challenges and successes of their journey. What they will do to ensure they do not repeat past mistakes and submit this prior to completing their last phase of treatment.

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PROGRAM STRUCTURE

The Fresno County Superior DUI Court is designed to focus services based on an assessed level of need. It incorporates the Risk and Need Matrix Model (Douglas B. Marlow 2009). In addition, the Risk–Need–Responsivity (RNR) model of offender rehabilitation is utilized to address treatment for offenders. The principal architects of the RNR model of offender rehabilitation are the Canadian researchers James Bonta and Don Andrews. The model represents a model for the prediction of risk and classification of offenders for treatment, based on the authors' early observations that criminal behavior can be predicted, that risk interacts with level of treatment intensity and targets in influencing treatment outcome (i.e., recidivism), and that these factors interact with offender-based factors in influencing outcome (Andrews & Bonta, 2003).

The model includes three principles that should guide intervention with offenders:

Risk Principle: Suggests that offenders at higher risk for reoffending will benefit most from higher levels of intervention, including high intensity treatment, and that lower risk offenders should receive minimal, routine, or no intervention.

Need Principle: Proposes that only those factors associated with reductions in recidivism (i.e., criminogenic needs) should be targeted in intervention.

Responsivity Principle: States that correctional programs should be matched to offender characteristics such as learning style, level of motivation, and the individual's personal and interpersonal circumstances.

The first two principles (risk and need) are used to select treatment intensity and targets, and the whole set used to guide the way practice is actually implemented.

Diagram 1

Risk & Needs Matrix

	High Risk	Low Risk
High Need	Accountability, Treatment Needs & Habilitation	Treatment & Habilitation
Low Need	Low Prevention Accountability	Needs & Habilitation

Diagram 2]

RNR Model

Risk:	Match the level of service to the offender's risk to reoffend.
Need:	Assess criminogenic needs and target them in treatment.
Responsivity:	Maximize the offender's ability to learn from a rehabilitative intervention by providing cognitive behavioral treatment and tailoring the intervention to the learning style, motivation, abilities and strengths of the offender.
General Use:	Cognitive social learning methods to influence behavior. Specific use of cognitive behavioral interventions that take into account strengths, learning style, personality, motivation, and bio-social (e.g., gender, race) characteristics of the individual.

DUI Treatment Court, Track I – Focus on Treatment Needs

This track operates as traditional DUI courts with focus on the 10 Key Components and is designed to target participants with addiction issues, also referred to as “high risk high needs.” Treatment is the key component that distinguishes this track from other tracks. Following a triage risk and needs assessment, an ASAM is performed to determine the level of treatment and participants are continuously monitored to identify any potential adjustments in treatment, court appearances or increased monitoring. The court's goal is to address root issues and that the client meet sentencing obligations in order to improve public safety. Sentencing obligations include continuous alcohol monitoring and an ignition interlock device, educational and treatment programming and possible enrollment into an Adult Offender Work Program.

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DUI Compliance Court, Track II – Focus on Accountability, Compliance and Prevention

This track targets repeat offenders who demonstrate substance abuse issues, but have little to no addiction issues, also referred to as “high risk low needs” offenders. Consequences will be focused on a participant’s adherence to abstinence and supervision terms. The primary goal of this track is to ensure that participants, while not having a treatment regime to follow, do complete their sentencing obligations while being monitored by the court. This includes monitoring, educational programming, such as the DMV DUI Program. This may also include installation of ignition interlock devices (IID) or other alternative monitoring devices and possible enrollment into and Adult Offender Work Program.

TARGET POPULATION

The Fresno Superior DUI Court as currently composed targets all third time DUI offenders as well as certain second time offenders. Offenders are divided into two categories:

- **Track 1:** *Treatment Participants:* Offenders must be identified as “high risk/high needs” using a validated assessment tool. These are offenders whose re-offending revolves largely around their substance abuse issues. Successful engagement of a treatment program is top priority for these clients.
- **Track 2:** *Compliance and Accountability Participants:* All repeat offenders not identified as “High Risk/High Needs” using a validated assessment tool. These are offenders who may have no addiction issues or only moderate addiction issues, but are likely re-offending because of a lack of accountability on the court’s behalf or a lack of understanding/confidence of the judicial system on their behalf. Monitoring and successful completion of sentencing obligations are of the priority for these clients.

IMPORTANT: Only Third Time Offenders qualify for Track 2.

ELIGIBILITY AND DISQUALIFICATION CRITERIA

Requirements:

- DUI Offenders must be 18 years and older
- Applicants must be residents of Fresno County
- Applicant must be assessed to be a High Risk/High needs offender
- Offense must be for a subsequent DUI Offense (misdemeanor) listed here:
 - DUI 3rd Offense
 - DUI 2ND Offense with following criteria:
 - Participant must have been between the ages of 21-26 at the time of citation/arrest
 - Alleged BAC Level must be over .15

Note: Track I applies to both 2nd & 3rd time offenders. Track II applies only to 3rd time DUI’s.

Disqualifiers:

- Out of County Residents
- Outstanding Warrants in other Jurisdictions
- Pending Felony Charges
- Actively on any type of supervision other than Conditional Probation

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- History of convictions within the past 5 years involving any of the following offenses are presumptively disqualified:
 - Violent felony as defined under PC 667.5
 - Gang Activity as defined under PC 186.22
 - Drug sales as defined under 11351 HS
 - Sex Crime that mandates registration as defined under PC 290

ASSESSMENT PROCESS

DUI-RANT (Risk and Needs Triage): Admission into the program begins with evidence-based assessment in prognostic risk and criminogenic needs. This evidence based screening is a screening tool designed by TRI Science Addiction devised to match the prognostic-risk and criminogenic needs of defendants with substance use disorders with dispositional outcomes that support recovery and promote law-abiding behavior (Marlowe, D. et al, 2011)

