

# 24/7 SOBRIETY PROGRAM

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**ATTORNEY  
GENERAL MARTY  
JACKLEY**

# DUI FELONIES FY 99- FY10

	32-23-4 DWI 3	32-23-4.6 32-23-4.7 DWI 4 & 5	22-16-42 Vehicular Battery	22-16-41 Vehicular Homicide	TOTALS
FY99 FY07 Convictions	9680	2348	137	88	12,253

FY99-FY10	ALL FELONY CONVICTIONS	33,404
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DUI FELONIES were 36.7% of all felony convictions

# OTHER FELONIES

	22-42-5 Possn. of Cont. Subst.	22-30A- 17(1) Grand Theft	22-39-36 Forgery	22-32-8 3 <sup>rd</sup> Degree Burglary	22-18-1.1 Aggravated Assault
FY99-FY10 Convictions	7,732	3,419	2,113	1,835	1,396
FY99-FY10 Percentage	23.1%	10.1%	6.3%	5.5%	4.1%

DUI and controlled substances felonies total 50.9%

# ALCOHOL/DRUGS IN SOUTH DAKOTA PENITENTIARY- 2006-08

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- Alcohol Dependent:
  - 72% of men
  - 66% of women
- Meth Dependent:
  - 27% of men
  - 45% of women
- Combined:
  - 87% men
  - 91% women

# DOC Prison Population

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FY 1996 - 1908

FY 2006 - 3428

FY 2007 - 3378

FY 2008 - 3344

FY 2009 - 3387

FY 2010 - 3450

# GOAL

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- Defendant sobriety- 24/7
- Target group- anyone arrested for DUI with prior conviction in last 10 years

# BOND CONDITIONS

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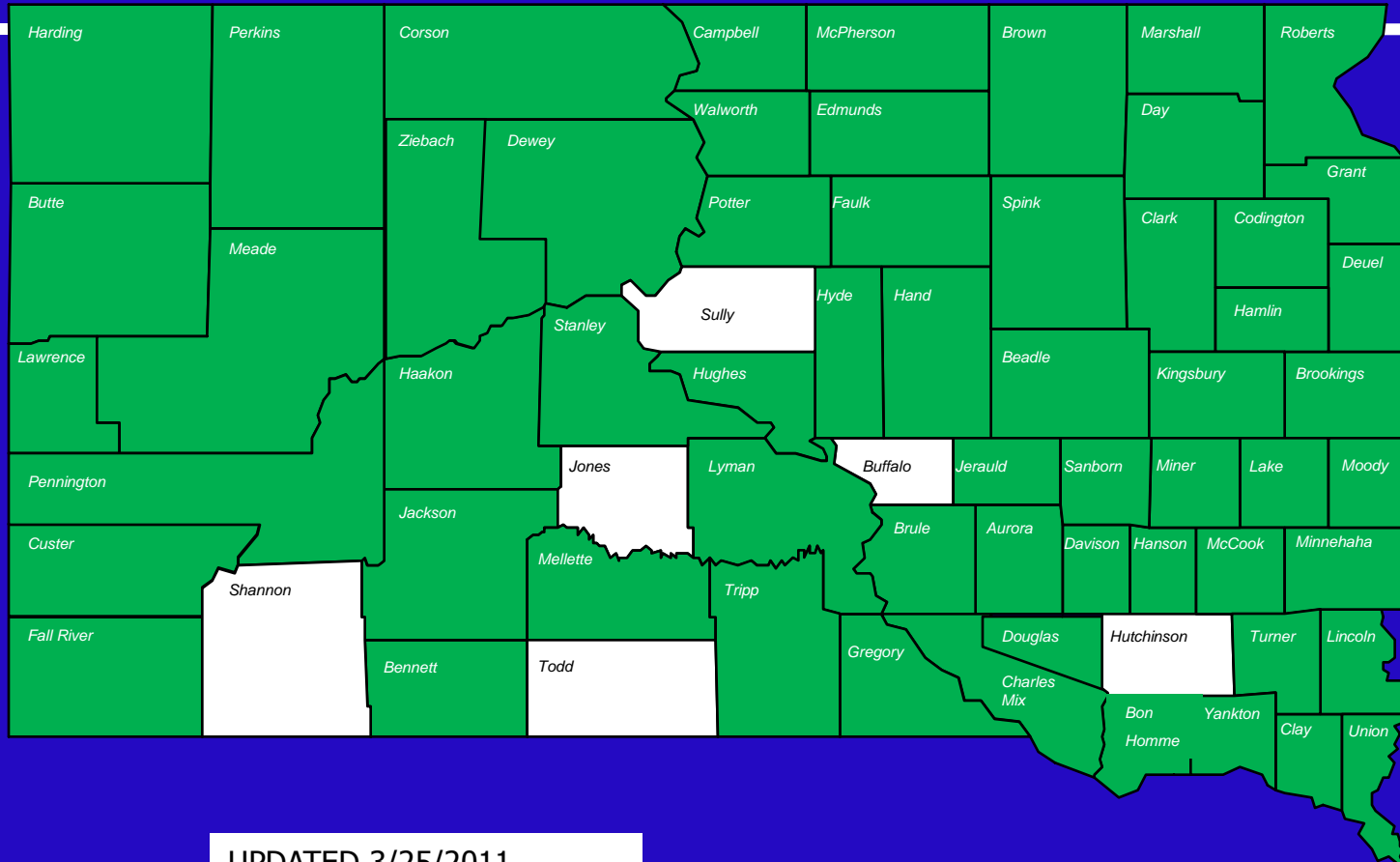
- No alcohol
- No bars
- Breath test- 7am and 7pm
- If you skip or fail **you go to jail**

