

8<sup>th</sup> Judicial District  
DUI Recovery Court Program  
Policies & Procedures Manual



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## **Mission Statement**

The mission of the 8<sup>th</sup> Judicial District DUI Recovery Court (DUIRC) program is to provide a positive, multi-disciplinary approach to the treatment of repeat DUI offenders. The goals of the DUIRC program are to reduce recidivism of those otherwise likely to reoffend, to promote offender accountability, and to improve the health and safety of the community at a reduced cost.

## **Goals and Objectives**

- To reduce alcohol and drug use among program participants.
- To reduce recidivism among participants for repeat DUI/DWAI offenses in the future.
- To hold DUIRC participants accountable and increase the prospect of rehabilitative success through continuous and intensive judicially-supervised treatment for substance use and co-occurring disorders; random and frequent drug testing; and the use of graduated sanctions, incentives, and therapeutic adjustments.
- To aid participants in achieving long-term sobriety, maintaining recovery, improving living situations and relationships, and accomplishing sustained employment and/or educational success
- To reduce overcrowding at the Larimer County Jail.

## **Team Member Roles and Responsibilities**

Successful problem-solving courts rely on the combined expertise and collaboration of many disciplines. Representatives from the court, probation, district attorney, public defender, treatment agencies and other community-based agencies work together to provide the support, accountability and services that are conducive to positive behavior change.

### **DUIRC Judicial Officer**

1. The Judicial Officer will provide formal leadership and support for the DUIRC team.
2. The Judicial Officer will preside over all DUIRC staffing meetings and each DUIRC docket.
3. The Judicial Officer will ensure a cooperative, non-adversarial program culture for DUIRC Team members during staffing, court reviews, quarterly meetings, and email discussions.
4. The Judicial Officer will promote cross-cultural competency within the DUIRC team.
5. The Judicial Officer will maintain a current understanding of program-specific policies and procedures.
6. The Judicial Officer will receive the plea agreement, issue the sentence, and sign pertinent legal documents that accomplish the participant's entry into and successful completion of the DUIRC.
7. The Judicial Officer will be informed by and coordinate with the DUIRC team regarding incentives, sanctions, and other responses applicable to participant behavior. The Judicial Officer will make the final decision regarding such responses and will deliver the coordinated responses to program participants during their court reviews.
8. The Judicial Officer will assume a primary role in motivating program participants. The Judicial Officer will encourage participants to succeed, will treat participants fairly and with respect, and will avoid communications with participants that are shaming, intimidating, or traumatizing.
9. The Judicial Officer will emphasize and reinforce the primacy and importance of treatment throughout the participant's time in the DUIRC.
10. The Judicial Officer will ensure that the constitutional rights of participants are protected, to include ensuring that appropriate legal processes consistent with due process are observed prior to the imposition of jail or Work Release sanctions.
11. The Judicial Officer will draft documents and forms impacting the legal rights and responsibilities of DUIRC participants, with the assistance and advice of the attorney representatives to the DUIRC Team. The Judicial Officer will assist the Coordinator with the preparation and annual review of organizational documents.

12. The Judicial Officer will assist the Coordinator in the preparation and submission of the application for accreditation or reaccreditation from the State of Colorado
13. The Judicial Officer will maintain an ongoing understanding of the current research regarding best practices for strengths-based behavior modification, contingency management, and communication strategies with participants.
14. The Judicial Officer will act as an intermediary across stakeholders to develop resources and improve interagency linkages.
15. The Judicial Officer will participate in the Problem-Solving Court Advisory Committee for the Eighth Judicial District.

### **DUIRC Coordinator**

1. The Coordinator will be knowledgeable regarding the roles of all of the DUIRC Team members and will provide advice and information as needed to DUIRC Team members about their roles and responsibilities.
2. The Coordinator will facilitate open and efficient communication between DUIRC Team members and partner agencies. The Coordinator will promote a collaborative and non-adversarial program culture among DUIRC Team members.
3. The Coordinator will oversee the day-to-day operation of the DUIRC.
4. The Coordinator will act as liaison for the DUIRC with the trial divisions to manage referrals and processing of defendants who are referred as candidates for the DUIRC.
5. The Coordinator will track the available openings and the movement of candidates through the referral process.
6. The Coordinator will meet with candidates for the DUIRC to review program expectations, answer questions, and provide the DUIRC-specific plea paperwork and participant handbook to the candidate.
7. The Coordinator will communicate with defense attorneys for candidates regarding court date adjustments, paperwork requirements, and general program information.
8. The Coordinator will track the number of consecutive sober days accumulated by participants.
9. The Coordinator will track the dates at which participants become eligible for phase promotion and for graduation.
10. The Coordinator will compile the information provided by stakeholders regarding participant progress and distribute the compiled information in the form of staffing reports to the DUIRC team to review prior to DUIRC staffing meetings.
11. The Coordinator will assist with organizing the courtroom prior to and during the review docket and restoring the courtroom after the review docket.
12. The Coordinator will prepare organizational documents for the program as needed. The Coordinator will review organizational documents annually to ensure that program policies and procedures are up to date as to best practices and current research for problem-solving courts.
13. The Coordinator will prepare and submit, with the assistance of the Judicial Officer, the application for accreditation or reaccreditation from the State of Colorado, along with all supporting documentation and data.
14. The Coordinator will schedule quarterly policy meetings. The Coordinator will compile and distribute the quarterly meeting agendas.
15. The Coordinator will collect data regarding participant demographics and outcomes in collaboration with, and using tools and methods provided or approved by, the State Court Administrator's Office. The coordinator will report statistical data to the DUIRC team and/or the Judicial Officer as needed.
16. The Coordinator will manage the budget for the DUIRC and will report to the DUIRC Team as needed regarding issues related to the budget, funding, and sustainability.
17. The Coordinator will work with Probation and other partner agencies in developing and tracking resources to be provided to participants as incentives.

18. The Coordinator will ensure all team members follow confidentiality regulations and all appropriate confidentiality forms are signed and circulated to the appropriate agencies. The Coordinator will ensure that visitors to the program observing staffing meetings sign all appropriate confidentiality forms.
19. The Coordinator will maintain an ongoing understanding of the current research regarding best practices for strengths-based behavior modification, contingency management, and communication strategies with participants.
20. The Coordinator will ensure all new team members receive and access training regarding the problem-solving court model and role-specific orientation, ideally before new members participate in their first staffing.
21. The Coordinator will assist in providing continuing training for the DUIRC Team and in locating training for individual team members at their request.
22. The Coordinator will participate in the Problem-Solving Court Advisory Committee for the Eighth Judicial District.

### **DUIRC District Attorney**

1. The District Attorney will coordinate with district attorneys assigned to trial divisions in identifying DUI defendants who may be appropriate candidates for the DUIRC. The District Attorney will ensure that the district attorneys in the trial division are aware of the intended target population to be served by the DUIRC when evaluating defendants for possible referral to the DUIRC.
2. The District Attorney will evaluate DUI defendants referred by the district attorneys in the trial divisions for program eligibility. The District Attorney will authorize or approve a plea offer that would include participation and completion of the DUIRC as a condition of the sentence. The District Attorney will ensure that such offer is only extended to defendants who meet the eligibility requirements of the DUIRC.
3. The District Attorney will communicate with the DUIRC Coordinator regarding the number of program openings and the candidates in the referral process who occupy those openings.
4. The District Attorney will represent the People of the State of Colorado while a DUIRC candidate is appearing on the DUIRC docket prior to the candidate's admission into the program, up to and including the candidate's plea and sentencing. The District Attorney will prepare the plea paperwork in advance of the plea and sentencing date.
5. The District Attorney may help resolve other pending legal cases that affect participants' legal status or eligibility for the DUIRC.
6. The District Attorney will represent the People of the State of Colorado at every review docket. The District Attorney will prioritize courtroom advocacy during the review docket that protects community safety while also supporting and encouraging participants in their recovery and their success in the DUIRC.
7. If a participant elects to proceed with an evidentiary hearing prior to the administration of a sanction to jail or Work Release, the District Attorney will represent the People of the State of Colorado at that evidentiary hearing.
8. The District Attorney will ensure all notifications required under the Victim's Rights Act are completed prior to the court hearings at which the act applies.
9. The District Attorney agrees that a positive drug test or open court admission of drug possession or use will not result in filing of additional charges for possession or use of a controlled substance.
10. The District Attorney should recommend unsuccessful termination based only on a participant's exhaustion of treatment or supervision options, barring additional criminal behavior.