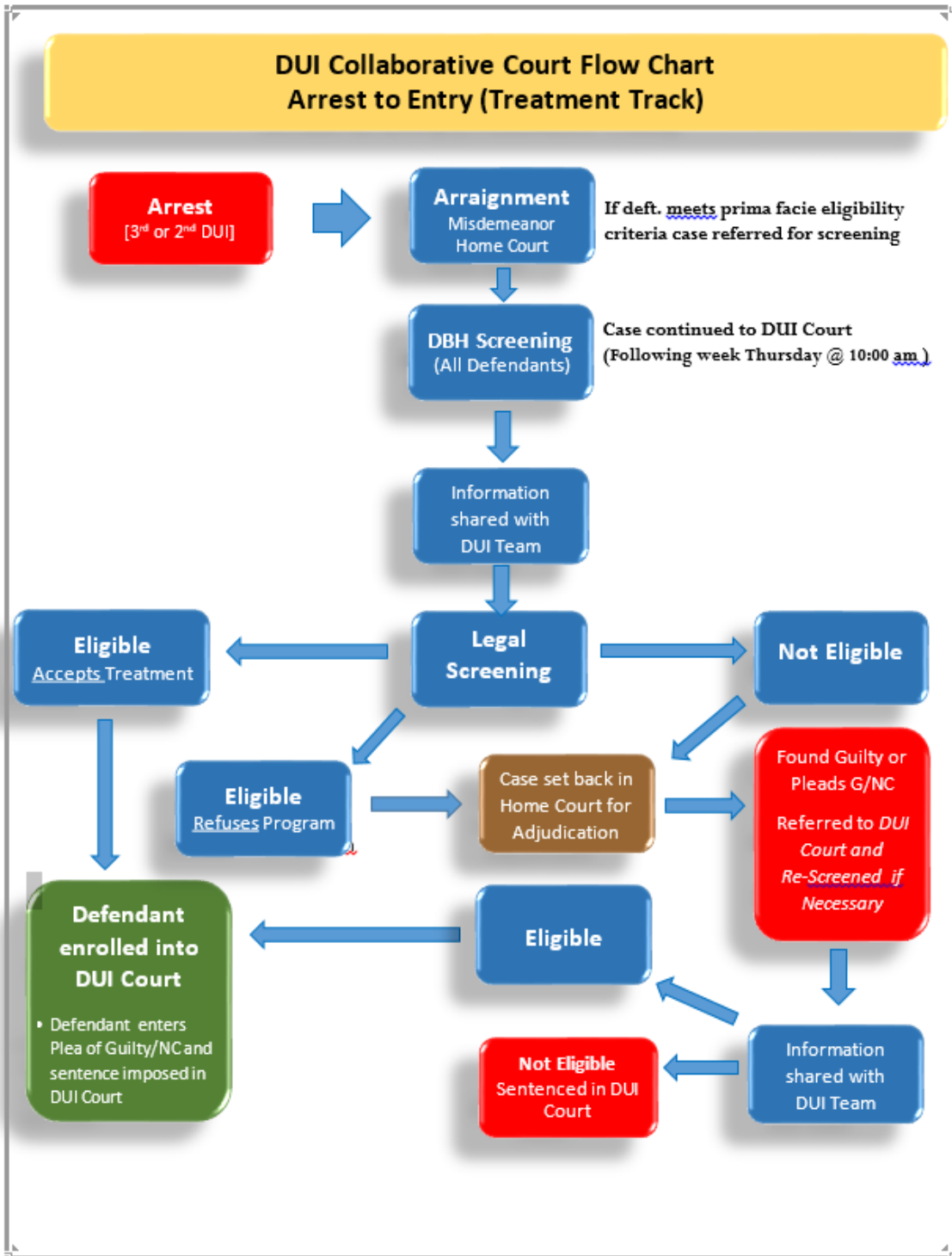
The DUI-RANT incorporates Marlow's Risk and Needs Matrix (See Diagram 1 and 2 on Page 5) in its method for determining risk and needs results.

Criminogenic risks are factors that make offenders less likely to succeed and more likely to return to behavior such as substance abuse and crime. Risk factors include recurring criminal activities, dropping out of programs and continued use of drugs and alcohol. Clinical needs are psychosocial dysfunction areas that if treated can reduce the chances of returning to substance abuse or other criminal behavior. All repeat DUI offenders are considered high risk by virtue of them being repeat offenders. When someone falls under low needs on the DUI-RANT, they are placed in Track II. Those with high needs are appropriate for Track I.

American Society of Addiction Medicine (ASAM): All Track I participants are additionally assessed to determine level of care. The program will use an ASAM assessment form, a customized evaluation form derived from the American Society of Addiction Medicine (ASAM) criteria to measure a participant's level of treatment needs. The society has developed a nationally-accepted criterion that also was designed using empirical data.

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ADMISSIONS FLOWCHART – TIER I TREATMENT TRACK



DWI COURT FLOWCHART | 10.1.22

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Role of Team Members

All team member will participant in the program decision making process as a member of the team, advocate for effective sanctions and incentives for program compliance or lack thereof, assist in the facilitation of the participant rehabilitation, and form partnerships that will allow for collaboration and sharing of resources. Below is a list of team members with an outline of their duties/tasks

Treatment Court Judge

1. The Judge will ensure a cooperative atmosphere for attorneys, probation officers, law enforcement, and case managers to stay focused on the task of providing participants with treatment and rehabilitation opportunities.
2. The Judge will ensure the integrity of the treatment court is maintained by having an understanding of the program's policies and procedures.
3. The Judge will participate as an active member of the Staffing Team and will chair the treatment court team.
4. The Judge will assist in motivating and monitoring the participants of the treatment court.
5. The Judge will gather information from the treatment court team and make all final decisions on incentives, formal sanctions that affect the participants.
6. The Judge will contribute to the education of peers, colleagues, and the judiciary in the efficacy of treatment courts.
7. The Judge encourages participants to succeed, treats participants fairly and with respect.
8. The Judge emphasizes treatment throughout the participant's time in the treatment court.

Treatment Court Coordinator

1. The Coordinator will assist in providing general oversight to the treatment court to include meeting attendance, grant reporting, and administration of the budget (to include management of contracts), program support, funding solicitation and community outreach. The responsibilities exist for the term of this Agreement, as funding permits.
2. The Coordinator will facilitate communication between team members and partner agencies.
3. The Coordinator will assist with organizing court, events and meetings and compiling supporting materials to disseminate to stakeholders and providers of services to maintain linkages.
4. The Coordinator will ensure the treatment court policies and procedures are updated annually and followed during program operations.
5. The Coordinator will ensure all team members follow confidentiality regulations and all appropriate forms are signed and circulated to the appropriate agencies.
6. The Coordinator will provide oversight of the statistical database and evaluation process of the treatment court.
7. The Coordinator will assist in providing or seeking continuing training for the treatment court team and will ensure all new team members receive a treatment court orientation before participating in their first staffing.

Prosecuting Attorney

1. The assigned Deputy District Attorney will participate as an active member of the Staffing Team and the Steering Committee.
2. The Prosecutor will assist in identifying defendants arrested for specific offenses that disqualify or meet program eligibility requirements.
3. The Prosecutor will participate as a Team member during pre-court staffing and advocate for effective incentives and sanctions for program compliance or lack thereof.
4. The Prosecutor will participate as a Team member, operating in a non-adversarial manner during court, to promote a sense of a unified Team presence.

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5. The Prosecutor will contribute to the education of peers, colleagues, and the judiciary in the efficacy of treatment court.
6. The Prosecutor will ensure that a positive substance abuse test or open court admission of a possession of a substance or use will not automatically result in filing of additional charges.
7. The Prosecutor along with the collaborative team will make decisions regarding the participant's continued enrollment in the program based on performance in treatment rather than on legal aspects of the case, barring additional criminal behavior.

Public Defender

1. The Deputy Public Defender will participate as an active member of the Staffing Team and the Steering Committee.
2. The Public Defender will advise the defendant as to the nature and purpose of the treatment court, the rules governing participation, the consequences of abiding or failing to abide by the rules, and how participating or not participating in treatment court will affect his/her interests.
3. The Public Defender will participate as a Team member, operating in a non-adversarial manner during court, to promote a sense of a unified Team presence.
4. The Public Defender will review the participant's progress in the program and advocate appropriately for effective incentives and sanctions for program compliance or lack thereof.
5. The Public Defender will ensure the constitutional rights of the participant are protected.
6. The Public Defender will advocate for the participant's stated interests.
7. The Public Defender will contribute to the education of peers, colleagues, and the judiciary in the efficacy of treatment court.
8. The Public Defender explains that because criminal prosecution for admitting to substance or alcohol use in open court will not be invoked, the participant is encouraged to be truthful with the team.

Probation Officer

1. The assigned Probation Officer will be responsible for assisting with comprehensive case management and field supervision of court participants and participate as an active member of the Staffing Team and Steering Committee.
2. On a limited basis as needed, the Probation Officer will assist with using a validated criminogenic risk/needs assessment tool to be conducted during the referral process to ensure the treatment court is serving the appropriate target population.
3. The Probation Officer will provide coordinated and comprehensive supervision and case management to include telephone contact, office/home/employment visits, informal sanctions as well as random field visits to participants' homes pursuant to the program structure.
4. The Probation Officer will develop/monitor effective measures for alcohol and drug testing and supervision compliance reporting that provide the treatment court staffing team with sufficient and timely information to implement sanctions, incentives, and therapeutic interventions.
5. The Probation Officer will monitor/assist the participant compliance and progress to the adherence of the Judgement and sentenced order and program requirements.
6. The Probation Officer will participate in pre-court staffing and will provide updates on all active participants and advocate for effective incentives, sanctions, and therapeutic interventions during staffing.
7. The Probation Officer will utilize and deliver cognitive-behavioral interventions to address criminal thinking and increase a readiness for change.
8. The Probation Officer will contribute to the education of peers, colleagues, and the judiciary in the efficacy of treatment court.

