

<p>El Paso County, Colorado County Court Court address: 270 S. Tejon, Colorado Springs, CO 80903</p> <hr/> <p>Phone Number : 719-452-5081</p> <p><b>PEOPLE OF THE STATE OF COLORADO,</b></p> <p><b>v.</b></p> <p><b>DEFENDANT:</b></p>	<p style="text-align: center;">▲</p> <p style="text-align: center;"><b>COURT USE ONLY</b></p>
<p>Fourth Judicial District Probation Department 270 South Tejon Street, Suite W200 Colorado Springs, CO 80903 Phone Number: 719-452-5900</p>	<p>Case Number:</p> <p>ML:</p> <p>Division: DUI Courtroom: W270</p>
<p><b>DUI Court Contract</b></p>	

**THE DUI COURT CONTRACT  
THE FOURTH JUDICIAL DISTRICT  
EL PASO COUNTY, COLORADO**

Regina Walter, Judge

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Lydia Longo, Probation Officer (719) 452-5795 [lydia.longo@judicial.state.co.us](mailto:lydia.longo@judicial.state.co.us)

DUI Court meets on Monday (12:00pm staffing, 1:30 pm court) in Courtroom W270

*A public safety program, a sobriety program*

**INTRODUCTION AND OVERVIEW**

This DUI Court contract is incorporated into the terms and conditions of your probation. This contract becomes a court order. Please be sure to read carefully and understand what is contained here. Do not sign this document unless you are willing to make a clear and firm commitment to the DUI Court program.

The primary goal of the DUI Court is to protect you and others (the public) from the many dangers associated with drunk driving. It is our hope that you will not drink and drive again after the successful completion of this program. In recognition that most people entering this program have an addiction to alcohol, it is also our hope that you will learn to develop a lifestyle that is alcohol free.

The DUI Court is a demanding court in which excuses are not well tolerated. If you are approved for DUI Court you will be introduced to the DUI Court team. This team will consist of your therapist, your probation officer, the prosecutor, an attorney from the Public Defender's Office, and the Judge. The Public Defender will not engage in any monitoring of your behavior.

This team will endeavor to be very supportive of you and encourage your success. You will be in regular, close contact with team members who will carefully monitor your progress. The DUI Court team will be pulling for you to succeed.

We also recognize that in addition to active support and encouragement, the imposition of immediate consequences for failure to comply is a key component for success in DUI Court. As a general rule people who suffer from addictions are going to fail before they succeed. Initially, you will not be terminated from DUI Court for certain failures. However, there will be immediate, measured responses. This is designed to reinforce the importance of staying the course with the DUI Court program.

It is our goal that you develop a personal lifestyle of sobriety and experience a dramatic improvement in your quality of life. Sobriety doesn't cause all of life's problems to go away, but it does place you on a stronger footing, to cope, correct and resolve. We hope you will be a happier and healthier person.

The DUI Court program involves four supervised phases that may be accomplished in no less than 16 months. All supervised phases will involve many contacts with the DUI Court team members. It will include therapy, AA/NA, probation appointments, regular court appearances, random testing, community service and payment plan arrangements, among other things. As you progress and show success in your sobriety the subsequent phases become less rigorous and less time consuming. Phase five will be monitored on unsupervised probation for the duration of your probation sentence.

Upon successful completion of phase four you will submit to the DUI Court team a Life Plan for Sobriety. This will be your personal plan for continuing success beyond DUI Court. If you continue to stay out of trouble (trouble is anything more serious than a petty offense or a traffic infraction) and remain clean and sober through the duration of the probation, you will be successfully terminated.

The five phases of the DUI Court are described below. Orientation Phase - 4 months, Phase One - 4 months, Phase Two - 4 months, Phase Three - 4 months, Phase Four - time between the completion of Phase four and the termination of probation (you must be in Phase Four a minimum of 90 days which could require probation extension to accommodate this requirement). You do not move on to the next phase until there is full compliance. Your compliance is monitored on a weekly basis. A failure to comply with all requirements within any week will result in your losing credit for that week, and the imposition of an appropriate response extending that phase by one week per strike. This contract will outline for you in a clear fashion what your responsibilities will be each week. It will also clearly set forth the consequences for failure to comply.

Most people will be starting this program while on work release. If in work release you will be attending therapy, weekly AA, meeting with your probation officer, attending court and submitting to the random testing. You will be fully participating in the program. However, this is only made possible through the work release program. If you violate any of the rules of work release and your work release is terminated by the Sheriff, your participation in the DUI Court program will be suspended until the jail sentence is completed. You will be subject to the strikes in this program even while you are on work release. If it is a jail strike, it will be added on to your jail sentence. Even though suggested, you are not required to complete any Useful Public Service while in work release, and it will delay your progression to Phase 1 until to 40 hrs., of UPS are completed.

