
KOOTENAI COUNTY DUI COURT

Participant Handbook



Version I
March 2023

WELCOME!

Welcome to Kootenai County DUI Court. This program was created to give alcohol-addicted offenders the opportunity to enter recovery and address their addiction. If you decide to enter this program, it will mean a chance to regain your life, mend your relationships and become a positive member of the community.

Instead of jail, you will enter a supervised, structured, treatment-based program designed to help you become abstinent and make healthier choices. This unique opportunity is based on treating the whole person since addiction affects major life areas. We work as a team—you will not be alone in your recovery. There will be others struggling with their addiction to provide encouragement and strength. The treatment team joins the skills of many professionals to help guide and support you.

This program will be hard and require your total commitment, but the time and effort will be well worth it in the end as you regain control over your life.

**PLEASE READ THIS BOOKLET VERY
CAREFULLY. YOU ARE RESPONSIBLE FOR
KNOWING AND UNDERSTANDING
ITS CONTENTS.**

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I. PROGRAM DESCRIPTION

What is DUI Court?

The Kootenai County DUI Court is a specialized court which provides an alternative to traditional prosecution. It handles crimes committed by non-violent, alcohol-dependent offenders. You will enter a post-plea program which provides education, treatment, and supervision instead of a trial and incarceration.

This includes frequent observed drug testing, alcohol/drug treatment, and individual counseling. Serving as the disciplinarian, the Judge is closely involved in your case as a team member. You will be rewarded or sanctioned based on your compliance with the program. If you do not work toward treatment goals, you will be terminated from the program. If you successfully complete the treatment program, your charge will be amended to a first offense DUI. More importantly, you will gain the necessary tools to rebuild your life.

Am I Eligible?

You are eligible for DUI Court if you meet the following criteria:

- ◆ You are charged in Kootenai County with a Second Offense DUI or an Excessive DUI.
- ◆ You have an alcohol problem.
- ◆ You live in Kootenai County.
- ◆ You do not have a hold from another jurisdiction.
- ◆ You are willing to participate in an intensive alcohol/drug treatment program to deal with your addiction and address addiction-related issues.
- ◆ The substance abuse evaluation and level of services inventory assessment indicate that you are appropriate for the level of treatment and supervision in the DUI Court program.

- ◆ The prosecutor, defense counsel and you, the client, must all agree to your participation in DUI Court. If any of the three do not agree to it, you may not be eligible for DUI Court.

The following charging exceptions may preclude you from DUI Court:

- ◆ You are charged with or have been convicted of a sex offense.
- ◆ Felony cases are accepted on a case by case basis.

How does Kootenai County DUI Court work?

Misdemeanor DUI Court participants remain in the program for a **minimum** of 12 months and must have **6 months of abstinence** prior to graduation.

Felony DUI Court Participants remain in program for a **minimum** of 12 months, most felony participants are in the program 18 months, and must have **6 months of abstinence** prior to graduation.

There are **4-phases** that each person must complete.

The program is designed to address your addiction, some mental health issues, social and family problems, and your employment needs. You will actively participate in a variety of outpatient activities, including random drug screens, group and individual therapy, and self-help support groups, such as AA and/or NA. If you successfully complete these steps, complete all restitution payments, and graduate, the original charge is amended to a first offense DUI.

This is a team approach. Everyone wants you to succeed and create a new life free of dependency. Not only will you become part of this community during your treatment, but it will continue after you have graduated to help you transition into a healthier lifestyle.

What happens after I am arrested?

After you've been arrested, a copy of your police report is sent to the DUI Court Coordinator. The coordinator will send you a letter informing you that you may be eligible for the program. If you are interested in the program you need to contact the coordinator within ten days of receiving the letter. You will then be contacted to set up a substance abuse evaluation and an interview with the coordinator. After the substance abuse evaluation is completed, if you are deemed appropriate for DUI Court, you will begin treatment and attend your first DUI Court session. If you are not

deemed appropriate for DUI Court, your defense counsel and the prosecutor might make other arrangements or your case will proceed through the regular court process.

