

# **BLAINE COUNTY DUI COURT**

## **Potential Client Package**

- ☐ 1 – DUI Court Handbook (Read and Keep)
- ☐ 2 – Guilty Plea (E-file or entered with Attorney in Court)
- ☐ 3 – DUI Court Contract (E-file by Attorney)
- ☐ 4 – DUI Court Application to Participate (E-file by Attorney)
- ☐ 5 – Contact Information Sheet (Email or fax to Court Coordinator)
  - ☐ – Send the Court Coordinator a current DUI Evaluation and/or GAIN-I (via email or fax)
  - ☐ – Schedule LSI interview with Court Coordinator ( )

- ☐ 6 – Try to visit and observe a DUI Court in session.

Court is held every Wednesday at 8:00 a.m. at the Blaine County Courthouse. This observation visit isn't mandatory but is encouraged. (Please come early to be seated before the Judge takes the bench - you don't want to walk in after he starts court.)

After everything is received, the DUI Court team will review your application and the scores from the LSI-R, GAIN-I, and/or DUI Evaluation to determine eligibility. Once accepted the Court Clerk will set your case for sentencing, and notification of that appearance will be sent to your Attorney and you. At the sentencing, you will be officially accepted into DUI Court.

*Keep this Handbook for your reference.*



# Fifth Judicial District Blaine County DUI Court Handbook



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*This handbook is designed to introduce the participant to the DUI Court program and to assist them in succeeding with the contract they signed upon entrance into DUI Court.  
Effective Date December 1, 2022*

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## **Introduction**

Welcome to the Blaine County DUI Court program. This handbook is designed to be a reference guide for participants and to provide overall information about the program. As participants enter this voluntary and challenging treatment program, they are expected to be motivated to work toward making changes in their lifestyle and becoming free of alcohol and chemical addiction. This program is accessible regardless of the participant's race, religion, sex, ethnic origin, sexual preference, marital status, or age. This handbook will detail what is expected of the DUI Court participant. This program gives participants the opportunity to experience a new type of courtroom environment.

## **Program Description**

The DUI Court program length is determined by the participant's progress, but State standards is a minimum of 12 months. The program consists of regular judicial contact, substance abuse treatment, intensive case management, community supervision, counseling and support and referrals for a range of support services including housing: education, vocation training, employment, specialized counseling. Random drug testing, rewards, and sanctions are used to uphold the integrity of the program.

## **Eligibility Requirements**

Idaho Code §19-5604 provides:

- (1) No person has a right to be admitted into Drug Court. The Drug Court in each county shall determine the eligibility of persons who may be admitted into Drug Court except that each candidate, prior to being admitted, must undergo: (a) a substance abuse assessment; and (b) a criminogenic risk assessment.
- (2) No person shall be eligible to participate in Drug Court if any of the following apply:
  - (a) The person is currently charged with, has pled or has been adjudicated or found guilty of, a felony crime of violence or a felony crime in which the person used either a firearm or a deadly weapon or instrument.
  - (b) The person is currently charged with, or has pled or been found guilty of, a felony in which the person committed, attempted to commit, conspired to commit, or intended to commit a sex offense.
- (3) A Drug Court may, after consultation with the Drug Court team and with the consent of the prosecuting attorney, allow a person to participate in Drug Court who would otherwise be ineligible only because of the provisions of subsection (2)(a) of this section.

GAIN and LSI Requirements:

1. Substance abuse assessment also known as a GAIN-I assessment will need to have a recommended treatment level of Outpatient Services or higher.
2. Criminogenic risk assessment also known as a LSI will need to have a score of 18 or higher.

## **Accessing the DUI Court Program**

If an applicant applies and meets the eligibility requirements, the applicant's acceptance into the DUI Court program will be discussed at staffing (prior to court). The DUI Court Judge will announce his/her decision and an Order of Acceptance or a denial will be filed with the Court. If accepted into the DUI Court program, the applicant's public defender or private attorney may continue to represent them, in a non-adversarial manner, during the applicant's participation in the program. However, violations of the program rules are dealt with summarily by the Court (and not by an adversarial process). In accordance with 42 C.F.R. Part 2, if accepted into DUI Court program, the participant will be required to sign a multiparty case staffing and open court hearings consent form.

## **Guilty Plea and Sentencing**

If the applicant agrees to participate in the DUI Court program, they must plead guilty to their DUI and be sentenced. At sentencing, the Court will place the applicant on probation. The Court also has the option of imposing a withheld judgment and placing the participant on probation. A second withheld judgement may be imposed or legal relief may be granted under Idaho Code title 19 chapter 26 upon successful completion of the DUI Court program and the participant's case may be reduced or dismissed. The most important probationary term is the successful completion of the DUI Court program. By entering the program, the applicant agrees to a summary disposition by the judge of any violations of the program rules or requirements.

The advantage to entering the program is that 1) a participant in good standing in DUI Court, as provided in chapter 56, title 19, Idaho Code, shall be eligible for restricted driving privileges that may be granted by the DUI Court judge, provided the participant drives only a motor vehicle equipped with a functioning ignition interlock system. The Court cannot enter an order to issue a restricted driver's license or permit that allows for commercial vehicle operation (CMV) or CMV driving privileges. The Court cannot issue a restricted driver's permit if the sentencing judge in a felony cases denies authorization of a restricted license, and 2) if a withheld judgment was imposed, the defendant can seek to withdraw his or her guilty plea and have the charges dismissed upon successfully completing the program. (Note: the State may still use the withheld judgment to enhance penalties for future DUIs incurred by the defendant.)

The participant will not be allowed to withdraw their guilty plea even if they are terminated or if they withdraw from the DUI Court program. Instead, their case will be set for a formal probation violation hearing where the withheld judgment will be revoked and the sentence may be imposed.

Any participant who is enrolled in the treatment court program, after an absolute suspension of 45 days with a state approved ignition interlock system installed at the participant's expense, may receive a restricted non-commercial driver's license. This privilege may be revoked for failure to comply with the terms of probation. See, I.C. §18-8005(d).



## **Courtroom Rules**

**Etiquette:** Be polite and courteous to the Judge, court personnel and those around you. No profanity will be tolerated at any time. Turn off all electronic devices.

**Dress Code:** Clothing bearing violence, gang colors/symbols, or language, sexual, drug, or alcohol related themes are not appropriate. Sunglasses are not to be worn in court unless medically approved. No hats are to be worn inside the courtroom. The decision of what constitutes inappropriate attire is at the discretion of the Court.

**Court via Zoom (if allowed or required):** The electronic device must have a full charge on the battery. Wi-Fi connection must be stable. Do not move the electronic device around. The participant must be in an upright position, fully clothed, and not wearing a hat. Background noise is to be minimal. Do not eat, drink, or talk to others while in court via Zoom. Participants must pay attention while attending court and must not switch to a different screen while on Zoom. When attending court via Zoom, courtroom etiquette and dress code listed above still apply.

Information related to the participant's case and compliance, including information that might otherwise be confidential, will be discussed in open court.