Phase Regression: As already pointed out, the DUI Court program is a sobriety program. The goal is to accomplish consistent, sustained sobriety. If a defendant is struggling in a particular phase, the DUI Court Team may elect to regress the defendant back to the beginning of that phase. This will occur only once, if at all.

## **ORIENTATION PHASE**

- ❖ You will appear in court **weekly for the first eight weeks** and every other week thereafter during orientation phase. You will appear in court on time.
- ❖ You will attend and pay for all required treatment. You are to arrive on time and fully participate.
- ❖ You will report to your **probation officer** each week, or as directed.
- ❖ You will submit to random sobriety monitoring. This monitoring may include UA/BA, SCRAM, Sleetime, GPS, ETG tests or other appropriate technology at your expense. All samples must be testable and not dilute. (If upon entry, your first UA is positive, you will have to provide two consecutive negative urine screens in order for Orientation Phase time to begin).
- ❖ You will attend **AA/NA meetings** a minimum of once per week. Attendance at AA meetings is to be documented weekly at therapy group. It is recommended that you obtain an AA sponsor. (Individuals with significant alcohol dependency issues may be required to attend AA/NA with greater frequency)
- ❖ You are to follow the recommendations of your therapist in consultation with the DUI Court team with respect to the use of Antabuse, Naltrexone or other appropriate medication approved by a physician.
- ❖ If you are able to obtain a valid Colorado driver's license you are to demonstrate compliance with **ignition interlock** whenever driving. You are never to drive without a valid Colorado driver's license and interlock. Driving violations are considered serious violations in DUI Court. You will also be required to complete Interlock Enhancement Counseling.
- ❖ You will not possess or consume alcohol or illegal drugs. Use of medical or recreational marijuana is not allowed.
- ❖ Complete 40 hours of UPS (you will not be required to do the minimum required 10 hours of UPS per month while in work release).
- ❖ You will set up a payment plan with the courts for payment of your court fines and fees.
- ❖ You will be in compliance with the "WORK" requirement section of this contract.

- ❖ You will pay treatment costs and probation costs as ordered.
- ❖ You will follow any other terms provided for in this contract.

## PHASE ONE

- ❖ You will appear in court **bi-weekly for the first 8 weeks** and every three weeks thereafter during Phase One. You will appear in court on time.
- ❖ You will attend and pay for all required treatment. You are to arrive on time and fully participate.
- ❖ You will report to your **probation officer** each week, or as directed.
- ❖ You will submit to random sobriety monitoring. This monitoring may include UA/BA, SCRAM, SleepTime, GPS, ETG tests or other appropriate technology at your expense. All samples must be testable and not dilute.
- ❖ You will attend **AA/NA meetings** a minimum of once per week. Attendance at AA meetings is to be documented weekly at therapy group. It is recommended that you obtain an AA sponsor. (Individuals with significant alcohol dependency issues may be required to attend AA/NA with greater frequency)
- ❖ You are to follow the recommendations of your therapist in consultation with the DUI Court team with respect to the use of Antabuse, Naltrexone or other appropriate medication approved by a physician.
- ❖ If you are able to obtain a valid Colorado driver's license you are to demonstrate compliance with **ignition interlock** whenever driving. You are never to drive without a valid Colorado driver's license and interlock. Driving violations are considered serious violations in DUI Court.
- ❖ You will not possess or consume alcohol or illegal drugs. Use of medical or recreational marijuana is not allowed.
- ❖ You will be enrolled with FRCS and complete a minimum of 10 hours of UPS per month during this phase.
- ❖ You will comply with the courts for payment of your court fines and fees.
- ❖ You will be in compliance with the "WORK" requirement section of this contract.
- ❖ You will pay treatment costs and probation costs as ordered.
- ❖ You will follow any other terms provided for in this contract.
- ❖ You will not complete or graduate from Phase One until there have been 30 days without a program violation.

## PHASE TWO

- ❖ You will appear in court **every three weeks for the first 8 weeks** and monthly thereafter during Phase Two. You will be on time.
- ❖ You will attend and pay for all required treatment. You are to arrive on time and fully participate.
- ❖ You will keep your appointment with your **probation officer** every other week, or as directed.
- ❖ You will submit to random sobriety monitoring. This monitoring may include UA/BA, SCRAM, Sleptime, GPS, ETG tests or other appropriate technology at your expense. All samples must be testable and not dilute.
- ❖ You are to attend AA/NA a minimum of once per week. Attendance at AA meetings is to be documented weekly with your therapist. It is recommended that you obtain an AA sponsor. (Individuals with significant alcohol dependency issues may be required to attend AA/NA with greater frequency)
- ❖ You are to follow the recommendations of your therapist in consultation with the DUI Court team to attend additional therapy and with the respect to use of Antabuse, Naltrexone or other appropriate medication approved by a physician.
- ❖ If you are able to obtain a valid Colorado driver's license you are to demonstrate compliance with **ignition interlock** whenever driving. You are never to drive without a valid Colorado driver's license and interlock. Driving violations are considered serious violations in DUI Court.
- ❖ You will not possess or consume alcohol or illegal drugs. Use of medical or recreational marijuana is not allowed.
- ❖ You will complete a minimum of 10 hours of UPS per month during this phase.
- ❖ You will be current on your payment plan for court fines and fees
- ❖ You will be in compliance with the "WORK" requirement section of this contract.
- ❖ You will pay treatment costs and probation costs as ordered.
- ❖ You will follow any other terms provided for in this contract.
- ❖ You will not complete or graduate from Phase Two until there have been 30 days without a program violation.

