2021



Assess, Treat, Serve - Multnomah County Expedited DUII Plea

Table of Contents

[What Are the Basics of the Expedited (“XPLEA”) Plea Program? 2](#_Toc80281218)

[XPLEA Quick-Start Sheet 3](#_Toc80281219)

[This sheet is meant to give you a jump start in doing what is required in this program. For all contact information, see Where to Go Sheet. 3](#_Toc80281220)

[For all contact information, see Where to Go Sheet. 3](#_Toc80281221)

[Explanation of the XPLEA Program Requirements 4](#_Toc80281222)

[The Timing of When You do These Things is Important. 4](#_Toc80281223)

[The Minimum You Must Do Before Your Review Hearing 4](#_Toc80281224)

[What to Do by Your Review Hearing In Order To Have More Fines/Fees Reduced 5](#_Toc80281225)

[What to Do by Your Review Hearing In Order To Have The Maximum Reduction in Fines/Fees 5](#_Toc80281226)

[Completion of Community Service and Treatment**.** 5](#_Toc80281227)

[Community Service Details. 5](#_Toc80281228)

[Is the XPLEA Program for You? 5](#_Toc80281229)

[Additional DUII Plea Program Information Docket and Forms 6](#_Toc80281230)

[What Forms Are Required To Enter Plea (And Where To Find Them). 6](#_Toc80281231)

[XPLEA Docket Particulars 7](#_Toc80281232)

[General 7](#_Toc80281233)

[Plea Entry Hearings: 7](#_Toc80281234)

[After Plea Entry: 7](#_Toc80281235)

[Review Hearings: 7](#_Toc80281236)

[Where to Go Sheet 8](#_Toc80281237)

[Court 8](#_Toc80281238)

[Probation 8](#_Toc80281239)

[ADES of Portland (Drug and Alcohol Evaluations) 8](#_Toc80281240)

[Victim Impact Panel 9](#_Toc80281241)

[Court Fines 9](#_Toc80281242)

[Community Service Resources 9](#_Toc80281243)

[To ask about Community Service arranged through probation, contact probation: Probation. 9](#_Toc80281244)

# What Are the Basics of the Expedited (“XPLEA”) Plea Program?

The XPLEA Program aims to address the serious public safety concerns, treatment needs, and personal accountability of an individual who is (most commonly) facing their first DUII after a prior diversion. Under XPLEA conditions:

1. You are on two years’ probation,
2. Your drivers license is suspended for one year,
3. During your probation, you can’t use drugs, marijuana, or alcohol or go to bars (or places where alcohol or marijuana is their main business),
4. The probation department checks arrest reports to see if you are arrested during probation
5. You must be evaluated for alcohol and drug problems
6. You must attend a presentation focusing on the impact on others affected by DUII accidents. (This is called the Victims’ Impact Panel or “VIP”).
7. You must take part in drug and alcohol treatment if recommended.
8. You must do 80 hours of community service.
9. If you don’t do everything required by the date it is required, you may face up to 30 days in jail;
10. If you do everything by the date it is required, you will not face jail and may have fines reduced.
11. If you get certain things done early, the court may further reduce your fines and fees.

Contact information for all agencies: [Where to Go Sheet](#Wheretogosheet).

[Adonde Ir Hoja Where to Go Sheet in Spanish](#Donde)

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# XPLEA Quick-Start Sheet

# This sheet is meant to give you a jump start in doing what is required in this program. For all contact information, see [Where to Go Sheet](#Wheretogosheet).

 **Contact Evaluation Center Complete Evaluation**

Contact the drug and alcohol evaluation center (“ADES”) to schedule your evaluation. As of the date this was written, it costs $150. Your attorney should provide you with a packet of information from ADES. Please refer to the ADES packet for additional information that must be completed. **The evaluation must be done prior to your Review Hearing (usually approximately 8 weeks after you enter the plea).**

 **Victim Impact Panel (“VIP”)**

Register for and complete the Victims Impact Panel course and submit proof of completion to the court. The cost of the online class is $50. **This must be done prior to your Review Date (usually around 8 weeks after you enter the plea).**

 **Complete 80 Hours of Community Service.**

Talk to your attorney if you are unsure where to do your community service hours. This must be done within the time set by the Court at your plea hearing (usually by around nine months after your plea hearing).

**Attend Review Hearing.** Attend your Review Hearing, usually approximately 8 weeks after you enter your plea. Provide documentation to the Court ahead of time. Depending on what you accomplished, the Court may reduce your fines and fees. If you do not do what is required by this date, you may receive jail time.

**Change of Address:** If you change your address, you **must** notify this court within 72 hours of the change. You must also notify probation. If you do not provide current address information, a warrant may be issued for your arrest.

