

**MISSOULA COUNTY JUSTICE COURT
DUI COURT**

**OPERATIONS PROGRAM
MANUAL**

R.O.A.D. Court

Responsibility, Opportunities, Accountability for Drivers

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FORWARD

The purpose of this document is to provide a general description of the standards and practices for the Missoula County Justice Court ROAD Court (DUI COURT), located in Missoula, Montana. Although this document is written primarily for the benefit of DUI COURT Team Members, the manual is designed to be beneficial to anyone who is interested in the operation of a DUI Court program. Using various resources and following discussions with team members and other stakeholders, this manual addresses the philosophy, the standards and policies essential to the Court's operation. It is not an exhaustive reference and will continue to undergo review and modification during the life of the program.

This manual is designed to:

- Concisely inform the reader about the operations of the DUI COURT.
- Delineate roles, duties, and procedures for the DUI COURT Team members.
- Assist the DUI COURT Team in communicating with one another, with participants and with members of the community.
- Outline the steps through which DUI COURT participants must proceed to complete the program.

INTRODUCTION

Missoula County Justice Court DUI Court (DUI COURT) is designed to provide an alternative to the traditional method of adjudicating. It is currently led by Justice of the Peace Landee Holloway and supported by a team of professionals from the legal, law enforcement and treatment and social science research communities.

DUI COURT is designed to facilitate the rehabilitation of adults accused or convicted of alcohol and drug-related traffic offenses as defined by M.C.A. Title 61. All participants have offenses which, in their totality, provide the DUI COURT a minimum of 12 months of jurisdiction, but optimally have a 18-24 months of jurisdiction. Participants 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 are also required to make regular court appearances, meet with probation officers, law enforcement liaison(s), case-managers, and submit to frequent and random drug and alcohol testing including urinalysis, breathalyzer, and continuous monitoring. Electronic monitoring equipment is assigned when appropriate. The court also directs its efforts toward changing Defendant behavior, addressing transportation and licensing issues, and focusing on the rights of DUI victims.

The goal of the DUI COURT is to reduce recidivism events of alcohol or drug-related traffic Defendants by identifying those individuals who abuse or are addicted to alcohol or drugs, placing them in an appropriate continuum of treatment and closely monitoring them to ensure abstinence and reduce the opportunity for recidivism. By doing so, they no longer pose a threat on roadways.

DUI COURT relies heavily upon the cooperation of community stakeholders. Even though the DUI COURT Team includes many entities within the Missoula Community, there are others who might share goals that are common to those of the program. Additional assistance is always welcome. There is a standing invitation to all community stakeholders to join this endeavor.

Key to the success of this program are:

- Screening for DUI COURT as soon as possible after arrest. The crisis of arrest and incarceration often makes DUI Defendants good candidates for intervention. Expeditious placement increases the chances for success.
- Solidarity of DUI COURT Team members to ensure that the Judge is able to use incentives and sanctions effectively.
- Long-term treatment for participants. Substance abuse often inflicts damage over several years; the treatment response must also be long-term.
- Isolating and treating not only substance abuse, but co-occurring problems that a participant faces. Underlying causes of substance abuse and criminal thinking must be identified to fully assist a person struggling with substance dependence. Sanctions and Incentives. Relapse and sporadic progress are to be expected; therefore, progressive incentives and consequences are integral components of the DUI COURT program.
- An understanding by each team member and each team member's department head as to his or her roles and responsibilities. A Memorandum of Understanding (MOU) has been signed by the DUI COURT members to ensure each entity committed to the DUI Court is represented.

FUNDING

Missoula County Justice Court was awarded a Montana Department of Transportation Highway Traffic Safety Grant in the amount of \$86,000. In addition to the grant funds participants will also be paying a weekly fee of \$25. The weekly fee paid by participants will offset a significant portion of the program's cost. In order to ensure sustainability, The DUI COURT will continue to address the court's ongoing structure, organization, participation, money management and funding opportunities.

The data and reports provided by the evaluator are key to ongoing funding strategies. Using data reflecting fidelity to national standards, The DUI COURT will continue to seek financial support from the of local DUI Task Force as well as seeking private donations and partnerships with local service clubs who seek to reduce drunk driving on local, state, and regional levels. The DUI COURT will also pursue funding from legislature-appropriated funds given to the Montana Supreme Court for treatment courts.

KEY COMPONENTS OF DRUG COURTS

(DUI and DWI are used synonymously in this reference)

The National Association of Drug Court Programs (NADCP) Standards Committee, through assistance of the National Highway Safety Administration and the National Drug Court Institute drafted a publication titled: The Ten Guiding Principles of DWI Courts. The Missoula DUI COURT has adopted these guidelines as well as utilizing the Key Components of Drug Courts from the National Association of Drug Court Professionals release of Defining Drug Courts: The Key Components. Annual evaluation reports specifically assess the degree to which the court maintains fidelity to each of these principles which are delineated here:

1. Determine the Population.

Targeting is the process of identifying a subset of the DWI Defendant population for the inclusion of the DWI court program. This is a complex task given that DWI courts, in comparison to traditional drug court programs, accept only one type of Defendant: a person who drives while under the influence of alcohol or drugs. The DWI court target population, therefore, must be clearly defined, with eligibility criteria clearly documented.

2. Perform a Clinical Assessment

A clinically competent objective assessment of the impaired-driving Defendant must address a number of bio-psychosocial domains including alcohol use severity and drug involvement, the level of needed care, medical and mental health status, extent of social support systems, and individual motivation to change. Without clearly identifying a participant's needs, strengths, and resources along each of these important bio-psychosocial domains, the clinician will have considerable difficulty in developing a clinically sound treatment plan.