## PHASE THREE

- ❖ You will appear in court **once a month**. You will be on time.
- ❖ You will attend and pay for all required treatment. You are to arrive on time and fully participate.
- ❖ You will keep your appointment with your **probation officer** once a month, or as directed.
- ❖ You will submit to random sobriety monitoring. This monitoring may include UA/BA, SCRAM, Sleptime, GPS, ETG tests or other appropriate technology at your expense. All samples must be testable and not dilute.
- ❖ You are to attend AA/NA a minimum of once per week. Attendance at AA meetings is to be documented weekly with your therapist. It is recommended that you obtain an AA sponsor. (Individuals with significant alcohol dependency issues may be required to attend AA/NA with greater frequency)
- ❖ You are to follow the recommendations of your therapist in consultation with the DUI Court team to attend additional therapy, and with respect to the use of Antabuse, Naltrexone or other appropriate medication approved by a physician.
- ❖ If you are able to obtain a valid Colorado driver's license you are to demonstrate compliance with **ignition interlock** whenever driving. You are never to drive without a valid Colorado driver's license and interlock. Driving violations are considered serious violations in DUI Court.
- ❖ You will not possess or consume alcohol or illegal drugs. Use of medical or recreational marijuana is not allowed.
- ❖ All of your UPS requirements will be completed.
- ❖ You will be current on your payment plan for court fines and fees
- ❖ You will be in compliance with the "WORK" requirement section of this contract.
- ❖ You will pay treatment costs and probation costs as ordered.
- ❖ You will follow any other terms provided for in this contract.
- ❖ You will not complete or graduate from Phase Three until there have been 60 days without a program violation.

#### **PHASE FOUR**

- ❖ You will submit to **random sobriety monitoring**. This monitoring may include **SCRAM, Sleptime, GPS, ETG tests** or other appropriate technology at your expense. All samples must be testable and not dilute.
- ❖ You will attend and pay for all required treatment. You are to arrive on time and fully participate.

- ❖ You will appear in court as directed.
- ❖ You will prepare a **Life Plan for Sobriety** to be presented to the DUI Court team.
- ❖ You will ensure that your therapist has current contact information at all times and will respond in no less than 24 hours if contacted by her or another team member.
- ❖ All financial obligations to the court must be satisfied in order for this phase to terminate and to end the jurisdiction of the court.
- ❖ You will not complete or graduate from Phase Four until there have been 90 days without a program violation. (This may require that your probation be extended to accommodate this requirement).
- ❖ You may not be successfully terminated from the DUI Court Program and probation if you have an open/pending case.

## **OTHER COMPLIANCE ISSUES**

### **COSTS**

The DUI Court contract contains a **detailed breakdown of the costs** of this program. You will be fully responsible for these costs. Please note that the probation supervision fee and the treatment/testing fee are to be paid up front at the beginning of each month. The MADD fee is paid when you attend the Victim Impact Panel. The remaining courts costs in paragraphs 2 and 3 may be paid over time according to the payment plan that you will be required to set up with the court. We recognize that there are many costs involved. However, please understand that you will not graduate from phase three if you are not current on your payment plan. As a DUI offender, you would be responsible to pay such costs regardless if you are a participant in the DUI Court Program or not.

### **USEFUL PUBLIC SERVICE**

You also have a **public service obligation**. The DUI Court team recognizes that you have many obligations to fulfill, particularly in the early part of this program. In order to encourage effective time management, you are expected to complete a minimum of 10 public service hours each month that you are not in work release. Failure to complete your minimum monthly hours will result in imposition of one day in jail for each hour that is not completed by the end of the month and you will **STILL** be required to complete the hours prior to the beginning of the next month. You may be ineligible to progress to your next phase if public service hours are not completed. You will not graduate from phase three until all required public service hours are completed. UPS monthly hours may be modified during orientation phase if you are on work release.

### **COURT ATTENDANCE**

It should go without saying that making scheduled court appearances is mandatory. If you fail to show for court, a warrant will be issued for your arrest.

