DUI COURT

Potential Client Package

In this package you will find:

☐ 1 – DUI Court Handbook. (Read and Keep)

☐ 2 – LSI Questionnaire.

(Complete and Return to DUI Court Coordinator or Probation Officer)

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

We meet every Wednesday morning at 7:30 a.m. in the Twin Falls Court Annex, every Thursday morning at 7:30 a.m. in the Jerome County Court Annex, and every Friday at morning in the Cassia County Courthouse at 08:00 a.m.. This part isn't mandatory but it helps to give you a true picture of the program in action and will help you decide if it is something you want to do. (Please come a little early to be seated before the Judge takes the bench - you don't want to walk in after he starts court.)

☐ 4 – If you are sure you want to apply to DUI Court, get with your Attorney and complete the following steps:

Submit 4a through 4d to the appropriate Court Clerk.

- ☐ 4a – DUI Court Application to Participate (eFile by Attorney)
- ☐ 4b – DUI Court Contract and LSI-R Questionnaire (to Coordinator's Office)
- ☐ 4c – Notification of Penalties for Subsequent Violations (eFile by Attorney)
- ☐ 4d – Guilty Plea Questionnaire (eFile by Attorney)

After everything is received, the DUI Court Staff will review your application and the scores from the Questionnaires (LSI-R) 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.

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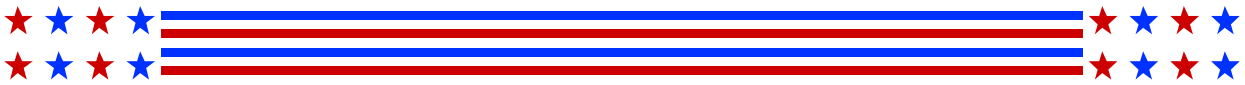
DUI Court Potential Client Package

Read Cover to cover.

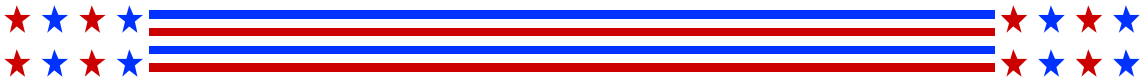
Yours to keep.



Fifth Judicial District

DUI Court

Handbook



Fifth Judicial District DUI Court
For Jerome, Mini-Cassia, and Twin Falls

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Revised October 2017

Mission Statement

DUI Courts in the Fifth Judicial District will strive to reduce repeat offenses of 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 and be law-abiding citizens and successful family/community members.

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Welcome to the Fifth Judicial District DUI Court Program.

This handbook is designed to answer questions, address concerns and provide overall information about the DUI Court. As a participant, you will be expected to follow the instructions given to you by the judge, and the probation officer as well as to comply with the treatment plan developed for you by an approved treatment provider. This handbook will detail what is expected of you as a DUI court participant and review general program information. It is intended to be a standard guide to DUI court participants within the Fifth Judicial District. However, some guidelines may vary at the discretion of the DUI court team.

About DUI Courts

DUI Courts are an alternative to jail 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 a DUI 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 having a role that goes beyond that of adjudication.

About the Fifth Judicial District DUI Courts

The Fifth Judicial District DUI Courts are programs 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), random alcohol/drug testing, treatment programs and classes followed by a period of probation. When the competencies are achieved for a particular phase, the defendant becomes available for phase advancement. Upon completion of the first three phases, the defendant will enter Phase 4, which places an emphasis on the defendant's application of learned competencies, skills, and a personal recovery plan. After completing Phase 4 the participant will graduate to probation only. During this period of supervision defendants will comply with the standards and conditions of probation. The program length, which is determined by the participant's progress, will generally not be less than 12 months and more than likely be as long as 24 months.

Eligibility Criteria

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

1. Be charged with an excessive DUI, or have pled guilty to a prior DUI.

2. Have an alcohol problem which you have not addressed or prior recovery attempts have been unsuccessful.

3. Have the capacity to manage the structure of DUI court

4. A person with a felony DUI may be accepted into the program as a condition of felony probation and without the expectation of having their sentence reduced or the charge dismissed.

You may be excluded from applying for the DUI Court Program if:

1. You are a "violent offender". A "violent offender" is a person who either:

   a. Is currently charged with or has been convicted of an offense, during the course of which offense or conduct:

      i. The person carried, possessed or used a firearm or dangerous weapon;

      ii. There occurred the death of or serious bodily injury to any person; or

      iii. There occurred the use of force against the person of another, without regard to whether any of the circumstances described in sub-paragraph (i) or (ii) are an element of the offense or conduct of which or for which the person is charged or convicted; or

   b. Has one or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm.

2. You are currently charged with, or have pled or been found guilty of a felony in which you committed, attempted to commit, conspired to commit, or intended to commit a sex offense.

Accessing The DUI Court Program

You can apply for DUI Court or be referred by your attorney, the prosecuting attorney, the judge, your probation officer or your treatment provider. Following legal, clinical, and probation screening, your application for acceptance into the DUI Court Program will be submitted to the staffing team for acceptance or denial. If accepted into the DUI Court, your public defender or private attorney may continue to represent you, in a non-adversarial manner, during your 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 you will be required to sign a Multiparty Case Staffing and Open Court Hearings Consent Form.

Guilty Plea and Sentencing

If you agree to participate in the DUI Court, you must plead guilty to your DUI and be sentenced. At sentencing, the court will impose participation in DUI Court, to have an assessment and to comply with the recommendations of that assessment and will place you on probation. The most important probationary term is the successful completion of the DUI Court program. By

entering the program, the defendant agrees to a summary disposition by the judge of any violations of the program rules or requirements.

The advantage to the defendant in 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, or if the sentencing judge in a felony cases denies authorization of a restricted license, and 2) the defendant can seek to withdraw his or her guilty plea and have the charges dismissed upon successfully completing the program.

You will not be allowed to withdraw your guilty plea if you are terminated or withdraw from DUI Court. Instead, your case will be set for a formal probation violation hearing.