3. Develop the Treatment Plan

Substance dependence is a chronic, relapsing condition that can be effectively treated with the right type and length of treatment regimen. In addition to having a substance abuse problem, a significant proportion of the DWI population also suffers from a variety of co-occurring mental health disorders. Therefore, DWI courts must carefully select and implement treatment practices demonstrated through research to be effective with the hard-core impaired driver to ensure long-term success.

4. Supervise the Participant

Driving while intoxicated presents a significant danger to the public. Increased supervision and monitoring by the court, probation department, and treatment provider must occur as part of a coordinated strategy to intervene with repeat and high-risk DWI Defendants and to protect against future impaired driving.

5. Forge Agency, Organization, and Community Partnerships

Partnerships are an essential component of the DWI court model as they enhance credibility, bolster support, and broaden available resources. Because the DWI court model is built on and dependent upon a strong team approach, both within the court and beyond, the court should solicit the cooperation of other agencies, as well as community organizations to form a partnership in support of the goals of the DWI court program.

6. Take a Judicial Leadership Role

Judges are a vital part of the DWI court team. As leader of this team, the judge's role is paramount to the success of the Drug court program. The judge must also possess recognizable leadership skills as well as the capability to motivate team members and elicit buy-in from various stakeholders. The selection of the judge to lead the DWI court team, therefore, is of utmost importance.

7. Develop Case Management Strategies

Case management, the series of inter-related functions that provides for a coordinated team strategy and seamless collaboration across the treatment and justice systems, is essential for an integrated and effective DWI court program.

8. Address Transportation Issues

Though nearly every state revokes or suspends a person's driving license upon conviction for a DUI offense, the loss of driving privileges poses a significant issue for those individuals involved in a DWI Drug Court program. In many cases, the participant solves the transportation problem created by the loss of their driver's license by driving anyway and taking a chance that he or she will not be caught. With this knowledge, the court must caution the participant against taking such chances in the future and to alter their attitude about driving without a license.

9. Evaluate the Program

To convince "stakeholders" about the power of DWI court, program designers must design a DWI court evaluation model capable of documenting behavioral change and linking that change to the program's existence. A credible evaluation is the only mechanism for mapping the road to program success or failure. To prove whether a program is efficient and effective requires the assistance of a competent evaluator, an understanding of and control over all relevant variables that can systematically contribute to behavioral change, and a commitment from the DWI court team to rigorously abide by the rules of the evaluation design.

10. Ensure a Sustainable Program

The foundation for sustainability is laid to a considerable degree by careful and strategic planning. Such planning includes considerations of structure and scale, organization and participation and, of course, funding. Becoming an integral and proven approach to the DWI problem in the community however is the ultimate key to sustainability.

PROGRAM - GOALS AND OBJECTIVES

DUI COURT is designed to improve the criminal justice processing of targeted DUI Defendants and assist them to become sober, productive, law-abiding citizens. Community stakeholder will be invited to unite in an effort to reduce substance abuse among non-violent misdemeanor Defendants.

1. DUI COURT will foster communication and collaboration among criminal justice entities, substance abuse treatment providers, education officials, social services and interested community stakeholders.

2. DUI COURT will construct a completed case-processing plan from program entry to graduation.
3. 70% of eligible Defendants referred to DUI COURT will receive substance abuse evaluations within 14 days of a referral to DUI Treatment Court.
4. 70% of the participants will receive court intervention within 14 days of arrest.
5. 100% of the DUI COURT participants will receive intensive court supervision including regular hearings, tracking of progress, and progressive sanctions for failures.
6. At least 85% of participants receiving program services will reduce the frequency of alcohol and other drug use as measured by urinalysis testing results.
7. 65% of the eligible participants will complete the program successfully.
8. 100% of the participants who successfully graduate will have a long term relapse prevention plan.
9. A program completion rate of 65% will be maintained in DUI COURT.
10. The average time participants will remain in DUI COURT is 12 months.
11. 100% of participating participants will successfully complete inpatient or outpatient substance abuse treatment.
12. 90% of the participants who complete the program will be employed upon graduation.
13. 50% of the graduates with less than a high school degree will earn a HiSet
14. 80% of the participants who complete the program will participate in an aftercare program for up to 6 months.
15. No more than 5% of the participants who graduate from the program will be rearrested within 6 months' post-graduation.
16. No more than 10% of the participants who graduate from the program will be rearrested post-graduation.
17. 80% of the participants will be retained for at least 9 months and 65% of participants for 12 months.
18. The number of days in jail for DUI COURT participants will be reduced by 20% compared to a control group.

By employing the services of an independent researcher to provide process and outcome evaluations, DUI COURT will determine, to the extent possible, if predicted goals have been achieved.

DUI COURT STANDARDS AND PRACTICES

1. DUI COURT Eligibility Criteria:

A. Mandatory Criteria:

The opportunity to participate in the DUI COURT program will be limited to persons who meet the following criteria:

1. All participants must be a Defendant, with a misdemeanor alleged to have occurred within the county limits of Missoula County, MT where the primary reason for being in the criminal justice system is related to significant substance abuse and a

traffic related offense.

2. All participants must require a minimum ASAM Level I of care, which includes at least outpatient treatment, as determined by a Substance use evaluation.
3. All participants must have offenses which, in their totality, provide DUI Court a minimum of 12 months of jurisdiction, but optimally 18-24 months.
4. In an effort to break the cycle for repeat Defendants, DUI COURT will accept second- and third-time and Defendants who pose a higher risk to the community.
5. In an early intervention effort, DUI COURT will accept first-time DUI Defendants who have blood-alcohol test results which exceed double the legal limit of 0.08 BAC or otherwise qualifies as an Aggravated DUI.
6. DUI COURT will have discretion to accept Defendants 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 as defined by Federal guidelines to the program.