## **DUI Court Attendance**

DUI Court sessions are held four times a month at the courthouse or electronically via Zoom. The participant will be required to appear in DUI Court on a regular basis. If the participant does not appear in DUI Court on the date and time scheduled, an arrest warrant may be issued and the participant may be sanctioned. DUI Court attendance is determined by phases, but the Judge may require additional attendance.

**Court starts at 8:00 am**

**Application Pending:** Every Week

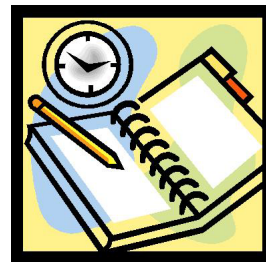
**Phase 1:** Every Week

**Phase 2:** Every Week

**Phase 3:** 2<sup>nd</sup> & 4<sup>th</sup> Wednesday of the month

**Phase 4:** 2<sup>nd</sup> Wednesday of each month

**Phase 5:** As directed by the Court



**\*\*** On months where there are 5 Wednesday's, typically there will not be court on the 5th Wednesday of the month. However, the DUI Court Judge may hold court on those days if deemed necessary.



## **Program Rules**

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

**Comply with all probationary terms and the DUI Court contract.**

**Honesty:** Dishonesty concerning substance use may result in an enhanced sanction. The judge will review your actions and overall performance with the DUI Court team to determine appropriate consequences.

**Be on Time:** If you are late for treatment, probation, or other court related meetings, you may be considered non-compliant. You should always contact your counselor, probation officer, or other court staff if there is a possibility that you may be late.

**Attend all scheduled DUI Court sessions:** You must attend all court sessions as scheduled by the DUI Court Coordinator.

**Do not make threats or behave in a violent manner toward other participants, treatment providers or other team members:** Violent or inappropriate behavior will not be tolerated and will be reported to the Court. This behavior may result in a sanction or termination from DUI Court.

**Abstain From The Use Of Alcohol And Illicit Drugs:** This condition is fundamental to successful completion of the program. You may not consume alcohol or illicit drugs. Any prescription and over-the-counter medication must be approved by the DUI Court Coordinator prior to use. Some over-the-counter medications may contain alcohol and result in a positive test. Abuse of prescription drugs will result in a sanction. Use of someone else's prescription or non-approved medication will result in a sanction. You must maintain sobriety for a minimum of six months prior to graduation from the program. You may not consume, possess, or purchase alcohol. Do not go to a bar, saloon, and/or tavern while attending DUI Court. A relapse could potentially extend the time you are in the program, or cause you to be expelled from the program.

**Maintain Confidentiality of Other DUI Court Participants:** Treatment cannot succeed unless all participants maintain the confidentiality of other participants and of information disclosed in treatment.

**Program Fees:** As a participant, you must agree to pay a minimum program fee of \$100.00 per month. A participant may be subject to additional costs including, but not limited to, court fines, treatment costs, costs of supervision, and drug testing fees. Payment history will be reported to the Judge as part of your regular progress report. Regular monthly payments must be made.

**Medications and Prescriptions:** While in DUI Court, you must use ONE doctor, ONE dentist, and ONE pharmacy. Using medication that has not been prescribed to you will not be tolerated. Giving your medications to others will not be tolerated. When seeking medical assistance you are required to notify the medical professionals of your participation in treatment court. If you are in need of medication, always ask for non-narcotic medication. If your medical professional feels that ONLY a narcotic pain reliever is appropriate, you are required to obtain a written note from your provider indicating such. You must provide a copy of any prescription(s) to the DUI Court Coordinator. The

DUI Court team will consider whether the medication is appropriate for use during DUI Court participation. In the event a participant is prescribed a medication that is not approved for use while in the program, the DUI Court Judge may allow the participant the opportunity to choose to remain in DUI Court without the medication or to withdraw from the program to seek alternative care and treatment without sanction from DUI Court.

### **Pre-Approved Over-The-Counter Medications:**

#### **Pain**

Tylenol  
Acetaminophen  
Aspirin  
Excedrin  
Aleve  
Ibuprofen  
Motrin

#### **Cold/Flu**

Dimetapp Non-Alcohol



#### **Allergies**

Allegra  
Benadryl  
Claritin  
Zyrtec

#### **Antacids**

Tums (Not Zantac)

### **DO NOT USE LIST**

You are responsible for everything you consume or ingest into your body.

- Do Not Consume Alcohol
- Do Not Consume Controlled Substances (Illegal/Non-prescribed)
- Do Not Consume any Cannabinoids
- Do Not Consume Straight Baking Soda or Bleach
- Do Not Consume Any Creatine Supplements
- Do Not Use Any 'Natural' or Herbal Remedies (Kratom, Kombucha Tea)
- Shall Not Use Any Over-The-Counter Diet Aids



Any prescription or over-the-counter medication use must be immediately reported to the DUI Court Coordinator for review. Abuse of or failure to report prescriptions or over-the-counter medications may result in a sanction. You shall abstain from using all mood altering substance. This includes all substances, legal or illegal to possess, that alter mood or simulate the effects of illegal substances. It includes, but is not limited to, substances such as Spice, Haze, Ivory Wave, Kratom, bath salts, over-the-counter medication, and/or inhalants. If you test positive for any illegal substances and/or alcohol you will be required to pay for the lab confirmation, at your own expense, even if it is a false positive for something you inadvertently consumed.

## **Drug Testing**

DUI Court participants are tested at random (this may occur 7 days a week including holidays). Participants are required to submit to observed testing. Testing may include blood, breath, urine, saliva, or hair. Participants will be expected to call the testing line on a daily basis and enter the last five numbers of their social security number. Calling in daily is an obligation and is tracked.

All drug testing done at KH Counseling will be paid for by the DUI Court program unless otherwise required by the Court or the Coordinator (*e.g.*, an extra drug test is ordered as a sanction and/or a dilute or positive test will be paid for by the participant). If the participant is approved to travel, they are expected to locate a drug testing facility in the area they are traveling to. Participants are responsible for paying for the drug test (out of their own pocket and will not be reimbursed) and having the drug testing facility send the results to the DUI Court Coordinator within 24-48 hours.

The DUI Court Judge will have access to all testing results including any “insufficient sample” or failure to test, and may order participants to submit to a test at any time. An “insufficient sample” is the inability to provide a urine specimen within an allotted time frame. An “insufficient sample,” failure to test, or appearing late to submit to a drug test will be treated as a violation. An adulterated urine test, which may include, diluting, tampering, or falsifying, may result in termination from the program. The goal of the program is to help participants achieve recovery from alcohol and substance addiction; however, a positive drug test will not automatically result in termination from the program.

For every dilute or positive drug test, participants will be expected to fill-out an incident form and pay for the test including any confirmation fees that may be accrued. The Judge will decide if a sanction is needed and what an appropriate sanction would be.

**KH Counseling & Health Center**  
409 North Main Street  
Hailey, Idaho 83333  
208-928-7507



### **Contact Information**

#### **Phone line call-in hours:**

6:00 a.m. – 11:59 a.m.

**Phone Number:** 208-928-2000

(Listen to the complete message.)

