



# DUI Sentencing Quick Reference<sup>1</sup>

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## Most Appropriate Candidates for Various Sentencing Options

### Probation

Note: A sentence to probation may or may not include an initial stay in in-home detention, work release, or jail as a condition of probation. The initial stay can fulfill a statutory minimum jail sentence.

#### The Most Appropriate Candidate

- First or second time DUI/DWAI offender  
Or
- Person requires financial assistance to pay for all or most of treatment  
Or
- Person has mental health issues and/or other drug dependence issues  
Or
- Person requires residential treatment  
Or
- Court determines that in-home detention, work release, or jail as part of a sentence to probation is warranted. When in-home detention or work release is imposed as a condition of probation, the person is eligible to attend treatment and may receive financial assistance from the Probation Department. In-home detention usually involves the person paying a daily fee for electronic location and/or alcohol monitoring, and often requires that the person reside at an approved address and has access to telephone service at that address. Persons will be required to provide proof of their whereabouts when they are scheduled outside of their home. Work release involves the person paying a daily work release fee.

### Inmate/Outmate Program

Note: A sentence to the Inmate/Outmate Program fulfills a statutorily required jail sentence.<sup>2</sup>

#### The Most Appropriate Candidate

- Person is not a good candidate for a sentence to probation.  
Or
- Third time or more DUI/DWAI offender  
Or
- Person had a BAC of 0.20 or more.  
Or
- Person is not eligible for a sentence to probation  
Or

Continued on  
Reverse Side



<sup>1</sup> This Quick Reference was extracted from a more complete document entitled *Desk Reference for Matching DUI/DWAI Offenders to Sentencing Options*, which was created by the Jefferson County Criminal Justice Strategic Planning Committee for use in the First Judicial District in Colorado. Contact the Jefferson County Criminal Justice Planning Unit at 303-271-4669 or <http://www.jeffco.us/cjp> for more information.

<sup>2</sup> The court record may contain phrasing similar to: "Defendant is sentenced to 365 days in Jail to be served in the Inmate/Outmate Program, beginning on Inmate status. [Special conditions, such as education, therapy, useful public service, and fees and costs, are typically inserted here.] Defendant is remanded to begin serving the sentence."

- Person has not yet received treatment for an alcohol or drug problem  
Or
- Person has past noncompliance with treatment  
Or
- Person was on probation at the time of the current offense  
Or
- Person is willing and able, both financially and motivationally, to participate in the program  
Or
- A community-based sentencing option appears to be the best fit for the person's apparent current risk to public safety  
Or
- The justice system prefers the person to be employed so that he/she can pay restitution to victims, and pay child support and taxes

## Work Release

Note: A sentence to Work Release fulfills a statutorily required jail sentence.

### The Most Appropriate Candidate

- Person is not a good candidate for a sentence to probation or Inmate/Outmate.  
Or
- Person is motivated to participate in treatment and can pay for his/her own treatment  
Or
- The justice system seeks to maintain the person's employment so that he/she can pay restitution to victims, and pay child support and taxes  
Or
- A partial community-based and partial confinement sentencing option seems most appropriate for the person's apparent current risk to public safety  
Or
- The justice system wants the person to reimburse the Sheriff's Office for a portion of the costs of the person's incarceration

## Jail

Note: A sentence to Jail fulfills a statutorily required jail sentence.

### The Most Appropriate Candidate

- Person is not a good candidate for a sentence to probation, Inmate/Outmate, or work release.  
Or
- Person has previously failed in the Inmate/Outmate Program or Work Release  
Or
- Person has low motivation for participating in treatment  
Or
- A total confinement sentencing option seems most appropriate for the person's apparent risk to public safety  
Or
- Payment of restitution, child support, and taxes are secondary to reasons for incarceration (e.g., incapacitation, punishment)