B. Disqualifying Factors:

Cases will be reviewed on an individual basis to determine the extent and circumstances surrounding the disqualification factors versus the need to participate in the program. Those cases declined for acceptance into the DUI COURT program will be retained by the original assigned/referring judge..

Those DUI Defendants with significant misdemeanor criminal and traffic histories will be reviewed individually to determine the Defendant's situation and circumstances of the record. Those DUI Defendants who have a problem with anger and those who have a significant drug problem will most likely not qualify for the program.

The following are disqualification criteria:

- Limited court jurisdiction, less than 12 months' jurisdiction
- Less than 18 years old
- Has gang affiliation
- Enrolled in drug court or veteran's court
- Has felony DUI
- Has DUI with collision resulting in felony conviction
- Has DUI with significant injuries
- Pending felony charge
- Sex offenses
- Significant drug related charges
- Highly resistant to changing their behavior in spite of previous interventions and/or punishments
- Out of County residents
- Lack of transportation
- Significant mental illness that would prohibit completing treatment recommendations and assignments

C. Confidential Informants:

In as much as the activities associated with being a "confidential informant" who works for law enforcement are contrary with the goals of a DUI COURT participant, a person actively engaged with law enforcement, as a confidential informant is not eligible to be a DUI COURT participant. A person who has been a confidential informant in the past, but is not actively a confidential informant, is indeed eligible to participate in the program.

Law enforcement is requested to assist the program in following this provision.

D. Opt-Out Provision:

There is an "opt-out" provision for DUI COURT participants. If a participant wishes to withdraw from the program, he or she may do so voluntarily. Following withdrawal from the program, a hearing is scheduled, and the participant may be ordered to serve the balance of his/her suspended jail sentence. Normal fees will be imposed at this time and any DUI COURT fees which have been paid are forfeited.

2. Referral/Intake:

A. Identification of Potential DUI COURT participants:

Identification of potential participants comes from a number of sources. The DUI court coordinator will be actively involved in identifying cases who meet criteria for DUI court participation.

B. The Process:

Referral from the bench or the application for referral to DUI COURT is filled out by Coordinator, defense attorney, county attorney, treatment provider or defendant or other, with all contact info and pertinent case info sent to the DUI Court office. Once the application is turned into DUI Court office, the DUI Court Coordinator makes copies, enters participant data stating they are being considered for DUI Court in to Full Court records, obtains NCIC & Triple I, putting the NCIC with the docket and application and sends them to the DUI Court team. The participant meets with defense counsel to go over rights and what is expected of them in DUI Court. The Defendant also visits and observes at least 1 DUI Court session. The DUI Court Handbook is read by the potential participant with the Coordinator and the participant contract is reviewed. The DUI Court Team convenes with the Judge and the Judge shall accept or reject the application. The DUI Court Coordinator notifies the participant of the acceptance or denial. The participant will sign the program contract before appearance in front of the Judge for sentencing.

3. Participant's Drug Use:

When participants have positive urinalysis results or admit to substance use, DUI Court Team Members limit their response to the agreed upon treatment responses and consequences within the scope of the DUI COURT program. The intent is to change the participant's substance abusing behavior as opposed to generating additional charges. This simply recognizes the fact that individuals with substance abuse issues relapse. Use of illegal

substances is in no way enabled or condoned by the program. The contrary is true, continued substance abuse is an acceptable reason for the DUI Court Judge to expel a participant from the program. Nonetheless, the intent is to retain the participant in substance abuse treatment.

4. Dress Code:

DUI COURT participants are expected to dress appropriately in Court. Men must wear pants of appropriate length and fit, a shirt and shoes. Women must wear pants or skirts of appropriate length, a modest top and shoes. Tight and/or low-riding pants, see-through blouses, mini-skirts, "crop tops", tube tops, bathing suit tops and halter tops are examples of unacceptable attire. Clothing bearing drug or alcohol related themes or promoting or advertising alcohol or drug use are not allowed. No gang colors or gang clothing shall be worn in court. No sunglasses, bandanas or hats are to be worn inside the courtroom. The intent of this dress code is to promote participant respect for themselves and the Court. The program's focus should not be on how a participant dresses as much as it should concentrate on a participant's progress toward meeting goals that involve a law-abiding, drug free lifestyle. Team members are held to a higher standard than participants.

5. Cell Phones:

While in the courtroom, participants will be required to turn in cell phone at the beginning of court to avoid distractions. Any exception is to be approved by the coordinator.
participant

6. Participant Behavior:

While in court, participants are expected to remain seated and quiet until called upon. The Judge is addressed with respect. Unless approval to leave is given, participants will remain for the entire proceeding. No children shall be allowed in Court without receiving prior permission from the DUI Court Coordinator. Congratulations, support, and cheering are encouraged in the courtroom in recognition of participant's successes.

7. Confidentiality:

All treatment-related documents, in accordance with federal, state and local law, are maintained to ensure that the privacy and the identity of the individual DUI COURT participants is protected. All DUI COURT participants will be asked to sign a *Consent to Release Information* statement in accordance with confidentiality regulations. An identification number will be assigned to each participant for use in conducting research and evaluations.

8. DUI Court Fees:

All DUI Court participants are required to pay a portion of the program fee. Each participant will pay a weekly fee as follows: Phase I of the program there will be no fee but must pay for continuous alcohol monitoring, Phase II \$25 per week, Phase III \$25 per week, and Phase IV \$25 per week. All program fees must be paid in full to fulfill the requirements for graduation unless otherwise ordered by the DUI Court Judge. If participants are unable to afford the

program fee the DUI Court Coordinator will assist the participant in arranging community service in lieu of the program fee. One hour of community service is equal to \$15.00

9. Incentives and Sanctions:

DUI COURT uses incentives and sanctions with program participants in an effort to assist them in leading law-abiding, drug-free lifestyles. Incentives are used to encourage participants to accomplish goals that they have established for themselves. Team members are encouraged to find reasons to encourage program participants. It is also the default position of all team members to be creative when recommending possible incentives.

