

DUI TREATMENT COURT

NEW CASTLE COUNTY COURT OF COMMON PLEAS

DUI TREATMENT COURT PROGRAM

This document is designed to provide a preliminary summary of the DUI Treatment Court Program.

ELIGIBILITY CRITERIA:

- ❖ First offender with a high BAC level or a second offender.
- ❖ Evaluated through the DUI-RANT Assessment and placed within the High Risk/High Need Quadrant.
- ❖ Waiver of constitutional rights and guilty plea to the DUI.
- ❖ The DUI must not have resulted in severe bodily injury/death.
- ❖ The existence of a prior drug distribution conviction may render the participant ineligible.

GENERAL REQUIREMENTS:

- ❖ Participation in intensive treatment program (minimum of 9 months).
- ❖ Supervision by Level III Probation Officer.
- ❖ Submit to random alcohol and drug screening.
- ❖ Participation in Ignition Interlock Device Program (if applicable).
- ❖ 30 days of community service.

INCENTIVES:

- ❖ Promotion of lifestyle change through specialized treatment program.
- ❖ Suspension of Level V sentence.
- ❖ Petition for conditional license 30 days after entry into program.
- ❖ Petition for full reinstatement of license at completion of program.
- ❖ Transportation vouchers.

Ongoing compliance and active participation may result in:

- ❖ Credit for community service hours.
- ❖ Additional transportation vouchers.
- ❖ Waived court fines and surcharges.

YOU ARE ENCOURAGED TO SEEK LEGAL COUNSEL IN DETERMINING WHETHER THIS PROGRAM IS RIGHT FOR YOU. INQUIRIES REGARDING THE DUI TREATMENT COURT PROGRAM MAY BE DIRECTED TO THE DUI TREATMENT COURT COORDINATOR AT (302) 255-2476.

DUI COURT INFO DOC 1 (REVISED NOV. 25, 2015)

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COURT OF COMMON PLEAS
DUI TREATMENT COURT PROGRAM



PARTICIPANT HANDBOOK

New Castle County
DUI Treatment Court
500 N. King Street
Wilmington, DE 19801
(302) 255-2476

As of September 27, 2017

This handbook is designed to provide information about the DUI Treatment Court Program in the Court of Common Pleas for New Castle County.

MISSION

The mission of the DUI Treatment Court Program is to enhance community and highway safety by holding individuals with alcohol and substance abuse issues accountable by requiring evidence-based treatment.

ENTRY REQUIREMENTS

- (1) The participant must be a first offender with a high BAC level or a second offender (per the statute).
- (2) The participant must waive his/her constitutional rights and plead guilty to the DUI offense.
 - a. The DUI must not have resulted in severe bodily injury or death.
 - b. The DUI conviction will remain on the individual's record, as required by the statute.
- (3) The participant must be evaluated through the DUI-RANT Assessment and fall within the "High Risk/High Need" Quadrant.
- (4) The existence of a prior drug distribution conviction may render the participant ineligible.

PLEADING GUILTY

The DUI Treatment Court is a voluntary court program for the "hardcore impaired driver" who has been charged with a DUI. The final decision of whether you will be allowed to participate in the DUI Treatment Court will be made by the Judge. The Judge will consider a recommendation from the Attorney General, Defense Counsel, the results of a DUI-RANT assessment, and the circumstances surrounding the charged offense.

You must admit that you are guilty of an offense to enter the DUI Treatment Court Program. This conviction will remain on your record upon successful completion of the DUI Treatment Court Program. Upon graduating from the program, you may petition for reinstatement of your license and the Level V portion of your sentence will be suspended.

However, if your conduct during the Program demonstrates to the DUI Treatment Court Judge that you cannot successfully complete the program requirements, you will be terminated. Upon termination based on non-compliance, your criminal history will include a conviction for the criminal offense to which you pled guilty. You will be sentenced for that conviction. You may be sent to jail, fined and/or placed on probation. Also, you will lose your driving privileges.

DUI TREATMENT COURT PROGRAM RULES

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

1. **Do not use or possess any drugs or alcohol** – Sobriety is the primary focus of this program. Maintaining a drug-free and alcohol-free lifestyle is expected. It is also expected that you will not associate with people who are using illegal drugs. If you are using prescribed medication, you must provide up-to-date prescriptions to the Treatment Provider and the Probation Officer.
2. **Obey the law** – It is expected that you will NOT have police contact while you are a participant in the DUI Treatment Court Program. Do not drive unless you have a valid license. Follow the rules of the road. Do not engage in criminal activity. Do not associate with others who are engaged in criminal activity. If you have new charges while you are a participant in the DUI Treatment Court Program, you may be terminated from the Program. You are required to report any arrest to the Probation Officer immediately.
3. **Attend all scheduled court dates, treatment sessions, and appointments** – This includes individual and group counseling sessions, all educational and treatment sessions. If you are unable to attend a scheduled session, you must contact your counselor. If you are unable to attend a court session when scheduled, please contact the DUI Treatment Court Coordinator immediately. If you are not excused from Court, you must attend as scheduled. Please note, there are instances where court sessions are not held due to cancellation and/or closure, so that may extend a participant's time in the program.
4. **Complete your Community Service as directed** – You must complete 60 hours or 30 days of community service (depending on the date of the offense) during the DUI Treatment Court Program before you graduate. You should begin your community service as soon as possible. You may receive credit for community service based on compliance with program requirements. Upon completion of 60 hours of community service, participants will have the opportunity to complete other special projects for community service credit.
Please see Addendum A – DUI Court Community Service Incentive Policy.
5. **Submit to random alcohol and/or drug tests and monitoring** - You must submit to random screenings and monitoring as directed and as appropriate for your phase.
6. **Be on time** – If you are late for any treatment sessions, it counts as a missed session.
7. **Do not make threats or behave disrespectfully toward other participants or staff, or behave in a violent or inappropriate manner** – Disrespectful, violent or inappropriate behavior will not be tolerated and will be reported to the DUI Treatment Court Judge.

