

YELLOWSTONE COUNTY STEER COURT



OPERATION PROGRAM MANUAL

The STEER (Sobriety, Treatment, Education, Excellence, Rehabilitation) Court increases public safety, addressing drug and alcohol related crimes in our community, by reducing recidivism rates amongst non-violent adult impaired driving offenders. Enhancing accountability and matching evidence based chemical dependency and mental health treatment with educational, vocational and medical services STEER establishes a cost effective criminal justice alternative with long-term pro-social outcomes.

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MISSION

The mission of the Yellowstone County STEER Court is to increase public safety, and increase awareness of public safety issues in the community regarding alcohol related crimes in our community. This will be accomplished through reduced recidivism rates among non-violent adult DUI offenders in our community. Reducing alcohol and drug abuse among non-violent adult DUI offenders will be key to this program and will be accomplished through appropriately matched evidence based treatment, along with educational, vocational, medical, mental health, and appropriate services to help establish and support long-term pro-social behaviors.

FOREWARD

The purpose of this document is to provide a general description of the standards and practices for the **STEER** located in Yellowstone County, Montana. Although this document is written primarily for the benefit of **STEER** Team Members, the manual will be beneficial to anyone who is interested in the operation of a program. Using various resources and following discussions with team members and other stakeholders, this manual addresses elements essential to the Court's operation. It is not an exhaustive reference. It will undergo review and modification during the initial implementation of the program.

This manual is designed to:

- Concisely inform the reader concerning the establishment of **STEER**.
- Establish and clarify roles, duties, and procedures for **STEER** Team members.
- Assist **STEER** Team in communicating with one another, with clients and with members of the community.
- Outline the steps through which **STEER** clients must proceed to complete the program.

INTRODUCTION

The Yellowstone County **STEER** Court is designed to provide an alternative to the traditional method of adjudicating. It is led by Judge Mary Jane McCalla Knisely and supported by a team of professionals from the legal, law enforcement and treatment communities.

STEER is designed to facilitate the rehabilitation of adults accused or convicted of felony or a serious misdemeanor alcohol-related traffic offense. All participants will have offenses which, in their totality, provide **STEER** at 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), 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.

The goal of the **STEER** is to reduce recidivism of misdemeanor and felony level alcohol-related traffic offenses as defined by M.C. A. Title 61 by identifying those individuals who abuse or are addicted to alcohol, 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 drain the resources of Billings and surrounding communities and no longer pose a threat on our roadways.

STEER relies heavily upon the cooperation of community stakeholders. Even though the Steering Committee and the **STEER** Team include many entities within the Billings 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:

- Placement into **STEER** as soon as possible after arrest. The crisis of arrest and incarceration often makes DUI offenders good candidates for intervention. Expedient placement increases the chances for success.
- Solidarity of **STEER** Team members to ensure that the Judge is able to use incentives and sanctions effectively
- Long-term treatment for clients. Substance abuse often inflicts damage over several years; the treatment response must also be long-term.
- Isolating and treating not only substance abuse, but also other problems that a client faces. Underlying causes of substance abuse and criminal thinking must be identified to fully assist a recovering addict.
- Sanctions and Incentives. Relapse and sporadic progress are to be expected, therefore progressive incentives and consequences are integral components of the **STEER** 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) will be signed by the **STEER** members to ensure each department committed to the DUI Court is represented.

FUNDING

In October 2015, the **STEER** was awarded a grant by the Department of Transportation.

In order to ensure sustainability, **STEER** will create a strategic plan as to the court's structure, organization, participation, money management and funding opportunities. The \$40 weekly fee paid by participants for drug testing and \$10 fee to the court will continue to offset a significant portion of the program's cost.

The data and reports provided by the evaluator will be key to ongoing funding strategies. Using data reflecting reduced recidivism, **STEER** 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 and national level. **STEER** will also seek 503C Non-Profit status. A reduced second year grant request may be sought based upon decreases in jail costs, law enforcement contacts, and recidivism as established by program evaluations. The legislature appropriated funding to the Montana Supreme Court for treatment courts. **STEER** may propose to be included in the Montana Supreme Court allocation.

KEY COMPONENTS OF DRUG COURTS

The National Association of Drug Court Programs (NADCP) Standards Committee, through assistance of the National Highway Safety Administration & the National Drug Court Institute drafted a publication The Ten Guiding Principles of DWI Courts.

STEER has adopted these guidelines as well. They are:

1. GUIDING PRINCIPLE #1 – Determine the Population.
 - Targeting is the process of identifying a subset of the DWI offender 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 offender: 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. GUIDING PRINCIPLE #2 – Perform a Clinical Assessment
 - A clinically competent objective assessment of the impaired-driving offender 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 client'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. GUIDING PRINCIPLE #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. GUIDING PRINCIPLE #4 – Supervise the Offender
 - 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 offenders and to protect against future impaired driving.

5. GUIDING PRINCIPLE #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. GUIDING PRINCIPLE #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. GUIDING PRINCIPLE #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. GUIDING PRINCIPLE #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. GUIDING PRINCIPLE #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. GUIDING PRINCIPLE #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.

STEER PROGRAM DESIGN – GOALS AND OBJECTIVES

STEER will improve the criminal justice processing of targeted DUI offenders and assist them to become sober, productive, law-abiding citizens. Every community stakeholder will be invited to unite in an effort to reduce substance abuse among non-violent offenders.

