

Curbing DUIs: Corrections plays role

By Michael Beall

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On the evening of April 15, 2009, Great Falls police were notified that a green-and-white Chevy pickup collided with landscaping boulders and was high-centered off 3rd Street N.W.

The driver was Larry Olson, and the witness told police Olson was weaving in and out of traffic and tailgating. It was 6:43 in the evening, and after performing and failing the field sobriety test and blowing a .097 blood-alcohol content, Olson was charged with his fourth driving under the influence citation, a felony.

Olson's wreck in April 2009 was minor. He escaped unscathed, and so did the drivers who crossed his zigzagging path just as they had thousands of other times throughout his 69-year-old life. Olson's mishap was one of 192 alcohol-related crashes in Cascade County that year, and his arrest was one of 596 DUI arrests in Cascade County and his conviction was one of 6,954 across the state.

Montana continues to wrestle with a drinking-and-driving culture that makes the state infamous for DUIs. Maybe it's the state's 70,000 miles of open roads, its sparsely populated landscape or the mindset of its people.

Whatever the reason is, Montana is constantly in the top 10 percentile nationally in alcohol-related fatal crashes. And since 2008, felony DUIs, or a fourth or subsequent charge, tops the Montana Department of Corrections as the highest conviction offense for males, and it trails only possession of dangerous drugs in total convictions.

The tides are turning in the fight to curb DUIs, but members of the law enforcement and criminal justice communities — and even the DUI offenders themselves — agree that the laws must be tougher and tougher early on in a person's drinking career in order to supplement the many tools and treatment options the justice system and the Department of Corrections has in changing the behavior of multiple DUI offenders.

Pam Bunke, administrator for Adult Correction, believes the reason is because of the cavalier and entitled attitude toward DUIs. "It's because we're Montanans, and we have the right and long roads and long spaces between communities," she said. "But it's sad to see our state so high in DUIs and number of people killed, and I think it comes from that attitude."

The vehicle with an intoxicated driver behind the wheel is a weapon, she said, and the DOC, law enforcement and DUI task forces across the state continue to fight to keep them off the road.

Life of second chances

Larry Olson has battled addiction since he was 16.

He first smoked marijuana at 15 and shot heroin at 17. But to Olson, alcohol is the real killer. He began the cycle of jail cells and treatment programs in eastern Los Angeles as a teen, but nothing kept him clean.

Olson was sentenced to the DOC for 13 months to be placed in an appropriate correctional facility or program on Aug. 5, 2009, which brought him into the hands of the Warm Springs Addiction Treatment and Change (WATCh) program, a six-month inpatient program designed as a peer-to-peer therapeutic community to give inmates the tools to turn their lives around.

Despite WATCh's proven track record of keeping graduates sober, by April 2012 Olson violated his probation by drinking, bringing him before Cascade County District Judge Thomas McKittrick, who sentenced him to the sheriff's office — not to a new jail cell but to the 24/7 Sobriety Program. He was the first client in the program that opened in September 2012.

One morning in mid-February, Olson wore a crooked grin, and his eyes warmed up the stale and cold conference room in the Cascade County Detention Center as he spoke about his life changes. He had just submitted a breath sample in the same manner he has twice a day for more than six months.

"I can't imagine me going back to alcohol. I don't think about alcohol anymore. I'm no longer feeding on alcohol," Olson said. "It's too dangerous. I have things to live for. Life is amazing." Until the snow fell and the nights grew longer, Olson's rode his bicycle atop Gore Hill twice a day for the tests.

"It was inconvenient in the beginning," he said.

It took Olson three months to change his attitude about the program. He used to look at law enforcement as the enemy and he used to care only about himself, but he said that people in the sheriff's office and in the community are rooting for him.

"I'm trying to be kind to myself and kind to others. I can now walk this Earth without gossiping about people," he said. "I'm concentrating on the ripple effect."

Despite the fact he drank days after leaving inpatient treatment options like NEXUS and WATCh, Olson believes the 24/7 program is the real deal.

Olson continues to attend Alcoholics Anonymous and arrives at the sheriff's office on time, and he hopes he can prove his addictions are finally defeated. But how many second chances has it taken?

'Not the Department of Punishment'

Flash back 25 years ago, Cascade County Sheriff Bob Edwards said. Someone pulled over for a DUI had a 50-50 chance of not being arrested and taken to jail.

Drinking and driving has always been there, Edwards said. "The reason you're seeing an increase is that we're enforcing more. We've made the public aware and we've made it known that we're not going to put up with it, so the numbers are going to be higher."

The statistics may not be improving, but it is a sign that the culture is changing. Edwards sees the change in the younger generation.

But the same younger generations still lives in a time with DUI laws that are too weak, according to Great Falls Police Officer John Green, the GFPD's drug recognition expert.

“Our younger generation has grown up with the idea, That if I get a DUI, I’m going to get six months jail time all suspended but one day, some fines and maybe an alcohol class. Oh I can deal with that,” Green said.

But Green agrees that even in his 10 years as a police officer, it’s getting better.

