



# DUI COURT

LANCASTER COUNTY, NEBRASKA

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## PARTICIPANT MANUAL

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## Welcome to the Lancaster County DUI Court

Members of the DUI Court Team have put together this handbook to assist you in understanding the program. It will answer some of the questions you may have throughout the program.

The DUI Court Team consists of individuals (a DUI Court Judge, a Prosecuting Attorney, a Public Defender, the DUI Court Coordinator, Alcohol and Drug Testing Coordinator, Supervision Officer(s), Law Enforcement, and Treatment Providers) who work together to assess and assist participants as they work their way through DUI Court.

We know this is not just your third or fourth time driving intoxicated. DUI has been a common occurrence in your life. The total number of drinking and driving related incidents may well be above 500 with some in the thousands for DUI participants. According to a 2011 CDC study regarding DUI, they found a drunk driver will drive 80 times before their first arrest. Within that same study, they found the highest rate of DUI occurs in the Midwest states, with Nebraska ranking second highest in the nation. Per a 2017 Nebraska DOT study, Lancaster County ranks first in the state for the highest rates of alcohol related crashes. DUI is a serious offense that puts our communities in danger in Lancaster County.

Our goal with this court is to keep the local community safe and provide you with a lifestyle free of alcohol and substance abuse. As you progress in this program, we'll give you the tools necessary to make positive lifestyle changes that keep our communities safe and keep you sober. Because the program is voluntary, your participation is completely your choice. This means that although the DUI Court Team is here to assist and guide you, how much you progress in the program is your responsibility. You must take the steps necessary to walk away from the life you once lived. We know that the journey you are about to embark upon will be difficult but the DUI Court Team is here to help you and to give support along the way. We want you to succeed in making positive changes in your life.

As a participant in the program, you will be expected to follow the orders given by the DUI Court Judge. You will also be expected to follow the direction of your Supervision Officer and to comply with your DUI Court bond conditions. The rules and procedures presented here will give you general information about the program. It is your responsibility to ask questions regarding anything you do not understand.

This will be a life changing program, and we're excited for you to be a part of this program. Share this handbook with people you can count on for support. By doing so, you will be helping them understand what you will be doing to work on your recovery. It will also show them that you have made a commitment to change your life.

*As a participant in DUI Court, you will be expected to act in accordance with the following conditions at all times. The conditions listed in this section are conditions of your bond and other requirements of the program. Failure to comply with these conditions is not merely a program violation but a violation of your bond and may result in bond revocation. This list may be added to or revised at any time. You will be notified of any changes and may be required to sign a court document with change(s) to your DUI Court bond.*

1. DUI Court Treatment & Programming Requirements

Treatment is a requirement of the DUI Court program. You will be required to participate in the level of recommended care per your substance abuse evaluation. Failure to attend treatment will result in a sanction. The level of progress in treatment is up to you. Only you can decide to take home the tools the treatment programs will teach you and put them to use. It's our intention that you use the tools the rest of your life to sustain sobriety. Additionally, you will be tasked in later phases to attend programs that will address cognitive behavioral classes, such as MRT and Thinking for A Change. Your Supervision Officer will work with you on when to begin those classes as they are strategically placed in certain phases to support your alcohol and substance abuse treatment programs. Additionally, a Victim Impact Panel approved by our court will be required. Again, this class will be at a portion in the program determined between you and your Supervision Officer, likely in a later phase of the program. You will be responsible for payments for these programs, with sliding fee scales offered for the treatment courses.

2. Alcohol and Drug Testing

The DUI Court uses various means of evidence-based alcohol and drug testing. Participants in the DUI Court program will be required to complete an extensive testing for alcohol to ensure sobriety. There's a section of this manual dedicated to discussing this further.

3. You Must Obey All Local, State and Federal Laws

If you are cited for a new criminal offense after being accepted into the program, the DUI Court Team will review the police reports to determine whether there is probable cause to believe you have committed a crime. If there is, you will be sanctioned **with a possibility of termination following the filing of an alleged DUI court violation.** A goal of the DUI Court program is to reduce repeated driving under the influence, as well as other illegal behaviors, and providing participants the tools to change their behavior will aid them in living a lifestyle where they are making responsible choices that keep our communities safe.

4. Honesty is Required at All Times

DUI Court could not be clearer on this matter: **we require honesty at all times.** It is within your control to be honest and your successful participation in this program requires it. The DUI Court is a life changing program for those that want change in their life, and honesty is a critical to changing people's behavior. The DUI Court Team realizes that recovery from alcohol and drug addiction is difficult, but we expect you to be honest about the difficulties you are having. Open, honest communication will allow the DUI Court Team to help you in ways that will lead you to graduate from the program.

## 5. Transportation Plan

DUI has many consequences, one of those being limited transportation options because of the choice to drive intoxicated. You will be required to create your own transportation plan and present that to your Supervision Officer and the DUI Court team. This responsibility is put entirely on you. No individuals on the DUI Court team will solve this problem for you, as you must take ownership that your limited transportation is a result of you choosing to drive intoxicated. This transportation plan must be approved by the DUI Court team and is subject to change based on their requirements and approval.

## 6. Support Meetings Requirements

Many of you have probably sat in an AA/NA meeting before. Many of you may not have as well. Maybe you prefer Smart Recovery or another recovery specific support program. We're here to support your recovery and a condition of this program is to require support meetings. Studies find support meetings are a critical component to DUI Court programs and confirmed attendance will be required. You must present a meeting card (available at the Supervision Office) to your Supervision Officer during office appointments. Come prepared to those meetings with your Support Meeting cards. A list of meetings is available upon request to your Supervision Officer.

## 7. Possession of Any Alcohol, Controlled Substance

The possession of alcohol, illegal drugs, or prescribed narcotic medication without the written permission of the DUI Court Coordinator, even if it has been prescribed for you by a physician, or dentist, is a program violation. Under no circumstance, except in the case of a true medical emergency, should you begin taking a narcotic medication without prior approval of your Supervision Officer. You will be required to present appropriate medical documentation regarding medical emergencies if narcotic medications were administered to you.

To truly break the cycle of addiction, alcohol cannot be a continued temptation for you to use.

**Alcoholic beverages or illegal drugs will not be allowed in your residence, your vehicle, or anywhere you spend significant amounts of time (family member's house as example).**

Removing alcohol from your life completely is a critical step towards your sobriety. If alcohol is located, it will be considered a violation of the program. Family members and roommates must be advised of this condition for your DUI Court program, no alcohol is allowed. Period.

The following is a list of SOME products which frequently contain alcohol. This is not an exhaustive list but a sample of items.

- Cough Syrups and Other Liquid Medications: DUI Court participants are prohibited from using alcohol containing cough/cold syrups, such as Nyquil. You are required to read product labels carefully to determine if they contain ethyl alcohol (ethanol). All prescription and over-the-counter medications should be reviewed with your probation officer before use. Information on the composition of prescription medications should be available from your pharmacist. Non-alcohol containing cough and cold remedies are readily available at most pharmacies and retail stores.
- Non-Alcoholic Beer and Wine: Although legally considered non-alcoholic, NA beers do contain a residual amount of alcohol that may result in a positive test. DUI Court participants are NOT permitted to ingest NA beer or wine.
- Food and Other Ingestible Products: There are numerous other consumable products that could result in a positive test. Flavoring extracts, such as vanilla and almond extract, and liquid herbal extracts such as Gingko Biloba, could result in a positive screen for alcohol.

Communion wine, food cooked with wine, and flambé dishes (cherries jubilee or baked Alaska) MUST be avoided. Read carefully the labels on any liquid herbal or homeopathic remedy. In addition, foods containing poppy seeds must not be consumed.

- Mouthwash and Breath Strips: Most mouth washes (Listermint, Cepacol, etc) and other breath cleansing products contain ethyl alcohol. The use of mouthwashes containing ethyl alcohol can produce a positive test. DUI Court participants are not permitted to use mouthwashes and breathe strips that contain ethyl alcohol. Non-alcohol mouthwashes are readily available.

- Hand Sanitizers: Hand sanitizers and other antiseptic gels and foams used to disinfect hands contain up to 70% ethyl alcohol. Excessive, unnecessary or repeated use of these products could result in a positive test. Hand washing with soap and water is just as effective.

- Bug Spray: Certain bug sprays contain ethanol. Excessive, unnecessary or repeated use can result in a positive test. Bug sprays containing ethanol are not permitted.

#### 8. Association Restrictions/No “Bars” Clause

Developing and maintaining pro-social relationships is a very important skill. Without developing pro-social associates you will not be able to succeed in your recovery. Therefore, while in the program, you will be restricted from associating with your prior drinking peers, any users of illegal drugs, dealers or manufacturers. You will also be restricted from associating with individuals who are involved in any type of criminal activity as well as those who are on probation or parole. You are not to visit any correctional facility or court proceeding for someone else without prior permission of your Supervision Officer. If someone is or has recently been incarcerated, they are most likely engaged in criminal activity and prior to associating with them, you should discuss this matter with your Supervision Officer.

**Furthermore, you are restricted from establishment whose primary source of revenue is the selling of alcohol. We understand alcohol is sold at numerous locations in the county that also serve food. You are not allowed to attend businesses that contain a “bar” while in DUI Court. If you are found to be in these restricted locations, it will be considered a violation of the program rules.**

Treatment experts and Community Support Programs (such as Alcoholics Anonymous and Narcotics Anonymous) recommend individuals wait at least 12 months after starting their recovery before engaging in a romantic or sexual relationship and DUI Court is supportive of this recommendation. New relationships or infatuations can distract one from focusing on himself/herself and the recovery process. Other Drug/DUI Court programs have seen many participants terminated from the program following the filing of an Alleged DUI Court Violation due to issues relating to participants' choice of partners and the unhealthy results of those relationships.

If you choose to start a relationship with someone either in or outside the program while you are in DUI Court, you will be allowed to do so, so long as your treatment contract does not prohibit it or a therapeutic reason does not exist to deny it. Your Supervision Officer will want to talk with you about the possible consequences of such a relationship, in order to provide the most support to you and your potential partner. Persons with criminal histories will generally be approved unless there is a **very significant criminal** background causing the team to be concerned for your safety or the safety of the Supervision Officers. DUI Court may ask your partner to submit to drug and alcohol

testing in order to ensure your sobriety. Hiding a relationship, either romantic or sexual, is an act of dishonesty and will be sanctioned.