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

Yellowstone County STEER Court **COURT STANDARDS AND PRACTICES**

1. **STEER ELIGIBILITY CRITERIA**

A. Mandatory Criteria: The opportunity to participate in the STEER program will be limited to persons who meet the following criteria:

1. All participants must be an offender, with misdemeanor/felony charges alleged to have occurred within the County limits of Yellowstone County where the primary reason for being in the criminal justice system is related to significant substance abuse.
2. All participants must require a minimum ASAM level II of care, which includes at least intensive outpatient treatment, as determined by an alcohol dependency or addiction diagnosis.
3. All participants must have offenses which, in their totality, provide STEER at least 12 months of jurisdiction, but optimally have a minimum of 18-24 months.
4. STEER will accept felony offenders who pose a higher risk to the community including aggravated DUIs.
5. STEER will not accept individuals who have prior convictions for sexual offenses or for a violent offence 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 STEER Court program will be retained by the original assigned/referring judge. Preliminary case plans and recommendations should be given on those cases denied access to the DUI Court; ie intensive supervision probation, regular reporting probation, and jail based treatment, etcetera.

Those DUI offenders with significant criminal and traffic histories will be reviewed individually to determine the offender's situation and circumstances of the record.

- 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
- Sex offenses
- Significant drug related charges
- Highly resistant to changing their behavior in spite of previous interventions and/or punishments or severe criminal thinking

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 STEER client, a person actively engaged with law enforcement, as a confidential informant is not eligible to be a STEER client. 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 STEER clients. If a client wishes to withdraw from the program, he or she may do so voluntarily. Following withdrawal from the program, the client's case will be re-instated and will proceed to appropriate disposition.

2. Referral/Intake

- A. Identification of Potential STEER Clients: Identification of potential clients will come from a number of sources. Clients may be referred from the Bench, the Prosecutor, the Defense counsel, Probation, Treatment, the Detention facility or by self.
- B. The Process: Referral from the bench or the Application for Referral to Treatment Court will filled out by defense, the State, or other, with all contact

info and pertinent case info will be sent to Treatment Court office. (If client agrees to screen for Treatment Court, contract or agreement that they would agree to pre-trial/sentencing supervision for the period of screening until sentencing - either traditional track or diversion as well as agreeing to complete the process within 5 working days. Application turned into Treatment Court office.

Begin Screening process, in-take screening, and refer to treatment for screening, and results. Client will meet with Office of Public Defenders and go over contract and what will be expected of them in court. Client will also visit and observe at least one court session. Contract will be reviewed and signed with client before appearance in front of Judge for sentencing.

3. Courtroom Standards

A. Courtroom Clerk: The Coordinator shall keep the Drug Court Judge aware of administrative procedures that affect STEER. The Coordinator shall ensure all STEER cases are processed in an efficient manner, and manage the Drug Court docket. The Coordinator's duties include, but are not limited to: scheduling defendant court dates (including unexpected court dates if a defendant's urinalysis test is positive), completing jail orders and/or commitment forms as issued by the Judge, completing the issuance of bench warrants, and keeping track of paperwork that is generated on a daily basis. This position will also be responsible for taking brief minutes to include if the defendant appears in court, if the Judge receives a progress report and a when the defendant's next court date is scheduled.

B. Client's Drug Use: DUI Court Team Members have agreed to limit the use of positive urinalysis results and client admissions to drug use to agree upon treatment responses and consequences within the scope of the STEER program as opposed to being the impetus for new law violations. The intent is to change the client's substance abusing behavior as opposed to burying the defendant with additional charges. This simply recognizes the fact that addicted people relapse. Use of illegal substances is in no way condoned by the program. The contrary is true. Continued substance abuse is an acceptable reason for the DUI Court Judge to expel a client from the program. Nonetheless, the intent is to retain the addict in substance abuse treatment.

C. Dress Code: **STEER** clients 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 clients to respect themselves and the Court. The program's focus should not be how a client dresses as much as it should

concentrate on a client’s progress toward meeting goals that involve a law-abiding, drug-free lifestyle. Team members are held to a higher standard than clients.

D. Cell Phones and the Bailiff: While in the courtroom, clients and team members will be required to turn their cell phones off. A bailiff will be present in the DUI Court Courtroom and responsible for maintaining order and control. It will be the bailiff’s responsibility to inform all drug court clients and spectators in the courtroom that cell phones must be turned off or on vibrate.

E Client Behavior: While in court, clients are expected to remain seated and quiet until called upon. The Judge will be addressed with respect. Unless approval to leave is given, clients will remain for the entire proceeding. Congratulations, support, and cheering are encouraged in the courtroom in recognition of client’s successes.

F. Confidentiality: All treatment-related documents, in accordance with federal, state and local law, will be maintained to ensure that the privacy and the identity (for research purposes) of the individual STEER clients is protected. All STEER clients will be asked to sign a Consent to Release Information statement in accordance with confidentiality regulations. An identification number will be assigned to each client for use in conducting research and evaluations.

4. Drug Court Fees

All STEER clients are required to pay a minimum program fee as mandated by the STEER Judge. Each client will be required to pay \$50.00 per week towards the cost of the program operations and drug testing. All program fees must be paid in full to fulfill the requirements for graduation unless otherwise ordered by the STEER Judge. If clients are unable to afford the program fee the DUI Court Coordinator will assist the client in arranging community service in lieu of the program fee. One hour of community service will equal \$8.00.

5. Incentives and Sanctions

A. Incentives: STEER will use incentives and sanctions with program clients in an effort to assist them in leading law-abiding, drug-free lifestyles. Incentives are used to encourage clients to accomplish goals that they have established for themselves. Team members are encouraged to find reasons to encourage program clients. They are also encouraged to be creative when recommending possible incentives. The list below includes examples of incentives and some reasons to apply them.

