

Missoula Misdemeanor DUI Treatment Court

## ROAD Court

Responsibility, Opportunities and Accountability for Drivers



Participant Handbook

Name:

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## WELCOME

Welcome to the Missoula Misdemeanor ROAD (Responsibility, Opportunities and Accountability for Drivers) DUI Treatment Court. This program was created to give individuals charged with qualifying offenses an opportunity to address their addiction to drugs and/or alcohol and begin a life of recovery. By entering ROAD Court, you are perhaps getting the best opportunity you will ever have to reclaim and rebuild your life.

This handbook is designed to answer your questions, provide overall information about the program, and explain what will be required of you as a treatment court participant. As a participant, you will be expected to comply with treatment court rules, follow the instructions given in treatment court by the Judge, comply with the treatment plan developed for you by your treatment provider and comply with your conditions of probation.

By successfully working through the phases and towards graduation, you will have the opportunity to receive incentives that could potentially relieve you from some or all of your jail time and up to 70% of your court ordered fines associated with your DUI.

We are happy to welcome you into the program and wish you every success in your recovery.

**Please read this handbook carefully. It is your responsibility to be familiar with its contents. We encourage you to share this information with your family and friends who support your recovery. The information in this handbook may change from time to time, without prior notice, and should not be considered a binding agreement between you and the treatment court program.**

## INTRODUCTION

ROAD Court is intended to save lives and make roads safer by reducing recidivism events of alcohol or drug-related traffic offenses, holding participants accountable for their actions, identifying the root problem and treating chemical dependency and co-occurring issues. It is led by Justice of the Peace Landee Holloway and supported by a multidisciplinary team of legal, law enforcement, and treatment professionals.

ROAD Court is designed to facilitate the rehabilitation of adults convicted of alcohol and/or drug-related traffic offenses as defined by Montana Code Annotated Titles 45 and 61. Each participant has been convicted of offenses which, in their totality, provides ROAD Court a minimum of 12 months of jurisdiction but optimally 18-24-months of jurisdiction. Participants are carefully screened and must meet stringent eligibility criteria. Participants are required to address their chemical dependency issues, satisfy their legal obligations and obtain/maintain employment. They are also required to make regular court appearances, meet with probation officers, law enforcement liaison(s), the court coordinator and submit to frequent and random drug and alcohol testing including urinalyses, breathalyzer, and continuous monitoring. The Court also directs its efforts towards changing the participants' behavior and addressing transportation and licensing issues.

The goal of ROAD Court is to reduce recidivism and events of alcohol or drug-related traffic offenses by identifying those individuals who abuse or are addicted to alcohol and/or drugs, placing them in an appropriate continuum of treatment, monitoring them closely to ensure abstinence and reduce the

opportunity for recidivism. By doing so, ROAD Court greatly reduces the threat participants previously posed on roadways.

### OVERVIEW

ROAD Court is a court-supervised, comprehensive treatment program for adults who have been convicted of DUI 2<sup>nd</sup> or 3<sup>rd</sup>, aggravated DUI 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> or traffic offenses that involve substance use on a case-by-case basis. ROAD Court is a voluntary program that includes regular court appearances before the Treatment Court Judge. By working together, the ROAD Court Team seeks to provide a variety of programs and consistent supervision geared toward supporting and helping the participant maintain a drug/alcohol-free lifestyle.

ROAD Court involves frequent court appearances, consistent judicial supervision, drug/alcohol testing, frequent and unscheduled home visits by team members or law enforcement officers, group and individual drug/alcohol treatment, as well as other needed and assigned programs and services. The Court awards incentives for compliant behavior and progress and imposes sanctions for non-compliant behavior. The treatment team will assist you to be sure you understand what is expected of you.

