

DUII Intensive Supervision Program (DISP) Eligibility Criteria

To balance treatment court best practices and community safety concerns surrounding the crime of Driving Under the Influence of Intoxicants (DUII), the DISP team has developed and implemented eligibility criteria for program acceptance. Cases will be reviewed on an individual basis to determine the extent and circumstances surrounding the disqualification factors versus the need to participate in the program. Exclusions (those who fall into disqualifying factors) can be given discretionary review by the DISP team and/or community stakeholders to determine client eligibility and acceptance into the program. The possibility of additional program conditions may be considered for acceptance. Those cases declined for acceptance into DISP will be retained by the original assigned/referring judge. The maximum population that DISP can serve is 125 active participants.

A. Mandatory Criteria / Target population:

1. Open DUII case or current DUII probation case with at least 24 months of probation time remaining.
2. Participants must be 18 years and older.
3. No less than two and no more than seven prior DUII convictions, including diversion and pending charges.
4. Participants with Felony charges must be a resident of, or capable of moving to, Multnomah County.
5. Prior to entry, potential participants must complete the Impaired Driver Assessment (IDA) and score High Risk
6. Prior to entry, and within 90 days or less of DISP entry, participants must complete a clinical needs assessment. A diagnosis of substance use disorder, moderate to severe, is required for DISP entry.
7. Must reside in Oregon.

B. Disqualifying Factors

1. Current charges include a DUII related death or serious personal injury.
2. Prior convictions for sexual offenses or for a violent offense, as defined by federal guidelines.
3. Certain sex offenses/domestic assaults/violent offenses/weapons convictions.
4. Participant is not mentally competent or medically capable of complying with DISP probation conditions.

DISP TWO-YEAR PROBATION PROGRAM

For certain qualifying misdemeanor probations, DISP offers a two-year probation. The two-year probation contains the same requirements and phases as the three-year probation. In addition to the standard disqualifying criteria for DISP, the following will not be eligible for two-year probation:

1. Misdemeanor cases where the case would have been a felony except that out-of-state DUII crime cannot be counted in Oregon but that drinking (or substance use) and driving were involved in the out of state crime;
2. Three or more prior lifetime DUIIs
3. Prior felony DUII conviction
4. Injury accident was involved
5. Defendant faces other felony charges and is entering DISP on a misdemeanor DUII in order to access treatment services.
6. Cases where the District Attorney's Office has previously determined to be high risk enough to warrant a significant custody or probation offer.

DISP DDA will be review cases on an individual basis to determine the extent and circumstances surrounding the disqualification factors versus the need to participate in the program. Exclusions can be given discretionary review and approval by the DDA. The possibility of additional program conditions may be considered for acceptance.

All clients will be appraised that failure to reach benchmarks set in the DISP phases may result in probation being extended. This is true for all probations currently in DISP.

Just as the three-year probation may be completed in two years for those who do well in the program, so too can the misdemeanor 2-year probation be completed early. At the discretion of the Court, probationers who make it through all the phases and requirements early and without probation violations may be completed six months early (e.g., after 18 months of probation).