**Phone line ID#:** Last 5 numbers of social security number

**Online check:** [www.mycallin.com](http://www.mycallin.com)

### **Testing Times**

Monday thru Friday

08:00 a.m. – 3:30 p.m.

(Closed for lunch from 1:00 p.m. – 2:00 p.m.)

**Saturday, Sunday, and Holidays testing time is from 08:00 a.m. to 09:00 a.m..**

\*Check with the office for any temporary schedule changes.

## **Treatment**

Participants are to attend ALL ordered treatment sessions. Unexcused absence from treatment sessions will result in a sanction. If a participant misses treatment, they are expected to fill-out an incident form and turn it into the DUI Court Coordinator.

Upon acceptance into the DUI Court program, participants will be assigned a treatment provider. Participants are responsible for the following:

- Signing a Release of Information, which allows the treatment provider to obtain information from the participants health care providers.
- Follow an individualized treatment plan and comply with all treatment guidelines.
- Provide the treatment provider with a list of the participant's current medications. The treatment provider may communicate with the participant's medical doctor regarding a particular medication they are taking.
- Be on time for all treatment classes and appointments. If a participant is late, they may not be allowed to participate in the class.
- Provide a doctor's note if the participant has been sick longer than two weeks.
- Prior approval by DUI Court team to miss treatment.

\*\* Note the treatment schedule is subject to change.

### **KH Counseling & Health Center**

Address: 409 N Main Street, Hailey, Idaho, 83333

Office #: 208-928-7507

### **Group times:**

Relapse Prevention: Monday 08:00 a.m. – 09:30 a.m.

DBT: Monday 5:00 p.m. – 6:30 p.m.; Wednesday 5:00 p.m. – 6:30 p.m.

Recovery Roadmap: Monday 5:00 p.m. - 6:30 p.m.



## **Incident Form**

If a participant has an incident while in the DUI Court program, it needs to be reported immediately to the DUI Court Coordinator and to the participants Probation Officer. An incident form must be filled out within 24 hours. The incident forms can be picked up in the courthouse lobby (behind the bailiff's station), at KH Counseling, or emailed to the participant. Incidents can include, but are not limited to the following:

- Missed drug test
- Dilute drug test
- Positive drug test
- Contact with law enforcement
- Missed work
- Missed treatment
- Employment discipline such as termination, demotion, suspension, etc.
- Any missed DUI Court appointment

All incident forms are to be either dropped off at the courthouse and put on the DUI Court Coordinator's desk and/or emailed to the DUI Court Coordinator.



## **DUI Court Phases**

There are five phases in the DUI Court program. Participants will be expected to complete the requirements of each phase before moving to the next. The following information outlines the different expectations of each phase. The number of weeks in a phase is merely a guide; moving to the next phase is dependent on the participant's progress with treatment and in all areas of the program including their financial obligations. The frequency and type of substance abuse treatment will be at the discretion of the treatment provider. The treatment provider will use the GAIN-I assessment to determine how many hours the participant needs to attend treatment a week. The Judge may require additional treatment throughout the program and will determine when the participant will phase up.

### **Phase 1 (minimum of 30 days) – Orientation**

The goals of this phase are to establish abstinence; each participant needs to understand and accept they are alcohol/drug dependent; demonstrate a willingness to participate in treatment activities; compliance with the conditions of participation in DUI Court; establish an initial therapeutic relationship; and commit to a plan for active treatment.

Travel- No overnight travel is allowed unless approved by the Court in advance.

#### **Requirements:**

- Complete orientation with DUI Court Coordinator
- Sign up with treatment provider
- Sign up for drug testing
- Sign up with probation
- Attend community support program meetings: 2 per week
- Call in for random drug testing
- Submit to random drug testing
- Weekly DUI Court appearance
- Attend and engage in treatment as determined by the GAIN-I assessment at the direction of the treatment provider and/or Court
- Attend individual counseling as recommended
- Be gainfully employed
- Show “engagement” by willingness to participate and comply with program

#### **To Advance to Phase 2:**

- Be honest
- 14 days sober 14 days sanction free immediately prior to phase up
- Progress at Courts discretion
- Be in good standing with the probation and the Court
- Submit goals to DUI Court Coordinator



Completing Phase 1 means you have shown personal motivation for recovery from drug and/or alcohol abuse. **“The only person you are destined to become is the person you decide to be.”** -Ralph Waldo Emerson philosopher, poet, author, essayist

## **Phase 2 (24+ weeks) – Personal Development**

The goals of this phase are demonstrate continued efforts at achieving abstinence and to develop a better understanding of substance abuse.

### **Requirements**

- Attend community support program meetings: 2 per week
- Call in for random drug testing
- Submit to random drug testing
- Weekly DUI Court appearance
- Attend and engage in treatment as determined by the GAIN-I assessment at the direction of the treatment provider and/or Court
- Be gainfully employed and/or enrolled in school unless otherwise specified by Court
- Compliance with conditions of probation or parole
- Compliance with sentencing requirements

### **To Advance to Phase 3**

- Be honest
- 35 consecutive days of sobriety, 35 consecutive days sanction free immediately prior to phase up
- Identify risky situations and explain how you can use your newly obtained relapse prevention skills to address the situations
- Communicate your growth so far in the program
- Explain how your worldview has changed or shifted since being clean and sober
- Identify supports- people, places, programs...etc
- Begin attending GED classes if necessary
- Be current on DUI Court fees
- Progressing at Court's discretion
- Submit budget to DUI Court Coordinator
- Submit phase up letter to DUI Court Coordinator
- Submit goals to DUI Court Coordinator

Completing Phase 2 shows that your hard work has opened the door to a new and better life.

**“Tomorrow is the most important thing in life; it comes to us at midnight very clean. It’s perfect when it arrives, and it puts itself in our hands. It hopes we’ve learned something from yesterday.” – John Wayne**



### **Phase 3 (24 weeks+) - Self-Motivation**

During this phase participants will demonstrate continued abstinence, and be able to use recovery and cognitive restructuring skills in progressively more challenging situations. By the end of the phase participants will have developed further cognitive skills such as anger management, negotiation, problem solving, and decision-making, financial, and time management; demonstrate internalized recovery skills with reduced program support; demonstrate continued use of community recovery support system; and demonstrate continued effective performance of prosocial activities and start thinking about the participants post-program plan.

