



**Driving-Under-the-Influence Advisory Group  
Meeting Minutes  
March 12, 2012**

Advisory Group Members in attendance in person/or conference call

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Millicent Gomes	Evon Redding	
Linda Bridgeman-Smith	Steve Bloch	Georgi Distefano
Marchetta Dycus	Brenda Frachiseur	Teri Kerns
Luky Maldonado	Judge Gary Nadler	Maleah Novak
Brett O'Brien	David Sackman	Claude Scheiner
Judge Richard Vlavianos	Jane Wise	Anna Flores for Patrick Zarate

**Welcome**

Millicent Gomes opened the meeting by welcoming the advisory group members present, those participating on the conference call and audience members. Millicent reviewed the contents of the folder including the agenda, copy of the logic model to be used in a discussion later in the agenda, and a printout of a call for presenters for the Department of Alcohol and Drug Programs Training Conference taking place August 21-23 with descriptions of the emphasis areas.

Although the proposal to eliminate ADP in the upcoming fiscal year still exists, the training will be held as scheduled. People engaged in Prevention, Treatment and Recovery areas are invited to submit proposals to provide workshops for the training conference. Millicent encouraged all to review the agenda and register to attend.

**Judge Gary Nadler**

Millicent welcomed Judge Gary Nadler from Sonoma County Superior Court and invited him to talk about his experience with the courts. Judge Nadler serves as the presiding Judge in Sonoma County. Sonoma County runs a two tier system in their Driving-Under-the-

Influence (DUI) courts. The second level is for multiple offenders who are required to attend more intensive treatment. Judge Nadler is concerned about the future and survival of DUI courts with the realignment of funds.

With drug court funds realigned to the county, it is up to county discretion to continue funding the court. Although funds are up to county discretion for distribution, Millicent explained that if counties want to expend drug court funds, the court using the funds must abide by the 10-Key Components. If counties choose to do so, they can run their DUI courts using 10-Key Components as Orange County Courts currently does. Currently Sonoma DUI courts are funded through grants from the Office of Traffic Safety and other federal funds, however there is an end date to those funds. From his experience, not everyone values the judicial oversight with regards to DUI courts.

### **DUI Descriptive Study**

San Diego State compiled the results from the DUI survey of the field and generated a draft report. ADP reviewed the content of this report and will make it available on ADP's website. The Final Report will be finalized and released sometime in June and will be posted on the website. ADP will give the advisory group a few days to review the results of the descriptive study before it is released to the public. The current contract ends on June 30, 2012 and a follow-up contract is on hold until the transfer of DUI staff and functions is completed to the Department of Public Health. The scope, budget and contract term were completed and are ready to be processed once DPH staff approve the need for a new contract.

### **DUI Regulations Package**

ADP posted the final statement of reasons on the website December 12, 2011 which provides a summary of all public comments and the Department's responses. After the Office of Administrative Law's (OAL) initial review, OAL requested additional language for the initial statement of reasons. With this, OAL required ADP to initiate another 15-day comment period. That 15-day comment period has now closed and the OAL is now in process of

continuing review of the regulations package. No content was changed from the previous submittal of the package. There is no specific timeframe available as to when the regulations will go into effect. ADP will allow providers 90 days to implement the changes in the new regulatory package.

### **Orange County Collaborative Courts Annual Report for 2011**

At the last meeting Brett O'Brien shared information regarding Orange County Collaborative DUI Courts from 2010. Since that meeting, Orange County finalized their Annual Report for 2011 on the Collaborative Courts in their county. Millicent shared some of the successes highlighted in the report.

- Providing therapeutic treatment instead of incarceration resulted in a substantial savings in the costs of jail and prison bed days. In 2011 these savings amounted to approximately \$9.2 M (\$9,265,854.)
  - Of these savings, the DUI Court saved approximately 28,000 (27,782) jail bed days for a cost savings of \$3,228,546.
- Of the 779 graduates of DUI Court, all of whom were repeat-offense drunk drivers, only 4.6% have had a subsequent DUI conviction – about 80% less than the rate for comparable offenders in a DMV study.

By reforming the lives of hundreds of repeat-offense drunk drivers, the DUI Courts have saved significant future health care costs of many people – including participants who will live longer and healthier lives, and the innocent victims who will not be injured or die in automobile accidents. ADP applauds the dedication of the partner agencies and the support that the County gives their Collaborative Court programs.