The use of sanctions is also necessary to change participant behavior in meaningful ways. When applied appropriately, sanctions may keep a Participant from unnecessarily spending time in jail. The threat of sanctions is expected to assist DUI COURT participants in becoming successful. As a result of substance abuse, many drug users have lost respect for themselves and they have lost the support of their family and friends; therefore, the use of incentives and sanctions can motivate participants to succeed. Team members are encouraged to recommend sanctions, which conform to DUI COURT goals of promoting a law-abiding, alcohol and drug free lifestyle. Examples of sanctions and the reasons for sanctions that the DUI Court Judge may impose are listed below.

- *For a full list of Incentives and Sanctions used by the Missoula County Justice Court DUI Treatment Court, see Appendix A. of this Operation manual.* **STILL UNDER CONSTRUCTION**

10. Treatment Standards

- A. Comprehensive Treatment: DUI COURT makes available to participants a comprehensive treatment continuum from qualified providers. Frequent judicial intervention and participant treatment retention is key to the program's success. A contracted substance abuse treatment provider is the primary provider of treatment services for DUI COURT participants. Other providers are invited to assist program participants by making ancillary services available to them. The expectations and responsibilities of the primary treatment provider are spelled out in the treatment contract.
- B. Residential Treatment: If it becomes necessary for a participant to enter a residential treatment facility, the Participant will be subject to the rules, regulations and practices of that program, including the financial obligations.

11. Program Structure & Design

DUI COURT will provide much of the infrastructure needed to facilitate the DUI COURT program. The DUI COURT team will consist of the Judge, a court coordinator, a prosecutor from the County Attorney's Office, a defense attorney, a probation officer, members of the Missoula County LEA, contracted licensed addiction counselors and treatment supervisors, and a professional evaluator. Most team members have attended both local and national training related to drug and DUI courts offered by National Highway Traffic Safety Administration and National Drug Court Institute.

<p>PHASE V- Maintenance</p> <p>Timeline: Approximately 90 days 90 days sobriety In compliance with probation Treatment complete</p>	<ul style="list-style-type: none"> • Random Alcohol and Drug testing • Court appearance monthly • Meet with PO monthly • Comply with probation conditions • Report to Court Coordinator monthly to review case plan and complete monthly task plan • Jail time completed • Community Service completed • Fines paid • Pay program fees • Continue developing support system and prosocial activities
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Participants advance through each phase by maintaining sobriety and completing program requirements. Participants complete various steps or tasks such as a minimum of two clean alcohol/drug tests, 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, earn their HiSet, financial counseling, volunteer hours, parenting class and any courses required by the treatment provider, judge or team. Graduation from the program requires completion of the five phases, payment of fines, costs and restitution, a minimum of 6 consecutive months of sobriety and performance of volunteer hours.

The DUI court team meets prior to the bi-weekly court session. At that meeting, the team evaluates each participant's progress and, in a non-adversarial setting, determines whether the participant is succeeding and compliant in the program. The individualized treatment plan for each participant is collected, maintained and updated in the DUI case management software data base. The team considers incentives for those who are compliant and possible sanctions for those who are not. These can be highly individualized. Participants who meet the goals set for them by the DUI court team will receive motivational incentives as delineated in Appendix A. Those who relapse, re-offend, violate DUI court rules or fail to meet goals will receive sanctions (also delineated on Appendix A still under construction).

DUI COURT monitors its success with an independent evaluator, who conducts regular assessments of the program. DUI COURT evaluation plan includes two aspects:

1) an ongoing process evaluation to determine if the program is meeting its goals and objectives; and 2) an outcome evaluation gathered by administering pre and post-tests to measure specific variables of each DUI COURT candidate and participant. The evaluator uses the case management database, the statewide detention repository and Full Court MIS, to analyze and report on goal attainments and performance measures. The evaluator visits the court for observation and attends team meetings quarterly. Written reports are provided to the team on an annual basis.

Using the data collected by the evaluator and the reports generated from that data, the DUI COURT team adapts 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 is modified in accordance with evaluator's recommendations.

Implementation:

Implementation for the DUI COURT proceeded 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)

The target population of DUI COURT participants includes up to 20 adults (DUI Court capacity) who have a diagnosed substance use disorder and have been charged with a 1st, 2nd or 3rd DUI. The court balances early intervention efforts for first-time Defendants with efforts to stop potential losses suffered by the community as a result of the actions of significantly addicted, chronic Defendants. The DUI court coordinator will screen participants for program eligibility criteria.

Clinical Assessment & Treatment Plan Development: (Principles 2 and 3)

The Treatment Provider conducts an initial clinical assessment to confirm that the defendant has a substance abuse problem, is appropriate for the program and potentially amenable to treatment. Once accepted into the program, however, the Treatment Provider conducts a more complete assessment. This objective and comprehensive assessment identifies the Defendants' alcohol use severity, the level of needed care as 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 Defendant's level of motivation to change. Many of the participants have co-occurring substance abuse or mental health disorders. Statistics have shown that the most effective DUI programs offer treatment programs and systems which offer individualized approaches for participants and this is the approach in Missoula.

DUI COURT utilizes proven evidence-based treatment offering a continuum of care to program participants. These approaches 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 medical detoxification and inpatient treatment at a treatment facility, when available. In severe cases where public safety is jeopardized by release of an Defendant without intensive treatment, the DUI Court will utilize the jail-based treatment/ counseling services at the Missoula County Jail. After completion of jail-based treatment and once the participant is released they will be immediately assessed to begin the DUI Court Program with a referral for Outpatient treatment services which includes Level II.1 Intensive Outpatient or Level I Outpatient.

