

# WHAT TO DO WHEN YOU'RE ARRESTED FOR YOUR FIRST DRIVING UNDER THE INFLUENCE of INTOXICANTS IN OREGON

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## **DUII**

### **You're Arrested – Now What?**

#### **Don't Panic**

The worst is over. The humiliation and fear that comes with being arrested and handcuffed is in the past. From here on the pain lessens. For many people in this situation when the shock ends, the questions and confusion begins. Without spending money on a lawyer we are left with the advice of friends and friends of friends and cousins by marriage of friends of friends. The information in this book is designed to provide you with up-to-date information to help you answer those questions and maneuver through these uncharted waters. As I will say throughout this book, Knowledge is Power; the more information you gather and questions you get answered the more in control you will be.

#### **Next Contact with authorities**

Your next contact with an official about your DUII will be at your court appearance, which is usually three to four weeks after your arrest date. Be sure to get that date clear and do not miss it. Any miss will be responded to with a warrant for your arrest. A warrant will cause a police officer to haul you into jail if you are in their sight for any reason. If you do miss your appointment and a warrant is issued you should call the court and asked to be put on the docket so you may go in front of the judge to discuss the reason for your absenteeism and to dismiss the warrant. Between now and your first court date you can relax. The police do not come to your home. You are most probably not a habitual offender and therefore are not a public threat. 50% of first time DUII offenders do not reoffend.

#### **Drivers License Suspended**

Did you blow in the machine? Good job. Your license will be suspended for 90 days. This suspension begins 30 days after your arrest date. If you refused to submit to a breath analysis test your license will be suspended for one year.

Why for one year? Isn't it my legal right to refuse to take a test and incriminate myself? It is legal to take your license for not complying with a blood alcohol breath test because of the IMPLIED CONSENT LAW.

Oregon's implied consent law means that any person driving a vehicle in the state of Oregon gives their consent to submit to a chemical test of their blood, breath or urine if an officer of the law suspects that the driver is intoxicated. If you refuse to submit to such a test your drivers license will be immediately suspended. You will receive a temporary drivers license that will be effective until the date of your hearing. Refusing to take this test is evidence in court of a DUI. The penalties associated with refusal to submit to a test are usually harsher than a drunk driving conviction. From <http://dui.drivinglaws.org/oregon.php>

After 30 days suspended you may apply for a hardship license. You may begin the process of applying for your hardship license before the 30 day time has elapsed. To apply you need to call DMV at 1-503-945-5400 (in Oregon). At this time you will ask about your drivers' license status and if you are eligible for a hardship license. This hardship allows you to drive to a minimal amount of places such as work and your treatment agency. If you are caught driving on roads that are not what you mapped out on your hardship application or at times that you would not need to drive you may be given a Driving While Suspended ticket.

The courts will be the authoritative body that reports to the DMV. The courts only report to DMV if your license needs to be re-revoked for non-completion of your diversion. Should I go over that again? After 90 days of revocation the DMV reinstates your license whether you have completed your diversion requirements or not. However, if you fail to complete your diversion requirements in the allotted time, then the court will notify DMV and your license will be suspended a second time.

## What to Do Before Your Court Date

### **Plan for Your Activities without a Drivers License**

Since your drivers' license will be suspended, you will not be able to drive. Planning now for how you will conduct your personal and work activities will be extremely important. Get bus schedules, call taxi cabs and get prices, get your bike working, hire a driver, these are just some of the ways you can get your driving needs met.

### **Attend a Victims Impact Panel (VIP)**

The VIP is required of every person in the United States who is charged with a DUI. The VIP is a panel of corrections officers, victims of DUIs, District Attorneys Office staff and a mixture of other groups chosen by your county. The cost of the VIP ranges around \$25.00-\$50.00. Your county may also allow you to do the VIP online.

The VIP is about two hours with a break after the first hour. {attendance is taken at the beginning and following the break, so do not leave} The VIP can be emotionally draining. Bring tissues. You will see crash movies and hear from people who have lost loved ones to drunk drivers. Police officers will tell you horror stories about what they have seen. Each VIP is different and you may find yours emotionally moving and/or boring. You can call your local District Attorney's office to find out times and days for your local VIP.

The VIP must be completed and verification shown to your treatment agency to comply with the State of Oregon requirements. Treatment Agencies require that you complete this by the time you finish your program with their agency. If you do not complete the VIP, the agency can close your case non-compliant and you can be expected to repeat the entire treatment program and pay all new costs accordingly. You do not need to be referred to the VIP. Be sure to keep the verification slip provided to you so you can show it to the agency you choose to do services with. If you should lose the verification slip, call the District Attorneys office or the Victims Assistance office and they should be able to provide you with a copy.