“I think our detection has gotten better and our enforcement has gotten a lot better,” he said. And the reason comes down to training.

The issue at hand is the law, and he partially blames himself. Not because he’s law enforcement, but because he’s a voter.

“As a whole, we all are at fault,” he said. “We’ve allowed this problem to come. It’s not the legislators, not the criminal justice system.”

Both Green and Edwards see the DUI problem as a juggling act.

It’s a process of juggling the economics of jail, prison time and treatment, as well as the rehabilitation of the offender.

“I’m all for treatment,” Green said. “But I do believe our DUI laws need to be tougher on that first offense.”

But what Edwards asks is, is tougher?

Take the first offense DUI, the guy who goes out with some friends after work. He has a clean record and messes up. “Does that guy need to be in jail for six months? Probably not,” Edwards said.

On the other hand, the second, third, fourth and fifth DUI offenses need to be seriously looked at, he said, and to Edwards something has to give to change behavior.

It’s all about correcting one’s behavior. That’s why they call it the Department of Corrections. It’s not the Department of Punishment. We have to correct behavior,” Edwards said.

Changing behavior

Cascade County DUI Task Force director Al Recke sees three segments of society. One segment will never drink and drive, and on the other end, there’s a segment that will do what they want, regardless of the law. They’re going to drink and drive, and if the law yanks their license, they will drive again.

But in the middle is a group Recke is optimistic about.

“You have a chunk of the population that are getting better, getting smarter and getting educated that there is a big liability associated with drinking and driving,” he said. “They are the people who are able to internalize the potential hazards versus the inconvenience of getting a taxi.”

The task force is one attempt at educating the public through public service announcements, billboards, advertisements in high school newspapers and commercials. The group lobbies for tougher laws through the Legislature and assists law enforcement.

“Trying to educate the public is a tough sale sometimes, because you’re trying to change behavior,” Recke said.

Changing behavior is the crux of the debate regarding drinking and driving and the Department of Corrections as a whole. Should the tax dollars go toward treatment or jails and prisons?

According to the Department of Corrections, the average stay in the DOC costs \$61,200 for a male inmate, \$54,476 for female inmates, \$13,833 for males in the WATCH treatment center and \$26,318 for females in the WATCH East Center. But in many circumstances, felony DUI offenders spend time in prison before they are transferred to WATCH or other alcohol treatment facilities.

For Recke, the decision to treat or incarcerate a multiple DUI offender depends on the person. “You’re going to have the segment of society who doesn’t care. They’ll do their time. They’ll dry out, and they’ll get out and do the same thing again,” Recke said.

It’s the philosophy of the Department of Corrections that treatment works and is the better option.

“When they’re sitting there doing time, it’s not the best use of our resources,” Pam Bunke said. “I would tell you that personally and professionally they should be getting treatment, but it’s not our call.”

The Department of Corrections doesn’t get the call until the felony DUI.

A process of a miracle

The halls of the WATCH Treatment Center are like a cross between an elementary school, a prison and an army barrack.

The “brothers” march in unison from dining hall to class in a single file line. They chant songs and they answer to commands.

The 113 brothers are broken into three families, and within each family are three grades or phases. Those just arriving wear navy blue scrubs until they move to second phase and wear blue polo shirts and then they finally graduate to maroon.

The Tribune was granted access to the WATCH treatment center, but as a condition, was asked to keep names of those incarcerated confidential.

John Doe stood before his light blue family and shouted at one of his brothers.

“When are you going to get honest?” John asked with a stern look across his face, almost angry. “It’s why we are all here. We lie. Take responsibility for yourself.”

What the brother forgot to do was make his bed correctly, and he tried to prove to his brothers it wasn’t his fault.

Peer-to-peer confrontation is a major part in WATCH’s treatment program. The older brothers teach and criticize each other’s behavior because they cannot fool each other. They all have similar histories of lying.

The inmates at WATCH know all too well how powerful alcohol addictions can be. WATCH is a Department of Corrections sentence, which means each patient needs to have a felony DUI, or four or more DUIs. The average DUIs count at WATCH in 2013 is 5.5 — down from 8 DUIs when the program opened in 2002 — and the average BAC at the time of arrest is .202, two and a half times the legal limit.

But the most staggering statistic that Alex Vukovich, the WATCH West administrator, has is that each offender drives drunk an estimated 1,000 times per DUI.

“Their disease is biochemical reaction to alcohol,” Vukovich said. “They don’t drink because their wife left them or their dog died or truck broke down. They drink because they’re addicted. That’s it.”

The six-month intensive inpatient program is designed as a peer-to-peer therapeutic community to give inmates the tools to turn their lives 180 around from how they think to who they will associate with.

“We see miracles here every day,” Vukovich said. “We have guys here who have drank their entire life, and they start over and win back their families and take back their health.”

It is no easy feat to reconfigure the mindset of the brothers, and the first task the program tackles is proving that each offender broke the law.

