

# Orange County Superior Court

## DUI Court Program

### Participants' Handbook

*Revised June 2011*



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Welcome to the Superior Court of Orange County DUI Court Program. This handbook is designed to answer questions, address concerns and provide overall information about the DUI Court Program. As a participant, you will be expected to follow the instructions given in DUI Court by the Judge and comply with the treatment plan developed for you by your treatment team. This handbook will provide you with a general description of what is expected of you as a DUI Court participant. Participants are encouraged to share this handbook with family and friends.

**PROGRAM DESCRIPTION**

The Superior Court of Orange County DUI Court Program is a court-supervised, comprehensive treatment collaborative for non-violent offenders. This is a voluntary program that includes regular court appearances before a designated DUI Court Judge. Treatment, which includes alcohol/drug testing, individual and group counseling, and regular attendance at self-help meetings (such as Alcoholics Anonymous or Narcotics Anonymous), is provided through the combined effort of the Probation Department and the Health Care Agency's Division of Alcohol and Drug Abuse Services. They will also assist you with obtaining education and skills assessments and will provide referrals for vocational training, education and/or job placement services. The program's length, determined by each participant's progress will be no less than 12 months. (Ongoing aftercare services will be available to all graduates).

Following arrest, depending on your eligibility, you may be offered DUI Court on the pending charges. A Deputy Public Defender or your private counsel will advise you of your choices and discuss the DUI Court Program with you. Entry into the DUI Court Program is voluntary but will require that you enter a guilty plea. You will be placed on formal probation for a period of three years. You will be instructed to report to the Probation Department following your plea. While on probation, you will be ordered to comply with specific terms and conditions. You will be assigned to a probation officer who will be responsible for providing supervision and enforcing probation terms and conditions. Probation supervision will include unannounced home visits during which both you and your place of residence are subject to search and may include random alcohol/drug testing. In addition, local law enforcement officers may assist your probation officer in your supervision. Your defense counsel will continue to represent you throughout your participation in DUI Court.

There is an initial 14 day "window period" in which you may withdraw your plea and request prosecution on your case or an eligibility or suitability issue may arise, which will disqualify you. Successful completion and "graduation" from the program may result in early termination of Probation and/or the opportunity to serve jail sentence through electronic confinement. Failure or discharge from the program will result in imposition of the suspended sentence.

The DUI Court Judge will oversee your progress and have full jurisdiction of the entire process. Final determination of entry into the program shall only be made by the Judge with input from the District Attorney, Defense Counsel, Probation, HCA, and law enforcement.

## DUI COURT SUPERVISION

As a DUI Court participant, you will be required to appear in DUI Court on a regular basis. At each appearance, the Judge will be given a progress report prepared by the Probation Department with input from treatment regarding your alcohol/drug test results, attendance and participation. The Judge may ask you questions about your progress and discuss any specific problems you may have been experiencing. If you are doing well, you will be encouraged to continue with the program and work with your treatment team (Probation, HCA) toward success. If you are not doing well, the Judge will discuss this with you and the treatment team and determine further action. A program violation, including but not limited to a missed, positive or tampered test, tardiness or failure to attend individual or group counseling, self-help meetings, etc., will result in a court-imposed sanction. (See **SANCTIONS** on page 18.) With repeated violations of program expectations, and/or a failure to progress satisfactorily, the Court may impose the ultimate sanction of discharge from the program and imposition of sentence.

Failure to appear in court on the date and time you are scheduled could result in a warrant being issued for your arrest and you being placed into custody. If you cannot appear in court as scheduled, you must notify your lawyer and/or your probation officer. If you have any questions regarding your court appearances, you may contact your attorney and/or your probation officer. (See DUI Court Phone Numbers on page 22.)

Warrants and/or new arrests may result in your being terminated from the DUI Court Program and the imposition of sentence. However, any new arrest which results from placing others in danger (e.g., domestic violence, prostitution, DUI, etc.) will result in termination from the program and imposition of sentence. Other violations which could result in termination include missing alcohol/drug tests, demonstrating a lack of response to program interventions by failing to cooperate with treatment and violence or threats of violence directed at the treatment team or other clients. All decisions regarding termination from the Program will be made by the DUI Court Judge.