# BENEFITS

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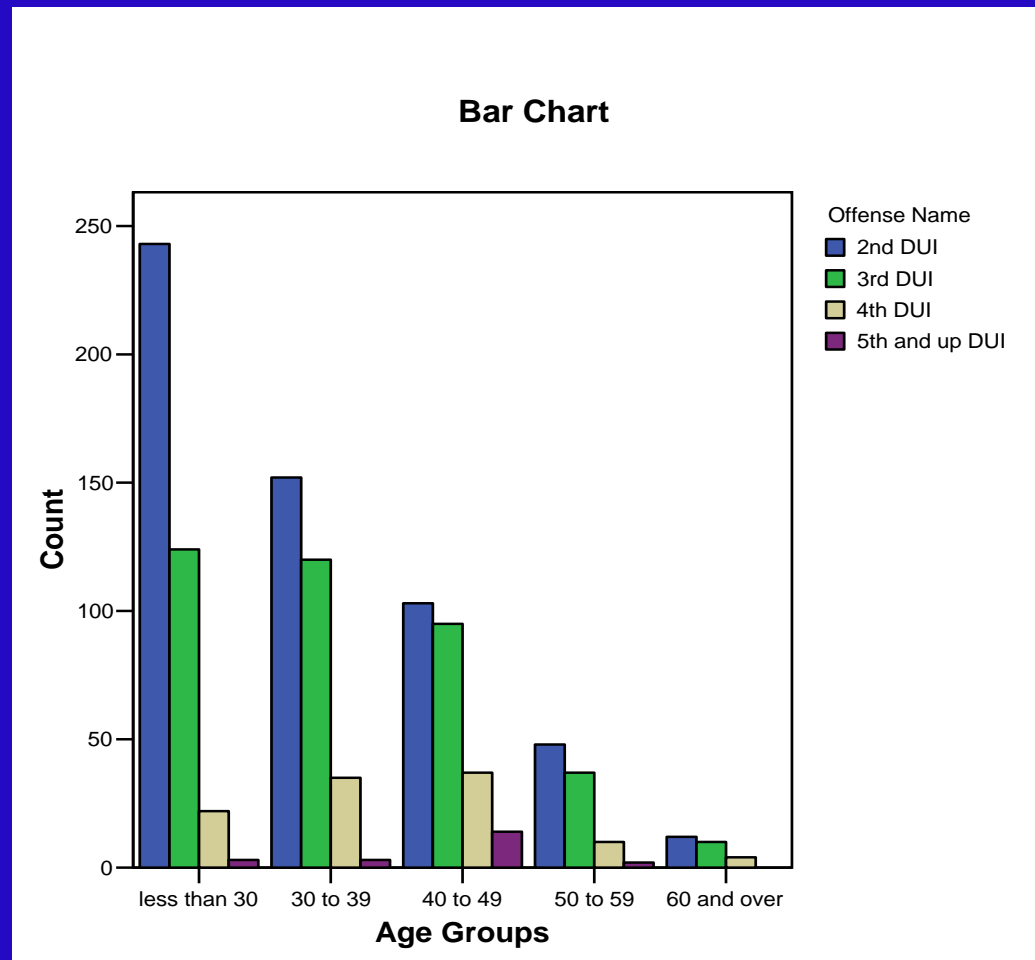
- Mom and kids are safer
- Public is safer
- Defendant will spend less time in jail
- Treatment prospects improve
- Defendant's employer happy
- **ALMOST NO COST TO TAXPAYER**

# SOUTH DAKOTA 24/7 PROJECT



UPDATED 3/25/2011

# AGE GROUPS/ OFFENSES



48% of program participants have 3 or more DUI Offenses

# NUMBER OF FAILED TESTS

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- 55% never fail a test
- 17% fail only one test
- 12% fail only twice
- 16% fail three or more times

