**Section 2060.503 DUI Evaluation**

a) The purpose of a DUI evaluation is to conduct an initial screening to obtain significant and relevant information from a DUI offender about the nature and extent of the use of alcohol or other drugs in order to:

1) identify the offender's risk to public safety for the circuit court of venue or the Office of the Secretary of State; and

2) recommend an initial intervention to the DUI offender and to the circuit court of venue or the Office of the Secretary of State.

b) DUI evaluation services shall be provided to any offender under the same terms and conditions regardless of ability to pay.

1) If an offender provides proof of indigence, in accordance with poverty guidelines established by the U.S. Department of Health and Human Services and contained in the Department's annual Drunk and Drugged Driving Prevention Fund (DDDPF) billing manual, the organization providing the evaluation may bill for reimbursement for the DUI evaluation from the DDDPF. All such reimbursement shall be via a rate established by the Department and in accordance with the Department's most current fiscal year DDDPF billing manual.

2) Additionally, all reimbursement from the DDDPF is subject to availability of funds. Organizations shall have an alternative fee assessment and collection procedure for use should DDDPF funding not be available. However, if the reimbursement from the DDDPF or any additional fee assessed to the offender, as specified in subsection (b)(3) of this Section, has not been received by the completion of services, the evaluation shall still be released to the appropriate circuit court of venue or the Office of the Secretary of State in accordance with this Section.

3) The organization may also assess a fee for the evaluation to an indigent DUI offender when the organization's standard fee charged for an evaluation to a non-indigent DUI offender exceeds the rate of reimbursement provided by the Department. In such cases, the amount assessed to the offender shall not exceed the difference between the organization's standard fee and the Department's rate.

4) Any organization choosing not to submit reimbursement claims shall still provide services to indigent offenders in accordance with this Part.

c) All evaluations shall consist of a face-to-face individual interview. The evaluation shall be conducted at the facility unless otherwise specified in this Part or by court rule.

d) Each DUI offender shall be given a copy of the Department's Informed Consent form and a copy of the Department's brochure that explains the DUI evaluation process.

1) This brochure shall be read by or to the offender prior to the provision of the evaluation.

2) The Informed Consent specifies that any information provided by the DUI offender will be released to the circuit court of venue, the Office of the Secretary of State and/or the Department and explains that the consent of the offender is not required for this disclosure.

3) The Informed Consent also requires the offender to specify where he or she underwent any previous evaluations as a result of the most current DUI offense and to provide a copy of those evaluations, if completed, to the current DUI evaluator.

4) Each DUI offender shall sign the Informed Consent form indicating his or her understanding of the DUI evaluation process and disclosure requirements or initial the Informed Consent form indicating refusal to proceed with the evaluation. A copy of this form shall be placed in the DUI offender record.

5) If the offender refuses to sign, or refuses to present copies of other evaluations completed, written notice of that refusal shall be sent to the circuit court of venue or the Office of the Secretary of State and the evaluation will be terminated.

e) Written policies and procedures shall be established that protect the non-disclosure privilege of DUI offenders that, at a minimum, shall include provisions to ensure that no evaluation information shall be released to any party other than the DUI offender, the Illinois circuit court of venue or its court officials as specified by local court rules, the Office of the Secretary of State or the Department without the written consent of the DUI offender. Any release of information relative to alcohol and drug treatment received by the DUI offender requires the written consent of the offender.

f) The evaluation shall be structured and scheduled in order to ensure that, prior to its completion, the following occurs:

1) collection of a comprehensive chronological history of substance use from first use to present, including alcohol, prescription and non-prescription drugs, and exposure to intoxicating compounds and illegal drugs, that specifies the frequency and patterns of use, type and amount of substance used and any change in the use or abuse pattern and the reason for the change;

2) a determination of the extent to which the substance use has caused marital, family, legal, social, emotional, vocational, physical and/or economic impairment;

3) an analysis of the offender's verbal description of:

A) alcohol and drug related legal history, driving history (all offenses), and any related substance use or chemical test results (blood alcohol concentration – BAC) and all substances used that resulted in all arrests, including the most recent DUI arrest;

B) past history of substance abuse evaluations, alcohol or drug treatment and/or self-help group involvement;

C) family history of substance abuse.

4) an analysis of:

A) objective test results from either the Driver Risk Inventory (DRI) or Mortimer/Filkens test;

B) the offender's current driving record as documented on the Alcohol/Drug Related Driving Offenses summary form from the Office of the Secretary of State or a copy of the actual Court Purposes driving abstract supplied to the circuit court of venue by the Office of the Secretary of State; and

C) the Law Enforcement Sworn Report (issued to the offender at the time of the arrest for DUI) that identifies the chemical test result BAC or the refusal to submit to chemical testing relative to the most current DUI arrest.

g) All information obtained during the evaluation shall be analyzed and the offender's risk to public safety shall be determined. However, such determination shall be considered an initial finding that may be subject to change when more comprehensive and definitive information is obtained from the offender during participation in any recommended intervention. The determination of risk shall be minimal, moderate, significant, or high as follows:

1) Minimal Risk

 The offender has:

A) no prior conviction or court ordered supervisions for DUI, no prior statutory summary suspensions, and no prior reckless driving conviction reduced from DUI; and

B) a BAC of less than .15 as a result of the most current arrest for DUI; and

C) no other symptoms of substance abuse or dependence.

2) Moderate Risk

 The offender has:

A) no prior conviction or court ordered supervisions for DUI, no prior statutory summary suspensions, and no prior reckless driving conviction reduced from DUI; and

B) a BAC of .15 to .19 or a refusal of chemical testing as a result of the most current arrest for DUI; and

C) no other symptoms of substance abuse or dependence.