### **DUI COURT PROGRAM RULES**

As a DUI Court participant, you will be required to abide by the following rules:

**1. Do not use or possess any drugs or alcohol.**

Sobriety is the primary focus of this program. Maintaining an alcohol/drug free lifestyle is very important in your recovery process. This may include over-the-counter medications and alternative treatments typically found in health food stores. You must notify your treatment team of any prescription or over the counter medication you are taking.

**2. Attend all ordered treatment sessions.**

This includes individual and group counseling, educational sessions, as well as other events (e.g., DUI Court graduation) and self-help meetings. If you are unable to attend a scheduled session, you must contact your HCA counselor. Although notifying your HCA counselor generally, will not excuse your tardiness or absence, it will

allow the counselor to consider special circumstances that might be involved.

**3. Report to Probation Officer as directed.**

You must comply with all conditions of probation as directed by your probation officer. You must also notify your probation officer prior to any change in residence. If you have any problem making an appointment, contact your probation officer immediately.

**4. Submit to Alcohol and Drug Testing.**

You must be prepared to provide a urine sample at each visit to HCA and Probation. If you are unable or fail to provide a monitored sample, a technical positive test result will occur. You must notify your treatment team of any prescription or over the counter medication you are taking. You must submit to a breathalyzer test upon request by Probation, HCA or law enforcement.

**5. Be on time for all appointments including court appearances.**

If you are late for a counseling session, you may not be allowed to attend that session and you will be considered non-compliant. Contact your HCA counselor if there is a possibility you may be late. If you are late for court you may receive a sanction or the Judge may issue a bench warrant.

**6. Do not make threats toward other participants or staff or behave in a violent manner.**

Violent or inappropriate behavior will not be tolerated and will be reported to the Court. This may result in termination from the DUI Court Program.

**7. Dress appropriately for court and treatment sessions.**

As a participant, you will be expected to wear a shirt or blouse and pants, dress or skirt of reasonable length. Shoes must be worn at all times. Clothing bearing alcohol or drug related themes or promoting or advertising alcohol or drug use is considered inappropriate. Sunglasses are not to be worn inside the court or HCA treatment center unless medically approved. Hats are not appropriate. Speak with your treatment team if you need assistance with clothing.

**8. While in court, remain seated and quiet at all times.**

It is very important to observe appropriate behavior in court for the benefit of yourself and others present.

**9. Police informant activity.**

Because the purpose of the DUI Court is, as much as possible, to remove participants from the alcohol/drug culture environment, and because police informants in drug investigations must, of necessity, associate with individuals who are within the alcohol/drug culture environment, the purpose and goals of the two are inconsistent. It is difficult enough for a DUI Court participant to remain free from alcohol and drugs when living in an alcohol/drug free environment. By being placed in an environment where alcohol and drugs are prevalent, the DUI Court participant's potential for successfully completing DUI Court is dramatically reduced. Hence, an individual choosing to participate in DUI Court, will not act as a police informant. If you are participating with a

police agency in this manner, you must inform the DUI Court screener of your role as a police informant at the time of your initial interview. Any participant who becomes a police informant after acceptance into the DUI Court program shall be terminated without penalty, provided they are in program compliance.

10. Comply with all requirements of each phase.

### **PROGRAM FEES**

As a participant on formal probation, you will be required to pay the cost of probation supervision or as directed by the Court based upon ability to pay not to exceed \$50 per month. Payments will be made directly to the Probation Department. The HCA will assess your ability to pay for counseling services and charge a sliding scale fee for treatment services. No one will be refused services due to an inability to pay.