### **DUIRC Defense Attorney**

1. The DUIRC Team will be served by two Defense Attorneys, one from the public sector and one from the private sector. Except as indicated in paragraphs 8, 11 and 12 below, the Defense Attorney role and

responsibilities are shared and will be performed equally, separately, and simultaneously by both the public Defense Attorney and the private Defense Attorney. In the event that one Defense Attorney is unavailable to perform these responsibilities at a particular time, the other Defense Attorney will perform them.

2. For responsibilities that allow a participant to consult with the Defense Attorney, the participant may elect between the public Defense Attorney and the private Defense attorney to conduct the consultation.
3. The Defense Attorney will be available for admitted participants to inform participants about the nature and purpose of the DUIRC, the rules governing participation, and the merits of the program. The Defense Attorney may be available to provide general information to participants regarding specific legal issues that may arise for that participant.
4. The Defense Attorney may inform the participant that he or she shall be expected to take an active role in the status hearings, including speaking directly to the Judicial Officer.
5. The Defense Attorney will encourage truthfulness with the Judicial Officer and the treatment staff and may explain that the prosecution has agreed that a positive drug test or admission to drug use in open court shall not lead to additional charges.
6. The Defense Attorney will encourage and support participants to accomplish success with program requirements and in their recovery.
7. If a participant will be subject to a sanction involving jail or Work Release, the Defense Attorney will be available to answer questions and provide information regarding the participant's due process rights and choices.
8. The Defense Attorney will protect attorney/client confidentiality for participants for whom they appeared as the attorney of record. For any consultation with a participant that does not result in appointment or retention of counsel or the provision legal advice, the private Defense Attorney and participant will review and sign the DUIRC Defense Attorney Limited Services and Confidentiality Agreement, and the confidentiality of that consultation will be governed by that agreement. For any consultation with a participant that does not result in appointment of counsel, the public Defense Attorney will exercise professional discretion in determining whether and how much of the content of a consultation with the participant may be disclosed to the DUIRC Team.
9. Unless specifically appointed by the judicial officer or retained by the participant to represent the participant, the Defense Attorney will not provide legal advice to the participant or represent the participant in DUIRC court proceedings.
10. The Defense Attorney will ensure that the DUIRC prioritizes the constitutional rights of participants for decisions and procedures related to the imposition of sanctions and unsuccessful termination from the program.
11. The private Defense Attorney will be a liaison to the criminal defense community and the public Defense Attorney will be a liaison to the Colorado State Public Defender's Office regarding the policies and procedures for the DUIRC.
12. The private Defense Attorney may be available to participants to provide information on driver's license reinstatement.

### **DUIRC Probation Officer**

1. The Probation Officer will prepare a presentence report for candidates referred to the DUIRC. The Probation Officer will administer validated criminogenic risk/needs assessment tools during the referral process to ensure the DUIRC is serving the appropriate target population.
2. The Probation Officer will provide coordinated, comprehensive, and individualized supervision and case management of DUIRC participants, to include telephone and electronic contact, office appointments, and random field visits to participants' homes, places of employment, and other community settings.
3. The Probation Officer will coordinate the utilization of community-based services such as health and mental health services, victims' services, restorative justice, housing, entitlements, transportation,

education, vocational training, and job skills training and placement to provide a strong foundation for participants.

4. The Probation Officer will develop a strong rapport with participants and will utilize and deliver cognitive-behavioral interventions and motivational interviewing strategies to address participants' cognitive distortions and increase readiness for change.
5. The Probation Officer will coordinate and collaborate with the Treatment Provider to ensure that participants are receiving and responding to the appropriate treatment and level of care. The Probation Officer will share with the Treatment Provider evidence and observations related to participants' practice of and success with treatment concepts, skills, and strategies.
6. The Probation Officer will coordinate and collaborate with the ASD Representative to ensure that participants comply with supervision and treatment obligations during their initial Work Release sentence.
7. The Probation Officer will coordinate the provision of inpatient residential treatment and short-term inpatient residential treatment for participants for whom such treatment is indicated.
8. The Probation Officer will develop effective measures for administering random and frequent sobriety testing and for receiving and reporting the results of sobriety testing to the participant and the team in a timely manner.
9. The Probation Officer will provide information regarding participant compliance to the DUIRC Team. The information provided will be relevant to the use of sanctions, incentives, and therapeutic interventions.
10. The Probation Officer will track the compliance with and accomplishment of requirements for participants to advance in phase and to graduate from the DUIRC.
11. The Probation Officer will provide updated compliance information to the Coordinator prior to the Coordinator's preparation of staffing reports.
12. The Probation Officer will collect written assignments from participants such as phase essays and transportation plans and distribute the assignments directly to the DUIRC team upon receipt via email.
13. The Probation Officer will immediately disclose information to the DUIRC Team via email related to a participant's non-compliance that creates a substantial risk of harm to the participant or to the community.
14. The Probation Officer may disclose information between review periods to the DUIRC Team via email at the Probation Officer's discretion regarding participant compliance or non-compliance that the Probation Officer considers to be noteworthy.
15. If a participant will be subject to a sanction involving jail or Work Release, the Probation Officer will prepare the written Notice of Violation and will be available to testify in the event that the participant elects to proceed to an evidentiary hearing.

### **DUIRC Treatment Provider Representative**

1. The Treatment Provider will utilize validated clinical screening and assessment tools to ensure that the treatment needs of participants are identified at the commencement of their treatment and at regular intervals during the course of treatment.
2. The Treatment Provider will provide participants with Level II Four Plus treatment that conforms with the requirements and standards of the Office of Behavioral Health. The Treatment Provider will manage the delivery of treatment services and will administer behavioral or cognitive-behavioral treatments that are manualized and that are evidence-based to improve outcomes.
3. The Treatment Provider will conduct the after-court group sessions for participants appearing on the review docket for the week, to take place after the conclusion of that docket.
4. The Treatment Provider will make recommendations for additional treatment and services appropriate to participants' needs as indicated by the participant's assessments, disclosures, and progress in treatment. The Treatment Provider will assist in identifying providers for such treatment and services if the Treatment Provider cannot provide such treatment and services in-house. The Treatment

Provider will assist the Probation Officer in coordinating the reporting by outside providers to the DUIRC Team.

