



**STATE OF MONTANA**  
**BUTTE-SILVER BOW DUI COURT**



**DUI COURT**  
**Handbook**



**Welcome to the Butte-Silver Bow Justice DUI Court.  
This is a team approach to a very serious personal and social problem.  
The Judge, Probation Officer, Prosecutor, Defense Lawyer, Treatment  
Provider, even the Court Coordinator, is all here to do our jobs  
So that you can maintain your sobriety.**

**You can do this if you follow some simple rules:**

**Be Honest: We can work through almost any problem together if  
You are truthful with us.**

**Don't whine! Really. This program is about accountability and  
Personal Responsibility. Sobriety does not come easily for anyone.  
Anything in life worth having requires some personal sacrifice.**

**Show up on time for appointments and hearings. Ultimately, this  
Program is about self-respect and respect for others.**

**There are a lot of people supporting you- the DUI Court team,  
as well as other participants in the program. We look forward to working  
With you toward your successful completion of this program and a  
Clean and sober life.**

**Debra D. Williams  
Justice of the Peace**



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## **MISSION STATEMENT**

**It is the mission of the Butte-Silver Bow DUI Court to enhance public safety by reducing the number of repeat offenders and financial and societal costs to the citizens of Butte-Silver Bow.**

**We will accomplish this by providing a judicially supervised intensive court established program, utilizing effective mandated treatment, intensive supervision, and support thereby assisting them to become sober, productive law abiding members of our community.**

### **Goals:**

- 1. To reduce the number of crashes and fatalities related to operating a motor vehicle while under the influence of alcohol.**
- 2. To provide incentives through treatment and supervision for the offender not to re-offend**
- 3. To make the offenders responsible for their actions and to change their negative behaviors.**
- 4. To reduce the number of multiple DUI offenders.**
- 5. To return the multiple offender to the community as a sober productive member.**
- 6. DUI COURT will have discretion to accept offenders under the age of 21 with a BAC lower than 0.08 and who meet addiction criteria and desire change.**
- 7. DUI COURT will not accept individuals who have prior convictions for sexual offenses or for a violet offence as defined by Federal Guidelines to the Programs.**



## **INTRODUCTION**

**The Butte Silver Bow DUI COURT is designed to facilitate the rehabilitation of adults accused or convicted of misdemeanor alcohol-related traffic offenses as defined by M.C.A Title 61. All participants will have offenses which, in their totality, provide the DUI Court as least 12 months of jurisdiction, but optimally have a minimum of 18-24 months of jurisdiction. Clients are carefully screened and must meet stringent eligibility criteria. They are required to address their chemical dependency issues, resolve their legal obligations and obtain/maintain employment. They will also be required to make regular court appearances, meet with licensed probation officers, law enforcement liaison(s), and case management, submit to frequent and random drug testing, and advanced alcohol testing and monitoring equipment. The court will also direct its efforts toward changing offender behavior, addressing transportation and licensing issues, and focusing on the rights of DUI victims.**

**A potential participant will be referred to the DUI COURT by any of the following; Butte Justice Court, Butte City Court, County Attorney, Defense Attorney, Butte Silver-Bow Health Department and Butte Silver-Bow Sheriff's Department. The Coordinator will interview potential participants to verify eligibility as it relates to the offense(s) charged, jurisdiction and criminal history. The Treatment Provider will conduct initial clinical assessment to establish the offender's level of addiction and to verify program appropriateness.**

**An attorney will meet with each participant to advise them of the legal ramifications and guidelines of entering into DUI COURT. The attorney will review all of the terms and conditions of the DUI COURT Contract with the offender. Simultaneously, the Prosecuting Attorney will review the case file to determine the County's position on allowing the offender to enter the DUI COURT Program. If the offender qualifies for and opts to enter DUI COURT, the Court will require successful completion of the DUI COURT program as part of any sentence imposed following a plea of guilty to the offense charged or following an admission of guilt in a revocation proceeding.**

**Once accepted into the program, the participant will meet with the coordinator to receive and review program orientation materials, and meet with the DUI COURT Probation Officer to establish the offender's living and employment status. Offenders will undergo an initial alcohol test and receive a number for random testing.**

**The treatment provider will develop an individualized treatment plan which incorporates evidence based treatment for substance abuse, treatment for any co-occurring mental health disorder and classes or treatment required by the State of Montana to ensure that re-licensing requirements may be met. Treatment will include group and individual therapy, self-help meetings, completion of the ACT Program, Traffic Curriculum, and any other classes or therapies recommended or required by the DUI COURT. A case management strategy will also be developed in conjunction with the treatment plan.**