### **TREATMENT PROCEDURES**

Your treatment will be provided through a team approach with the combined resources of the Probation Department and HCA. The treatment team will assess what level of treatment will best meet your needs and recommend to the DUI Court Judge that you receive either outpatient or residential treatment. If you are admitted to a residential treatment program, your treatment plan will include the requirements of that program. Upon release from a residential program, you will return to out-patient status with HCA and continue with the DUI Court program for a minimum of three months to assist you with the transition. If you are not admitted into a residential treatment program, a multi-

component, outpatient program has been developed through HCA which includes:

### **Treatment Plans**

You and your HCA therapist, following an overall assessment of your needs, will develop an "initial" treatment plan. The plan will act as a guide for your initial treatment phase and within it, you will set goals, select methods for meeting those goals, and develop target dates for achieving those goals. The plan will be maintained by your treatment team and will be updated as you progress through the program.

### **Alcohol and Drug Testing**

You will be randomly tested through the entire treatment process. During Orientation, you will be tested a minimum of three times weekly. As you progress through the phases of the program, testing will be required on a random, but less frequent basis. Additionally, you may be required to wear a drug test patch (24-hour drug testing device). The DUI Court Judge will have access to all alcohol/drug test results including any failures to test, and may order an alcohol/drug test at any time. Tampering with any test will be deemed a positive test and may result in termination. Although, relapse may occur in recovery, a positive or "dirty" test will result in a court imposed sanction. The Judge will review your overall performance in the program.

## **Counseling**

Substance abuse counseling comprises two separate formats: individual, and group. As part of your treatment plan, you will be required to participate in both types of counseling. Together they are designed to develop self-awareness, self-discipline, and coping mechanisms necessary to maintain a clean and sober lifestyle. You will also be required to attend the Alcohol and Recovery group and an eight week Relapse Prevention Course or any other Specialty Group offered at HCA. Specialty groups run eight to twelve weeks and may include Anger Management, Assertiveness Training, Parenting, or any other topic HCA recognizes as needed to serve the DUI Court population. Your attendance at both individual and group counseling sessions will be reported to the Judge as part of your progress report. You must have prior permission from your HCA counselor to be excused from a counseling session. Children are not permitted in treatment sessions at HCA and are not to be left unattended in the building.

## **Self-Help Meetings**

Attendance will be required at self-help meetings such as Alcoholics Anonymous and/or Narcotics Anonymous. The frequency of attendance requirement is determined by your progress in the program and your phase level. Attendance is an important part of your recovery process to help familiarize you with the self-help philosophy, and help you develop levels of trust to learn and create social bonds with other recovering addicts. Your treatment team will provide you with information regarding the time and location of self-help meetings and will also direct you to special interest and recovery events in the community. You must provide proof of attendance to your health care

counselor and probation officer, prior to each court appearance. The program requires you to have a sponsor and work the steps of your self-help program. Repeated failures to attend self-help meetings or falsifying of self-help meeting cards may result in termination from DUI Court.

## **Case Management**

Case Management services are provided by the treatment team and are a result of a continuous assessment of your needs. These services are provided to facilitate your effort to successfully complete this Program as well as become a productive member of society. Services may include:

- Detoxification Referrals
- Residence Referrals
- Psychological Evaluation
- Psychiatric Evaluation
- Employment Search
- Education Referrals
- Perinatal Education and Support Services (i.e., parenting classes, etc.)

## **TREATMENT PHASES**

The DUI Court Treatment Program is a three-phase, highly structured, out-patient treatment program lasting a minimum of 12 months. Individual progress will vary.

Each phase consists of specified treatment objectives, therapeutic and rehabilitative activities, and specific requirements for advancement into the next phase. The components and requirements for advancement from each phase are described below.

### **Window Period**

The window period is a fourteen-day period in which the client will decide whether or not DUI Court is appropriate for them. At the same time, the DUI Court team will evaluate the client's appropriateness for the program. During the window period, the client will actively participate in all DUI Court Program requirements. The Judge may extend this window if he/she deems it necessary. The 30-day Orientation phase includes the window period.

The client is subject to all DUI Court, HCA and Probation rules and regulations during the window period. If these rules and regulations are violated, the participant is subject to sanctions imposed by the Judge.