#### 9. Issues Relating to Employment / Education

Upon entering DUI Court, your employer may be contacted in order to discuss the importance of your involvement in the program. The purpose of doing this is to receive the cooperation of your employer with respect to DUI Court activities such as attending DUI Court hearings. However, the DUI Court Team also needs to know that your working environment does not pose any risks to your sobriety. If the DUI Court Team determines that your place of employment is not a safe environment for you, and it is determined that the problems which make it unsafe cannot be resolved, you will be required to obtain new employment.

**Further, this court is intended to promote a lifestyle free of alcohol and drug addiction. Because of this, employment where the primary source of income is the consumption or distribution of alcohol will be prohibited for participants. Additionally, employment in a position that requires direct contact with the distribution of alcohol or direct contact with intoxicated customers will be prohibited for participants. This includes many bars and restaurants as determined by the DUI Court team.**

Verification of employment and finances will be required for the program, and paystubs may be requested by the Supervision Officer to ensure compliance.

If you are not employed at the time you enter DUI Court, or if you want to change employment once in the program, you must speak with your Supervision Officer before making any changes. Before you will be given permission to change jobs, you must discuss this with your Supervision Officer. If it is determined that the change of employment would be beneficial to your program, you will be given permission to make the job change. However, if it is determined that the change would not be positive, your request to change employment will be denied. Failure to request permission before making a job change is a violation of the conditions of your bond for which you may be sanctioned, as well as possibly being required to quit your new employment.

If you are not enrolled in an educational program at the time you enter DUI Court, or if you want to change your participation in an educational program, you must speak with your Supervision Officer before making any changes. However, if it is determined that you are trying to avoid responsibilities or employment by enrolling in education classes not determined appropriate for you by the DUI Court team, your request will be denied. Failure to request permission before making a change is a violation of the conditions of your bond for which you may be sanctioned, as well as possibly being required to quit your new education program.

#### 10. Comply with Requests for Consent to Disclose Confidential Information

You will be required to sign most consent to disclose confidential information forms during your intake in order to remain in DUI Court. Because DUI Court is a criminal justice program, once you sign a consent to disclose confidential information form, you do not have the right to revoke it and remain in the DUI Court program.

#### 11. Attend All DUI Court Activities

While you are in DUI Court, you will be required to participate in many types of therapeutic and prosocial activities. These activities are designed to help you create a strong support group for yourself. Research indicates that when DUI Court participants graduate, and have strong positive support in their lives, their ability to remain sober and stay out of the criminal justice system is highly increased. You may request or help plan monthly activities by discussing this with your Supervision Officer or DUI Court Coordinator.

#### 12. Be on Time and Do Not Miss DUI Court Activities

You are to be on time to all required activities. Being on time demonstrates responsibility. Tardiness to program activities is disruptive and conveys a message to others that your program is not important to you. Appropriate sanctions will be given to those who are not on time to program activities. Missing any DUI Court activity (which includes treatment activities) without prior consent from the Supervision Officer will result in some type of sanction unless it is later determined to be a true emergency. Leaving a voice message or electronic message, does not constitute prior consent.

#### 13. Possession of Weapons Is Not Permitted At Any Time During Your Involvement with DUI Court

DUI Court was designed and created to help non-violent offenders learn to achieve sobriety and end the continued pattern of DUI. Being in the possession of a weapon at any time during your program is not allowed and will be met with a sanction. While you are in DUI Court, you are considered to be in the program 24 hours a day, seven days a week. This means that you should not be in the possession of a weapon at any time. If you have questions as to whether any item in your possession would be considered a weapon, you should contact your Supervision Officer. No participant, under any circumstance, is allowed to acquire new or used weapon(s) of any kind while involved in DUI Court. Failure to comply with this condition may result in a sanction.

#### 14. Making Threats, Behaving Violently or Acting Rude Toward Other Participants or Any DUI Court Staff Will Not Be Tolerated

While in the program, you will be expected to act in a respectful and civil manner toward others at all times (including during drug testing). Threatening or violent behavior could lead to new criminal charges which may result in your termination from the program following the filing of an alleged DUI court violation. Remember, DUI Court is a program for non-violent offenders. If you want to participate, you must show, at all times, that you are not a violent individual. Learning to respond to others in an appropriate, civil, non-violent, nonaggressive manner is a vital social skill, one which you will have to display if you want to graduate from the program.

#### 15. Submit to Search

A search clause is one of the conditions of your DUI Court bond. This search clause allows law enforcement and DUI Court personnel to search your person, vehicle, place of residence or any area over which you have control. It also allows them to alcohol and drug test you. The purpose of the search will be to look for alcohol, drugs, chemicals and/or equipment used to manufacture controlled substances, and weapons. You will be expected to comply with the search and/or on-site drug testing in a cooperative manner. **Failure to comply with search and/or on-site drug testing will result in a sanction up to and including termination following the filing of an alleged DUI court violation.**

DUI Court ordered searches are performed at the request of the DUI Court Team and are done to ensure you are not in violation of the conditions of your bond. If law enforcement and/or DUI Court staff enter your residence and become aware of criminal behavior, you may be arrested or cited on new criminal charges. Therefore, it is not only your responsibility, but also in your best interest to make certain no illegal activities are taking place in areas over which you have control.

If any law enforcement or supervision officer presents themselves, you are required to identify yourself as a DUI Court Participant and make yourself available for any search, seizure, drug testing, general welfare check, or other reasonable request. **Failure to comply with reasonable requests will result in a sanction up to and including termination following the filing of an alleged DUI court violation.**

#### 16. Maintain Residence in Lancaster County

All DUI Court participants must reside in Lancaster County. You may leave Lancaster County only with the verbal permission of your Supervision Officer. Regardless, you must be present for alcohol or drug testing unless given special permission to miss drug testing. Traveling outside of the State of Nebraska without prior written permission from the DUI Court Coordinator is prohibited. Leaving the state without said permission may result in a warrant for your arrest.

While in the program, you must obtain the permission of your Supervision Officer to change your residence before you terminate any housing agreements. You will be required to complete a *Request to Change Residence* form. As well, you must contact your Supervision Officer to discuss this matter. The DUI Court Team will need to know where you will be moving, with whom you will reside, and how this will affect you financially. Your Supervision Officer will investigate your request; if it is determined to be compatible with your program, you will be allowed to make the change. However, if it is determined that the move would not be compatible with your program, your request to change residence will be denied.

By accepting participation in the program, you give DUI Court the right to make decisions about who may or may not live in your residence; therefore, it is important that you obtain pre-approval from your Supervision Officer before you allow anyone to move into your residence. It is also important that you inform your Supervision Officer of all people that will frequently be staying over or visiting your residence.

You must also notify your Supervision Officer within 24 hours if you change your phone number or mailing address (*if not the same as your residence*). DUI Court staff must be able to contact you at any time; if they do not have current information, they cannot do so which may lead to a sanction for a program violation.



## 17. Taking Financial Responsibility

While in the first four phases of DUI Court, you will be responsible for paying a DUI Court program fee of \$25 per month. Although this amount is not enough to cover the cost of your participation in DUI Court, it will help to offset those expenses. You will need to work with your Supervision Officer to create a payment plan that will work for your budget and current financial situation. Any changes to your plan will need to have the prior approval of your Supervision Officer. The money available in your bond can also be used to pay your DUI Court fees. Additional monthly state standard fees (\$35 for supervision fees, \$5 for drug testing fees) are charged as well and all fees shall be paid at the District Clerk of the Court. The DUI Court shall take into consideration a participant's inability to pay due to extenuating circumstances and shall waive fees if determined appropriate by the DUI Court Judge. No one will be denied participation in DUI Court because of their inability to pay fees.

Prior to starting DUI Court, you will be required to obtain a substance abuse evaluation. Once you start DUI Court you will be required to attend substance abuse treatment for which there will be a cost. DUI Court has agreements with Community Corrections to provide treatment, services while you are in the DUI Court program. Your financial situation will be taken into consideration in the decision as to how much you will be responsible to pay for services. In order to know what works best for you, we need to have access to information about your financial abilities. Therefore, you may be required to bring your paycheck stubs when you turn in your weekly paperwork. Your paycheck stubs will be returned to you at your request.

Other services (such as paying for your GED, medical exams, and attending vocational education) are your responsibility as well. DUI Court staff will help you look for resources in obtaining financial assistance, though, it is ultimately your responsibility to let the supervision office know that you need and want assistance.

If your charges include losses or damages that require you to pay restitution, you will be required to do so while in DUI Court.

Members of the DUI Court Team realize that you may feel overwhelmed by the financial burdens your active addiction has caused you. Requiring you to take responsibility for all these debts may be quite stressful. It will likely take time, commitment, dedication, and a lot of hard work (skills you may need to work on), but it is possible. Until you become financially responsible you will be unable to develop and maintain the lifestyle of an individual who is law-abiding, productive, responsible, and sober. A consequence of driving intoxicated is the financial costs, that's a repercussion of committing this illegal act to encourage you to stop this act.

Your Supervision Officer will work with you to develop a program payment plan. This plan will reflect your ability to pay and will describe your responsibilities with respect to your DUI Court payments. Failure to comply with your payment plan may result in sanctions.

## 18. Extradition

Upon entering the program, you agree to waive extradition from any other state or country to the state of Nebraska until your participation in DUI Court has been completed.

## 19. Conduct

It is not possible to detail how you are expected to behave in every situation, but you are expected to behave responsibly, civilly, and maturely. Among other things, this means that you will be courteous

and polite at all times. During regular DUI Court hearings you are not to bring food or drink into the courtroom and you are expected to pay attention at all times. Cell Phones and other electronic devices are to be turned off in the courtroom. You are to be respectful towards others at all times. For example, you are not to swear or use abusive language toward others. If you are going to be unavoidably late, it is courteous to call and let others know. If you have made a mistake that has harmed or inconvenienced another person, you should apologize and, if possible, make amends. You are not to use electronic devices of any kind while in the supervision office. This includes the waiting area. The use of cellular phones and other electronic devices in the supervision office (or where you are receiving treatment or other services) is disruptive to those who work there. You are required to turn all electronic devices off while you are in these facilities.