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| <p>EXAMPLES OF INCENTIVES</p> <p><i>Verbal Praise and Encouragement</i> <i>Decreased Court Appearances</i> <i>Social Engagement and Outings</i> <i>AA/NA Contest</i></p> | <p>SOME REASONS FOR INCENTIVES</p> <p><i>Consecutive Days of Sobriety</i> <i>Completion of Phases</i> <i>Obtaining Employment</i></p> |
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| <i>Phase Advancement</i> <i>Celebration with Food for Phase Ups</i> <i>Certificates</i> <i>Reduction of Supervision Requirements</i> <i>Graduation Ceremonies</i> <i>Travel Approvals</i> <i>Reduced Community Service Hours</i> <i>Community Activities</i> <i>Reduced Sanctions (self disclosure)</i> <i>Other Tangible Incentives</i> <i>Applause</i> <i>Graduating from Program</i> <i>Graduation Award</i> <i>Fish Bowl</i> | <i>Advancing Educational Status</i> <i>Obtaining Driver's License</i> <i>Assisting Others</i> <i>Perfect Attendance (with Participation)</i> <i>Outstanding Accomplishment</i> <i>Surpassing Minimum Requirements</i> <i>Family Involvement in Treatment</i> <i>Full compliance</i> |
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B. Sanctions: The use of sanctions is necessary to change client behavior in meaningful ways. When applied appropriately, sanctions may keep a client from unnecessarily spending time in jail. The threat of sanctions is expected to assist STEER clients 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 clients to succeed. Team members are encouraged to recommend sanctions, which conform to STEER's goal of promoting a law-abiding, alcohol & drug-free lifestyle. Examples of sanctions and the reasons for sanctions that the DUI Court Judge may impose are listed below.

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| <p>CONSEQUENCES</p> <i>Judicial Warning or Admonishment</i> <i>Curfew</i> <i>Written Assignment</i> <i>Reading Assignment</i> <i>Relegation to Previous Phase</i> <i>Electronic Monitoring</i> <i>Fines</i> <i>Spending Day in Courtroom with Judge</i> <i>Increased Drug Testing</i> <i>Increased Community Service Hours</i> <i>Revocation</i> <i>Increased Supervision</i> <i>Increased Court Appearances</i> <i>Incarceration in County Jail</i> <i>Expulsion / Termination from the</i> | <p>REASONS FOR CONSEQUENCES</p> <i>Missed Treatment Events (Unexcused)</i> <i>Missed Supervision Contacts (Unexcused)</i> <i>Failure to Abide by Curfew</i> <i>Negative Attitude</i> <i>Positive UA's</i> <i>Adulterated and/or Dilute Urine Samples</i> <i>Missed 12-Step / Self-Help Meetings</i> <i>Missed Court</i> <i>Late for Court</i> <i>New Charges</i> <i>Missed UA's</i> <i>Failure to provide adequate urinalysis sample</i> |
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| <i>Program</i> | |
| <p>STANDARDIZED CONSEQUENCES</p> <p>The Drug Court Judge has adopted the following standardized consequences:</p> <ul style="list-style-type: none"> • <i>Any positive, missed, dilute, adulterated, or inadequate UA (not self-disclosed or admitted) = Defendant will complete 10 hours of community service and must pay the cost of the urinalysis, including any verification required.</i> • <i>Any missed meeting or missed probation contact (unexcused) = Minimum of 4 additional hours of community service. Additional future missed meetings will increase consequences</i> • <i>Each subsequent violation will result in increased consequences.</i> | |
| <p>INCREASED TREATMENT RESPONSES ARE NOT SANCTIONS</p> <ul style="list-style-type: none"> • <i>Although requiring clients to complete additional treatment requirements such as additional groups or individual sessions will appear to the client as if it is a sanction, the STEER Team is encouraged to consider such a step as a necessary treatment response. The Team should avoid recommending such a response for punitive reasons.</i> | |

6. Treatment Standards

A. Comprehensive Treatment: STEER will make available to clients a comprehensive treatment continuum from qualified providers. Frequent judicial intervention and client treatment retention is key to the program’s success. A contracted substance abuse treatment provider will be the primary provider of treatment services for STEER clients. Other providers are invited to assist program clients 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 client to enter a residential treatment facility, the client will be subject to the rules, regulations and practices of that program, including the financial obligations.

7. Program Structure / Design

The STEER team will consist of the District Court Judge, a court coordinator, a prosecutor from the Yellowstone County Attorney’s Office, a public defender from the Office of the State Public Defender, a licensed probation officer, members of the Billings Police Department, licensed addiction counselors and treatment supervisors from the Rimrock Foundation, and representatives of the Yellowstone County Sheriff’s Department and Montana Highway Patrol. 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.

Adequate administrative space for STEER already exists to house the specialty court coordinators and other team members. Similarly, no additional office space is required to house the new LAC or probation officer contemplated by this grant application. The contracted treatment provider shall hire, train and supervise the LAC, as well as provide office space. The probation agency shall hire, train and supervise a probation officer which currently works with the specialty courts program, and office space will be provided by that agency. Limited funds will be utilized for some office equipment, supplies and postage.

Program Overview:

The coordinator will interview potential participants to verify eligibility as it relates to the offense(s) charged, jurisdiction and criminal history. The LAC will conduct initial clinical assessment to establish the offender's level of addiction and to verify program appropriateness.

An attorney from the Office of the State Public Defender will meet with each participant to advise them of the legal ramifications and guidelines of entering into STEER. The public defender 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 State's position on allowing the offender to enter the DUI court program. If the offender qualifies for and opts to enter STEER, the Court will require successful completion of the STEER 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 STEER probation officer to establish the offender's living and employment status. Offenders will undergo an initial alcohol/drug test and receive a number for random testing.

The LAC/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 LAC. A case management strategy will also be developed in conjunction with the treatment plan.

While in the program, participants will move through five phases. The orientation and first phase are the most intensive and will focus on alcohol abuse education and prevention, detoxification and stabilization. The third phase will focus on aftercare 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 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, credit counseling, volunteer hours, moral recognition therapy, parenting class 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 session. 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 sanctions 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.

STEER will monitor its success with an independent evaluator, who will conduct regular assessments of the program. STEER 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 STEER candidate and participant. The evaluator will utilize a database, the statewide detention repository and Full Court MIS, to analyze and report on goal attainments and performance measures. Written reports will be provided to team on a quarterly/annual basis.

