

DUI COMPLIANCE COURT

OCTOBER 1, 2009 – SEPTEMBER 30, 2012

OVERVIEW

The Office of Traffic Safety has funded our DUI Court program in an expanded version. The existing DUI Court is a treatment court. The new DUI Compliance Court is a monitoring and compliance court. It essentially serves a function similar to probation, with judicial oversight.

In addition to the existing DUI Court treatment program, a new segment has been added, referred to as the DUI Oversight Court. Under the new system, second and third DUI offenders are referred to this compliance court. Candidates for the DUI Court (the existing treatment court) will continue to be referred from misdemeanor courtrooms and justice partners, and can also be referred from the compliance court case managers. Added is a probation-like function for misdemeanor DUI convicted defendants, whose purpose is to oversee the conditions ordered by the courts at the time of conviction.

Under the proposed procedure, second and third DUI's are referred to a compliance officer/case manager, funded through the grant. The defendant will also be required to attend another court session, the Compliance Court, two months following their sentencing. They will be required to attend one Compliance Court hearing at the two-month mark following conviction, again at the six-month mark and finally at the one year mark. The court may order that the defendant not attend the second or third Compliance Court hearing.

Compliance Court will be held once a month, the second Wednesday of the month. Once sentenced and granted probation, all further proceedings will be through the Compliance Court. In sum, the original sentencing court orders the terms of probation, which will include contacting the compliance officer/case manager and setting a further court date in the Compliance Court.

The new component would increase capacity from 100 offenders under the current voluntary system of DUI Treatment Court, to an expected 600 offenders per year under the mandatory system. The second and third time offenders will be put on Court probation and will be required to meet with a case manager from AODS to come up with an action/treatment plan. Only the highest-risk offenders will be considered candidates for the second tier (the existing DUI Court). The existing DUI treatment Court will be unchanged in operation or function.

New and Enhanced DUI Court Operations

The success or failure of the offenders in the expanded DUI Court program will merit either escalation or de-escalation of their conditions of probation and can serve as an excellent indicator of hidden substance abuse issues. Some offenders may simply be required to attend the state mandated Drinking Driver Program (DDP) for multiple offenders and attend compliance court hearings, while others may be required to attend daily or weekly AA or other self-help meetings, which will be monitored by Compliance Officers/Case Managers.

Tier 1 Compliance Court – A compliance monitoring tier intended for the majority of second and third time offenders, which provides a significant increase in the level of accountability among offenders. The primary goal of this tier is to fulfill a largely probationary role; ensuring that these DUI offenders complete their sentencing obligations. This will include compliance court hearings, mandatory DDP participation and compliance checks, and AA or other self-help meetings. This may also include monitoring any other sentencing obligations for these clients; such as installation of SCRAM or ignition interlock devices (IID), enrollment into the county's work release program or surrendering to jail to serve their time. Tier 1 also functions as an assessment tool. Many clients may attempt to mask their addiction issues upon entry into the program. The clients in Tier 1 will be monitored by two Compliance Officers/Case Managers and by the court's DUI Court coordinator. Tier 1 clients will appear at compliance court hearings and must fulfill all of their sentencing obligations and provide proof of this to their assigned compliance officer. If a client has not fulfilled their obligations it will be up to the compliance officer and the court to both determine why and also to suggest a different course of action intended to help the client in complying. The ultimate determination of a response is with the judicial officer.

Tier 2 Compliance Court –(Existing Court; Drug Court Model) – This tier provides a more strict and supervised treatment model, which employs a four-phase, graduated treatment program including counseling, drug testing, incentives and sanctions, supervised by a probation officer and a case manager who coordinates with treatment facilities. The most at-risk offenders will be placed into Tier 2 of the program and will be required to attend weekly compliance court hearings. Offenders are required to attend regular group and individual counseling sessions, AA or other self-help meetings, and are subject to regular drug/alcohol testing. Their treatment and drug testing compliance is monitored by a case manager provided through the county Alcohol and Other Drug Services agency. This system allows the offender to demonstrate improvement, but will also afford the judge control to require specific sanctions, and conditions of probation. As participants move through the four phases, decreased levels of supervision occur. If an offender relapses, increased levels of supervision occur and/or removal from the program with the remaining jail time to be served.

Probation closely supervises the 30-40 highest risk DUI offenders in the treatment (Tier 2) court, and oversees the treatment of the remaining participants. The capacity of this Tier is 100 participants. The PO provides case management services, linking the client to county services, monitoring the client's compliance with conditions of probation, working with the client to set realistic healthy life goals, and providing structure and guidance to increase the likelihood of success and to ensure that case information is shared with the entire DUI Court team on an ongoing basis. The PO also conducts alcohol testing and can respond constructively to positive tests by increasing treatment. The PO may also recommend a constructive consequence such as relevant community work service, or can arrest an individual who has become a danger to himself or others. The PO files requests for warrants as needed, and provides case updates at weekly court hearings that result in informed case decisions by the DUI court team. The DUI Court judicial officer will hold one treatment court hearing per week.

This two-tiered system ensures that the DUI court program will address the individuals who need heavily supervised treatment while at the same time monitoring the entire body of multiple offenders in the jurisdiction; in hopes to provide a general suppression of recidivism rates for all repeat DUI offenders through compliance.

Compliance Officers/Case Managers: There are two compliance officers/case managers contracted through the County's Alcohol and Other Drug Services division that will work on this project. The compliance officers will monitor offenders' compliance to their probationary requirements. The compliance officers will assist the DUI offenders in their efforts to eliminate drugs and alcohol from their lives. This will include closely monitoring substance abuse, activities and progress and random drug testing. The officers would also discuss family issues with the participants, and would verify their active participation in critical programs such as DMV mandated programs, job training and placement, immigration assistance, housing, and education. The compliance officers will conduct intakes on Tier 1 offenders to coordinate referrals to community services that will help the offender succeed in alcohol recovery. The compliance officers will oversee all case management and will make recommendations concerning a treatment plan. The compliance officers will maintain all records on the clients and report status to the judge on hearing days.