8. **Dress appropriately** – You are expected to dress appropriately. Clothing with drug or alcohol related themes, or promoting or advertising alcohol or drug use is inappropriate. Sunglasses are not to be worn unless medically approved. Arrangements for child care will need to be made since children should not be brought to court or the treatment centers.
9. **While in court remain seated and quiet at all times** – It is very important to observe appropriate behavior in court.
10. **Participate** - You are expected to openly discuss your progress with the Judge. You are expected to participate at treatment sessions.
11. **Be Truthful** – Truth is essential to the DUI Treatment Court Program. It is far better to admit a relapse or violation of the rules than to be dishonest. Dishonesty leads to more severe sanctions and possible termination.

DUI TREATMENT COURT HEARINGS

As a DUI Treatment Court participant you will be required to appear in court on a regular basis, depending on your phase. At each court appearance the DUI Treatment Court Judge will be given a progress report by the treatment provider and by the probation officer regarding your alcohol and/or drug screenings, attendance at treatment and probation and program participation. The Judge will also review your criminal history to see whether you have any new arrests or citations since your last court review. The Judge may ask you questions about your progress and discuss any specific problems you have been experiencing. If you are doing well, you will be encouraged to continue to work toward successful completion of the DUI Treatment Court Program. If you are not doing well, the Judge will discuss this with you to determine further action. If you are not in compliance with treatment or program rules or if you have received new charges, the Court may impose sanctions, enhance treatment requirements or both. Continued failure to meet expectations may lead to termination from the DUI Treatment Court Program and sentencing on the charge to which you pled guilty.

FAILURE TO APPEAR

If you fail to appear in court or at certain appointments on the date and time you are scheduled, the Court may issue a bench warrant or *capias* for your arrest. It is your responsibility to re-schedule appointments in advance. If your request to re-schedule is denied, you must appear as scheduled.

DUI TREATMENT COURT PROGRAM PROCEDURES

Evaluations

Once you are selected to enter the DUI Treatment Court program, you will be evaluated by the DUI-RANT assessment and later by a treatment clinician to determine your treatment needs and risk levels. Assessments will be ongoing while you participate in the DUI Treatment Court Program. You are required to cooperate with all evaluations and assessments. The results will be shared with the Judge in open court.

Alcohol and/or Drug Screenings

You will be monitored and/or tested for alcohol and/or drug use. Initially this may require a transdermal device be worn at all times. You may also be ordered to submit to substance abuse testing throughout your participation in the DUI Treatment Court Program. The Judge will be informed of all test results.

Everyone is assigned a color at orientation, for example, Red. Weekly testing is the norm, however, we can test more frequently according to your test results. **You need to call (302) 656-4389 everyday or the night before.** Be careful to listen for the correct date. You can only give a urine test on the day your color is called. **You must have a photo ID & know your social security number** in order to submit your urine test.

In addition to the requirements outlined in the DUI Court Participant Handbook regarding the Brandywine Counseling Color Line, you are required to call the DUI Court Line each **Friday** to determine if you must submit a screening at **Probation and Parole** (314 Cherry Lane, New Castle, DE 19720) on **Saturdays** between 9:00 AM and 12:00 PM. You must call the DUI Court Coordinator Line at **302 (255-2476)** and listen carefully to the instructions on the voicemail. The line will be updated by 5:00 PM every Friday evening.

If you fail to submit a urine sample when your assigned color is called, it may be considered positive. A positive or "dirty" test will not automatically result in termination from the DUI Treatment Court Program. The DUI Treatment Court Judge will review your overall performance in the Program. It is better to submit a positive sample rather than to miss a urine test.

Please see Addendum B – DUI Court Saturday Screen Policy

Diluted Screens

Submission of a diluted screen is a violation of the requirements of the DUI Treatment Court Program. You are encouraged to provide your screening first thing in the morning and/or consume a meal with protein at least one hour before your submission. Regardless of the dilution level, submission of three (3) diluted screens without justification will

cause you to re-start your requirement of 14 random consecutive weekly negative urines. Additionally, if an individual reaches a 4th diluted screen, the individual must submit to a reassessment by the treatment provider to determine if the level of care should be increased. This may impact your eligibility for your graduation.

Please see Addendum C – DUI Court Diluted Screen Policy.

Treatment

The DUI Treatment Court Program is designed to help individuals struggling with substance abuse, learn how to live their lives in a productive and health way. Treatment will be based upon individual needs and an individual treatment plan will be developed for each participant. Substance abuse counseling, and treatment may include individual and/or group sessions as well as requiring the participant to engage in pro-social activities. The treatment program to which you are assigned will be determined by your personal risks and needs, and may include treatment sessions, intensive outpatient treatment, partial hospitalization, in-patient (residential) treatment and/or medication-assisted treatment. Your attendance at sessions will be reported to the Judge as part of your progress report. You must have prior permission to be excused from a counseling session.

PRIME Solutions® will also be used in certain phases of the DUI Treatment Court Program. **PRIME Solutions®** is a substance abuse treatment program which assists clients diagnosed with substance use disorders make changes in their high-risk drinking and drug use. **PRIME Solutions®** does this by moving people through the final Stage of Change within the Transtheoretical Model-Action. This curriculum helps clients reduce risks, develop low-risk beliefs and clear standards, and gain skills to manage cravings and temptations.

Failure to attend your **PRIME Solutions®** session may result in forfeiture of previous attendance and require that you re-start the **PRIME Solutions®** program.