Program Rules

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

*** Attend All Ordered Treatment Sessions and Relapse Prevention Classes.**
This includes individual and group counseling, educational sessions, and other treatment programs including, but not limited to, domestic violence groups, parenting groups, continuing education, relationship/family counseling, victims' panels, etc. Unexcused absence from treatment sessions will result in a sanction.

*** Be On Time.**
If you are late for treatment, you may not be allowed to participate and will be considered to be non-compliant. You should always contact your counselor if there is a possibility that you may be late.

*** Appropriate Dress.**
As a participant, you will be expected to dress appropriately for court. Clothing and accessories bearing drug, alcohol or sexually related themes are considered inappropriate. Sleeveless shirts, belly shirts, and body piercing other than earrings will not be allowed in court. The judge alone decides if you are dressed appropriately for court.

*** Comply With All Probationary Terms And The DUI Court Contract.**

*** Do Not Make Threats Towards Other Participants, Treatment Providers Or Staff Or Behave In A Violent Manner.**
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 the DUI Court.

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

*** 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 Team prior to use. You may not consume over the counter products that contain alcohol or that alter your mood or perception. 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. A relapse could potentially extend the time you are in the program, or cause you to be expelled from the program.

*** Submit To Observed Testing.**
You will be tested throughout the entire program. During the first phase, you will be tested frequently and randomly. Breath tests, urinalyses, blood tests and other tests may be used. As you progress through the program, testing will be required on a less frequent basis. The DUI Court judge will have access to all testing results including any "stalls" or failure to test, and may order the DUI Court participant to submit to a test at any time. A "stall" is the inability to provide a urine specimen within 20 minutes of the request. A "stall", failure to test or to report, or appearing late to submit a urine test will be treated as a violation. Adulterated urine, which may include diluting, tampering, or falsifying, will be considered as a positive test and may result in termination from the program. The goal of the DUI court is to help you achieve recovery from alcohol and substance addiction; however, a positive breath or urine test will not automatically disqualify you from the program.

*** Honesty.**
Dishonesty concerning use will result in a more harsh sanction. The judge will review your actions and overall performance with the DUI Court staffing team to determine appropriate consequences.

*** 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 testing fees. Payment is due by the 15th of each month in advance or as arranged by agreement with the DUI Court team or the Probation Officer in regards to costs of supervision. Payment history will be reported to the judge as part of your regular progress report. Regular monthly payments must be made and ***all treatment and program fees must be paid prior to advancement to the next phase and/or graduation from DUI Court.***

PHASES

Phase 1 = 13 weeks (Minimum)

1. Report to DUI Court Coordinator and/or Probation Officer in person at least once a week or as directed.
2. Attend alcohol/drug counseling and/or 12-step meetings including approved support groups at least once daily, seven days a week as directed by the DUI Court Team and provide written verification.
3. Submit to random testing a minimum of three times a week or as directed by the probation officer or treatment provider
4. Attend DUI Courts at least once per week or as directed.
5. Obtain a sponsor and home group within six weeks of sign-up. Contact sponsor at least once per week and provide written verification as directed.
6. Pay a minimum $100.00 DUI Court fee and be current with other fees and fines. (Other fees and fines may include, but are not limited to, court fines, treatment fees, cost of supervision fees, and drug testing fees.)

7. Call in daily for alcohol/drug testing as directed.
8. Maintain employment or participate in continuing education as directed.
9. Participate in required classes or treatment programs.
10. Achieve Phase I competencies.

Phase II = 13 weeks (Minimum)

1. Report to DUI Court Coordinator and/or Probation Officer in person at least three times per month or as directed.
2. Attend alcohol/drug counseling and/or 12-step meetings, including approved support groups, a minimum of five days a week, as directed by the DUI Court Team and provide written verification.
3. Submit to random testing a minimum of twice a week or as directed.
4. Attend DUI Court at least three times per month or as directed.
5. Continue to contact sponsor at least once per week and provide written verification as directed.
6. Pay a minimum $100.00 drug court fee per month and be current with other fees and fines. (Other fees and fines may include, but are not limited to, court fines, treatment fees, cost of supervision and drug testing fees.)
7. Call in daily for alcohol/drug testing as directed.
8. Maintain employment or participate in continuing education as directed.
9. Participate in required classes or treatment programs.
10. Achieve Phase II competencies.

Phase III = 13 weeks (Minimum)

1. Report to DUI Court Coordinator and/or Probation Officer in person at least twice per month as directed.
2. Attend alcohol/drug counseling and/or 12-step meetings, including approved support groups, a minimum of four times a week, as directed by the DUI Court Team and provide written verification.
3. Submit to random testing a minimum of once a week or as directed.
4. Attend DUI court at least twice a month or as directed.
5. Continue to contact sponsor at least once per week and provide written verification as directed.
6. Each month pay a minimum $100.00 DUI Court fee and be current with other fees and fines. (Other fees and fines may include, but are not limited to, court fines, treatment fees, cost of supervision, and drug testing fees.)
7. Call in for alcohol/drug testing as directed.
8. Maintain employment or participate in continuing education as directed.
9. Participate in required classes or treatment programs.
10. Achieve Phase III competencies.

Phase IV - Continued Care

1. Report to DUI Court Coordinator and/or Probation Officer in person at least once a month.
2. Attend treatment or aftercare as directed.
3. Submit to random tests a minimum of once a week or as directed.
4. Attend DUI Court at least once a month.
5. Attend 12-step meetings including approved support groups a minimum of two days a week and provide written verification as directed.
6. Continue to contact sponsor on a regular basis and provide written verification as directed.

7. Pay a minimum $100.00 DUI Court fee per month and be current with other fees and fines. (Other fees and fines may include, but are not limited to, court fines, treatment fees, cost of supervision, and drug testing fees.)
8. Call in for alcohol/drug testing directed.
9. Meet all graduation requirements.
10. Achieve Phase IV competencies.