### **MEDICATIONS**

Prior to being accepted into the program, you are to inform your therapist and probation officer of all medications that you were prescribed or are taking. If any of these medications are not allowed

in the program, you will be required to wean off of those medications under a physician's care prior to admission and not resume taking them at any time during the program. If your doctor is considering prescribing you medication after admission that is not allowed, you will need to submit documentation to your probation officer from the prescribing physician noting that he or she is aware of your participation in the DUI court and alternative medications were considered but not an option. If the program then approves, you will only be allowed to take the medication with this signed understanding by your doctor in the dosages and time frame recommend. An "as need" or "prn" regime will not be allowed. Only closed ended and short term prescriptions for such medications may be considered once your probation officer and/or therapist has reviewed the physician's documentation. You must sign a release of information for communication between the program and the prescribing physician. Should you test positive after this time frame has expired, it will be considered a positive UA and a strike. You are allowed to take over the counter medication as directed **except** those that contain alcohol or result in positive test for program prohibited substances. You are ultimately responsible for ensuring the screens you provide are valid. You should be aware that some prescription drugs, foods, over-the counter medications, herbal remedies, pre-workout, dietary or energy supplements etc. can affect your test results. If you should ever submit a test that confirms a false positive result due to ingestion of one of the above-mentioned sources, you will be required to abstain from that source but no sanction will be imposed for that initial false positive result. Please note that marijuana use, even if medically prescribed, will not be allowed. This is a sobriety program.

### **MONITORED SOBRIETY**

You will be required to follow the drug and alcohol testing protocol as described in the attached testing protocol sheet. If you fail a breath or urine test, and believe a mistake has occurred, you have the right to request a confirmation re-test. Should you request a re-test, you must personally go to the monitoring agency and request and pay \$15.00 for the confirmation test on the same sample within 2 business days of being notified by your probation officer. Also, please note that **any dilute urine test after one verbal warning has been given will be considered a strike** and the sanctions for a failed/missed test will be imposed. Furthermore, anyone found to be deliberately cheating, for example using a device for cheating on the urinalysis, will face revocation. Also note that if you were using marijuana and/or an unapproved prescription medication prior to admission and are still testing positive after two weeks, you may suffer strikes. You will not begin to accrue compliance weeks in the program until you are testing negative for all substances. Note that the failure to report for a random alcohol/drug test will be treated as a failed test. A missed test is a failed test and a strike will be imposed. In DUI Court you may periodically be subject to additional monitoring. You may be subject to electronic monitoring through the use of SCRAM, Sleetime, a GPS or other appropriate technology. Additionally, you may be ordered to take Antabuse or other recommended medications. A failure to follow through within a reasonable time on a monitoring order or an order to take Antabuse or other prescribed medications may result in a strike with the same sanctions as a failed test.

### **WORK**

If you are in work release you must follow all requirements and expectations of that program. While in the DUI Court program, you are expected to find and/or maintain regular employment. If you are or would like to work in an atmosphere where alcohol is a focus of that establishment, you will need program approval to work there. You will be required to work no less than 30 hours per week earning documented income for those hours. If you are enrolled and actively participating in an educational program on a full time basis, this may be approved in lieu of work given you have proof of financial resources outside of employment. If you are disabled and unable to work

and receiving SSDI benefits, you will be required to volunteer a minimum of 20 hours per week. Once your public service obligation is completed for this case, you will still be required to volunteer.

### **ALCOHOLICS ANONYMOUS**

It is the belief of the DUI Court team that participation in AA is an important component for success in fighting an addiction to alcohol. AA historically has helped more alcoholics than any other program. If you object to participating in a 12-step program please notify the team and an appropriate alternative will be arranged for you. Ask probation for a list of current meetings to keep with you in case you need to attend an extra meeting for additional support.

Your attendance at AA or approved group is to be documented and this documentation is to be shown to your therapist at every group. Failure to do so may result in a strike and/or sanction. Narcotics Anonymous or other appropriate community support group—may be substituted for Alcoholics Anonymous with the approval of the therapist. If attendance is contraindicated per your treatment service plan alternative requirements will be assigned.

### **BENEFITS OF COMPLIANCE**

Successful participation in the DUI Court program allows you to continue to work and go home to your family.

However, the primary benefits are far more lasting, substantive and meaningful. Successful compliance with the DUI Court program will give you the opportunity to change your life. You should experience an improvement in your quality of life. You may be a happier, healthier person.

Furthermore, an alcohol/drug free lifestyle will help protect you and many others from the dangers associated with drunk driving and substance abuse.