5. The Treatment Provider will assist the Probation Officer in coordinating the provision of inpatient residential treatment and short-term inpatient residential treatment for participants for whom such treatment is indicated.
6. The Treatment Provider will communicate a therapeutic perspective at staffing meetings that assists the DUIRC Team in identifying incentives, sanctions, and therapeutic interventions that are most likely to support a participant's therapeutic needs and goals.
7. The Treatment Provider may be available to provide therapeutic interventions decided by the DUIRC Team in response to participants' compliance issues occurring during a review period.
8. The Treatment Provider will provide information about participants' clinical progress and prognosis to the DUIRC Team, including but not limited to the results of ongoing assessments, the presence or absence of co-occurring and trauma-related disorders, the topics, skills, and strategies covered in the treatment sessions, and the potential for relapse.
9. The Treatment Provider will notify the DUIRC Team of participant compliance with treatment, including but not limited to attendance, engagement, behavior during treatment, and safety issues.
10. The Treatment Provider will provide progress reports prior to staffing meetings to the Coordinator for each participant appearing on the review docket.
11. The Treatment Provider will ensure all confidentiality and release-of-information forms are signed with the participant and the DUIRC Team. The Treatment Provider will assist the Judicial Officer in inquiring with participants about consent to discuss the content of treatment sessions in court.

#### **DUIRC Alternative Sentencing Department (ASD) Representative**

1. The ASD Representative will serve as a liaison between the DUIRC Team and the Alternative Sentencing Department, providing information and acting as an intermediary between programs regarding the expectations and limitations of each program and the availability and use of ASD resources by the DUIRC program.
2. The ASD Representative will monitor and supervise all aspects of the DUIRC participant's initial sentence to Work Release, and will provide information to the DUIRC Team about the participant's release dates, compliance with the rules of the ASD and the DUIRC program, and progress with program requirements. The DUIRC will prioritize the policies and procedures of, as well as any response administered by, the ASD when considering whether a sanction should be imposed for behavior that violates the rules of both the ASD and the DUIRC.
3. The ASD Representative will coordinate and collaborate with the Probation Officer to ensure that participants comply with supervision and treatment obligations during their initial Work Release sentence.
4. The ASD Representative will provide information and support to participants in the ASD facility and in the community, and will encourage participants to be successful in their recovery and in the DUIRC.
5. The ASD Representative will monitor, supervise, and report to the DUIRC Team on the participant's execution of the following sanction types: useful public service, in-home detention, work crews, Workenders/Midweeks, and Work Release.
6. The ASD Representative will monitor and supervise the participant's execution of useful public service ordered as a condition of probation.
7. At the request of the DUIRC Team, the ASD Representative will provide OSM units to participants to monitor their sobriety and monitor their compliance with the OSM.

## **DUIRC Law Enforcement Representative**

1. The Law Enforcement Representative will serve as a liaison between the DUIRC Team and the community. The law Enforcement Representative will provide information and insight to the DUIRC Team on community-wide issues related to substance use trends within the community at large.
2. The Law Enforcement Representative will help to identify potential DUIRC candidates and may assist other law enforcement officers in identifying potential DUIRC candidates.
3. The Law Enforcement Representative will assist the DUIRC Team in evaluating candidates and monitoring participants to the DUIRC. The Law Enforcement Representative will provide available and appropriate information and insight to the DUIRC Team from the law enforcement community's perspective regarding the progress of individual DUIRC participants. The Law Enforcement Representative may use law enforcement records and resources as well as contacts with other officers to accumulate information about DUIRC participants that is relevant to their progress in the DUIRC.
4. The Law Enforcement Representative may assist with site visits performed by the Probation Officer. The Law Enforcement Representative may assist with portable breathalyzer testing on site.
5. The Law Enforcement Representative will provide information and support to participants in court and in the community, and will encourage participants in their recovery and their success in the DUIRC.

## **Memorandum of Understanding**

The Memorandum of Understanding for the DUIRC commits the signing parties to the mission and goals of the DUIRC, the roles and responsibilities of the team members representing the signatories on the DUIRC team, and the confidentiality standards to which the team will adhere. The Memorandum of Understanding is reviewed regularly and signed by the following stakeholders, agencies, and organizations:

8th Judicial District Chief judge  
DUIRC presiding judicial officer  
8th Judicial District Probation Department  
Larimer County Sheriff's Office  
Larimer County Alternative Sentencing Department  
Larimer County District Attorney's Office  
Colorado State Public Defender, Larimer County  
Larimer County Criminal Defense Bar  
Creative Counseling Services

## **Training of New Team Members**

Before rotating into the DUIRC team, new team members will be expected to:

- Complete an orientation visit with person rotating out, when possible.
- Obtain and review the Policies & Procedures Manual.
- Obtain and review the Participant Handbook.
- Review the state standards for DUI Courts, available here: [Colorado Problem Solving Court DUI Standards - FINAL.pdf \(state.co.us\)](#).

Once rotating into DUIRC, team members are to complete the following within one year or less:

- Attend Colorado Collaborative Justice Conference (CCJC.) New team members will be given priority.
- Tour the Alternative Sentencing Work Release facility.
- Complete Phase 1 training resources, available here: [Colorado Judicial Branch \(state.co.us\)](#).

Trainings to be completed include:

- NADCP 10 Key Components
- Target Population
- Roles & Responsibilities
- Drug Testing Best Practices
- Sanctions & Incentives
- Team Staffings
- Risk-Need Responsivity

Phase 2 training resources, available here: [Colorado Judicial Branch \(state.co.us\)](http://Colorado Judicial Branch (state.co.us))

- Assessments
- Cultural Competency
- Co-occurring Disorders
- Trauma & PTSD
- Traumatic Brain Injury
- Evidence-Based Treatment Practices
- Ethics and Confidentiality
- Secondary Trauma
- Motivational Interviewing
- Stages of Change
- Relapse & Recovery
- Medication-Assisted Treatment
- Psychopharmacology

In addition to completing the above trainings, team members will be expected to:

- Attend all quarterly team meetings
- Attend any scheduled team trainings
- Review any ongoing training materials that are sent out to the DUIRC team

### **Target Population**

Candidates meeting the following criteria are the target population that the DUIRC will serve:

Offenders assessed as high-risk and high-needs ...

- Use of evidence-based assessment / screening tool required.
- Target population identifiers available at all stages of the criminal justice system (e.g., performance on pretrial or performance while on probation).

Repeat offenders ...

- First-time DUI / DWAI offenders are not eligible.
- Number of prior convictions is not as critical a characteristic a characteristic of the target population as is level of assessed risk and need and scope/impact of substance use issues.

Offenders with clinical substance use disorder as primary diagnosis ...

- Previous unsuccessful supervision and treatment attempt(s) are mandatory.
- Significant life disruption due to substance use disorder.

## Eligibility Criteria (New Offenses)

Candidates shall be considered for eligibility without regard for their race, nationality, culture, religion, ethnicity, language, gender identity, place on the LGBTQIA+ spectrum, or disability.

### Assessment characteristics

1. Candidates identified as both high risk and high needs are accepted, as determined by the following scoring of the ASUDS or LSI as assessed and reported during the pre-entry evaluation process:
  - LSI: Score of 29 or higher, OR
  - ASUDS: Score in 80<sup>th</sup> percentile or higher in the Global Scale.
  - The LSI score will be reported in the Alcohol Evaluation, as will the ASUDS percentiles for Involvement, Alcohol-Specific Involvement, Driving Risk, Disruption, Social Non-Conforming, Mood, and Defensive Scales to consider the accuracy of self-reporting when evaluating the reported Global Scale percentile.