Probation Phase

1. Report to Probation Officer in person at least once a month as directed.
2. Submit to random tests as directed by the Probation Officer.
3. Attend 12-step meetings including approved support groups and provide written verification as directed by the Probation Officer.
4. Continue to contact sponsor on a regular basis and provide written verification as directed by the Probation Officer.
5. Call in for alcohol/drug testing as directed by the Probation Officer.
6. Comply with all standards and conditions of probation.

WAIVER OF RIGHTS IN THE DUI COURT

A. EX PARTE CONTACTS BY THE JUDGE.

Under ordinary circumstances, neither the prosecutor nor defense counsel is permitted to communicate with the judge about a case without the other lawyer being present. Further, no third person is allowed to speak to the judge about a case without the lawyers being present. Such communications are called ex parte contacts.

However, because it is a problem-solving court, a DUI Court judge is allowed limited ex parte communications concerning a 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.

B. WAIVER OF DUE PROCESS RIGHTS.

A DUI Court participant agrees to waive his or her due process rights concerning alleged violations of the DUI Court's terms and conditions. Specifically, a participant waives:

1. The right to notice of the grounds which are alleged to be violations of the DUI Court's terms and conditions.
2. The 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 the participant violated the DUI Court probation as alleged.
4. The right to confront the witnesses accusing the participant of a probation violation by asking them questions; to testify himself or herself; and to call witnesses on the participant's behalf.
5. The right against self-incrimination, meaning the court may ask questions of the participant concerning the alleged violation.

C. SUMMARY DISPOSITIONS AND SANCTIONS.

1. Dispositions. The participant consents to the DUI Court Judge entering summary dispositions against him or her concerning violations of the DUI Court rules. 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. The participant consents to the DUI Court judge imposing sanctions against him or her without the presence of defense counsel and/or the prosecutor. Even if they are present, the participant agrees that the judge need not hear the comments of the prosecutor and/or defense counsel prior to imposing sanctions against him or her. Prior to any sanctions being imposed, the participant will be allowed to speak to the judge to explain his or her position, to present matters in mitigation or otherwise make amends with the court.

3. Waiver Of Appeal. The participant waives any right to appeal any summary sanction imposed upon him or her in the DUI Court.

D. PROBATION VIOLATIONS AND EXPULSION FROM THE DUI COURT.

If the participant's expulsion from the DUI Court is sought or if the participant quits on his or her own accord, a formal petition of probation violation will be filed against the participant, specifically alleging how the participant violated the terms and conditions of DUI Court and seeking 1) the participant's expulsion from the DUI Court, and 2) the imposition of sentence for the DUI.

The Idaho Code of Judicial Conduct forbids the DUI Court judge from presiding over any proceedings filed against the participant concerning his or her probation violation, proposed expulsion from the DUI Court and/or the imposition of sentence. A new judge will be assigned to preside over any proceedings concerning the participant's probation violation, his or her expulsion from the DUI Court and the imposition of any sentence. Further, all the due process rights waived by the participant will be restored to the participant in the event that a formal probation violation petition is filed.

While probation violation or expulsion proceedings are pending against the participant, he or she shall continue to participate in the DUI Court until a final termination or expulsion order discharging the participant from the DUI Court is entered.

Graduation Requirements

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

- ✓ 6 consecutive months of sobriety;
- ✓ 6 months of steady employment, unless retired or disabled, a full time homemaker or a full-time student;
- ✓ Successful completion of all court-ordered treatment, including competencies;
- ✓ Maintain sponsor contact on a regular basis;
- ✓ Regular 12-step meeting or approved support group attendance;

- ✓ Completion of all specialized probation terms;
- ✓ Completion of high school diploma or GED, or attending ESL (English
- ✓ as a Second Language) classes, unless an exception is determined by the DUI Court Team.
- ✓ Must be current on payment of fines, restitution and treatment fees and cost of supervision.

Graduation

At graduation, your family will be invited to join in as the judge congratulates you on successfully completing the program and achieving your goal 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 will result in the dismissal of the charges.

Conclusion

The DUI Court program has been developed to help you achieve abstinence from alcohol and/or drugs. The program is designed to promote self-sufficiency and to return you to the community as a productive and responsible citizen. The judge, probation officer, treatment provider, and community resources are present to guide and assist you, ***but the final responsibility is yours*.**

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 Phone Numbers

DUI Court Coordinator	*208-*735-4393
DUI Court Felony Probation Officer (as assigned)	*208-*736-3080
DUI Court Probation Officer (Jerome)	*208-644-2668*
DUI Court Probation Officer (Mini-Cassia)	*208-878-7361*
DUI Court Probation Officer (Twin Falls)	736-4230 Ext. 2316

Return to Steve Conger at the DUI Court Coordinator's Office when complete.

In this next section please complete everything that applies, there will be some questions that you may not understand – those do not apply to you, so leave them blank. Please be honest as you complete this questionnaire. What you say, or don't say, here will determine if you are eligible to participate in the DUI Court Program. All of your answers will be treated as personal and confidential and will not be shared with anyone. The results (a numerical score) is the only thing that will be given at the DUI Court Staffing.

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DUI Court Potential Client Package

Last Name: _____

First Name: _____ Full Middle Name: _____

Date of Birth: _____ Social Security Number: _____

Driver's License Number: _____ Marital Status: _____

Address of Residence: _____

Mailing Address (if different): _____

City: _____ State: _____ Zip Code: _____

Telephone Numbers: Home _____ Cell _____

Height: _____ Weight: _____ Color Hair: _____ Color Eyes: _____

Race: _____

Work: _____

Job Title: _____

City: _____ Phone Number: _____

Are you a veteran? (Have you served in the military?) YES / NO

What prior convictions do you have?

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

How did you hear about DUI Court?