“One of the things that happens at WATCH is that many of the offenders don’t see them-selves as criminals. They don’t think they are risking public safety,” said Ron Alsbury, chief of Probation and Parole. “So initial work is to develop different thinking.”

When John entered WATCH, he never thought he’d be able to restructure his brain to be able to confront his own brother, let alone keep himself accountable.

He arrived hard as concrete. He started drinking in the sixth grade and first tried meth as a freshman in high school.

WATCH wasn’t easy. He wanted instant gratification like he’s wanted his entire life. He tried to get his brothers, his counselors and the process to flex to him.

“They kept telling me to trust the process, but I would say, ‘What process? You’re out of your mind.’ I’ve never had a process in my life. I do what I want. My schedule,” he said

It wasn’t until he had been there 60 days that he started internalizing all the lessons. “You don’t have time to revert back to your old ways,” he said. “You’re all in. You don’t have time to get off kilter. Someone will confront you, and they’ll hold you accountable.”

There’s no question in Vukovich’s mind when he says that treatment is better than prison time. He believes no one is a lost cause, even those who go to prison before arriving at WATCH.

He is also well aware that despite the programs successes and best efforts some people can’t be helped, some won’t be helped and some die. A WATCH graduate dies every 60 days. Vukovich’s philosophy for DUI offenders is EET: educate, enforce and treat.

“Educate the people on alcohol and drinking and driving. Enforce the laws so offenders don’t get nine or 10 before I see them, and finally treat,” he said.

Early intervention

Kayla Pedersen successfully navigated the 20 miles back to Great Falls after a night of drinking in Stockett in September of 2012.

If only she remembered to turn on her headlights after dropping off her friend and drove toward home, she would’ve kept her 22-year-old record clean, but she wouldn’t be sober.

Pedersen hasn’t had a drink since that night, and six months of her sobriety was spent wearing a cold-gray plastic box strapped snug against her leg. The machine she wore was a SCRAM bracelet, a Secure Continuous Remote Alcohol Monitor, a device the size of a deck of cards that vibrates every half hour to measure vapor excreted from her skin.

It was her first DUI, but after her experience she never wants to get in trouble again or turn to alcohol. It might have been the \$10 a day that SCRAM cost her, or the cost and time in alcohol classes or the 24 hours in the pre-release center, but Pedersen said the real cure was staying sober long enough to clear her head.

“If it would’ve been a slap on the wrist, I wouldn’t have gotten any better,” she said. “It’s all in your head. You want to drink, you want to go out and have fun, but when you’re sober long enough, you realize there are other things out there.”

SCRAM is part of Cascade County’s 24/7 Sobriety Pro-gram. It began in September 2012, and municipal and district courts are using the program as a condition of bond to ensure defendants are following court orders.

Dirk Sandefur, one of four Cascade County district judges, said the court’s use of 24/7 and SCRAM is increasing, but since it’s relatively new, it’s an evolving process.

“I think the defendants definitely think it is an extraordinary and unreasonable burden on their liberty, and they think it’s an extraordinary and unreasonable burden financially,” Sandefur said.

Sandefur said the court will consider that, but the bottom line of the court has to be that it is a problem that the offender created, and the court has to ensure it is putting enough restrictions on the offenders to protect the public.

“Honestly, I think it is the best thing that’s ever happened to me,” Pedersen said.

Pedersen said he had her first drink of alcohol as a 15-year-old, but she learned how to cope through alcohol after her grandparents died. She started to party in high school, and as the years added up, she slowly found alcohol as a refuge.

“It took me until I was sober long enough to realize I was going down the wrong road, and I need to be straightened out,” she said.

SCRAM and 24/7 at the Sheriff’s Office is a proactive tool, Sandefur said. And time will tell, if the tools continue to work.

“Seemingly, the new tools give us the opportunity to protect the public by knowing in real time that they’re violating probation by drinking,” he said. “When push comes to shove, we’re doing what we can to make sure they’re not reoffending.”

A culture change

“The drinking culture in Montana is changing,” said Danielle Waltner, a former compliance officer for SCRAM. “You can see a shift with the way people are teaching their kids. It’s not as accepted or ignored or allowed.”

Waltner sees it in the way people call in drunken drivers to the police, and how they’re not afraid anymore and that they want to stand up for their community.

As for SCRAM or other alcohol treatment options, Waltner said they don’t work for absolutely everybody. But if people want it to work and they want to turn their life around, there are options to prove their sobriety.

Sandefur said he’s seen the slow transition over the past 11 years on the bench, but there’s a long way to go.

“In this society that everyone has a car, and there’s alcohol available as a legal substance, there’s only so much society can do to police those people,” Sandefur said.

But he believes with the combination of the new tools for the court and law enforcement as well as public awareness and well-publicized tragedies there is hope.

“The alcohol culture in Montana is so engrained, and it’s more than just a cultural issue because the cultural issues breed the behavior that results in the alcoholism,” Sandefur said. And when you’re dealing with alcoholics, then it’s beyond a cultural thing, it’s a psychological and physiological problem that you can’t just fix with an attitude change, and that’s why it’s such a thorny problem.”

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