#### **Requirements**

- Attend DUI Court the 2<sup>nd</sup> and 4<sup>th</sup> Wednesday of the month
- Address financial issues
- Address medical issues and obtain medical care if needed
- Attend community support program meetings: 2 per week
- Call in for random drug testing
- Submit to random drug testing
- Attend and engage in treatment as determined by the GAIN-I assessment at the direction of the treatment provider and/or Court
- Be gainfully employed and/or enrolled in school unless otherwise specified by Court
- Compliance with conditions of probation or parole
- Compliance with sentencing requirements
- Compliance with conditions of probation or parole
- Compliance with sentencing requirements

#### **To Advance to Phase 4**

- Be honest
- 48 consecutive days of sobriety 48 consecutive days sanction free immediately prior to phase up
- Engagement in pro-social activities
- Address personal relationship struggles that may have been affected by your substance use
- Describe how you see yourself today
- Actively working on GED if necessary
- The DUI Court may place additional requirements to assist in the development of practical life skills
- Have stable/independent housing approved by the DUI Court team
- Progressing at Court's discretion
- Be current on DUI Court fees
- Submit budget to DUI Court Coordinator
- Submit phase up letter to DUI Court Coordinator
- Submit your goals for the next 3-5 years to DUI Court Coordinator



Completing Phase 3 means you have shown that you are living your recovery program. You have brought people into your life that applaud and support your new lifestyle. Self-love is important for recovering addicts to achieve. Self-love involves accepting your flaws as a human being, by letting go of internally held bias and allowing yourself to find happiness within, as opposed to through material means. **“We can’t solve problems by using the same kind of thinking we used when we created them.”** – Albert Einstein

## Phase 4 (16+ weeks) – Maintenance

### Requirements

- Community Support Program meetings: 2 per week
- Call in for random drug testing
- Submit to random drug testing
- Attend and engage in treatment as determined by the GAIN-I assessment at the direction of the treatment provider and/or Court
- Be gainfully employed and/or enrolled in school unless otherwise specified by the Court
- Attend DUI Court the 2<sup>nd</sup> Wednesday of the month
- Compliance with conditions of probation or parole
- Compliance with sentencing requirements
- Continue to address medical issues and obtain medical care if needed

### To Advance to Phase 5

- Be honest
- 120 consecutive days of sobriety, 56 consecutive days sanction free immediately prior to phase up
- Complete treatment requirements
- Maintain prosocial activities
- Engage in and develop health habits
- Identify your support system
- Identify potential road bumps that could de-rail you
- Explain your “self-check in”
- Be current on DUI Court fees
- Complete GED exam if necessary
- Progressing at Court’s discretion
- Meet with DUI Court team to discuss goals
- Submit budget to DUI Court Coordinator
- Submit letter to DUI Court Coordinator

Completion of Phase 4 means you have shown independent success and can contribute to others in earlier phases of the program. **“We may think there is willpower involved, but more likely ... change is due to want power. Wanting the new addiction more than the old one. Wanting the new me in preference to the person I am now.”** – George Sheehan



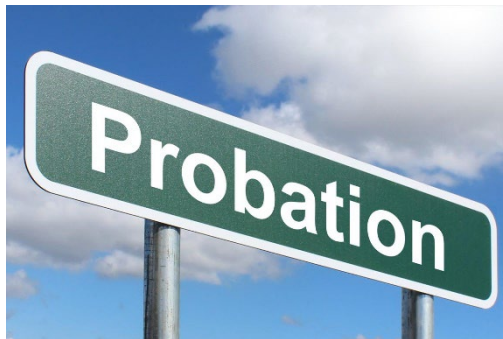
### **Phase 5 (8+ weeks) - Probation**

Graduation is quarterly (March, June, September, and December). Once a participant completes the program requirements they will stay in Phase 5 until the next graduation. Participants will report directly to their probation officer. If they have struggles or relapse during this time, their probation officer will provide the team with the updated information and discuss what further action should take place.

#### **Requirements**

- Be honest
- Report to probation officer in person once a month or as directed
- Attend DUI Court 2<sup>nd</sup> Wednesday of the month
- Maintain sobriety (180 days sober)
- Attend all appointments
- Community Support Program meetings: 2 or more per week
- Random drug testing
- Be gainfully employed and/or enrolled in school unless otherwise specified by the Court
- Comply with all terms and conditions of probation.
- Complete exit survey with DUI Court Coordinator
- Complete exit LSI interview with DUI Court Coordinator
- Complete Graduation letter

\* It is at the discretion of the probation officer if and when a participant will be put on unsupervised probation or released from probation. In felony cases, the decision to move to unsupervised or to be removed from probation is up to the sentencing judge.



## **DUI Court Team Members**

**Judge:** The Judge shall serve as the leader of the DUI Court team, and shall maintain an active role in the DUI Court processes, including DUI Court staffing, conducting regular status hearings, imposing behavioral rewards, incentives and sanctions, and seeking development of consensus-based problem solving and planning. All decisions administered by the Judge as the team leader are final.

**Court Coordinator:** The Court Coordinator reviews the handbook with the participant and answers any questions the participant may have. Each participant is given a copy of the DUI Court handbook at this time. The Coordinator will provide clear written guidelines identifying possible sanctions and incentives and explain how those sanctions and incentives will be utilized. The Coordinator will also review drug testing procedures and expectations, fees and costs of the program, and explain graduation criteria for the program.

**Probation and Parole:** Probation officers play a significant role in the DUI Court program. Probation officers will coordinate home visits as well as other community supervision activities. They will have regular communication with the participant as determined by the DUI Court team. A participant's supervision will be individualized to meet his or her needs as determined by the DUI Court team, misdemeanor probation and/or Idaho Department of Correction.

**Prosecutor:** The Prosecutor advocates for public safety, victim interests, and accountability to the obligations in the program. The Prosecutor may help to resolve pending legal cases that impact the participant's legal status or eligibility for DUI Court.

**Defense Counsel:** The Defense attorney ensures participants' constitutional rights are protected and advocates for participants' legal interests. Having Defense counsel present on the DUI Court team improves outcomes of the participants significantly.

**Treatment Provider:** The treatment provider will provide substance abuse treatment to chemically dependent/addicted individuals accepted into the program. A treatment provider will prepare an individualized treatment plan for each participant entering into the program and advise of the participants' compliance and noncompliance. As a part of a participant's treatment plan, a participant may be required to attend group treatment and individual therapy sessions. Information about the treatment provider used by the DUI Court, including name, address, telephone number, and services provided are in the Handbook.

**Law Enforcement Representative:** Law enforcement are the eyes and ears of DUI Court on the street, observing participant behavior and interacting with participants in the community. Law enforcement may also assist with home and employment visits, and serve as a liaison between the DUI Court and the police department, sheriff's office, jail and correctional system.



## **Guidelines**

**Travel:** Except in an emergency, all travel requests must be submitted to the DUI Court Coordinator 14 days prior to the requested travel dates. The DUI Court team will discuss the participant's travel request. Travel will be decided on a case-by-case basis at the Court's discretion. In the event of an emergency, participants are to contact the DUI Court Coordinator, who will relay the information to the DUI Court Judge, who will then review the request for emergency travel. There is no travel allowed in Phase 1.

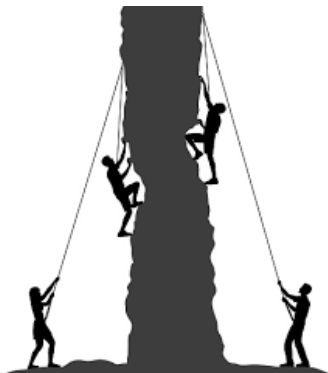
**Curfew:** Participants must also follow the curfew placed upon them by their probation officer. Not following curfew may result in a sanction. The participant must be at their place of residence at the designated times. The only exceptions to curfew are treatment, community program meetings, work, school, or something that was pre-approved by their Probation Officer.