Have you observed a DUI Court class? YES / NO

Who is your attorney? _____

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Level of Service Inventory (LSI) Questionnaire

Criminal History (Adult and Juvenile)

1. Any prior adult convictions? (Includes Misdemeanors and Felonies) No | Yes
    a. Not including the current offense(s) that you are on probation/parole for, how many prior adult convictions do you have? _____
2. Two or more prior convictions? (Any number of offenses dealt with at the same time or when one sentence equals on conviction.) No | Yes
3. Three or more prior convictions? No | Yes
4. Three or more present offences? No | Yes
    a. How many? _____
5. Were you arrested under the age of 16? No | Yes
6. Ever incarcerated upon conviction? No | Yes
    a. When you were convicted of a crime (including Probation Violations), did you serve time after the judge pronounced you guilty? (Don't include time you served while you were waiting for sentencing.) No | Yes
    b. Were you ever incarcerated for unpaid fines or fees? No | Yes
7. Escape history from a correctional facility?
    a. Have you ever escaped or tried to escape from a youth or adult correctional facility or institutional facility? No | Yes
8. Ever been punished for institutional misconduct?
    a. Have you had any DOR's? No | Yes
    How many? _____
    Were any officially dismissed? No | Yes
    b. Have you ever been written up for misconduct while in jail? No | Yes
    How many times? _____
    Were any officially dismissed? No | Yes
9. Charge laid or probation/parole suspended during prior community supervision?
    a. Has your parole or probation ever been revoked? No | Yes
    b. Have you ever served discretionary jail time? No | Yes
    c. While on probation or parole, have you had a probation or parole violation and bonded out of jail? No | Yes

d. Have you ever had a probation violation? No | Yes

e. Have you ever been on the County Work Program? No | Yes

10. Do you have an official record of assault or violence? (Harm, Potential Harm, or Threat of Harm.)

a. Have you had any prior or current assaultive/violent offenses or violent misconduct either as an adult or juvenile? No | Yes

How many? _____

b. Have you ever used a weapon to commit a crime that you were convicted of? No | Yes

c. Have you ever threatened anyone with harm in a crime you were convicted of either physically or psychologically? No | Yes

d. What was the actual crime called that you were convicted of?

_____

f. Have you ever been charged with an assaultive or violent crime but not convicted? No | Yes

What offense? _____

_____

g. Are you currently being charged with a violent crime but your case are still before the judge and have not been adjudicated yet? No | Yes

Education/Employment

When in the labor market:

11. Currently unemployed?

Are you currently employed? No | Yes

a. If you are, where are you employed?

_____

b. How long have you been employed there? _____

12. Frequently unemployed?

a. Are you working right now? No | Yes

If 'Yes' how many hours a week are you working? _____

b. Were you employed before going to jail/prison? No | Yes
c. Do you like working? No | Yes
d. Do you do a good job? No | Yes
e. Do you want to change jobs? No | Yes
f. Do you get regular pay raises? No | Yes
g. Are your evaluations favorable? No | Yes
h. How often do you call in sick? _____
i. How often are you late? _____

13. Never employed for a full year? No | Yes
14. Ever fired? No | Yes

School or when in school:

15. Less than regular grade 10? No | Yes
16. Less than regular grade 12? No | Yes
17. Suspended or expelled at least once? No | Yes
18. Participation/performance. When you are at work:
    a. Do you like/respect your boss? No | Yes
    b. Do you seek his/her opinions on personal matters? No | Yes
    c. Do you willingly follow orders? No | Yes
    d. Do you frequently argue with the boss? No | Yes
    e. Do you think the boss treats others better than he/she treats you? No | Yes
19. Peer Interactions
    a. Did you get along with fellow students at school? No | Yes
    b. Did you talk to them or eat lunch with them? No | Yes
    c. Did you have some friends in school? No | Yes
    d. Did you have a lot of friends in school? No | Yes
    e. Did you have a best friend while in school? No | Yes
    f. Did he/she go to school also? No | Yes
    g. Did you get into fights or arguments at school? No | Yes
    If 'Yes' how often? _____
    h. Were you popular? No | Yes

i. Did you like to be by yourself? No | Yes
j. Did you resent being in school? No | Yes
k. Do you get along with the people you work with? No | Yes
l. Do you like the people you work with? No | Yes
m. Do you go to lunch with them or confide in them? No | Yes
n. Do you ever do anything with them on your off hours? No | Yes
o. Do you like helping them with their work? No | Yes
p. Do you ever argue with the people you work with? No | Yes
q. Would you rather they would just leave you alone? No | Yes

20. Authority Interactions

a. Did you like/respect your teachers? No | Yes
b. Did you talk with them about the subject they taught? No | Yes
c. Did you talk with them about any personal problems? No | Yes
d. Did you argue with your teachers? No | Yes
e. Did you go to the principal's office often? No | Yes
f. Were you ever a discipline problem? No | Yes

Financial

21. Problems

With reference to the household in which you are now living (or were living in at the time before your incarceration), think about the following:

a. Do you have a long pattern of self-sufficiency? No | Yes
b. Do you have any current money problems? No | Yes
c. Are your money problems situational or just minor? No | Yes
d. Are your money problems manageable? No | Yes
e. Are you under stress because of your money problems? No | Yes

22. Reliance upon social assistance

Do you currently rely on Welfare, Worker's Comp, Unemployment, or disability?