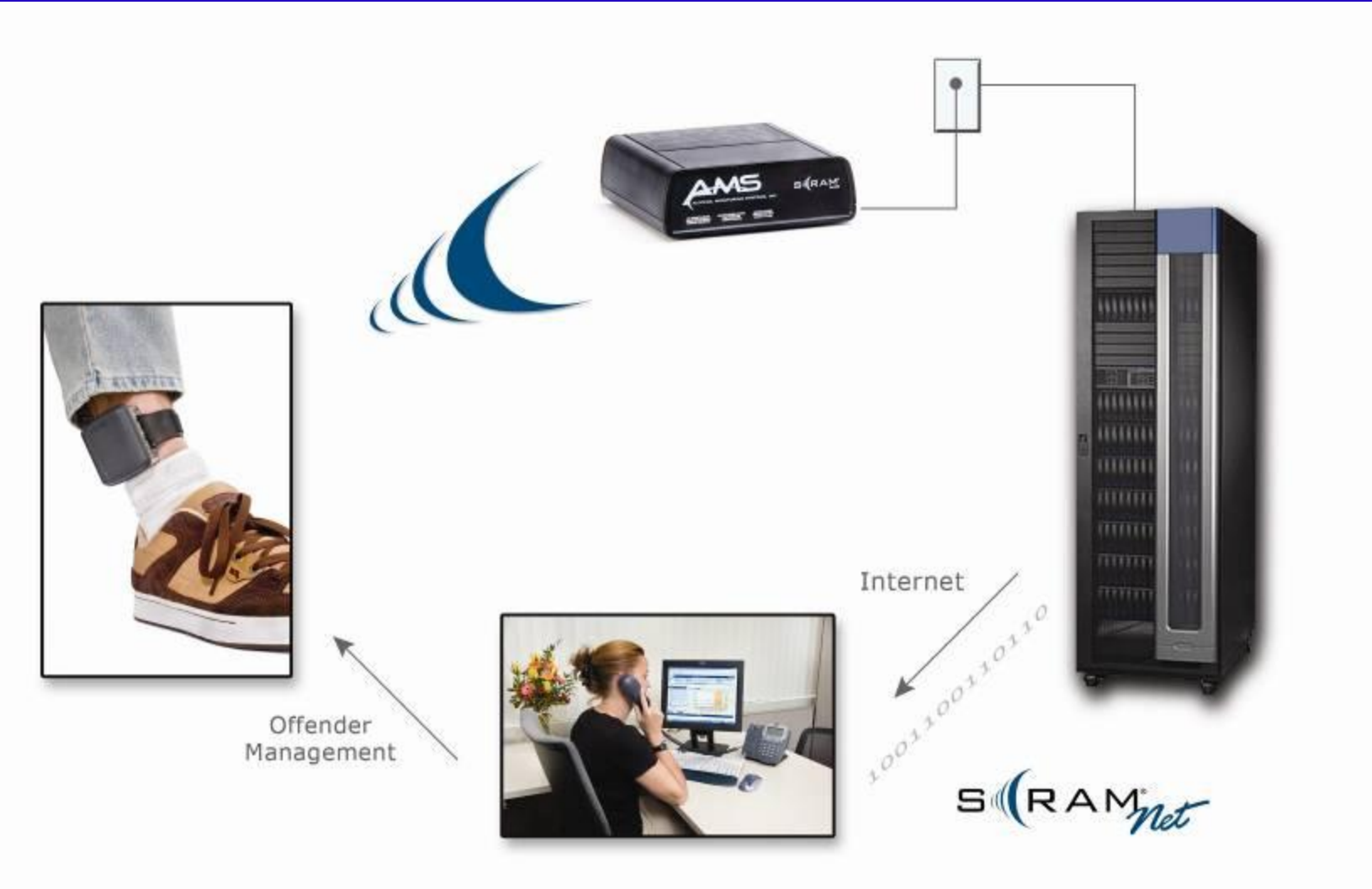
# PBT STATS

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July 1, 2007-July 20, 2011

- 16,735 participants (active and completed)
- 3,547,099 total tests
- 3,521,206 (99.27%) passed tests
- 10,311 tests failed
- 15,582 no show

# A Continuous Alcohol Monitoring System



# SCRAM STATS

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Nov 6, 2006 through July 20, 2011

- 3,177 participants
- 454,703 days for an average of 143 days per participant
- 100% complaint- 77.90%
- Non-complaint- 22.10%

September 16, 2009 the SD Supreme Court upheld its use (State v. Lemler 2009 SD 86)