# For all contact information, see [Where to Go Sheet](#Wheretogosheet).

**Remember – probation conditions exist for the full two years of your probation.** Any probation violation, including for using alcohol and/or drugs, and/or driving, may result in time in jail and/or revocation of probation.

**To provide documentation** that you have completed probation conditions, have your lawyer file it with the court or email it directly to your probation judge’s judicial assistant**.**

# Explanation of the XPLEA Program Requirements

The Expedited DUII Plea option (also known as “XPLEA”) is an opportunity for you to resolve your DUII charge without going to jail, and with a significant reduction in fines. This section provides additional information on what is required of you in the program.

1. You will sign the [DUII XPLEA Agreement](https://www.courts.oregon.gov/forms/Documents/MUL-DUIIPleaAgreement.docx) saying that you agree to the XPLEA program requirements.
2. You will sign a [Plea Petition](https://www.courts.oregon.gov/forms/Documents/Mul-PetitionPleadGuiltyNoContest-Fillable.pdf), plead guilty to and be convicted of the crime of Driving Under the Influence of Intoxicants.
3. Your driver’s license will be suspended for one year. See [License Suspension](https://www.courts.oregon.gov/forms/Documents/MUL-DMVNoticeofSusRev.pdf).
4. You agree to be placed on two years of probation under the Monitored Misdemeanor Program and follow all conditions of your probation. See [MMP Addendum](https://www.courts.oregon.gov/forms/Documents/MUL-ProposedOrderJudgtAddMMPAddCondProbation-Fillable.pdf)
5. Probation conditions include no possession, consumption or use of alcohol, marijuana, or other intoxicants or controlled substances for any reason during your 2-year probation unless it falls within one of the very narrow medical or religious exceptions.
6. No driving without both a valid driver’s license and insurance.
7. No going to any bar or other place whose primary income is from selling alcohol or marijuana.
8. Attend a Victims Impact Panel (“VIP”) that costs $50 (as of the date this was written) and must be paid in full when you attend. Unless the Court orders you to attend an in-person VIP, you may be able to do it online through Oregon Impact.
9. Do an alcohol and drug evaluation and treatment. You’ll schedule that with Alcohol and Drug Evaluation Services of Portland (“ADES”). The evaluation costs $150 (as of the date this was written). After the evaluation, you must then get actively engaged in and complete treatment.
10. Complete 80 hours of community service. You also agree that within the time set by the court at your plea and sentencing, you will complete eighty (80) hours of community service (80 hours is the minimum required by law if jail is not imposed at sentencing.) You can do that community service either through the probation office or set it up on your own. If you set it up on your own, there are additional requirements. See [Community Service Details](#Communityservicedetails).

## The Timing of When You do These Things is Important.

At the hearing where you plead guilty, the Court will tell you when your next court date is. This is called your “Review Hearing” and is usually around 8 weeks after the hearing where you plead guilty. The purpose of the Review Hearing is to make sure you have done those tasks that must be done by that date (ADES evaluation, and attend Victim’s Impact Panel) and determine if your fines will be reduced and by how much. You must be in compliance with all probation conditions to be eligible for fine reduction.

### The Minimum You Must Do Before Your Review Hearing

a. Attend the Victims Impact Panel (AND provide proof to the Court); and.

b. Do an alcohol and drug evaluation (AND provide proof to the Court).

If you do these 2 things, you will avoid a jail stay and may have minimal fine reduction.

### What to Do by Your Review Hearing In Order To Have More Fines/Fees Reduced

a. Attend the Victims Impact Panel (AND provide proof to the Court).

b. Do an alcohol and drug evaluation (AND provide proof to the Court).

c. Attend 2 treatment sessions or do 10 hours of community service (AND provide proof to the Court).

### What to Do by Your Review Hearing In Order To Have The Maximum Reduction in Fines/Fees

a. Attend the Victims Impact Panel (AND provide proof to the Court).

b. Do an alcohol and drug evaluation (AND provide proof to the Court).

c. Attend 6 or more treatment sessions or do 30 hours of community service (AND provide proof to the Court).

### Completion of Community Service and Treatment**.**

After your Review Hearing, the Court will set a date (usually around 9 months from the date you pled guilty) for you to complete all remaining probation conditions including treatment and community service. If the Court does not receive proof of completion, a hearing will be set to address whether you have violated your probation, in which case you may face jail time.

## [Community Service Details](#_Additional_DUII_Plea).

Your community service must be with a true non-profit (known as a “501c(3)” under the tax laws). It’s primary purpose must be social welfare. So, for example, volunteering to help your uncle with yardwork or going to pick up litter on your own, do not qualify. Examples of organizations that do qualify can be found here. [Community Service Resources](#Communityserviceresources) **.**

If you already do volunteer work, this community service has to be with a different organization. If you’re not sure if a particular type of work would qualify, talk with your attorney about it.