**Community Support Meetings:** Participants are required to attend a minimum of two community support meetings per week. Participants are required to show proof of their attendance using the designated forms (located in the courthouse lobby). Failure to attend community programming may result in a sanction. If a participant chooses to attend community programming via Zoom they are required to email the DUI Court Coordinator a screen shot of the meeting along with filling out the designated community program form.

**Financial Obligations:** All fees must be paid prior to graduating from the DUI Court program. Participants are required to check with the DUI Court Coordinator regarding their fees to make sure all their financial obligations for the program are met. DUI Court fees are paid to the Court their case originated in. All DUI Court fees will be assessed on the second day of each month at a rate of \$100.00 per month. Additional fees may be assessed to a participant's bill (e.g., program sanctions involving additional drug testing).

(1) Change of Venue: In the case where a change of venue has occurred, all fees, fines, court costs and restitution shall be paid in and distributed by the receiving county. *I.R.T.C. 11(a)(1) and 11(e)(1)*.

(2) Transfer of Supervision: Where there has been a transfer of supervision, the originating judge or Treatment Court Judge shall order the payment of Treatment Court fees to the county of the applicable Treatment Court. All other fees, costs, fines and restitution shall be paid in the originating county, which shall then forward the amount of Treatment Court fees to the county of the applicable Treatment Court. Upon graduation or termination, the originating Court shall enter an order stopping the assessment of Treatment Court fees. *I.R.T.C. 11(a)(2) and 11(e)(2)*.



## **Incentive and Sanctions**

**Incentives:** Incentives are positive responses to desired behaviors. Incentives are graduated on a scale of low to high. Examples of a low-level incentive could be verbal praise, recognition from the Court (written or verbal) or a small tangible reward. Examples of a moderate level incentive could be a reduction in supervision requirements or a reduction in community restrictions. Examples of high-level incentives could be unsupervised day trips, travel privileges, legal incentives, financial incentives (reduced court fines and fees), rewards, and finally a graduation ceremony. Part of team staffing includes discussion of violations and potential sanctions for consideration by the Judge.

**Sanctions:** Sanctions for noncompliance need to be individualized as necessary to increase their effectiveness for each individual participant. Prior to an imposition of a sanction, the participant will be afforded the opportunity to be heard, unless the DUI Court Judge believes noncompliance must be sanctioned before an opportunity to be heard can be provided.

Sanctions (depending on the violation) will be assessed on a graduated scale from low to high, to increase their effectiveness. Examples of low-level sanctions could be a writing assignment (apology letters/essay assignments), increased community restrictions, daily activity log, journaling, or a life skills assignment. Examples of a moderate level sanction could be increased supervision, phase demotion, community service or paying for a failed drug test. Examples of high-level sanctions are daily reporting, electronic surveillance, home detention, jail, or termination from DUI Court.

If participants are otherwise compliant with their supervision requirements, but are not responding to the treatment interventions, a therapeutic adjustment may be put in place. Under such circumstances, the appropriate course of action may be to reassess the individual's needs (*e.g.*, a mental health evaluation and or an updated drug and alcohol assessment) and adjust their treatment plan accordingly. Adjustments to treatment plans are based on the recommendations of duly trained treatment professionals.

**Restricted Driver's Permit** – A participant may apply for a restricted driver's permit. The permit would allow the participant to drive to and from court, work, treatment, testing, probation meetings, and other events required by DUI Court program and/or ordered on the court judgment. Provided the participant's license is good and valid with the exception to the suspension in his or her DUI Court case. The participant must have a state approved breath alcohol ignition interlock system (Interlock) installed in any vehicle that they will be driving, unless otherwise ordered, and must have valid insurance. The Interlock must be scheduled to be downloaded pursuant to the terms of the interlock order in the participant's case or once a month if no frequency is indicated. A camera system must also be installed as part of the Interlock package, as required by Idaho statutes. The restricted driver's permit will be reviewed regularly by DUI Court staff to ensure that no further restrictions or violations have been attached to the participant's license that would prevent a restricted driver's permit being issued. The granting of a Restricted Driver's permit does not reduce the length of any court ordered suspension entered in the judgment, including the requirement for an ignition interlock device following the end of an absolute suspension. A restricted driver's permit will be granted after the participant successfully completes Phase 1 and has been gainfully participating in the treatment court.

## **Termination**

Participants may be terminated from DUI Court if they no longer can be managed safely in the community or if they repeatedly fail to comply with treatment or supervision requirements. Participants can be terminated from the program if they pose an immediate risk to public safety, are unwilling or unable to engage in treatment, or are too impaired to benefit from the treatments available in their community. The following are examples of situations that may result in a termination from the program: dishonesty, new criminal offenses, violence, and/or threats of any kind towards DUI Court participants or team members, sexual behavior and/or harassment towards participants or team members and absconding/avoiding supervision.

Generally, participants are not terminated from the program for continued substance use. If participants are otherwise compliant with their treatment and supervision conditions, the Court will continue to work with them. However, terminations are appropriate, if the participant is not amenable to the treatments that are reasonably available in their community or as a last resort after exhausting all other alternatives.

Participants have a right to legal representation and a termination hearing before being terminated. A motion for a probation violation is not required to be filed if an order of termination has already been entered in the record. As a result of termination from the DUI Court program, the sentencing court may proceed directly to disposition and the underlying sentence could be imposed. See, Idaho Rules for Treatment Court 17 and 18.

## **Graduation Requirements**

Upon successful completion of the DUI Court Program you will be eligible to graduate. In order to graduate from DUI Court you will have accomplished the following:

- Successful completion of all phase requirements
- Successful completion of substance abuse treatment
- Achieved six months of continuous abstinence from alcohol or other drugs
- Six months of steady employment, unless retired or disabled, a full-time homemaker or a full-time student
- Current on payment of fines, restitution and treatment fees, and cost of supervision.
- Completion of all specialized probation terms
- Unless exempt, be steadily employed and/or enrolled in school

## **Graduation**

At graduation, participant's family will be invited to join in as the Judge congratulates graduates on successfully completing the program and achieving goals to establish an alcohol and drug-free life. Graduation from the program is followed by administrative probation. Successful completion of the DUI Court program and the period of probation may result in the dismissal of the charges. Upon successful graduation of the program, participants may also apply for any other relief including setting aside the relief of conviction for which they may be eligible for. <sup>1</sup>

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<sup>1</sup> Including but not limited to 19-2604(1).

## **Conclusion**

We hope this handbook has been helpful and answered most of your questions. If you have any additional questions or concerns about the DUI Court program, please feel free to contact the DUI Court probation officer, the DUI Court coordinator, your public defender, or private attorney.