#### 20. Dress Appropriately for All DUI Court Activities

Dressing appropriately for the activities in which you are involved is an important social skill; therefore, the ability to demonstrate this skill while in the program is considered important. Female participants must wear shirts or blouses that do not show the midriff; pants, shorts, skirts, or dresses need to be a reasonable length. Proper undergarments should be worn to all program activities. Male participants must wear shirts and pants (or shorts of reasonable length) as well as proper undergarments to all program activities. Shoes must be worn at all times by all participants. There will be no sunglasses or hats allowed during any indoor activities. Clothing that promotes or advertises alcohol, drugs, tobacco, violent behavior or is sexually inappropriate will not be allowed at any time. Members of the DUI Court Team understand that some participants will have to come directly from work in order to be on time to DUI Court but it is preferred that you come to DUI Court in your work clothes rather than be late.

#### 21. Calling in Sick to Treatment

You are not allowed to miss any treatment activity for any reason unless specifically given permission by your Supervision Officer. **Leaving a message with either treatment or DUI Court staff does not constitute approval.** True medical emergencies will be excused with proper documentation and by talking with your Supervision Officer.

## 1. Testing Basics

You may not use any alcohol or any illegal drugs during your term in DUI Court. Testing is the factual manner for you to prove your sobriety to the DUI Court team and those that care about you, that you can maintain a life of sobriety. During your time with DUI Court, you will be tested regularly, routinely, and often. For you to advance in this program, you must achieve sobriety and drug testing helps our DUI Court team know you are serious about your recovery. A failure to test, a refusal to test, an inability to test (after being given a reasonable time in which to do so), or an altered/adulterated test will all be treated as a positive test.

Honesty is paramount when it comes to your sobriety. Recovery is a lifelong process and our DUI Court team is trained on the cycle of addiction, we understand it's not an easy process and we're here to help you. With that said, we cannot help you unless you are honest with us. Honesty is expected every step of the way, and if you do test positive, we expect your honesty before that test. Trying to manipulate, lie, not be forthcoming with information, stating half-truths – these are all forms of dishonesty that perpetuate how addiction can destroy relationships. Dishonesty with our DUI Court team will be met with swift and certain sanctions.

If you do relapse, you will be sanctioned. We hold participants accountable for failing to follow the requirements of this program. Sanctions will be issued to everyone in a unique individualized manner, referencing our matrix which is attached to this manual.

Additionally, a substance that interferes with drug testing (i.e., if it causes a false positive or a false negative) will be considered a positive test. Changing one addiction for another is not allowed in this program.

## 2. Forms of Drug Testing

Alcohol and drug testing will be routine and random during your time in DUI Court. You should expect the following forms of testing options. They will have costs associated with them, and an estimate is provided for those costs as well:

-required: twice daily PBT testing and ETG testing in the DUI 365 alcohol testing program (\$5 a month);

-required for license: an interlock device if you have a valid license (estimate - \$130 for install/removal, \$80 monthly fee);

-if determined necessary: a potential sweat patch if determined necessary (potential for \$10 per patch);

-if determined necessary: Remote Alcohol Testing device if determined necessary (\$7 a day estimate);

-if determined necessary: Continuous Alcohol Monitor (CAM) which measures your sweat glands for alcohol (\$12 a day estimate).

### 3. DUI 365 and Interlock requirements

During your time in DUI Court, you will be required to comply with the DUI 365 testing program as well as an interlock driving permit, if you have a valid license. Even if the DMV has approved you to remove your interlock device, the DUI Court team may require you to reinstall an interlock device. Your interlock device provides a report monthly that the DUI Court team may review. If you have issues with your interlock device, you must report that to the Supervision Officer. Remember, honesty is important. Additionally, you are not authorized to remove the interlock device without prior approval of the DUI Court team. Doing so may result in a sanction or formal court violation.

The purpose of this continual testing is to ensure public safety and your sobriety. Quick stats: since 2008, annually there are well over 1,500 crashes in Nebraska that involve a DUI offense, over 6,800 arrests occur every year in Nebraska for DUI, and as you well know, there are many more drunk drivers on the road that just don't get caught. To ensure you're not one of those statistics, we need to ensure you're staying sober. Here's the rundown of what to expect:

- Phase 1 (minimum 4 weeks long) – Interlock and DUI 365 both required
- Phase 2 (minimum 16 weeks long) - Interlock and DUI 365 both required
- Phase 3 (minimum 16 weeks long) – DUI 365 required
- Phase 4 (minimum 16 weeks long) – DUI 365 required
- Phase 5 (minimum 26 weeks long) – ETG/PBT testing

### 4. DUI 365 Testing explained

The typical DUI 365 Program testing methodology includes twice daily in-person breathalyzer testing with random urinalysis and/or saliva testing. Testing is provided 7 days a week, 365 days a year. Violations of the program result in swift, certain, proportional, and consistent sanctions. DUI Court participants will be required to comply with this testing methodology, unless another methodology is approved by the DUI Court team, and participants will be required to pay all associated fees for this testing.

DUI 365 Program testing may also include monitoring through an electronic device such as a remote breathalyzer unit or a continuous alcohol monitor (CAM) device, at the discretion of the DUI Court team. Participants utilizing these alternative forms of monitoring will be required to pay all associated fees and are still required to be present for drug screening through urinalysis and/or saliva testing.

### 5. Refusal to Submit

Willfully refusing to submit to drug testing when requested to do so by a member of the DUI Court Team will be sanctioned. This will be considered a very high offense, referenced in our sanction matrix.

### 6. Being Late or No Shows

Being late for an alcohol or drug test is a program violation. If you are on a remote alcohol testing system, you must test at the times predetermined for that test. No participant will be tested later than the prescribed drug testing time without special permission from his/her Supervision Officer. The best policy is to be on time for testing. Please note that if you come in for an alcohol test or urine test and are unable to submit a sample by the time testing is over, it is considered a failure to

test, which may be sanctioned. If you have a “shy bladder,” it would be in your best interest to come early for testing.

#### 7. Submitting a Urine Sample

You are required to submit your urine sample in full view of the collection person. Although it may feel uncomfortable to do so, giving your sample in full view of the collection person is necessary for the purpose of specimen integrity.

Prior to going to the collection area, you will be required to remove any extra clothing such as a jacket, coat, or sweater. You will not be allowed to take any extra items (such as a backpack or purse) into the collection area with you. These items must be left in your car or in the drug testing room. Please note that DUI Court is not responsible for any items you leave in the drug testing area.

You must provide at least 45 ml of urine (about half the volume of the collection cup). After you have submitted your sample, you must place the lid on the collection cup and hand it to the collection person. They will then escort you back to the drug testing area. The collection person will immediately check the temperature of your sample and administer a drug test. The temperature of your sample must fall between 90 and 100 degrees or your specimen will not be used for testing.

#### 8. Adulteration

There are three ways that adulterating a test sample can be accomplished: dilution (with water or with the use of product to aid in diluting a sample or avoid the detection of drugs or alcohol); adding a substance to the test sample to mask the presence of drugs or alcohol (other than one intended to aid in dilution or the detection of dilution); and substitution.

Adulterating a test sample by dilution will result in the participant being sanctioned according to the dilution contract signed at intake and being required to restart their 9 months of sobriety. **If you are concerned about your intake of fluids please contact your Supervision Officer for guidance as consuming too many liquids will cause a dilute sample.**

Please note that adulterating a urine sample or attempting to adulterate a sample will be sanctioned and could lead to your termination from DUI Court following the filing of an alleged DUI court violation. The DUI Court Team will not debate that a sample is dilute or how it became dilute.

#### 9. Regarding Medications

It is your responsibility to report all medications you are taking regardless of whether they are prescribed or over-the-counter. Leaving a voicemail of the prescribed medication on your Supervision Officer’s phone does not constitute permission.

If you know in advance that you are going to have a medical or dental procedure which will require that you take medication(s) you must fill out a *Request to Take New Medication* form and a *Consent to Release Confidential Information* form to the physician or dentist who will be performing the procedure. You are not allowed to consume anything that will cause you to test positive for alcohol or drug use.

It is your responsibility to inform anyone who has the ability to write you a prescription (such as your physician, dentist, and/or psychiatrist), that you are participating in DUI Court and are not allowed to take any medication that will interfere with your alcohol and drug testing. If you have

any questions or concerns regarding what medications you can take or what foods you can consume, you should speak with someone in the supervision office.

#### 10. Medical Emergencies

If you are given a medication in the case of a true emergency, you will not be sanctioned. An automobile accident in which you receive serious injuries would be one example. The DUI Court Team will review these incidents on a case-by-case basis to determine if the medication was given in a true emergency. Please note that going to the emergency room to receive medication does not necessarily constitute a true emergency. An example that would not be considered a true emergency would be going to the emergency room to get narcotic medication for a headache.

1. Phase Length

Each phase has a minimum amount of time you may spend in that phase. The minimum time you will be in each phase is as follows:

DUI COURT PHASES LENGTH	
Phase	WEEKS
Phase 1	4 weeks
Phase 2	16 weeks
Phase 3	16 weeks
Phase 4	16 weeks
Phase 5	26 weeks

The minimum number of total weeks you are required to stay in DUI Court is eighteen months. No one will graduate from DUI Court in less than eighteen months; however, most participants will spend more than eighteen month in DUI Court. This is one year of intense programming and six months of demonstrated long term change with less structured supervision. The maximum number of weeks you are allowed to stay in DUI Court is 156 unless granted specific permission from the DUI Court Team.

2. Phase Participation

In order to advance to the next phase, you must complete all of the requirements of your current phase and make application for phase advancement. The DUI Court Team realizes that each participant will move at her/his own pace and not all participants will move to a new phase in the same time frame. As long as you are making progress, you will be allowed to remain in the program even if it takes you longer than others to complete a phase.

3. Phase Advancement

Once you have completed all of the necessary requirements for a phase, and have satisfied all of your sanctions, you will be allowed to apply for phase advancement to the next phase. Your Supervision Officer will discuss with you regarding phase application and will help you throughout the process. The goal for applying for phase advancement puts the responsibility on your shoulders. The expectations of each phase are listed prior to starting the phase, and putting the effort into completing the phase requirements shows you are taking action towards long term recovery.