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9. The Probation Officer may create a supervision plan based on the needs of the defendant. Individual Supervision plans will be updated based by participant ongoing risk and needs assessments which are conducted by the Case Manager.

Case Manager

1. The Case Manager will participate fully as a Team member, and will work as a partner to ensure the success of treatment court participants.
2. The Case Manager will operate in conjunction with the treatment providers for the assessment and placement of participants in the appropriate level of care to meet their treatment needs.
3. The Case Manager and/or Probation Officer will be responsible for using a validated criminogenic risk/needs assessment tool to be conducted during the referral process to ensure the treatment court is serving the appropriate target population.
4. The Case Manager will utilize a validated clinical screening and assessment tool to ensure appropriate placement of participants.
5. The Case Manager will provide progress reports to the Team prior to staffing so the Team will have sufficient and timely information.
6. The Case Manager will advocate for effective incentives, sanctions, and therapeutic adjustments during staffing.
7. The Case Manager will provide information to the Team on assessment, basis of alcohol/substance use, the impact of treatment on the participant, and the potential for relapse.
8. The Case Manager will participate in pre-court staffing and will provide updates on all active participants and advocate for effective incentives, sanctions, and therapeutic interventions during staffing.
9. The Case Manager will ensure all confidentiality forms are signed with the client and the team.
10. The Case Manager will contribute to the education of peers, colleagues, and the judiciary in the efficacy of treatment court.
11. The Case Manager working in conjunction with Treatment Providers manages the delivery of treatment services and administers behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes.
12. The Case Manager provides clinical case management, provides relapse prevention and continuing care and develops a continuing care plan with participants.

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TIER I PHASE STRUCTURE AND COMMENCEMENT CRITERIA

Each participant will be expected to adhere to the following requirements. Testing for substances will be randomly conducted at least 2x per week if evidence of drug use is found. Participants of the program as a result of alcohol use will be monitored and expected to test on a daily basis.

ORIENTATION: Connections and Plans [Duration: See Phase I timeline]

Court Hearing Requirements

- Attend court appearances as ordered by the Judge - **Weekly**

Wellness Plan

- Participate in a DUI-RANT Criminogenic Needs Screening evaluation & American Society of Addiction Medication (ASAM) assessment
- Enroll in and begin to engage in treatment with a plan of care with a referred treatment provider
- Work with Case Manager to develop both case and transportation plans while in the program.
- Maintain employment and/or Education (*if possible*)
- Be able to identify to the Judge, and other DUI Court Team members' treatment providers and support programs that have been established.
- Demonstrate taking actions to make changes in life including but not limited to people surrounded with including places visited and activities taken part in.
- Meet with your Case Manager and/or Probation officer on a weekly basis or as directed at a place & time to be scheduled by the Case Manager or Probation.

Supervision & Support

- Follow all other terms and conditions of probation as ordered by the Judge and as directed by the Probation Officer.
- Comply with supervision
- Probation Contact: *As Required and/or Determined by Treatment Team*
- Case Manager Contact: *Weekly Contacts*
- Random home visits
- Follow Court ordered curfew - 9:00 p.m. (*This may vary depending on participants' work/school schedule*)

CRITERIA FOR ADVANCEMENT

1. Completion of Case Plan, Treatment Plan & Transportation Plan
2. Attend one treatment session
3. Regular contact with Probation Officer/Case Manager
4. No missed Court Hearings
5. Ability to successfully communicate plans listed above and established treatment provider(s)

PHASE I: Stabilization [Minimum Duration: 60 Days – Inclusive of Orientation]

Court Hearing Requirements

- Attend court appearances as ordered by the Judge – **Bi-Weekly**

Wellness Plan

- Continue to meet and engage with treatment provider
- Expand transportation plan as needed to ensure no driving without a valid driver license or insurance
- Maintain employment and/or Education (*if possible*)

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- Maintain safe and secure housing (room and board, apartment or residential treatment or other approved independent living situation). The housing site shall be free of drugs and alcohol.
- Verbalize for the court the specifics of actions taken to make changes in life including but not limited to people surrounded with including places visited and activities taken part in.

Supervision & Support

- Follow all other terms and conditions of probation as ordered by the Judge and as directed by the Probation Officer.
- Comply with supervision
- Probation Contact: *As Required and/or Determined by Treatment Team*
- Case Manager Contact: *Weekly Contacts*
- Random home visits
- Follow Court ordered curfew - 9:00 p.m. *(This may vary depending on participants' work/school schedule)*

CRITERIA FOR ADVANCEMENT

1. Regular attendance at treatment
2. Regular contact with Probation Officer/Case Manager
3. Regular attendance to Court Hearings
4. Sobriety time – 14 consecutive days / no tampering
5. Within this phase for a minimum of 60 Days.
6. Submission of a Phase up Application 2 days prior to Review Hearing

PHASE II: Skill Building [Minimum Duration: 90 Days]

Court Hearing Requirements

- Attend court appearances as ordered by the Judge – **Every three weeks**

Wellness Plan

- Continue to meet and engage with Treatment Provider
- Continue adhering to transportation plan to ensure no driving without a valid driver license or insurance
- Maintain employment and/or Education *(if possible)*
- Maintain safe and secure housing (room and board, apartment or residential treatment or other approved independent living situation). The housing site shall be free of drugs and alcohol.
- Establish a plan with Case Manager to address any and all medical needs
- Verbalize for the court the specifics of actions taken to make changes in life including but not limited to people surrounded with including places visited and activities taken part in.
- Work with Case Manager to establish a financial plan that will bring a healthy balance in life.

Supervision & Support

- Follow all other terms and conditions of probation as ordered by the Judge and as directed by the Probation Officer.
- Comply with supervision
- Probation Contact: *As Required and/or Determined by Treatment Team*
- Case Manager Contact: *Bi-Weekly Contacts*
- Random home visits
- Follow Court ordered curfew - 10:00 p.m. *(This may vary depending on participants' work/school schedule)*

CRITERIA FOR ADVANCEMENT

1. Regular attendance and engagement with treatment
2. Regular contact with Probation Officer/Case Manager
3. Sobriety time – 30 consecutive days / no tampering
4. Within this phase for a minimum of 90 Days.
5. Submission of a Phase up Application 2 days prior to Review Hearing

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PHASE III: Building Wellness [Minimum Duration: 90 Days]

This phase addresses participants ongoing recovery needs, including focusing on daily living skills and if applicable, staying sober and not using any drugs and alcohol.

Court Hearing Requirements

- Attend court appearances as ordered by the Judge – **Monthly**

Wellness Plan

- Continue to meet and engage with Treatment Provider
- Review of case plan with Case Manager for modifications as needed for successful outcome of administered treatment.
- Work towards developing a network of support in the community
- Begin the “Thinking for a Change” program if found suitable. Program will target providing participant treatment through helping them recognize and overcome criminal and addictive thinking patterns through a cognitive-behavioral approach.
- Begin to engage in Pro-social activity that benefit other people or society as a whole such as helping, sharing, donating, co-operating and volunteering.
- Continue adhering to transportation plan to ensure that no driving without a valid driver license or insurance
- Demonstrate for the Court actions taken to make changes in life including but not limited to people surrounding with, places visited and activities taken part in.
- Maintain/Explore employment, education or vocational training opportunities (*if possible*)
- Maintain safe and secure housing (room and board, apartment or residential treatment or other approved independent living situation). The housing site shall be free of drugs and alcohol.
- Continue addressing any and all medical needs
- Address and follow financial plan previously set with Case Manager
- Comply with orders made for drug and/or alcohol testing including reporting for any scheduled tests.