Defendant Supervision: (Principle 4)

A probation officer supervises all Defendants who participate in DUI COURT. This community supervision by the probation officer includes regular meetings with each participant, verification of employment or tracking job search efforts, conducting home visits and administering 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 Defendant's day-to-day lifestyle and knows Defendant's

associates. Conversely, the probation officer also is one of the first to be aware of the Defendant's successes and frequently provides much-needed motivation and encouragement.

Each participant receives a random substance use testing calendar 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.

Unlike opiates, marijuana and other illegal drugs which can be detected days, weeks and even months after ingestion, alcohol dissipates quickly. Alcohol testing must be conducted frequently. Conducting tests 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, is used for this purpose on a controlled basis. Continuous Alcohol Monitoring, is used to deter alcohol consumption.

Law enforcement liaisons from Missoula County Sheriff's Office and Montana Highway Patrol conduct additional home visits, monitoring and random testing. Defendants are also monitored by their treatment providers, by the Court and by all DUI COURT team members. This monitoring effort is not only to hold Defendants accountable and deter alcohol and drug consumption, but also provides opportunities to praise positive behaviors and further motivate participants.

Forging Partnerships: (Principle 5)

One of the key principles in creating an effective, sustainable DUI court is creating strong agency, organization and community partnerships. This is a substantial priority for the DUI Court Coordinator. These partnerships expand services for program participants, increase support and create opportunities for sustainability.

DUI COURT utilizes its team members and program graduates in forging these important alliances. Representatives from partner organizations are invited to watch court sessions, observe a graduation or other special event, or serve on the court's steering committee. Presentations are 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 and 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 attend self-help 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 is led by Justice of the Peace Landee Holloway. The Judge has significant experience and training relating to DUI courts and the nature of addictive disorders, including those offered by NHTSA in conjunction with NDCI.

Case Management: (Principle 7) Look at the functions of the Coordinator

Missoula County DUI Treatment Court will include a grant funded DUI court coordinator to work with DUI COURT participants to assess their case management needs, plan strategies, link them to community resources, monitor compliance, and advocate for participants in matters involving service providers. 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. Defendants frequently drive regardless, in an effort to preserve their employment or simply for recreation. DUI COURT participants will be warned that driving while licenses 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 (and assisted with) addressing their transportation needs appropriately. Other participants will be encouraged to rely on properly-licensed friends and family members, to walk or bicycle to appointments or to take public transportation. Public transportation with the Missoula County Mountain Line bus is free and participants will be encouraged to use the bus and find alternative transportation.

Monitoring and community supervision are key to ensuring compliance. Police officers, probation officers, case managers and treatment providers actively observe participants' transportation methods. Vehicle location is verified during home visits, work and treatment parking lots are checked, and vehicle odometers monitored. The DUI COURT program also focuses on getting participants lawfully re-licensed when they are eligible and to ensure that program participants obtain and maintain liability insurance.

Evaluation & Internal Assessment: (Principle 9)

According to the monograph "The Ten Guiding Principles of DWI Courts," credible and reliable evaluations are the "only mechanism for mapping the road to program success or failure" (Marlowe and Monchick, 2006). One of the lessons learned from the drug court experiment early on was that the inclusion of an evaluator and an evaluation plan early in the development process for these programs was critical to ensure stakeholders and team members of the effectiveness of the program and the adherence to the principles of the model. The DUI Court Program Evaluation includes both *process* and *performance measurement* (program output and short-term outcomes). The process evaluation focuses on the implementation and operation of the program. The performance measure portions of the evaluations focus on participant progress, program responses and the influence of this program on behavioral outcomes.

Both individual level (e.g. participant variables) and jurisdictional level (e.g. legal, political, and social characteristics of the jurisdiction) are considered in this conceptual framework. Additionally, working with the Court and local law enforcement attempts will be made to develop a matched comparison group, though, given the relatively small number of DUI cases available to work with this may be unfeasible. While a control group would be preferable, this jurisdiction is not currently in a position

to randomly assign participants. The comparison group could be tracked over time on the same performance measures as the treatment group (i.e. those in the program). In developing the comparison group to closely match the DUI court population, the evaluator could include demographics, geographies, legal histories, previous drug use and treatment.

Create a Sustainable Program: (Principle10)

The foundation for sustainability is laid, to a considerable degree, by careful and strategic planning. Such planning includes considerations of structure and scale, organization and participation and, of course, funding. Becoming an integral and proven approach to the DUI problem in the community however is the ultimate key to sustainability.

The Missoula County DUI Treatment Court Judge, Court Coordinator, Program Evaluator and Missoula County Grants department will work together to seek additional grant funding. Additionally, the Team will advocate to the legislature for funding for sustainable state funding.

ROLE OF THE DUI COURT JUDGE AND OTHER TEAM MEMBERS

A. The DUI Court Judge The effective leadership and direction of a single DUI COURT Judge shapes the success of the DUI COURT program:

- The Judge participates fully as a drug court team member, committing herself to the program mission and goals and works as lead partner to ensure success.
- The Judge initiates the planning process by bringing together the necessary agencies and stakeholders to evaluate current court processes and procedures and collaborates to coordinate innovative solutions. Her position allows her to lead the facilitation and coordination of the DUI COURT objectives and goals, allowing each Team member to participate fully in the design and implementation of standards and practices.
- The Judge is knowledgeable about addiction and is aware of the impact that substance abuse has on the court system, the lives of Defendants and their families and the community at large. She offers and participates in regular cross-training of Team members with community representatives and assists in creating community interest in and support for the DUI COURT.
- The Judge leads the team to educate the community on program goals and standards and develops community resources to address participant's ancillary needs.
- The Judge develops a working relationship with the program participant, monitors his or her progress and addresses personal and ancillary issues without losing the aura of judicial authority. The Judge is the primary force in keeping the DUI COURT participants motivated and determined to complete his or her program.
- The Judge benefits participants by allowing them to view both positive and negative feedback directed toward DUI COURT peers.
- The Judge maintains the responsibility of keeping a non-adversarial atmosphere in the DUI COURT to help ensure that all Team members keep the DUI COURT goal of rehabilitation and accountability a top priority.