Using the data collected by the evaluator and the reports generated from that data, the STEER 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 section, the target population of STEER participants will include 60 adults who have a diagnosed alcohol dependency or addiction and have been charged with a Felony DUI charge or an offense with a nexus to an automobile. The court coordinator will screen participants for program eligibility criteria.

Clinical Assessment/Treatment Plan Development (Principles 2 and 3)

The LAC will conduct an initial clinical assessment to confirm that the offender has a substance abuse problem, is appropriate for the program and potentially amenable to treatment. Once accepted into the program, however, the LAC will conduct a more complete assessment. This objective and comprehensive assessment will identify the offenders' 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 offender's level of motivation to change. Individuals who participate in STEER 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.

STEER 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 Vivitrol and Naltrexone used in conjunction with psychosocial therapies.

The treatment plan may include medical detoxification and inpatient treatment at Rimrock Foundation, inpatient treatment at the White Birch Center also operated by the Rimrock Foundation or inpatient treatment at the Montana Chemical Dependency Center. Sober housing units will also enhance treatment outcomes.

STEER will be sensitive to the socio-ethnic needs of its Native American participants, which compose the largest minority population in Billings and among defendants in Yellowstone County.

Offender Supervision (Principle 4)

A licensed probation officer will supervise all offenders who participate in STEER. 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 drug testing agency, 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 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, will be used for this purpose on a controlled basis. Secure Continuous Remote Alcohol Monitoring (SCRAM) bracelets, which detect ethanol vapors in sweat and immediately transmit data electronically, will also be used to deter alcohol consumption.

Law enforcement liaisons from the Billings Police Department will conduct additional home visits, monitoring and random testing. Offenders will also be monitored by their treatment providers, by the Court and by all STEER 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.

Forging 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.

STEER will utilize its team members and program graduates in forging 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 and through other no-cost public 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 STEER team will consist of a prosecutor, defense counsel, court coordinator, treatment providers, law enforcement and probation officers. The team will be led by a District Court Judge with extensive experience in presiding over alcohol-related driving offenses. Mary Jane Knisely is a Yellowstone County District Court Judge and the former Billings Municipal Court Judge, who is a former DUI prosecutor with 22 years of experience on the bench. She has undergone significant training relating to DUI courts and the nature of addictive disorders, including those offered by NHTSA in conjunction with NDCI.

Case Management (Principle 7)

A designated Case Manager will work with STEER participants to assess their case management needs, plan strategies, link them to community resources, monitor compliance, success and advocate for participants in matters involving service 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 a 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 STEER 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. STEER 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 appropriately address their transportation needs. Those eligible for limited driver's licenses will be assisted in obtaining the same. Other offenders will be encouraged to rely on properly-licensed friends and family members, to walk or bicycle to appointments or to take public transportation. Bus passes will be available for those who are unlicensed, who have limited financial means and few or no alternative modes of transportation.

Monitoring will be key to ensuring compliance. Police officers, probation officers, case managers and treatment providers will actively observe participants' transportation methods. Vehicle location may be verified during home visits, work and treatment parking lots may be checked, and vehicle odometers may be monitored. Vehicles may be "booted" or impounded if needed. The STEER program will also focus on getting participants lawfully re-licensed when they are eligible and to ensure that program participants obtain and maintain liability insurance.

F. 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 will include both *process* and *performance measurement* (program output and short-term outcomes). The process evaluation will focus on the implementation and operation of the program. The performance measure portions of the evaluations will focus on client progress, program responses and the influence of this program on behavioral outcomes.

Both individual level (e.g. client variables) and jurisdictional level (e.g. legal, political, and social characteristics of the jurisdiction) will be considered in this conceptual framework. Additionally, working with the Court and local law enforcement, a matched comparison group will be developed. While a control

group would be preferable, this jurisdiction is not currently in a position to randomly assign participants. The comparison group will 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 will include demographics, Geographic's, legal histories, previous drug use and treatment.

Process Evaluation:

The identification of a target population for the DUI court program is based upon two general criteria, including both legal and clinical considerations. The DUI court team will establish these criteria by consulting Montana law and the research related to the effectiveness of treatment for particular types of offenders. The process evaluation will then measure the extent to which the participants in the program match those criteria. Additionally, using data as it is collected the evaluation will provide feedback to the team regarding the performance of clients based upon age and other relevant demographic variables, as well as, criminal history and substance abuse variables to assist the team in refining the target population if necessary.

Further evaluation will be conducted on the issues of assessment, treatment service delivery, supervision services and judicial responses (i.e. the behavioral model). The process evaluation piece will be ongoing throughout the course of the program with the evaluator using a variety of methods to determine areas of concern and strengths within the program and providing, or helping to identify, appropriate technical assistance should concerns arise. The methods employed will include observation, structured interviews and focus groups, data collection and analysis, and secondary research.

Performance Measurement:

As is often the case with drug court programs, success will be measured using a set of criteria established by the literature and the program. Initially, these criteria will focus on the program goals of client sobriety, retention, recidivism, and services received. Measures of these constructs will be then related to a matched comparison group to determine if there is a relationship between these outcomes and the DUI Court as well as the nature of that relationship. This information will be fed back into the system with a goal of creating a long-term plan for a self-correcting organization. The analysis will help the program to determine which types of clients are best suited for the program, which portions of the program were most linked with positive outcomes, and which clients did better with which services (Marlowe and Monchick, 2006).

8. Graduation, Termination and Expulsion

A. Graduation: A program client will be eligible to graduate upon approval of

the DUI Court Judge, who will base her decision on the input from the team. To graduate, the client will be required to advance through the program's third phase, develop a relapse prevention plan and present it to the team. The resolution of original charges will take place upon termination or graduation.