Supervision & Support

- Follow all other terms and conditions of probation as ordered by the Judge and as directed by the Probation Officer.
- Comply with supervision
- Probation Contact: *As Required and/or Determined by Treatment Team*
- Case Manager Contact: *Monthly Contacts*
- Random home visits
- Follow Court ordered curfew - 11:00 pm (*This may vary depending on participants’ work/school schedule*)

CRITERIA FOR ADVANCEMENT

1. Regular attendance and engagement with treatment.
2. Regular contact with Probation Officer/Case Manager
3. Establish pro-social activity
4. Begin plan for longer term sobriety
5. Attending SB38 or scheduled for an enrollment meeting into SB38
6. Sobriety minimum of 60 consecutive days
7. Within this phase for a minimum of 90 Days.
8. Maintain and/or seek employment/educational opportunities (*if applicable*)
9. Submission of a Phase up Application 2 days prior to Review Hearing

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PHASE IV: Continuing Care [Minimum Duration: 120 Days]

This phase helps participants move from the lifestyle within the DUI Court structure to a lifestyle more like what will be experienced after program graduation. Requirements include:

Court Hearing Requirements

- Attend court appearances as ordered by the Judge – **Every six to eight weeks**

Wellness Plan

- Continue to meet and engage with Treatment Provider
- Develop a continuing care plan and implement a plan for long term sobriety.
- Continue in “Thinking for a Change” program if referred.
- Maintain participation in Pro-social activities
- Continue adhering to transportation plan and address transportation license reinstatement
- Demonstrate for the Court continued actions taken to make changes in life including but not limited to people surrounding with, places visited and activities taken part in.
- Maintain/Explore employment, education or vocational training opportunities *(if possible)*
- Maintain safe and secure housing (room and board, apartment or residential treatment or other approved independent living situation). The housing site shall be free of drugs and alcohol.
- Continue following financial plan previously set.
- Comply with orders made for drug and/or alcohol testing including reporting for any scheduled tests.

Supervision & Support

- Follow all other terms and conditions of probation as ordered by the Judge and as directed by the Probation Officer.
- Comply with supervision
- Probation Contact: *As Required and/or Determined by Treatment Team*
- Case Manager Contact: *Monthly Contacts*
- Random home visits
- Curfew modified to 12:00 am. At Judicial discretion curfew may be lifted. *(This may vary depending on participants’ work/school schedule)*

CRITERIA FOR GRADUATION

1. Successfully meet program requirements as determined by the DUI Court Team
2. Moving toward completion of treatment program with a commitment to finish
3. Engage with Case Manager and probation
4. Maintain recovery network & Pro-social activity
5. Maintain and/or seek employment/educational opportunities *(if applicable)*
6. Sobriety for minimum of 90 consecutive days.
7. Within this phase for a minimum of 120 Days.
8. Submission of a letter to program 2 days prior to Review Hearing

COMPLIANCE WITH TREATMENT

Participants will be required to attend all treatment sessions. This includes individual and group counseling, educational sessions, sober support or other meetings conducive to their recovery.

Once participants have completed their treatment program they will be expected to continue participating in aftercare/recovery services 2x per week. If participant opts not to participate they must attend AA/NA sessions 2x per week or 2 other recovery based activities per week

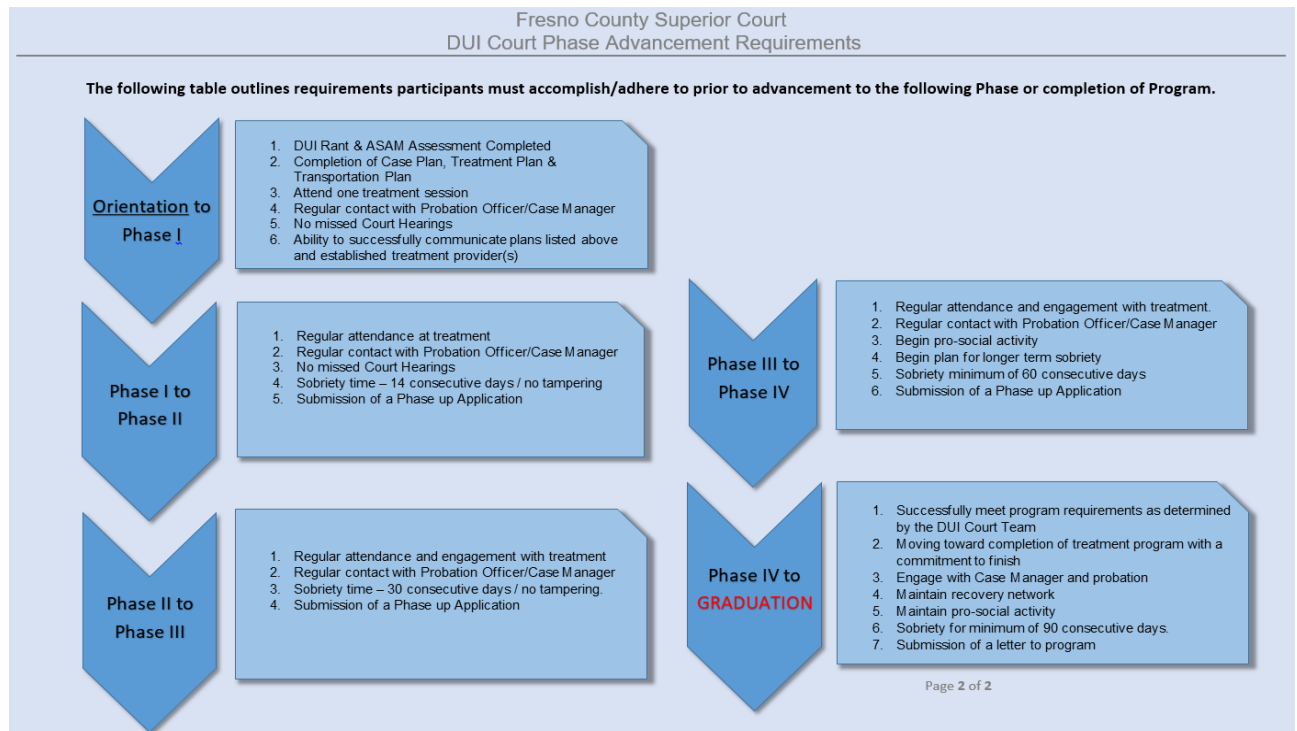
Attendance to SB38 does not count towards participating in two recovery activities per week.