DUI TREATMENT COURT TREATMENT TRACKS / PHASES

The treatment tracks implemented for treatment court participants have been developed to better support and meet the individualized treatment need(s) of each participant. Treatment is scheduled to last a minimum of nine (9) months up to a year dependent on which track the participant is assigned and how they progress through the program. Attendance at all scheduled treatment sessions is paramount. Missed sessions are unexcused and will extend the participants time in the program. Below please find the Treatment Tracks for your reference.

Track 1 - Minimum of 36 weeks

Phase 1 (Orientation Phase) - minimum 12 weeks

- Intake appointment with Probation & Parole
 - Intake appointment with treatment provider
 - Twice weekly treatment groups
 - 1 group to include **Prime Solutions**
 - Bi-weekly individual counseling (at least 45 minute session)
 - Weekly court reporting
 - Weekly Probation & Parole reporting
 - Twice weekly, random UDS
 - Application submission and approval by program team to transition to Phase 2 (including placement and approval of community service location)
-

Phase 2 - at least 8 weeks

- Once weekly treatment groups
 - Bi-weekly individual counseling (at least 45 minute session)
 - Bi-weekly court reporting
 - Bi-weekly Probation & Parole reporting
 - Complete 60 hours of community service (as determined by Probation & Parole)
 - At least one weekly, random UDS
 - Application/essay submission and approval by program team to transition to Phase 3 (due 2 weeks prior to eligible transition date)
-

Phase 3 - at least 8 weeks

- Bi-weekly treatment groups (1.5 hours)
 - Bi-weekly individual counseling (at least 45 minute session)
 - Begin work on WRAP booklet
 - Weekly engagement in pro-social activity (come up with a list of activities/options-incl. self-help meetings, healthy living activities, additional volunteering, additional counseling, NAMI, etc.)
 - Monthly court reporting
 - Monthly Probation & Parole reporting
 - Complete 100 hours of community service (as determined by Probation & Parole)
 - At least one weekly, random UDS
 - Application/essay submission and approval by treatment team to transition to Phase 4 (due 2 weeks prior to eligible transition date)
-

Phase 4 - at least 8 weeks

- Monthly treatment group (1.5 hours)
 - Monthly individual counseling (at least 45 minute session)
 - Weekly engagement in pro-social activity
 - Monthly court reporting
 - Monthly Probation & Parole reporting
 - Completion of community service requirement
 - At least one weekly, random UDS
 - Completion of WRAP workbook
 - Graduation application submitted and approved by program team
-

Track 2 - minimum 54 weeks

Phase 1 (Orientation Phase) - at least 12 weeks

- Intake appointment with Probation & Parole
 - Intake appointment with treatment provider to include ASAM
 - Reassessment completed at the completion of 12 consecutive weeks of treatment
 - Three weekly IOP treatment groups
 - Bi-weekly weekly individual counseling (at least 45 minute session)
 - Begin exploring pro-social activities for Phase 2
 - Weekly court reporting
 - Weekly Probation & Parole reporting
 - Twice weekly, random UDS
 - Application submission and approval by program team to transition to Phase 2 (including placement and approval of community service location)
-

Phase 2 - at least 14 weeks

- Twice weekly treatment groups
 - 1 group to include **Prime Solutions**
 - Bi-weekly individual counseling (at least 45 minute session)
 - Bi-weekly engagement in pro-social activity
 - Bi-weekly Probation & Parole reporting
 - Complete 60 hours of community service (as determined by Probation & Parole)
 - At least one weekly, random UDS
 - Application/essay submission and approval by program team to transition to Phase 3 (due 2 weeks prior to eligible transition date)
-

Phase 3 - at least 16 weeks

- Bi-weekly treatment groups
 - Bi-weekly individual counseling (at least 45 minute session)
 - Begin work on WRAP booklet
 - Bi-weekly engagement in pro-social activity
 - Monthly court reporting
 - Monthly Probation & Parole reporting
 - Complete 100 hours of community service (as determined by Probation & Parole)
 - At least one weekly, random UDS
 - Application/essay submission and approval by treatment team to transition to Phase 4 (due 2 weeks prior to eligible transition date)
-

Phase 4 - at least 12 weeks

- Monthly treatment group
 - Monthly individual counseling (at least 45 minute session)
 - Weekly engagement in pro-social activity
 - Monthly court reporting
 - Monthly Probation & Parole reporting
 - Completion of community service requirement
 - At least one weekly, random UDS
 - Completion of WRAP workbook
 - Graduation application submitted and approved by program team
-

Track 3 - minimum 56 weeks

Phase 1 (Orientation Phase) - at least 12 weeks

- Intake appointment with Probation & Parole
 - Intake appointment with treatment provider to include ASAM
 - INPATIENT TREATMENT THEN FOLLOW UP WITH IOP INCLUDING THE FOLLOWING:
 - Three weekly IOP treatment groups
 - Weekly individual counseling (at least 45 minute session)
 - Begin exploring pro-social activities for Phase 2
 - Weekly court reporting
 - Weekly Probation & Parole reporting
 - Twice weekly, random UDS
 - Application submission and approval by program team to transition to Phase 2 (including placement and approval of community service location)
-

Phase 2 - at least 16 weeks

- Three weekly IOP treatment groups
 - Weekly individual counseling (at least 45 minute session)
 - Begin exploring pro-social activities for Phase 2
 - Bi-weekly engagement in pro-social activity
 - Weekly court reporting
 - Bi-weekly Probation & Parole reporting
 - Complete 60 hours of community service (as determined by Probation & Parole)
 - Twice weekly, random UDS
 - Application/essay submission and approval by program team to transition to Phase 3 (due 2 weeks prior to eligible transition date)
-

Phase 3 - at least 16 weeks

- Twice weekly treatment groups
 - 1 group to include **Prime Solutions**
 - Bi-weekly individual counseling (at least 45 minute session)
 - Begin work on WRAP booklet
 - Bi-weekly engagement in pro-social activity (come up with a list of activities/options-incl. self-help meetings, healthy living activities, additional volunteering, additional counseling, NAMI, etc.)
 - Bi-weekly court reporting
 - Monthly Probation & Parole reporting
 - Complete 100 hours of community service (as determined by Probation & Parole)
 - At least one weekly, random UDS
 - Application/essay submission and approval by treatment team to transition to Phase 4 (due 2 weeks prior to eligible transition date)
-

