

Overview

Below are brief descriptions of the model programs that exist in the counties of Santa Clara, San Joaquin and Sonoma. The practices employed in these three existing programs are the basis for the descriptions of the roles and responsibilities of the various players, and the estimated timeline to carry out the programs.

DUI Court in the Schools: DUI Trial

It involves a full, live, young adult DUI trial. An actual courtroom is set up at a high school school, complete with judicial officer, bailiff, defendant, attorneys, witnesses, a mock jury made up of students, and other appropriate court staff. At the completion of the trial, students are allowed to ask the participants questions about the case. In addition, the judicial officer has an opportunity to engage the students and speak personally to them about the consequences of DUI. Beyond the trial, additional activities that involve parents can be carried out.

Choices and Consequences: DUI Sentencing

It involves a real DUI sentencing hearing. An actual courtroom is set up at a school, complete with judicial officer, bailiff, defendant attorneys, and other appropriate staff. At the completion of the sentencing phase, students are allowed to ask the participants questions about the case. In addition, the judicial officer has an opportunity to engage the students and speak personally to them about the consequences of DUI. The judicial officer can use a PowerPoint and video presentation to highlight the consequences of driving under the influence.

Courage to Live: DUI Outreach Program

This program takes place at present in Sonoma County. It does not involve elements of a real DUI trial. It is instead an outreach and education model run and facilitated by a judicial officer. This model includes participation by police officers and jail inmates. Emphasis is placed on the lively, interactive presentation of information through hands-on activities. The judicial officer uses a PowerPoint and video presentation to highlight the consequences of driving under the influence.

Roles and Responsibilities

This section describes the roles and responsibilities that should be held by the key participants of the three programs. This section is based on the programs as they presently exist in the counties of San Joaquin, Santa Clara, and Sonoma.

Judge

The judge is an obvious key to the success of the events. It is, therefore, important to include a judge who is willing to be involved in most of the processes of the program. The judge should also be involved in promoting the program throughout the rest of the legal system, for example, by raising interest among local attorneys to find cases or by trying to renew sponsorship for the program with the courts' administration. The participation of the judge is crucial since he or she can serve as a powerful advocate of the program.

It is also important that the judge adopt the appropriate approach to the program; that is, that he or she feels comfortable speaking in an educational setting. The judge should also be a vibrant speaker who can hold the attention of the students. Finally, the judge needs to be comfortable with the format of the program. For example, some judges may participate in other, more dramatic kinds of preventive programs, with different goals than the DUI Court in Schools program. Therefore, the judge needs to be made cognizant of the differences, and to keep in mind that the goal of the program is to create a learning environment in which students will be informed of the facts about drinking and driving, the possible negative choices they can make, and the potential consequences of their choices.

Although the program may start out with only one judge, it should be possible to recruit more judges over time.

Defense Attorney

Defense attorneys play a key role in the court events since they must supply cases. Private attorneys who specialize in DUIs can be contacted about the possibility of referring defendants for the court events. They should be contacted every two to three weeks to ensure they do not forget about the program. Defendants have the right to decline participation in the program.

The public defender is in an especially good position to refer defendants. In a large court, such as Santa Clara County, every month the Public Defender's Office processes 700 to 900 misdemeanors, 200 of which are DUIs. In contrast, a private defense attorney processes only about 3 DUIs a month. Because of its interest in promoting public relations and community outreach, the public defender's office can be encouraged to participate in the program. Involvement of the public defender's office should be undertaken at the management level.

Prosecutor

The Office of the District Attorney plays a crucial part because it supplies the various attorneys who will fulfill the roles of the prosecutors during the events. The judge should be able to make contact with the appropriate attorney from the office. In other cases, it will be the public defender who reaches out to the prosecuting attorney to involve him or her in the event. This interaction often takes place during the pretrial hearing of a case.

Defendant

The defendant needs to be made aware of the goals of the program and should adopt the appropriate attitude for the event. Defendants discuss with students the charges against them with regret. Having first-offense defendants is recommended, since it is more likely the students will perceive them as having made a mistake rather than as hardened criminals. As a result, they are more likely to identify with the defendant. At all times, defendants have the right to refuse to participate in the program.

Incentives for the Defendant

The topic of the defendant's incentives is a sensitive one. The prosecutor wants to be sure that the interests of the people of California are met properly. For example, the defendant should not get leniency through the program if his or her sentence is already being reduced by some other program. Thus, although the DUI Court in Schools program is important, just and fair trials must be ensured. It is also critical to get the judge to agree to the incentives. Otherwise it is difficult to get defendants to agree to participate.

Treatment of the Defendant

In spite of the incentives, it takes a certain amount of courage to be found guilty of a DUI and to volunteer to have one's sentence read in front of hundreds of students. While the goal of the program is to help students understand that the person made a serious mistake, defendants need to be treated with the respect and dignity due to them throughout the judicial process. It is important to recognize that without the agreement of defendants to take part in the program, there would not be any examples to show at these events.

It is also necessary to ensure that the defendants have the assistance they need to participate in these events, from directions to the school to reassurance and gratitude of what they have offered to do. A letter of appreciation can also be sent.

Jail Inmate

In the case of the Courage to Live: DUI Outreach Program, jail inmates and not defendants are brought to the school. They, too, must be chosen with care to make sure that they truly wish to present their views on their crimes with regret to the students. They also must be articulate. Finally, they need to be treated with respect by the judge and the students. As in the case of the defendant, it takes courage for a jail inmate to speak to students about his or her crimes and life mistakes.

Forensic Specialist

For the DUI trial event, a forensic specialist testifies. The specialist must be chosen carefully to ensure that she or he is articulate and able to explain things clearly enough for the students to understand.