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Fresno County Superior Court DUI Court Phases

	Orientation Connections & Plans	PHASE I Stabilization 60 Days - Inc. Orientation	PHASE II Skill Building 90 Days	PHASE III Building Wellness 90 Days	PHASE IV Continuing Care 120 Days
Court Hearing Requirements	Weekly	Bi-Weekly	Bi-Weekly	Monthly	Every Other Month
WELLNESS PLAN	<ul style="list-style-type: none"> Completion of DUI-RANT Screening & ASAM Assessment Enroll in and begin to engage in treatment with a plan of care Develop case plan Develop transportation plan for immediate needs Maintain employment/Education (if possible) Be able to identify established treatment providers and support programs Start changing people, places and things 	<ul style="list-style-type: none"> Continue engaging with treatment Expand transportation plan as needed Maintain employment/Education (if possible) Stable housing Verbalize specifics of actions taken to change people, places and things 	<ul style="list-style-type: none"> Engage with treatment Following transportation plan Address medical Maintain stable housing Maintain employment/Education (if possible) Develop financial plan Demonstrate changing, people, places and things 	<ul style="list-style-type: none"> Engage with treatment (CD and MH) Review case plan Begin a "Thinking for a Change" program if suitable Establish recovery network Address medical Following transportation plan Establish pro-social activity Maintain stable housing Maintain/Explore Employment/Vocational/Education Address financial plan Demonstrate changing, people, places and things 	<ul style="list-style-type: none"> Engage with treatment (CD and MH) until completion. Create and implement a plan for long term sobriety Development of continuing care plan Continue "Thinking for a Change" program. Maintain pro-social activity Address transportation license reinstatement Maintain stable housing Maintain employment Address financial plan Demonstrate changing, people, places and things Address ancillary services (i.e. parenting, family support) Maintain vocational training
SUPERVISION & SUPPORT	<ul style="list-style-type: none"> Comply with supervision Probation: As Required and/or Determined by Treatment Team Case Manager: Weekly Contacts Random home visits Curfew 9:00 p.m. 	<ul style="list-style-type: none"> Comply with supervision Probation: As Required and/or Determined by Treatment Team Case Manager: Weekly Contacts Random home visits Curfew 9:00 p.m. 	<ul style="list-style-type: none"> Comply with supervision Probation: As Required and/or Determined by Treatment Team Case Manager: Bi-Weekly Contacts Random home visits Curfew 10:00 p.m. 	<ul style="list-style-type: none"> Comply with supervision Probation: As Required and/or Determined by Treatment Team Case Manager: Monthly Contacts Random home visits Curfew 11:00 pm 	<ul style="list-style-type: none"> Comply with supervision Probation: As Required and/or Determined by Treatment Team Case Manager: Monthly Contacts Random home visits Curfew 12:00 am and tapering to no curfew
TESTING	<ul style="list-style-type: none"> Random drug tests (at least 2x week) if evidence of Drug Use Daily alcohol test monitoring 	<ul style="list-style-type: none"> Random drug tests (at least 2x week) if evidence of Drug Use Daily alcohol test monitoring 	<ul style="list-style-type: none"> Random drug tests (at least 2x week) if evidence of Drug Use Daily alcohol test monitoring 	<ul style="list-style-type: none"> Random drug tests (at least 2x week) if evidence of Drug Use Daily alcohol test monitoring 	<ul style="list-style-type: none"> Random drug tests (at least 2x week) if evidence of Drug Use Random alcohol tests

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TIER II STRUCTURE (MONITORING TRACK)

Participants admitted into the monitoring track will be sentenced and ordered to return to ordered to install a transdermal

- Standard Conditions of Informal Probation will be imposed;
- Ordered to enroll into SB38 DUI Program within 30 Days;
- Ordered to install a SCRAM transdermal ankle monitoring device for 1 year;
- Review Hearings set at: 1 Week, 6 Months, 12 Months to monitor compliance;
 - Review set one week out will only be to ensure Alcohol monitor has been installed. If installed, appearance may be waived.
- Case Manager will work with participants who are alleged to consume alcohol or tamper with device
- Repeat consumptions or reports of consumptions over .08 will be scheduled for review hearings.
- Monitoring Track participants will be scheduled for review hearings or non-compliance hearings on Thursdays at 10:00 am.
- Once participants have successfully completed one year on the monitoring track they will be allowed to remove their alcohol monitoring device and no longer need to return for review hearings.

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TEAM STAFFING MEETINGS

A Team Staff meeting or “staffing” is held prior to the court session. The staffing is attended by the entire team and is used as a forum to discuss the progress or regress of all participants. This forum is used to provide information about the participants that will be used to determine adherence to program requirements and the appropriate incentive or sanction. The DUI Court participant does not participate in staffing as this meeting is not an open court proceeding.

DUI COURT INITIAL / STATUS HEARINGS

DUI Court will be held every Thursday with new referral and monitoring track review cases being heard at 10:00 am & treatment track review cases being heard at 1:30 pm in department 97B.

Defendants not eligible for the program will be set back in the Home Court Department to continue litigation. Defendants who are found eligible will have the opportunity to enter the program.

Review hearings will intermittently be scheduled for participants as outlined on the phase structure chart. Unless otherwise ordered by the Judge, defendants are expected to be present in court for each hearing. As an incentive for performance in the program, the Judge may allow a participant to appear via video conference.

Participants returning for review hearings will have their cases discussed during staffing and given the appropriate level of incentive/sanction during Court.

INCENTIVES AND SANCTIONS

Incentives are responses to compliance, perceived as positive, by the receiver. Sanctions are the imposition of a consequence, perceived as negative by the receiver, as a direct result of a prohibited activity.

The application of incentives and sanctions are based on a consensus of the Team. Prior to awarding an incentive or sanction, the Team discusses the participant’s progress or regress during the staffing session. There will be instances in which an incentive is automatic such as phase advancement and graduations. These incentives can be awarded without lengthy discussion of the participant’s progress.

Sanctions are violations of any conditions of probation, rules of the program as outlined in the program handbook or a directive given by the Court, Probation Officer or Case Manager and Treatment Providers. In some cases, sanctions will be automatic for a participants actions. However, certain sanctions will vary based on the nature and frequency of the violation. Sanctions of this sort will require discussion during staffing on the appropriate action to be taken. For example, a participant testing positive for controlled substances may receive a lecture from the Judge or be assigned to submit an essay explaining violation committed and what they will do to avoid making the same mistake. Continuous or more serious violations may include but are not limited to increased screenings for substances; community service; a specified jail sanction; delay in phase up or termination and expulsion from the program which may result in a jail term. The Case manager may also have to explore violations with the participant to determine if adjustments to the case plan are needed to support the participant.

A plan for sanctions/incentives is outlined on the next page.

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DUI SANCTIONS MATRIX

NATURE OF VIOLATION	PHASE 1		PHASE 2		PHASE 3		PHASE 4	
LEVEL 1 VIOLATION: <u>Examples include:</u> <ul style="list-style-type: none"> • New DUI Offense • driving with any amt. of alcohol in system or in veh. • Unlicensed driving w/accident or hit and run • New felony of any kind • New misdemeanor involving alcohol/drugs 	VOP REMAND		VOP REMAND		VOP REMAND		VOP REMAND	
LEVEL 2 VIOLATION <u>Examples include but are not limited to:</u> <ul style="list-style-type: none"> • Alcohol in system • Unlicensed driving • Failure to test • Positive Drug Screen • New misdemeanor not involving drugs/alcohol • Failure to attend treatment • Failure to participate in TX • Failure to attend court 	Violation	Sanction Level	Violation	Sanction Level	Violation	Sanction Level	Violation	Sanction Level
	1 st	Low	1 st	Low	1 st	Medium	1 st	Medium
	2 nd	Medium	2 nd	Medium	2 nd	High	2 nd	High
	3 rd	Medium	3 rd	Medium-High				
	4 th	Medium-High						
SANCTIONS								
LOW			MEDIUM			HIGH		
<ul style="list-style-type: none"> ▪ Essay ▪ Verbal reprimand ▪ Curfew adjustment ▪ Daily activity log ▪ Conf. w/ Case manager/Probation 			<ul style="list-style-type: none"> ▪ More frequent status hearings ▪ More frequent Probation Reporting ▪ Community Service ▪ Delay in phasing up ▪ Conf. w/ Case manager/Probation 			<ul style="list-style-type: none"> ▪ SCRAMx / house arrest ▪ Conf. w/ Case Manager/Probation ▪ Formal VOP 		

***Please note, the above mentioned are suggested sanctions and may deviate based on case by case basis and team consensus.