# DRUG URINALYSIS

Detection of drugs through urine test

Detectable drugs

Cocaine

Opiates

Amphetamines

Marijuana

Oxycodone

PCP

Antidepressants

Ecstasy



# URINALYSIS STATS

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July 2007-July 20, 2011

- Participants- 1,990
- Tests administered – 46,648
- Passed tests- 45,213 (96.92%)
- Failed tests- 1,292

# DRUG PATCH

Detection of drugs through sweat

Patch lasts for 7-10 days

Drugs detected from 1-2 days before patch applied and up to 24 hours prior to removal

Detects

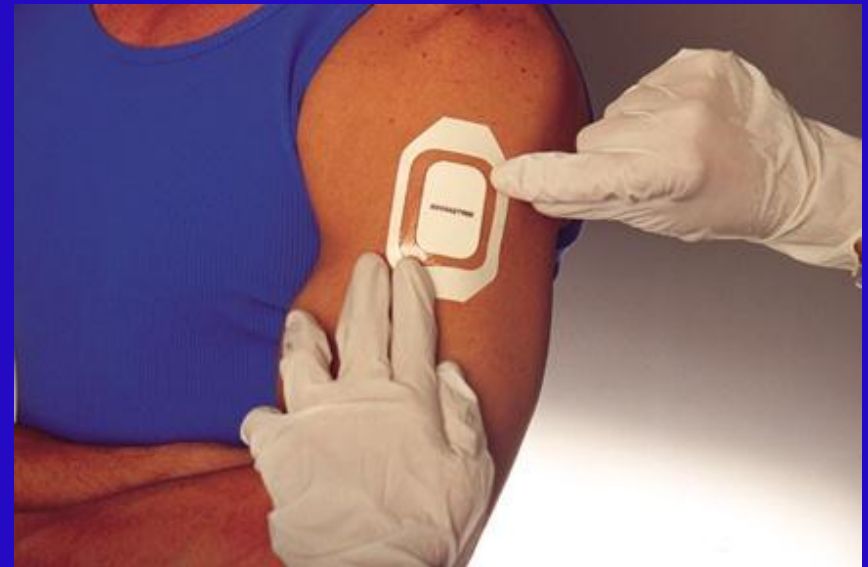
Cocaine

Opiates

Amphetamines

Marijuana

PCP



# DRUG PATCH STATS

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July 1, 2007 through July 20, 2011

- Participants- 94
- Tests Administered- 1,039
- 100 % Compliant- 75 (80%)
- Failed 1 test- 3
- Failed 2 tests- 7
- Failed 3 tests- 6

# 24/7 AVAILABLE SERVICES

\$2.00  
per day



- Twice per day alcohol testing
  - Counties with a jail
  - Some others

\$10.00 per  
test or \$20  
per week



- Drug Urinalysis-
  - Counties with high volume
  - Need both male and female staff

\$6.00  
per day



- SCRAM
  - Small counties
  - No jail
  - Defendant has odd situation

\$40.00  
per patch  
or \$4.00  
per day



- Drug Patch
  - Small Counties
  - Counties without female staff

# 24/7 Program Participation Fees

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PBT Testing → – \$1/day  
• \$30 maximum

SCRAM & Interlock → – \$1/day  
• No maximum

# PROGRAM FEES

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## PBT

\$2 – remains with Sheriff

\$.03 per PBT tube

\$1 – To AG

## UA

\$10.00 per test – Remains with testing agency.

## Drug Patch

\$40.00 per patch – Remains with testing agency.

# PROGRAM FEES

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SCRAM Fees –

\$40.00 Activation Fee – Paid to and remains with testing agency.

\$40.00 Deactivation Fee – Paid to and remains with testing agency.

\$6.00 Daily monitoring fee:

\$3.80 to Alcohol Monitoring Systems (AMS)

\$1.00 returned to testing agency (based on collections)

\$1.20 to AG's Office to operate program.