### **Orientation - Indoctrination, assessment, and assimilation**

**Length: a minimum of 30 days**

During Orientation, you will be assigned a Probation Officer and a Health Care Counselor who will provide you with an overview of the program. Your needs will be assessed and addressed by this "treatment team." Your progress will be closely monitored by the treatment team and reported to the Judge. Phase requirements include:

1. A minimum of one individual and one group therapy session per week with HCA
2. Alcohol/Drug testing three times per week minimum (drug test patch and immediate result alcohol/drug tests to be used at treatment team's discretion)
3. Attendance at five to seven self-help meetings per week
4. Report to the Probation Officer once weekly
5. Additional case management services as determined by the treatment team (Detoxification, employment search, psychiatric and/or psychological evaluation)
6. Weekly or bi-weekly court appearances as determined by the DUI Court Judge
7. Curfew at the discretion of the court

**Advancement Criteria:**

- # No positive alcohol/drug test results (including missed or tampered tests) for 30 consecutive days
- # No unexcused absences from scheduled services for fourteen (14) consecutive days
- # Documentation of required minimum attendance at self-help meetings for 30 days
- # Acknowledgment of extent of substance abuse problem and a commitment to live an alcohol and drug free lifestyle
- # Submittal of a written Phase I advancement request and completion of the orientation phase test

## **Phase I - Treatment Plan Development**

**Length: minimum of 90 days**

In Phase I your treatment plan will be developed by you and your HCA counselor. Together with your HCA counselor, you will formulate personal achievement goals in addition to treatment plan goals (GED, vocational/educational counseling, psychotherapy, exercise, anger management, parenting skills, etc.). Phase I requirements include:

1. A minimum of two individual therapy sessions monthly and one group therapy session weekly
2. Alcohol/drug testing three times per week minimum (drug test patch and immediate result alcohol/drug tests to be used at the treatment team's discretion)
3. Attendance at self-help meetings (a minimum of four per week) and actively seeking a sponsor
4. Report to your Probation Officer weekly
5. Clean & sober recreation/fellowship
6. Additional case management services as may be determined by the treatment team
7. Formulate personal program goals in conjunction with the treatment team (GED, vocational/educational counseling, psychotherapy, exercise, anger management, parenting skills, etc.)
8. Weekly or bi-monthly court appearances as determined by the DUI Court Judge
9. Curfew at the discretion of the Court
10. Seek self-help sponsor

### **Advancement Criteria:**

- # No positive alcohol/drug test results (including missed or tampered tests) for 90 consecutive days
- # No unexcused absences from scheduled services for 21 consecutive days
- # Employed, or positive response to vocational/educational goals
- # Documentation of required minimum attendance at self-help meetings for a minimum of 90 days
- # Must have a self-help sponsor
- # Demonstration of a positive adjustment to treatment
- # Submittal of a written Phase II advancement request

### **Phase II - Ongoing treatment**

**Length: a minimum of 120 days**

In Phase II, your treatment plan will be updated by you and your counselor to identify your treatment goals and objectives. Counseling and meetings will focus on areas that are challenging for you and identifying ways of coping with stressful situations. Phase II requirements include:

1. A minimum of one group therapy session weekly and two individual sessions monthly as determined by your treatment counselor
2. Alcohol/drug testing two times per week minimum (drug test patch and immediate result alcohol/drug tests to be used at the treatment team's discretion)

3. Attendance at self-help meetings (minimum of three per week), maintain a sponsor and work a self-help program
4. Report to your Probation Officer weekly or as instructed
5. Clean and sober recreation/fellowship
6. Additional case management services as determined by the treatment team
7. Ongoing review and updating of treatment plan
8. Employment and/or educational "goal setting"
9. Bi-monthly or monthly court appearances as determined by the DUI Court Judge
10. Curfew at the discretion of the Court
11. Attend MADD panel

**Advancement Criteria:**

- # No positive alcohol/drug test results (including missed or tampered tests) for 120 consecutive days
- # No unexcused absences from scheduled services for 30 consecutive days
- # Employed, or actively pursuing vocational/educational goals
- # Continued documentation of attendance at no fewer than three self-help meetings per week and with a sponsor for a minimum of 90 days
- # Continue to demonstrate a positive adjustment to ongoing treatment
- # Verbal expression of understanding of self-help concepts
- # Progress toward treatment plan goals
- # Submittal of a written Phase III advancement request