Since each phase will have a new set of expectations and requirements, you and your Supervision Officer will create a new IPP [Individual Performance Plan] at the beginning of each phase and review the next phase application paperwork, so that you know what the expectations are going forward through the phases.

To complete the necessary requirements for a given phase, all you need to do is comply with your IPP and your phase advancement paperwork. If you have any questions regarding your IPP or phase advancement documents, you should make an appointment with your Supervision Officer. Your IPP and phase advancement documents are always subject to modification, at the discretion of

your Supervision Officer. Some requirements may be modified at the request of the Drug Court Team, your Supervision Officer, or you.

#### 4. Sobriety

In order to graduate from DUI Court, a participant must have at least 9 months of continuous sobriety. Throughout the program phases, you will have a minimum sobriety date to graduate each step. These are as follows:

DUI COURT SOBRIETY TIME IN PHASES		
Phase	WEEKS	SOBRIETY TIME
Phase 1	4 weeks	14 days continuous
Phase 2	16 weeks	30 days continuous
Phase 3	16 weeks	45 days continuous
Phase 4	16 weeks	90 days continuous
Phase 5	26 weeks	6 months continuous

Our goal is to see help you in your recovery. Showing that you can sustain your recovery while in the DUI Court program better helps you to sustain that sobriety once you graduate the DUI Court program. We want all participants of the DUI Court program to maintain their sobriety well beyond their graduation date, and engage in our Alumni programs to assist other DUI Court participants and past graduates in their sobriety as well.

#### 4. Graduation

If you successfully complete the program, the state agrees not to seek enhancement of the underlying DUI or refusal (the original charge for which you pled guilty to upon entry into the program) and the court will sentence you only on the underlying DUI, a 3<sup>rd</sup> offense non-aggravated class w misdemeanor. Secondary charges accompanying the DUI charge are to be discussed with your attorney and the county attorney prior to entering the program.



## APPENDIX

- I. Incentives and Sanctions Matrix
- II. DUI 365 Participant Agreement Document
- III. Phase Advancement Documents
- IV. Application Paperwork

# Positive Behavior

**STEP 1: Identify the Positive Behavior**

Easier/Proximal	Moderate	Difficult/Distal
Attendance at Treatment	Honesty	Complete Tx Level of Care
Attendance at other appointments	Testing Negative	Extended Abstinence/Neg. Tests
Report to UA	Participating in Prosocial Activities	Treatment Goals Completed
Timeliness	Employment	Phase Goals Completed
Payment	Progress toward Tx Goals	Program Goals Completed
Obeying Curfew	Progress in Tx	Sobriety

**STEP 2: Determine the Response Level**

	Easier/Proximal	Moderate	Difficult/Distal
Phase 1	Small	Medium	Large
Phase 2	Small	Medium	Large
Phase 3		Small	Large
Phase 4		Small	Large
Phase 5		Small	Medium
Proximal			

**STEP 3: Determine the Appropriate Incentive Level**

Name in the Hat	Any small and/or:	Any small, medium and/or:
Recognition in Court	Gift Card (Up to \$10.00)	Framed Certificate
Day reduction of curfew	Court Excusal Card	Gift Card (Amount over \$10.00)
Item from the box	Reduction of Program Fees	Personalized Key Chain (Phase 4)
Verbal Praise	Issuance of Travel Pass	Reduction of Curfew
		Reduction of Drug Testing
		Reduction of PO Contacts

\* Supervision/Team may deviate and/or use discretion when applicable, appropriate and as approved by the Judge

# Inappropriate Behavior

## STEP 1: Identifying the Inappropriate Behavior

Low (Less Immediate)	Moderate	High (More Immediate)	Very High
Timeliness	Missed Treatment (1st offense)	Positive Drug/Acohol Test	Illegal Drug Possession
Missed Payment	Missed other Appointments (1st offense)	Continued Treatment Absence	Criminal Behavior
Traffic Infraction	Missed Drug Test (1st offense)	Continued Absence Other Appt	Arrest
Failure to Complete Assignment	Curfew Violation	Tamper with UA	Possession of Weapons
Late to Treatment	Failure to Complete Sanction	Dishonesty	Removal of CAM/GPS/Interlock
Late to other Appointments	Dilution of Drug Test	Alcohol Possession	Refusal to Search/Drug Test
Failure to meet with Sponsor	Being in an Inauthothesized Area	Relapse	
		Treatment Plan Noncompliance	
		Contact Prohibited Person	

\*\*A program participant who has been previously sanctioned for a particular inappropriate behavior should expect an enhanced sanction response to any subsequent occurrence of the same inappropriate behavior

## STEP 2: Determine Response Level

	Low	Moderate	High	Very High
Phase 1	Level 1	Level 2	Level 2	Level 4
Phase 2	Level 1	Level 2	Level 3	Level 4
Phase 3	Level 2	Level 3	Level 4	Level 5
Phase 4	Level 3	Level 4	Level 5	Level 5
Phase 5	Level 3	Level 4	Level 5	Level 5

## STEP 3: Choose Appropriate Response

	Level 1	Level 2	Level 3	Level 4	Level 5
CSW	≤ 4 hrs	≤ 8 hrs	≤ 16 hrs	≤ 24 hrs	≤ 32 hrs
Curfew	≤ 3 days	≤ 5 days	≤ 7 days	≤ 10 days	≤ 15 days
Door Greeter	Yes	Yes	Yes	Yes	No
Apology Letter	Yes	Yes	Yes	Yes	No
Dump Urine	Yes	Yes	Yes	Yes	No
Thinking Reports	Yes	Yes	Yes	Yes	Yes
Increased PO Reporting	Yes	Yes	Yes	Yes	Yes
Added Court Appearance	Yes	Yes	Yes	Yes	Yes
GPS	Yes	Yes	Yes	Yes	Yes
CAM	Yes	Yes	Yes	Yes	Yes
Responsibility Contract	Yes	Yes	Yes	Yes	No
House Arrest	≤ 24 hrs	≤ 72 hrs	≤ 5 days	≤ 7 days	≤ 15 days
Jail	No	No	≤ 24 hours	≤ 3 days	≤ 7 days
Other				Review Placement	Termination

\* Supervision/Team may deviate and/or use discretion when applicable, appropriate and as approved by the Judge

## Lancaster County DUI Court

### DUI 365 Sobriety Program Participant Agreement

#### DUI Treatment Court

I am required to participate in the DUI 365 Sobriety Program as determined by the DUI Treatment Court Team. As a participant of the DUI 365 Sobriety Program and DUI Treatment Court, I am required to abide by the specific rules and requirements of the programs.

I agree to comply with the following rules and requirements:

1. I will strictly comply with all program requirements set forth in this Agreement, the DUI Treatment Court bond, and the instructions of Probation staff, Community Corrections staff, The Bridge or other agency staff, corrections staff, and law enforcement;
2. I will behave in a civil and respectful manner at all times. I understand that any harassment or aggressive behavior will not be tolerated and will be met with a sanction up to and including placement in custody pending a bond review;
3. I will complete all documentation requested by the DUI 365 Sobriety Program;
4. I will complete two preliminary breath tests (PBT) per day, one in the morning and one in the evening. I understand that I am also required to submit to random observed urinalysis or oral fluid tests as requested;
5. I will report on-time and submit to all ordered or directed tests at the location and times specified below:

**Location:** 605 S. 10<sup>th</sup> Street (South Entrance)  
Lincoln, NE 68508

**Testing Days/Times:** 7 days per week/365 days per year  
5:30 AM - 7:30 AM  
5:30 PM - 7:30 PM

6. I understand there will be an immediate sanction for any behavior that violates the rules of the DUI 365 Sobriety Program. Below is a list of the expected sanctions should I have a violation. I understand that this list does NOT cover every possible violation;
  - i. Any positive test (PBT or UA):
    1. First Violation: 12 hours at The Bridge detox facility or until my PBT is .000 (whichever is longer)
    2. Second Violation: 24 hours in the Lancaster County Jail
    3. Third Violation: Placement in custody until further order of the court, minimum 48 hours.
  - ii. Late to test (less than 30 minutes):
    1. First Violation: Verbal Warning

2. Second Violation: 4 hours community service
  3. Third Violation: 24 hours in the Lancaster County Jail
  4. Fourth Violation: Placement in custody until further order of the court, minimum 48 hours.
  - iii. Adulteration of a test (dilution, substitution, tampering with monitoring equipment, etc.):
    1. First Violation: 24 hours in the Lancaster County Jail
    2. Second Violation: Placement in custody until further order of the court, minimum 48 hours.
  - iv. Missing a test (30 minutes late or more):
 

A warrant will be requested, then upon apprehension:

    1. First Violation: 24 hours in the Lancaster County Jail
    2. Second Violation: Placement in custody until further order of the court, minimum 48 hours.
  - v. Absconding from the DUI 365 program (i.e. providing a positive test then leaving the testing area, missing two or more consecutive tests, leaving The Bridge before completion of 12-hour sanction):
 

A warrant will be requested, then upon apprehension:

    1. First Violation: Placement in the Lancaster County Jail pending bond review
7. I understand that any new charges I receive while on the Lancaster County DUI 365 Sobriety Program will be reported to the DUI Treatment Court. The DUI Treatment Court will determine if I may continue to participate in the DUI 365 Sobriety Program and/or the DUI Treatment Court.
  8. I will not consume any alcohol, nor will I enter any bar or other establishment where the primary sale is alcohol unless given permission by the DUI Court team.
  9. I understand that use of any detectable amount of alcohol-containing products constitutes a violation of the DUI 365 Sobriety Program.
  10. I will not possess or consume marijuana or any controlled substance. Exceptions may be made for lawfully prescribed controlled substances by licensed practitioners with supporting documentation provided to staff.
  11. I will provide documentation of all prescribed medications to the staff of the DUI 365 Sobriety Program prior to the next time I test.
  12. I understand it is my responsibility to take over-the-counter medications that do not affect drug testing and I agree to follow the instructions provided on the Approved Medication form I have been provided.
  13. I understand that I cannot ingest poppy seeds or use any CBD (cannabidiol) products. Doing so may result in a positive test for which I will be subject to sanctions.
  14. I will not consume any food, beverages, gum, lozenges, cough syrup, toothpaste, mouthwash, or tobacco products 15 minutes prior to testing.
  15. I understand that in an emergency situation, such that I am incapacitated and unable to be present for testing, I will be required to provide appropriate documentation stating such prior to my next test. If I am unable to produce this documentation, I will be subject to sanctions for missing testing;