- B. Expulsion: The client will be terminated from STEER if they do not comply with the treatment program. Although a relapse is not absolute grounds for termination, a continual inability to meet treatment goals will result in expulsion. There are several grounds for possible termination. 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, violent or sex crimes.
 - Corrupting or negatively influencing other STEER 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.
 - Dishonesty

If the decision is made to terminate participation in STEER, a show cause / probation termination hearing will be scheduled and you may be ordered to serve the balance of the suspended jail sentence. Client may also receive up to a \$5000 fine, fees and restitution and up to five years probation. Normal fees will be imposed at this time and any STEER fees which have been paid are forfeited.

- C. Termination/Op-out: If the client chooses to opt-out of the STEER program, a hearing will be scheduled and the client may be ordered to serve the balance of his/her suspended jail sentence. Client may also receive up to a \$5000 fine, fees and restitution and up to five years on probation. Normal fees will be imposed at this time and any STEER fees which have been paid are forfeited.

9. Role of the DUI Court Judge and Other Entities

- 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 member, committing herself to the program mission and goals and works a 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's 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 offenders 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 client's ancillary needs.
- The Judge develops a working relationship with the program client, 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 client motivated and determined to complete his or her program.
- The Judge benefits clients 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 STEER 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 STEER problem areas and recommends possible solutions.
- Participates in performing statistical analysis and program evaluation of STEER.
- Participates in the collection of data and the maintenance of the DCCM (Drug Court Case Management) software.
- 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 clients.
- Assists in compiling, writing, editing and updating DUI Court policy and procedures and program manuals.
- Informs STEER Team members of DUI Court-related news and training opportunities.
- Periodically evaluates operations using the Ten Key Components of DUI Courts and communicates his or her findings to the STEER 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 the 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 clients and makes referral to DUI Court to determine eligibility.
- Discusses DUI Court referrals with the appropriate Deputy County Attorney; files plea agreement specifying DUI Court.
- 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. Assistant Public Defender/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 County Attorney intake to immediately identify possible candidates.
- Evaluates the offender's legal situation and ensures that the client's legal rights are protected.
- Effectively advises each client of their legal rights, legal options, treatment options, program conditions and sentencing outcomes while developing a relationship with the client that promotes the client's long-term best interests.

- Appears in court weekly to represent the client 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 client to be truthful with the judge and treatment staff, informing each client that she will be 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. Community Compliance / 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 client 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 client is engaging in criminal activity and reports same 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.
- Maintains compliance with the Department of Corrections policies and procedures.
- 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 clients are screened and evaluated for substance abuse in a timely manner. The assessment will include 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 clients 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 client 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 will specify reason for termination. Provides immediate notification of unsuccessful terminations
- 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 addiction, alcoholism, 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 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.

J. All Drug Court Team Members

- Perform as a “Team” in a non-adversarial approach to make recommendations regarding client and program progress in a manner that effectively achieves the program’s goals.
- Meet weekly at staffing meetings to provide input to the Judge regarding client progress and the application of incentives and consequences.
- Attend 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 in order to forge positive relationships between the program and the community.
- Make decisions regarding the client’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.

10. Definitions

Activity log – A list of program clients attending a particular treatment sponsored activity such as a group counseling session, individual counseling session, family counseling session, life skill class, support group, etc. At a minimum, the log will include the client’s name and signature, client’s current program phase, date of session, time of session, location of session, duration of session, the name of the session, facilitator and signature.

Candidate – When a defendant is referred to the Program Coordinator as a possible client for the STEER program, they are considered a program candidate.

Community Service- An activity completed by program clients for an approved not-for-profit organization whereby the community benefits. Community service work can be used as a regular component of BAMUI or as a sanction for non-compliance.

Community Compliance Officer (COO) / Probation Officer (PO) - A designated community supervision / probation officer who is assigned supervisory responsibility of program clients.

Family Counseling Session – A therapeutic treatment session for program clients and their families or significant others. The treatment provider is expected to encourage frequent and consistent participation.

Group Counseling Session – A substance abuse counseling session involving only program clients and a qualified clinician who facilitates. Sessions will last a minimum of ninety (90) minutes. Group size will not exceed eighteen (18) clients without the approval of the DUI Court Team. In an effort to maximize program effectiveness, groups will be conducted on the days and times that are deemed necessary by the DUI Court Team to include evenings. Qualified clinicians must use research based treatment modalities that have been proven to be effective such as those named in the National Institute on Drug Abuse (NIDA) publication: *Principles of Drug Addiction Treatment, A Research-Based Guide*. Some examples include: Cognitive Behavioral Therapy, Moral Recognition Therapy (MRT), Relapse Prevention and Relapse Support.

Hearings - A judicial review that involves the client and the Team to review the client’s progress in the program, provide an opportunity for the client to converse with the Judge, and for the Court to formally apply incentives and sanctions.

Individual Counseling Session - Counseling session facilitated by a qualified clinician with only one client. The duration of an individual counseling session

will be no less than thirty (30) minutes. Examples of some of the issues that sessions might address are needs assessment, treatment plans, continuing care plans, stopping illegal substance abuse, impaired functioning, stopping illegal activity, family relationships and social relationships.

Life Skill Classes are designed to assist program clients to more readily function in society. Topics include but are not limited to proper hygiene, interviewing for employment, parenting, pregnancy, childcare, nutrition, and personal finances. Life Skill Classes are the only service in this contract for which the Treatment Provider may subcontract.

Client – A program candidate becomes a program client only by order of the Court. An individual formally enters the program when the Court enters such an order.

Relapse Support – A specialized form of clinician led group counseling session. The intent is to focus on the day-to-day issues that clients face. Understanding that the client will soon be gaining a greater degree of independence upon graduating, relapse support differs from relapse prevention by focusing on how offenders apply the relapse prevention tools that they acquired in earlier phases of the program.

Restorative Justice Activities - A DUI Court Team approved activity involving the program client that results in the victim or community being more closely restored to the same state as before the offense occurred. Examples include a victim's panel, community service work, and restitution payments.