### **COMPLIANCE INCENTIVES**

**Our frequent court reviews allows the DUI Court Team to respond quickly to your behaviors in the program. When you demonstrate compliance, you receive incentives as set forth in this contract, including:**

- **Praise by the judge and DUI Court Team**
- **Promotion to the next phase, acknowledged by a Phase Completion Certificate**
- **Reduction/waiver of court fines**
- **Reduction of Public Service hours**
- **Reduction in probation reporting**
- **Rocket docket (eligible after the first four weeks)**
- **Small gifts or other tokens to recognize your progress**

### **FAILURE TO COMPLY STRIKES AND RESPONSES**

As already noted a key component of the DUI Court program is the imposition of immediate but measured consequences for the failure to comply. It is understood that people suffering from serious addictions may fail before finding the way to success. The DUI Court program allows a participant during each phase to suffer failures to comply before termination from the program. These are referred to as strikes or responses. Responses are imposed for missing therapy, testing positive for alcohol or drugs, missing a test or having a dilute test and other contract violations. The District Attorney and probation will have discretion to file a motion to revoke your probation and impose a prison sentence in your case. The team may decide during staffing to combine strikes, especially when a participant is forthcoming and accountable about their behavior. You are advised that any failure to comply will cause you to lose credit for that week. In other words, you will be set back a week in completing that phase.

Although the strikes may not result in termination, they will result in immediate responses. The responses will increase in severity for serious and repeated violations. Appropriate responses are discussed by the team at staffing and include:

- Increased court appearances
- Increased alcohol/drug testing
- Increased participation in treatment or other therapy
- Additional Public Service hours
- Essay or additional homework assignments
- Increased supervision
- Jail time

Strike allowance is set forth below. **If jail time is a chosen response** duration options are also listed.

### **Orientation Phase Strikes**

**1<sup>st</sup> --- up to 2 days in jail**

**2<sup>nd</sup>--- up to 4 days in jail**

**3<sup>rd</sup> --- up to 6 days in jail**

**If you receive a fourth strike, your work release will be terminated and the rest of the required time will be served straight. When you resume in community:**

**4<sup>th</sup>---- up to 8 days in jail**

**5<sup>th</sup>---- up to 10 days in jail**

**6<sup>th</sup>--- May lead to Revocation**

### **Phase One Strikes**

**1<sup>st</sup> --- up to 3 days in jail**

**2<sup>nd</sup>--- up to 5 days in jail**

**3<sup>rd</sup> --- up to 7 days in jail**

**4<sup>th</sup>---- up to 9 days in jail**

**5<sup>th</sup>---- May lead to Revocation**

### **Phase Two Strikes**

- 1<sup>st</sup> ---- up to 4 days in jail**
- 2<sup>nd</sup> --- up to 6 days in jail**
- 3<sup>rd</sup> --- up to 8 days in jail**
- 4<sup>th</sup> --- May lead to Revocation**

### **Phase Three Strikes**

- 1<sup>st</sup> ---- up to 6 days in jail**
- 2<sup>nd</sup> --- up to 8 days in jail**
- 3<sup>rd</sup> --- May lead to Revocation**

### **Phase Four Strikes**

Any violation during Phase 4 will result in a court appearance and possible motion to revoke. The team will staff the violation and determine the response and whether a prison sentence should be imposed or whether an intermediate sanction is appropriate. Intermediate sanctions could include returning to supervised probation (including the \$50 per month fee); extending the period of probation; additional court appearances; fines; or the imposition of Community Service hours.

Note that violations of the DUI Court contract that are not otherwise specifically addressed here will be subject to appropriate responses at the discretion of the DUI Court team, as listed above.

**NOTICE:** As noted above if you suffer too many strikes in any phase, the DUI Court contract will be terminated and the Probation Officer and/or Deputy District Attorney will seek revocation of your probation. It is important to be aware that too many strikes are not the only way that you may face revocation. It is a condition of your probation that you stay out of trouble for the remainder of your probationary period. The District Attorney and your Probation Officer have the discretion to seek a revocation of your probation if you commit a violation of the law more serious than a traffic infraction or a petty offense. If you make a commitment to this program, you must be very careful about your behavior. Furthermore, you are required to report any contact that you have with law enforcement to your probation officer.

### **REDEMPTION**

As already noted, after too many strikes in any one phase, the District Attorney or probation may file a motion to revoke your probation. However, in some cases after consultation with the team, the District Attorney may offer the defendant the opportunity to avoid revocation with successful completion of an alternative treatment recommendation. This option will only be considered in cases where the defendant's violations or failures have not placed the public's safety at risk, and where the defendant shows a sincere desire, despite his/her failures, to accomplish sobriety.