## **DUI Court Contact Numbers**

**District Manager Court Coordinator Israel Enriquez**

Email: [israel.enriquez@tfcg.org](mailto:israel.enriquez@tfcg.org) ..... Office: 208-736-4122

**Treatment Court Coordinator TBA**

**DUI Court Felony Probation Officer Kevin Wayt** ..... Office: 208-309-4849

**DUI Court Misdemeanor Probation** ..... Office: 208-788-5528

**Blaine County Public Defender** ..... Office: 208-578-3820

**Blaine County Courthouse** ..... Office: 208-788-5521

**Hailey City Prosecutor** ..... Office: 208-788-7802

**Blaine County Prosecutor** ..... Office: 208-788-5545

**Treatment Provider** ..... Office: 208-928-7507



## **Contact Information Sheet**

*Return to DUI Court Coordinator TBA. Send to [israel.enriquez@tfco.org](mailto:israel.enriquez@tfco.org)*

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_

Full Middle Name: \_\_\_\_\_ Alias: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Social Security Number: \_\_\_\_\_

Driver's License Number: \_\_\_\_\_ Marital Status: \_\_\_\_\_

Address of Residence: \_\_\_\_\_

Mailing Address (if different): \_\_\_\_\_

Cell Phone \_\_\_\_\_ Message \_\_\_\_\_

Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Color Hair: \_\_\_\_\_ Color Eyes: \_\_\_\_\_

Email address: \_\_\_\_\_

Employer Name: \_\_\_\_\_

Employer Address: \_\_\_\_\_

Employer Contact #: \_\_\_\_\_

Your Job Title: \_\_\_\_\_

Have you served in the United States Armed Forces? YES / NO

If yes, dates of service: \_\_\_\_\_

Do you have any out of state convictions? YES / NO

If yes, where and when: \_\_\_\_\_

What was your test result when you were charged with this DUI? \_\_\_\_\_

How did you hear about DUI Court? \_\_\_\_\_

*To be completed with Attorney*  
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF  
BLAINE

STATE OF IDAHO,	)	
	)	
Plaintiff,	)	County: _____
	)	Case No. CR- _____
-vs.-	)	
	)	APPLICATION TO PARTICIPATE
_____ ,	)	IN THE DUI COURT PROGRAM
	)	
Full Legal Name (Printed)	)	
	)	[ ] Adult Felony
Defendant.	)	[ ] Misdemeanor application
_____	)	

I hereby apply for admission into the Fifth Judicial District DUI Court program. I have read the Blaine County DUI Court Handbook. I acknowledge that, as part of the application process:

- a. My prior criminal record, if any, will be reviewed to determine whether I am eligible to participate in the DUI Court program.
- b. I may be required to complete an alcohol/drug screening by an approved treatment provider.
- c. My application, my prior record, the results of any and all assessments and/or screenings will be reviewed by the DUI Court team. Admission into the DUI Court program will be at the sole discretion of the DUI Court team.

**IF ACCEPTED INTO THE DUI COURT PROGRAM, I AGREE TO COMPLY WITH THE  
FOLLOWING CONDITIONS OF ADMISSION:**

1. I have reviewed all requirements contained in the Fifth District Blaine County DUI Court Handbook with my attorney and I understand them. My attorney is aware of the requirements of the handbook as well.
2. I will sign a probation agreement with the State of Idaho Department of Probation and Parole if my case is a felony case or with the Magistrate Probation Department if my case is a misdemeanor case and I will fully comply with all requirements of probation.
3. I will authorize release of all treatment information to the DUI Court team, which may include, but not be limited to the DUI Court judge, a representative of the Prosecutor's Officer, a representative of the Public Defender's Office, a representative from Law Enforcement, a representative of the appropriate probation department, the DUI Court Coordinator and Court Clerk, and treatment providers. This information may be used by the DUI Court team to determine my level of participation in and compliance with the DUI Court program, to modify my release conditions and/or to decide to terminate my participation in the program. The information may also be used to modify or terminate probation.
4. I will appear in court for all scheduled hearings.
5. I understand, in the event of non-compliance to the requirements of DUI Court, the court may take action on a weekly basis, including applying sanctions, whether my attorney is present or not. In the event my attorney is absent, the court shall continue as normally scheduled. I am thus waiving my due process rights in this matter and specifically authorizing the court to discuss my case with those present at staffing or in court, with or without my attorney. By signing below, my attorney and I each agree to allow the court to apply sanctions as the court may deem appropriate without my attorney being present and without an evidentiary hearing. I understand if I am

DUI Court Potential Client Package (Rev. November 2022)

involuntarily discharged from the program, a probation violation report shall be submitted to the court. Thereafter, I will be afforded all rights pertinent to a felony or misdemeanor probation violation proceeding under applicable laws.

I understand that any failure on my part to comply with DUI Court program requirements may result in the modification or revocation of my probation, including the imposition of sentence.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Attorney for Defendant

\_\_\_\_\_  
Defendant's Signature

\_\_\_\_\_  
Attorney Printed name

\_\_\_\_\_  
Birthdate

\_\_\_\_\_  
Social Security Number

Except as otherwise provided, a DUI Court Application shall not be made until after entry of a guilty plea on new charges or after entry of admissions on a probation violation. Or if after retained jurisdiction upon entry of the Order of Probation with DUI court as a term and condition.

The DUI Court Application shall be presented to the defendant's sentencing judge and shall be filed by the judge's clerk. The judge's clerk shall transmit the referral by email or fax to the DUI Court Coordinator and Counsel of Record.

## CERTIFICATE OF SERVICE

I hereby certify that on \_\_\_\_\_, I did send a true and correct copy of the foregoing **APPLICATION TO PARTICIPATE IN THE DUI COURT PROGRAM** upon the parties listed below by fax or email, by causing the same to be placed in the respective courthouse mailbox; or by causing the same to be hand-delivered.

Prosecuting Attorney

Defense Attorney

DUI Court Coordinator  
Irene (Interim)  
[ireene@tfco.org](mailto:ireene@tfco.org)

Probation

By \_\_\_\_\_  
Deputy Clerk

*To be completed with Attorney*  
**Fifth Judicial District DUI Court Contract**

NAME:

\_\_\_\_\_  
Last

\_\_\_\_\_  
Middle

\_\_\_\_\_  
First

ADDRESS:

\_\_\_\_\_  
Street

\_\_\_\_\_  
Apt.#

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip

PHONE: \_\_\_\_\_

DATE OF BIRTH: \_\_\_\_\_

CR \_\_\_\_\_ - \_\_\_\_\_

ALTERNATE CONTACT: \_\_\_\_\_

PHONE: \_\_\_\_\_

I voluntarily choose to participate in the DUI Court, a problem-solving court in Twin Falls/Jerome, Blaine County, Idaho. By participating in the DUI Court, I agree to the following:

**GUILTY PLEA**

1. **Pleading Guilty.** I understand that no one can force me to participate in the DUI Court. I also understand that as a condition of entering the DUI Court, I must willingly take full responsibility for my behavior.

After full consideration, I knowingly, voluntarily and willfully agree to plead guilty to the Driving Under The Influence ("DUI") charge pending against me. I will not contest the charge in any way, including motions to dismiss and/or suppress, contesting the matter at trial or otherwise. Further, if my pending DUI charge is the basis for a probation violation in another criminal case, I will not contest any portion of the probation violation arising from my pending DUI charge including, but not limited to, the allegations of the charge itself, the consumption of alcohol or illegal substances, or the refusal (if any) of testing for alcohol or illegal substances.