### Offense characteristics:

2. Priors category is category is ADVISORY and is relevant for identification of likely high-risk candidates.
  - a. Minimum three priors (case-by-case if less than three).
  - b. Maximum six priors within the past ten years (case-by-case if more than six).
3. Refusals accepted, BAC not capped.
4. Concurrent misdemeanor weapons offenses accepted.
5. Concurrent misdemeanor marijuana/controlled substance offenses accepted

### Criminal history:

6. Prior statutory crimes of violence convictions are reviewed case by case.
7. Felony weapons convictions are reviewed case by case.
8. Prior controlled substance distribution / possession-with-intent convictions within the last five years are excluded. Prior convictions outside five years reviewed case by case.
9. Domestic violence convictions are reviewed case-by-case.
10. No convictions for unlawful sexual behavior, but ...
11. Indecent exposure / public indecency on a case-by-case basis.
12. Active, out-of-state warrants are excluded.
13. Active, in-state warrants are reviewed on a case-by-case basis

What is a “conviction” for purpose of determining criminal and DUI history?

14. Deferred sentences = convictions.
15. Dismissals based on legal merits = not convictions.
16. Dismissals resulting from plea agreements = case-by-case.

### Prior intervention / treatment experience:

17. Prior unsuccessful intervention/treatment experience is required.
18. Candidates with prior, unsuccessful problem-solving court terminations reviewed case by case.
19. Candidates with prior problem-solving court graduations reviewed case-by-case.

## Health:

20. Candidates with co-occurring mental and/or physical health issues are not excluded.
21. Candidates with mandatory prescriptions for controlled substances are reviewed on a case-by-case.
22. Licensed medical marijuana users are not excluded provided they agree to program's no use / no exceptions medical marijuana policy while participating in the program.
23. Candidates engaged in or needing medically-assisted treatment for substance use disorder are not excluded and if accepted may continue with MAT while participating in the program.

## Concurrent substance abuse issues:

24. Candidates with co-occurring marijuana use issues are not excluded.
25. Candidates with co-occurring, non-marijuana substance use issues are not excluded but are reviewed case by case to determine whether participation in a different problem-solving court is more likely to produce a successful outcome.

## **Eligibility Criteria (Revocations)**

Candidates shall be considered for eligibility without regard for their race, nationality, culture, religion, ethnicity, language, gender identity, place on the LGBTQIA+ spectrum, or disability.

## Assessment characteristics

1. Candidates identified as both high risk and high needs are accepted, as determined by the following scoring of the ASUDS or LSI as assessed and reported during the pre-entry evaluation process:
  - LSI: Score of 29 or higher, OR
  - ASUDS: Score in 80<sup>th</sup> percentile or higher in the Global Scale.
  - The LSI score will be reported in the Alcohol Evaluation, as will the ASUDS percentiles for Involvement, Alcohol-Specific Involvement, Driving Risk, Disruption, Social Non-Conforming, Mood, and Defensive Scales to consider the accuracy of self-reporting when evaluating the reported Global Scale percentile.

## Offense characteristics:

2. Priors category is category is ADVISORY and is relevant for identification of likely high-risk candidates.
  - a. Minimum three priors (case-by-case if less than three)
  - b. Maximum six priors within the past ten years (case-by-case if more than six)
3. Refusals accepted, BAC not capped
4. Candidates with prior, unsuccessful problem-solving court terminations reviewed case by case.
5. Candidates with prior problem-solving court graduations reviewed case-by-case.

## Revocation characteristics:

6. Currently sentenced to probation for DUI/DWAI, but revocation request is active before the trial court.
7. Compliance issues alleged in revocation are directly related to continued unauthorized use of impairing substances and/or failure to accomplish treatment goals.

## Criminal history:

8. Prior statutory crimes of violence convictions are reviewed case by case.

9. Felony weapons convictions are reviewed case by case.
10. Prior controlled substance distribution/possession-with-intent convictions within the last five years are excluded. Prior convictions outside five years reviewed case by case.
11. Domestic violence convictions are reviewed case-by-case.
12. No convictions for unlawful sexual behavior, but ...
13. Indecent exposure/public indecency on a case-by-case basis.
14. Active, out-of-state warrants are excluded.
15. Active, in-state warrants are reviewed on a case-by-case basis

What is a “conviction” for purpose of determining criminal and DUI history?

16. Deferred sentences = convictions.
17. Dismissals based on legal merits = not convictions.
18. Dismissals resulting from plea agreements = case-by-case.

Health:

19. Co-occurring mental and/or physical health issues accepted
20. Prescriptions for controlled substances on a case-by-case basis
21. Medical marijuana users accepted provided they agree to program’s no use/no exceptions medical marijuana policy while participating in the program.
22. Candidates engaged in or needing medically-assisted treatment for substance use disorder are not excluded and if accepted may continue with MAT while participating in the program.

Concurrent substance abuse issues:

23. Candidates with co-occurring, marijuana use issues are not excluded.
24. Candidates with co-occurring, non-marijuana substance use issues are reviewed case by case.

### **Referral Process**

Candidates for the DUIRC are admitted to the DUIRC in one of two ways. First, the District Attorney may offer a stipulated sentence to probation with successful completion of the DUIRC as the primary condition. Second, the District Attorney may offer an “open sentence” that allows probation with the condition of DUIRC as a sentencing option alongside regular probation, community corrections, and department of corrections, provided there is space available in the DUIRC and the DUIRC team admits the candidate.

To start the process, the parties should inform the trial judge that a DUIRC offer is being considered and that the candidate should be referred. The trial court will reset the matter back into the trial division in approximately two weeks. The candidate should complete the DUIRC referral half sheet and give the top half to the courtroom District Attorney and the bottom half to the division’s judicial assistant.

Prior to the second hearing, the DUIRC coordinator will advise the trial division and the parties whether space to accommodate another participant is available in the DUIRC. If space **is not** available, then a sentence involving the DUIRC **will not** occur. If space **is** available, and the candidate would like to continue with the referral, then at the second hearing the trial court will make the following assignments:

**Stipulated sentence:** The trial court will trigger the alcohol evaluation and set the case onto the DUIRC docket without receiving a plea. The candidate will meet with probation for the alcohol evaluation and with the DUIRC coordinator to go over the general DUIRC requirements. The candidate will make appearances on the DUIRC docket in the meantime. Once these meetings have occurred and the evaluation report has issued, the DUIRC team will determine whether the candidate is accepted. If accepted, the candidate will enter a plea on

the DUIRC docket and be sentenced immediately by the DUIRC judicial officer. If not accepted, or if the candidate changes his or her mind about participating in the DUIRC, the candidate will be set back onto the trial court's docket.

**Open sentence:** All proceedings occur in the trial court through to sentencing. The trial court will receive the plea, set for sentencing, and order a presentence investigation with probation and evaluation with Community Corrections. Prior to sentencing, the DUIRC team will determine whether to admit the candidate. If the team would admit, the notification letter to the trial court will contain recommendations regarding other conditions of probation, such the initial jail term, useful public service, and fine. The trial judge chooses the sentence at the sentencing hearing. If the judge sentences the candidate to probation with the DUIRC as a condition, the judge will then set the candidate for the next date the DUIRC has available to begin the candidate's participation in the DUIRC.

## **Team Meetings**

**Pre-Court Staffing Meetings:** All team members are expected to attend weekly pre-court staffing meetings on Friday mornings. The staffing meeting starts at 8:20 AM. During this meeting the team reviews each of the participants on the docket and discusses any other team-related issues that need to be addressed. During these meetings candidates are also screened to determine whether they are appropriate for the program.

**Court Reviews:** Court reviews take place every Friday at 10:00 AM in Courtroom 1A. Consistent with best practices, team members are expected to stay for court to support participants and to ensure that participants receive messaging from team members that is consistent with the court conversation.

**Quarterly Meetings:** Quarterly meetings are scheduled quarterly for team members to discuss any programmatic issues or processes that need to be adjusted or introduced to accomplish fidelity with best practices, to approve updates to program documents, and to review program data and participant satisfaction survey data. Lunch will be provided as the budget allows.