### **DRIVING UNDER RESTRAINT OR WITHOUT IGNITION INTERLOCK**

A DUI Court participant, who is found to be Driving Under Restraint (driving under suspension, denial, revocation or cancellation) or without ignition interlock, will promptly suffer a strike and the sanction of 30 calendar days in jail in addition to any other penalties under law. Any subsequent Driving Under Restraint violations may result in a motion for revocation from the program. You are never to drive without a proper license and an ignition interlock while in DUI Court. If this is alleged, you have the right to request a prompt hearing. If your DMV Interlock requirement expires prior to the termination from the program, you will be required to keep the device until

you have terminated. If you obtain your license while in the program, you must attend and complete the Interlock Enhancement Counseling Group with Laura T. Fetters. **YOU DO NOT DRIVE WITHOUT A LICENSE AND WITHOUT IGNITION INTERLOCK IN DUI COURT.**

## **PROBATION APPOINTMENTS**

You are to keep all appointments with your probation officer and be on time. Keep these appointments on your calendar. Failure to call/ and or failure to appear will result in a strike. Your probation officer may also seek the issuance of an arrest warrant. **NOTE: The probation officer has discretion to reduce the frequency of appointments if you are doing well in any phase.** Likewise, they may be increased if you are having compliance issues. If you miss an appointment, the Probation Officer may order you to report for an immediate breath test, UA or ETG.

## **AFTER PHASE THREE**

It takes a minimum of 16 months to complete the first four phases of this program. During this time you are under close supervision that is gradually relaxed as you progress through the phases. At the time you complete phase three you will receive special recognition from the Court for this accomplishment. The Court will enter an order placing you on **unsupervised probation for the balance of your probation.** The conditions of your unsupervised probation will be that you continue to stay out of trouble with the law, you will not consume alcohol or unlawful substances, attend the recommended treatment modality and frequency per service plan recommendations The Court will set appearance reviews at the mid-point and at the end of your probation sentence.

## **TREATMENT AND CONFIDENTIALITY**

While in DUI Court you will receive mandatory treatment. This treatment will be assessment driven. In order for DUI Court to properly function, the information regarding treatment must be exchanged between members of the DUI Court team. The treatment team must follow this same federal law (mirrored in State Law) which allows internal communications among program personnel, as long as the team members receiving the information need it to perform their duties. The DUI Court team respects the need for confidentiality. Be assured that only the information needed to properly supervise, help and sanction is discussed. You have the right to be at team meetings or staffing when your case is discussed. Staffing's will be held at 12:00 p.m. before court on the days that you have a scheduled court appearance. You are welcome to attend but must inform your probation officer prior to attendance in order to allow you access to the courtroom during staffing hours. Otherwise, failure to attend will be a waiver of your presence. Your lawyer is also welcome to be present. DUI Court normally is called into session at 1:30 p.m. on Monday.

You will be asked to knowingly and voluntarily consent to this exchange of information. Should you have any questions about this, please feel free to ask. Please note that the goal of the DUI Court program and the exchange of this information is to help you succeed.

## **ATTACHMENTS**

Please note that there are four attachments to this contract. The first is an outline of costs related to this program, and your responsibility for payment. The second attachment is an explanation of the expectations of your probation officer and includes an outline of the standard conditions of

probation. The third attachment contains an explanation of how the random alcohol/drug tests will be administered. The fourth attachment is an explanation of your treatment expectations and contract. These documents are all included in the DUI Court packet that has been provided to you. These attachments are part of your DUI Court contract.

**REMEMBER**

Remember this is a team effort. This program requires effort and determination from you, but you are not going through this alone. Every member of the DUI Court team is determined to help you succeed. Also, honesty and acceptance of responsibility are indispensable elements of success. Please do not sign this contract if you are not prepared to be honest with yourself and the team about your substance abuse problem.

I have read and understand the terms of this contract and voluntarily agree to these terms.

\_\_\_\_\_ Date: \_\_\_\_\_  
Signature

\_\_\_\_\_ Print Name

**ALL YOU WANTED TO KNOW ABOUT URINALYSIS AND BREATH TESTING BUT WERE AFRAID TO ASK.....**

**WHERE:**

Colorado Health Services 327 E. Pikes Peak Colorado Springs, CO 80903 (719) 633-6565 **YOU MAY NOT TEST AT ANY OTHER FACILITY!!!**

**WHEN:** You must submit to an observed U/A test on the day that the testing line states “You are required to test”. This includes Saturday and Sunday. The test line recording shuts off at 2:00pm Monday – Friday and at 11:00 on weekends and holidays so make sure to call prior to these deadlines.

Monday through Friday: 7 a.m. to 6:00 p.m. **Note specimens will not be collected after 5:30pm**

Saturday/ 7 a.m. to 1:00 p.m. **Note specimens will not be collected after 12:30 pm**

Sunday: 8:00am to 1:00 pm **Note specimens will not be collected after 12:30 pm**

Holidays: Varies, but usually follows weekend hours

**You will not be allowed a “make up test.” You may serve a jail sentence if you miss a test. Period.**

**HOW TO CALL:** Probation Officer Lydia Longo will give you a referral that will provide the phone number and your ID number, plus instructions.