# APPLICABILITY- ALL CRIMES

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## Pre-trial

- Bond conditions

## Post conviction

- Conditions of suspended sentence

## Parole

- Parole Board imposed

## A & N Children

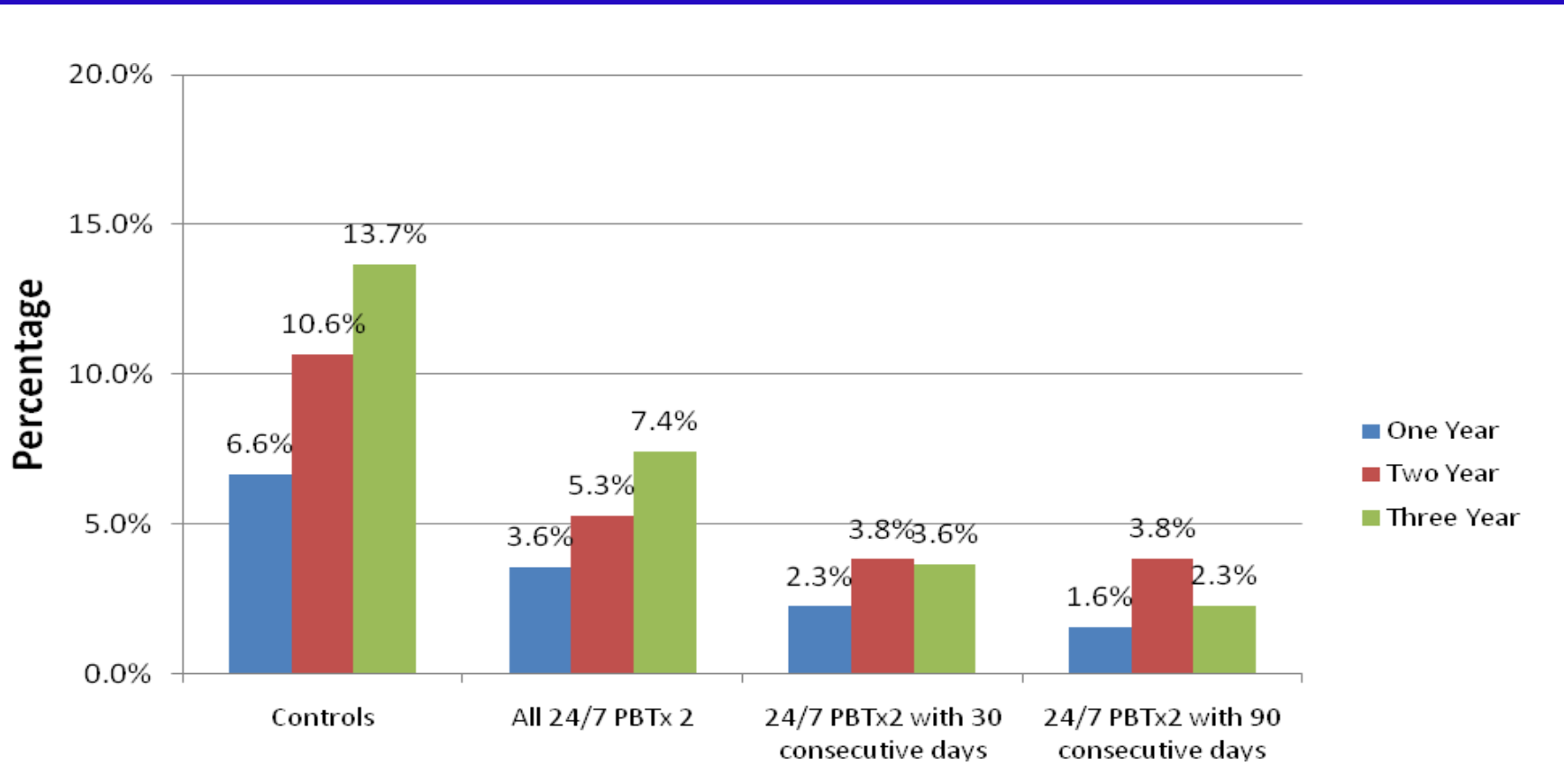
- Testing imposed upon adults in household as condition of return of children to homes