At the first DUI Court session you will waive your right to a trial and enter a plea of guilty to the second offense DUI or Excessive DUI. If there are companion charges, an agreement will be made reference those charges with you, your defense counsel and the DUI Court prosecutor. Upon successful completion of the program, your charge may be amended as agreed and you will be sentenced on the amended charge.

What happens once I am in the program?

You will be required to participate fully in the intensive outpatient program to graduate from DUI Court. This will include random drug testing, court appearances (the second & fourth Tuesday of every month), making payments on your restitution, completing GED if ordered, verifying self-help meetings, individual and group therapy, as well as ongoing contact with the coordinator and your probation officer.

What happens during treatment?

You will be required to complete a **4-phase** comprehensive program to graduate from DUI Court. This program is subject to change by the DUI Court Team. To advance to the next phase, you must complete the necessary tasks and assignments given by your treatment provider.

Phase One – Misdemeanor – Approx. 30 days Felony – Approx. 90 days

- ◆ You will be drug tested AT LEAST once per week on a random basis.
- ◆ You must appear before the Judge when ordered, which will be TWICE MONTHLY.
- ◆ You will verify that you attended at least TWO self-help (AA/NA) meetings a week.
- ◆ You will meet with your probation officer at least FOUR times a month.
- ◆ You will attend at least TWO group sessions per week & meet with your primary counselor for individual sessions.
- ◆ You will complete a minimum of TWO days on the Sheriff's Labor Program or serve therapeutic community.
- ◆ You will find a 12-step sponsor with a minimum of 2 years of sobriety, who must be approved by the Court.
- ◆ You will find an AA home group.
- ◆ You will have employment, begin job search, or enroll in an educational program or be required to serve community service.
- ◆ You will obtain a mental health evaluation, if requested by DUI Court staff.
- ◆ You must complete G.E.D. assessment.
- ◆ Work on finding employment.
- ◆ Prepare and present orientation speech.

Phase Two – Misdemeanor – Approx. 120 days Felony – Approx. 120 days

- ◆ You will be drug tested AT LEAST once per week on a random basis.
- ◆ You must appear before the Judge as scheduled.
- ◆ You will verify that you attended at least TWO self-help (AA/NA) meetings a week.
- ◆ You will meet with your probation officer at least TWICE a month.
- ◆ You will attend at least TWO group sessions per week & meet with your primary counselor for individual sessions.
- ◆ Begin working on G.E.D.

You may be eligible for a restricted license. Eligibility is determined by your commitment to this program. You will be required to have an Ignition Interlock installed on your vehicle for the duration of the restricted permit, you will also need to provide proof of insurance for the duration of your probation.

If you have a commercial driver's license, you may suffer a one year suspension upon completion of the DUI Court program.

Phase Three – Misdemeanor – Approx. 125 days Felony – Approx. 150 days

- ◆ You will be drug tested AT LEAST once a week on a random basis.
- ◆ You must appear before the Judge as scheduled.
- ◆ You will verify that you attended at least THIRTY self-help (AA) meetings a within 30 days.
- ◆ You will attend at least ONE group session per week & meet with your primary counselor for individual sessions.
- ◆ You must attend the victims panel.
- ◆ Provide proof of forward progress on G.E.D.

Phase Four – Misdemeanor – Approx. 90 days Felony – Approx. 150 days

- ◆ You will be drug tested AT LEAST once a month on a random basis.
- ◆ You must appear before the Judge as scheduled, possibly ONCE a month.
- ◆ You will verify that you attended at least TWO self-help (AA/NA) meetings per week.
- ◆ You will meet with your probation officer a minimum of ONCE a month.
- ◆ You must submit to an exit interview immediately upon graduating if ordered by the court.
- ◆ You must have at least 180 current, continuous, clean/sober days not including Inpatient time to be considered for graduation.
- ◆ Complete G.E.D.
- ◆ Prepare and present graduation speech.