Specialized Training Areas – Qualified clinicians and clinical supervisors must be familiar with a minimum set of treatment related topics. The topics are Cognitive Behavioral Therapy, Relapse Prevention, Relapse Intervention, HIV Prevention, Cultural Sensitivity and Competence, Community Reinforcement Approach, Dual Diagnosis, Gender Specific Counseling Techniques, Family Therapy, and Motivational Therapy,.

Staffing – A meeting that takes place prior to Pre-Hearings that includes treatment and supervision staff. The purpose of staffing is to review client progress and compile written progress reports and to make recommendations concerning the possible use of incentives and sanctions.

Team, Drug Court or “The Team” – The DUI Court Team comprises the DUI Court Judge, a Treatment Provider Representative, a Deputy County Attorney, an Assistant Public Defender, the Program Coordinator, a Court Administration Representative, and a Community Compliance / Probation Officer. The DUI Court Team comprises persons that typically address the program's day-to-day activities.

Team Meetings, DUI Court - At the discretion of the DUI Court Judge, meetings involving all DUI Court Team Members and representatives of ancillary service providers will be convened for the purposes of training, problem solving and settling questions concerning the program's processes.

Twelve-Step Support Groups, Home Groups and Sponsors – Alcoholics Anonymous (AA) and Narcotics Anonymous (NA) are the two most popular programs that subscribe to a way of life that employs the use of the twelve steps to recovery. A home group is typically the group that a member selects to be the group that he/she makes a point of attending regularly. A sponsor is an individual in recovery, often from the home group, that an addict selects to be his/her mentor to assist them on their road to recovery by “working the steps”. It is most common for a sponsor to be of the same sex as the person that is being sponsored. Twelve step programs and support groups other than AA or NA, such as Cocaine Anonymous or faith based support groups, will be acceptable substitutes if so approved by the treatment provider.

11. Drug testing Policy

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

Policy:

- A. A positive urinalysis test result is a positive.
- B. All drug tests used shall be from the same manufacturer.
- C. Urinalysis samples may be shipped for confirmation if the client has been clean long-term.
- D. Drug tests will be administered even if the client admits to drug usage prior to testing.
- E. If a quick test is positive, the client will be given the chance to admit to drug usage. If the client admits to drug usage the drug test will be sent in for confirmation at the expense of STEER. If the client denies drug usage, the drug test will be sent in for confirmation and if the confirmation is positive for drug use, the client will be responsible for the cost of the confirmation test, if the confirmation is negative for drug use, STEER will incur the expense.
- F. A required urinalysis sample that is missed is considered a positive drug test.

- G. A positive urinalysis test will require a sanction.
- H. 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.
- I. Providing urinalysis samples are a requirement of clients in DUI Court. The samples are required to be observed by program staff.
- J. Program personnel will remain in direct visible contact with the urinalysis sample until the drug test is administered or the sample is secured in laboratory shipping standards by the client.
- K. The initial drug tests will be administered immediately following court appearance after plea is taken or immediately upon release from custody. A full panel drug screen will be performed.
- L. If initial tests show positive for marijuana or benzodiazepines, urine samples will be shipped as needed to confirmation levels until client is clean.

Random Drug Tests:

- A. Tests will be conducted at least three (3) times per week in Orientation
- B. Tests will be conducted at least three (3) times per week in Phase I
- C. Tests will be conducted at least three (3) times per week in Phase II
- D. Tests will be conducted at least one (3) time per week in Phase III
- E. Tests will be conducted at least one (3) time per week in Phase IV

The clients will not be informed of the number of drug tests they will be required to perform.

12. Alcohol and Medication Policy

Purpose: STEER believes that the answer to most problems is not found in the form of alcohol or other medications. Clients in STEER 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, STEER has developed the following policy for program clients. This policy is intended to remain clear concerning the use of alcohol by program clients as well.

Alcohol: No program client 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: Clients are encouraged to resolve ailments through alternative methods to using medications. Prior to using any over the counter

medication, clients are required to discuss it with their treatment counselor and community compliance / probation officer. Clients 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. Clients 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: Clients are encouraged to receive medical treatment from a qualified medical doctor as needed. Clients 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 clients must register any prescription or over the counter medication with their treatment counselor, probation officer, and drug testing provider prior to taking the medication except in a life-threatening situation. The client is required to inform their treatment counselor probation officer and drug testing provider as soon as possible after taking such medications in a life-threatening situation. If clients 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. 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 client must take a prescription medication that will test positive on a drug test for a limited period of time, the client'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 addicted person 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. Most antibiotics fit into this category.

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

MONTANA THIRTEENTH JUDICIAL DISTRICT COURT, YELLOWSTONE COUNTY

STATE OF MONTANA,) Date: _____
)
 Plaintiff.)
)
) Court of Original Jurisdiction, Judge, and
) Docket No.: _____
 vs.)
)
)
 _____) Judge Mary Jane McCalla Knisely
 Participant/Defendant)
)
) **STEER COURT CONTRACT**
 _____)
)

This Contract is made and entered into on this date by and between _____, hereinafter referred to as "I", and the Sobriety Treatment Education Enhancement and Rehabilitation Treatment Team, hereinafter referred to as the "STEER Court." By initialing each paragraph below, I acknowledge that I have read the paragraph, I understand its contents, and the STEER Court Attorney has answered any questions I have regarding it. I have met with the STEER Court Attorney prior to signing this Contract.