## **Voting**

At times during pre-court staffing meetings team members are required to vote. Voting is used to determine whether a candidate should be accepted into the program and whether a participant should be unsuccessfully terminated from the program. Voting is also used to select between competing sanction ideas and may be used for other issues that might arise. The voting process is as follows:

- The issue will be discussed prior to the vote.
- Each agency at the table gets one vote.
- The magistrate will vote last.
- Majority vote determines the outcome.

Issue controlling the vote for **admission**:

- Does the candidate meet the eligibility requirements, particularly the requirement that evidence-based assessment tools have identified high risk and high needs?

Issue controlling the vote for **unsuccessful termination**:

- Has the program exhausted the treatment and/or supervision options available and the participant is still not successfully meeting program goals despite extended time and opportunity, **or**
- Has the participant consistently failed to demonstrate investment in and commitment to program goals and to recovery generally, despite extended time and opportunity?

## **Confidentiality**

Confidentiality is critical to the successful operation of the DUIRC program. Team members are expected to rigorously adhere to confidentiality protocols as required in the Memorandum of Understanding, by law, and by their individual disciplines. Team members are to confine their communications about participants to the team exclusively and are expected to keep knowledge about participants gained as a result of their membership on the DUIRC confidential to the team.

The conversation during the court review will not reference or disclose communications or subject matter related to the participant's treatment without the participant first providing, prior to the court conversation, voluntary consent to share that information.

Anyone wishing to visit either the pre-court staffing or court proceedings must sign the program's confidentiality agreement. These forms are tracked and kept by the Coordinator.

## **Sobriety Monitoring**

The DUIRC is an abstinence-only program. Participants are expected to demonstrate abstinence from the following drug classes: alcohol, cannabinoids, opioids, stimulants, club drugs, hallucinogens, designer drugs, inhalants, and substances available over the counter that are ingested for the purpose of obtaining a psychoactive effect.

Sobriety testing will occur randomly and frequently, at a rate of no less than twice per week regardless of phase. A test may also be required at the demand of a team member.

The primary method of testing will be by urinalysis. All participants will be set up on Norchem's Sentry randomization hotline and will be given a Norchem client ID number. Participants are expected to call every day to determine whether they need to provide a urine screen that day. The urine sample will be observed and collected by testing centers approved by Probation and, when relevant, the Alternative Sentencing Unit.

Other testing methods may be employed. These methods include, but are not limited to portable breathalyzer, oral swab, OSM device, and transdermal device.

The participant is considered responsible for *everything* that goes into his or her body and comes out of it. Therefore, a confirmed positive result of any sobriety test for alcohol, THC, or other mood-altering drug is considered a positive test regardless of the participant's explanation for the result.

Urine samples will be retained for possible confirmation. Participants may choose to require confirmation tests for result that initially screen positive. However, the participant will be responsible for the cost of the confirmation test if the test reaffirms the positive result. If the confirmation test returns a negative result, then the Court will pay for the test.

## **Common Monitoring Issues**

### 1. Missed calls

- Participants are expected to call each day to determine whether they must submit to a test. Failure to call in may produce a sanction or other response.

### 2. Missed test

- Any missed tests will receive a response or sanction as if the test produced a positive result.

### 3. Dilute result:

- All urine samples will be tested for creatinine levels. Samples otherwise negative for forbidden substances that also show creatinine levels below 20 mg/dl are considered “dilute” and are **not** valid. Results that are both positive for forbidden substances and also dilute are valid.
- The first instance of a dilute result will receive an educational or remedial response. Future instances of dilute results will receive a response or sanction as if the test produced a positive result regardless of the participant’s explanation as to why the result was dilute. Only medical conditions verified by the participant’s medical provider may excuse a dilute result.

### 4. Initial positive result for THC:

- Any initial test result that is positive for THC that follows a previous negative result will be confirmed if the participant does not acknowledge new use. If the confirmation test is negative, no sanction will occur, with the following exception:
- Cannabinoid products in any form (medical, recreational, edibles, delta-8 THC, etc.) are not permitted. This includes all CBD products. If a pattern emerges where the participant routinely tests positive for THC initially but confirms negative, the participant may be subject to a sanction or other response because the pattern is consistent with the continued use of a cannabinoid product.

### 5. Result that are repeatedly positive for THC

- A test result positive for THC that follows a previous positive result for THC will be compared using creatinine ratios and applying the 1.5 rule. Only results with creatinine ratios will be compared (levels alone will not be compared), and only results using the same testing method will be compared (e.g., confirmed ratio v. confirmed ratio). New ratios in excess of 1.5 times the previous ratio may be sanctioned as new use. New ratios less than 1.5 times the previous ratio will not be sanctioned as new use unless the participant admits new use.

### 6. Designer drugs:

- The possession or consumption of any “designer” drugs (spice, bath salts, kratom etc.), whether purchased legally or illegally, is strictly prohibited. Participants may occasionally be tested for these substances. A positive result or admission of use will produce a sanction or other response.

### 7. Inadvertent exposure:

- Participants are solely responsible for what goes into their body and what comes out. Therefore, confirmed results for any forbidden substance will produce a sanction or other response regardless of the explanation. Common examples of claimed inadvertent exposures for which this principle applies include but are not limited to:
  - Alcohol as an ingredient in food.
  - Alcohol, pseudoephedrine, dextromethorphan, or other variant present as an ingredient in over-the-counter medication.
  - Alcohol as a solvent in a work-related substance.
  - Poppy seeds.
  - Nutritional supplements.
  - Convenience-store supplements.
  - Kombucha, energy drinks, or foods/beverages with alcohol-based sweeteners.

## **Prescription Drug Use**

All participants will be expected to inform their health care providers of their substance use issues so that the provider can make informed decisions prescribing medications. In the event prescription medications are deemed necessary, participants should make every effort to obtain an alternative that is not a controlled substance if one is available. Participants must notify their probation officer within 24 hours of being placed

on a prescription medication, or if any changes are made to existing prescriptions. Failure to do so will result in a sanction.

In an effort to ensure full disclosure, participants are required to provide their health care provider with the DUIRC Doctor's Notice when attending medical or dental appointments. The Notice is available from the probation officer. This form contains the probation officer's contact information and requires the doctor's signature certifying that the prescription is medically necessary.

Participants with a history of misusing prescription drugs, or who are repeatedly prescribed potentially habit-forming medications, may be subject to additional program requirements. These may include, but are not limited to:

- Being limited to one prescribing physician for a particular medication.
- Agreeing to work with the prescribing physician to discontinue use of a prescribed controlled substance.

## **Treatment**

The DUIRC uses three primary treatment components: Level II Four Plus treatment, After-Court Group, and Community-Based Support Group meetings.

### **Level II Four Plus treatment**

The primary treatment component of the DUIRC will be the Level II Four Plus treatment regimen required by 2 C.C.R. 502-1 §§ 21.240.85. The Level II Four Plus intervention is required for offenders with four or more total impaired-driving convictions in their criminal history. The treatment provider partner for the DUIRC, Creative Counseling Services, is licensed to provide Level II Four Plus treatment. Level II Four Plus treatment requires a minimum of 180 hours of treatment across a minimum of 18 months of participation. The regimen requires a clinical assessment, conducted initially and reviewed regularly over the course of treatment, that will dictate the services provided to the participant. This clinical assessment must include information on cognitive functioning, traumatic brain injury, childhood trauma, grief and loss, and co-occurring mental health issues.