# 24/7 Program – Recidivism Analysis

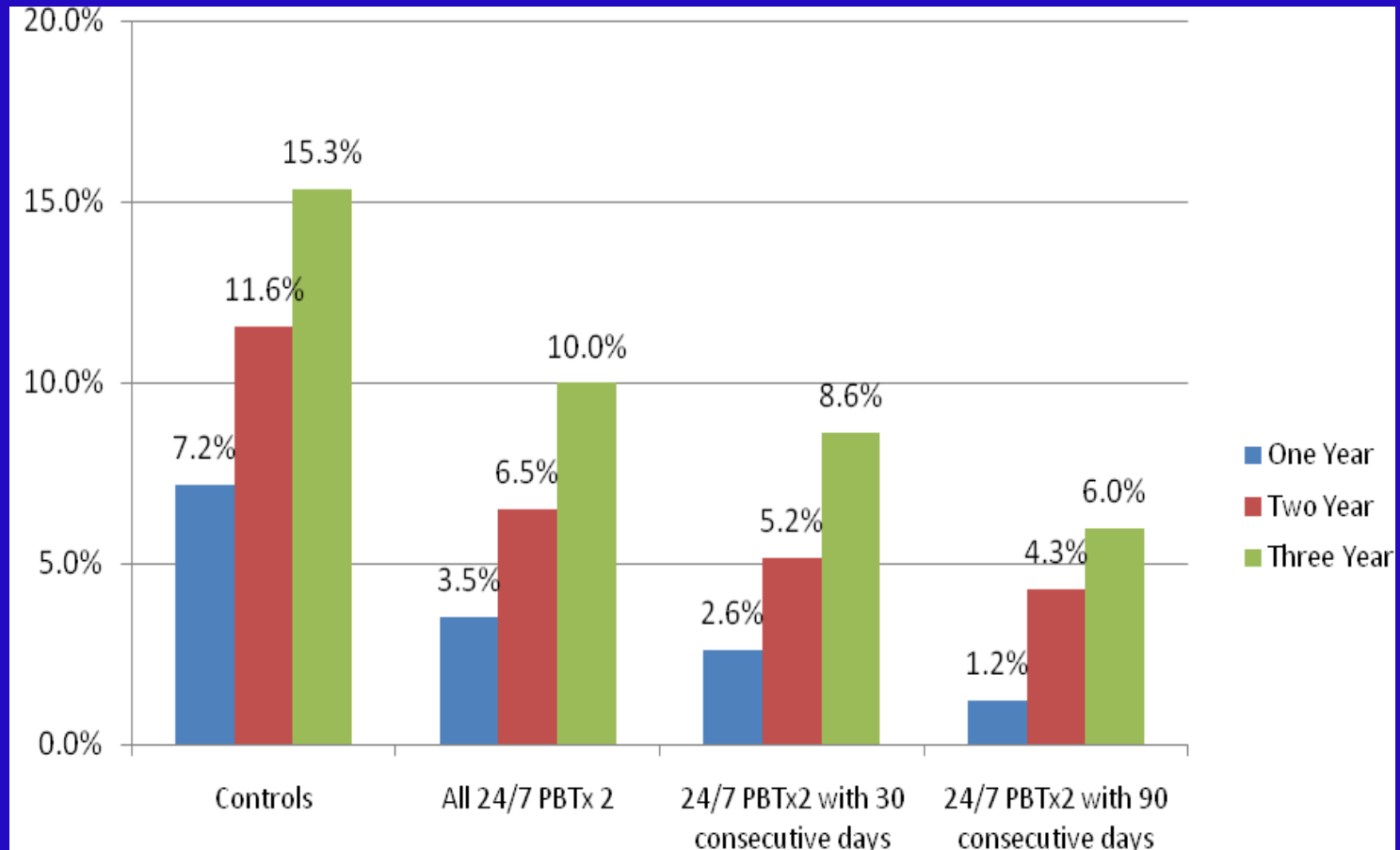
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- Compared to non 24/7 participants, arrest to arrest (next DUI offense) recidivism is substantially lower for 24/7 participants at 1, 2 and 3 years.
- Even lower rates are documented for individuals that have 30 and 90 days of consecutive twice a day testing on the program.