No | Yes

Family/Marital

23. Dissatisfaction with marital or equivalent situation

a. Are you currently dissatisfied with your marital equivalent situation? No | Yes

b. Is your relationship uncaring, unpleasant, hostile or violent? No | Yes
c. If you are single, do you like being that way? No | Yes
d. Would you rather be married? No | Yes

24. Non-rewarding, parental
    a. Do you visit your parents or write to them? No | Yes
    b. Do you greet them with a hug and/or a kiss? No | Yes
    c. Are they helpful with the problems you may have? No | Yes
    d. Do you argue with them? No | Yes
    e. Is your relationship unpleasant or uncaring? No | Yes
    f. Do you care what your parents think of you? No | Yes
    g. Have you ever hated your parents? No | Yes
25. Non-rewarding, other relatives
    a. Do you get along with your other relatives, i.e. Brothers, Sisters, Grandparents, Aunts, Uncles, Cousins, and In-laws that you regularly see? No | Yes
    b. Is your relationship uncaring, unpleasant, hostile or violent? No | Yes
    c. Are they helpful with the problems you may have? No | Yes
    d. Do you argue with them? No | Yes
    e. Is your relationship unpleasant or uncaring? No | Yes
    f. Do you care what your parents think of you? No | Yes
    g. Have you ever hated your parents? No | Yes
26. Criminal-Family/Spouse
    a. Does anyone in your family (Parent, Sibling, Spouse, or close relative) have a criminal record? No | Yes

Accommodation

27. Unsatisfactory.
    a. Do you have a fixed address? No | Yes
    b. Do you like the place where you live? No | Yes
    c. Do you take pride in your home and like to live there? No | Yes

d. Do you work out in the yard and/or keep it well groomed?

No | Yes

e. Do you plan to move? No | Yes

f. If yes,

when? _____

why? _____

28. Three or more address changes No | Yes

a. In the last year, how many times have you moved? _____

29. High crime neighborhood? No | Yes

Leisure/Recreation

When in the community:

30. Absence of recent participation in an organized activity

a. Have you belonged to any organizations such as sport clubs, teams, church in the last twelve months? No | Yes

b. If you attend AA, NA, etc. what is your motive, i.e. are you doing it just because you have been ordered to attend? No | Yes

Do you attend their regular meetings? No | Yes

31. Could make better use of time

a. Do you have any hobbies? No | Yes

b. If you have hobbies, are they rewarding? No | Yes

c. In your off time, are you active or do you sit around? Sit | Active

d. Are you often bored? No | Yes

Companions

32. A social isolate

a. Do you have a lot of friends? No | Yes

b. Do you isolate yourself from your friends? No | Yes

c. Do you enjoy doing things with your friends? No | Yes

d. Do you prefer to be on your own? No | Yes

33. Some criminal acquaintances

a. Do you know anybody who has been in trouble with the law? No | Yes

b. Have any of your close friends been in trouble with the law? No | Yes

34. Some criminal friends
    a. Have any of your friends ever been involved in crime or with the law?
       No | Yes
35. Few anti-criminal acquaintances
    a. Do you have a least one friend who doesn't have a criminal background?
       No | Yes
    b. Do all your friends have criminal backgrounds or been involved in illegal activities?
       No | Yes
36. Few anti-criminal friends
    a. Are any of your friends not involved in criminal activities? No | Yes

Alcohol/Drug Problem

37. Alcohol problem, ever
    a. Have you ever had an alcohol problem? No | Yes
    b. During your heaviest usage, how often did you drink? No | Yes
    c. How much did you drink? _____
    d. What was your drink of choice? _____
    e. When did you first start drinking? _____
    f. When was the last time you drank? _____
    g. Do you regard your drinking as a problem? No | Yes
    h. Has it ever caused you to lose a job or a marriage? No | Yes
38. Drug problem, ever
    a. Have you ever had a drug problem? No | Yes
    b. Do you have a drug problem now? No | Yes
    c. During your heaviest usage, how much did you use? _____
    d. What was your drug of choice? _____
    e. When did you first start using? _____
39. Alcohol problem, currently
    a. In the last year did you have a drinking problem? No | Yes
    b. Do you have an alcohol problem now? No | Yes
    c. When you are drinking are you mellow, violent, loud, rude, fight? No | Yes
40. Drug problem, currently

a. Within the last year have you used drugs? No | Yes
b. How much do you use in an average week? _____
c. Do you need treatment? No | Yes
d. Would you call yourself a controlled or recreational user? No | Yes

41. Law violations
    a. Has your drug or alcohol use contributed to any law violations? No | Yes
    b. Were you 'high' or under the influence when you committed your present crime? No | Yes
    c. Did you sell drugs or commit crimes to support a habit? No | Yes
    d. Have you had any parole/probation violations because you used drugs/alcohol? No | Yes

42. Marital/Family
    a. Has alcohol or drugs ever contributed to any family or marital problems? No | Yes
    b. Does your family complain about your use? No | Yes
    c. Have you ever been kicked out of your house because of your use? No | Yes

43. School/Work
    a. Have drugs or alcohol ever contributed to problems with school or employment? No | Yes
    b. Has a hangover ever prevented you from going to school or work? No | Yes
    c. Have you missed a lot of school or work due to drug or alcohol? No | Yes
    d. Have you ever been fired from work because of them? No | Yes

44. Medical
    a. Has a medical doctor ever told you about a drug or alcohol problem? No | Yes
    b. Do you think you have a drug or alcohol problem? No | Yes

45. Other indicators
    a. How often do you use drugs? _____
    b. What quantity do you use in one day? _____
    c. Have you suffered financial difficulty because of your drug use? No | Yes

d. Do you drink when you first get up in the morning? No | Yes

e. Have you been to a detox center? No | Yes

f. Do you experience blackouts? No | Yes

Emotional/Personal

46. Moderate interference

a. Do you worry very much? No | Yes

b. Do you have insomnia? No | Yes

c. Would you say you are generally depressed? No | Yes

d. Has a medical doctor prescribed medication for depression? No | Yes

e. Are you currently taking medication? No | Yes

f. Do you think your life is effective because of depression? No | Yes

47. Sever interference, active psychosis

a. Has a medical doctor ever diagnosed you with any type of mental illness?

No | Yes

b. Did your doctor name this mental illness? No | Yes

What is it? _____

c. If he prescribed medication, what type? _____

d. Do you experience periods of intense anger? No | Yes

e. Do you sweat excessively? No | Yes

48. Mental health treatment, past

Have you ever been to a therapist or counselor? No | Yes

a. What did they treat you for (drugs, alcohol, marital, emotional, etc.)

