

24/7 SOBRIETY PROGRAMS



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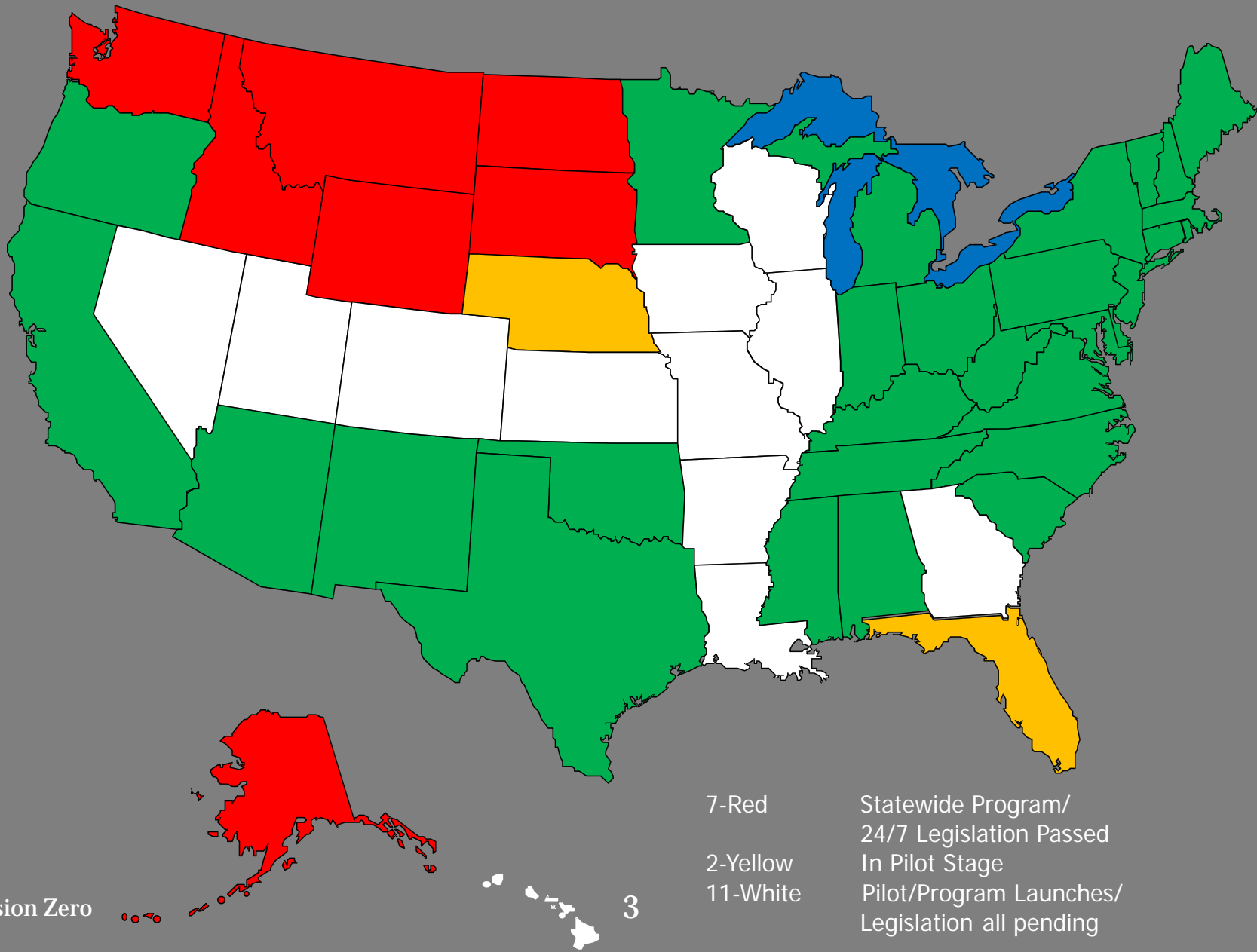
Common Elements

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- Pretrial release program
- DWI offenders with prior conviction or high BAC
- Crimes where substance abuse is involved

- Breath test twice a day – 12 hours apart
- Continuous Alcohol Monitoring
- Drug patches
- Ignition interlocks

24/7 SOBRIETY PROGRAM STATES (20% of the US)



Vision Zero



HISTORY

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- **South Dakota enacted in 2007**
- Estimated that between 1996 and 2007, felony DUI offenses and felony drug offenses accounted for approximately 60 percent of the total felony convictions in the state.
- 13.6% of the state's prison population was incarcerated due to a DUI offense
- Disproportionate number of fatal car crashes in the state were associated with intoxicated drivers.

