

2021 Annual Transportation  
Safety Meeting

▲ **Treatment Courts  
and the Criminal  
Justice System**

Judge Mary Jane Knisely

# A Look at the State of Montana

- • 4<sup>th</sup> largest state
- 147,000 square miles
- 48<sup>th</sup> in total population
- Approximately 1,085,000 people



# Montana Criminal Justice Trends

- ⬆ Violent Crime, Drug Related Crime
- Billings Gazette, November 14, 2021 **'A Bus Ticket to Billings': Convicts paroled to Billings Raise Crime Rate**
- Great Falls' overall crime rate was 149.26 per 1,000 residents
- Billings' overall crime rate was 126.4 per 1,000 residents
- Missoula's overall crime rate was 115.36 per 1,000 residents
- Bozeman's overall crime rate was 59.74 per 1,000 residents

## Montana Roads Meet Criminal Justice

- Impaired drivers (alcohol and/or drugs) were involved in 55% of all fatal crashes and in 34% of serious injury crashes
- •337 fatalities involved impaired drivers over the last three years (2017-2019)



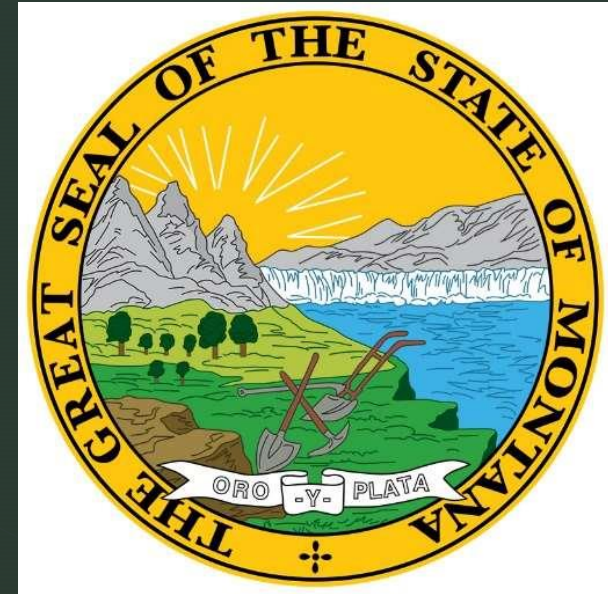
## ▸ What is a Treatment Court?

- An alternative justice model designed to serve those suffering with substance use disorders, and mental health conditions, with case management needs.
- Judicially coordinated treatment and accountability focused program
- Non-adversarial infrastructure with the assistance of a multidisciplinary team.
- The Court recognizes day-to-day success and failure on the spot with a system of sanctions and incentives while working with treatment providers to enforce and adjust treatment plans.

# Montana Treatment Courts

Drug courts have expanded into broader problem-solving courts including:

- DUI Courts
- Criminal Drug Courts/ Hybrid
- Juvenile Drug Courts
- Veterans Treatment Court
- Tribal Healing to Wellness Drug Court
- Family Drug Courts
- Indian Child Welfare Court
- Campus Drug Courts
- Mental Health and Co-occurring Disorders Courts
- State and Federal Reentry Drug Courts