**GENERAL TERMS OF PARTICIPATION**

1. **Meetings With The DUI Court Coordinator.** I shall meet with the DUI Court Coordinator, in person, on the dates, times and locations specified by the DUI Court Coordinator.
2. **Meetings With The Probation Officer.** I shall meet with the Probation Officer assigned, in person, on the dates, times and locations specified by the Probation Officer.
3. **Probation Agreement.** I shall sign a probation agreement with the Probation Office, and comply with its specific probationary terms as well as the standard conditions of probation.
4. **DUI Court Contract And Conditions.** I shall comply with the provisions of the DUI Court Contract. Further, I shall comply with any special terms or conditions imposed upon me by the judge or the DUI Court Team while I participate in DUI Court including, but not limited to, classes, programs and treatment. I shall promptly comply with any requests made of me by the DUI Court Team.
5. **Compliance With The Law.** I shall have no violations of federal, state or local law while on probation, including traffic citations. I shall notify the DUI Court Coordinator within 24 hours following any arrest, citation, contact, complaint, accident or warnings by any law enforcement officer.

## DUI Court Potential Client Package (Rev. November 2022)

6. **Address And Phone Number.** I shall give the mailing address and street address for my place of residence to the DUI Court Coordinator and Probation Officer, as well as my phone/cell number. I shall also give the name of my employer, his business mailing address, street address and his phone number to the DUI Court Coordinator and Probation Officer.
7. **Changing Residence Or Phone Number.** I shall not change my residential address and/or cell/phone number without prior permission from the DUI Court Team.
8. **Travel.** I will not leave the state of Idaho without first obtaining permission from the DUI Court Team.
9. **Employment/Education.** While I am in the DUI Court, I shall either be employed or seeking employment, or I shall attend an educational or vocational program approved by the DUI Court Team. I shall not change my employment, educational or vocational program without first obtaining permission from the DUI Court Team.
10. **Association With Individuals.** I shall not associate with individuals the DUI Court Team or the DUI Court judge has forbidden me to contact.
11. **Warrantless Searches.** I consent to the search of my person, personal property, real property, automobiles and/or residence without a search warrant at any time by the DUI Court Coordinator, probation officers, court compliance officers and/or law enforcement officers.
12. **Income/Budget.** I shall give the DUI Court Team proof of my income and a budget showing my monthly and annual expenses.
13. **Court Costs And Probationary Fees.** I shall immediately pay the court costs imposed by the DUI Court judge. I shall pay assessed DUI Court fees in the amount of \$100.00 per month and I will pay Cost of Supervision fees as required for each month of monitored probation services.
14. **Payment Of Court-Ordered Obligations.** I shall timely pay all court-ordered obligations associated with my participation in the DUI Court. I also agree to pay other court-ordered obligations which include, but are not limited to, fines owed in other cases, restitution, probationary fees and/or child support, as directed by the DUI Court judge.
15. **Signing Of Waiver Forms.** While I am a participant in the DUI Court, I shall sign and give to the DUI Court Coordinator, at the beginning of my probation and at any other time he requests it, a consent form waiving the confidentiality of my personal records.

### **ALCOHOL AND CONTROLLED SUBSTANCES**

1. **Agreement Not To Use.** I shall not use or possess alcohol, any controlled substance (other than prescription medication with a valid prescription and in the manner prescribed) or illegal drug while I participate in the DUI Court. I further agree not to use any synthetic drug, synthetic cannabinoid substance or other mood altering substances, legal or illegal, while I participate in the DUI Court.
2. **Drink And Drive.** I shall not consume alcohol or controlled substances and drive a vehicle.
3. **Testing.** I agree to random testing including, but not limited to, breath, urine or blood tests, hair testing, eye or retinal testing, ETG, SCRAM units and so forth, to determine the presence of alcohol, drugs and/or mood altering substances in my blood, urine and/or breath. I acknowledge I may be required to pay the costs of such testing. Any test results may be used in the DUI Court without any foundational requirements such as chain of custody, establishing the validity of the testing procedures and so forth.

I further understand that if a formal probation violation seeking my expulsion from the DUI Court is filed, the petition must give me notice of the grounds which are alleged to be violations of my probation, and appropriate foundations must be established to admit any test results at an evidentiary hearing.

## DUI Court Potential Client Package (Rev. November 2022)

4. **Missed Tests.** I agree that an unexcused missed test for drugs and/or alcohol by me will be treated as a positive test result.
5. **Falsifying Tests.** I shall not falsify, adulterate or dilute any test for alcohol or controlled substances, including blood, urine, hair, and/or breath tests, or attempt to do so. Any falsified, adulterated or diluted test shall be considered a positive test.
6. **Establishments Selling Alcohol.** I shall not go into any establishment whose primary source of income is derived from the sale of alcohol or which is generally perceived by the public to be a bar. In businesses that are primarily restaurants, I shall not enter that area of the restaurant that would be considered the bar.
7. **Medications.** I shall not use or possess any prescription medication unless lawfully prescribed by a physician. I shall submit documentation to the DUI Court Coordinator for all the prescription and over-the-counter medications I am taking. I agree that the over-the-counter medications I use shall not contain alcohol or habit-forming substances. If an alternative over-the-counter medication is unavailable, I must obtain the DUI Court Team's approval for the use of any over-the-counter medication containing alcohol or habit-forming substances.

The DUI Court Team will honor a licensed physician's prescription, but I agree that the DUI Court Team may inform my doctor of any concerns the DUI Court Team has concerning my prescription.

I shall notify the DUI Court Team of changes to my prescriptions/medications within twenty-four (24) hours of any change.

### **PROGRAMS OF THE DUI COURT**

1. **Participation.** I shall fully participate in the open court sessions of DUI Court, in any program or class required by the DUI Court judge, and with any treatment provider as required by the DUI Court judge. I will timely and successfully complete any tasks required of me by 1) the DUI Court judge, 2) the DUI Court Coordinator, 3) the DUI Court Probation Officer, 4) instructors in DUI Court classes or programs or 4) DUI Court treatment providers.
2. **Counseling.** I shall obtain any required evaluation and participate in any mental health, drug/alcohol abuse program, vocational rehabilitation, educational or learning program as required by the DUI Court Coordinator or the DUI Court judge. I acknowledge I may be required to pay some or all of the costs of such programs.
3. **Testing/Assessments.** I shall timely complete all testing and assessments required of me by the DUI Court Coordinator and/or any treatment provider.
4. **Timely Attendance.** I shall timely attend all programs or classes required by the DUI Court, any scheduled programs or appointments associated with the DUI Court's treatment providers, and the open sessions of DUI Court.

If I miss any court sessions, classes, programs or appointments, I shall notify the DUI Court Team and submit documentation from my employer, doctor and so forth which would excuse my absence.

5. **Tardiness.** I understand that tardiness is not tolerated. I agree that I can be refused admittance to the various DUI Court programs, classes and/or treatment providers if I arrive late.
6. **Use Of Alcohol Or Drugs.** I agree that if I have consumed alcohol and/or drugs prior to a treatment program or class, an appointment with a treatment provider, or an open session of court, I can be refused participation. Further, I agree to surrender my car keys to the person conducting the program, class or treatment session.