II. FREQUENTLY ASKED QUESTIONS

What if I relapse?

You may relapse during this program, but that just means you have more work to do. It does not necessarily mean, however, that you will be terminated from the program. The DUI Court team understands that addiction is a devastating disease which consumes you. All we ask is that you are honest and tell us if it happens. That way the team can make sure the program is fitting your needs, or if you need something different or something more.

What sanctions are given?

If you do not comply with the treatment tasks, probation conditions, or do not attend mandatory meetings, the Judge will sanction your actions. Possible sanctions include but are not limited to:

- ◆ Increased AA/NA meetings
- ◆ Writing assignments
- ◆ Increased probation contacts
- ◆ Increased drug testing
- ◆ Electronic monitoring
- ◆ Jail time or Sheriff's Labor Program
- ◆ Community service hours (community service and labor program are not the same thing)

How do drug screens work?

You will be required to provide ongoing random urine samples to monitor your progress. A same-sex staff member at the testing facility will supervise you when you give a specimen. Urinalysis reports are documented and available to the court. Any positive urine screens, tampered samples or refusal to provide a sample may be grounds for sanctions from the Judge.

You must be very careful not to ingest:

- ◆ Alcohol
- ◆ Poppy seeds in any form (muffins, bagels, etc.)
- ◆ Flushing agents
- ◆ “Natural” or herbal remedies
- ◆ “Power” drinks (including Red Bull, energy drinks etc)
- ◆ Over the counter medications such as Nyquil without prior approval from your probation officer
- ◆ Metabolite or other over the counter diet aids
- ◆ Controlled substances

Payment for UAs are due at the time the sample is taken. The testing facility has the right to refuse any sample without payment. This will be considered a missed test by DUI court and clients will be sanctioned.

What if I have a serious medical condition?

In general, if you have a serious medical condition you will not be excluded from DUI Court. You must be willing to **fully** disclose your condition and medical care to the treatment providers and DUI Court team. If you are taking medication for your condition, you must continue to do so. Although we can be flexible and work around your condition, you must be able to engage in and complete treatment.

Can I use prescription medication?

As a general rule, DUI Court participants are expected to be drug free, including the use of prescription medication.

If your doctor prescribes medication, you must bring in the prescription to your probation officer and your treatment provider as well as the drug testing facility. You will then sign a release so that your probation officer can verify the prescription. While in DUI Court, you must use ONE doctor or ONE dentist and ONE pharmacy. You are also required to notify medical professionals of your addiction and request non-narcotic pain medications when a prescription is being recommended. If the medical professional

feels that **ONLY** a narcotic pain killer will work, you are required to get a written note from this professional (with the professional's name clearly written) indicating such.

What are my conditions of probation?

- The standard conditions of probation are as follows:
- Should I be terminated from the treatment program, I will be sentenced by the Court based upon my guilty plea that I enter to the crime(s) I am charged with.
- Shall participate in and complete the DUI Court Personal Recovery Program as designed by my treatment provider to the satisfaction of the Court.
- Shall not knowingly associate with persons using or possessing controlled substances, anyone on supervised probation, and shall not associate with any person(s) the Court or probation officer specifically restricts me from associating with including but not limited to spouse and/or relatives.
- Shall report to/be available for contact with probation officer, counselor and treatment provider.
- Shall not use, possess, or sell any illegal controlled substances or drug paraphernalia.
- Shall pay costs of supervision in an amount as indicated by your probation officer.
- Pay a non-refundable participation fee in the amount to be determined based on ability to pay, not to exceed \$300.00 per month. Should I be terminated from the program for any reason, the participation fee and any unpaid treatment costs will still be due and owing.
- Any failure of the treatment program (including but not limited to positive urinalysis tests, missing treatment, violation of release conditions, commission of a new crime) may result in modifications of the treatment program, release conditions, revocations of my release, and/or termination from the program.