**PAYMENT: It is your responsibility to pay for all U/A tests. You will be required to pay a \$40 copay per month. This payment is due by the 5th of every**

**month. If you do not pay by the 5<sup>th</sup>, a week will be added to your current phase. You must pay monthly, or you will not be allowed to test. You must comply with Colorado Health Services payment methods.**

**DILUTE URINALYSIS:** The urine test is also tested for creatinine levels. Any test that is below a 20 is considered dilute. A dilute is considered positive and will result in a sanction.

**POSITIVE URINALYSIS:** This is a urine test that tests positive for an illegal substance, alcohol, marijuana, or a substance for which you do not have a valid program approved prescription.

**POSITIVE BREATH TEST:** Any breath tests that reveals alcohol use is considered positive, no matter how low the number. Excuses of mouthwash, food containing alcohol, or any other excuses will not be tolerated. If you contest your breath test, you may submit to an ETG urine screen, which will confirm or deny the presence of alcohol in your system up to 80 hours from the time of the test. You must submit to the ETG test at the time of the positive breath test, not afterward and pay for that test.

**MISSED URINALYSIS OR BREATH TEST:** For purposes of DUI Court, this is considered to be a positive test and consequences will be imposed.

**FAILURE TO COOPERATE AT URINALYSIS:** It is the job of Colorado Health Services to make sure that all tests are administered pursuant to policy. The CHS representative will observe the U/A test. If the CHS representative observes behavior that is indicative of trying to submit a flawed test, that information will be reported to probation and the Court. Use of a device to submit a fraudulent sample shall be grounds for a motion to revoke, regardless of the number of strikes accrued.

**UNABLE TO PROVIDE:** It is your responsibility to plan ahead and provide the test. It is not wise to show up 20 minutes before the facility closes and try to provide. If you cannot provide, the test will be considered positive.

## **DUI Court Alcohol & Drug Free Policy Agreement**

I \_\_\_\_\_ entered the El Paso County DUI Court on \_\_\_\_\_.

I understand that the program is a sobriety program, and that as a condition of this program, I am expected to remain 100% alcohol and drug abstinent. I understand that I will be subject to testing for alcohol and drugs via urine, breath, and transdermal devices such as SCRAM and SleepTime monitors. As a participant in this program, I understand that these tests are reliable, and that positive tests will result in strikes and jail time. \_\_\_\_\_

I understand that it is a violation to consume alcohol in any form including, but not limited to:

- beverage alcohol such as beer, wine, and hard alcohol
- alcohol in foods, medications, hygiene products and topical preparations
- alcohol in any beverage you consume, whether or not you intentionally ingested it or not (if someone else put alcohol in your beverage)

I acknowledge that I am responsible for reading labels, controlling what I put in my body, and controlling my surroundings, therefore, I also acknowledge that if I have a positive test for a

program prohibited substance, despite the circumstances, I will face a strike and jail time. I understand that the only way urine test can produce a confirmed positive test is if I consume the prohibited substance. \_\_\_\_\_

With regard to drug tests, I understand that it is a violation to use any illegal drug while in the DUI Court Program. Any mind-altering substance, such as “Spice,” “Bath Salts”, or any other synthetic drug, are also prohibited. You are ultimately responsible for ensuring the screens you provide are valid. You should be aware that prescription drugs, over-the counter medications, herbal remedies, pre-workout, dietary or energy supplements can affect your test results. As such, you must have prior approval to use anything. Illegal, program prohibited drugs are regularly tested for.  
\_\_\_\_\_

**I acknowledge that a confirmed positive drug test is evidence that I have used.** If I test positive, no excuse will be tolerated and I will receive a strike. Prescription medications must be approved prior to filling prescriptions and my ingesting any medication. \_\_\_\_\_

My Probation Officer has gone over this form with me, and has answered any questions I have. I acknowledge that I understand these statements above.

\_\_\_\_\_  
Program Participant

\_\_\_\_\_  
Date

**Financial Costs of DUI Court Which YOU are responsible for:**  
**The following costs are assessed in every DUI case that results in supervised probation, regardless of participation in DUI Court. You should anticipate these costs if you enter a plea or are convicted in a DUI/DWAI case.**

**1. Supervision Fees:** \$50.00 per month - \$600.00 per Year- that will be added to your case the day you are sentenced. In DUI Court, if you advance to unsupervised probation, we waive \$50 per month for each month of unsupervised probation! By doing well, you could save money!