Phase 4- at least 12 weeks

- Bi weekly- treatment groups
- Monthly individual counseling (at least 45 minute session)
- Weekly engagement in pro-social activity
- Monthly court reporting
- Monthly Probation & Parole reporting
- Completion of community service requirement
- At least one weekly, random UDS
- Completion of WRAP workbook
- Graduation application submitted and approved by program team

Overview of estimated treatment time ONLY (does not include intake assessment time)

Phase 1: WILL VARY

Phase 2: approximately 117 hours

Phase 3: approximately 54 hours

Phase 4: approximately 15 hours

Please note each phase may be longer or shorter as directed by the Court in accordance with the treatment plan developed for the participant and the progress of the participant.

PROGRAM FEES

Program fees will consist of (subject to change depending on circumstances):

1. Treatment Provider Evaluation Fee;
2. Treatment Costs determined by the level of treatment needed;
3. Department of Correction Probation and Parole Supervision Fee;
4. Department of Motor Vehicle Fees, Ignition Interlock Device Fees;
5. Fines and Surcharges assessed by the Court.

Please see Addendum E - Anticipated Fee Schedule.

DEPARTMENT OF MOTOR VEHICLES

Upon sentencing, you are likely to receive notice from the Department of Motor Vehicle which will provide information regarding your period of license revocation, your Ignition Interlock Device (IID) eligibility and the procedures you must take in order to reinstate your license. However, as a participant of the DUI Treatment Court Program, you are subject to the specific requirements and procedures outlined by the Court of Common Pleas. Accordingly, please be advised of the following rules with regard to the Department of Motor Vehicle.

1. You are eligible to petition for an IID license 30 days after you have entered the program.
2. If you have a valid driver's license and own a vehicle or intend to drive a vehicle, you must install the IID on the vehicle. This device must remain on the vehicle throughout the duration of the program.
3. You are eligible to petition for full reinstatement of your license 12 months after installation of the IID. You may not reinstate your license until you have successfully completed the program.

If a participant does not have a vehicle in his/her name and does not participate in the IID program, the individual's license will be suspended for the full period of administrative suspension by the DMV.

For your reference, the statute states the following:

Any person charged with a driving under the influence offense who has been permitted to participate in the Court of Common Pleas Driving Under the Influence Treatment Program, and is enrolled in a program of rehabilitation and treatment, pursuant to § 4177(f) or § 4177D of this title, supervised by that Court shall be eligible to have a conditional

license in accordance with this subsection. A person may enter the Treatment Program without seeking a conditional license. If the person chooses to obtain a conditional license, or has any registered vehicles, the person shall be required to have an ignition interlock device installed on all vehicles registered in that person's name. Alternatively, the person has the option to have the device installed on a vehicle or vehicles owned by another person, with the permission of that person, if there are no vehicles registered in the name of the offender. The ignition interlock device shall be immediately installed on eligible vehicles following the effective date of entry into the Driving Under the Influence Treatment Program. The ignition interlock device shall remain installed on the vehicle or vehicles for a minimum period of 12 months from the effective date of revocation or longer if the Court directs. That offender may be eligible to apply for an ignition interlock device license under the following terms:

(1) At least 30 days have elapsed since the effective date of the revocation;

(2) All licenses have been surrendered to the Division of Motor Vehicles prior to issuance of the IID (Ignition Interlock Device) license; and

(3) The participant is not in violation of any terms of the Court of Common Pleas DUI Treatment Program.

(g) Notwithstanding §§ 4177A and 4177B of this title, any person who has successfully completed and graduated from the Court of Common Pleas Driving Under the Influence Treatment Program, shall be permitted to apply for reinstatement of their driver's license and/or driving privilege under the following terms:

(1) Payment of all fees under the schedule adopted by the Secretary;

(2) Payment of all court fines, costs and fees; and

(3) At least 12 months have elapsed since the day the ignition interlock device was installed on the vehicle or vehicles and the ignition interlock license was issued or since the day driving privileges were revoked if no conditional license was sought.

21 Del. C. 4177C.

Should you receive notice from the Department of Motor Vehicle which contradicts the information above, please contact the DUI Court Coordinator for clarity.

NON-COMPLIANCE

Failure to comply with the requirements of the DUI Treatment Court Program may result in the following sanctions based on recommendations by the Treatment Provider and Probation Officer, within the discretion of the Judge:

- Increased reporting and supervision;
- Increased drug and alcohol monitoring;
- Increased curfew requirements;
- Written assignments;
- Increased Community service;
- A period of incarceration.

INCENTIVES

Ongoing compliance with obligations under the DUI Treatment Court Program may result in the following incentives within the discretion of the DUI Treatment Court Judge:

- Additional transportation vouchers;
- Credit for community service hours;
- Suspended court surcharges and costs.

TERMINATION and SENTENCING

If you do not meet your obligations in the DUI Treatment Court Program, you will be terminated from the Program. Because you have already pled guilty to the charge, you will be sentenced when you are terminated from the DUI Treatment Court Program. The sentence is within the discretion of the Judge, and may include a fine, probation, community service, work release, home confinement, incarceration and/or mandatory participation in a substance abuse treatment program.