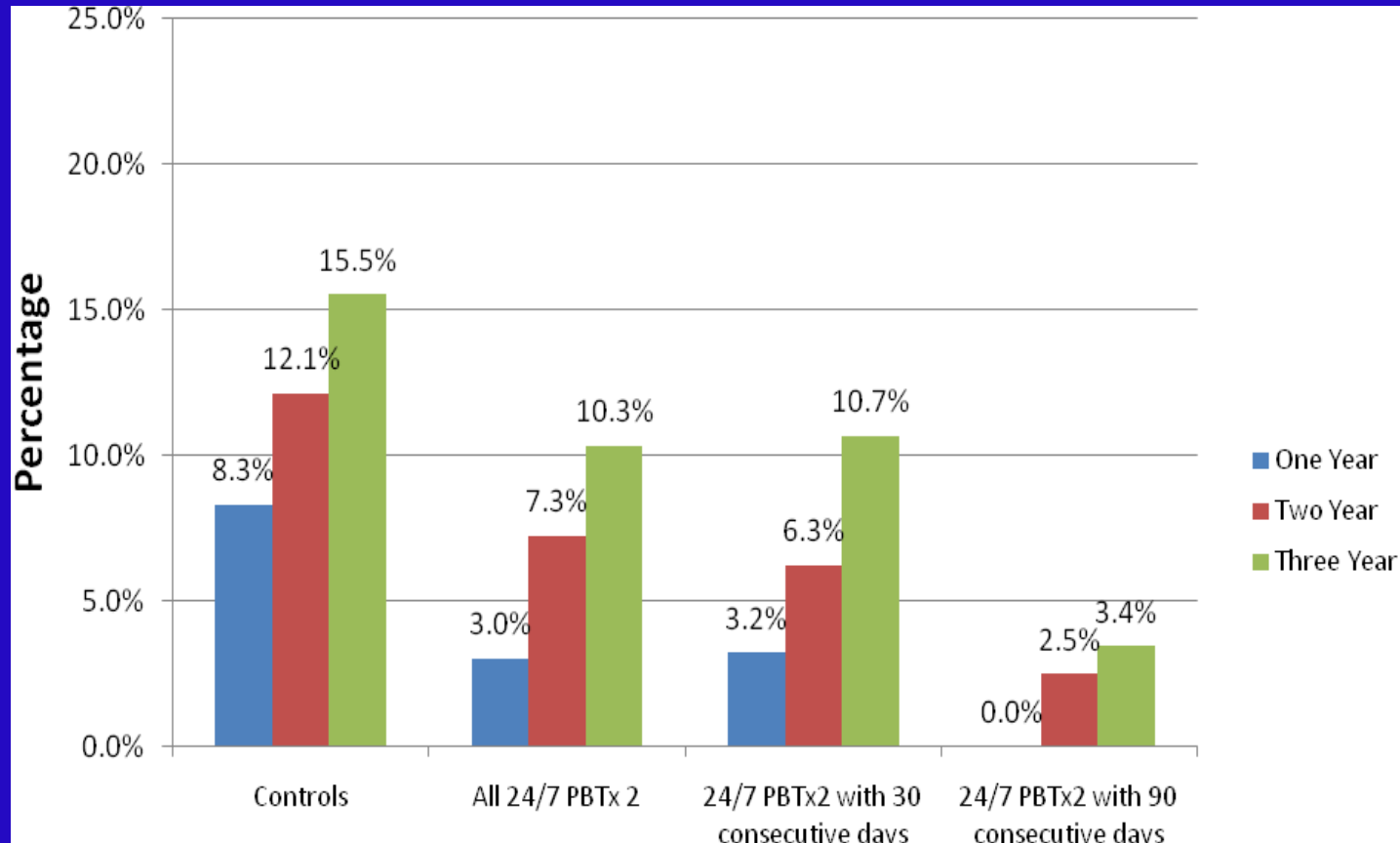
# Rearrest rates of 24/7 program participants compared to non participants for 2<sup>nd</sup> offense DUIs (Mountain Plains Evaluation, LLC)



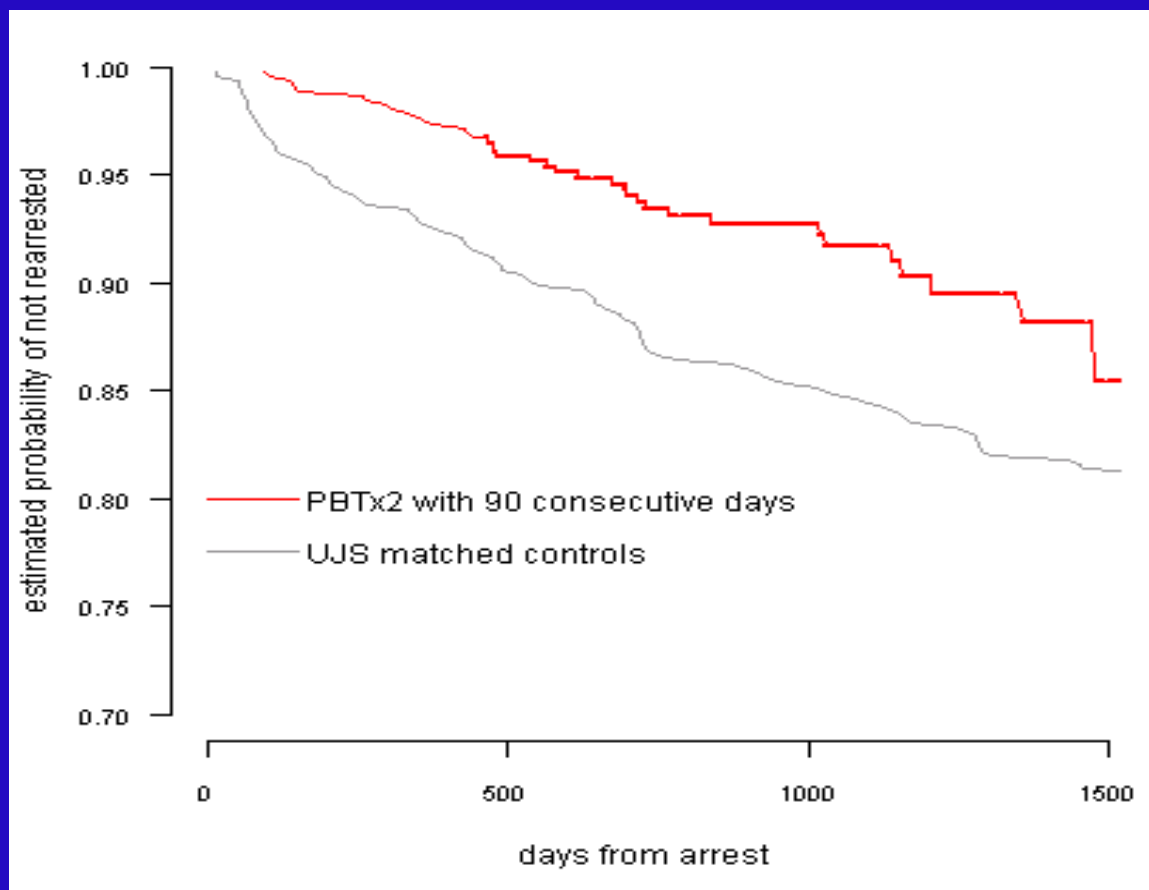
# Rearrest rates of 24/7 program participants compared to non participants for 3rd offense DUIs (Mountain Plains Evaluation, LLC)