### **Phase III – Stabilization/Mentoring/Achievement/Graduation**

#### **Length: a minimum of 120 days**

Phase III will address your ongoing recovery needs including maintaining total abstinence from all alcohol and drugs. The focus will be on daily living skills. This phase is designed to support you in your return to the community as a productive and responsible member. Phase III requirements include:

1. One or more group therapy sessions per week and one individual session monthly as determined by the treatment counselor
2. Alcohol/drug testing one time per week or as directed (drug test patch and immediate result alcohol/drug tests to be used at the treatment team's discretion)
3. Attendance at self-help meetings twice per week encouraged, and maintain a sponsor
4. Report to your Probation Officer as instructed
5. Clean and sober recreation/fellowship
6. Other case management services as determined necessary by the treatment team
7. Ongoing review and updating of treatment plan
8. Maintain full-time employment and/or progress toward an educational goal
9. Monthly Court appearances
10. Become a mentor to a new DUI Court participant as approved by your treatment team
11. Participation in community service as determined by the DUI Court Team (minimum of eight hours)
12. Curfew: Midnight

**Graduation Criteria:**

- # Acceptable level of sobriety (to include no positive alcohol/drug tests, including missed and tampered tests, for a minimum of 120 consecutive days) as determined by the treatment team
- # Obtained gainful, consistent employment or sufficiently involved in a vocational/educational training program as determined by the treatment team
- # Maintained consistent attendance at all court appearances and treatment team appointments
- # No unexcused absences from scheduled services for 45 consecutive days
- # Achieved stable living arrangements and healthy interpersonal relationships as determined by the treatment team
- # Achieved an understanding of personal problems of addiction, criminal behavior, and relapse prevention as demonstrated through a written graduation application
- # Definitive aftercare plan which may include self-help meetings, HCA outpatient counseling, group attendance at former contract residential program, or active participation in DUI Court Alumni Association
- # Fulfillment of goals as stated in your individual treatment plan or positive progress toward appropriate long-term life goals
- # Proof of completion of required community service hours
- # Proof of attendance at all other events or courses as required by the DUI Court Judge

- # Proof of completion of GED/diploma or an approved equivalent program as required by the DUI Court Judge

### **OTHER PROGRAM REQUIREMENTS**

Your DUI Court Judge may require you to fulfill other program goals such as attending community college courses, attending civic/cultural events, and/or participating in an exercise program. Further, the DUI Court Judge may impose additional conditions of probation such as a curfew. The DUI Court Judge will inform you of any additional requirements and your attorney, probation officer and HCA counselor will clarify such requirements.

### **SANCTIONS**

If you fail to comply with the Treatment Program, the DUI Court Judge may, at his/ her discretion, order one or more of the following:

- Admonishment from the Court
- Increased alcohol/drug testing
- Writing an essay on a DUI Court related topic which must be read aloud at your HCA group meeting
- Increased participation in self-help meetings
- Increased participation in individual and/or group counseling sessions
- Increased frequency of court appearances
- Community service hours in addition to those required by the program
- Demotion to an earlier program phase

- Commitment to community residential treatment
- Incarceration
- Formal probation violation
- Expulsion from program and imposition of sentence

### **EDUCATION, VOCATION AND EMPLOYMENT PROGRAMS**

Recovery from substance addiction means becoming a self-sufficient and productive, responsible member of the community. During the treatment program, full time employment, or involvement in an educational or vocational training program is expected. Your counselor will work to assist you in obtaining an assessment of your needs and skills and will refer you to the proper agencies for education, training and job placement.

### **SOCIAL SERVICES**

Upon your entry into the DUI Court Program, your treatment team will assess your housing, transportation, family and general living needs, and when appropriate, refer you to a local, state and/or county agency for assistance.