South Dakota Program

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- Each county, through its sheriff, shall participate in the 24/7 sobriety program
- Sheriff shall establish the testing locations and times for each county but shall have at least one location and two daily testing times approximately twelve hours apart.
- The court may condition any bond or pre-trial release upon participation in the 24/7 sobriety program & payment of fees
- The court may condition suspended sentence, or probation upon participation in the 24/7 sobriety program & payment of fees.
- The Board of Pardons and Paroles, may condition parole upon participation in the 24/7 sobriety program & payment of fees
- The Office of the Attorney General may promulgate rules.

South Dakota Program, con't

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- DUI revocation at least 30 days up to 1 year by court.
- If have DUI conviction within last 10 years or 0.17 BAC or more:
 - shall be conditioned on the person's total abstinence from the use of alcohol , the person's participation in the 24/7 sobriety program created by this Act, and payment of associated cost and expense . The court shall immediately revoke the permit upon a showing of proof by a preponderance of the evidence that the person has violated this condition.

Elements of Program

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- Must perform breath test twice daily or wear a continuous alcohol monitoring bracelet
- 24 to 48 hours in jail as an immediate sanction for failed screenings or failure to show up or submit to screening.
- Probationers & Parolees for drugs also included

Elements of Program

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- Fees for the program include:
 - \$2 per day for breath testing
 - \$10 per urinalysis and
 - \$40 for each patch which is used to detect the presence of drugs through sweat.
 - Use of SCRAM Continuous Alcohol Monitoring Bracelets and Ignition Interlock Devices are required to pay additional fees for those devices.
 - Additional costs associated with the short jail stays and for tracking individuals who have skipped testing.

SD Costs

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- \$400,000 appropriated to start program
- NHTSA 2013 study says:
- It can be conservatively estimated that the 24/7 program has saved South Dakota the \$70 per day in costs for 400,000 jail days (20,000 offenders in the program times an average of 20 days in jail for the repeat and high-BAC offenders). This has resulted in a cost-benefit of \$400,000 (initial cost) / \$28,000,000 (savings in jail costs) or a benefit of \$70 saved for every \$1 spent on the 24/7 program.

Failure to Appear for Test

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- Offenders who fail to appear for one test usually appear for the next scheduled test and are arrested at that time.
- If the offender does not appear for 1 or 2 days, a warrant is issued for his or her arrest.
- From 2007 to 2011, there were 15,582 no-shows for 3,547,099 tests for a no-show rate of 0.4%.

Success of Program

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- First nine years it has worked with 33,169 of the state's 825,000 residents
- 6.9 million breath tests, SCRAM bracelets, Interlock devices and drug tests.
- Regular testing and the swift and certain sanctions (provided by local law enforcement) have resulted in a pass rate of **99.2** percent.

Other tests

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- GENERAL URINALYSIS STATISTICS SUMMARY
- 4,190 participants
- 101,675 tests administered
- Pass Rate 96.3%



Drug Offenders

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- **GENERAL DRUG PATCH STATISTICS SUMMARY**
245 participants
- 2,484 tests administered
- Pass Rate 84%