**WAIVER OF RIGHTS IN THE DUI COURT**

**A. ALLOWING EX PARTE CONTACTS BY THE JUDGE.**

I understand that under ordinary circumstances, neither the prosecutor nor defense counsel is permitted to communicate with the judge about my case without the other lawyer being present. Further, no third person is allowed to speak to the judge about my case without the lawyers being present. Such communications are called ex parte contacts. I also understand the prosecutor is normally not permitted to communicate directly with me about my case without the consent of my counsel or an order from the court.

However, because it is a problem-solving court, I understand that a DUI Court judge is allowed limited ex parte communications concerning my case. Specifically, the DUI Court judge is authorized to initiate, permit or consider ex parte communications with members of the DUI Court team at DUI Court appearances or staffing sessions, and to receive written documents which have been provided to all members of the DUI Court team.

By participating in the DUI Court, I voluntarily consent to the following ex parte contacts:

**1. Written Documents To The DUI Court Team.** I authorize the judge to consider written documents which have been provided to all members of the DUI Court team.

**2. DUI Court Team Meetings.** DUI Court Team Meetings are held on Tuesday morning in the Burley Judicial Complex at 7:30 a.m., Wednesday morning in Twin Falls in the Theron Ward Judicial Annex, Thursday morning in Jerome in the Jerome County Courthouse, both at 7 a.m. and Wednesday morning at 7:00 a.m. in the Blaine County Courthouse. At the Team Meetings, the case of each participant in the DUI Court is discussed by the DUI Court team.

While the prosecutor or defense counsel may attend the staffing, I am specifically authorizing the judge to participate in the staffing without the presence of defense counsel and/or the prosecutor. I consent to my lawyer, the prosecutor and the DUI Court team communicating ex parte with the judge at the DUI Court staffing.

**3. Open Court.** The DUI Court meets at 8:15 a.m. in the Burley Judicial Complex on Tuesday mornings for the Mini-Cassia DUI Court, 7:30 a.m. in the Theron Ward Judicial Annex on Wednesday mornings for the Twin Falls DUI Court, at 7:30 a.m. on Thursday mornings in the Jerome County Judicial Annex on Friday for the Jerome DUI Court, and Blaine County DUI Court meets Wednesday at 8:00 a.m. at the Blaine County Courthouse. While the prosecutor or defense counsel may attend the DUI Court session, I consent to and authorize the judge and the DUI Court team (including prosecutors) to discuss my case in open court, and for the judge to question me and impose sanctions, with or without the presence of my attorney.

**B. WAIVER OF DUE PROCESS RIGHTS.**

For possible sanctions imposed against me by the DUI Court judge while I participate in the DUI Court program, I agree to waive my due process rights concerning alleged violations of the DUI Court's terms and conditions. Specifically, I waive:

1. The right to notice of the grounds which are alleged to be violations of the DUI Court's terms and conditions.
2. My right to be represented by an attorney at any hearing held in the DUI Court.
3. The right to an evidentiary hearing at which the State must prove by a preponderance of the evidence that I violated the DUI Court probation as alleged.
4. My right to confront the witnesses accusing me of a probation violation by asking them questions; to testify myself; and to call witnesses on my behalf.
5. My right against self-incrimination, meaning the court may ask questions of me concerning the alleged violation, and I must answer.

**C. SUMMARY DISPOSITIONS AND SANCTIONS.**

**1. Dispositions.** I consent to the DUI Court judge entering summary dispositions against me concerning my violations of the DUI Court. Potential sanctions include, but are not limited to, the following:

- Return to a prior phase
- Community service/work detail
- Additional fees
- Warrants for arrest
- Jail time
- Loss of driving privileges
- Increased supervision, including SCRAMs
- Essays
- Required participation in programs/classes
- Required participation with treatment providers

**2. Waiver Of Counsel's Presence.** I consent to the DUI Court judge imposing sanctions against me without the presence of defense counsel and/or the prosecutor. Even if present, I agree that the judge need not hear the comments of the prosecutor and/or defense counsel prior to imposing sanctions against me. Prior to any sanctions being imposed, I will be allowed to speak to the judge to explain my position, to present matters in mitigation or otherwise make amends with the court.

**3. Waiver Of Appeal.** I knowingly and willingly waive my right to appeal any summary sanction imposed upon me in the DUI Court.

**D. PROBATION VIOLATIONS AND EXPULSION FROM THE DUI COURT.**

I understand that if my expulsion from the DUI Court is sought or if I quit on my own accord, a formal petition of probation violation will be filed against me, specifically alleging how I have violated the terms and conditions of DUI Court and seeking 1) my expulsion from the DUI Court, 2) the revocation of my withheld judgment, and 3) the imposition of sentence for my DUI.

The Idaho Code of Judicial Conduct forbids the DUI Court judge from presiding over any proceedings filed against me concerning my probation violation, proposed expulsion from the DUI Court and/or the imposition of sentence. I understand that a new judge will be assigned to preside over any proceedings concerning my probation violation, my expulsion from the DUI Court and the imposition of any sentence upon me. Further, all the due process rights that I have waived in this contract (and specifically those found in the section entitled Waiver of Due Process Rights) will be restored to me in the event that a formal probation violation petition is filed against me.

I further agree that while formal probation violation or expulsion proceedings are pending against me, I shall continue to participate in the DUI Court pursuant to the terms of my misdemeanor probation agreement and this DUI Court contract until a final termination or expulsion order discharging me from the DUI Court is entered.

**ACKNOWLEDGEMENT**

**I HAVE READ AND UNDERSTAND the Twin Falls, Jerome, Blaine, or Mini-Cassia County DUI Court Contract. I have reviewed this document with my attorney and I agree to abide by all terms and provisions for participation in the program. Further, I knowingly, voluntarily, and willingly waive my due process rights described in this agreement and consent to the DUI Court judge having ex parte contacts as described in this contract.**

\_\_\_\_\_  
DUI COURT PARTICIPANT

\_\_\_\_\_  
DATE

**I HEREBY ACKNOWLEDGE that I have discussed in detail with my client this contract.**

\_\_\_\_\_  
PARTICIPANT'S ATTORNEY

\_\_\_\_\_  
DATE

## Choice Verification Form

### Choice Information and Verification Form

#### Blaine County DUI Court.

The DUI Court uses one approved provider as a best practice. You have the right to choose another provider, but that would preclude your participation in DUI Court.

#### Choice is Independent

*The choice is up to you! The DUI Court will not pressure or influence your decision.*

By signing this form, I agree that:

- I have been informed of the different treatment options available and the consequences of choosing another provider.
- I will file an application with Medicaid at <idalink.idaho.gov> or call 1-877-456-1233. Retain a copy of your approval or denial from Medicaid.
- I understand that I have a choice in providers and my choice of provider(s) is (please list provider name and address):

KH Counseling & Health Center, LLC

409 North Main Street

Hailey ID 83333

(208) 928-7507

**Client Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Attorney Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Coordinator and/or Probation Officer Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_