B. DUI Court Coordinator

- Participates fully as a DUI Court Team member, committing himself or herself to the program mission and goals and working as a full partner to ensure success.
- Coordinates and participates in DUI COURT pre-hearings, hearings, team meetings and Steering Committee meetings.
- Manages daily operations and filing systems. Creates dockets, prepares reports for staffing meetings and assures timely dissemination of compliance information.
- Collects fees and monitors compliance.
- Identifies DUI COURT problem areas and recommends possible solutions.
- Participates in performing statistical analysis and program evaluation of DUI COURT.
- Participates in the collection of data and the maintenance of the Case Management software used by DUI Court.
- Assists in developing the team resource strategy to acquire funding, assists in preparing grant applications and builds linkages by supporting team in community outreach and lobbying activities.
- Monitors grant deadlines and requirements.
- Creates supporting materials and disseminates them to stakeholders and service providers.
- Creates and distributes marketing materials.
- Creates and disseminates program materials to participants.
- Conducts initial and follow-up screenings of DUI COURT participants.
- Assists in compiling, writing, editing and updating DUI COURT policy and procedures and program manuals.
- Informs DUI COURT Team members of DUI COURT-related news and training opportunities.
- Periodically evaluates DUI Court operations using the Ten Key Components of DUI Courts and communicates his or her findings to the DUI Court Team.

C. DUI Court Prosecutor:

- Participates fully as a DUI COURT Team member, committing himself or herself to the program mission and goals and working as a full partner to ensure success.
- Appears in court weekly to represent Missoula county in all DUI COURT pre-hearings and hearings
- Participates in weekly staffing meetings, advocating in a non-adversarial manner for effective sanctions and incentives for program compliance or lack thereof.
- Ensures community safety concerns by maintaining eligibility standards while participating in a non-adversarial environment focusing on rehabilitation and accountability.
- Immediately screens possible participants and makes referrals to DUI COURT to determine eligibility.
- Participates in regular cross-trainings to ensure knowledge of gender, age and cultural issues and addiction so that he or she may apply that knowledge appropriately.
- Files necessary legal documents
- Acts as a spokesperson for the DUI COURT program, contributing to and participating

in the education of the community, peers, colleagues and the judiciary.

D. Defense Counsel:

- Participates fully as a DUI COURT Team member, committing himself or herself to the program mission and goals and working as a full partner to ensure success.
- Participates in the assessment of candidates for eligibility and coordination with Deputy County Attorney intake to immediately identify possible candidates.
- Evaluates the Defendant's legal situation and ensures that the participant's legal rights are protected.
- Effectively advises each participant of their legal rights, legal options, treatment options, program conditions and sentencing outcomes while developing a relationship with the participant that promotes the participant's long-term best interests.
- Appears in court weekly to represent the participant in all DUI COURT pre-hearings and hearings.
- Participates in weekly staffing meetings, advocating in a non-adversarial manner for effective sanctions and incentives for program compliance or lack thereof, and promoting a sense of a unified team presence.
- Participates in regular cross-trainings to ensure knowledge of gender, age and cultural issues and addiction so that he or she may apply that knowledge appropriately.
- Encourages the Participant to be truthful with the judge and treatment staff, informing each Participant that they are expected to speak directly to the judge, not through an attorney.
- Files necessary legal documents.
- Reviews arrest warrants, affidavits, charging documents and other relevant information and reviews all program documents including waivers and written agreements.
- Acts as a spokesperson for the DUI COURT program, contributing to and participating in the education of the community, peers, colleagues and the judiciary.
- Participates in regular cross-trainings to ensure knowledge of gender, age and cultural issues and addiction so that he or she may apply that knowledge appropriately.

E. Probation Officer:

- Participates fully as a DUI COURT Team member, committing himself or herself to the program mission and goals and working as a full partner to ensure success.
- Participates in weekly staffing meetings, providing progress reports, making recommendations and identifying supervision and ancillary service needs.
- Advocates for effective sanctions or incentives for program compliance or lack thereof.
- Provides coordinated and comprehensive supervision to minimize participant manipulation and splitting of program staff. Coordinates continuum of care through regular contact with the treatment provider.
- Develops effective measures for drug testing and supervision compliance report that provide the team with sufficient and timely information.
- Conducts field visits, office visits and treatment visits.
- Primarily responsible for the collection of urinalysis samples.
- Determines if participant is engaging in criminal activity and reports to court.
- Assists in compiling and collecting DUI COURT information for statistical analysis.
- Coordinates with ancillary entities, including health and mental health services, victims'

services, housing, entitlements, transportation, education, vocational training, job skills training and placement to provide a strong foundation for recovery.

- Prepares sentencing-related documents as required by the Judge.
- Acts as a spokesperson for the DUI COURT program, contributing to and participating in the education of the community, peers and colleagues.
- Participates in regular cross-trainings to ensure knowledge of gender, age and cultural issues and addiction so that he or she may apply that knowledge appropriately.