_____

49. Mental health treatment, present

Are you currently in counseling? No | Yes

a. For what? _____

50. Psychological assessment indicated

a. Do you have trouble in your interactions with people? No | Yes

b. Do you feel good about yourself? No | Yes

c. Are self-starter? No | Yes

d. Once you start a job do you usually finish it? No | Yes

e. When someone says something to you that you do not like, or agree with, do you tell them? No | Yes

f. When someone asks you to do something you really don't want to do, do you do it anyway? No | Yes

g. When you know something is wrong, but you think you can get away with it, would you do it? No | Yes

h. Generally, are you angry with yourself or others? No | Yes

i. Do you have fears that nag you all the times? No | Yes

j. Do you ever hear voices talking to you? No | Yes

Attitudes/Orientation

51. Supportive of crime

a. How do you feel about the crimes you've committed?

b. Do you think it was wrong? No | Yes

c. Do the cops always single you out? No | Yes

d. Do you feel sympathy for victims? No | Yes

e. Do you feel that the person got what they deserved? No | Yes

f. Do you feel you were justified in doing your crime? No | Yes

g. Was this crime your fault? No | Yes

52. Unfavorable toward convention

a. Do you understand why society has to have laws to protect us? No | Yes

b. Would you like to lead a life without crime? No | Yes

c. Do you believe in obeying the law? No | Yes

d. How important is education in life? Very Its OK Not very

e. How important is it to have a job? Very Its OK Not very

f. Do you have family that helps you out? No | Yes

g. Do you do any of the following? School, Work, Study, Family, Sports.

_____

h. Would you say that your drinking is controlled? No | Yes

i. Do you feel good about the things you have accomplished in your life? No | Yes

j. Do you care what others think? No | Yes

53. Poor, toward sentence
    a. Was your sentence appropriate/fair? No | Yes
54. Poor, toward supervision
    a. Do you feel that the supervision you are being placed under is appropriate and fair? No | Yes
    b. Do you intend to cooperate and seek assistance for significant problems? No | Yes
    c. Is your probation officer fair and reasonable? No | Yes

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To be completed with Attorney-must be eFiled with Court Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF

JEROME – MINI-CASSIA – TWIN FALLS

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 Fifth District 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 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 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 _____, 2018.

_____	_____
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.

An Application for DUI Court shall be made at the time the defendant's case is set for Sentencing and/or Disposition on a Probation Violation so as not to delay the date set for Sentencing or Disposition.[1] Defense Counsel will check the appropriate application status (adult felony or misdemeanor, on the application).

The Application to Participate, Guilty Plea Questionnaire and Notification of Penalties must be eFiled with the Courts. The DUI Court Contract and LSI-R Questionnaire need to be delivered to the DUI Court Coordinators Office.

[1] A sentencing judge may Order a DUI Court application at the time of sentencing, disposition on a probation violation or at a Rider Review hearing where the sentencing judge has placed a defendant on probation with DUI Court as a term and condition of probation without prior application to DUI Court for eligibility determination.

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____, 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

By _____
Deputy Clerk

To be completed with Attorney – return to Coordinator's Office

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 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 misdemeanor 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.

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 reimburse the DUI Court $100 ?? per month, in advance, 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.

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 any testing for alcohol or controlled substances, including blood, urine and/or breath tests, or attempt to do so.

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 at 7:00 a.m. on Wednesday morning in Twin Falls in the Theron Ward Judicial Annex and Thursday morning in Jerome in the Jerome County Courthouse, both at 7 a.m. At the staffing, 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 7:30 a.m. on Wednesday mornings in the Theron Ward Judicial Annex in Twin Falls, Idaho and on Thursday mornings in Jerome County Courthouse in Jerome, Idaho, and on Friday in the Cassia 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, and 2) 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, 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

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DUI Court Potential Client Package

To be completed with Attorney – eFile with Court

FIFTH JUDICIAL DISTRICT COURT, STATE OF IDAHO
IN AND FOR THE COUNTY OF TWIN FALLS
427 Shoshone Street North
Twin Falls, Idaho 83301

STATE OF IDAHO	)	
Plaintiff,	)	
vs	)	Case No: CR_____-_____
_____	)	
_____	)	**NOTIFICATION OF PENALTIES**
_____	)	**FOR SUBSEQUENT VIOLATION**
Defendant.	)	**OF DRIVING UNDER THE INFLUENCE**
DOB: _____	)	
DL or SSN: _____	)	

YOU ARE HEREBY NOTIFIED that if you plead guilty to or are found guilty of driving under the influence in the future, the penalties will be as follows:

A SECOND DUI VIOLATION within ten (10) years, including withheld judgments, is a *MISDEMEANOR* and you:
1. Shall be sentenced to jail for a mandatory minimum period of not less than ten (10) days, the first forty-eight (48) hours of which must be consecutive, and five days of which must be served in jail, and may be sentenced to not more than one (1) year; and
2. May be fined up to Two Thousand Dollars ($2000.00); and
3. Shall surrender your driver□s license to the court; and
4. Shall have your driving privileges suspended for a minimum one (1) year during which absolutely no driving privileges of any kind may be granted; and
5. Shall drive only a motor vehicle equipped with a functioning ignition interlock system, following the one (1) year license suspension period.