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DUI COURT INCENTIVES LIST

- Verbal praise from the court
- Applause
- Certificates on phasing up
- Early call list
- Zoom appearance list
- 977 appearance list
- Gift Cards [\$5.00]
 - 1 Raffle per week
 - At discretion of the Court per achievements of the participants (Phase up, etc.)
- Spinning of Incentive Wheel once entering Phase IV
- Decreased court appearances
- Removal of alcohol monitoring device requirement in Phase 4 only.
- Decreased Probation/Case Manager Contacts

TERMINATION CRITERIA

The team may choose to terminate a defendant's participation in the program if the individual commits a new offense, various levels of sanctions have been employed with no improvement, the participant refuses to comply with program goals, or the participant becomes a supervision risk. At the point of termination from the program the defendant may be remanded into custody to serve the jail term previously imposed and suspended.

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DRUG AND ALCOHOL TESTING PROTOCOL

Participants of DUI Court will be mandated to engage an Alcohol Monitoring Device within 5 days of their sentencing. Participants will be given an option of devices to choose from and be ordered to comply with all rules and regulation of the monitoring program.

Any violation of the monitoring program including evidence of alcohol use, failure to test at the times ordered, tampering with the device, or violating the rules and regulations of the monitoring program may result in remand into custody to serve the remainder of the imposed term.

Alcohol devices range from breathalyzer units to transdermal monitors (ankle bracelet). If a participant chooses to utilize a breathalyzer, but through the course of the program proves that they are not able to adhere to the testing cycle, the participant may be ordered to install a transdermal monitor.

General testing hours for breathalyzer units are set from 7:00 am – 10:00 pm and scheduled at 3 hour intervals (i.e. 7am | 10am | 1pm | 4pm | 7pm | 10pm). Random testing during non-general hours may also be directed.

Defendants with off schedule work hours will have testing cycles set as needed. Below is a list of monitoring companies employed by the program.

- SCRAM of California | LifeSafer

Treatment facilities administering drug/alcohol screening will submit positive/negative findings to the Court for review. The Court or Probation may also order participants to be screened through the Probation Department.

CONFIDENTIALITY

Participant records are protected under the federal regulations governing Confidentiality of Alcohol and Drug Abuse Patient records, 42 C.F.R. Part 2, and the Health Insurance Portability and Accountability act of 1996 (HIPAA). As such, patient records cannot be disclosed without written consent unless otherwise provided for in the regulation or statute. Absent specific statutory authority to the contrary, no confidential information may be released without the participants, written consent as documented by a signed release form that complies with the requirements of applicable laws and regulations. Once the participant has signed the consent to release information form the participant has agreed to the release of his/her records to the DUI Court Program.

POLICY:

In order to ensure that treatment is successful, the DUI Court program must be able to guarantee the confidentiality of information provided by its participants. In turn, this also becomes the responsibility of all staff members, team members and anyone visiting or partnering with the DUI Court program. Participants are advised to consult with their attorney when questions of confidentiality arise.

CONFIDENTIALITY STANDARDS OF CONDUCT:

1. Do not refer or speak about participants by name with non-team members of the DUI Court Program
2. Refrain from using participants' names while engaging in conversations that take place in public places
3. When not able to relay information that is confidential, explain why confidentiality is vital.
4. When in doubt at any time, simply refrain from sharing any information at all.

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DATA COLLECTION

Statistical data to be captured for DUI Court and its participants will allow for analysis of short and long term goals of the program. Through this collection and documentation of data, the program will be able to comply with all reporting requirements to court administration, grant/funding organizations and any public inquires.

One of the primary elements to be tracked include the success rate of participants through the review of recidivism. Other elements to be tracked include participant ages, gender, testing frequency, treatment referrals, individual program duration, monitoring methods and other compliance details.

All essential data will be collected and maintained by the Program Coordinator. Other partnering agencies (Probation, Department of Behavioral Health, District Attorney Office, Public Defender Office, etc.) may elect to gather additional statistics for internal purposes.

Statistics will be maintained on secured spreadsheets that can be made readily available when needed.

Appendix

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DUI COURT CHEAT SHEET – COURT PROCESSES

Eligibility: Defendants who have been charged with a second or third time Misdemeanor offense for driving under the influence and meet program acceptance criteria below:

- Over 18 years of age
- Reside in Fresno County
- Assessed as High Risk/High Needs (Treatment Track only)
- No pending Felony charges or currently on any other Formal Supervision
- Violations within the past 5 years for certain offense types are presumptively disqualified

Note: Second Time Offenders only qualify for the treatment track if they meet the conditions listed above in addition to the following criteria:

- Defendant must have been between the ages of 21-26 at the time of citation/arrest
- Alleged BAC Amount is .15 or higher.

Referral Process: Defendants first appear in Home Court and if eligible are referred to DUI Court. Defendants must complete a Referral Form & ROI (Consent for Release of Information). These forms are forwarded to the DUI Court Coordinator and the defendant is instructed to contact the Coordinator by 5:00 pm on the referral day to schedule a DUI RANT Assessment. The matter is continued to Thursday of the following week for an initial DUI Court Hearing in Department 97B at 10:00 am.

DUI RANT Assessment: Defendants are scheduled for assessment by the Court Coordinator. The Coordinator will complete the DUI RANT Referral form and send this along with the ROI to the Case Manager. Assessments are conducted telephonically. Results of the DUI RANT Assessment are forwarded to the Coordinator and Counsel for the defendant.

Pre-Staffing Meeting: Every Wednesday at 1:30 pm the Judge, Coordinator, Defense Counselor, Prosecutor, DPO & Case Manager meet to review participation progress. This includes review of newly referred defendants and DUI RANT findings. Treatment and alcohol monitoring reports are reviewed for admitted participants. Other phase progress factors are also reviewed.

A staffing spreadsheet which is prepared and distributed by the Court Coordinator shall be sent to all team members listed above the day prior to staffing.

Treatment & Alcohol Monitoring Reports: All reports must be submitted to the treatment team no less than 48 hours prior to the participant appearance in Court.

Staffing: Staffing is held at 1:30 pm prior to court. Progress or lack thereof is reviewed by the collaborative team and sanctions/incentives are discussed.

Hearings: New program referrals and Tier II (Monitoring Track) matters are heard every Thursday morning at 10:00 am. Tier I (Treatment Track) participants returning for review hearings will be heard every Thursday at 1:30 PM.

Phase-Ups/Graduation – Defendants must submit applications for phasing up to each step. For graduation requests an application must be submitted along with a letter to the program. Applications must be reviewed and signed off on by Court Coordinator. Final approval is made by the Judicial Officer. All documents must be submitted at least 48 hours prior to Court.

Gift Card Incentives: Incentives will automatically be awarded at each phase up for participants.

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TEN GUIDING PRINCIPLES FOR DUI COURTS

Research has indicated that a “good-quality” DUI Court significantly reduces recidivism. The national Center for DUI Courts has set out 10 Guiding Principles successful programs follow and have proven to work.

The following is a summary of each principle the Fresno DUI Collaborative Program models:

GP #1: Determine the Population

Targeting is the process of identifying a subset of the DUI offender population for inclusion in the DUI court program. This is a complex task given that DUI courts, in comparison to traditional drug court programs, accept only one type of offender: the person who drives while under the influence of alcohol or drugs. The DUI court target population, therefore, must be clearly defined, with eligibility criteria clearly documented.

GP #2: Perform a Clinical Assessment

A clinically competent and objective assessment of the impaired-driving offender must address a number of bio-psychosocial domains including alcohol use severity and drug involvement, the level of needed care, medical and mental health status, extent of social support systems, and individual motivation to change. Without clearly identifying a client's needs, strengths, and resources along each of these important bio-psychosocial domains, the clinician will have considerable difficulty in developing a clinically sound treatment plan.