- Seek and maintain employment or obtain employment counseling, complete high school or obtain a G.E.D. as directed by the Court. A participant must be employed **fulltime** with a legally verifiable job. If completion of GED is ordered, this must be done in order to graduate.
- Appear in court for any scheduled hearings, regardless of my compliance with the treatment program.
- Length of time of participation in the program is ordinarily twelve months, but the Court may extend the program to allow me additional time to successfully complete my program requirements.
- Report any change of address and/or phone number to the Court and my treatment provider within 48 hours. I must get permission from my probation officer **prior to moving**.
- Submit to random urinalysis testing at my own expense. Any unpaid tests at termination will still be due and owing.
- Maintain regular contact with your attorney—especially if you believe you might be facing a sanction.
- Appear for all court dates, including a dui court first appearance
- Remain in Kootenai County, except for employment, court, or family visitation purposes with permission of your Probation Officer. Permission must be obtained 5 days prior to leaving.
- Commit no law violations.
- **Shall not possess or use a police band scanner.**
- Report all law enforcement contacts **immediately** to probation officer (ANY contact even if not arrested or cited)
- Not use or possess any non-prescribed substance(s) or alcohol. All prescriptions must be shown to probation officer, treatment personnel and drug testing personnel immediately upon receipt.

- Not use or possess any substances intended to alter the results of a test of my blood, breath or urine. All positive, adulterated or diluted UAs are considered to be positive.
- Shall obey all geographic restrictions set forth by the DUI Court Judge or probation officer.
- Consent to inspections in residence upon request of probation officer.
- Cannot go to any casino or gambling establishment.
- Shall not take any health supplements or herbal pills, powders or “remedies.” Only allowed one brand name over-the-counter daily multi-vitamin unless doctor prescribed. Also shall not consume any poppy seed products.
- May not have alcohol in home or vehicle. Cannot purchase, possess, ingest, or consume any alcohol.
- May not enter any establishments wherein the primary source of income is the dispensing of alcoholic beverages (NO BARS).

Upon entry into the program, you will review each one of these conditions with your probation officer and initial each one.

What if I want to travel outside of Kootenai County?

If you need to travel outside Kootenai County, you must first contact your probation officer to request permission to leave. As a condition of travel, the probation officer may require you to submit to a drug test prior to leaving and immediately upon return. Another condition may be that treatment group not be missed. If a treatment group would be missed, further permission from your treatment provider would be required.

What are grounds for termination from DUI Court?

You will be terminated from DUI Court if you do not comply with the treatment. Although a relapse is not absolute grounds for termination, a continual inability to meet your treatment goals will result in expulsion. There are several grounds for possible termination. These include:

- Possession of alcohol, drugs, or paraphernalia at your residence, in your car, or on your person.
- Attending a treatment group under the influence
- New charges, especially violent or sexual crimes
- Corrupting or negatively influencing another DUI Court participant
- Tampering with a UA sample, using the urine of someone else for your own, or allowing someone else to use your urine for their sample
- Any instance necessitating the issuance of a bench warrant

What are the termination procedures?

If the team decides that termination is appropriate, the Judge will explain the reasons for termination in court. You will have an opportunity to be heard by the magistrate originally assigned to your case at a later session if you so choose. You may call witnesses or have an evidentiary hearing. The decision for termination rests solely with the magistrate judge with input from the DUI court team.

What happens if I'm terminated from DUI Court?

If you are terminated from DUI Court you will not get a trial. When you opted in to DUI Court you waived your right to a trial and pled guilty. You will be sentenced on the original charge(s).

III. RULES AND RESPONSIBILITIES**CONFIDENTIALITY**

You will be required to sign a release of information which allows your case manager to give information to the DUI Court Team which includes the Judge, prosecuting attorney, public defender, treatment personnel, probation officer, law enforcement officer, and the court coordinator. Your privacy is respected and the Team will make every effort to protect your identity.

Confidentiality is also essential to maintain the integrity of group therapy sessions. No information pertaining to another client should be discussed outside of group. This confidentiality applies to the DUI Court sessions as well.