TWO DUI VIOLATIONS when both violations involve an alcohol concentration of 0.20 or above, within five (5) years; **A THIRD DUI VIOLATION** within ten (10) years; or a **SUBSEQUENT DUI VIOLATION** with a previous felony DUI or aggravated DUI within fifteen (15) years; including withheld judgments, is a **FELONY** and you:

1. (a): Shall be sentenced to the State Board of Corrections for not more than five (5) years for **TWO DUI VIOLATIONS** involving an alcohol concentration of 0.20 or above. But if the Court imposes a jail sentence instead of the state penitentiary, it shall be for a minimum period of not less than thirty (30) days: or

   (b): Shall be sentenced to the State Board of Corrections for not more than ten (10) years for a **THIRD DUI VIOLATION** within ten (10) years or **SUBSEQUENT DUI VIOLATION** with a previous felony DUI or aggravated DUI within fifteen (15) years. But if the Court imposes a jail sentence instead of the state penitentiary, it shall be for a minimum period of not less than thirty (30) days, the first forty-eight (48) hours of which must be consecutive, and ten (10) days of which must be served in jail; and

2. May be fined up to Five Thousand Dollars ($5000.00); and
3. Shall surrender your driver's license to the court; and
4. Shall have your driving privileges suspended for at least one (1) year and not more than five (5)

years following your release from imprisonment during which time you shall have absolutely no driving privileges; and

5. Shall drive only a motor vehicle equipped with a functioning ignition interlock system, following the (1) year license suspension period.

I HAVE READ THIS ENTIRE DOCUMENT; I HAVE HAD IT EXPLAINED TO ME; AND I HAVE RECEIVED A COPY.

Dated: _____

_____
Defendant

DUI Court Potential Client Package

Keep this copy for your records.

FIFTH JUDICIAL DISTRICT COURT, STATE OF IDAHO
IN AND FOR THE COUNTY OF TWIN FALLS
427 Shoshone Street North
Twin Falls, Idaho 83301

STATE OF IDAHO	)	
Plaintiff,	)	
vs	)	Case No: CR_____-_____
_____	)	
_____	)	**NOTIFICATION OF PENALTIES**
_____	)	**FOR SUBSEQUENT VIOLATION**
Defendant.	)	**OF DRIVING UNDER THE INFLUENCE**
DOB: _____	)	
DL or SSN: _____	)	

YOU ARE HEREBY NOTIFIED that if you plead guilty to or are found guilty of driving under the influence in the future, the penalties will be as follows:

A SECOND DUI VIOLATION within ten (10) years, including withheld judgments, is a *MISDEMEANOR* and you:
1. Shall be sentenced to jail for a mandatory minimum period of not less than ten (10) days, the first forty-eight (48) hours of which must be consecutive, and five days of which must be served in jail, and may be sentenced to not more than one (1) year; and
2. May be fined up to Two Thousand Dollars ($2000.00); and
3. Shall surrender your driver□s license to the court; and
4. Shall have your driving privileges suspended for a minimum one (1) year during which absolutely no driving privileges of any kind may be granted; and
5. Shall drive only a motor vehicle equipped with a functioning ignition interlock system, following the one (1) year license suspension period.

TWO DUI VIOLATIONS when both violations involve an alcohol concentration of 0.20 or above, within five (5) years; **A THIRD DUI VIOLATION** within ten (10) years; or a **SUBSEQUENT DUI VIOLATION** with a previous felony DUI or aggravated DUI within fifteen (15) years; including withheld judgments, is a **FELONY** and you:

2. (a): Shall be sentenced to the State Board of Corrections for not more than five (5) years for **TWO DUI VIOLATIONS** involving an alcohol concentration of 0.20 or above. But if the Court imposes a jail sentence instead of the state penitentiary, it shall be for a minimum period of not less than thirty (30) days: or

   (b): Shall be sentenced to the State Board of Corrections for not more than ten (10) years for a **THIRD DUI VIOLATION** within ten (10) years or **SUBSEQUENT DUI VIOLATION** with a previous felony DUI or aggravated DUI within fifteen (15) years. But if the Court imposes a jail sentence instead of the state penitentiary, it shall be for a minimum period of not less than thirty (30) days, the first forty-eight (48) hours of which must be consecutive, and ten (10) days of which must be served in jail; and

2. May be fined up to Five Thousand Dollars ($5000.00); and
3. Shall surrender your driver's license to the court; and
4. Shall have your driving privileges suspended for at least one (1) year and not more than five (5)

years following your release from imprisonment during which time you shall have absolutely no driving privileges; and

5. Shall drive only a motor vehicle equipped with a functioning ignition interlock system, following the (1) year license suspension period.

I HAVE READ THIS ENTIRE DOCUMENT; I HAVE HAD IT EXPLAINED TO ME; AND I HAVE RECEIVED A COPY.

Dated: _____

_____
Defendant

To be completed with Attorney – eFile with Court

GUILTY PLEA QUESTIONNAIRE
Fifth Judicial District DUI Court

NAME: _____ CASE #_____

ADDRESS: _____ DOB:_____

Married: YES / NO Children: YES / NO Do they reside with you? YES / NO

1. What schooling have you completed?_____

2. Do you read the English Language? YES / NO

3. Have you ever been treated or counseled for mental illness, disease or disorder? YES / NO
   Are you at this time receiving treatment for the same? YES / NO
   When and where were you last treated or counseled?_____

4. Are you presently addicted to the use of alcohol or drugs? YES / NO _____

5. Have you taken any alcohol, drugs or medication within the last 48 hours? YES / NO
   If you answered yes, when was the last time you used and what was it? _____

   Do you feel that this impairs your ability to understand these questions or to understand the information given to you by your attorney or by the Court? YES / NO

6. Have you been represented by an attorney at all stages of these proceedings? YES / NO
   What is your attorney's name? _____

   Have you had enough time to discuss all of the ramifications of this case with your attorney? YES / NO

   Have you fully discussed all the facts and circumstances surrounding the charges(s) against you with your attorney? YES / NO

   Has your attorney discussed fully with you the nature of the charges against you, your involvements with the crime, your arrest, the elements of the crime, your constitutional rights, any defenses (legal or otherwise) you may have to the charges and possible consequences of your guilty plea? YES / NO

   Has your attorney discussed your Constitutional and Civil rights with you? YES / NO

   Are you satisfied with your attorney's services? YES / NO
   Do you feel that you have been adequately and competently represented by your attorney? YES / NO

7. Do you claim any violation of your Constitutional or Civil rights? YES / NO

8. What crime(s) are you accused of committing? _____
9. Do you understand you have the following Constitutional Rights, relating to the charge(s) against you? YES / NO
   a. to the presumption that you are innocent until proven by the state beyond a reasonable doubt to be guilty?
   b. to a speedy and public trial by jury?
   c. to a jury trial where the State must convince all jurors of your guilt beyond a reasonable doubt?
   d. to present evidence in your own behalf?
   e. to the process of the Court to compel the attendance of witnesses to testify in your behalf?
   f. to remain silent and not to make any statement to the Court or to any person (including any law enforcement officer, policeman or other official) that will incriminate you, or in any way help to prove the charged crime(s) against you?
   g. to require that all persons who have accused you of a crime appear in Court and be questioned under oath?