GRADUATION CRITERIA

In order to graduate, the Participant must complete the following:

1. Submit 14 random consecutive weekly negative urine screens AND attend at least 12 weeks consecutive treatment sessions. *Please Note: Should you submit a positive screening after the 14 consecutive negative screens, you may be subject to re-starting this requirement and therefore extending your graduation eligibility date.*
2. Remain alcohol and drug free for 90 consecutive days on the TAD.
3. Develop an After-Care program with the Treatment Provider that is approved by the Court.
4. Complete community service hours as directed by the program.
5. Pay all remaining costs associated with the program *which have not been waived by the Court*, including treatment, supervision and any restitution that had been ordered.
6. Submit Program Certification Checklist once eligible for graduation to team for approval.
Please see Addendum D – Program Certification Checklist.

Additionally, please be advised of the following requirements depending on your actual graduation date:

- If your graduation date is on the 10th of the month or earlier, you are required only to attend one group session during your graduation month.
- If your graduation date is after the 10th of the month, you are required to attend one group session and one individual session during your graduation month.

Please schedule accordingly.

CONCLUSION

The DUI Treatment Court Program has been developed to help you to avoid consuming alcohol and to avoid criminal activity. The program is voluntary and is your personal choice. The Judge, the court staff, treatment professionals, and your lawyer, if you are represented, will offer advice, encouragement and assistance to you; but the final responsibility is yours.

GOOD LUCK IN THE PROGRAM! We look forward to your graduation from the DUI Treatment Court Program! We hope this handbook has been helpful to you and answered most of your questions. If you have any additional questions or concerns, please ask the DUI Treatment Court staff or the substance abuse treatment professionals. Important DUI Treatment Court telephone numbers are listed for easy access.

DUI TREATMENT COURT PHONE NUMBERS

**Monday – Friday
8:30 a.m. to 4:30 p.m.**

DUI Treatment Court Coordinator (302) 255-2476

******Please note that the DUI Treatment Court Coordinator is available to answer any questions or concerns******

Department of Correction Probation and Parole (302) 577-3443 ext. 5314

Costs and Fines (302) 255-0941
-for questions on fines or to make a payment

Treatment Providers and Programs

Brandywine Counseling and Community Services (BCCS)
2500 West 4th Street
Wilmington, De 19805
(302) 504-5447

ADDENDUM

A

**THE COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE
DUI TREATMENT COURT PROGRAM**

COMMUNITY SERVICE INCENTIVE POLICY

After the completion of 60 Hours of Community Service as authorized through Probation and Parole, DUI Court Participants may earn credit for community service hours in the following ways:

<u>ACTIVITY</u>	<u>CREDIT RECEIVED</u>
<p align="center">SPECIAL PROJECT RE: RISKS OF DRUNK DRIVING</p> <p>DESCRIPTION: THE PARTICIPANT MUST SUBMIT A PROPOSAL TO THE COURT REGARDING A PROJECT OF SUBSTANCE THAT WILL FOCUS ON THE RISKS OF DRIVING WHILE UNDER THE INFLUENCE. THE PROJECT MUST BE APPROVED BY THE COURT. SUCCESSFUL SUBMISSION OF THE PROJECT WILL EARN THE COMMUNITY SERVICE CREDIT.</p>	<p>5 DAYS (ONE TIME ONLY)</p>
<p align="center">SHARING EXPERIENCE WITH OTHERS AT CCP</p> <p>DESCRIPTION: PARTICIPANTS WILL BE ABLE TO SPEAK TO INDIVIDUALS WHO ARE INTERESTED IN PARTICIPATING IN THE DUI TREATMENT COURT PROGRAM DURING EITHER THE DUI ARRAIGNMENT CALENDAR OR THE DUI CASE REVIEW CALENDAR, ALONGSIDE THE DUI COURT COORDINATOR. INTERESTED PARTICIPANTS MUST REACH OUT TO THE DUI COURT COORDINATOR FOR AVAILABILITY. IN ORDER TO BE ELIGIBLE FOR THIS ACTIVITY, THE INDIVIDUAL MUST BE IN SUBSTANTIAL COMPLIANCE WITH THE DUI TREATMENT COURT PROGRAM.</p>	<p>1 DAY (AS SPACE IS AVAILABLE)</p>
<p align="center">NON-PERISHABLE CANNED GOODS DONATIONS</p> <p>DESCRIPTION: PARTICIPANTS MAY BRING NON-PERISHABLE CANNED GOOD DONATIONS TO THE PROBATION OFFICER.</p>	<p>4 CANS = 1 HOUR (MAX: 24 HOURS)</p>
<p align="center">VOLUNTARY EXIT INTERVIEW</p> <p>DESCRIPTION: PARTICIPANTS MAY VOLUNTARILY SCHEDULE AN EXIT INTERVIEW WITHIN 1 MONTH OF THEIR ANTICIPATED GRADUATION DATE WITH THE DUI COURT COORDINATOR, DURING WHICH THEY WILL PROVIDE FEEDBACK REGARDING THEIR EXPERIENCE IN THE PROGRAM.</p>	<p>1 DAY</p>
<p align="center">SPECIAL PROJECTS AS ANNOUNCED</p>	<p>TO BE DETERMINED BASED ON THE PROJECT</p>

*Any questions regarding this policy should be directed to the
DUI Court Coordinator at (302) 255-2476.*

ADDENDUM

B

THE COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE

DUI TREATMENT COURT PROGRAM

SATURDAY SCREEN POLICY

As a requirement of the DUI Treatment Court Program, you are subject to random urine screenings to ensure abstinence from alcohol and illicit drug consumption. **In addition to the requirements outlined in the DUI Court Participant Handbook regarding the Brandywine Counseling Color Line**, you are **required** to call the DUI Court Line each **Friday** to determine if you must submit a screening at **Probation and Parole** (314 Cherry Lane, New Castle, DE 19720) on **Saturdays** between 9:00 AM and 12:00 PM. You must call the DUI Court Coordinator Line at **302 (255-2476)** and listen carefully to the instructions on the voicemail.

The line will be updated by 5:00 PM every Friday evening. You must be aware of the color you were assigned by Brandywine Counseling as well as your phase in the program.