F. Treatment Provider:

- Treatment providers' responsibilities entail administrative activities, clinical supervision and counseling services.
- Participates fully as a DUI COURT Team member, committing himself or herself to the program mission and goals and working as a full partner to ensure success.
- Participates in weekly staffing meetings, providing progress reports, making recommendations and advocating for effective sanctions and incentives for program compliance or lack thereof.
- Ensures that participants are screened and evaluated for substance abuse in a timely manner. The assessment includes medical history, employment history, criminal history, educational history, drug abuse history and psychosocial evaluation. May also include mental health assessment.
- Provides immediate notification to DUI COURT Coordinator of participants who do not meet DUI COURT criteria.
- Makes appropriate referrals to residential treatment with coordination through Community Compliance Officer.
- Develops program materials appropriate to the Participant population.
- Develops appropriate treatment plans, continuing care plans and aftercare plans.
- Make appropriate referrals to community resources and notify the DUI COURT members.
- Conducts group, individual, and family treatment.
- Provides written and verbal progress reports.
- Provides written termination report within 15 days that specifies reason for termination.
- Ensures that all files are maintained in accordance with program policies and procedures, and federal and state requirements for outpatient and continuing care programs.
- Maintains confidentiality of records and ensure professional and ethical standards of practice.
- Attends in-service training and continuing education conferences.
- Assist in monitoring urine screens
- Provide all statistics as required by the grant.
- Provide and participate in cross-training relating to substance dependency issues and gender, age and cultural issues.
- Acts as a spokesperson for the DUI COURT program, contributing to and participating in the education of the community, peers, colleagues and the judiciary.

G. Program Evaluator:

- Contribute to planning and operation of team meetings to ensure that all DUI COURT components are measurable and quantifiable.

- Conducts regular team interviews.
- Creates and maintains a data collection and operating system.
- Continuously provide feedback to the team on progress towards goals and trends to enhance the ability of the Team to act immediately when noncompliance occurs.
- Monitors team protocols and procedures.
- Completes required grant paperwork.
- Acts as a spokesperson for the DUI COURT program, contributing to and participating in the education of the community, peers, colleagues and the judiciary.

H. Law Enforcement Officer:

- Contribute to the planning and operation of the DUI COURT to promote a good working relationship between all entities.
- Provide necessary criminal histories and driving records of the participant to the team, insuring the confidentiality of such information.
- Work closely with the entire team to make sure that the participant is compliant with the rules and regulation set forth in the DUI COURT.
- Assist the Probation Officer in conducting home visits, arrests, searches and when the Probation Officer feels the need for Law Enforcement.
- Being present during all Court hearings as part of the team and security in case the participant needs to be placed into custody.
- Making the DUI Court aware of any additional contacts with Law Enforcement or any criminal activity the Defendant is involved in while partaking in the DUI COURT.

I. All Drug Court Team Members:

- Perform as a "Team" in a non-adversarial approach to make recommendations regarding participant and program progress in a manner that effectively achieves the program's goals.
- Meet bi-weekly at staffing to provide input to the Judge regarding participant progress and the application of incentives and consequences.
- Attend bi-weekly DUI Court hearings.
- Participate in other meetings as necessary.
- Assist in program development issues.
- Assist in identifying, coordinating and participating in training opportunities.
- Assist in creating and modifying DUI COURT policies, procedures, manuals and publications.
- Locate and recommend utilization of ancillary community resources.
- Assist in the collection of DUI COURT Program data.
- Identify and train individuals to act as back up staff when needed.
- Act as ambassador and information conduit from DUI COURT to other staff within each member's own entity.
- Participate in speaking engagements to community-based organizations as necessary to forge positive relationships between the program and the community.
- Make decisions regarding the participant's continued enrollment in the program based on performance in treatment rather than solely on the legal aspects of the case.
- Monitor quality of treatment services.
- Collaborate in a flexible, positive manner to develop an effective and efficient program.

COMPLETING THE PROGRAM

Graduation, Termination and Expulsion

Graduation - A participant is eligible to graduate upon input and recommendation of the DUI Court team and approval of the DUI COURT Judge. To graduate, the participant is required to advance through the program's fifth phase, develop a relapse prevention plan and present it to the team.

Expulsion-The participant may be expelled from DUI COURT if they do not comply with the treatment program. Although a relapse is not absolute grounds for expulsion, a continual inability to meet treatment goals may result in expulsion. There are several grounds for possible expulsion. These include:

- Failure to engage in the recommended treatment program
- Possession of alcohol or illegal drugs, or paraphernalia at your residence, in your car, or on your person.
- New charges, in particular DUI-related charges or sex crimes.
- Corrupting or negatively influencing other DUI COURT participants.
- Tampering with a UA sample, using the urine of someone else for your own, or allowing someone else to use your urine for their sample.
- Pathological Dishonesty

If the decision is made to end a participant's involvement in DUI COURT, a show cause/probation hearing is scheduled and the participant may be ordered to serve the balance of the suspended jail sentence. Normal fees are imposed at this time and any DUI COURT fees which have been paid are forfeited.

Termination/Opt-out- If the participant chooses to opt-out of the DUI COURT program, a hearing is scheduled and the participant may be ordered to serve the balance of his/her suspended jail sentence. Normal fees will be imposed at this time and any DUI COURT fees which have been paid are forfeited.

Drug Testing Policy

Purpose: participants in the DUI COURT are addressing substance abuse problems. As a result, drug testing is necessary to determine if participants are using drugs. Drug testing is also a tool to validate participants' abstinence from alcohol and other drugs. Drug testing assists participants in remaining drug free.

Policy:

1. All drug tests used shall be from the same manufacturer.
2. Urinalysis samples may be sent for confirmation if the participant has been clean long-term.
3. Drug tests are administered even if the participant admits to drug usage prior to testing.
4. If a quick test is positive, the participant is given the chance to admit to drug usage.
If the participant admits to drug usage the drug test may be sent for confirmation.
5. A required urinalysis sample that is missed is considered a positive drug test.