GP #3: Develop the Treatment Plan

Substance dependence is a chronic, relapsing condition that can be effectively treated with the right type and length of treatment regimen. In addition to having a substance abuse problem, a significant proportion of the DUI population also suffers from a variety of co-occurring mental health disorders. Therefore, DUI Courts must carefully select and implement treatment strategies demonstrated through research to be effective with the hardcore impaired driver to ensure long-term success.

GP #4: Supervise the Offender

Driving while impaired presents a significant danger to the public. Increased supervision and monitoring by the court, probation department, and treatment provider must occur as part of a coordinated strategy to intervene with hardcore DUI offenders and to protect against future impaired driving.

GP #5: Forge Agency, Organization, and Community Partnerships

Partnerships are an essential component of the DUI Court model as they enhance credibility, bolster support, and broaden available resources. Because the DUI Court model is built on and dependent upon a strong team approach, both within the court and beyond, the court should solicit the cooperation of other agencies, as well as community organizations to form a partnership in support of the goals of the DUI Court program

GP #6: Take a Judicial Leadership Role

Judges are a vital part of the DUI Court team. As leader of this team, the judge's role is paramount to the success of the DUI Court program. The judge must be committed to the sobriety of program participants, possess exceptional knowledge and skill in behavioral science, own recognizable leadership skills as well as the capability to motivate team members and elicit buy-in from various stakeholders. The selection of the judge to lead the DUI Court team, therefore, is of utmost importance.

GP #7: Develop Case Management Strategies

Case management, the series of inter-related functions that provides for a coordinated team strategy and seamless collaboration across the treatment and justice systems, is essential for an integrated and effective DUI Court program.

GP #8: Address Transportation Issues

Though nearly every state revokes or suspends a person's driving license upon conviction for an impaired driving offense, the loss of driving privileges poses a significant issue for those individuals involved in a DUI Court program. In many cases, the participant solves the transportation problem created by the loss of their driver's license by driving anyway and taking a chance that he or she will not be caught. With this

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knowledge, the court must caution the participant against taking such chances in the future and to alter their attitude about driving without a license.

GP #9: Evaluate the Program

To convince stakeholders about the power and efficacy of DUI Court, program planners must design a DUI Court evaluation model capable of documenting behavioral change and linking that change to the program's existence. A credible evaluation is the only mechanism for mapping the road to program success or failure. To prove whether a program is efficient and effective requires the assistance of a competent evaluator, an understanding of and control over all relevant variables that can systematically contribute to behavioral change, and a commitment from the DUI Court team to rigorously abide by the rules of the evaluation design.

GP #10: Ensure a Sustainable Program

The foundation for sustainability is laid, to a considerable degree, by careful and strategic planning. Such planning includes considerations of structure and scale, organization and participation and, of course, funding. Becoming an integral and proven approach to the DUI problem in the community however is the ultimate key to sustainability.

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Mission of DUI Court

The mission of the Fresno County DUI court is to provide offenders with a comprehensive program that will reduce the rate of recidivism and financial burden to the community while enhancing public safety. This will be accomplished through a coordination of collaborative Court services which include individualized treatment plans, close supervision and judicial involvement.

"In many cases, an individual with multiple DUI convictions has an underlying problem that needs to be addressed. With additional guidance and support, this program allows individuals to receive the help they need to change their lives in a positive way."

- Barbara Rooney, OTS Director

Eligibility Requirements

- Applicant must be 18 or older
- Must reside in Fresno County
- Offense must be for a 3rd DUI Arrest; or
- Offense must be for a 2nd DUI Arrest with additional qualifying requirements

Disqualifiers

- Out of County Residents
- Pending Felony Charges or Violations of Formal Supervision
- Actively on any type of supervision other than Conditional Probation
- History of convictions within the past 5 years involving any of the following are presumptively disqualified:
 - Violence
 - Gang Activity
 - Drug Sales
 - 290 Registrants
 - Protective Order Violations

Fresno County Superior Court

2317 Tuolumne Street – Dept. 97B
Fresno, CA 93721
Giovana Mofin-Treyes
Prgm. Coordinator
[559] 457-1973

www.fresno.courts.ca.gov

Fresno County DUI Court

Honorable
Amy Guerra

Fresno County Superior Court
2317 Tuolumne Street
Department 97B
Fresno, CA 93721



Introduction

Programs Goal:

The primary objective of the DUI Court is to help participants fulfill their sentencing obligations and reduce their chances of re-offending.

How the Program Works?

Once a defendant has been screened as eligible to participate and is subsequently sentenced by a Judge, the defendant will be referred to DUI Court. Participants will be assigned a Case Manager and Probation Officer to ensure that they receive the supervision and support needed to comply with their conditions of Probation while receiving treatment services.

A Supervision & Treatment plan will be developed for each participant to ensure their success with program goals.

How long is the Program?

Program completion will vary depending on participant compliance and willingness to accept treatment. At a minimum, duration of program is 12 months.

Participants must complete all four (4) phases of the program for successful completion and graduation. Each Phase has been designed to incrementally build participants self-ability to abstain from making poor choices as to substance abuse.

See below for minimum duration as to each Phase:

- **Orientation & Phase I** - 60 Days
- **Phase II** - 90 Days
- **Phase III** - 90 Days
- **Phase IV** - 120 Days

Collaborating Today for Successful Tomorrows

The DUI Court is modeled after the County's other successful collaborative programs which have partnered with several agencies including the Superior Court, Probation Department, Department of Behavioral Health, Public Defenders Office, District Attorneys Office and other Law Enforcement Agencies.

Participants will be given professional help in confronting substance abuse issues which will facilitate life changing improvements in their lives.

Participant Responsibilities

1. Attend all Court appearances on time and dressed appropriately
2. Comply with all orders issued by the Judge
3. Enroll into a Drunk Driving Program
4. Attend all required meetings and appointments
5. Submit to urine or hair samples for drug testing, and/or submit to alcohol breath testing as ordered by the Judge, Probation Officer or Treatment providers
6. Attend all self/group meetings as directed by the Judge, DUI Court Team or treatment providers.
7. Notify DUI Court Team in advance of any changes of address, employment, or telephone number.
8. Obtain Alcohol Monitoring Device and comply with testing schedule.
9. Be open & honest while engaging with treatment and all aspects of the program.

Instructions to Defendant for DUI Court

- Your DUI Court Hearing is scheduled on _____ in **Dept. 97B at 8:30 am.**
- You are ordered to contact the DUI Court Coordinator at [559] 457-1973 no later than **5:00 pm today** to schedule an interview with a DUI Case Manager.
- NOTE:** Any communications with the DUI Case Manager are confidential and may not be used for any purpose in this matter or any other pending matter. The Case Manager will advise the Court and counsel whether or not you are eligible for the DUI Court.

Alcohol Monitoring Programs

SCRAM of CA (800) 840-4111
LifeSafer (800) 373-5625

Questions

If you have any specific questions regarding your case, once you are admitted into the program please consult your DUI Program Handbook or your Court Documents. For any non-legal questions please refer to your Case Manager.

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Fresno County Superior Court DUI Court Referral Form



Please fill out the referral information below:

Last Name: _____	First Name: _____	Middle Name: _____
Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other: _____		
DOB: _____	Age: _____	
Phone Number:	[Home]: _____	[Cell]: _____ [Work]: _____
E-mail Address: _____		

- DUI Court Hearing scheduled on _____ in **Dept. 97B at 8:30 am**. Defendant advised to be personally present at that date and time.
- Defendant ordered to contact the DUI Court Coordinator at [559] 457-1973 no later than **5:00 pm today** to schedule an interview with a DUI Case Manager.
- Defendant advised that communications with the DUI Case Manager are confidential and may not be used for any purpose in this matter or any other pending matter. The case Manager will advise the Court and counsel whether or not they are eligible for the DUI Court.