The diluted screen policy remains in full effect. Accordingly, you must take steps to ensure you provide a valid screen and you must be prepared to submit a urine screening upon your arrival.

Should you have any questions or concerns, you may contact your assigned probation officer and/or the DUI Court Coordinator.

Participant Signature _____

Witness Signature _____

Date _____

ADDENDUM C

THE COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE

DUI TREATMENT COURT PROGRAM

DILUTED SCREEN POLICY

1ST Diluted Screen

- Notice and warning from the Court
- Further instruction on reducing future dilutions.

2ND Diluted Screen

- Individual will be encouraged to seek medical explanation as to diluted screens, if applicable.

3RD and Subsequent Diluted Screen

- Regardless of dilution level, participant must re-start requirement of 14 consecutive weekly negative screens in order to graduate from the program.
- Reduction in the amount of fines and costs waived by the Court.
- Subsequent diluted screenings may result in additional sanctions by the Court.

All subsequent diluted screens after the 3rd will result in an **automatic** restart of the requirement of 14 consecutive negative screens in order to graduate.

Participant Signature _____

Witness Signature _____

ADDENDUM D

**DUI TREATMENT COURT
Program Certification Checklist**

- 14 Consecutive Weeks Random Negative Screens*
- 12 Consecutive Weeks Treatment Sessions Attended*
- 90 Days Alcohol and Drug Free on TAD*
- Community Service Completed*
 - CCP Hours Completed: _____ Date: _____*
 - P/P Hours Completed: _____ Date: _____*
- Wrap Workbook*
 - Date Completed: _____*
 - Counselor Reviewed: _____*
- Supervision Fees*
 - Paid: _____ Date: _____*
 - Waived: _____ Date: _____*
- DERP Fees (if applicable)*
 - Paid: _____ Date: _____*
- Brandywine Counseling Treatment Balance Paid* *Date: _____*
- Other Treatment Balance Paid (if applicable)* *Date: _____*
 - Provider Name: _____*
 - Contact Person: _____*
- Payment Agreement set up with Court (if applicable)*
 - Date: _____ Balance Due: _____*

ADDENDUM

E

DUI TREATMENT COURT PROGRAM Anticipated Fee Schedule

This document is designed to provide information regarding the anticipated fees involved with participation in the DUI Treatment Court Program in the Court of Common Pleas for New Castle County.

FINES

*1 st Offender Fine	\$500.00 - \$1,500.00	*2 nd Offender Fine	\$750.00 - \$2,500.00
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Based on full compliance with the requirements of the program, all fine amounts over \$250.00 are subject to suspension. This suspended amount will be reduced based on the quantity and nature of any infractions by the participant. Participants will be advised of their status with regard to suspended fees.

SURCHARGES

*Court Costs	\$50.00	Police Fund	\$15.00
*Non-Jury Case	\$52.00	Ambulance Fund	\$10.00
Video Phone Fee	\$1.00	DELJIS	\$1.00
Court Security Assessment Fee	\$10.00	Victim Compensation Fund (VCF) – 18% of Total Fine	

**Public Defender or Conflict Counsel Fee - \$100.00 (where applicable)
 Drug Fund for Non-Compliance with IID Program – 15% of Total Fine (where applicable)
 *Transportation Fund – 50% of Total Fine

The Transportation Fund Surcharge may be suspended in equal proportion to the percentage of the fine which is suspended based on compliance with the program requirements.

DEPARTMENT OF CORRECTION PROBATION AND PAROLE

**Supervision Fee \$200.00

DEPARTMENT OF MOTOR VEHICLES

Suspension Reinstatement	\$40.00	Conditional License	\$10.00
Revocation Reinstatement	\$200.00		

Ignition Interlock Device Vendors

Draeger

Installation Fee	\$70.00
Monthly Monitoring	\$75.00
Violation Reset	\$50.00
Emergency Roadside	\$65.00
Transfer Vehicle	\$100.00
Bad Check	\$25.00
Removal	No Fee
Missed Appointment	\$35.00
Advanced Installations	\$125.00

LifeSafer

Installation Charge	\$65.00
De-Installation	\$75.00
Re-Installation Charge	\$65.00
Transfer Vehicle	\$120.00
Monitoring (varies)	\$1.81 to \$2.43/Day
Reset/Violation Reset	\$50.00
Missed Appointment	\$35.00

There are also additional fees related to damage to unit cost, service calls, etc.

BRANDYWINE COUNSELING & COMMUNITY SERVICES

Fees based on medical insurance provider. Participants will be encouraged to remit payment for treatment fees before making payment towards Court Fines and Surcharges, and Probation and Parole.

**Subject to Waiver within the discretion of the Court.
 ** Subject to Waiver by the respective Agency.
 ^These fees are ESTIMATED.*

THE COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE
DUI TREATMENT COURT ELECTION FORM

PLEASE READ THIS FORM CAREFULLY AND FOLLOW ALL INSTRUCTIONS. IF YOU HAVE ANY QUESTIONS ABOUT THIS FORM, PLEASE CALL THE COURT OF COMMON PLEAS AT (302) 255-2476.

The purpose of this form is to provide a convenient way for election into the DUI Court Treatment Program.

- 1) I understand that I am entering a plea of **GUILTY**.
- 2) I understand I am responsible for all costs associated with the DUI Treatment Program as well as Court imposed fines, fees and all surcharges.
- 3) I understand this court supervised treatment program will last for a minimum of 9 months and requires participation and successful completion of the program.
- 4) I received and agree to comply with all provisions of the DUI Treatment Court Program Participant's Handbook.
- 5) I understand I will have an interlock device installed in my vehicle.
- 6) I will submit to a RANT assessment, Brandywine Counseling evaluation and clinical evaluation to ascertain my treatment needs.
- 7) I agree to sign waiver and consent forms as required by the Court prior to the start of treatment from Brandywine Counseling to allow information sharing among members of the Court team.
- 8) Upon completion of treatment from Brandywine Counseling, I agree to follow all conditions of the aftercare plan which I am assigned.