16. I understand excused absences from testing need to be requested and approved at least two weeks prior to my departure. A court order or signed authorization from my parole or probation officer will be required in most cases. For all excused absences from testing, or at any time by the request of the court, I will be placed on a continuous alcohol monitoring device or other alcohol monitoring platforms approved by state probation administration, and will be responsible for the costs associated with using this device. I agree to comply with the rules and restrictions for the continuous alcohol monitoring device.
17. I understand that transportation to and from the testing site is my responsibility. I understand that upon release from The Bridge or the Lancaster County Jail, it is my responsibility to arrange transportation. I understand that bus passes are available at the probation office. I agree not to drive any vehicle without a valid license.
18. I understand that I am allowed to park in the designated "Drug Testing Parking" area south of the building. I am not to park in the parking lot south of the building. Should I receive a violation for which I am to be placed in custody, I will not be allowed to move my vehicle.
19. No minor children should be left in a vehicle unsupervised; they may accompany me into the Testing Area. Should I receive a violation for which I am to be placed in custody and I have minor children with me, I will be allowed to make arrangements for family/friend to pick them up. If I am unable to do so, Child Protective Services will be contacted.
20. In the case of inclement weather, I understand that court staff will call me to make me aware if testing is canceled.

I understand that failure to comply with this Agreement is a violation of DUI 365 Sobriety Program. Violations will result in immediate sanctions up to and including incarceration or revocation of my participation in the DUI 365 Sobriety Program.

**Acknowledgment**

I hereby acknowledge that I have read this Participant Agreement and understand its terms. I agree to comply with each of the conditions of my participation in the DUI 365 Sobriety Program.

Participant Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Witness Name/Title: \_\_\_\_\_ Signature: \_\_\_\_\_

Dated: \_\_\_\_\_

**Drug Testing Instructions:**

**Print Name:** \_\_\_\_\_

A condition of your probation requires you to submit to random chemical testing of your blood, breath, and/or urine. This is done on a random basis and will require you to call in on a daily basis to determine if you need to report ready to submit for testing.

During your probation, if you are prescribed medications by your doctor you will need to provide the actual prescription bottle(s) to the drug tech who will in turn record the information for your probation officer. You must advise your officer before taking over the counter medications.

On a daily basis, EVERY DAY of the year including weekends and holidays, you will need to call (402)441-6523 as directed below, to determine if you are required to report for testing.

As of \_\_\_\_\_, you will be assigned to testing group(s) \_\_\_\_\_.

\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.

Your assignment to the above group(s) requires you to call (402)441-6523 between the hours of: Or you may look at the website: [www.lancastercountyreportingcenters.com](http://www.lancastercountyreportingcenters.com) under drug testing.

AM TESTING:

5:30 AM to 7:30 AM

MID-DAY TESTING:

8:30 AM to 12:30 PM

In the event that your testing group is listed on the drug testing call in line, you are required to report on that same day ready to submit your sample at the Lancaster County Adult Probation Center, 605 South 10<sup>th</sup> Street. PHOTO I.D. WILL BE REQUIRED. Enter from the South side off of H Street, in the basement between the hours of:

5:30 AM to 7:30 AM

10:00 AM to 1:00 PM

Weekends and Holidays all individuals in groups shall call (402)441-6523 between 5:00 AM to 8:00 AM. You will need to report ready to submit your sample between 5:00 AM and no later than 8:30 AM.

Failure to sign in next to your printed name on the group list, report for testing as directed or refusing to submit to testing within the allotted time frame once you report you will be viewed as a failure to cooperate and administrative sanctions and/or violation proceedings may be pursued.

In the event you have any questions regarding testing procedures, your results, potential problems, etc. please contact your supervision probation officer. Drug testing staff is not authorized to make final decisions regarding testing issues such as positive testing.

Thank you in advance for your cooperation. In signing this you are acknowledging you understand the above listed instructions.

\_\_\_\_\_  
Probationer Signature

5/11/18 CSW

\_\_\_\_\_  
Date

\_\_\_\_\_  
Probation Officer



# LANCASTER COUNTY ADULT PROBATION

District #3A

605 S. 10<sup>th</sup> Street, Suite B100  
(402) 441-8470 Fax: (402) 441-6067  
Lincoln, NE 68508

## **RELEASE OF INFORMATION**

(A photocopy is as valid as the original)

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

The undersigned has been found guilty of committing a crime and is being assisted with reentry planning by the Lancaster County Adult Probation Office of the State of Nebraska. To facilitate the reentry planning, the undersigned hereby authorizes anyone hereinafter set forth to give the following information to a probation officer requesting it.

**1. EMPLOYERS:** Any of my personnel records, rates of pay received, any evaluation or observations which any of your employees have made concerning my ability to work, work habits, job performance, my ability to get along with other people, my use of alcohol, marijuana or drugs and your opinion of my honesty and integrity; further, any information regarding any problem you had with me while I was employed by you including the reason for termination of my employment.

**2. SCHOOL AUTHORITIES:** Any school records from any private, public, parochial, business or trade schools but not limited to grades received, reason for disciplinary action, if any, reason for leaving school, attendance record, any special abilities or disabilities and your opinion of my ability to get along with other people and my outlook toward authority.

**3. COLLATERAL CONTACTS:** Any persons identified throughout this reentry planning process whom is a past or current family member of mine, a past or current friend of mine, and/or a past or current associate of mine.

**4. DOCTORS, HOSPITALS, MENTAL INSTITUTIONS OR CLINICS, PSYCHIATRISTS, PSYCHOLOGISTS, DRUG OR ALCOHOL COUNSELORS:** Any history regarding my present physical conditions and health problems, any history of serious diseases, major surgery, serious injuries and hospitalization, any history of psychiatric, psychological, or sociological examinations and records from any depression, sexual deviation or other aberrations in behavior, any history regarding my use of narcotic drugs, marijuana, alcohol or prescription drugs and any therapy or treatment for addiction or other problems as a result of use thereof.

I understand my above requested records are protected under the federal regulations governing confidentiality of Mental Health, Alcohol and Drug Abuse Patient Records, CFR part 2, and the Health Insurance Portability and Accountability Act of 1996, "HIPAA", CFR 45, parts 160 and 164 and cannot be disclosed without my written consent unless otherwise provided for in the regulations. However, any consent given under Subpart C, Federal Register, Volume 4-Number 127, July 1, 1987, shall have a duration no longer than that reasonably necessary to effectuate the purpose for which it is given.

**5. FINANCIAL INSTITUTIONS:** Any information regarding my current assets, liabilities, property owned, stocks and bonds, insurance policies, savings and checking accounts, deposits and withdrawals there from, any information regarding my income from employment, pensions, disability payments, unemployment compensation, rental property or other investments, any information regarding financial delinquencies, my credit rating, my application for a loan or insurance, my present standard of living, information regarding a bankruptcy and any other statements I have made regarding my financial condition, any information on file at any bank, savings and loan institution, credit union, collection agency, credit counselor or insurance investigation agencies.

**6. GOVERNMENTAL ENTITIES (whether or not incorporated):** Any information from any juvenile or adult Federal prison, State prison, penal farm, house of correction, county jail, city jail or military institution including reasons for incarceration, conduct, behavior, subsequent training and adjustment, any presentence report, investigation or supervision of any Federal, State, County or City Adult or Juvenile Probation or Parole Office, any criminal records or contacts made as either a juvenile or adult including any charges for which I was not convicted, any information regarding my past or present criminal activity, suspected activity or contact with any law enforcement officer or agency, any records regarding my operations of a motor vehicle including accident reports and investigation and my record of traffic violations, any information regarding my contacts and therapy with a marriage counselor, family counselor or child guidance agency, any information from any foreign, Federal, State, County or City government agency with which I have come in contact.

**7. MILITARY SERVICE:** Any information regarding dates of military service, highest grade or rank achieved, special training received, foreign service, combat experience, decorations, citations, court marshals, psychiatric and medical records, attitude towards military service and type, date and reason for separation.

The undersigned believes the release of the above described information will be beneficial to him/her and he/she, accordingly, does hereby release, remise, and forever discharge the person, partnership, governmental agency, corporation, or organization giving the said information of and from all manner of actions, causes of actions, claims, and demands whatsoever.

\_\_\_\_\_  
Witnessed By

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

# Application for Phase 2

Name: \_\_\_\_\_ Date Turned in: \_\_\_\_\_

**You MUST meet the following criteria to Phase Up:** (place an "X" if task is completed)

- You have been in Phase 1 for a minimum of 30 days. Date contracted into program: \_\_\_\_\_
- You have a minimum of 14 consecutive days of sobriety. What is your sobriety date: \_\_\_\_\_
- Turn in paperwork by a prescribed time each week;
- Attend court weekly
- Attend and complete DUI Court orientation;
- Attend community support meetings as determined by their treatment plan;
- Evaluate medical needs (medical, dental, vision, and auditory);
- Begin the process of preparing a transportation plan;
- Complete an assessment to determine the need for ancillary services, including mental health services;
- Submit to random substance use testing to include 24/7 testing, use of a continuous alcohol monitor as required, as a condition of the bond order;
- Abided by a curfew of 9pm
- You are engaged in treatment and attending regularly?  
**Counselor/Case Manager verification signature:** \_\_\_\_\_
- Are you in compliance with supervision?  
**Probation/Case Manager verification signature:** \_\_\_\_\_
- Identify 3 of your biggest struggles in Phase:
  - \_\_\_\_\_
  - \_\_\_\_\_
- Identify 3 personal goals you would like to accomplish in the next phase:
  - \_\_\_\_\_
  - \_\_\_\_\_

\_\_\_\_\_  
Client Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Court Coordinator Signature to Approve

\_\_\_\_\_  
Date

# Application for Phase 3

Name: \_\_\_\_\_ Date Turned in: \_\_\_\_\_

**You MUST meet the following criteria to Phase Up: (place an "X" if task is completed)**

- You have been in Phase 2 for a minimum of 16 weeks. Date entered phase 2 : \_\_\_\_\_
- You have a minimum of 30 consecutive days of sobriety. What is your sobriety date: \_\_\_\_\_
- Turn in paperwork by a prescribed time each week;
- Attend court weekly
- Attend a MADD Victim Impact Panel and provide documentation to your supervision officer of attendance. Date attended: \_\_\_\_\_
- Obtain a sponsor/mentor and begin 12-Step work
- Present a transportation plan during court
- Obtain driver's license or begin process of obtaining valid driver's license if eligible
- Attend Alumni Association activities and participate in its operation
- Attend community support meetings
- Address medical needs (medical, dental, vision, auditory)
- Comply with ancillary services requirements
- Maintain or obtain employment
- In anticipation of a \$1000 fine for the Class W misdemeanor conviction upon completing DUI Court, discuss with your probation officer your eligibility to complete community service in lieu of the \$1000 fine. If not eligible for the community service, establishing a savings plan to pay this fine at the time of graduation.
- Signup for an approved GED program or address educational needs
- Pay program fees and other financial obligations pursuant to a payment plan
- Submit to random substance use testing to include 24/7 testing, use of a continuous alcohol monitor as required, as a condition of the bond order;
- Abided by a curfew of 10pm
- You are engaged in treatment and attending regularly?  
**Counselor/Case Manager verification signature:** \_\_\_\_\_
- Are you in compliance with supervision?