## **Court Appearance**

Most probably a Diversion treatment option will be offered if there are no extenuating circumstances.

You do not need a lawyer to hold your hand. Diversion is straight-up. If you are eligible it will be offered to you at the time of your first court appearance. If you have questions ask the judge.

At the end of your court appearance you will be directed to contact an Alcohol/Drug Evaluation Specialists{ADES}.

## **Alcohol/Drug Evaluation Specialist (ADES)**

You may be given a list of ADES to choose from or you may be directed to just one. Normally, you will be referred to an ADES in the county where the DUI was received. That ADES will provide for you treatment options in the area that you live. It is your choice where you attend. I suggest you call around and find out prices and times in your community and then choose the best fit for you. To find out our costs please click on payment options.

The ADES does not provide information to the Department of Motor Vehicles (DMV). The ADES sends their correspondence about your progress to the courts. They do a number of functions. They are the tracking agency for the courts. They evaluate you. They provide you with information about possible treatment agencies. They refer you to treatment. They track

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you in treatment. They report to the courts about your progress in treatment and your non-completion or successful completion.

Contact your ADES as soon as directed from the courts. Do this within one week. Do not procrastinate. Your evaluation with the ADES will most probably cost you around \$150.00. Some ADES will take payment plans and some have a sliding fee scale. Be sure to make phone calls and ask ahead of time. The ADES gathers information about your drug and alcohol use history along with other areas of your life. You will not be given a urinalysis test at this time.

There are two categories of alcohol and drug treatment programming that your ADES may refer you into. It will be clearly marked on the paperwork that the ADES provides to the treatment provider you choose to work with. You may ask the ADES before you leave his office which category he/she will be referring you into and why. The two programs are listed below.

- Information Only Program: What did you blow? When you blew in the machine or your blood was drawn what was your Blood Alcohol Level or BAC? If a persons' level is below a .15 then they may be eligible under Oregon Law for an 'Information Only Program'. This program is designed for first time offenders with no criminal history or other drug use history. It is the least restrictive program available to offenders and consists of 12 hours of education services, minimum of one urinalysis test, Victims Impact Panel Attendance and can be completed in a minimum of 4 weeks.
- There is not a required assessment with the treatment agency under the Information Only Program. However, the agency you choose may require one. Be sure to ask. You will be given a urinalysis test. Normally this is given within the first two weeks of service. If you test positive on your urinalysis test will no longer be eligible for the 'Information Only Program' and you will be referred for a full evaluation with your treatment agency and you will be required to attend a minimum of 12 weeks of services. This is not your choice to be referred into the 'Information Only Program'. You cannot ask for it; you either qualify or you do not. This is not determined by the Judge or the Court personnel but by the Alcohol Drug Evaluation Specialist.
- Rehabilitation Treatment: This program will begin with an assessment and the client will be involved in 12 weeks minimum of treatment services. Most commonly included in this treatment program is individual appointments, group counseling, random urinalysis testing, self help groups within the community and Victims Impact Panel Attendance. Other expectations may be included in this

program based on your needs at the time of the treatments programs clinical assessment.

Following the ADES' evaluation of your case he will refer you or give you the choice of treatment programs within your area. Costs may differ widely. Be sure to take the time to investigate and make some phone calls. You can even do this before you see your ADES so you are informed and can make a decision that day. Remember knowledge is power. You'll feel better about this process the more informed you are about your treatment agency options.

## YOU'VE BEEN REFERRED TO TREATMENT

Remember you have either been referred to the Information Only Program or the Rehabilitation Program. You can look at your paperwork and see which area is checked or ask your ADES which area you have been referred into and why. Next you will make a phone call or drop by the treatment agency you have chosen or been referred into. At this time you can ask questions about the cost, times of groups, locations, funding opportunities. You will ask about the process of entering treatment. You can share with the agency the information you received from the ADES. This could help with your placement. However, if you lie, about which area you've been referred into, the program will notice and you will waste a lot of time and possibly money. As treatment agencies we are trained to look for this information.