Court Use Only:			
Hearing Date:	Department:		
Court Case Number:	DUI Court		Hearing Date:
Judge:	<i>Scan & E-mail this referral to DUICourt@fresno.courts.ca.gov</i>		

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AUTHORIZATION FOR USE, EXCHANGE, AND DISCLOSURE OF PROTECTED HEALTH INFORMATION

Fresno County Behavioral Health and Fresno County Behavioral Health Substance Use Disorder Treatment Provider Network/DUI Court

Name: _____ Date of Birth: _____
Last 4 Digits of Social Security Number: _____ Record #: _____

Name or general designation of individual or entity making the disclosure (these individuals/entities are also authorized to receive and use the information listed below):

(1) Fresno County Department of Behavioral Health (2) Fresno New Connections (3) Delta Care, (4) WestCare (5) First Steps Recovery (6) Central California Recovery (7) Promesa Toads (8) Kingsview (9) Pathways (10) Universal Health Network (11) My Time Recovery (12) Clinica Sierra Vista (13) Herndon Recovery Center (14) Aspire Counseling Services (15) Salvation Army (16) Turning Point (17) Kaiser Permanente (18) The Fresno Center

To disclose the following substance abuse, medical, and mental health information as follows:

- | | | | |
|---|--|---|--|
| <input type="checkbox"/> Initial Screening | <input checked="" type="checkbox"/> Referrals | <input checked="" type="checkbox"/> Diagnosis | <input type="checkbox"/> Lab Report |
| <input checked="" type="checkbox"/> Progress Report | <input checked="" type="checkbox"/> History & Physical | <input checked="" type="checkbox"/> Medication Record | <input type="checkbox"/> Progress Notes |
| <input checked="" type="checkbox"/> Attendance | <input checked="" type="checkbox"/> Assessment | <input checked="" type="checkbox"/> Treatment Plan | <input type="checkbox"/> Immunization Record |
- Verbal or Written Exchange of Treatment Information to/from of individual or entity making the disclosure to named recipient entity(ies) or individual(s)
- Other: DUI RANT with risks/needs

Dates of information from: Birth to: One year after Graduation or the conclusion of DUI Aftercare

Name of entity (es) or individual (s) authorized to receive and use the information:

(1) Fresno County Public Defender's Office, (2) Superior Courts of Fresno County, (3) Fresno County District Attorney's Office, (4) Fresno County Probation, (5) Fitzgerald, Alvarez & Ciummo, (6) Alternative Defense Office (7) My Non-listed Defense Counsel (add first and last name or law office) _____

The information identified in this authorization may be disclosed for the following purpose(s):

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> Coordination/Continuity of Care | <input checked="" type="checkbox"/> Referrals | <input checked="" type="checkbox"/> Treatment |
| <input checked="" type="checkbox"/> Legal | <input type="checkbox"/> Insurance | <input type="checkbox"/> Social Security Appeal |
| <input type="checkbox"/> Disability Claim | <input type="checkbox"/> Other | _____ |

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Rights and Warnings:

I understand that I have the following rights and warnings with respect to this authorization:

- (1) I may refuse to sign this authorization. I understand that I might be denied services if I refuse to consent to a disclosure for purposes of treatment, payment, or health care operations.
- (2) I may inspect or obtain a copy of the health information of which I am authorizing the disclosure.
- (3) I have a right to receive a copy of this authorization and will be offered a copy.
- (4) Some information disclosed pursuant to this authorization could be re-disclosed by the recipient. Such re-disclosure is in some cases not prohibited by California or federal law (e.g. the Health Insurance Portability and Accountability Act of 1996 (HIPAA)).
- (5) Substance use disorder information may not be re-disclosed unless another authorization for such disclosure is obtained from me, or unless specifically required or permitted by the law, or permitted by this authorization.
- (6) I understand that I may revoke this authorization at any time verbally or in writing to the following address: 4441 E. Kings Canyon, Fresno, CA 93702 except to the extent that the Part 2 Program or other lawful holder has already acted in reliance on it (acting in reliance includes the provision of treatment services in reliance on a valid authorization to disclose information to a third-party payer).

This authorization will expire, if not revoked before, on date N/A or upon the following event or condition: One year after Graduation or the conclusion of DUI Aftercare

If I do not specify an expiration date or event, this authorization will expire in **one year**.

I have been provided a copy of this form on: _____

Signature: _____ Date: _____

Name: _____ Telephone number: _____

Address: _____

If signed by a person other than the patient, indicate relationship:

Parent/legal guardian of minor Conservator Other: _____

Revocation:

I revoke this authorization Signature: _____ Date: _____

Verbally revoked this authorization on _____

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**Notice Prohibiting Re-Disclosure of
Substance Use Disorder Information**

This notice must accompany an individual's confidential alcohol or drug treatment records

This information has been disclosed to you from records protected by federal confidentiality rules (42 CFR part 2). The federal rules prohibit you from making any further disclosure of information in this record that identifies a patient as having or having had a substance use disorder either directly, by reference to publicly available information, or through verification of such identification by another person unless further disclosure is expressly permitted by the written consent of the individual whose information is being disclosed or as otherwise permitted by 42 CFR part 2. A general authorization for the release of medical or other information is NOT sufficient for this purpose (see § 2.31). The federal rules restrict any use of the information to investigate or prosecute with regard to a crime any patient with a substance use disorder, except as provided at §§ 2.12(c)(5) and 2.65.

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FRESNO COUNTY SUPERIOR COURT

ALCOHOL MONITORING REFERRAL FORM

Defendant Name: _____ Date: _____
 Case Number: _____ DOB: _____ Dept: _____
 Enroll by Date: _____ Phone #: _____ E-mail: _____
 Enrollment Type: DUI Court Pre-Trial Post-Sentence

DUI Court Track (if applicable): Treatment Track Monitoring Track
Monitoring Device: Transdermal Bracelet (SCRAM) Breathalyzer
 Transdermal Bracelet (SCRAMX) Ignition Interlock (if applicable)

TESTING TIMES: (Applies to Mobile and Remote Breathalyzer Units):

Daily Testing Random Testing - all hours
 General Testing Times: 7:00 am - 10:00 pm Other: _____
 Daily Breath Tests: *Blow Every: 3 Hours | Other: ____ Hours

MONITORING COMPANY

Companies are responsible for establishing test times with defendants at the recurrence ordered above.


 Transdermal Bracelet - Remote Breath
www.scramca.com
 2409 Merced St., Suite 105
 Fresno, CA 93721
 [559] 840-4111 Ext. 4


 Remote Breath - Ignition Interlock Device
www.lifesafercalifornia.com
 1261 Hoblitt Avenue
 Clovis, CA 93612
 [800] 373-5625

REPORTING REQUIREMENTS

- Monitoring company is responsible for noticing the Court within 24 hours of successful installation/equipping of monitoring devices.
- Monitoring company must track future hearing dates for enrolled defendants. Compliance and/or Progress reports are due 48 hours prior to defendants court hearings
- All violations of monitoring conditions must be reported within 24 hours.

IMPORTANT: GRACE PERIOD FOR TAKING YOUR BREATHALYZER EXAM IS 15 MINUTES AFTER THE HOUR.

Enrollment verified by company representative: _____ Date: _____
 Print Name: _____ Signature

I, _____ agree to the above monitoring terms.
 Defendant Signature: _____ Date: _____

Party responsible for Monthly Monitoring Fee: Monitored Client | Court