Name **Case Number** **Arrest/Case Review (Circle One)**

Street Address

City **State** **Zip Code** **Check here if new address**

E-Mail Address

Day Telephone Number **Evening Telephone Number** **Date of Birth**

Signature **Date** **Lawyer's Signature** **DE Bar #**

NOTE: Please complete this agreement and submit to the Court of Common Pleas at the New Castle County Courthouse Scheduling Division, 500 N. King Street Suite 1600, Wilmington, Delaware 19801- 3704.

THE COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE

DUI TREATMENT COURT CONSENT FORM

CONSENT FOR THE RELEASE OF CONFIDENTIAL INFORMATION

I, _____, authorize the DUI Court to disclose to
(Participant Name)

Brandywine Counseling and Community Services; and Bonnie Stark of Department of Correction Probation and Parole the following information:

Identifying information, program requirements, treatment process, court status and recommendations, RANT assessment results.

The purpose of the disclosure authorized in this consent is to:

Admit client into treatment and to communicate court status, program requirements, and progress in the program.

I understand that my alcohol and/or drug treatment records are protected under the federal regulations governing Confidentiality of Alcohol and Drug Abuse Patient Records, 42 C.F.R. Part 2, and the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), 45 C.F.R. Pts. 160 & 164. I understand that my health information specified above will be disclosed pursuant to this authorization, and that the recipient of the information may redisclose the information and it may no longer be protected by the HIPAA privacy law. The Federal regulations governing Confidentiality of Alcohol and Drug Abuse Patient Records, 42 C.F.R. Part 2, noted above, however, will continue to protect the confidentiality of information that identifies me as a patient in an alcohol or other drug program from redisclosure. I also understand that I may revoke this consent in writing at any time except to the extent that action has been taken in reliance on it, and that in any event this consent expires automatically as follows:

90 Days after Discharge from DUI Court Treatment Program, in the Court of Common Pleas for the State of Delaware.

I understand that treatment, generally, is not conditioned on whether I sign a consent form, but that in certain limited circumstances, I may be denied treatment if I do not sign a consent form.

Dated: _____

(Participant Signature)

(Defense Counsel Signature)

Signature of Parent, Guardian, or Authorized Representative
(When Required)

THE COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE

DUI TREATMENT COURT

AUTHORIZATION FOR DISCLOSURE OF CONFIDENTIAL SUBSTANCE ABUSE INFORMATION AND RELEASED PROTECTED HEALTH INFORMATION

I, _____, hereby authorize communication between the DUI Treatment Court Team (The Honorable Alex J. Smalls, The Honorable Sheldon K. Rennie, Tamara Burton, Courtney Finley, Linda Chapman), Brandywine Counseling and Community Services, Department of Correction Probation and Parole (Bonnie Stark), Office of Highway Safety (Kimberly Chesser), Department of Motor Vehicle (Tanya Lyons, Yolanda Caldwell), their authorized representatives, which discloses any and all confidential substance abuse information and related protected health information necessary, useful or pertinent to the purposes of the Court of Common Pleas DUI Treatment Court Program, which I have voluntarily entered, and any subsequent termination and sentencing proceedings, if necessary.

The purpose of, and need for, this disclosure is to inform the Court and all other named parties of my eligibility and/or acceptability for substance abuse treatment services and my treatment attendance, prognosis, compliance and progress in accordance with the DUI Treatment Court Program's monitoring criteria. The type and extent of the information to be disclosed will include only that information which is necessary or useful for, and pertinent to, the DUI Treatment Court Program's monitoring criteria in connection with the case/charges noted below.

Disclosure of this confidential information may be made only as necessary and useful for, and pertinent to, hearings and/or reports concerning:

(List Charges and Docket Numbers)

I understand that such information, where necessary, will be disclosed in open court, which is a public forum, and I hereby authorize the same.

I understand that my alcohol and/or drug treatment records are protected under the federal regulations governing Confidentiality of Alcohol and Drug Abuse Patient Records, 42 C.F.R. Part 2, and the Health Insurance Portability and Accountability Act of 1996 ("HIPPA"), 45 C.F.R. Pts. 160 & 164. I understand that my health information specified above will be disclosed pursuant to this authorization, and that the recipient of the information may redisclose the information and it may no longer be protected by the HIPAA privacy law. The Federal regulations governing Confidentiality of Alcohol and Drug Abuse Patient Records, 42 C.F.R. Part 2, noted above, however, will continue to protect the confidentiality of information that identifies me as a patient in an alcohol or other drug program from redisclosure. I also understand that I may revoke this consent in writing at any time except to the extent that action has been taken in reliance on it, and that in any event this consent expires automatically as follows:

90 Days after Discharge from DUI Court Treatment Program, in the Court of Common Pleas for the State of Delaware.

I understand that treatment, generally, is not conditioned on whether I sign a consent form, but that in certain limited circumstances, I may be denied treatment if I do not sign a consent form.