**While in the program, participants will move through four phases. The orientation and first phase are the most intensive and will focus on alcohol abuse education and prevention, detoxification and stabilization. The second phase will focus on aftercare and relapse prevention, the third phase maintenance and relapse prevention and fourth phase will focus on recovery and sobriety maintenance.**

**Participants advance through each phase by maintaining sobriety and completing program requirements. Participants will complete various steps or tasks such as a minimum of three clean alcohol/drug test, maintaining employment, paying their weekly fees and participating in required treatment sessions and self-help meetings. As part of the program requirements, each may also complete traffic school, credit counseling, volunteer hours, moral recognition therapy, parenting classes and any courses required by the treatment provider, Judge or team. Graduation from the program requires completion of four phases, payment of fines, costs and restitution, a minimum of 6 consecutive months of sobriety and performance of volunteer hours.**

**The DUI COURT team will meet prior to the weekly court sessions. At that meeting, the team will evaluate each participant's progress and, in a non-adversarial setting, determine whether the offender is succeeding and compliant in the program, and review the individualized treatment plan for each offender. The team will consider incentives for those who are compliant and possible sanction for those who are not. Participants who meet the goals set for them by the DUI COURT team will receive motivational incentives which may include praise from the Judge, applause from other participants, an inexpensive item from a "fish bowl," sobriety coins, phase advancement or program graduation. Those who relapse, re-offend, violate DUI COURT rules or fail to meet goals will receive sanctions, such as increased drug testing, additional self-help meetings or treatment sessions, writing and research assignments, community service, wearing the SCRAM, expulsion from**



the program, revocation of any suspended sentence and/or house arrest and incarceration.

DUI COURT will monitor its success with an independent evaluator, who will conduct regular assessments of the program.

Using the data collected by the evaluator and the reports generated from the data, the DUI COURT team will adapt its practices as needed to better meet the needs of the participants and to enhance the court's underlying goal of public safety. The policy and procedure manual and strategic plan will be modified in accordance with Evaluator's recommendations.

#### **IMPLEMENTATION:**

Implementation will proceed in accordance with the Ten Guiding Principles of DWI COURTS as adopted by the National Drug Court Institute.

#### **Target Population Determination/Screening of Prospective Participants** (Principle 1)

As addressed in the Problem/Needs sections, the target population of DUI COURT participants will include 50 adults who have a diagnosed alcohol dependency or addiction and have been charged with a 1<sup>st</sup> – 3<sup>rd</sup> DUI charge in 5 years, as the 4<sup>th</sup> offense is a felony. The court will balance early intervention efforts for first-time offenders with efforts to stop potential losses suffered by the community as a result of the actions of significantly addicted, chronic offenders. The DUI COURT coordinator will screen participants for program eligibility criteria.

#### **CLINICAL ASSESSMENT/TREATMENT PLAN DEVELOPMENT** (Principles 2 and 3)



**The Treatment Provider will conduct an initial clinical assessment to confirm that the offender has a substance abuse problem, is appropriate for the program and potentially amendable to treatment. Once accepted into the program, however, the Treatment Provider will conduct a more complete assessment. This objective and comprehensive established by criteria created by the American Society of Addiction Medicine (ASAM), medical, and psychiatric status, financial and emotional resources, alcohol-related attitudes and stimuli and the offender's level of motivation to change. Individuals who participate in DUI COURT will show unique manifestations of their addiction, the way that the offender feels about alcohol consumption, and the way that he or she reacts to it. In addition, many of the participants will have one or more of co-occurring substance abuse or mental health disorders. Statistics have shown that the most effective DUI/DWI programs offer treatment programs and systems which offer individualized approaches for participants.**

**DUI COURT will utilize proven evidence-based treatment offering a continuum of care to program participants. These approaches will include, but are not limited, to gender-specific treatment, motivational approaches, cognitive behavior therapies, aftercare services and self-help. Pharmacological treatments will include Naltrexone and Campral used in conjunction with psychosocial therapies.**

**The treatment plan may include medial detoxification and inpatient treatment at a available facility. After completion of jail-based treatment, the DUI participant will be assessed to begin Phase I Intensive Outpatient, or Phase II, Aftercare and Relapse Prevention. Transition to sober housing units will also enhance treatment outcomes.**

#### **Offender Supervision (Principle 4)**

**A licensed probation officer will supervise all offenders who participate in DUI COURT. This probation officer will meet regularly with each participant, verify employment or track job search efforts, conduct home visits and administer random drug testing. This role is critical, as the probation officer is frequently the first to see trends in behaviors outside of treatment, is acutely aware of the offender's Day-to-day lifestyle and knows offender's associates. Conversely, the probation officer also is one of the first to be aware of the offender's successes and frequently provides much-needed motivation and encouragement.**