Participants participating in Level II Four Plus services would be subject to a combination of treatment strategies, to include individual therapy, group therapy, family or other supportive therapy, medication-assisted treatment, residential treatment, or other treatment as needs may indicate. Standard Level II therapy and education will occur only if the offender's assessment identifies the need. Progress is measured across four phases — Engagement and Assessment, Stabilization, Core Treatment Issues, and Reintegration — each with a mandatory minimum duration and a specific set of competencies that must be met to advance to the next phase and eventually successfully discharge.

### **After-Court Group**

After each court review, the participants schedule for court reviews will remain after the conclusion of the docket to participate in the After-Court Group. The purpose of the After-Court Group is to bring DUIRC participants exclusively together for a treatment contact that fosters positive, supportive relationships among each other. The After-Court Group will be conducted using a group therapy model. The treatment representative to the DUIRC Team will conduct the group. The provider may conduct the group around a particular topic, or may conduct the group around the experiences and conversations occurring in court that day. The After-Court Group does not count as a treatment contact credited against the 180-hour minimum requirement of Level II Four Plus.

## Community-Based Support Meetings

Participants are required to actively attend one community-based support meeting per week beginning in Phase 1. The Court or team may recommend or require a participant to begin attendance earlier if circumstances warrant.

Acceptable community-based support meetings will generally have two characteristics: 1) regular meetings of people coming together to support each other in recovery, and 2) as-needed support options available for attendees in a crisis. Approved community-based support meetings include 12-Step programs such as Alcoholics Anonymous, Narcotics Anonymous, or Adult Children of Alcoholics; regularly-occurring recovery-oriented church-based meetings; Phoenix Multisport; Life Ring; Rational Recovery; Shambhala Center meetings; Recovery Dharma; and Circle of Parents. Participants may also be approved to attend meetings that they locate on their own.

Participants must verify their attendance. The participant may work out with his or her probation officer how to verify attendance. Participants may use technology to accomplish attendance, but the DUIRC team may require in-person attendance for that participant if it determines that in-person attendance is likely to improve recovery outcomes.

Participants will not be required to attend a meeting that is contrary to their spiritual choice. The DUIRC will ensure that participants have both secular and spiritual meeting options to choose from, and may suspend this requirement if one or the other meeting option is not available in the community.

## Additional treatment contacts

As recommended by the treatment provider or in response to a need identified by the DUIRC Team, participants may be referred for additional treatment services. Examples of additional treatment services include Moral Reconciliation Therapy, Eye Movement Desensitization and Reprocessing, and residential treatment. Unless otherwise credited by Creative Counseling Services, contacts for additional treatment outside the Level II Four Plus treatment plan will not be credited against the 180-hour minimum required by Level II Four Plus.

## Court Reviews

Court reviews are conducted on Friday mornings starting at 10:00 am. Participants will appear for court reviews every two weeks for the first three phases of the program and every four weeks for the last two phases. Additional court review appearances may be scheduled if circumstances indicate that additional court conversations will be helpful for participants to accomplish program goals or for the team to accomplish supervision or treatment goals.

All participants are required to appear for each scheduled court review. Participants are expected to appear in person unless granted prior permission to appear remotely. Participants are expected to remain for the entire review docket to share in the stories and experiences of the other participants. Participants are also expected to attend the After-Court Group.

To the extent practicable, the court dockets will be gender-specific, with each gender appearing in alternating weeks.

For participants for whom English is not their primary language, interpretation services will be provided for the entire docket and after-court group. The intent is to reduce the impact of interpretation in limiting or differentiating the experience of the court docket for the non-English speaker compared to the English-speaking participants.

## **Remote Appearances**

Unless a remote appearance is required due to an emergency or a substantial hardship, the following supervision and services are to be conducted with the participant appearing in person:

- Court reviews
- After-Court Group
- Required probation contacts
- Treatment contacts for individual counseling.
- Other treatment contacts designated in the participant's treatment plan or by the team as in-person contacts.

For treatment contacts that are held remotely pursuant to the participant's treatment plan or by team authorization, the participant is expected to fully abide by the provider's remote services contract and/or rules of service.

For other required supervision and services, the participant's in-person participation is encouraged but not required. For example, while a participant is strongly encouraged to attend the required weekly community-based support meeting in person, verified remote attendance is permitted and may even be necessary for a participant to access their first choice of meeting type. Participants are encouraged to use technology to supplement their participation in non-required services and events that support their recovery, such as recovery-oriented social networking participation, remote attendance at extra community-based support meetings, and accessing recovery-oriented media such as podcasts and TED Talks.

## **Program Phases**

### Orientation (Minimum of 30 days)

The Orientation phase is intended to assist participants in getting oriented to the program, stabilized in Work Release, and moving forward with treatment assessments. In this phase, participants are required to:

- Report to Work Release on the day of sentencing.\* Same-day reporting is mandatory, no exceptions.
- Attend all scheduled court appearances, twice per month.
- Attend all scheduled probation meetings, twice per month.
- Attend all assessments and intakes and begin treatment groups.
- Submit drug screens (UA, BA, swab, etc.) as directed.
- Work or attend school, or actively search for work or arrange schooling.
- If driver's license is revoked, prepare a transportation plan that identifies transportation resources to be used to meet program obligations.

\* While serving the initial Work Release sentence, participants will be released to begin the other elements of the program. If unemployed at the time of sentencing, participants will be given time to search for a job while in Work Release.

To advance to Phase 1, participants must have:

- Attended probation appointments and court reviews.
- Submitted UAs: no missed or diluted UAs for the first 30 days.
- Completed an intake with treatment provider and started treatment groups.
- Prepared a transportation plan.
- Submitted an essay to the DUIRC team outlining progress and why they are ready to advance.

### Phase 1: Adjustment and Acclimation (Minimum of 16 weeks)

The amount of time spent in Phase 1 depends primarily on how long it takes the participant to complete the jail component of their sentence, whether through Work Release or a combination of Work Release and Electronic Home Monitoring. In Phase 1, participants are required to:

- Complete Work Release sentence.
- Attend all scheduled court appearances, twice per month.
- Attend all scheduled probation meetings, twice per month.
- Attend all assessments and intakes, and attend all recommended treatment.
- Attend the after-court group following court appearances.
- Submit negative, tamper-free drug screens (UA, BA, swabs, etc.) as directed.
- Investigate additional positive supports, including community-based support groups.
- Set up Useful Public Service with the Alternative Sentencing Department.
- Begin regular payments as determined by agreement with Collections.
- Set up a payment plan with Collections.

To advance to Phase 2, participants must have:

- Completed Jail/Work Release sentence.
- Regularly attended probation appointments and court reviews.
- Initiated treatment as recommended by assessments and complied with all treatment requirements.
- Actively pursued employment, education, or both.
- Demonstrated consistent compliance with sobriety monitoring requirements.
- Set up a payment plan for fines and fees with Collections.
- Submitted an essay to the DUIRC team outlining progress and why they are ready to advance.

### Phase 2 – Sobriety and Stability (Minimum of 16 weeks)

Many of the requirements of Phase 2 are similar to those of the first phase. Court reviews occur every two weeks, as do probation appointments. Probation will also conduct random home visits. In Phase 2, participants are required to:

- Attend all scheduled court appearances, twice per month.
- Attend all scheduled probation meetings, twice per month.
- Participate in all treatment programs.
- Attend community-based support groups regularly.
- Submit negative, tamper-free drug screens (UA, BA, patch, swabs, etc.) as directed.
- Work on UPS hours.
- Work or attend school for at least 30 hours per week.
- Submit to home visits by Probation.
- Submit a budget that incorporates regular payments as anticipated by the plan set up with Collections.