IGNITION INTERLOCKS

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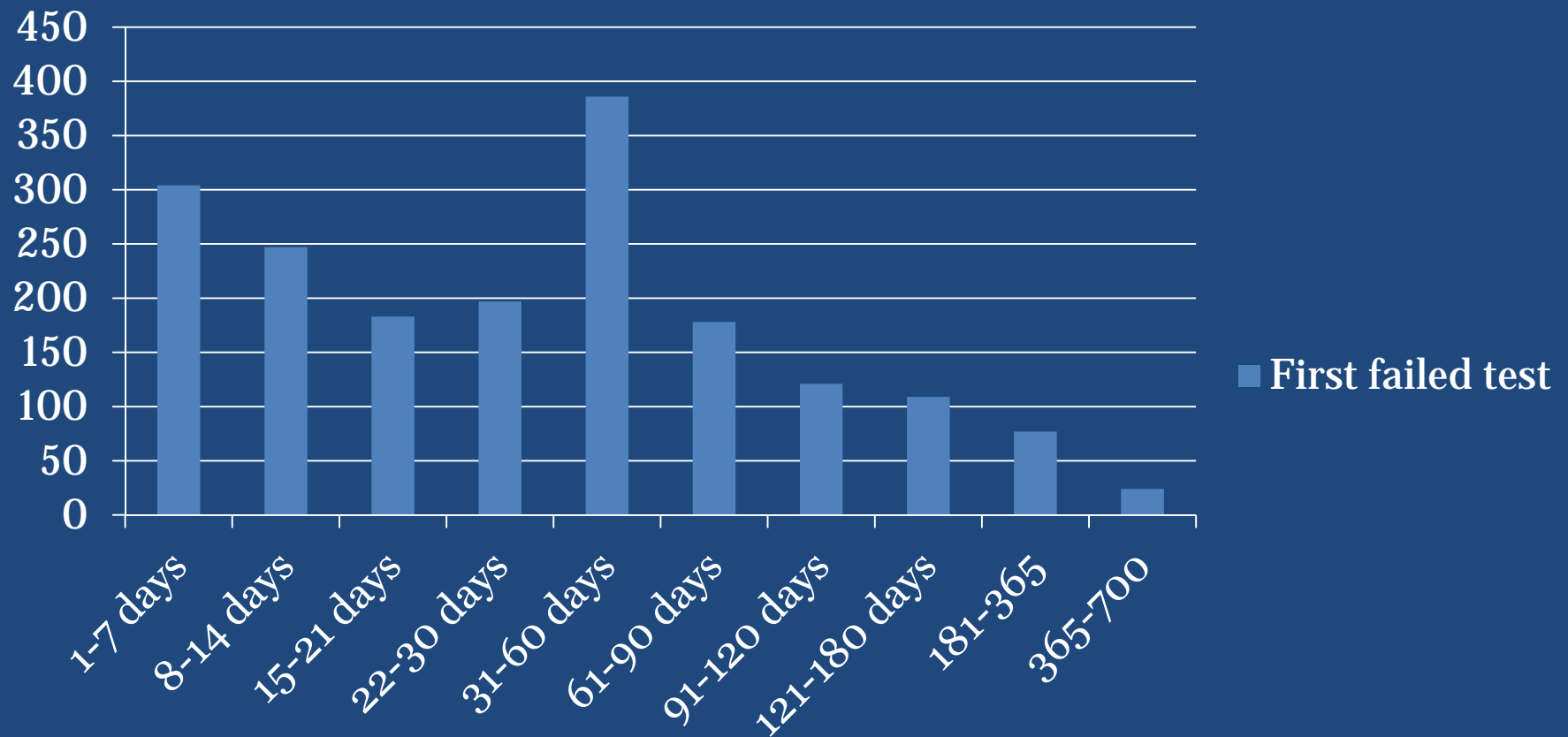
246 participants