Date

Participant Signature

Defense Counsel Signature

Signature of Parent, Guardian, or Authorized Representative (When Required)

IN THE COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE IN AND FOR
 NEW CASTLE COUNTY KENT COUNTY SUSSEX COUNTY
DUI COURT GUILTY PLEA

STATE OF DELAWARE :
 v. : Case No.(s): _____
 : _____

Offense(s) & Criminal Action No.(s)	Minimum/Mandatory Sentence
_____	_____
_____	_____

OTHER CONDITIONS (or State Recommendations) _____

State will enter nolle prosequi (will not prosecute) on the following offenses: _____

The defendant **must** answer the following questions and sign below: *(check the appropriate box)*

Date of Birth: _____ Age: _____ Employer: _____
 Last grade in school completed: _____ Have you ever been admitted to a hospital for mental illness? ___(Yes)___(No)
 Have you freely and voluntarily decided to **plead guilty** to the offenses above? ___(Yes)___(No)
 Have you consulted a lawyer about your decision to plead guilty? ___(Yes)___(No)
 If not, do you desire to do so? ___(Yes)___(No)
 If you have a lawyer, are you satisfied that you have had adequate time to confer with him
 or her and that you have been adequately represented? ___(Yes)___(No)

Do you **UNDERSTAND** that because you are pleading guilty you will not have a trial and therefore waive (give up) your constitutional right:

- (1) to be presumed innocent until the State can prove each and every part of the charges against you beyond a reasonable doubt; ___(Yes)___(No)
- (2) to a speedy and public trial with the assistance of a lawyer; ___(Yes)___(No)
- (3) to a trial by jury; ___(Yes)___(No)
- (4) to hear and question the witnesses against you; ___(Yes)___(No)
- (5) to present evidence in your defense; ___(Yes)___(No)
- (6) to testify or not testify in your defense at trial; ___(Yes)___(No)
- (7) to appeal to a higher court; and ___(Yes)___(No)
- (8) to have a lawyer appointed by the Court to represent you if you cannot afford one? ___(Yes)___(No)

Do you **UNDERSTAND** that jail sentences may be imposed consecutively (one after the other) or concurrently (at the same time) based upon the conviction and/or at the discretion of the sentencing judicial officer? ___(Yes)___(No)

Are you on probation or parole? ___(Yes)___(No)
 Do you understand that a guilty plea may be a violation of probation if you are on probation? ___(Yes)___(No)
 Has anyone promised you what your sentence will be? ___(Yes)___(No)
 Has anyone threatened you or forced you to plead guilty? ___(Yes)___(No)
 Is your plea the result of a plea agreement with the State? ___(Yes)___(No)
 Do you understand if you plead guilty to a sexual offense, you may be required to register as a sex offender as provided by 11 Del. C. § 4120? ___(Yes)___(No)
 Do you understand if you are sentenced to a term of probation, you will be required to pay a \$200 fee in addition to any fine, surcharge(s) and court costs? ___(Yes)___(No)
 If you are not a U.S. citizen, do you understand this plea may affect your immigration status? ___(Yes)___(No)
 Do you understand that a guilty plea to this offense(s) may result in the suspension or revocation of your driver's license and/or driving privileges? ___(Yes)___(No)

Do you understand that a plea of guilty to a crime of violence involving physical injury to another, or any misdemeanor crime of domestic violence as defined in 11 Del.C. § 1448(a)(7)a., or possession of marijuana, will result in the loss of your right to own or possess a deadly weapon for the next 5 years? ___(Yes)___(No)

I certify that I have personally answered each of the above questions, I am not under the influence of alcohol or drugs, and I fully understand the nature of each offense with which I am charged. I further understand the consequences of this guilty plea and hereby consent to the imposition of sentence by a Judge or Commissioner of the Court of Common Pleas.

 Signature of Defendant _____
 Date

 Signature of Defense Counsel _____
 Attorney General
 02-06-10-14-08-01 FORM DUI TC-4 Court's/Attorney General's/Defense Attorney's/Defendant's copy

THE COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE IN AND FOR
 NEW CASTLE COUNTY KENT COUNTY SUSSEX COUNTY

STATE OF DELAWARE)

vs.)

DUI TREATMENT COURT PROGRAM

DOB: _____

Case No.: _____

Offense(s): _____

 (PLEASE PRINT)

This ____ day of _____, 20____; IT IS THE SENTENCE of the Court that Defendant:

Pay the costs of prosecution and all statutory surcharges for the offense of _____; and
 Pay a fine of \$_____, of which _____ is suspended, and pay \$_____ to the Transportation Fund, of which _____ is suspended.

Pay the costs of prosecution and all statutory surcharges for the offense of _____; and
 Pay a fine of \$_____, of which _____ is suspended, and pay \$_____ to the Transportation Fund, of which _____ is suspended.

Pay a surcharge of 15% to the Substance Abuse Rehabilitation, Treatment, Education and Prevention Fund pursuant to 16 Del. C. Chap. 48A;

Pay a surcharge of **\$100** if represented by the Public Defender or Conflict Counsel pursuant to 29 Del. C. § 4607;

Pay a fee of **\$200** to the Probation and Parole Office in addition to any fine, surcharge(s) and court costs imposed by the Judge or Commissioner; and

Pay restitution to the victim(s) in the total amount of \$_____ pursuant to any Special Conditions appearing on the Supplemental Order; and

Commencing this date for the offense(s) of _____ be committed to the custody of the Department of Correction as follows:

COMMITMENT at **Supervision Level V** for a term of _____ months / _____ days consecutive

concurrent to any other sentence of Level V COMMITMENT:

suspend _____ months / _____ days:

credit for _____ days previously served; followed by

COMMITMENT at **Supervision Level IV** for a period of _____ months / _____ days:

Work Release Center

Home Confinement with electronic monitoring for a term of _____ months / _____ days

Thereafter, Defendant is placed on:

PROBATION at **Supervision Level III** for a period of _____; with the following special conditions: 1) participate in a treatment program pursuant to 21 Del.C. § 4177(d)(2) as determined by a clinical evaluation by Brandywine Counseling and comply with all conditions of treatment; 2) pay all fees and assessments, and agree to follow an aftercare plan developed by Brandywine Counseling; 3) complete _____ of community service; 4) consent to the installation of an Interlock Device installed on all vehicle(s) owned or operated by Defendant; 5) consent to wearing a transdermal device; and 6) consumption of alcohol and/or illegal drugs in any form is prohibited.

 Judge

Court's/Attorney General's/ Defense Attorney's/Defendant's copy