**Probation/Case Manager verification signature:** \_\_\_\_\_

Engaged in recovery support groups? Home group: \_\_\_\_\_

Identify 3 of your biggest struggles in Phase:

○ \_\_\_\_\_  
\_\_\_\_\_

Identify 3 personal goals you would like to accomplish in the next phase:

○ \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
*Client Signature*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Court Coordinator Signature to Approve*

\_\_\_\_\_  
*Date*

# Application for Phase 4

Name: \_\_\_\_\_ Date Turned in: \_\_\_\_\_

**You MUST meet the following criteria to Phase Up:** *(place an "X" if task is completed)*

- You have been in Phase 3 for a minimum of 16 weeks. Date entered phase 3: \_\_\_\_\_
- You have a minimum of 45 consecutive days of sobriety. What is your sobriety date: \_\_\_\_\_
- Turn in paperwork by a prescribed time each week;
- Attend court biweekly (every other week)
- Continue to follow and update a transportation plan
- Maintain a working relationship with a sponsor/mentor and continue 12-Step work
- Attend cognitive educational programming
- Obtain driver's license or begin process of obtaining valid driver's license if eligible
- Attend Alumni Association activities and participate in its operation
- Attend community support meetings
- Address medical needs (medical, dental, vision, auditory)
- Comply with ancillary services requirements
- Continue to address the \$1000 fine for the Class W misdemeanor conviction upon completing DUI Court as started in phase 3.
- Maintain employment, employer is: \_\_\_\_\_
- Continue working towards educational goals and needs, if in school it is: \_\_\_\_\_
- Pay program fees and other financial obligations pursuant to a payment plan
- Submit to random substance use testing to include 24/7 testing, use of a continuous alcohol monitor as required, as a condition of the bond order;
- Abided by a curfew of 11pm
- You are engaged in treatment and attending regularly?  
**Counselor/Case Manager verification signature:** \_\_\_\_\_
- Are you in compliance with supervision?  
**Probation/Case Manager verification signature:** \_\_\_\_\_
- Engaged in recovery support groups? Home group: \_\_\_\_\_
- Engaged in pro-social activities? What: \_\_\_\_\_



# Application for Phase 5

Name: \_\_\_\_\_ Date Turned in: \_\_\_\_\_

**You MUST meet the following criteria to Phase Up:** *(place an "X" if task is completed)*

- You have been in Phase 4 for a minimum of 16 weeks. Date entered phase 4: \_\_\_\_\_
- You have a minimum of 90 consecutive days of sobriety. What is your sobriety date: \_\_\_\_\_
- Turn in paperwork by a prescribed time each week;
- Attend court monthly
- Maintain a working relationship with a sponsor/mentor and continue 12-Step work
- Comply with ancillary services requirements
- Submit to random substance use testing to include 24/7 testing, use of a continuous alcohol monitor as required, as a condition of the bond order
- Maintain employment, employer is: \_\_\_\_\_
- Continue working towards educational goals and needs, if in school it is: \_\_\_\_\_
- Continue to address the \$1000 fine for the Class W misdemeanor conviction upon completing DUI Court as started in phase 3.
- Complete a 40-hour community service project, location: \_\_\_\_\_; contact agency verifying your completed hours: \_\_\_\_\_ phone and/or email for that contact: \_\_\_\_\_
- Pay program fees and other financial obligations pursuant to a payment plan;
- Continue to follow and update a transportation plan
- Obtain driver's license or continue process of obtaining a valid driver's license if eligible
- Attend Alumni Association activities and participate in its operation
- Abide by a curfew of 12am
- You are engaged in treatment and attending regularly?  
**Counselor/Case Manager verification signature:** \_\_\_\_\_
- You are engaged in criminal thinking program?  
**Counselor/Case Manager verification signature:** \_\_\_\_\_
- Are you in compliance with supervision?  
**Probation/Case Manager verification signature:** \_\_\_\_\_
- Engaged in recovery support groups? Home group: \_\_\_\_\_
- Engaged in pro-social activities? What: \_\_\_\_\_

Identify 3 of your biggest struggles in Phase:

○ \_\_\_\_\_  
\_\_\_\_\_

Identify 3 personal goals you would like to accomplish in the next phase:

○ \_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
*Court Coordinator Signature to Approve*      *Date*



# Application for Commencement

Name: \_\_\_\_\_ Date Turned in: \_\_\_\_\_

**You MUST meet the following criteria to Phase Up:** *(place an "X" if task is completed)*

- You have been in Phase 5 for a minimum of 26 weeks. Date entered phase 5: \_\_\_\_\_
- You have a minimum of 9 months consecutive of sobriety. What is your sobriety date: \_\_\_\_\_
- You are engaged in treatment and attending regularly?  
**Counselor/Case Manager verification signature:** \_\_\_\_\_
- You completed a criminal thinking program? Program: \_\_\_\_\_
- Continue to follow and update a transportation plan
- Attend court monthly
- Discussion with your PO about the Class W Misdemeanor conviction and sentencing for that (license revocation period, how much court costs will be for the conviction, house arrest/jail sentence requirements)
- Attend court three months after beginning Phase 5 to present a relapse prevention plan to the team
- Obtain a driver's license or continue process of obtaining a valid driver's license if eligible
- Submit to random substance use testing and a continuous alcohol monitor as required
- Maintain employment for 180 days as determined appropriate by the team, employer is:  
\_\_\_\_\_
- Participants must have all fees and restitution paid unless the DUI Court Team has granted an exception
- All participants without a GED or equivalent must be continually and actively engaged in an approved educational program for a minimum of 18 months and complete a minimum of 240 hours of documented hours in order to be eligible for graduation. Documentation is provided to the coordinator or supervision officer.
- Are you in compliance with supervision?  
**Probation/Case Manager verification signature:** \_\_\_\_\_
- Engaged in recovery support groups? Home group: \_\_\_\_\_
- Engaged in pro-social activities? What: \_\_\_\_\_
- Identify 3 coping responses if triggered:
  - \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_



PROGRAMS: DUI Court

SUBJECT: Operational Structure and Eligibility

Policy Number: 01.20.003.DC

EFFECTIVE DATE: 04/21/2021

I. Introduction

DUI Court uses a structured screening process to determine eligibility. When an application for DUI Court is received, the Problem Solving Court Coordinator shall be responsible for tracking the application throughout the screening process. Defendants will not be automatically disqualified from DUI Court because of a co-occurring mental health or medical conditions or because they have been prescribed psychotropic or addiction medication. Eligibility criteria are non-discriminatory in intent and impact and do not restrict access for historically disadvantaged groups.

II. Eligibility Criteria

A. In order for a defendant to be eligible for DUI Court, the applicant must be charged with a felony third or fourth offense DUI or third or fourth offense refusal of chemical test and have been found guilty of the underlying DUI or refusal offense. If the defendant successfully completes the program, the State agrees not to seek enhancement of the underlying DUI or refusal and the court will sentence the defendant on the underlying DUI or refusal to a third offense DUI (Class W Misdemeanor). Defendants are not eligible for DUI Court if the offense involved bodily injury or death. In addition, the defendant must meet the following criteria:

1. Have a history of substance use and/or a moderate to severe substance use disorder which is supported by her or his score on an approved screening tool;
2. Have used an illicit substance within 6 months of completing the applicant's screening appointment. Exceptions may be made if the applicant was incarcerated, participating in pre-trial release, or involved in a residential treatment facility in the 6 months prior to the screening appointment;
3. Be unable to address a substance use disorder issue without the resources of DUI Court;
4. Have no criminal history of sexual assault;
5. Have no significant criminal history of child abuse or neglect;
6. Have no history of a felony crime of violence that resulted in death or serious bodily injury;
7. Have no criminal history of a felony crime of violence, as defined in 01.20.003.DC.II.C(2), within the last five years prior to the filing of the application or within five years from the release from

- incarceration for a crime of violence, whichever is later;
8. Have no significant criminal history of assaultive behavior, as defined in 01.20.003.DC.II.C;
  9. Have no other history or incidents of assaultive behavior so as to evidence a danger to staff, law enforcement, other participants, and/or the public (as determined by the Problem Solving Court Team);
  10. Not be on parole, or be in another Problem Solving Court (with the exception of a Family Drug Treatment Courts or the Lancaster County Juvenile Drug Court);
  11. Have no other criminal matter pending in this or any other jurisdiction at the time of formal bond in (unless such matter can be reasonably resolved without a significant impact on the applicant's participation);
  12. Have no immigration hold or status in this or any other jurisdiction rendering them unable to participate in program requirements;
  13. Have no other matter pending in this or any other jurisdiction rendering them unable to participate in program requirements;
  14. Misdemeanor cases filed in Lancaster County, which are not attached to a felony case but are otherwise eligible for DUI Court, may be accepted into the DUI Court with permission from the County Attorney's Office. The applicant must also have pled guilty and have been determined eligible for DUI Court on at least one other felony charge;
  15. Misdemeanor charges involving a crime of violence that are filed in Lancaster County, regardless if they are attached to a felony case but are otherwise eligible for DUI Court, may be accepted into the DUI Court with permission from the County Attorney's Office. The applicant must also have pled guilty and have been determined eligible for DUI Court on at least one other felony charge;
  16. Have no outstanding warrant in this or any other jurisdiction at the time of the application review meeting (unless such warrant can be reasonably resolved without a significant impact on the applicant's participation);
  17. Have reached a plea agreement by the time of the application review meeting or intend to plead as charged;
  18. Reside in Lancaster County or be willing to reside in Lancaster County prior to formal bond in; and
  19. Not be cooperating with law enforcement in a manner that would prevent the participant from fulfilling their DUI Court responsibilities.