- 386,082 tests administered
- Pass Rate 99.47%

Persons who failed test 2005-2010

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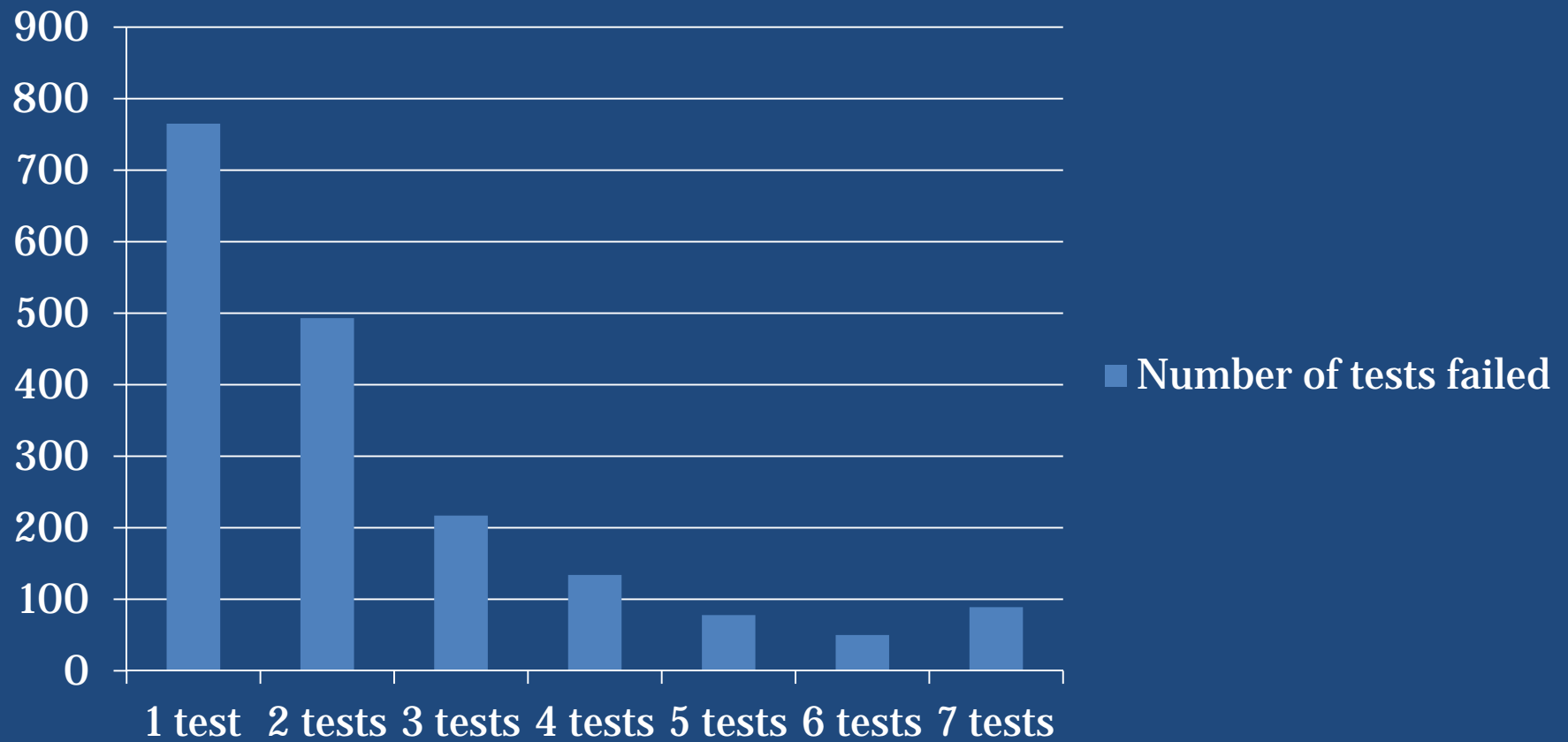
First failed test



Number of failed tests 2005-2010

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Number of tests failed



Attorney General Analysis 2005 through January 2010

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- 13.7% of DUI 2nd offenders not on the program committed another DUI offense within three years
- 7.4% of the 24/7 Sobriety Program participants committed another DUI in that same three-year time period.
- The lower recidivism rate for DUI 2nd offenders is statistically significant when ordered for 30 days.