If you come into the program, then the STEER Court agrees to the following:

1. _____ The program is a voluntary program and your participation is voluntary. The Court will allow you to exit at anytime if you should choose to do so. If you choose to leave the program, then the prosecutor may restore the original charges against you or file a revocation, or the Department of Corrections may file a Report of Violation. This Court will report to your Court of original jurisdiction or your Probation Officer, that you have exited the Court, or you were terminated from the Court; and you could be revoked and re-sentenced by the court in which your case originated as a result.
2. _____ The STEER Court team meets weekly to determine your progress or lack of progress, the team will recommend incentives and sanctions for you.
3. _____ The court may grant reasonable legal incentives, which could include but are not limited to:
 - a. Less fees;
 - b. Closing the underlying cases;
 - c. Less drug and alcohol testing;
 - d. Less contact with a probation officer; or
 - e. Less court appearances.
4. _____ The court may impose reasonable legal sanctions, which could include but are not limited to:
 - a. Fines;
 - b. Longer time in program;

- c. House Arrest;
 - d. Impose curfew;
 - e. Short-term jail sanction;
 - f. Dismissed from program; or
 - g. Contempt of court.
5. _____ You can be terminated from the program for any violation of this contract. If terminated, the prosecutor may restore the original charges or file a revocation and you may be resentenced by the court in which your case originated.
 6. _____ The team will keep all information about you confidential.
 7. _____ The STEER Court Program is projected to be completed by you within a twelve (12) to eighteen (18) month period, however individual treatment progress may vary and/or be extended as the Court and the Team deem necessary; this may even include an aftercare period.
 8. _____ You will be represented by an attorney upon your entrance into the Court even if you had a private attorney before coming into the program. While in the Court, you will be represented by an attorney appointed/assigned to represent all participants in this Court.
 9. _____ You will be supervised by a Probation and Parole Officer at the Department of Corrections or you will be supervised by a Probation Officer at Community Solutions, Inc.
 10. _____ You will be provided chemical dependency treatment at the appropriate level of care as determined by the STEER Court Team.
 11. _____ You will have a case manager to assist you with life skills and pro-social behaviors.
 12. _____ You will graduate from the STEER Court if all requirements are met and this Court will notify your original sentencing Court or the Department of Corrections of your successful completion and graduation.

If I am admitted to the program, then I agree to the following and waive the rights listed below:

1. _____ I will report as directed by the Court. I will be on time and keep all appointments for:
 - a. Court
 - b. Treatment
 - c. SCRAM Compliance Officer
 - d. Probation Officer
 - e. Drug Testing
 - f. Case Management
 - g. Classes
 - h. Support Groups
 - i. All other appointments ordered by the Court.
2. _____ I will pay any fees or restitution including the weekly STEER Court fee, which helps pay for probation, treatment, and other services.

3. _____ I will complete ACT and be on SCRAM for at a minimum of 90 to 180 days of DUI Court.
4. _____ I will take my medication as prescribed. I will not discontinue medication without permission of the prescribing doctor. I understand some prescription medication will not be approved for STEER Court and I will be responsible to find an alternative medication.
5. _____ I will not use marijuana, nor will I attempt to obtain a medical marijuana card while I am in the STEER Court. I will forfeit any prescription I have for marijuana, or destroy my card in order to participate in the STEER Court.
6. _____ I will sign all authorizations for the release of information needed by the Court, treatment providers, and other resource providers. Persons with a professional interest working in the Drug Court field or interested in learning about Drug Court may also receive information regarding my case with the understanding that they will also sign a notice prohibiting further disclosure of my information. If I choose not to sign the authorizations, I may not be able to take part in the STEER Court. (Compliance with CFR42-2).
7. _____ I understand that information shared in Team meetings, including drug testing results, will be held in strict confidence and may be used in determining my continued suitability for the program, but may not be used for purposes of criminal prosecution. (Law enforcement personnel will inform the Team of any law enforcement contact I may have during my tenure in this program.)
8. _____ I understand that my chemical dependency treatment records are confidential and protected from disclosure by Federal regulation (42 CFR) and may not be disclosed by Team members to any other entity. (I do understand that Team members are obligated to report child abuse or neglect, danger to self or others and in such matters, and may be required to disclose information to the proper authorities in cases of medical necessity.)
9. _____ I understand that I will hear confidential information regarding other Court participants during Court hearings and that this information is not to be disclosed or discussed with individuals outside the Treatment Court. I further understand that disclosing confidential treatment information is subject to civil and criminal penalties under State and Federal law and is grounds for termination from the STEER Court Program.
10. _____ I understand that I may revoke my consent for the disclosure of my records at any time, except to the extent that action has been taken in reliance upon it, and that this consent will expire automatically upon my termination or graduation from the program. Should I revoke this consent before my termination from or graduation of the program, revocation of my consent will result in my immediate termination from the STEER Court.

11. _____ I will abide by the terms and conditions of my suspended/deferred sentence and/or the terms and conditions of my conditional release/parole as a part of my participation in the STEER Court.
12. _____ I will not leave Yellowstone County without permission from the Court and a travel permit from my probation officer.
13. _____ My probation officer will come to my home and visit. If there is a reasonable suspicion of illegal activity, the probation officer will search me, my vehicle, any property under my control, or my residence. If I deny any search, I could be sanctioned immediately by the Department of Corrections, or terminated from the program. The probation officer can direct law enforcement to conduct a search.
14. _____ I will obey all city, state, and federal laws including the Controlled Substances Act. If I take part in any criminal act, I may be terminated from the STEER Court. I will tell my probation officer immediately if I have law enforcement contact.
15. _____ I will not use or possess any illegal drug, prescription drug without a prescription, or alcohol. I will submit to drug and alcohol testing on a regular basis. If I do use mood-altering substances, I will tell my probation officer within 24 hours of using and/or disclose before testing. If I failed either, I will pay the additional costs to confirm testing.
16. _____ I will not tamper, dilute, or falsify a urine test. If I fail to provide a urine sample or a sample of enough quantity by the designated time, it will be treated as positive drug or alcohol test.
17. _____ I am responsible for knowing what causes a positive on drug and alcohol tests and avoiding those items including but not limited to over the counter medications, personal hygiene products, and food items.
18. _____ I will not associate with anyone who uses mood-altering substances. Furthermore, I will not associate with those set forth by the Sentencing Court, the Department of Corrections and or the Montana Board of Pardons and Parole. I will not go into bars or casinos.
19. _____ I will tell the probation officer and the STEER Court Coordinator when I change my address, phone number, or employment. I will comply with all rules of my probationary sentence.
20. _____ I will not own or carry weapons of any kind. I will not be in a vehicle containing any weapon. I will not commit or threaten to commit any acts of violence.
21. _____ I will follow any rehabilitation, educational, vocational, medical, psychiatric, or substance abuse treatment assigned by the court.
22. _____ I will work or be involved in an education program unless excused by the team.
23. _____ I understand that immediate action may take place by the Department of Corrections or my misdemeanor probation officer if I:
 - Do not keep an appointment ordered by the court (if unexcused);