**Each participant will receive a number from the probation officer, and will be required to phone in every morning to verify whether or not he or she will be required to submit to testing that day. A randomly generated number is used to select those who will be tested, and each participant will be subject to a minimum of three tests weekly.**

**Unlike opiates, marijuana and other illegal drugs which can be detected days, weeks and even months after ingestion, alcohol dissipates quickly. As such, alcohol testing must be conducted frequently. Conducting test at unexpected hours—including testing must be conducted frequently. Conducting test at unexpected hours—including testing at night time as part of home visits—is key to promoting abstinence. Likewise, ETG testing, which detects the presence of alcohol for up to 80 hours after consumption, will be used for this purpose on a controlled basis. Secure continuous Remote Alcohol Monitoring (SCRAM) bracelets, which detect ethanol vapors in a sweat and immediately transmit data electronically, will also be used to deter alcohol consumption.**

**Law enforcement liaisons from the Butte Silver-Bow LEA will conduct additional home visits, monitoring and random testing. Offenders will also be monitored by their treatment providers, by the Court and by all DUI COURT team members. This monitoring effort will not only hold offenders accountable and deter alcohol and drug consumption, but also provide opportunities to praise positive behaviors and further motivate participants.**

### **Forgoing Partnerships (Principle 5)**

**One of the key principles in creating an effective, sustainable DUI COURT is creating strong agency, organization and community partnerships. These partnerships expand services for program participants, increase support and create opportunities for sustainability.**

**DUI COURT will utilize its team members and program graduates in forgoing these important alliances. Representatives from potential partner organizations will be invited to watch court sessions, observe a graduation or other special event, or serve on the court's steering committee. Presentations will be made to interested clubs, groups and task forces, and the coordinator will be present at public safety events. Program events, evaluation and results will be publicized through press releases, media interviews through other no-cost publicity opportunities.**



The court will also forge relationships with local self-help groups to promote the program and to enhance accountability efforts. Participants will be required to obtain a sponsor, to regularly attend meetings and, eventually, to mentor other participants as part of the program. Research shows, these relationships are key to assuring long term program success.

#### **Judicial Leadership (Principle 6)**

The DUI COURT team will consist of a prosecutor, defense counsel, court coordinator, treatment providers, law enforcement and a probation officer. The team will be led by a DUI COURT Judge with extensive experience in presiding over alcohol-related driving offenses. Justice of the Peace Judge Debra D. Williams will lead the DUI COURT in its first year. The Justice of the Peace shall rotate serving as DUI COURT Judge on a yearly basis there after. Bother Judges have undergone significant training relating to DUI COURT and the nature of addictive disorders, including those offered by NHTSA ( National Highway Traffic Safety Association) conjunction with NDCI.

#### **Case Management (Principle 7)**

A designated DUI COURT Coordinator will work with DUI COURT participants to assess their case management needs, plan strategies, link them to community resources, monitor compliance, success and advocate for participants in matters involving services providers. Alcohol dependent offenders are more likely to be in denial about their addiction, and social attitudes about alcohol use are difficult to overcome. The DUI COURT, Coordinator will work closely with the primary treatment provider to break clients' denial on sustained basis allowing participants to reevaluate, restructure and rebuild their lives, address and resolve legal, emotional and personal issues and work towards attaining stability in their recovery. All members of the DUI COURT team will assist the court coordinator by providing information, relevant services and support—and the court coordinator will, in turn, provide team members relevant information and data relating to participant progress. This will enhance the overall ability of the team to effectively manage, monitor and support participants in pro-social behaviors.



### **Address Transportation Issues (Principle 8)**

**M.C.A. § 61-5-205 and 208 mandate that an individual convicted of driving a motor vehicle while under the influence of alcohol or any drug or a combination of alcohol or drugs or operating a motor vehicle with a blood alcohol concentration of .08 or more will have his or her driver's license suspended for a minimum of 6 months. Offenders frequently drive regardless, in an effort to preserve their employment or simply for recreation. DUI COURT participants will be warned that driving while license are suspended or revoked will result in mandatory incarceration pursuant to state law, additional penalties, and increased license suspension periods .**

**Participants will be expected to appropriately address their transportation needs. Those eligible for limited driver's licenses**

**The DUI Court will also work with participants to assist them in obtaining their driver's license**

### **FUNDING**

**DUI COURT will create a strategic plan as to the court's structure, organization, participation, money management and funding opportunities. The \$30.00 weekly fee paid by participants will continue to offset a significant portion of the program's cost.**

**DUI Court will continue to count on the vocal and financial support of local DUI Task Force as well as seek private, donations and partnerships with local service clubs who seek to reduce drunk driving on local, state & regional. The legislature appropriated funding to the Montana Supreme Court for Treatment Courts. DUI COURT may propose to be included in the Montana Supreme Court allocations.**