You must provide an original letter, on the organization’s official letterhead, stating when you worked, how many hours you worked, and what you did. It has to be an original letter signed by a supervisor or manager with their title and contact phone number where they can be reached. There is no acceptable “online” community service even though you may see websites saying that courts will accept it; we do not. In order for community service to count, you actually have to be doing the work yourself. If you have an impairment which would prevent you from doing community service, tell your lawyer **before you enter this program** so they can speak with the Court.

## Is the XPLEA Program for You?

Please understand that we take XPLEA probations very seriously. This is not just an exercise in checking boxes and paying money. We expect you to learn something and change your behavior. If you are back during your probation having committed a new violation that involves driving, being under the influence, or both, you will likely receive significant jail time on this case – in addition to any punishment you may face on new charges.

These are requirements of the XPLEA program – they are not suggestions or goals. If you don’t think you’ll be able to do the evaluation and Victims Impact Panel before the Review Hearing, or don’t think that you’ll have the time (or willingness) to do the community service, then you should talk with your attorney about whether this program is best for you. There are benefits, but there can be a downside.

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# Additional DUII Plea Program Information Docket and Forms

The XPLEA Program sits between the Diversion Program, and the DUII Intensive Supervision Program.

|  |  |
| --- | --- |
| Diversion | Allows a first time DUII defendant to complete a year of probation. Must undergo evaluation and treatment (if recommended) for alcohol and drug use. If the individual does all that is required, the DUII may be dismissed.  |
| XPLEA Probation | The most common participant is one who is facing their first DUII after a prior diversion. XPLEA probation, in summary, requires a guilty plea to DUII and two years probation with drug and alcohol evaluation, and treatment, Victims Impact Panel, 80 hours of community service and payment of fines and fees. Failure to meet the probation requirements subjects the participant to up to 30 days in jail as a sanction and/or revocation.  |
| DISP Probation | Individuals who have two or more DUIIs may be given the opportunity to participate in the DUII Intensive Supervision Program (“DISP”). This is a three-year probation requiring rigorous supervision, random drug testing, alcohol monitoring, alcohol and drug treatment, frequent court check-ins, 90 days jail, and many other requirements. |

An individual is generally eligible for an XPLEA if they successfully completed DUII Diversion more than one year before the current charge or were ineligible for Diversion (because of prior court-ordered treatment, holding a commercial drivers’ license, etc.). An individual must opt into the XPLEA program within roughly 60 days of their arraignment. The XPLEA option is not available as a sentence after trial, after extended plea negotiations, or if the individual has a prior DUII conviction in this or any other state.

##

## What Forms Are Required To Enter Plea (And Where To Find Them).

[Plea Petition](https://www.courts.oregon.gov/forms/Documents/Mul-PetitionPleadGuiltyNoContest-Fillable.pdf)

[Notice and Advice of Right to Appeal](https://www.courts.oregon.gov/forms/Documents/MUL-NoticeAdviceofRighttoAppeal.pdf)

[License Suspension](https://www.courts.oregon.gov/forms/Documents/MUL-DMVNoticeofSusRev.pdf)

[Judgement Addendum Additional Conditions of Monitored Misdemeanor Probation](https://www.courts.oregon.gov/forms/Documents/MUL-ProposedOrderJudgtAddMMPAddCondProbation-Fillable.pdf)

[Expedited DUII Plea Agreement](https://www.courts.oregon.gov/forms/Documents/MUL-DUIIPleaAgreement.docx)

## XPLEA Docket Particulars

As of this Handbook revision, the XPLEA court hearings generally follow this schedule and process:

### General

* The XPLEA entry date will be set at arraignment. XPLEA entries are scheduled at 10:15 on the first through fourth Friday of each month.
* Check hearing notices for whether XPLEA entries and reviews will be telephonic or in person.
* The XPLEA forms are generally available online at: [XPLEA: Forms](https://www.courts.oregon.gov/courts/multnomah/programs-services/Pages/SpecialDockets.aspx)
* The defense attorney and defendant must complete all relevant parts of all forms, including signatures, dates, addresses, etc. No modification is allowed on any form without court permission. The attorney must then e-file the forms no later than 48 hours before the plea date.

### Plea Entry Hearings:

* Both the defense attorney and the defendant must personally appear for the plea entry hearing. Such personal appearance may or may not be allowed by telephone depending on current court processes. Check your hearing notice.
* At hearings where probationer appears on the phone, the defense attorney must state on the record that they have spoken with the probationer and that they recognize the probationer’s voice on the telephone.
* The probationer must state that they know they have the right to appear in person and they are waiving that right (unless they are appearing in person).