### TRANSPORTATION

Your license will be suspended upon conviction of an offense for driving under the influence. MCA § 61-5-205(2)(2). Montana law requires the DMV to suspend the driver's license of a person convicted of a first offense of violating MCA § 61-8-1002 (driving under the influence) for six months. *See*, MCA §61-5-208. The DMV must suspend the driver's license of a person convicted of a second or third offense for one year. *Id.* Montana Law allows ROAD Court to, at its discretion, authorize probationary licenses for participants. MCA § 61-5-231(1). However, ROAD Court may revoke a probationary license if the participant fails to comply with the Court's conditions. MCA § 61-5-231(2).

Participants are advised that even if the Court approves them for a probationary license there is an administrative reinstatement fee that is imposed and will need to be paid to the Department of Motor Vehicles before the they can legally drive.

You are expected to appropriately address your transportation needs. If you are eligible for a probationary license, you will be assisted in obtaining one. Until you have a probationary license you are to find transportation to your appointments and ROAD Court obligations. You are encouraged will be encouraged to rely on properly licensed friends and family members for transportation, to walk or bicycle to appointments or to take public transportation. The Mountain Line provides free transportation in and around the Missoula area.

## **TREATMENT**

Your ROAD Court Treatment Representative is John Donald, LSCW, LAC, CMHP and his contact information can be found on page 3.

All ROAD Court participants must have a chemical dependency assessment before being considered for admission into the program. The assessment determines each participant required treatment level. The treatment provider will develop an individualized treatment plan with each participant. There is very little tolerance for missed counseling appointments. If you do not believe you need treatment, you do not belong in ROAD Court. The Court will be communicating on a regular basis with your counselor to discuss progress and attendance. ROAD Court reserves the right to alter your treatment at any time to better suit your needs.

The treatment provider will develop an individualized treatment plan for you which incorporates evidence-based treatment for substance abuse, treatment for any co-occurring mental health disorder and classes. Treatment includes mandatory group and individual therapy, self-help meetings, completion of statutory requirements including traffic and treatment curriculum and other classes or therapies recommended or required by ROAD Court. A case management strategy will also be developed in conjunction with the treatment plan.

## **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 ROAD Court participant is protected and will only be utilized for the intended purpose of ROAD Court. All ROAD Court participants will be asked to sign a *Consent to Release Information* statement in accordance with confidentiality regulations. Confidentiality of participants' alcohol and drug treatment records are protected under Federal regulations. *Confidentiality of Alcohol and Drug Abuse Patient Records*, 42 CFR Part 2 and *HIPPA Privacy Rule*, 45 CFR 160, 162, and 164.

## **PROGRESS**

The ROAD Court team meets prior to the weekly court sessions. 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. ROAD Court uses incentives and sanctions with participants to assist them in leading law-abiding, drug-free lifestyles. The team considers incentives for those who are compliant and possible sanctions for those who are not.

## **INCENTIVES & SANCTIONS**

Incentives are used to encourage participants to accomplish goals they have established for themselves. Sanctions are used to change participants' behaviors in meaningful ways. When applied appropriately, sanctions may keep a participant from unnecessarily spending time in jail.

### **Examples of Possible Incentives**

- Verbal praise and encouragement
- Phase advancement
- Program graduation
- Fishbowl (candy, snacks, gift cards, toiletries, toys, socks, etc.)
- Recognition from the Judge
- Certifications of achievement
- Credit towards jail time and fees

### **Example of Possible Sanctions**

- Increased drug testing
- Increased supervision
- Jail time
- Modification of treatment
- Reading/writing assignments

## **TREATMENT COURT**

As a ROAD Court participant, you will be required to appear in treatment court on a regular basis. The number of times you must appear depends upon the ROAD Court phase you are currently in. Failure to appear may result in a warrant being issued for your arrest and detention in jail until you can appear in Court. If you have questions about your court appearances, you may contact the ROAD Court Coordinator.