**2. Court Costs will include, but are not limited to:**

- \$200.00 Alcohol Evaluation Fee
- \$20.00 Traumatic Brain Injury Fund
- \$100.00 Persistent Drunk Driver Surcharge for the current offense and \$100.00 for each prior conviction.
- \$90.00 LEAF Assessment
- \$163.00 Victim Compensation Fund
- \$163.00 Victim’s Assistance Fund
- \$25.00 Time Payment Fee (if payment plan is created)
- \$25.00 Public Defender Assessment if represented by the Public Defender on underlying charges.
- \$5.00 Court Security Cash Fund
- \$2.50 Genetic Testing Surcharge
- \$52.00 in additional court costs
- Fines of \$2000 to \$500,000 may be assessed.

**3. MADD:** \$75.00 - Due at attendance of MADD Panel.

**4. Useful Public Service Fee:** \$75.00- a onetime fee, an initial \$25 is due at sign-up,

**SOBRIETY MONITORING AND TREATMENT ARE REQUIRED IN EVERY DUI CASE. IN DUI COURT:**

**5. UA/BA Testing and Miscellaneous other costs that you may incur:**

While on supervised probation, \$40 per month copay for Urine Testing required for all participants. This covers most sobriety monitoring, however, if assigned, additional costs may include:

- Breath Tests- \$2.00 per test, due at time of test
- Antabuse Monitoring- \$2.00, Due when you take each dose
- SCRAM- \$270 per month
- Sleep Time \$7 per day, plus \$39 deposit for ETG Urine test
- Work Release- \$22 per day
- Phase 4 - \$ 15.00 per ua

**6. Treatment Costs:**

- DUI Court treatment appropriateness screen prior to admission: no charge
- DUI Court Treatment Placement Intake: \$100.00
- DUI Court weekly group therapy 2-hour session: \$25.00 per group\*
- Individual counseling session: \$15.00/15-minute increment\*\*
- Additional recommended treatment services: cost to be determined by each individual provider
- Treatment manuals: cost determined by manual utilized

\*group sessions payments are due on a monthly basis to be paid in advance at the first group of every month

\*\*individual session payments due at the time of service

**Each cost outlined above is associated with probation, treatment, jail sanctions, and testing. No fees are specifically required for participating in DUI Court that you would not otherwise pay while on probation. Please do not let the financial information above deter you from participating in DUI Court. You will pay the outlined fees above on standard probation as well. The above fee schedule may change.**

# DUI COURT TREATMENT REQUIREMENTS/GUIDELINES



Laura T. Fetters, M.A., LPC, LAC

2804 South Janitell Phone (719) 636-9126 Fax (719) 636-9127

Mailing Address: P.O. Box 60066 Colorado Springs, CO 80960

Welcome to DUI COURT Treatment! In addition to meeting your DMV requirements, DUI Court will explore your drinking in hopes of giving you the therapeutic knowledge and tools to live a substance free life style. DUI Court Treatment will incorporate DMV Level II Four Plus requirements while in the program. Prior to admission, you will be required to complete a DUI Court Treatment Appropriateness Screen with Laura T. Fetters, MA, LPC, LAC. If you meet program criteria and are admitted to the DUI Court Program, you will be required to do the following:

- Complete a DUI Court Treatment Placement Intake with Laura T. Fetters to determine program treatment services after you have pled into the program.
- Attend the minimum program required treatment services provided by Laura T. Fetters to include:
  - 1) weekly 2-hour DUI Court substance abuse treatment group
  - 2) individual counseling sessions with frequency determined by your service plan
  - 3) if you obtain your driver's license while in the program, complete 10 hours of Interlock Enhancement counseling consisting of both group and individual sessions
- In addition to the minimum program required treatments, additional services will be required, determined by your treatment placement intake and may include but are not limited to: residential, intensive, enhanced outpatient, moral reconation therapy, trauma therapy, educational classes such as anger management, financial budgeting, parenting, etc., community support groups

By signing below, I acknowledge and agree to the DUI Court Treatment Requirements and guidelines:

\_\_\_\_\_  
Participant Signature

\_\_\_\_\_  
Date

## **Probation Officer Expectations:**

1. You will meet with your Probation Officer as scheduled, according to the Phase of DUI Court you are in. You are expected to appear for your appointment on time, and ready to participate. **No call, No show for probation appointment will result in a strike.**
2. You will pay your supervision fees and court costs based on the established payment plan.
3. You will remain in treatment and submit to all sobriety monitoring. Failure to comply will result in strikes.
4. You will be expected to be a part of your treatment plan, and to help identify areas of your life in which you can make positive changes.

### **Directions to the Probation Department:**

The Probation Department is located in the Courthouse, in the West Wing, on the second floor.

Our address is:

270 South Tejon Street, Suite W200

Colorado Springs, CO 80903

719-452-5900 Reception

719-452-5901 – Alcohol Evaluation

719-452-5800 – Main Fax Number

719-452-5795 – Lydia Longo, DUI Court Probation Officer