### After Plea Entry:

* Following the plea hearing, the probationer must contact ADES of Portland and follow through with their requirements for drug and alcohol evaluation.
* Once ADES assigns a treatment provider, the probationer must contact the provider immediately to begin treatment.
* The probationer must register for a Victims Impact Panel in time to complete the panel, get the certificate of completion and have their attorney deliver the certificate to the Court prior to the Review hearing.

## Review Hearings:

The Review Hearing will be set when the plea is entered and is usually approximately 8 weeks from the date of the plea entry.

* Both the defense attorney and the probationer must appear for the Review Hearing.
* The defense attorney must get compliance information (evaluation proof and Victims Impact Panel proof) to the court by e-filing the documents with the court one week prior to the Review Hearing.
* The Court will review the submissions and determine whether probationer has complied with the conditions and apply any fine/fee reductions.
* If the probationer is not in compliance, the Court may require the probationer to serve a jail sanction of up to 30 days.
* At the Review Hearing, the Court will set a date by which the probationer must complete all 80 hours of community service and provide proof to the Court.
* If probationer has not provided proof of completion of all community service by the date specified by the Court, the probationer may receive a jail sanction.

# Where to Go Sheet

[Adonde Ir Hoja Where to go Sheet in Spanish](#Donde)

## Court

Your court hearing may be in person or may be call-in. Check your most recent court notice for information on how, where and when to appear.

|  |  |  |
| --- | --- | --- |
| Address | Multnomah County Courthouse 1200 SW First AvePortland, OR 97204 | Check the large video screens in the lobby for your courtroom |
| Phone | 1-408-418-9388, Meeting Number 146 949 7534. | This is the call-in hearing number as of the date of this Handbook revision. Check your court notice for any updates. |

## Probation

|  |  |  |
| --- | --- | --- |
| In Person Intake:After Intake: | Multnomah County Courthouse 4th Floor1200 SW First AvePortland, OR 97204: Dept Community Justice1245 SE 122nd Ave, Portland, Oregon 97233 | Go to the 4th Floor and follow signs for “Community Justice” |
| Email: | Monitored.misd.program@multco.us  |  |
| Phone number:Fax: | 503-988-4848503-988-4006. |  |

## ADES of Portland (Drug and Alcohol Evaluations)

|  |  |  |
| --- | --- | --- |
| **Address** | 506 SW 6th Ave, Ste 611Portland, OR 97204 |  |
| **Email** | ADESPTLD@COMCAST.NET  |  |
| **Phone** | 503 740-5653 503-719-5741  | (To set up evaluation – call or text)(Other) |

## Victim Impact Panel

Sign Up: <http://oregonimpact.org/Victims_Impact_Panel>

Panel cost: $50.00

## Court Fines

If the Court ordered any fines/fees on your DUII case, you have 30 days to pay this amount in full or arrange a payment plan. After 30 days, additional fees will be added and you may be subject to garnishment for the past due amounts. Phone: 971-274-0560.

|  |  |  |
| --- | --- | --- |
| **Online Payment**:[https://www.courts.oregon.gov/services/on line/Pages/epay.aspx](https://www.courts.oregon.gov/services/on%20line/Pages/epay.aspx)  | **In Person Payment**Multnomah County Courthouse 1200 SW First AvePortland, OR 97204 | **Mail Payment**Multnomah County Courthouse Financial ObligationsPO Box 114Portland, OR 97207 |

##

## [Community Service Resources](#_Community_Service_Resources)

## To ask about Community Service arranged through probation, contact probation: Probation.

You don’t have to go through probation. Instead, you can sign up directly with an organization. HandsOn Greater Portland has a very detailed list of locations in and around the Portland, OR area [www.handsonportland.org](http://www.handsonportland.org)

Frequently Used Locations

Habitat For Humanity: Restore

503-287-9529

[www.habitatportlandmetro.org](http://www.habitatportlandmetro.org)

Oregon Food Bank

971-230-1672

[www.oregonhumane.org/get- involved/volunteer/mandated-service/](http://www.oregonhumane.org/get-%20involved/volunteer/mandated-service/)

Free Geek

503-232-9350

[www.freegeek.org/](http://www.freegeek.org/)

The Rebuilding Center

503-467-4985

[www.rebuildingcenter.org/volunteer/](http://www.rebuildingcenter.org/volunteer/)

Boys & Girls Club of Portland

503-232-0077

<https://bgcportland.org/volunteer/>

**Donde Ir**

Oficina De Libertad Condicional (“Probation”)- Generalmente para delitos minores. Vaya en persona:

 Oficina de Servicio Al Cliente

 Piso 2

 Corte de Multnomah County

 1200 SW 4th Ave

 Portland Oregon 97204

Oficina De Libertad Condicional (“Formal Probation”)- Generalmente para delitos mayores o “MMP”

**Llame 503-988-3081** para una cita.