To advance to Phase 3, participants must have:

- Regularly attended treatment appointments, probation appointments, and court reviews.
- Met with probation officer every two weeks and introduced members of their support system to their probation officer.
- Continued to be employed or in school at least 30 hours per week.
- Submitted a budget that shows how you will begin to pay court fines.
- Completed at least 12 hours of Useful Public Service.

- Continued to actively participate in all treatment programs, including community-based support groups.
- Established at least 30 consecutive days of sobriety, with no missed or altered tests, prior to promotion.
- Submitted an essay to the DUIRC team outlining progress and why they are ready to advance.

### Phase 3 – Growth and Sober Living Skills (Minimum of 16 weeks)

The third phase, Growth and Sober Living Skills, is intended to begin the process of expanding the reach of recovery into all elements of the participant’s life. Participants will spend less time devoted to DUIRC activities as they demonstrate compliance with program requirements. In Phase 3, participants are required to:

- Attend all scheduled court appearances, once per month.
- Attend all scheduled probation meetings, at least once per month.
- Participate in all treatment programs and activities.
- Submit negative, tamper-free alcohol and drug screens (UA, BA, swabs, etc.) as directed.
- Work or attend school at least 30 hours per week.
- Participate in community-based support group at least once per week.
- Work regularly toward assigned UPS hours and payment of fines and fees.
- Submit to home visits by Probation.

In order to advance to Phase 4, participants must have:

- Regularly attended probation appointments and court reviews.
- Met with their probation officer at least once a month.
- Continued to be employed or in school at last 30 hours per week.
- Showed progress in paying court fines and fees.
- Completed at least HALF of assigned Useful Public Service hours.
- Continued to participate actively in all treatment programs and activities as directed.
- Established at least 60 straight days of sobriety and submit all UAs and BAs, with no missed or altered tests, prior to promotion.
- Submitted an essay to the DUIRC team outlining progress and why they are ready to advance.

### Phase 4 – Sober Lifestyle/Community Transition (Minimum of 16 weeks)

Phase 4 is the final phase of the program. Upon completion, participants will graduate from the DUIRC program. The requirements of this phase are directed at strengthening the foundations of sobriety, recovery, and prosperity so participants can continue to thrive once their involvement in the program concludes.

In Phase 4, participants are required to:

- Attend all scheduled court appearances, once per month.
- Attend all scheduled probation meetings, once per month.
- Participate in all treatment programs and activities.
- Submit negative, tamper-free drug screens (UA, BA, patch, swabs, etc.) as directed.
- Work or attend school at least 30 hours per week.
- Participate in community-based support group at least once per week.
- Complete all remaining UPS hours.
- Pay off at least 75% of fines and fees or regular payments made according to the Collections schedule.

## Phases Table

	ORIENTATION PHASE	PHASE 1	PHASE 2	PHASE 3	PHASE 4
JOB	FIND EMPLOYMENT	WORK/ATTEND SCHOOL MINIMUM 30 HOURS PER WEEK	WORK/ATTEND SCHOOL MINIMUM 30 HOURS PER WEEK	WORK/ATTEND SCHOOL MINIMUM 30 HOURS PER WEEK	WORK/ATTEND SCHOOL MINIMUM 30 HOURS PER WEEK
COMMUNITY SERVICE		BEGIN ASSIGNED UPS HOURS	COMPLETE 12 UPS HOURS BEFORE PHASE ADVANCEMENT	COMPLETE ½ of ALL UPS HOURS BEFORE PHASE ADVANCEMENT	COMPLETE ALL UPS HOURS BEFORE GRADUATION
COURT APPEARANCE	EVERY 2 WEEKS	EVERY 2 WEEKS	EVERY 2 WEEKS	EVERY 4 WEEKS	EVERY 4 WEEKS
PROBATION MEETINGS	EVERY 2 WEEKS	EVERY 2 WEEKS	EVERY 2 WEEKS, INTRODUCE FAMILY/SUPPORT NETWORK TO PO	EVERY 4 WEEKS,	EVERY 4 WEEKS,
TREATMENT	ATTEND ASSESSMENTS AND BEGIN TREATMENT	ATTEND, PARTICI-PATE IN ALL RECOMMENDED TREATMENT	ATTEND, PARTICI-PATE IN ALL RECOMMENDED TREATMENT	ATTEND, PARTICI-PATE IN ALL RECOMMENDED TREATMENT	ATTEND, PARTICI-PATE IN ALL RECOMMENDED TREATMENT
POSITIVE SUPPORTS		GET INVOLVED WITH COMMUNITY SUPPORT GROUP (AA/ 12-Step/Celebrate Recovery/SMART Recovery/etc.)	ATTEND COMMUNITY SUPPORT GROUP AT LEAST ONCE PER WEEK	ATTEND COMMUNITY SUPPORT GROUP AT LEAST ONCE PER WEEK	ATTEND COMMUNITY SUPPORT GROUP AT LEAST ONCE PER WEEK
SOBRIETY TESTING*	NO MISSES OR DILUTES FOR PRIOR REVIEW PERIOD	NO MISSES OR DILUTES FOR PRIOR REVIEW PERIOD	NO MISSES, DILUTES, OR POSITIVE RESULTS FOR MIN. 30 DAYS	NO MISSES, DILUTES, OR POSITIVE RESULTS FOR MIN. 60 DAYS	NO MISSES, DILUTES, OR POSITIVE RESULTS FOR MIN. 180 DAYS
FINES AND FEES/COLLECTIONS	SET UP A PAYMENT PLAN	START PAYMENTS ACCORDING TO PAYMENT PLAN	FOLLOW PAYMENT PLAN, SUBMIT BUDGET	FOLLOW PAYMENT PLAN	MIN. 75% PAID, OR HISTORY OF REGULAR PAYMENTS ACCORDING TO PLAN

\*

\*Screening may include but is not limited to urinalyses, breathalyzers, rapid tests, SCRAM, swipes, the patch, hair tests, etc. Depending upon conduct and particular type of testing the participant may be required to assume responsibility for full payment of testing.

## **Graduation**

Criteria: To be eligible for graduation, participants must have:

- Attended all court reviews, treatment appointments, and probation meetings.
- Continued with full-time employment, education, or both.
- Submitted a final essay addressing what they have learned in DUIRC, why they are ready to graduate, and their plan to maintain a recovery lifestyle.
- Submitted all sobriety tests with no misses or altered samples.
- Paid at least 75% of court fines, fees, and costs.
- Completed all assigned Useful Public Service hours.
- Completed all required alcohol/drug treatment.
- Participated actively and regularly in other treatment programs and community-based support groups as directed.
- Maintained sobriety for 180 consecutive days prior to graduation.

Graduation recognition: The team is expected to be present for graduations. Each team member will offer the graduate congratulatory words honoring the graduate's accomplishments. Team members who are unable to be present should submit congratulatory messages to the coordinator so that they can be read in court. A tangible gesture will also be prepared for the graduate to leave with that memorializes the time the graduate spent with the program, such as a booklet collecting the participant's essays and quotes, or cards signed by the team.

## **Incentives, Sanctions, and Treatment Responses**

The DUIRC program utilizes incentives, sanctions, and treatment responses to address participant behavior. Incentives, or rewards, are used to acknowledge and reinforce positive behaviors and progress in the program. Sanctions or treatment responses are used to change undesirable behaviors that interfere with recovery or progress in the program.

### **Incentives**

Incentives are given for many reasons, which may include:

- Phase advancement.
- Milestones in sobriety (e.g. 30 days, 90 days, six months, one year, etc.).
- Accomplishments in treatment.
- Successful navigation of situations or events that, prior to their recovery, may have led to relapse.
- Demonstration of leadership within the DUIRC group or in the recovery community (such as a local AA chapter).
- Success in the community, such as promotions at work, engagement in charitable activities, etc.