NHTSA study of SD

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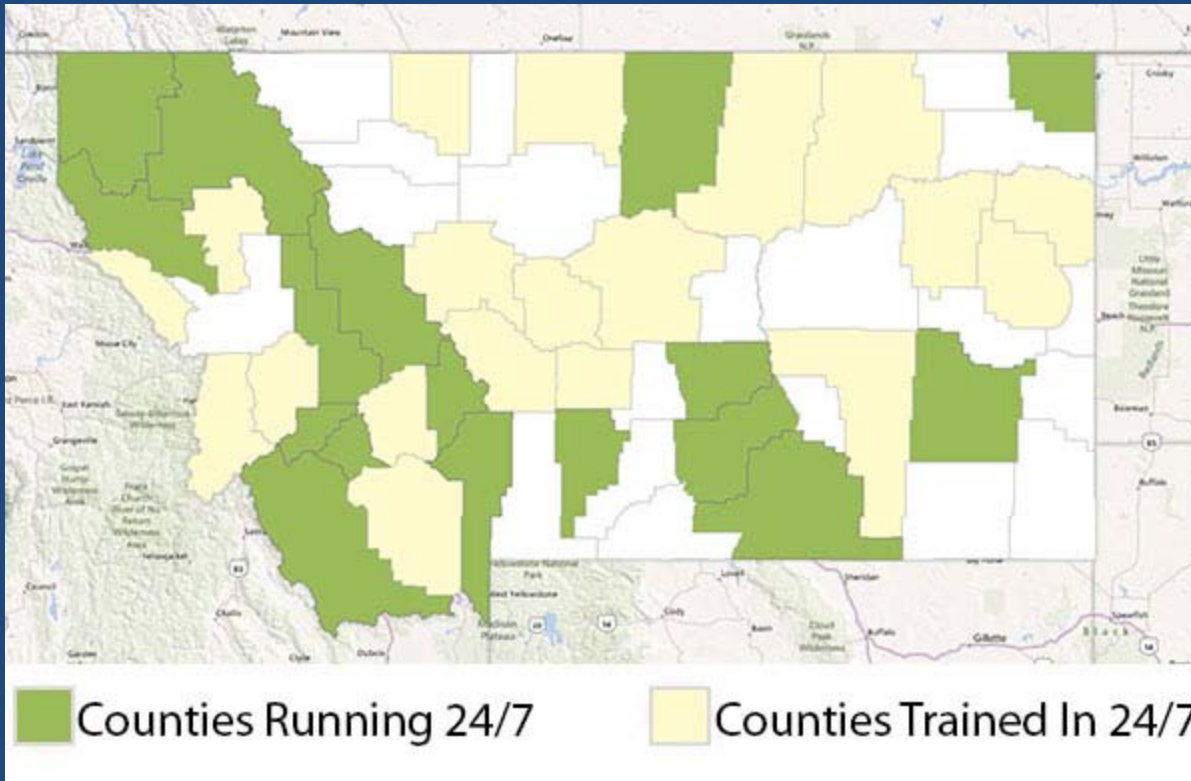
- a 44% reduction in recidivism for DUI third offenders (8.6% versus 15.3% for comparison offenders),
- 31% reduction in recidivism for DUI fourth offenders (10.7% versus 15.5% for comparison offenders).
- NHTSA said: “Although assumed to be a contributing factor, no direct association between the 24/7 program and reductions in impaired-driving fatal crashes or crashes in general have been found to date. “

Rand Corporation evaluation

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- Between 2005 and 2010, more than 17,000 residents of South Dakota—including more than 10 percent of men aged 18 to 40 years in some counties—participated in the 24/7 program.
- 12% reduction in repeat DUI arrests
- 9 % reduction in domestic violence arrests following adoption of the program.
- Evidence for traffic crashes was mixed.

the MONTANA SOBRIETY 24/7 PROGRAM



statewide statistics continue to be enormously positive: More than 115,000 tests have been administered with a 99.7 success rate.

North Dakota

Began February 19, 2009

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- Current Numbers/Statistics • As of February 1, 2015
These numbers Include all methods of testing (PBT, SCRAM, Drug Patch, U/A) –
- 10,214 total participants
- 1,687 active
- 6,287 graduated
- 1,681 failed
- 559 re-offended

ND: Scram Stats

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- 2,765 participants
- 369,016 total monitoring days for an average of 123 days per participant
- 1408 were fully compliant - 73%
- 517 non-compliant clients - 27%
- 184 clients had a total of 788 drinking events - 10%
- 440 clients had a total of 2388 tampers - 23%
- 107 clients had both drinking & tamper events 5.0%

North Carolina Statutes

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- 15A-1343.3:
- A "continuous alcohol monitoring system" is a device that is worn by a person that can detect, monitor, record, and report the amount of alcohol within the wearer's system over a continuous 24-hour daily basis.
- Secretary of Dept. of Public Safety approves types
- SCRAM only approved device- \$12 per day

North Carolina Statutes, con't

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- § 15A-534 -Pretrial as a condition of bond -
- § 15A-534.1. - Crimes of domestic violence; bail and pretrial release
- § 15A-1343. Conditions of probation
- § 15A-1343.2. Special probation rules – Delegate authority to probation officer

North Carolina Statutes, con't

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- § 20-19. – Conditionally Restored Drivers License
- § 20-28. Unlawful to drive while license revoked – condition of probation
- § 20-179. Sentencing DWI –
- § 50-13.2. Who entitled to custody- condition of custody or visitation

NC DWI Treatment Courts

G.S. § 7A-790, et. seq

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- **§ 7A-791. Purpose.**
- The General Assembly recognizes that a critical need exists in this State for judicial programs that will reduce the incidence of alcohol and other drug abuse or dependence and crimes, including the offense of driving while impaired, delinquent acts, and child abuse and neglect committed as a result of alcohol and other drug abuse or dependence, and child abuse and neglect where alcohol and other drug abuse or dependence are significant factors in the child abuse and neglect. It is the intent of the General Assembly by this Article to create a program to facilitate the creation of local drug treatment court programs and driving while impaired (DWI) treatment court programs.