6. A positive or missed urinalysis test requires a sanction.
7. Tampering with a drug test, using adulterants, smuggling in another person's urine, etc... are considered a positive drug test and extra sanctions may apply.
8. Providing urinalysis samples is a requirement of participants in DUI COURT. The samples are required to be observed by program staff
9. Program personnel remain in direct visible contact with the urinalysis sample until the drug test is administered or the sample is secured in lab shipping standards, by the participant.
10. The initial drug test is administered immediately following court appearance after plea is taken or immediately upon release from custody. A full panel drug screen will be performed.

Random Drug Tests:

- A. Tests are conducted at least two (2) times per week in Orientation/Phase I
- B. Tests are conducted at least two (2) times per week in Phase II
- C. Tests are conducted at least two (2) times per week in Phase III
- D. Tests are conducted at least two (2) times per week in Phase IV
- C. Tests are conducted randomly per week in Phase V

Alcohol and Medication Policy

Purpose -DUI COURT believes that the answer to most problems is not found in the form of alcohol or other medications. Participants in DUI COURT are addressing substance abuse problems. Introduction of alcohol and other drugs into their bodies can result in severe physiological, psychological and legal consequences. Understanding that most people have a need to take prescription and over the counter medications at some point in their life, DUI COURT has developed the following policy for program participants. This policy is intended to remain clear concerning the use of alcohol by program participants as well.

Policy-Alcohol- No program participant is permitted to consume alcohol while in the program. Furthermore, participants may not enter an establishment whose primary purpose is to sell or distribute alcohol.

Over the Counter Medications- participants are encouraged to resolve ailments through alternative methods to using medications. Prior to using any over the counter medication, participants are required to discuss it with their treatment counselor and probation officer. participants may not take medications that contain ephedrine, pseudoephedrine, phenylpropanolamine or alcohol. Examples of these medications are Sudafed, Nyquil, Contac, Sine-Off and Allerest. This is not a complete listing. participants are encouraged to read the label and ask the Pharmacist for medications that do not contain these substances. Some over the counter medications that do not contain these substances are aspirin, ibuprofen, and acetaminophen. Anyone taking over the counter medications should read and follow the directions on the label.

Physicians- participants are encouraged to receive medical treatment from a qualified medical doctor as needed. Participants are required to disclose their substance abuse history to their physician so that the physician can best address the patient's needs. "Doctor shopping" or using multiple physicians in order to obtain prohibited medications is prohibited.

Prescription Medications-Program participants must register any prescription or over the counter medication with their treatment counselor prior to taking the medication excepting a life-threatening situation. The participant is required to inform their treatment counselor as soon as possible after taking such medications in a life-threatening situation. If participants are prescribed medications by a doctor, they are required to take the medication as prescribed.

A candidate for the program may not be permitted to enter the program if they are using a mood-altering prescription medication or one that will test positive on a drug test; including medical marijuana. The candidate may become eligible if they stop using the medication in question under the supervision of their doctor, or if their doctor prescribes another medication that is not mood altering and will not test positive on a drug test.

If a participant must take a prescription medication that tests positive on a drug test for a limited period of time, the participant's clean day count will be suspended while they are taking the medication. Such an event should occur infrequently. Maintaining sobriety is most difficult for an individual who struggle with substance dependency issues when they must take mood-altering medications, even for a short period of time. Pain medication is particularly problematic. There are many prescription medications that are effective, not mood altering and will not test positive on a drug test.

Tobacco and Caffeine- participants are encouraged not to use either tobacco or caffeine; however, they are drugs from which program participants are not barred from consuming legally.

Medication-Assisted Treatment (MAT)-The DUI Court does not deny access to any eligible participant to the DUI Court program because of their use of FDA-approved medications for the treatment of substance abuse disorders.

The DUI COURT adheres to the recommendations for MAT under the care and prescription of a physician. The DUI COURT does not deny any eligible participant access to the program because of their use of FDA-approved medications for the treatment of substance use disorders (e.g., methadone, buprenorphine products including buprenorphine/naloxone combination formulations and buprenorphine mono-product formulations, naltrexone products including extended-release and oral formulations, disulfiram, and acamprosate calcium). Specifically, methadone treatment rendered in accordance with current federal and state methadone dispensing regulations from an Opioid Treatment Program and ordered by a physician who has evaluated the Participant and determined that methadone is an appropriate medication treatment for the individual's opioid use disorder must be permitted. Similarly, medications available by prescription must be permitted unless the Judge determines the following conditions have not been met:

- The participant is receiving those medications as part of treatment for a diagnosed substance use disorder.
- A licensed clinician, acting within their scope of practice, has examined the participant and determined that the medication is an appropriate treatment for their substance use disorder.
- The medication was appropriately authorized through prescription by a licensed prescriber.

In all cases, MAT must be permitted to be continued for as long as the prescriber determines that

the medication is clinically beneficial. The DUI Court participant is not compelled to no longer use MAT as part of the conditions of the DUI Court if such a mandate is inconsistent with a licensed prescriber's recommendation or valid prescription.

Under no circumstances will the Judge, other judicial official, correctional supervision officer, or any other staff connected to the DUI COURT deny the use of these medications when made available to the participant under the care of a properly authorized physician and pursuant to regulations within an Opioid Treatment Program or through a valid prescription and under the conditions described above. The DUI COURT Judge, however, retains judicial discretion to mitigate/reduce the risk of abuse, misuse, or diversion of these medications.

Conclusion

To ensure this, adherence to all of the policies delineated in this operation manual are crucial. The court is aware that times change, research is updated, new best practices are developing as evidence accrues for efficacy of various models. To this end, the operation manual is open to revision based upon developments in the field.

Appendix A.
Forthcoming