The ADES job description is more or less a liason between local courts where you received the DUII and the treatment program close to where you live that you choose to attend. Let me explain. You may be visiting an area from another county and you get a DUII. The courts where you received the DUII will refer you to the local ADES. The ADES will evaluate you then refer you to the treatment program close to where you live. The ADES is then responsible for tracking you for the next seven years until you complete your diversion and he reports back to the court on your progress. The ADES reports if you have been unsuccessful and are closed non-compliant and also if you have completed all of your diversion responsibilities and are closed compliant. The ADES should also be the body to monitor your treatment agency. The ADES should make sure you are seen in a timely manner and if you have issues with the treatment agency, you do not feel are being addressed, you should contact the ADES. If you are upset with the service of the ADES, you should contact the court administrator and let them know.

## Drug and Alcohol Treatment Programs

## Treatment Program Cost

This is a huge variable based on the area you live in and the particular treatment agency you choose to attend. Call, ask, question, about all of the costs. Based on Oregon Law the agency must give you their prices. If you find there are hidden costs that they did not tell you about, you may report them to their governing body, The Oregon Department of Addictions and Mental Health in Salem, Oregon at 1-503-945-5763. There are also many different funding opportunities that you may qualify for depending on different aspects of your life: financial, legal, dependent children, just to name a few. Different treatment agencies may offer different funding opportunities based on contracts and geographics, call and ask. Once again: Knowledge is Power. There is also the avenue of insurance which includes private and Oregon Health Plan.

Some of the county indigent programs allow clients to attend for no money at all or a small co-pay. You must qualify for these programs. Don't assume you will qualify and don't get angry if agencies are bound by criteria that are out of their control. Knowledge is Power. Ask a lot of questions and wait until you get answers or have someone call you back with the answers.

Some programs will charge you for missed appointments. Some programs will have you sign a contract for a specific amount of money. If you choose to leave this program before you are completed you are responsible to pay the amount of money anyway. Ask if the program is a pay as you go for the services you receive or not. Most programs have a sliding fee cost based on what you make.

## Treatment Agencies-What to Expect?

**Orientation:** Treatment agencies may have an orientation group. An orientation group is an information providing session. Normally you will attend this with others interested in attending this agency. The information provided is vast. You will learn the expectations of the State of Oregon, your local courts, your ADES, the treatment agency and you can voice your own questions at this time.

You will gain information on rules, urinalysis testing, self-help groups, costs, expected length of time in services, confidentiality and absences. You can get an idea for how you are going to be treated at this agency by this first meeting. You can gain more information about the program if you wish by asking questions such as what kind of evidenced based services do they use, are their counselors credentialed, is the program licensed?

If you choose to do services at this agency you will sign many sheets of paper at the orientation. Listen careful. The program personnel are expected too and should explain each paper in detail. Most of the papers regarding treatment agreements, releases of information etc. must be signed for the agency to work with you. Some of the papers are voluntary.

Some programs charge for the orientation, most don't, call and ask.

Programs without an orientation session will normally inform you of this at the time of your phone call and schedule you a direct assessment appointment

### **Assessment with Treatment Counselor**

Following the orientation group, the next step is for you to attend an assessment appointment with a counselor. As you leave the orientation you will schedule this appointment. These can last for 1-2 hours depending on your forthcoming of information and/or how extensive your history is.

The counselor will ask you questions regarding 6 areas of your life.

1. First but not necessarily in this order, is your alcohol and drug use history. The counselor will cover each drug type and ask about use history, periods of abstinence, how much/how often did you use, and last use. Be prepared. Lying usually doesn't work too well as a urinalysis test accompanies this first appointment.
2. Medical History
3. Family and Emotional history
4. Employment, Scholastic and legal history
5. Treatment history
6. Peers and recreation history. Following the completion of this process the counselor may make a recommendation then or wait until your case has been staffed with their supervisor and the clinical team.

### **Treatment Plan**

After the recommendation for treatment services has been made, you can either agree or disagree. If you agree, you and your counselor will construct a treatment plan. This plan should reflect exactly what you are expected to do while you are in treatment with this agency. The plan should address all six of the areas you were evaluated on. Each area where you have an identified need there should be a corresponding treatment expectation written out. These expectations should be clear. Exactly what will you be expected to do, what will others be expected to do, how much, how often, how long. Don't be afraid to ask questions and talk about what will work for you and what won't. Voice concerns to the counselor about any barriers you see to completing any particular task on the treatment plan. If you agree with all of the goals on your treatment plan then you will sign each page and begin your services as scheduled. If you do



not agree with the counselor's recommendation then you can ask for clarification on points of contention, reasons for the recommendation and take time to gather more information.

Most of the time your treatment plan will be fairly standard. This means that most of the people who come through for their first DUII will be expected to complete similar goals. This normally includes groups, individual sessions, VIP, self-help groups and random urinalysis testing.