**Court will be held every Thursdays at the Missoula County Court House in Justice Court Department 2 on the main floor, it begins promptly at 9:00am.**

Phase 1 and 2, every Thursday

Phase 3, 2<sup>nd</sup> and 4<sup>th</sup> Thursday of the month

Phase 4 and 5, 1<sup>st</sup> Thursday of the month

### **Participant Behavior**

While in court, you are expected to remain seated and quiet until called upon. The Judge is addressed with respect. Unless approval to leave is given, you shall remain for the entire proceeding. No children shall be allowed in Court without receiving prior permission from the ROAD Court Coordinator.

### **Dress Code**

You are expected to dress appropriately for Court. If you are dressed inappropriately, a team member will let you know.

## **Cell Phone**

When entering the courtroom, you shall place your cell phone at in the 'cell phone basket'. If you need an exception to this rule, you must get approval from the ROAD Court Coordinator.

## **ALCOHOL AND DRUG TESTING**

**Drug Use:** Use of illegal substances is prohibited.

You will receive a random substance use testing number from the ROAD Court Probation Officer and will be required to phone in every morning to verify whether you will be required to submit to testing that day. Law enforcement liaisons will conduct additional home visits, monitoring, and random testing.

You are required to report as directed and test at Missoula Correctional Services at 2350 Mullan Road, Missoula, MT 59808; the contact number for the testing call line is 406-541-9221.

## **CONTINUOUS ALCOHOL MONITORING**

Once accepted into the program, you will be place on continuous alcohol monitoring through Missoula Correctional Services for 90 consecutive days. If you have any violations, this could result in extended continuous alcohol monitoring. You will be responsible for the cost of the continuous alcohol monitoring.

## **DRUG TESTING POLICY**

As a participant in ROAD Court, you are addressing substance abuse problems. As a result, alcohol/drug testing is necessary to determine if you are using alcohol/drugs. Drug testing is also a tool to validate your abstinence from alcohol and other drugs. Drug testing assists you in remaining drug free. Random drug testing can be ordered by any member ROAD Court at any time.

### Policy:

1. Drug/alcohol may be sent for confirmation if you have been clean long-term.
2. Drug/alcohol tests are administered even if you admit to drug/alcohol usage prior to testing.
3. If a panel test is positive, you will be given the chance to admit to the drug/alcohol use. If you admit or deny drug/alcohol use the drug test may be sent for confirmation.
4. If a confirmation drug test is sent out and comes back as positive, you will be responsible for the \$85 send out confirmation fee.
5. If you miss a drug/alcohol test, ROAD Court shall treat that test as a positive test.
6. ROAD Court may impose a sanction for a positive or missed test.
7. If you tamper with a drug/alcohol test, use adulterants, smuggling in another person's urine, etc. ROAD Court will treat this as a positive drug/alcohol test and additional sanctions may apply. There could be possible criminal charges associated with an altered specimen sample.
8. You are required to provide urinalysis samples as a requirement of ROAD Court. Program staff will observe the sample and will remain in direct visible contact with the sample until the test is administered or the sample is secured in lab shipping standards.



## PROHIBITED SUBSTANCES

Alcohol- You are prohibited from consuming alcohol while in ROAD Court. Furthermore, you shall not enter an establishment whose primary purpose is to sell or distribute alcohol.

Marijuana- You are prohibited from consuming marijuana while in ROAD Court. Furthermore, you shall not enter an establishment whose primary purpose is to sell or distribute marijuana or any products containing marijuana.

Over the Counter Medications- You are encouraged to resolve ailments through alternative methods rather than using medications. You are responsible for any over the counter medication or prescription medication that enters your body. You are encouraged to talk to your probation officer, treatment provider, doctor or pharmacist and do your own research before using any medication. You shall not take medications that contain ephedrine, pseudoephedrine, phenylpropanolamine, or alcohol. Examples of these medications are Sudafed, Nyquil, Contac, Sine-Off and Gallerist. This is not a complete listing. You 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. If you are taking over the counter medications, you shall read and follow the directions on the label and take the medication as directed.