FINANCIAL OBLIGATIONSFee

A DUI Court participant fee is assessed to each participant in the amount of \$30.00 per month unless otherwise notified. This must be paid in the form of a money order payable to DUI Court and given to the Coordinator. The terms & conditions of this fee are determined by the Judge. Amount of monthly fee may be raised at any time.

Cost of Supervision

The Adult Misdemeanor Probation supervision fee is based on a sliding fee scale with a maximum of \$75.00 per month payable to Adult Misdemeanor Probation. This must be paid in the form of money order and given to your probation officer during regular office visits.

Cost of Treatment/Drug Testing

As long as the Court continues to receive state funding, your treatment costs will be covered on a sliding fee schedule and your portion of drug testing will be a \$9.00 co-payment per test. These amounts could increase at any time.

Restitution

If restitution has been ordered in your case, you must make monthly payments to the clerk of the court. Your probation officer will assist you in establishing a payment plan.

YOU WILL NOT BE ALLOWED TO GRADUATE UNTIL
YOUR COSTS AND FEES ARE PAID IN FULL

COURTROOM BEHAVIOR

You are expected to maintain appropriate behavior at all times in the courtroom and courthouse. This includes:

- No texting
- No talking in the courtroom
- No sleeping in the courtroom
- No eating or drinking in the courtroom
- No smoking in the courthouse
- No gum chewing
- Be on time and do not leave during the hearing except to use the restroom (emergencies only). You are expected to have used the restroom prior to the court session starting

- Beepers and cell phones must be turned off or they will be confiscated
- DUI Court is NOT the appropriate time to speak with any of the team members unless you have made arrangements to do so prior to the court session. You must call or set up an appointment.
- Appropriate dress is necessary; shoes and shirts are required and no baggy pants, hats, shorts, sunglasses or sleeveless tops should be worn. You are expected to maintain appropriate grooming. If you are attending court straight from work and your work clothes will be soiled, keep a fresh change of clothes with you.

IV. COMMENCEMENT

When you have successfully completed the program and all treatment requirements, you will graduate and your DUI will be amended to a first offence DUI. The time frame for the program can vary and will be determined by the DUI Court Team. Your family, friends, employers, counselors and sponsor are welcome to come to court and share in this joyous and life-affirming occasion. There will be a commencement ceremony in which you will receive the order amending the charge against you and a certificate demonstrating your completion of DUI Court and accomplishment of completing your first steps toward beginning a drug-free life.

DUI COURT TEAM MEMBERS

DUI Court Judge
James Combo
(208) 446-1218

DUI Court Deputy Public Defender - Justin Ackerman
Assigned on one-year rotational basis (208) 446-1700

DUI Court Prosecuting Attorneys
Coeur d'Alene City Prosecutor
Matthew Simmons
(208) 769-2323

Post Falls City Prosecutor
Pat Kiernan
(208) 773-0215

Kootenai County Prosecutor
Corey Weber
(208) 446-1800

Adult Misdemeanor Probation Officer
Melissa Miller
501 Government Way, Coeur d'Alene, ID 83814 (208)446-1991

DUI Court Treatment Providers

Restored Paths
Angela Baker
2205 Ironwood Place, Coeur d'Alene ID 83814
(208)664-8347

Alliance Family Services, Inc.
Mackenzie Manweiler
1200 Ironwood Dr, Ste 101, Coeur d'Alene ID 83814
(208)667-2979

Heritage Health Center
1111 Ironwood Drive, Coeur d'Alene ID 83814
(208) 666-2557

Averhealth
500 N Government Way, Ste. 100
Coeur d'Alene, Idaho 83816
(208) 904-0926 (Business line)
(208) 904-0795 (Testing line)

Testing hours:

Monday - Friday 6am to 4pm
Saturday, Sunday, and Holidays 7am to 12 noon

(Testing hours are determined by Avertest)

DUI Court Coordinator
Rita Wickham
202 E. Anton Ave, Coeur d'Alene ID 83814
(208) 446-1218



KOOTENAI COUNTY DUI COURT

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