A question regarding the amount of money saved based on the number of days served was raised: Would the savings be the same given that since jails are overcrowded, offenders may not be serving the entire term given? Judge Nadler explained that it is difficult to evaluate bed days saved. In Sonoma County the offenders that are often required to serve time are multiple offenders with three or more DUI arrests.

Drug court funds were moved from general fund and sent to counties. It is up to the counties to decide how to utilize funds within the county. The counties may use the funds towards drug courts or to fund other drug prevention services.

Judge Nadler is concerned about DUI courts. He would like to see some way to fund DUI courts. He also wants to educate those who decide where the money goes to see the positive effects and benefits of the DUI courts since most entities do not see the value of judicial supervision; however, it is difficult to measure in terms of money because there are so many other areas that can not be measured. He wants the advisory group to discuss this issue. Currently Sonoma County DUI courts are funded through grant money and some federal funds.

### **Proposed Governor's Budget**

The FY 2012-13 Governor's Proposed Budget was released in January. The proposal includes the transfer of \$330.357 million (\$37.582 million General Fund [GF]) from the Department of Alcohol and Drug Programs to various other departments within the Health and Human Services Agency. Of the total transfer, \$8.254 million (\$3.513 million GF) is for the administrative functions associated with the Drug Medi-Cal Program transferring to the Department of Health Care Services (DHCS) pursuant to the Governor's 2011 Realignment. In addition, the Governor's Budget reflects the proposed elimination of ADP and the shift of \$322.103 million (\$34.069 million GF) for the remaining Non-Drug Medi-Cal functions transferring to DHCS, the Department of Social Services, and the Department of Public Health.

Some have asked why eliminate the department and why now? The proposed move is a realignment and integration to prepare for Health Care Reform as 2014 approaches. All are welcome to attend the upcoming hearings. The proposed budget transfers \$1.771 million from the Driving-Under-the-Influence Program Licensing Trust Fund and 13.5 positions to

support DUI program activities to the Department of Public Health upon passing of the budget.

### **Department of Public Health**

Currently, the Department of Public Health (DPH) is proceeding as if the proposal of ADP's elimination is taking place. DPH used to be part of the Department of Health Care Services (DHCS) and are transitioning 3 units to them as well and understand the changes ADP is experiencing. Evon Redding is the chief over the Professional Certification Branch (PCB) which would be where DUI is proposed to move to. The units name will eventually change to encompass DUI, Office of Problem Gambling, and Narcotic Treatment Program.

The PCB licenses and certifies 30 different types of healthcare facilities and agencies. The branch can support DUI programs and their transition into DPH. The PCB mission statement is:

To optimize the health and well-being of the people of California through the licensure of nursing home administrators, certification of nurse assistants, home health aides, hemodialysis technicians, and the criminal record clearance process for direct care staff working in an Intermediate Care Facility and specific individuals associated to Home Health Agencies and Adult Day Health Care Centers.

A few questions from the advisory group were asked. Anna Flores, Ventura County, asked if the PCB will be certifying counselors for all of the alcohol and other drug field. Evon stated that PCB will be certifying counselors. Evon stated that the only noticeable change will be the name of the Department in emails from the staff. Questions regarding AB109 and DPH's position were also asked. ADP received the bill recently and is in the process of evaluating it. Millicent stated that Kathy Jett, ADP's previous Director, asked for time on the agenda at the next DUI Advisory Group meeting to speak about AB109.

## **Logic Model**

Marlies Perez presented the draft DUI Logic Model that was created with input from Teri Kerns, David Sackman, Luky Maldonado, Maleah Novak, Linda Bridgeman-Smith, and Georgi Distefano. The Logic Model is a roadmap of the DUI field's future. A logic model helps to keep things focused on what we are trying to achieve. The model is high level and a collaborative approach. There are many entities involved such as Department of Motor Vehicles, counties, courts, etc. The goals of the discussion were to leave assumptions at the door, provide solution based suggestions, and to keep the ideas high level.

Jayne Wise asked if there is a timeline as to when the logic model will be implemented. Marlies stated that a few of the items have been started such as conducting evaluations and developing regulations training for the field.

Many of the advisory group stated that the logic model is a great tool for the DUI field to use. Advisory group members suggested thinking about where a client would start in the DUI system. Thinking about where clients start would help to improve the system. Many stated that the courts were a great place to start looking for improvement whereas some wanted to start with the arrest. Additionally there are issues with the clients with aged DUI convictions. Most of these clients are being released from institutions due to AB 109. Kathy Jett, ADP's previous director, plans on attending the next advisory group meeting to discuss this population entering the DUI system.