- B. An applicant who previously participated in a Problem Solving Court Program, and was discharged within 6 months of the program start date is eligible to apply for the program, provided that at least 3 years have passed between the discharge date and the date the application is received.

An applicant who previously participated in a Problem Solving Court for 6 months or more, is eligible to apply for the program, provided that at least 5 years have passed between the discharge date and the date the application is received.

An applicant who graduated from a Lancaster County Problem Solving Court Program within 5 to 10 years prior to the date an application is received, the applicant or the applicant's attorney must submit a letter, within 10 days from when the application is received, showing significant changes exist, to the satisfaction of the Problem Solving Court Team, which would make them likely to benefit from additional participation in the a Problem Solving Court.

An applicant who has graduated from the program more than 10 years prior to the date an application is received, is eligible to apply for the program.

An applicant who previously participated in a Family Drug Treatment Court or a Juvenile Court program may apply at any time.

- C. "Significant criminal history" and "crime of violence" defined:

1. A significant criminal history of assaultive behavior means having been found guilty of three or more offenses originally charged as crimes of violence, as defined in 01.20.003.DC.II.C(2), with at least two convictions having occurred within five years prior to the submission of an application or within five years from the release from incarceration for a crime of violence, whichever is later.

2. "Crime of violence" means:

1. an offense that has as an element with the use, attempted use or threatened use of physical force against another person or against the property of another, where the act of the physical force against the property of another was intended to threaten another person, or
2. any other offense that is a felony and that, by its nature, involves a substantial risk of physical force against another person or against the property of another, where the act of the physical force against the property of another was intended to threaten another person, may be used in the course of committing the offense.

- D. A person's juvenile court history may be considered at the discretion of the DUI Court Judge.

- E. The County Attorney may make a plea agreement conditional on there being no application to DUI Court.

- F. The DUI Court will not decline a referral based on driving privilege status. All driving privilege eligibility is established and monitored through the Nebraska Department of Motor Vehicles (DMV) and the DUI Court will defer all driver's licensing eligibility and permits to the Nebraska DMV. The DUI Court will seek to overcome transportation barriers for participants whom do not have a valid license, through use of alternative means of transportation such as rideshare services and public transportation.

### III. Application for DUI Court:

If a defendant meets the eligibility criteria and would like to make an application for DUI Court, a written application must be submitted to the Problem Solving Court Coordinator by the defendant's counsel.

An application must be filed no later than 130 days from the case being filed in County Court or direct filed in District Court on the oldest case of any case(s) included in the application. With respect to all probation revocation motions an application must be filed not later than 60 days from the first date scheduled for a preliminary hearing or the filing of a waiver of a preliminary hearing, whichever occurs first.

If defense counsel believes good cause exists for not filing an application within the appropriate time frame set forth herein, they must submit a written request to the Problem Solving Court Coordinator, with a copy to the DUI Court County Attorney, for an extension of the applicable deadline, setting forth, with specificity, the reason(s) for an extension and a deadline for an extension. If desired, the County Attorney may file a written response, to be delivered to the Problem Solving Court Coordinator, with a copy to the defendant's counsel, within 10 days. The written materials will be submitted to the DUI Court Judge(s) by the Problem Solving Court Coordinator and a decision will be made on whether to permit an extension. If an extension is permitted, it will be to a date certain. If an extension is not permitted, the application will be rejected.

If the applicant has a pending probation revocation, defense counsel must get the approval of the sentencing Judge before the applicant will be considered by the Problem Solving Court Team.

If an application is withdrawn after being submitted, the applicant will be ineligible from applying to DUI Court on the same charge in the future unless the application is refiled no later than 130 days from the case being filed in County Court or direct filed in District Court on the oldest case of any case(s) included in the application. With respect to all probation revocation motions, an application must be refiled not later than 60 days from the first date scheduled for a preliminary hearing or the filing of a waiver of a preliminary hearing, whichever occurs first.

A defendant cannot reapply to DUI Court after being denied, unless the new application is made on entirely new charges not previously considered, and the person meets the eligibility criteria in place at that time. In probation revocation cases where the original case was determined not eligible, the applicant may reapply if the person meets the eligibility criteria in place at the time of the application on the probation revocation.

Instructions for submitting an application shall be written in detail in the Counsel's Guide to Application and kept current by the Problem Solving Court Coordinator.

#### IV. Screening Procedure

When an application is received from defense counsel on behalf of their client, DUI Court collects the applicant's criminal history and court records for the applicant's file.

In order to determine whether a defendant is eligible for DUI Court, they must also be screened. When DUI Court receives an application, Defense Counsel will be contacted by the DUI Court with a screening appointment. Defense Counsel has the responsibility to ensure the applicant knows the screening appointment date and time. Any applicant who fails to be screened will not be accepted. Attempts to reschedule missed screening appointments will be attempted by the Problem Solving Court Coordinator based on available time and resources. During the screening interview, DUI Court Staff will use the current evaluation tools and measures to assist in determining the applicant's appropriateness for the DUI Court program. The evaluation tools will at all times comply with the Standardized Model Rule of the Supreme Court of the State of Nebraska. If an applicant does not score within a predetermined range on an approved screening tool, the applicant will be determined not eligible. (e.g. Simple Screening Instrument must be higher than a 3).

If it is revealed during the screening process that the applicant has previously received substance use treatment or had a mental health evaluation, release forms must be signed to make this information available to DUI Court if requested. If it is learned that the applicant falsified or failed to disclose material information during the application or screening process the applicant may be determined not eligible solely on that basis.

The following information for each applicant is sent to the DUI Court members responsible for discussing new applicants: name, sex, date of birth, incarceration status, case number(s), charge(s), presiding judge, prosecuting attorney, defense counsel, screening results, and any concerns or objections with the application or the applicant's status. The applicant's counsel shall follow identified screening procedures as outlined in the Counsel's Guide to Application.

#### V. Eligibility Determination:

An application review meeting is held once a month, unless otherwise specified

by the Lancaster County Attorney. The Lancaster County Attorney and the Problem Solving Court Coordinator attend the meeting. The group discusses eligibility, objections, administrative determinations of ineligibility by the Problem Solving Court Coordinator, and other issues related to the applications. A decision is made as to whether the applicant is accepted or denied. If determined acceptable for the DUI court program, the application is then forwarded to the DUI Court team for discussion on acceptance into the program. If there is no consensus on an application, the DUI Court Judge makes the final decision to accept or deny an applicant. If there are more eligible applicants than there is room to accommodate, those accepted will be determined by a random drawing system.

Any individuals who are eligible and who are not selected in the drawing will not be permitted to reapply in the future on the same case(s). After an applicant is accepted into the DUI Court program, they are required to meet the following criteria prior to formal bond in to remain eligible for the program.

1. Have a current moderate to severe substance use disorder which is supported by a recent substance use evaluation;
2. Have a recommendation of Intensive Outpatient Treatment or higher as determined on a substance use evaluation;
3. Have a high risk for criminogenic recidivism and a high need for treatment as demonstrated on an approved screening tool or unless otherwise determined by additional collateral information;
4. Complete an intake appointment;
5. Plead to all charges in which they are applying to DUI Court on; and
6. Have no other criminal matter pending in this or any other jurisdiction at the time of formal bond in (unless such matters can be reasonably resolved without a significant impact on the applicant's participation).



# DUI Court Application

To remit:

Via email - [Dean Rohwer, Coordinator](#)

Via fax - 402.441.6067

Via mail - Attn: DUI Court, 605 S. 10th Street, Suite B100, Lincoln, NE 68508



## APPLICANT INFORMATION

LEGAL NAME & KNOWN ALIASES:	<input type="text"/>
DATE OF BIRTH:	<input type="text"/>
SOCIAL SECURITY NUMBER:	<input type="text"/>
INCARCERATION STATUS/REASON:	<input type="text"/>
ADDRESS:	<input type="text"/>
PHONE NUMBER:	<input type="text"/>
EMAIL ADDRESS:	<input type="text"/>
PRIMARY LANGUAGE:	<input type="text"/>
VETERAN STATUS:	<input type="text"/>
OTHER PENDING CASES:	<input type="text"/>



## CASE/ATTORNEY INFORMATION

DOCKET/CASE NUMBER(S):	<input type="text"/>
CHARGES IN EACH CASE:	<input type="text"/>
FILING DATE (OLDEST CASE):	<input type="text"/>
DEFENSE ATTORNEY:	<input type="text"/>
ADDRESS:	<input type="text"/>
PHONE NUMBER:	<input type="text"/>
EMAIL ADDRESS:	<input type="text"/>

Feel free to attach any additional information you may wish to include.

REQUEST TO ENROLL IN THE LANCASTER  
COUNTY DUI COURT PROGRAM

Having been charged with the criminal offense(s) of

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\_\_\_\_\_ , and believing that I may qualify to enroll in the Lancaster County DUI Court Program in lieu of sentencing, I hereby apply for referral of my case(s) to the DUI Court program.

I understand that the DUI program is a program designed to address potential physical and mental health issues that may have played a part in my becoming involved in the above-listed conduct. DUI is not a way for me to escape responsibility for my actions, but instead to address them in an appropriate forum.

Should I be approved for enrollment in the program, I understand that I will be required to work with the staff at any recommended medical and/or mental health providers to address various problems and issues that I may be facing. I also understand that I will be required to appear before the Judge presiding over the DUI program at regular intervals, and as directed, where inquiry will be made into my level of participation and progress within the program.