Administration and type of incentives are guided by the Incentives Grid, available in the Appendix.

### **Phase Incentives**

At each phase transition, the participant will be acknowledged using the following incentives:

- Program Entry/Orientation Phase: Truth stone, pocket calendar, and welcome letter signed by the team.
- Promotion to Phase 1: Stone with word selected by team, \$10 gift card.
- Promotion to Phase 2: Stone with word selected by team, \$10 gift card, \$150 fine reduction.
- Promotion to Phase 3: Stone with word selected by team, \$10 gift card, \$150 fine reduction.

- Promotion to Phase 4: Stone with word selected by team, \$10 gift card, \$300 fine reduction.
- Graduation: Live stone, \$25 gift card, \$300 fine reduction, framed certificate, personal booklet and/or congratulatory cards.

## Sanctions

Occasionally, some participants will make poor choices that will delay their progress through the program. These choices can reveal struggles in the management of their recovery or a lack of a good-faith commitment to the recovery process. Therefore, poor choices and violations are never excused, and will result in sanctions.

Some common behaviors that result in sanctions include:

- Dishonesty when communicating with any DUIRC team member
- Possession and/or use of alcohol, marijuana, other drugs, and/or paraphernalia
- Monitoring results that are positive for the presence of a forbidden substance
- Missed monitoring not excused by the team
- Producing samples that are suspicious for tampering, such as dilute UAs
- Missed call-ins for testing
- Missed appointments with treatment providers or probation officers not excused by the team
- Missed court reviews
- Driving prior to the reinstatement of driving privileges
- New charges
- Leaving the state without permission

During the court review, prior to the imposition of any sanction, the participant will have the opportunity to explain their perspective regarding the behavior, result, or circumstance that is the subject of the sanction occurred.

Administration and type of sanctions are guided by the Sanctions Grid, available in the Appendix. Sanctions will be imposed at the first court review following the violation unless emergent circumstances require a more immediate intervention. Sanctions are expected to be completed by the next court review, unless otherwise specified.

Compliance issues arising while a participant is serving the initial Work Release sentence will be managed exclusively by the Alternative Sentencing Unit according to the rules and practices of that agency. The DUIRC will not recommend an alternative response, nor will it impose an additional sanction, absent unusual or emergent circumstances.

## Jail Sanctions

Jail as a sanction is to be imposed rarely, according to a graduated duration, and generally only after other sanctions have been used for the same compliance issue, taking into account whether the compliance issue implicates proximal or distal goals. Jail as a sanction shall not exceed six consecutive days per sanction. Jail is not to be used as a sober housing alternative or detoxification setting.

Jail ordered as a sanction while a participant is serving the initial Work Release sentence is not subject to additional due process requirements, but the jail term will be credited towards that sentence.

Jail or Work Release ordered as a sanction after the participant has completed the initial Work Release sentence will entitle the participant to an evidentiary hearing at which the issue will be whether the behavior or circumstance that is the subject of the sanction occurred. The following process will be followed:

- The participant will receive in court a written advisement of rights and advisement of the behavior, result, or circumstance constituting noncompliance. The paperwork will also state the anticipated sanction. This paperwork will be prepared prior to the start of the docket. Example advisements are included in the Appendix.
- The DUIRC CJA will locate a trial division that can accommodate a 30-minute hearing in the next four business days, in case the participant elects a hearing before a neutral and detached judicial officer.
- The Court will call the participant at the top of the docket. The participant will be advised and provided the advisement paperwork. The Court will not engage the participant in conversation that encompasses whether the behavior, result, or circumstance that is the subject of the sanction occurred.
- The Court will pause the participant's review. The participant will be invited to consult informally one of the defense attorney team members.
- The Court will recall the participant later in the docket. The Court will answer the participant's questions, receive the participant's decision regarding whether to demand or waive the evidentiary hearing, and receive the signed/initialed advisement form.
- If the participant waives the hearing, the normal review conversation ensues, followed by imposition of the sanction.
- If the participant chooses an evidentiary hearing, the hearing will occur within four business days. The evidentiary hearing will be circumspect in scope and limited solely to the issue of whether a preponderance of the evidence establishes that the behavior, result, or circumstance that is the subject of the sanction occurred.
- If the participant requests the assistance of counsel at the hearing, the Court will appoint the Public Defender's Office. If the participant elects a neutral and detached judicial officer to preside over the hearing, the Court will set the hearing with the trial division identified by the CJA.
- If the outcome of the hearing is that the behavior, result, or circumstance that is the subject of the sanction occurred, the participant will begin the sanction immediately.
- The sanction will not change regardless of whether the participant waives or demands the hearing.

### Treatment Responses

Often a comprehensive response to a compliance issue will include a treatment adjustment. Examples of short-term treatment adjustments include an extra treatment session or a recovery-related assignment reviewed by the treatment provider such as journaling or essay. Long-term adjustment options include the extension of required treatment, an additional treatment modality such as MRT or EMDR, or a referral to a residential treatment program such as STIRT or IRT. Treatment responses are not sanctions, but may be in addition to sanctions.

### Voluntary Program Withdrawal

The DUIRC is a voluntary program. Participants may withdraw at any time. However, participants who choose to withdraw from the program will be referred back to the original courtroom to face revocation proceedings.

### Termination from the Program

The following are possible reasons for unsuccessful termination from the DUIRC:

1. A sentence imposed another case outside the DUIRC that substantially interferes with compliance with the requirements of the DUIRC program.
2. Arrest for any criminal offense if the allegations include violence, the use or threatened use of a weapon, the distribution of controlled substances, the distribution of alcohol to minors, or the infliction of death

or serious bodily injury. Any new offense not containing these allegations may still be considered a basis for termination, determined on a case-by-case basis.

3. Absconding. Participants missing for 35 or more consecutive days will be automatically terminated.
4. Abusive, threatening, and/or violent behavior towards DUIRC team members, participants, treatment providers, court staff, or affiliated personnel.
5. The participant relocates outside of Larimer County.
6. The program exhausted the treatment and/or supervision options available and the participant is still not successfully meeting program goals despite extended time and opportunity.
7. The participant consistently failed to demonstrate investment in and commitment to program goals and to recovery generally, despite extended time and opportunity.

Any participant who is removed from the DUIRC program, voluntarily or involuntarily, will be referred back to the trial division to face revocation proceedings. The participant will receive a court date for a first appearance with the trial division. A bond may be set. The participant will have all due process rights applicable to revocation proceedings with the trial division. The revocation shall be based on whether the participant complied with the conditions of the original sentence.

### **Travel**

Travel out of state is not permitted during the first three phases of DUIRC, except for emergencies or when special permission is granted by the DUIRC team. Travel out of state during Phases 3 and 4 needs to be approved through the participant's probation officer and the DUIRC team.

Participants seeking permission to travel out of state should first discuss their plans with their probation officer. The probation officer will then inform the DUIRC team of the request and require the participant to prepare a written travel plan outlining how they will comply with program requirements, such as sobriety testing, while traveling. This plan will be shared with the team for final approval. Permission to travel may be rescinded at any time due to noncompliance with program expectations.

Participants will continue to submit to sobriety testing while traveling. It is the participant's responsibility to make arrangements for testing before leaving for their trip. The team may also require the use of a SCRAM or OSM unit while traveling and request the participant test upon their return home. The participant will also be expected to identify in the travel plan how other program priorities, such as treatment and community-based support group attendance will be accommodated.