NC DWI Treatment Courts

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- Approximately 20 jurisdictions have treatment courts
- Post conviction – repeat offenders -probation officer monitors – screening tests or uses scam

Cumberland County 2014-15 fiscal year

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- 160 DWI Treatment Court participants
- During that same time in the regular courts:
 - DWI's disposed: 1833
 - Level 1 & 2 offenders: 232
 - Levels 3, 4, & 5: 745

Mecklenburg County DWI Court

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- 100 Participants
- During that same time in regular court:
 - DWI's disposed: 3852
 - Level 1 & 2 offenders: 323
 - Levels 3, 4, & 5: 1927

How with DWI Treatment Courts affect crashes?




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- NHTSA:
- Nationwide 94% of drivers with an alcohol concentration of 0.08 or more who were involved in a fatal crash in 2013 had ***no*** previously recorded DWI conviction
- Prevents recidivism but does not substantially impact DWI events

Differences in Devices

	<u>Breath</u>	<u>Transdermal</u>
Time to detect Low BAC .02%	1/2 hr.	2-3 hrs.
Sampling Times/day	1-24	12-48 times
Real Time Reporting	Yes	Yes
Download of Data:	7-30 days at Svc. Ctr. or Real-Time	Daily
Anti-tampering	Yes	Yes
Photo available	Yes	N/A
Portable	Yes	Yes
Daily Cost	\$3-\$4	\$7-\$12

Transdermal Devices

	<u>BI TAD</u>	<u>SCRAMx</u>	<u>G4S</u>
			
Price per day	\$7 - \$10	\$7-12	\$7 -10
Testing Times	Continuous	Continuous every ½ hours	Continuous every 15 minutes
Download Data	Daily (must be in range of receiver)	Daily (must be in range of receiver)	Real Time and GPS
Anti-Circumvention	Via Secure Ankle Bracelet	Via Secure Ankle Bracelet	Via Secure Ankle Bracelet
Photo available	N/A	N/A	N/A
BAC Result	No	No	No
Portable & Discreet	Yes	Yes	Yes
Admissible in Court	Yes*	Yes*	Yes*
Home Arrest (RFI)	Yes	Yes	No

* Usually requires expert witness to be admissible

Breath Testing Camera Home Monitoring Devices

	<u>LifeSafer HMU 2</u>	<u>LifeSafer HMU</u>	<u>Smart Start</u>	<u>CST</u>	<u>MEMS3000</u>
					
Price per day	\$4	\$3 -	\$2.50-\$4	\$4 - \$5	\$5 - \$8
Testing Times	Programmable and Random up to 24 times/day	Programmable and Random	Programmable and Random	Programmable	Programmable
Download Data	Real Time and GPS	Transport to Service Center 7-30 days	Real Time and GPS	Real Time and GPS	Via Phone - Daily
Anti-Circumvention	Target Tracking	Target Tracking	No	No	Facial Recognition
Photo available	Yes	Yes	Yes	Yes	Yes
BAC Result	Yes	Yes	Yes	Yes	Yes
Portable & Discreet	Yes	Yes	Yes	Yes	No
Admissible in Court	Yes	Yes	Yes	Yes	Yes

Wireless Ignition Interlocks with Camera



- Combine IID and Camera technology with GPS and cellular
- Real-time reporting of violations via Text or Email
 - No more 30 day lag time and reports can go directly to monitor
 - Monitor can call up and order a test on demand
- Costs average \$4.00 per day



Interceptor



CST



LifeSafer



24/7 Summit
SEPTEMBER 13-15, 2015

HOME REGISTRATION ABOUT 24/7 SCHEDULE SPONSORS SPEAKERS PRICE LOCATION
TRANSPORTATION

24/7 SUMMIT BIG SKY, MONTANA

31 DAYS 9 HOURS 54 MINUTES 56 SECONDS

REGISTER

DATE September 13-15, 2015
LOCATION 50 Big Sky Resort Rd, Big Sky, MT 5...
REMAINING 32 Tickets
SPEAKERS

Increase Effectiveness of NC Program for Vision Zero

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- 1. Expand definition of “continuous alcohol monitoring” to include breath tests – with camera
- 2. Include drug patches
- 3. Expand program to include pretrial, first offenders, etc.
- 4. Make mandatory in specified cases
- 5. Expand ignition interlock use