10. Do you realize that if you enter a plea of guilty that you give up your above-listed rights in Question #9, which are constitutional rights under the 4th, 5th, and 6th Amendments to the Constitution of the United States and similar rights under the Idaho Constitution? YES / NO

11. Has any person (including a law enforcement officer or policeman) threatened you or done anything to make you enter this plea against your will? YES / NO

12. Has any person promised you that you will receive any special sentence, reward, favorable treatment or leniency with regard to the plea you are about to enter? YES / NO

    If your answer is yes, what promises have been made and by whom? _____

13. Do you understand the only person who can say what sentence you will receive is the Judge? YES /NO

14. Are you a resident of the Fifth Judicial District? YES / NO What city? _____

15. Do you admit that you are guilty of the acts and conduct charged in the uniform citation? YES / NO

16. Do you hereby admit your guilt and have therefore instructed your attorney not to raise any defense(s) as to your involvement or whether you committed this crime(s)? YES / NO

17. Have you answered all questions on this questionnaire truthfully and of your own free will? YES / NO

18. Is it still your desire to enter a guilty plea at this time? YES / NO

19. Do you swear under penalty of perjury that your answers to these questions are true and correct? YES / NO

20. Are you pleading GUILTY to the charged crime(s) in the uniform citation freely and voluntarily? YES / NO

21. Do you wish to participate in the Fifth Judicial District DUI Court Program and abide by all the terms and conditions of the program as outlined in the Participant Handbook and Agreement? YES / NO

    Have you executed the Participant Agreement? YES / NO

22. Have you discussed this decision with your attorney? YES / NO

    Do you understand the consequences of entering into the program? YES / NO

    Do you freely and voluntarily agree to such consequences? YES / NO

23. Do you understand that participation in this program is voluntary and that the sentence for the guilty plea you have entered will be deferred while you participate in the DUI Court program? YES / NO

24. Do you understand that if you successfully complete the DUI Court program that your guilty plea will be withdrawn and your charge for which you entered the DUI Court program will be dismissed? YES / NO

25. Do you understand that you may not withdraw your guilty plea during this program other than at the time of your successful completion in the DUI Court Program? YES / NO

26. Do you understand that, if for any reason you fail to successfully complete the DUI Court program, you will at that time have the right to have your private or court-appointed attorney represent you and be dispositional for the guilty plea you have just entered? YES / NO

27. Have you consented to the disclosure of your confidential mental health/medical/substance abuse treatment information by completing the consent form? YES / NO

28. Do you understand that if time in custody is used as a sanction against you while in the DUI Court program none of such time can be used as a credit against the jail time you may receive if a conviction and sentence are entered for noncompliance in the program? YES / NO

29. Do you understand that you are waiving any and all rights to appeal your dismissal from the DUI Court program or any sanctions imposed during the program. Do you understand and consent to the Court being the sole authority for determining such dismissal and sanctions? YES / NO

I have answered the questions on pages 1, 2 and 3 of this Questionnaire truthfully. I understand all of the questions and answers herein. I have discussed each question and answer with my attorney and have completed this Questionnaire freely and voluntarily. Furthermore, no one has threatened me to do so.

Dated this ____ day of _____, 20___. _____
Defendant

I hereby acknowledge that I have discussed, in detail, the foregoing questions and answers with my client.

Dated this ____ day of _____, 20___. _____
Attorney

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Return to Steve Conger at the DUI Court Coordinator's Office when complete.

Choice Information and Verification Form
For Jerome DUI Court.

Having Options:

You have the right to go where you like for treatment but the Problem Solving Court Standards and Guidelines mandate that we use one primary treatment facility that is approved by the Idaho Department of Health and Welfare and who have been approved by the Idaho Supreme Court.

Choice is Independent

The choice is up to you! Service providers will not pressure or influence your decision.

By signing this form, I agree that:

- I have been informed of the different treatment options available to me and have been provided a list of available service providers.
- If I would like to change at any time, I can do so by discussing it with my provider or calling 1-800-922-3406.
- I understand that I have a choice in providers and my choice of provider(s) is (please list provider name and address):

Valley Community Counseling,

215 West Yakima Street, Suite 4, Jerome, Idaho 83338

208-595-2284

Client Signature: _____ Date: _____

Coordinator Signature:_____ Date: _____

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Return to Steve Conger at the DUI Court Coordinator's Office when complete.

Choice Information and Verification Form
For Cassia County and Twin Falls DUI Courts.

Having Options:

You have the right to go where you like for treatment but the Problem Solving Court Standards and Guidelines mandate that we use one primary treatment facility that is approved by the Idaho Department of Health and Welfare and who have been approved by the Idaho Supreme Court.

Choice is Independent

The choice is up to you! Service providers will not pressure or influence your decision.

By signing this form, I agree that:

- I have been informed of the different treatment options available to me and have been provided a list of available service providers.
- If I would like to change at any time, I can do so by discussing it with my provider or calling 1-800-922-3406.
- I understand that I have a choice in providers and my choice of provider(s) is (please list provider name and address):

Preferred Child and Family Services
284 Martin Street, Twin Falls, Idaho 83301
208-733-7186

Preferred Child and Family Services
2271 Overland, Burley, Idaho 83318
208-878-3423

Client Signature: _____ Date: _____

Coordinator Signature:_____ Date: _____

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