## **ELIGIBILITY CRITERIA**

- 1. The client must be an offender, with a misdemeanor charge that allegedly occurred with the county of Butte-Silver Bow, where the primary reason for being in the criminal justice system is related to significant substance abuse.**
- 2. All Clients must have a minimum (ASAM) level I of care meaning AMERICAN SOCIETY OF ADDICTION MEDICINE which includes Intensive outpatient treatment, as determined by an alcohol dependency or addiction diagnosis.**
- 3. All Clients who have offenses which, in their totality, provide DUI Court at least 12 months of jurisdiction, but, could have a minimum of 18-24 months.**
- 4. DUI COURT will accept second-and third-time offenders who pose a higher risk to the community.**
- 5. DUI COURT also will accept first-time DUI offenders who have blood-alcohol test results which exceed the legal limit of 0.08 BAC.**
- 6. It will be up to the Butte-Silver Bow DUI Courts discretion to accept offenders under the age of 21 with a BAC higher than 0.08 and who meet addiction criteria and want to make a change**
- 7. DUI COURT will have discretion to accept offenders under the age of 21 with a BAC lower 0.08 and who meet addictions criteria and desire change.**
- 8. DUI COURT will not accept individuals who have prior convictions for sexual offenses or for a violent offence as defined by Federal guidelines to the program.**



### **WHO DOESN'T QUALIFY?**

**The client's case will be reviewed to determine the surrounding circumstances, being the disqualification factors versus the need to participate in the program.**

**The client case that does not qualify into the DUI COURT program will be turned over to the assigned/referring judge. Then the plans and recommendations will be given to the DUI COURT for intensive supervision probation, regular reporting probation, and jail based treatment, etcetera.**

- **Limited Court Jurisdiction, less than 12 months jurisdiction**
- **Less than 18 years old**
- **Violent Criminal History as defined by federal guidelines**
- **Has gang affiliation**
- **Enrolled in drug court**
- **Has a felony DUI**
- **Has a DUI with collision resulting in felony conviction**
- **Has a DUI with significant injuries**
- **Pending felony charges**
- **Previous prison and/or parole history**
- **Sex Offense**
- **Currently on Felony Supervision**
- **Significant drug related charges**
- **Highly resistant to changing their behavior in spite of previous interventions and/or punishments-According to (RANT) meaning (risk and needs triage)**
- **Out of City residents**
- **Lack of transportation**
- **Significant mental illness (Axis I mental illness or behavioral disorder) that would prohibit treatment recommendations and assignments**
- **A medical marijuana card or care gives license and does not agree to abstain from the use of marijuana**



## PHASES OF DUI COURT

<p>PHASE I</p>	<p>Weekly court appearances            Clinica/Mental Health assessment            Case Management assessment            Probation orientation and assessment            3 random alcohol/drug screens per week            Comply with any additional treatment requirements            Record of 3 consecutive clean urine screens            Participant signs Phase II contract  <b>Timeline: Up to 45 days</b></p>
<p>PHASE II-Early Recovery</p>	<p>Follow all rules and regulations of treatment            Weekly court appearances            Attend weekly scheduled case mgmt meetings            Attend scheduled meetings with Probation            Attend a minimum of 3 support/sober network meetings per week            3 alcohol tests per week            Enroll in DUI-School            Maintain employment or seek employment skills/educational opportunities            3 monthly random home visits  <b>Timeline: Approximately 90 days</b></p>
<p>PHASE III-Maintenance &amp; Relapse Prevention</p>	<p>Follow all rules and regulations of treatment            Bi-weekly court appearances            Attend scheduled monthly meetings            Attend weekly case management meetings            Monthly (up to 3) random home visits            Attend minimum of 3 support/sober network meetings per week            Track/report attendance of 3 support or sober meetings per week            Pay/collect DUI Court program fees if possible  <b>Timeline: Approximately 115 days</b></p>
<p>PHASE IV – <b>Aftercare</b> and continuing care plans and Graduation (next page)</p>	<p>Follow all rules and regulations of treatment            Monitor P./rules &amp; regulations of treatment            Monthly Court Appearances            Track monthly court appearances            Attend scheduled monthly meetings            Monthly random home visits            Attend min. 3 support/sober mtgs. per week            Maintain employment/education/training            Pay/collect DUI Court program fees            Attend/Track Weekly alumni group meeting            Develop relapse prevention plan            Medical/mental health issues maintenance            Complete Program exit interview            DUI Court Commencement  <b>Timeline: Approximately 115 days</b></p>

## **Numbers for Contact**

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