



Driven To Make Our Roadways Safer

Date: May 2, 2019

To: CADTP Organizational Members

From: Teri Kerns, CADTP Legislation Committee Chair

Re: The Referral and Tracking of Convicted DUI Offenders

Over the years, CADTP has worked hard to protect public safety by working with those arrested for impaired driving to engage them in our programs to learn behavioral changes to reduce their risk of recidivism. The goal of this memo is to provide you with the resources and information to aid you in improving the referral and tracking process of convicted DUI Offenders where needed. Consistent and timely DUI adjudication with established administrative sanctions for non-compliance improves outcomes. Studies consistently show that the best strategy to reduce recidivism of impaired drivers is to combine interventions and treatment with driver's license sanctions (Donovan et al. 1988; Donovan et al .1985). Our work with the Strategic Highway Safety Plan, under Initiative 3.1 in collaboration with the Department of Health Care Services (DHCS) resulted in the development of the following Technical Assistance Tools, which are available from the Department or CADTP's website.

1. DUI Offender Process Flowchart
2. Court Referral Form with completion instructions

These two forms supplement the Court Docket, providing clear information to the offender and DUI program, which in turn, encourages their compliance. Additionally, the California Code of Regulations, 9801.5 clearly outlines the responsibilities of the County, including:

- (8) Carry out liaison activities with the courts, the county probation department, DUI Programs, and interested parties at the county level.
- (9) Develop and insure the implementation of a court referral system as described in Health and Safety Code Section 11837.2.

The following Best Practices were developed in collaboration by CADTP and OHS with various stakeholders providing input and are in support of California Code of Regulations (CCR), Title 9, Chapter 3, Sections 9795 – 9886, and the California Health and Safety (H&S) Code Sections 11836 – 11838.11.

1. The County Alcohol Program Administrator (CAPA) or designee will implement a standard County Referral form, ensuring the courts maintain an adequate supply; printing costs can be paid out of the funds paid by the DUI Providers to the County on a quarterly basis.

2. At the time of the conviction, the offender will complete the Court Referral form, which notes the requirement to enroll into the DUI Program within 21 days from the conviction date. The court referral form should document the type of conviction, defendant's name, address, email, phone number, referral date, violation date, and date of birth, docket/case number, blood alcohol level, and driver's license number. This process ensures a more successful follow up with the offender and reduces the likelihood of non-compliance. The court will note the type of referral and compliance date; the form can be completed by the Defendant.
3. If the County has multiple licensed DUI programs, the offender will then choose from the listing on the Court Referral form the program he/she chooses to attend.
4. A copy of the referral will be provided to the offender, the court may mail a copy to the selected DUI program, or the DUI program provider may pick-up the referrals directly from the Court clerk, one copy should remain on file with the court. We recommend this be done weekly to achieve timely processing, compliance, and efficiency.
5. Upon enrollment, the DUI program provider will provide on-line proof of enrollment (DL 107) to the DMV; however, if, after 45 days, the client does not appear for enrollment, the DUI program provider shall notify the court of the offender's failure to enroll. If an offender is re-referred under the same docket number, a new court referral form should be completed and the offender will be given a date to enroll by; failure to enroll after the timeframe given by the court (45 days is a norm) will again be reported.
6. If an offender is dismissed from the DUI program, the court of conviction shall be notified of the dismissal by the DUI program provider within 30 days from the dismissal date. If the offender was dismissed for a subsequent DUI, the court will order the offender to complete a new DUI program under a new docket number iaw SB1177. If a DUI offender has been dismissed from the DUI program and failed to reinstate within 2 years, Title 9, Section 9886(f) of the California Code of Regulations, requires the offender to complete the entire program from the beginning and shall not receive credit for prior attendance or fees paid.
7. The DUI program provider will notify the referring court of the offender's successful completion of the program, unless a negative reporting relationship has been established, where only non-compliance is reported reducing the paper flow; this shall be approved in writing by the Court Administrator and/or CAPA.
8. The DUI program provider will notify DMV of the client's status using the on-line portal to submit the DL107, DL101a, or DL101.

If you'd like to get more involved in the legislative committee, and our efforts, please contact me.

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