Physicians- You are encouraged to receive medical treatment from a qualified medical doctor as needed. You are required to disclose your substance abuse history to your physician so that your physician can best address your needs. "Doctor shopping" or using multiple physicians to obtain barred medications is prohibited.

Prescription Medications- You must report any prescription you take to your probation officer and treatment provider prior to taking the medication except in a life-threatening situation. If you take prescription medication in a life-threatening situation, you shall inform your probation officer and treatment counselor as soon as possible. If your physician prescribes medications, you shall take them 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.

Kratom- There are no FDA-approved uses for Kratom and there is concern of its potential for abuse. Because Kratom is a mood-altering substance, you are prohibited from using Kratom in ROAD Court.

Medication-Assisted Treatment (MAT)- ROAD Court supports MAT under the care and prescription of a physician. ROAD 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). ROAD Court specifically permits prescription medications if the Court determines the following conditions have been met:

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

In all cases, ROAD Court must allow MAT for as long as the prescriber determines that the medication is clinically beneficial. You are not required to use MAT as part of the conditions of ROAD Court if it is inconsistent with a licensed prescriber's recommendation or valid prescription.

### **EXPULSION AND TERMINATION FROM ROAD COURT**

You may be terminated from ROAD Court if you do not comply with the treatment program. Although a relapse is not absolute grounds for expulsion, a consistent 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
- Corrupting or negatively influencing other ROAD 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 ROAD Court decides to terminate you from the treatment program, the Court will hold a hearing. The prosecution may file a petition to revoke, and you may be ordered to serve the balance of your suspended jail sentence and pay your fines/fees.

Termination/Opt-Out- If you choose to opt-out of ROAD Court you are encouraged to discuss your decision with the ROAD Court Defense Attorney before submitting a written notice that you are voluntarily quitting the program. The prosecution may file a petition to revoke, and you will appear in court to be resentenced. You will receive credit against your fines and jail time for completion of any phase.

## COMMUNITY SERVICE

Before you graduate from ROAD Court, you shall complete 40 hours of community service. Community service is required in phases 2 through 5. You shall complete Ten (10) hours in phase 2 through 5 before you are eligible to phase up. You may complete your community services phase-by-phase or all at once (40 hours total throughout the program) through the Missoula County Community Service Program.

When addressing fines related to your DUI conviction, you may do community service to pay off your fines in the amount of \$15.00 per hour. ROAD Court's required 40 hours of community service **may not** also be used as credit towards your fines.

## CASE MANAGEMENT

You will be required to meet with the Court Coordinator to develop a case management plan. This plan will be individualized and specific to you and will be modified as needed throughout the program. Case management plans will address things like finances/budget, housing, employment, schooling, wellness, marital status/relationships, friends, family, support systems, transportation needs, financial obligations, short- and long-term goals, community, pro-social activities, etc. The plan will also help guide you through the phases to be a ROAD Court Graduate.

## ROAD COURT PHASES

You will advance through each phase by maintaining sobriety and completing program requirements. You will complete various steps or tasks in each phase such as a minimum of two clean alcohol/drug tests, maintaining employment, participating in required treatment sessions and self-help meetings. As part of the program requirements, you may also be required to complete traffic school, earn your HiSet, complete financial counseling, complete community service, complete parenting classes and any other courses required by ROAD Court.

## **Phase 1 – Orientation**

Timeline: Minimum of 45 days

### **Phase Requirements:**

- 14 days of continuous sobriety
- 30 days no contract violations or missed appointments with treatment provider, ROAD Court, Probation Officer, Court Coordinator, etc.
- Create case management plan with Coordinator before entering phasing up
- If eligible, I will contact the DMV and pay the reinstatement fees for my probationary drivers' license

### **Advance Criteria:**

- Continuous alcohol monitoring for a minimum of 90 days
- Court appearances weekly
- Engage in treatment and follow all treatment plan recommendations
- Meet with my Probation Officers twice a month
- Submit to random alcohol/drug testing
- Probation Officer monthly home visit
- Submit check in sheet by Tuesday of each week