3) Significant Risk

 The offender has:

A) one prior conviction or court ordered supervision for DUI, or one prior statutory summary suspension, or one prior reckless driving conviction reduced from DUI; and/or

B) a BAC of .20 or higher as a result of the most current arrest for DUI; and/or

C) other symptoms of substance abuse.

4) High Risk

 The offender has:

A) symptoms of substance dependence (regardless of driving record); and/or

B) within the 10 year period prior to the date of the most current (third or subsequent) arrest, any combination of two prior convictions or court ordered supervisions for DUI, or prior statutory summary suspensions, or prior reckless driving convictions reduced from DUI, resulting from separate incidents.

h) After the determination of risk, a corresponding intervention shall be recommended. However, that recommendation shall be viewed as the minimum necessary and, as such, not the determinate intervention. Any subsequent information relevant to the offender's substance use or arrest history discovered during the offender's participation in risk education, early intervention and/or treatment shall be considered pertinent in formulating a recommendation for further services necessary to reduce the offender's risk to public safety. Initially, the following interventions for each designation of risk shall be selected and recommended:

1) Minimal Risk

 Successful completion of a minimum of 10 hours of DUI risk education as defined in Section 2060.505 of this Part.

2) Moderate Risk

 Successful completion of a minimum of 10 hours of DUI risk education as defined in this Part; a minimum of 12 hours of early intervention as defined in Section 2060.401(a) provided over a minimum of four weeks with no more than three hours per day in any seven consecutive days; subsequent completion of any and all necessary treatment; and, after discharge, active ongoing participation in all activities specified in the continuing care plan, if so recommended following completion of the early intervention. This early intervention and any subsequent treatment shall be as specified in the ASAM Patient Placement Criteria and shall be conducted by an organization meeting the requirements specified in subsection (j) of this Section and Section 2060.401 of this Part.

3) Significant Risk

 Successful completion of a minimum of 10 hours of DUI risk education as defined in this Part; a minimum of 20 hours of substance abuse treatment; and, upon completion of any and all necessary treatment, and, after discharge, active on-going participation in all activities specified in the continuing care plan. This treatment shall be as specified in the ASAM Patient Placement Criteria and shall be conducted by an organization meeting the requirements specified in subsection (j) of this Section and Section 2060.401 of this Part.

4) High Risk

 Successful completion of a minimum of 75 hours of substance abuse treatment; and upon completion of any and all necessary treatment, and, after discharge, active on-going participation in all activities specified in the continuing care plan. This treatment shall be as specified in the ASAM Patient Placement Criteria and shall be conducted by an organization meeting the requirements specified in subsection (j) of this Section and Section 2060.401 of this Part.

i) A summary of the DUI evaluation, the assigned risk and the corresponding intervention shall be documented on the Department's Alcohol and Drug Evaluation Uniform Report, which is produced by the DUI Service Reporting System (DSRS). All sections of this form shall be complete and it shall be signed by the offender at the facility.

j) Upon completion of the evaluation, all offenders:

1) who need substance abuse treatment shall be referred for appropriate services to organizations licensed pursuant to the Act or to individuals who are otherwise licensed in Illinois or any other state to provide such services.

2) who need DUI risk education as defined in this Part shall be referred to such services licensed by the Department.

3) shall verify that they have been shown, prior to referral, a listing of organizations as specified in subsection (j)(1) and (2) of this Section, unless an alternative process is established by court rule. The verification shall be on the Department's Referral List Verification Form.

k) The evaluation is complete when all of the above referenced information is obtained and the Alcohol and Drug Evaluation Uniform Report is signed by the offender.

1) The Alcohol and Drug Evaluation Uniform Report shall be provided directly to the circuit court of venue, unless another court repository is specified by court rule. A copy shall also be given to the DUI offender upon completion of payment or as otherwise specified in subsection (b)(2) of this Section.

2) If the offender will be requesting a judicial driving permit from the circuit court of venue, an Alcohol and Drug Evaluation Report Summary shall also be completed. This form is supplied by the Office of the Secretary of State and required by Section 6-201 of the Illinois Driver Licensing Law [625 ILCS 5/6-201] and should be sent directly to the circuit court of venue, unless another court repository is specified by court rule.

l) Evaluations shall be scheduled and completed so that the Alcohol and Drug Evaluation Uniform Report can be sent directly to the circuit court of venue at least five calendar days prior to the offender's court date, unless otherwise specified by court rule.

m) The evaluator shall be available to provide testimony relative to the DUI evaluation when summoned by the circuit court of venue, the Office of the Secretary of State or the DUI offender.

n) The circuit court of venue or the Office of the Secretary of State, whichever is applicable, shall be notified, within five calendar days, when a DUI offender does not complete an evaluation or refuses to sign the evaluation. Such notification shall also be made, within five calendar days, when an offender does not return to sign the evaluation after 30 calendar days from the last face-to-face contact. The information needed to complete the evaluation shall be communicated using the Department's Notice of Incomplete/Refused DUI Evaluation form.

o) In addition to meeting the provisions specified in Section 2060.325 of this Part, the following documents shall also be contained in the DUI offender's record:

1) a copy of the offender's Alcohol and Drug Evaluation Uniform Report and narrative information to support the conclusions summarized in this report and a copy of the Alcohol and Drug Evaluation Report Summary if the offender requested judicial driving privileges;

2) a copy of the Driver Risk Inventory (DRI) report or Mortimer/Filkens test;

3) documentation to support any subsequent change in risk assignment or intervention;

4) a copy of the Informed Consent Release form;

5) documentation of the offender's driving record and chemical tests results;

6) a copy of Notification of Incomplete or Refused Evaluation form, if applicable; and

7) a copy of the Referral List Verification form.

(Source: Amended at 25 Ill. Reg. 11063, effective August 14, 2001)