

**Monterey County Superior Court**  
**MISDEMEANOR MULTI-OFFENDER ALCOHOL DUI COURT PROGRAM**

**Program Description**

A two-track system, which provides an increased level of accountability, supervision, and treatment where there is an identified need to the high-risk impaired driver. Once eligibility is determined, Probation utilizes a RANT® (Risk and Need Triage) screening to assess supervision and treatment needs. Once RANT® results are confirmed, clients can be assigned to the appropriate DUI Court Track. Clients assigned to Track 2 will also be referred for an ASAM (American Society of Addiction Medicine) evaluation to determine the level of treatment need (inpatient, outpatient, intensive outpatient). The ASAM evaluation for DUI clients is typically conducted by a Behavioral Health Psychiatric Social Worker. Clients identified to have a primary drug substance use disorder (SUD) through the evaluation process, or at any time during their participation in the DUI program, may be referred to the Drug Treatment Court (DTC) program, which has specialized case management, supervision, and treatment providers designated to meet the needs of the drug SUD population. DUI referrals to DTC will continue to adhere to DUI program requirements, probation, and sentencing terms.

Track 1: The “monitoring track” is for clients assessed with no addiction or treatment need. Clients are placed on informal probation; Court appearances to report on progress in completing program requirements, and sobriety compliance monitoring are utilized. The therapeutic portion of the program is twelve (12) to eighteen (18 months), based on individual progress. Once successful, participant will be recommended for program graduation. Following an additional period of 1-1/2 years of successful probation, the case(s) could be potentially dismissed at the request of defendant’s defense attorney pursuant to PC 1203.4.

Track 2: The “treatment track” is for clients assessed with an alcohol use disorder. Treatment is prioritized and combined with formal probation supervision (Initially a five (5) year grant)), regular case management and testing office visits, regular court appearances, and sobriety compliance monitoring (drug and alcohol urine analysis, remote camera-enabled breathalyzers, continuous alcohol monitors (ankle bracelet) or similar alternatives)). Sentence terms are typically served on home confinement following the book and release process through the jail.

The treatment portion of the program is a minimum of twelve (12) months up to eighteen (18) or more depending on individual progress. Once successful, participant will be recommended for program graduation. Following an additional six (6) months of aftercare, participants may request probation modified to informal. Following an additional successful year on informal probation, participants may petition for case dismissal pursuant to PC 1203.4.

**Target Population**

The program accepts eligible 2<sup>nd</sup> time alcohol DUI offenders on a voluntary basis and 3<sup>rd</sup> time alcohol DUI offenders on a mandatory basis. 1<sup>st</sup> and 4<sup>th</sup> alcohol DUI offenders are not currently included in the DUI Court program. Those charged with a drug DUI and/or identified to have a drug SUD through the evaluation process, or at any time during their participation in the DUI program, may be referred to the Drug Treatment Court program, which has specialized case management, supervision, and treatment providers designated to meet the needs of the drug SUD population. DUI referrals to DTC will continue to adhere to DUI program requirements, probation, and sentencing terms.

**Ideal capacity for Track 2 is 60-80 clients.** Track 1 capacity would be based on what the court/judge could accommodate (there is one afternoon calendar setting once a month for Track I reviews).

## Eligibility Criteria

- Must be a resident of Monterey County
- Must be 18 years old or older
- Must be able to access necessary services
- No pending, current or prior DUI with injury\* / manslaughter
- No DUI with 3 prior convictions or pending charges (Lifetime)
- Current or pending offense cannot involve a firearm or deadly/dangerous weapon and/or the use of force against another person
- No pending, current, or prior PC 1192.7 or PC 667.5(c) felony convictions
- No pending or current felony probation or supervised parole
- No pending or prior felony conviction within 10 years or misdemeanor within 5 years involving violence or weapons
- No pending, current or prior charges of deadly weapons or assaultive behavior\*
- No pending, current or prior gang affiliation within 10 years\*
- No pending, current or prior convictions for drug trafficking, sales or possession for sales
- No mental health issue that would interfere with the ability to comply with program requirements
- No prior failure to successfully complete a DUI Program
- No current participation in any other program such as DTC, Pretrial, or Prop. 36
- No pending, current or prior felony or misdemeanor sex offense convictions including PC 314.1 or PC 647.6 convictions
- No parole holds, in-custody INS holds, or outstanding warrants
- No personal circumstances which restrict the ability of the court to impose sanctions (informants)

## Terminations (Non-Compliance)

Program compliance (i.e., treatment participation, weekly check-ins, court appearances, self-help/recovery meetings, abstinence monitoring, counseling, employment, etc.) efforts are monitored by the DUI Court Team. Non-compliance issues are initially responded to utilizing various therapeutic adjustments (i.e., increasing frequency on check-ins, the number of self-help/recovery meetings, using journaling or other mindful activities, reassessing treatment needs and adjusting those efforts, etc.) to support individualized client success. When there is continued non-compliance, the DUI Team may recommend demerits be imposed. When a client accrues a total of ten (10) demerits due to non-compliance activities (i.e., not showing up for necessary appointments, not participating in treatment or being removed from treatment, not showing up for court, continued positive drug and/or alcohol tests, etc.), termination from the DUI Court Program may be recommended and initiated by the Court.

A 4<sup>th</sup> DUI offense occurring during program participation may also result in program termination as the client is no longer eligible for participation in the current DUI Court program designed to include 2<sup>nd</sup> (voluntary) and 3<sup>rd</sup> (mandatory) DUI offenders.

\*Exceptions with compelling circumstances may be considered on an individual basis subject to review and recommendation by the District Attorney and sole discretion of the court.