

Eligibility Criteria

To be eligible to participate in the DUI Court Program, one must:

1. Have the capacity to manage the structure of DUI court.
2. Have an alcohol problem which the defendant has not addressed or recovery attempts which have been unsuccessful.
3. Be charged with an excessive DUI, Felony DUI, or have pled guilty to a prior DUI.

Exclusion Criteria

Individuals will be excluded from applying for the DUI Court Program if:

1. They are a "violent offender."
2. They are currently charged with, or have pled or been found guilty of a felony in which they committed, attempted to commit, conspired to commit, or intended to commit a sex offense.

**For more information about
DUI Courts,
contact
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STATE OF IDAHO



FIFTH JUDICIAL DISTRICT DUI COURTS

Problem Solving Courts
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FIFTH JUDICIAL DISTRICT DUI COURT

MISSION STATEMENT

DUI Courts in the 5th Judicial District will strive to help alcohol & drug offenders in the criminal justice system and provide community protection with cost effective, integrated care through the development and utilization of community resources. DUI Courts will hold defendants accountable and will assist offenders to achieve long-term recovery so they can become law-abiding citizens and successful family/community members.

The Twin Falls County DUI Court meets every Wednesday morning at 07:30 A.M. and the Jerome County DUI Court meets every Thursday morning at 07:30 A.M., with the DUI Court Judge Thomas Kershaw.

Participants must meet specific criteria to be in DUI Court. Graduation from the program is accomplished after successful completion of a stringent four phase program.

FIFTH JUDICIAL DISTRICT

Steven B. Conger
Coordinator
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About DUI Courts

DUI Courts are an innovative alternative to jail time with emphasis on accountability and intensive monitoring for individuals charged with a DUI offense. The DUI court removes defendants from the clogged courtrooms of the traditional criminal justice system, placing them in a new type of courtroom environment where they undergo treatment and counseling, submit to frequent and random alcohol/drug testing, make regular appearances before a judge and are monitored closely for program compliance. While DUI courts vary widely in scope, organization and points of intervention, all share an underlying premise that DUI use is not simply a law enforcement or criminal justice problem, but a public health problem with roots deep in society. DUI court programs see the court, specifically the judge, as filling a role that goes beyond that of adjudication.

About the DUI Court Program

The DUI Court Program is a program for offenders who are alcohol dependent and have not addressed their problem or been successful in their recovery. The four-phase program consists of

intensive supervision of clients by a probation officer, frequent appearances before the DUI court judge, mandatory drug and alcohol counseling, regular attendance at self-help groups (AA or NA), and random alcohol/drug testing. When the competencies are achieved for a particular phase, the defendant may apply for phase advancement. Upon completion of the first three phases, the defendant will enter Phase IV, which places an emphasis on the defendant's application of learned competencies, skills, and a personal recovery plan. The program length, which is determined by the participant's progress, will generally not be less than 12 months and as long as 24 months. Upon graduation, continued engagement in Public Support Programs and contact with the DUI Court Probation Officer is required. Once they have paid off any outstanding fees and have shown stability in the community the Probation Officer can place them on a period of unsupervised probation, or request the case be closed.

Accessing the DUI Court Program

A person can apply for DUI Court or be referred by their attorney, the prosecuting attorney, the judge, a probation officer or their treatment provider. Following legal, clinical, and probation screening, their application for acceptance into the DUI Court Program will be submitted to a staffing team for acceptance or denial.

If accepted into the DUI Court Program, their public defender or private attorney may continue to represent them, in a non-adversarial manner, during their participation in the program. However, violations of the program 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 they will be required to sign a Multiparty Case Staffing and Open Court Hearings Consent Form. However, violations of the program are dealt with summarily by the court (and not by an adversarial process).

Conclusion

The DUI Court program has been developed to help a person achieve abstinence from alcohol and/or drugs. The program is designed to promote self-sufficiency and to return them to the community as a productive and responsible citizen.

FIFTH JUDICIAL DISTRICT
COURT

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