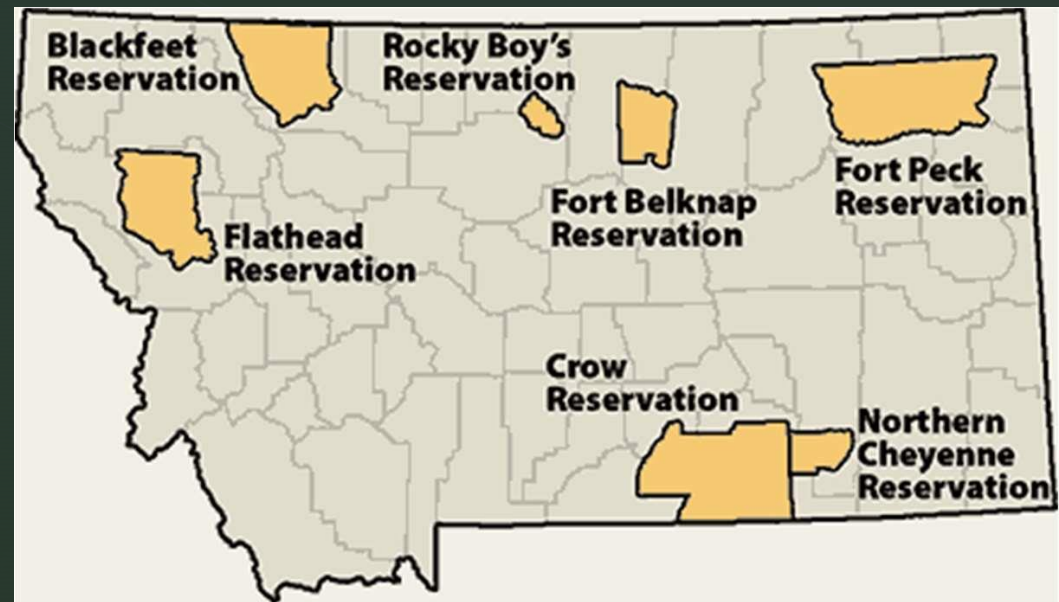


# Targeting and Serving High-Risk, High-Need Offenders

- High criminogenic risk means highest risk to reoffend, **NOT MOST VIOLENT.**
- These participants have failed on standard probation.
- High therapeutic need is determined by licensed clinicians.
- These participants have been unsuccessful in completing treatment without supervision. **Need the correct dosage of treatment.**

# Equity and Inclusion: Casting the Widest Net

- 1 in 13 Montanans is a veteran
- 6.7% of the population identifies as
  - American Indian
- 7 recognized American Indian reservations





## Accountability: Drug and Alcohol Testing, and Frequent Court and Team Contact

- Alcohol and drug testing must be frequent, random, and unpredictable
- Typically involves 4-5 phases over 12-24 months
- Individualized treatment and supervision plan
- Frequent court review sessions
  - The Judge reviews the participants' progress
  - The team utilizes a range of incentives, sanction, and therapeutic adjustments toward the goal of changing behavior



# Multidisciplinary Team



▶

# Changing Behavior: Incentives, Sanctions, and Therapeutic Adjustments

## Incentives

- Wheel
- Gift card
- Coin
- Leave court early
- Fee waiver

## Sanctions

- Increased testing
- Increased court appearances
- Letter of apology
- Community service
- Detention