Members indicated the courts are an important piece to the DUI system. Judicial oversight is key to an offender's success. Interest in improving collaboration with the courts, counties, DMV, and providers is imperative to the future of the DUI field.

Members stated that although Title 9 DUI regulations were recently amended, there are still many improvements that can be made. The regulations were noted as confusing, outdated, and contradictory. Members also stated that the regulations must be updated to allow providers the ability to do additional things that are prohibited in current regulations. An

example raised was that although offenders may be assessed for alcohol and/or drug issues, offenders are not required to attend those services as a condition for completion. Regulations do not allow programs to mandate participation in other programs.

Other issues the advisory group identified for improvement were court referral tracking system, educating county administrators and prevention. Marlies created a subcommittee to address these issues. Committee members include, Judge Nadler, Linda Bridgeman-Smith, Maleah Novak, Terri Kerns, Anna Flores/Patrick Zarate and Claude Scheiner. Committee members will be contacted for a conference call to discuss these issues before the next advisory group meeting.

### **California Association of Drinking Driver Treatment Programs (CADDTP)**

Luky Maldonado thanked ADP for giving her an opportunity to speak on the agenda. CADDTP has been providing training to DUI providers. The last training was in the City of Industry at Twin Palms Recovery. CADDTP is giving DUI providers information and training on how to become a Continuing Education Units (CEU) provider. This opportunity gives providers an internal training system. There are 18 providers in process to provide CEU's. The training is also available to non CADDTP members. CADDTP represents providers on the Advisory Group in addition to other committees. The organization wants to increase visibility and give others the understanding of who CADDTP is.

### **Mothers Against Drunk Driving**

Brenda Frachiseur from Mothers Against Drunk Driving (MADD) presented about the organization to the advisory group. Candy Lightner started MADD 31 years ago after her daughter was hit by a drunk driver. When the organization began, there were approximately 31,000 deaths a year attributed to drunk driving. That number has reduced to 10,000 a year. MADD focuses on six areas in the community including victim services, legislation, education and awareness, law enforcement support, underage drinking, and victims rights. MADD provides victim services that include court accompaniment, support

groups, victim advocacy, information and referral, candlelight vigil and a 24/7 hotline at no cost.

Under education and awareness MADD sponsors victim impact panels; present to schools; at health fairs; and have a sample of a crash car from an actual DUI accident among several other programs. MADD also takes part at all DUI Checkpoints and Law Enforcement Recognition Events. Last year 2,500 awards were given to officers that made 25 DUI arrests or more per month. At one point there was one officer who had 487 arrests in one month. Currently Assembly Bill (AB) 183 is legislation that MADD is monitoring. AB 183 limits the sale of alcohol through self checkout stands. Children have been able to purchase alcohol through self checkout by scanning soda then placing a six-pack of beer into their bag. MADD also supports Interlock Ignition Devices for DUI offenders.

### **Strategic Highway Safety Plan – Challenge Area 1 Pilot Project**

Marchetta Dycus from the Department of Motor Vehicles presented the Advisory Group an update to the Pilot Project from Challenge Area 1 of the Strategic Highway Safety Plan. There have been meetings with Sacramento and Santa Clara. Sacramento opened their courts to the DUI programs. She has met with Santa Clara however has had no progress as of yet. Alameda and Stanislaus counties will be the next two counties receiving a visit. Providers are diligent at being available. These counties have not been referring offenders to program. Offenders are not aware of how, where, and when to sign up so the pilot program is a remedy to that. At times, by the time DMV is notified about a DUI, three to four weeks have passed. To be successful, buy-in from judges is needed.

Action items for next meeting:

- Subcommittee to address DUI Logic Model issues.
  - Conference call to be scheduled for those volunteering on the subcommittee.
- Depending on outcome of budget hearings, a conference call will be set up to inform advisory group on the movement of the DUI's possible movement to DPH.



- Communication with the courts will be on the next advisory group meeting agenda.
  - Will invite members from the Administrative Office of the Courts.
- Kathy Jett requested time to present on the next advisory group agenda to discuss AB 109 offenders in the DUI system.

The next meeting is scheduled for Monday, June 25, 2012 from 10:00 am – 3:00 pm at the Department of Alcohol and Drug Programs.