## **Phase 2 – Early Recovery**

Timeline: Minimum of 45 days

### **Phase Requirements:**

- 30 days of continuous sobriety
- 30 days no contract violations or missed appointments with treatment provider, ROAD Court, Probation Officer, Court Coordinator, etc.
- Review case management plan with Court Coordinator before phasing up
- Complete 10 hours of community service
- Make payments towards fines

### **Advance Criteria:**

- Continuous alcohol monitoring for a minimum of 90 days
- Court appearances weekly
- Engage in treatment and follow all treatment plan recommendations
- Meet with my Probation Officers twice a month
- Submit to random alcohol/drug testing
- Probation Officer monthly home visit
- Submit check in sheet by Tuesday of each week

### **Phase 3 – Relapse Prevention**

Timeline: Minimum of 90 days

Phase Requirements:

- 45 days of continuous sobriety
- 45 days no contract violations or missed appointments with treatment provider, ROAD Court, Probation Officer, Court Coordinator, etc.
- Review case management plan with Court Coordinator before phasing up
- Complete 10 hours of community service
- Make payments towards fines

Advance Criteria:

- Continuous alcohol monitoring for a minimum of 90 days
- Court appearances on the 2<sup>nd</sup> and 4<sup>th</sup> Thursday of the month
- Engage in treatment and follow all treatment plan recommendations
- Meet with my Probation Officers twice a month
- Submit to random alcohol/drug testing
- Probation Officer monthly home visit
- Submit check in sheet by Tuesday of each week
- Work on establishing positive and healthy support systems and engage in prosocial activities

### **Phase 4 – Continuing Care**

Timeline: Minimum of 90 days

Phase Requirements:

- 60 days continuous sobriety
- 45 days no contract violations or missed appointments with treatment provider, ROAD Court, Probation Officer, Court Coordinator, etc.
- Review case management plan with Court Coordinator before phasing up
- Complete 10 hours of community service
- Make payment toward fines

Advance Criteria:

- Court appearances on the first Thursday of each month
- Engage in treatment and follow all treatment plan recommendations
- Meet with Probation Officer monthly
- Submit to random alcohol/drug testing
- Probation Officer monthly home visit
- Submit check in sheet by Tuesday of each week
- Work on establishing positive and healthy support systems and engage in prosocial activities

## **Phase 5 – Maintenance**

Timeline: Minimum of 90 days

### **Phase Requirements:**

- 90 days continuous sobriety
- 45 days no contract violations or missed appointments with treatment provider, ROAD Court, Probation Officer, Court Coordinator, etc.
- Review case management plan with Court Coordinator before graduation
- All community service obligations met
- All financial obligations met
- Be employed or have a sustainable source of income

### **Advance Criteria:**

- Court appearances on the first Thursday of each month
- Engage in treatment and follow all treatment plan recommendations
- Meet with Probation Officer monthly
- Submit to random alcohol/drug testing
- Probation Officer monthly home visit
- Submit check in sheet by Tuesday of each week
- Work on establishing positive and healthy support systems and engage in prosocial activities

## **GRADUATION**

You are eligible to graduate upon input and recommendations of the ROAD Court team and approval of the ROAD Court Judge. To graduate, you are required to advance through the program's fifth phase, apply for graduation, develop a relapse prevention plan as a part of your Recovery Management Plan and present it to the team. ROAD Court encourages you to invite family and friends to your graduation.

Once graduated you, will always have the ROAD Court Treatment Team as a resource. You are welcome to come back and visit, attend court or seek support whenever needed.

## **RECOVERY MANAGEMENT PLAN**

Your recovery management plan consists of recovery capital. Your recovery capital is based on your strengths and resources and is something that can be drawn upon to initiate and sustain recovery; it is a document that you will work on throughout the program.