Your urinalysis testing will take place a minimum of 1 time monthly throughout your treatment session. If it is suspected that you are under the influence or have used you may be given more urinalysis tests. If any of these are positive for drugs or alcohol your treatment plan can change. You may be reassessed for a higher level of care. That could mean 1 or 2 more groups weekly. It also means that your 12 weeks, 90 days of group, begin again, start over. This is a big risk financially, you have wasted your important time and emotionally it can be very frustrating.

Do not drink or use drugs including some over the counter drugs while in treatment. Using substances that you have been warned not to alerts an agency that your use may be more serious than originally assessed. Normally you will meet with your counselor to discuss a change in your treatment plan that better meets your needs.

You will be expected to attend individual appointments with your primary counselor. Following your assessment you will normally have three appointments to discuss your treatment plan progress, your strengths in treatment and any barriers to completing treatment goals. These are normally held in the beginning, middle and at discharge time. This is a great opportunity to discuss problems, successes, and other issues with your counselor.

## **Drug Testing During Treatment**

Yes, your treatment providers will test you for drug and alcohol use. The State of Oregon requires that each DUII client prove that they have maintained at least 90 days of clean time to be closed compliantly. You are required to be tested in the first 2 weeks of treatment services and within the last two weeks of treatment services. Normally, you will also be given a urine test monthly during your treatment session. However, if someone suspects that you are using you can be given a test or called in for a test at any time. If you do not submit to a test when you are asked, it is considered positive.

If you do test positive, you will be re-evaluated and your treatment level will most probably be increased by your counselor. The tests on your urine usually cover; alcohol, marijuana, cocaine, amphetamine, methamphetamine, opiates, barbiturates and benzodiazepines. Many agencies are using an alcohol screening urine test that will test for the presence of a chemical created by the use of alcohol in your urine for up to 5 days. Do not use drugs or alcohol while in your treatment program. Do not use any over the counter product that has alcohol in it. This can include but not

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be limited to Mouthwash, Nyquil, cough medicines, hand sanitizer, perfumes and colognes. Do not use any prescription drug that is not yours.

## **Changing treatment providers/agencies**

If you decide to leave a treatment agency and attend another, you should inform your agency and you should contact your ADES. The treatment agency will close out your case and refer it back to the ADES. The ADES will be in contact with the courts. The ADES should know of your whereabouts in regards to treatment at all times.

## **Last Steps While in Treatment**

Don't wait until the end of your treatment session to discuss problems, check on your progress, and talk about barriers to treatment. You should be doing this as you meet with your counselor and are moving through your treatment experience. The last appointment should be focused on your discharge paperwork, discussing your experience in treatment, making sure your bill is paid and all costs are included, finding out when your discharge paperwork will be sent and where it will be going. Very important. Find out when you can pick up a completed copy of your completion certificate or report, stating that you have completed your treatment successfully. Normally, the agency sends this certificate or report to the ADES. The ADES then sends it to the courts. Keep a copy in your wallet, car or purse for access in case of emergencies or clerical mishaps by agencies handling your DUII.

You need to follow-up with your ADES to see that they have received the completion certificate and then follow-up with the court office to make sure they received this completion certificate from the ADES. Then your work is done.

## **Failure to Complete Treatment**

What if I fail to complete my treatment? What happens then? The information will be sent from the treatment agency to your ADES that you are closed non-compliant. The ADES then notifies the court of your non-compliance. The court will have a hearing on your case. They, may choose to give you a 6 month one time extension or they may close your diversion case and change your disposition to a conviction. To get an extension you need to write a letter to the judge with the request.

## **Success**

My words of advice as a treatment provider for 27 years, well, you can guess, KNOWLEDGE IS POWER. Ask questions of everyone you encounter. Don't be afraid to make phone calls and shop around. Don't be afraid to expect people to treat you respectfully, you deserve this, as do

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they. And most importantly, be honest, don't use any drugs or alcohol, attend regularly, pay your bill every week, and if you are going to be there, use it to learn new information and new skills to not repeat the behavior that got you there in the first place. Don't ever drink and drive again.

This information may not be current and is not meant to be legal advice. I would invite you to call our agency and gather information and knowledge. After many years of being asked by friends and family "oh my gosh, Sally what should I do, I got a DUII last night?" I decided to share the information I always share with them.

I hope you find it helpful,  
Sally L Pfeifer, Director, Pfeifer and Associates Treatment Center