## Therapeutic Adjustments

- Increase level of treatment
- Peer support
- Writing assignments
- MAT

## ▶ Building Long-Term Recovery Capital Reduces Recidivism

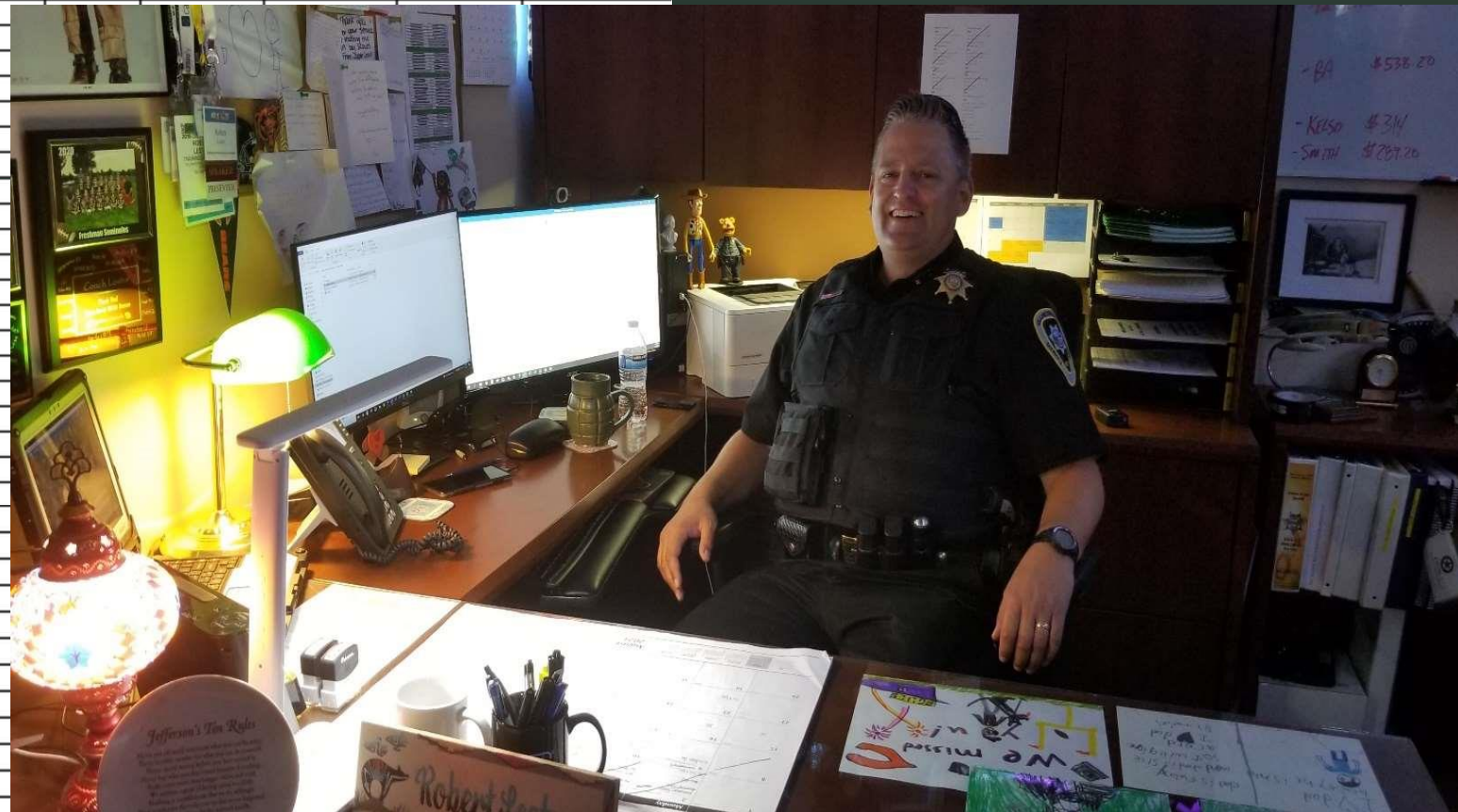
- Treatment Sessions
  - Individual, Family, Group, Mental Health, Medication Assisted Treatment, PAWS, Seeking Safety Volunteer Presentations
- Supervision/Compliance Monitoring
  - Remote Check ins
- Ancillary Services and Community Involvement
  - Yoga, Art Therapy, Chiropractic's, Exercise and Nutrition, Mentor program, Budget Class, Life Skills, Parenting Class
- Recovery Supports
  - Peer Support, GOMO



# Law Enforcement Involvement

Help in budget planning

	PAY PERIOD	PROJECTED	USED	BALANCE	PROJECTED	USED	BALANCE
<b>INCOME</b>							
TITHE							
<b>SAVINGS</b>							
<b>MORTGAGE/RENT</b>							
<b>UTILITIES</b>							
<b>FOOD</b>							
<b>COURT FEES</b>							
<b>CHILDREN</b>							
<b>TRANSPORTATION</b>							
<b>CLOTHING</b>							
<b>MEDICAL</b>							
<b>PERSONAL</b>							
<b>DEBT</b>							



▶  
“Drug Courts improve outcomes for drug-abusing offenders by combining evidence-based substance abuse treatment with strict behavioral accountability.”

D. Marlowe, *Behavior Modification 101 for Drug Courts: Making the Most of Incentives and Sanctions*, Drug Court Practitioner Fact Sheet (NDCI, Sept. 2012)

# Drug Courts Work!

- NADCP
- <https://www.nadcp.org/>
- <https://www.nadcp.org/standards/adult-drug-court-best-practice-standards/>



**NCDC**  
NATIONAL CENTER  
FOR DWI COURTS



**NADCP**  
National Association of  
Drug Court Professionals

## Question and Answer

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