Because physical and mental health issues are wide ranging and complex, I understand that I may be required to participate in this program for an average of 18-24 months. I realize that I will only be successful in this program if the Judge, the Prosecutor, and the staff of the DUI, and recommended medical and/or mental health providers agree that I have made sufficient progress in addressing the issues in my life that can be linked to the events surrounding my misconduct.

In order to participate in the program, I understand that I will have to make a full disclosure about my involvement in the crime(s) I have been charged with. I also understand that I will have to give permission to any medical and/or mental health providers, including their affiliates, to release any pertinent information to the Judge, the Prosecutor, and any other agent or official designated by the Court that may relate to my participation in the program, even if this information would normally be protected by privacy rules or regulations. I also understand that my appearances before the Judge will be in open court at a docket designed for other DUI participants and that general information about my participation, my history, and my treatment may be discussed in that setting. Of course, every effort will be made to avoid discussion of extremely private, embarrassing, or sensitive information in that forum.

*I have read and understand the above information and agree with the above cited rules and policies. I also hereby give permission to the entities involved in the DUI Court program, including the Judge, the Prosecutor, the staff of any relevant medical or mental health provider (to include any relevant associates), any probation officer or other official, and my attorney to disclose and discuss relevant information about me as it pertains to my participation in this program. I understand that this information may include otherwise private information regarding my diagnosis, treatment, criminal history, and the like. I also hereby certify that I have consent to make application for this DUI Court from the appropriate prosecutor.*

\_\_\_\_\_  
**Applicant (Print Name)**  
**Date**

\_\_\_\_\_  
**Applicant (Signature)**

The Applicant read, acknowledged and signed the above statement in the presence of the undersigned Applicant's attorney and/or the prosecutor, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
**Applicant's Attorney**

\_\_\_\_\_  
**Date**

## LANCASTER COUNTY DUI COURT CLIENT CONTRACT

I, \_\_\_\_\_, understand that I have been charged by the County Attorney in Lancaster County with the following criminal offense(s): Charge \_\_\_\_\_, Case # \_\_\_\_\_. I hereby request to voluntarily participate in the DUI Court Program of Lancaster County. In order to earn a dismissal or reduction of the above stated charges, I agree to abide by the following program terms and conditions

\_\_\_\_\_ 1. To keep the peace and be of good behavior, and not to violate any municipal, county, state, or federal laws. I agree to inform law enforcement immediately that I am in DUI Court when contact occurs. Any contact with law enforcement must be reported to my probation officer immediately and being charged with a new crime may result in termination from DUI Court.

\_\_\_\_\_ 2. I will sign a consent form waiving confidentiality of any medical, treatment, or social service records. This information is viewed by members of the DUI Court team including District Court Judges, County Attorneys, Defense Attorneys, DUI Court Coordinator, Probation Officer, and Treatment Providers.

\_\_\_\_\_ 3. I will obtain a drug/alcohol, mental health or co-occurring evaluation from an approved provider, and agree to attend any specified treatment programs, meetings, classes or support groups.

\_\_\_\_\_ 4. I agree to appear in DUI Court as specified by my individualized case management plan or as directed by the District Judge or DUI Court staff. I understand that failure to report for a court hearing or any other breach of this contract may result in a bench warrant.

\_\_\_\_\_ 5. I agree to keep DUI Court staff informed of my current address including all person(s) residing with me. I will also inform DUI Court staff of my telephone number(s). I will provide all numbers to DUI Court Staff that will help in communication purposes. I will not change residence or phone numbers without prior approval from DUI Court staff. I will reside at my primary residence unless permission is given by my probation officer to reside at an alternative location.

\_\_\_\_\_ 6. I agree that I will not use, possess or associate with any persons who use or possess any controlled substances. I will not use or possess alcohol or enter establishments where the primary business is derived from the sale of alcohol. I will not use or possess any drug without a prescription. I will not eat foods containing poppy seeds, take over-the-counter medications without prior approval from the DUI Court staff, and/or take any substances prohibited by the DUI Court. I will notify my medical providers that I am a participant in the DUI Court program.

\_\_\_\_\_ 7. In regards to urinalysis testing I understand that the court may generally rely on a presumptive or lab chemical test result. I may request a confirmation test but if the test is positive, I will bear the cost of the confirmation test, and may be terminated from DUI Court program for lying and being dishonest.

\_\_\_\_8. I understand that I must submit urine samples for testing upon the request of DUI Court personnel; failure to produce at least 35 ml. sample within 1 hour of request, not showing for a drug test, or refusing to drug test will all be considered the same as having a positive test result and jail time will be sanctioned. An altered or tampered specimen is a violation of the DUI Court program and may result in termination from the program. I further understand that I may be asked to give other samples, including samples of my saliva, breath, hair, and blood for the purpose of determining whether I have used any alcohol or drugs. I agree and understand that the selection of the test to be used is not my decision instead will be chosen by the DUI Court Coordinator or my Supervision Officer.

\_\_\_\_9. I agree to pay a one-time \$30.00 enrollment fee, as well as monthly supervision fees of \$35, monthly drug testing fees of \$5, and local monthly program fees of \$25 per month. Fees paid to the District Court for DUI Court, on a monthly basis total: \$40. Any fees accrued during the participant's time on contract in the DUI Court program, must be paid prior to being discharged from DUI Court and before charges can be reduced. These fees will include: work release fees, therapy fees, and court fees. All fees owed to the DUI Court will be paid in full prior to graduation.

\_\_\_\_10. I agree not to travel out of the county without written and/or verbal permission from the DUI Court staff.

\_\_\_\_11. I must not commit acts of violence or threats of violence against a fellow participant, staff member or any other person. I will not possess firearms or dangerous weapons.

\_\_\_\_12. I understand that I must be employed and maintain full-time employment or be attending an approved educational or vocational program. If unemployed, I will be required to be actively searching for employment and provide verification of this search to the Judge. Failure to maintain employment or pursue education may result in termination from the program.

\_\_\_\_13. I will truthfully answer all inquiries directed to me by all DUI Court staff members, and comply with all lawful directives issued by the District Judge, DUI Court staff, or agent of the DUI Court. Any dishonestly, or manipulation may be sanctioned.

\_\_\_\_14. My peers/associates will be written out to be provided to the DUI Court Coordinator, and the Supervision Officer for the participant. These individuals will be staffed with the District Judge. Any individual currently on probation, parole, and/or having a criminal record will be considered no contact unless permission is given by the Judge. Contact with individuals currently in the DUI Court program will be allowed unless otherwise ordered by the Judge. I will avoid social contact with any individuals who are members of a gang or associated with gang members.

\_\_\_\_15. I hereby waive my privilege not to have my spouse testify against me in any trial, hearings or deposition regarding any drug charges.

\_\_\_\_16. I will comply with courtroom rules. Proper clothing to be worn. Any clothing worn and deemed to be inappropriate may be sanctioned by the Judge.

\_\_\_\_17. I will not work as a confidential informant for any law enforcement agency while I am a participant of the DUI Court.

\_\_\_\_18. I understand that during my participation in the DUI Court program, there may be ex parte communications (situations in which only one party appears before a judge) between the DUI COURT Judge and members of the DUI COURT team including attorney representatives. I consent to such communication during my participation in this program.

\_\_\_\_19. I agree to consent search of my person and property while participating in the DUI Court program by a member of law enforcement and/or the DUI Court staff. I understand the following items will be seized from my property or my person regardless of their ownership:

- a. Ephedrine-based products (prescriptions or over the counter)
- b. Opiate-based products (prescription or over the counter)
- c. Cocaine-based products (prescription or over the counter)
- d. Illicit drugs
- e. Drug paraphernalia
- f. Alcohol
- g. Scales for use in distribution of controlled substances
- h. Firearms
- i. Any and all items which are related to the use, manufacture or distribution of a controlled substance
- j. Cellular phones (Optional)

\_\_\_\_20. I understand that my failure to comply with any of the rules of this contract or any directives of DUI Court staff may result in the Judge sanctioning me. Sanctions utilized by the DUI Court include but are not limited to:

- a. Community service, restitution, fines
- b. A period of incarceration in the County Jail as determined by the DUI Court Judge
- c. Electric monitoring
- d. Increased treatment requirements
- e. Increased supervision requirements
- f. Increased drug testing
- g. Demotion in phase program
- h. Termination from the DUI Court
- i. \_\_\_\_\_
- j. \_\_\_\_\_

\_\_\_\_21. The participant agrees to plead to the charges in the Information as filed as by the County Attorney.

- A. If the participant successfully completes the DUI Court Treatment program, the participant will be found guilty of a single count of DUI-non aggravated.
  - a. If the participant pled to a non-aggravated DUI (alleged as a third or fourth offense), that plea will stand, and the State will dismiss all other counts on the Information.
    - i. The State will then proceed to attempt to enhance the single count of DUI to a third offense.
    - ii. The participant will have the opportunity to challenge the priors offered for enhancement at the time of sentencing.
  - b. If the defendant pled guilty to an Aggravated DUI, an Amended Information will be filed, and the State will file a single count of DUI (2 priors). The defendant will be permitted withdraw their plea to the Information and enter a plea to the underlying DUI in the Amended Information.

- i. The State will then proceed to attempt to enhance the single count of DUI to a third offense.
    - ii. The participant will have the opportunity to challenge the priors offered for enhancement at the time of sentencing.
  - B. If the participant fails to successfully complete the DUI Court Treatment program, the case will proceed directly to sentencing on the Information.
    - a. The State will then proceed to attempt to enhance the underlying charge or charges as filed.
    - b. The participant will have the opportunity to challenge the priors offered for enhancement at the time of sentencing.

I understand that my failure to demonstrate progress in this program will result in a review of my case to determine my continued participation in the DUI Court program. I willingly sign this agreement and agree to put forth my best effort to become drug free, mentally healthy and law abiding. I understand that failure to complete this program will result in being terminated from the program and sentenced on the charges I pled to in District Court.

I have also discussed the above agreement with my attorney and am satisfied that he/she agrees with all conditions.

All of the aforementioned are the basic guidelines to participate in this program. Should special circumstances prevail, Judicial discretion can and will be implemented to allow what is in the best interest of the participant.

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Signature of Participant

Date

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Signature of Witness

Date