- Do not participate in treatment;
 - Test positive on drug or alcohol testing; or
 - Violate court orders or break the law.
24. _____ If I commit a violation of this contract that justifies my arrest, the Judge may order an arrest warrant, establish bond, or issue an order for show cause.
25. _____ When I am in the court room or meeting with my treatment providers, probation officers, or any other team member:
- I will dress appropriately according to program rules;
 - I will not talk or disrupt Court proceedings;
 - I will not bring my cell phone to the Courtroom;
 - I will not bring food or drink into the Courtroom;
 - I will stay until the Judge dismisses me;
 - I will not use profanity;
 - I will be on time; and,
 - I will be courteous and respectful.
26. _____ I will be supervised by the STEER Court Program until Graduation or until further ordered by the Court. I understand and agree that I will acquiesce to an extension of jurisdiction by my sentencing Court, in order to allow enough time for me to complete this contract and graduate from the program.
27. _____ I understand that my participation in the treatment court requires extensive monitoring of my compliance in the program. This means, among other things like drug testing, that my home may be randomly inspected, day or night, by the treatment team to determine my compliance with the treatment program. Law enforcement members and DOC probation officers are on the treatment court team. Inspected does not mean my home will be searched, although it may be searched pursuant to the terms outlined in my Judgment. If members of the team see evidence of illegal activity during their inspection of my home, then they may take action to either sanction me and/or have me arrested depending on the nature of the activity. To the extent my home may be inspected and because I have voluntarily entered this program, by initialing this paragraph and signing the contract, I hereby waive my right to privacy with regard to these random inspections by the treatment court team.
28. _____ I understand that throughout the term of this Contract, the STEER Court Judge will have personal knowledge of my compliance and I hereby waive any right to disqualify or request recusal of the Judge, including disqualification for cause, based on the Judge's personal knowledge, if such knowledge was provided by the Team.
29. _____ This Contract constitutes the entire and only agreement I have with the STEER Court and I have no other deals, bargains, promises or understandings, whether written or verbal, which may alter this agreement.
30. _____ In addition to the above conditions, I understand that the sentence from my original Court of jurisdiction, and/or the Department of Corrections agreement not to

seek revocation of my conditional release or probation, is dependent upon my successful completion of the STEER Court and I fully understand that I may face revocation of my sentence, conditional release, or probationary period should I fail to graduate from the Court.

31. _____ I understand that my participation in this program necessitates the payment of weekly fees to cover drug testing, treatment and/or other services provided to me during my participation. I understand that this weekly fee does not cover specialty services which include, but are not limited to, parenting classes, the ACT class, payment for SCRAM monitoring when sanctioned, nor does it cover the costs of any other sanctions imposed upon my by the Court. Currently the weekly fee is \$50.00 and I understand and agree that if I fall more than 4 weeks behind, meaning that at any time I owe more than \$200.00 in weekly fees, then I may face termination from the treatment court program. \$10.00 of the of the \$50.00 weekly fee is a Court fee that is payable each time I appear in Court. As I progress through the program and my court appearances are reduced, then this portion of my weekly fees is reduced because I only pay it on the days I appear in Court.
32. _____ I also understand that the Court is not required to terminate me and, in the Court's sole discretion, may grant an exception to this rule if I can show good cause as to why I am behind more than four weeks. The failure of the Court to terminate me or to grant me an exception when I am more than four weeks behind does not constitute a waiver of the right for the Court to terminate me for falling more than four weeks behind in fees.
33. _____ I understand that if I abscond from the treatment court and/or leave the State of Montana without written permission from the treatment court, then I understand the Court will terminate me from the program in my absence and without delay.
34. _____ I understand that if I travel on a travel permit then it is my responsibility to where a SCRAM, and drug and/or alcohol test while I am travelling and immediately upon my return. I also understand that if I am required to wear a SCRAM while travelling, then I must immediately download my SCRAM upon my return from travelling. Failure to immediately download my SCRAM may not only result in a sanction, it also constitutes a waiver of my ability to challenge positive SCRAM results or tampers because I delayed the download requirement. I understand that it is my responsibility to pay for any additional testing as a result of my travel.

I understand that I am charged with the offense of, or the probation violation of the following:

(1) _____

(2) _____

I have read this entire Contract or it has been read to me, initialed each paragraph, indicating my understanding of its contents and have discussed it fully with my attorney. I fully understand the terms of this Contract and what is expected of me. I freely and

voluntarily agree to abide by all of the terms and conditions of this Contract and understand the consequences of my failure to do so. I represent that at the time of execution of this document, I am not under the influence of alcohol or any other drug.

Participant/Date

_____, STEER Court attorney for _____, have fully advised him/her of all of the terms of this Contract and to the best of my knowledge, I believe that he/she is entering into this contract freely and that no improper promises, threats or other inducements have been made to him/her.

Attorney for Participant/Date

Prosecutor/Date

ORDER

The conditions and Contract above are hereby Ordered in these matters:

Dated this ___ day _____, 20__.

STEER Court Judge

cc: Prosecutor, Defense Atty, Probation Officer, Treatment, Coordinator, Participant