SENATE JUDICIARY
Exhibit No. 3
Date: 2/20/15
Bill No. HB111

MCSC: The Voice of Montana's DUI Victims

DOC Programs Other than Prison:

Warm Springs Addictions Treatment and Change (WATCh) programs provide treatment to those convicted of felony drunken driving. WATCh West located at Warm Springs opened in 2002 and has a capacity of 115 male offenders. WATCh East at Glendive started in 2005 and houses up to 50 male and female offenders. Both programs, operated by Community, Counseling and Correctional Services Inc. under contract with the state, offer intensive, six-month residential treatment that is modified to meet the needs and issues of a correctional population. The program teaches offenders how to live and function while in treatment, home communities and with their families. WATCh West has developed programs to help DUI offenders who face additional treatment and recovery issues related to their offenses. The KNIGHTS program, started in 2007, addresses specific needs of offenders convicted of negligent vehicular homicide while under the influence. The five-bed program has a completion rate of 83.3 percent among its 50 admissions. Only 2.8 percent of those received another drunken-driving conviction. Since opening, the WATCh programs have a 91 percent completion rate among the more than 2,900 offenders leaving the program. Of those completing WATCh and returning to communities, just 12.3 percent received another DUI. [This program is less expensive than prison]

Adult community corrections – Programs in the community that provide for the supervision of low-risk felony adult offenders and offenders moving from prison to the community. The programs involve citizens in setting policy, and determining placement and programming.

Conditional release – This refers to instances when an inmate is released into the community under auspices of the department and subject to its rules. This is not a parole and inmates are not eligible for parole consideration while on conditional release. Offenders who violate conditions of their release and sent to prison would become eligible for parole when prison records show they have served their minimum sentence.

Electronic monitoring – An automated system capable of recording and transmitting information about an offender's location, using conventional or cellular phones and sometimes relying on global positioning satellites (GPS). The systems are usually used to monitor offenders ordered to remain in their homes during certain times of day or for certain periods of time. Monitoring is sometimes required as a condition of pretrial release, probation, parole or conditional release.

ESP – "Enhanced supervision program," which relies on contracts with prerelease center staffs to provide daily assistance to offenders having trouble finding a job and struggling with substance abuse.

Home arrest – Using a person's home for confinement, usually through some form of electronic monitoring.

ISP – Intensive supervision program, which is a more structured level of probation or parole that can include electronic monitoring of offenders in the community.

PRC – Prerelease center, which is a low-security community-based residence for offenders. The state has contracts with nonprofit Montana corporations for operation of six prerelease centers that house, treat andsupervise about 840 men and women offenders at any one time. The centers offer a six-month program that provides transition from prison to community and give judges an alternative to prison for offenders when public safety and the offenders' interests are best served by a level of supervision between prison and probation.

The Montana *Common Sense* Coalition

The Coalition is made up of volunteers and receives no public funding to support its efforts.

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HB 111 Extend Felony DUI Penalty

Repeat DUI offenders are a clear and present danger on our highways. To be convicted of felony DUI the offender has 4 DUI convictions. Often there were other DUI arrests which did not result in a DUI conviction because of plea bargaining to a non DUI offense. A 2009 report by Dr. Tim Conley (*Assessing Montana's Multiple Offender Drunk Drivers for Prevention Strategy Ideas, a Preliminary Report for the Law and Justice Interim Committee, January 29, 2010*) revealed that felony offenders, on average, conservatively estimate that they **have driven drunk 369 times per conviction**.

We must keep these offenders SOBER!!

Felony DUI offenders are eligible for the WATCh treatment program which is effective in detoxification and helping the offender change behavior and thinking. During the community monitoring phase of the sentence WATCh graduates are usually successful in staying clean and sober. However with the maximum 13 month sentence some offenders do not have enough time left after sitting in jail awaiting sentence to qualify for the WATCH program. Others do not have much time left for monitoring after WATCh.

Our judges should have the choice of extending supervision for a longer period for offenders at higher risk.

Please don't choke on the fiscal note. Please consider the cost to our state of having these repeat offenders driving drunk on our highways. The National Highway Traffic Safety Administration estimates the cost of a highway death at $6,000,000 (actual expenses to the family plus lost productivity to the community). That is three times more than the fiscal note cost estimate for the next 4 years combined.

If we save only one life we have paid the bill three times.

Consider also that a convicted offender who successfully completes treatment will become a productive member of society—holding a job and supporting a family. Rehabilitation is our goal. Let's give offenders the time to succeed in getting sober and staying sober.

ZERO deaths from impaired driving!

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