## **GRADUATION**

Once you have successfully completed the criteria for each Phase (as described in the Treatment Phases section beginning on page 10), you will advance to the next level and eventually be a candidate to graduate from the DUI Court Program. It will be necessary for you to submit an application to the treatment team to be considered for graduation. In the application it will be necessary to discuss your progress toward the goals you initially set and why you believe you have met the graduation criteria. The final decision for advancement from each phase as well as for graduation eligibility is determined only by the DUI Court Judge. Your family will be invited to join you as the Judge congratulates you on successfully completing the DUI Court Program and achieving your goal to establish an alcohol/drug-free life.

## **CONFIDENTIALITY**

Your identity and privacy will be protected consistent with Federal Regulations and State laws (i.e., 42CFR, Part 2; Health & Safety Code Sections 11812(c), 5328, and 45CFR, Parts 160 and 164). In response to these regulations, policies and procedures have been developed which guard your confidentiality. You will be asked to sign a waiver authorizing the transfer of information among all participating agencies. An identification number will be assigned to you that will be used in all research and evaluation activities to safeguard your identity.

## **CONCLUSION**

The DUI Court Program has been developed to help you achieve total abstinence from alcohol and illicit and illegal drugs and all criminal activity. The program is designed to promote self-sufficiency and to return you to the community as a productive and responsible member. The program is voluntary and is your personal choice. The Judge, the court staff and the treatment team are present to guide and assist you, but the final responsibility is yours. You must be motivated to make this change and commit to an alcohol/drug free life.

We hope this handbook has been helpful to you and has answered most of your questions. If you have any additional questions or concerns about the DUI Court Program, please feel free to ask your treatment team. Important DUI Court telephone numbers have been listed at the end of this handbook for easy access. Also, a month-at-a-glance calendar and a Self-Help Meeting Attendance Record Sheet have been included in this handbook for your convenience.

Good luck to you.

**SUPERIOR COURT DUI COURTS  
PHONE NUMBERS**

<b>CCB1 DUI COURT</b>	<b>(657)622-5816</b>
<b>HARBOR JUSTICE CENTER DUI COURT</b>	<b>(657)622-6453</b>
<b>NORTH JUSTICE CENTER DUI COURT</b>	<b>(657)622-5629</b>
<b>WEST JUSTICE CENTER DUI COURT</b>	<b>(657)622-5985</b>

**ORANGE COUNTY PROBATION DEPARTMENT**

<b>DUI Court</b>	<b>Santa Ana Office (714)569-2200</b>
	<b>Fullerton Office (714)937-4500</b>
	<b>Westminster Office (714)896-7500</b>

**ORANGE COUNTY HEALTH CARE AGENCY (HCA)  
ALCOHOL AND DRUG ABUSE SERVICES**

<b>DUI Court</b>	<b>Santa Ana Office (714)480-6650</b>
	<b>Fullerton Office (714)571-6175</b>
	<b>Westminster Office (714)896-7574</b>

**ORANGE COUNTY PUBLIC DEFENDER'S OFFICE**

<b>Harbor (NB)</b>	<b>(949)476-4888</b>
<b>Fullerton</b>	<b>(714)626-3700</b>
<b>Westminster</b>	<b>(949)476-4888</b>

**MONTH-AT-A-GLANCE CALENDAR**

MONTH \_\_\_\_\_

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday

MONTH \_\_\_\_\_

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday



**APPENDIX A:  
PHASE REQUIREMENTS AT-A-GLANCE**

<b>PHASE</b>	<b>MINIMUM DAYS</b>	<b>SELF-HELP MEETINGS PER WEEK</b>	<b>DRUG TESTING</b>	<b>PROBATION MEETINGS</b>	<b>HCA GROUP MEETINGS</b>	<b>HCA INDIVIDUAL MEETINGS</b>
<b>ORIENTATION</b> (includes 14-day window)	30	5 to 7	3x/week	1/week	1x/week	1x/week
<b>PHASE I</b>	90	4	3x/week	1/week	1x/week	2x/monthly
<b>PHASE II</b>	120	3	2x/week	1/week – TBD	1x/week	2x/monthly
<b>PHASE III</b>	120	2	1x/week – TBD	2x/monthly	1x/week	2x/monthly

\*The table above lists minimum requirements of each phase. Participants may be required to do more than what is listed as determined by the treatment team and the DUI court judge.