# Rearrest rates of 24/7 program participants compared to non participants for 4th offense DUIs (Mountain Plains Evaluation, LLC)



# Survival Function Probability Curves for 24/7 Sobriety Program Participants Matched to Controls with at least One year of Exposure (Mountain Plains LLC 2011)



# 24/7 Program – What's Next


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Other technology

Immediate consequence

Pilot project regarding ignition interlock

# Web Log Reporter

LOGREPORTER

[Home](#) [Search](#) [Reports](#) [Remove Proxy](#) [Print](#) [Logout](#)

### Participant

<b>Name</b> New York Driver	<b>Customer ID</b> 88404	
<b>Address</b> 123 American Street, New York	<b>Drivers License #</b> XXXXXXXXXX	<b>Date of Birth</b> 06-01-61
<b>Install Date</b> 10-09-2010	<b>De-Install Date</b>	<b>Next Calibration Date</b> 11-08-2010

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### Vehicle

<b>Model</b> 2008 Chevy Truck	<b>Color</b> Black	<b>Vin #</b> XXXXXXXXXXXX
<b>State</b> NY	<b>County</b> New York	<b>Plate Number</b> XXXXXXXX
<b>Registered Owner</b> New York Driver		

### Device Usage

	Status	Config Dt	First Usage	Last Usage	Entries	Exceptions	
<a href="#">View Log</a>	Deployed	10-05-2010	10-01-2010		245	2	<a href="#">Exceptions</a>

CST Inc. | 10520 Hickman Rd., Ste F | Des Moines, IA 50325  
877-777-5020 | 515-331-7643 Email: cst2@cstinc.com Web: Intoxalock.com  
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## Exceptions for [REDACTED] ; Drivers License Number [REDACTED]

		Date	Time	Log Message
<a href="#">Details</a>	BAC Over Threshold	10-28-2010	6:51:38 AM	START-TEST FAIL BAC=.112 PK=454 BL=1 AT=18.0C BT=27.9C RV=50 T=9.69s
<a href="#">Details</a>	BAC Over Threshold	10-28-2010	6:59:47 AM	START-RETEST FAIL BAC=.120 PK=452 BL=2 AT=21.6C BT=29.3C RV=50 T=10.97s

## Exception Notes

Exception	Description
BAC Over Threshold	Participant's BAC detected as over the configured threshold of the interlock device

# Real-time Reporting










**Intoxalock** LOGREPORTER

Home Search Participant Reports Remove Proxy Print Logout

**Exceptions for** *Luiza, Joseph* ; Drivers License Number *272962885*

Reference Number: 411771  
Display Technical Entries?

1  View most recent entries first  View image thumbnails

	Log Date	Time	Log Message
 Details	10-28-2010	6:59:47 AM	START-RETEST FAIL BAC=.120 PK=452 BL=2 AT=21.6C BT=29.3C RV=50 T=10.97s
 Details		6:59:06 AM	- REJECTED - Early Suction MN=0 AN=0 Q1=0 HC=0 SC=0 Q2=0
 Details		6:59:06 AM	Invalid sample --- pressure
 Details		6:58:42 AM	Invalid sample --- No attempt made
 Details		6:58:19 AM	Invalid sample --- No attempt made
 Details		6:57:55 AM	Invalid sample --- No attempt made
 Details		6:57:32 AM	Invalid sample --- No attempt made
 Details		6:57:08 AM	Invalid sample --- No attempt made
 Details		6:51:38 AM	START-TEST FAIL BAC=.112 PK=454 BL=1 AT=18.0C BT=27.9C RV=50 T=9.69s

# Photo ID



# GPS Technology

**Intoxalock** LOGREPORTER

Home Search Participant Device Logs Remove Proxy Logout

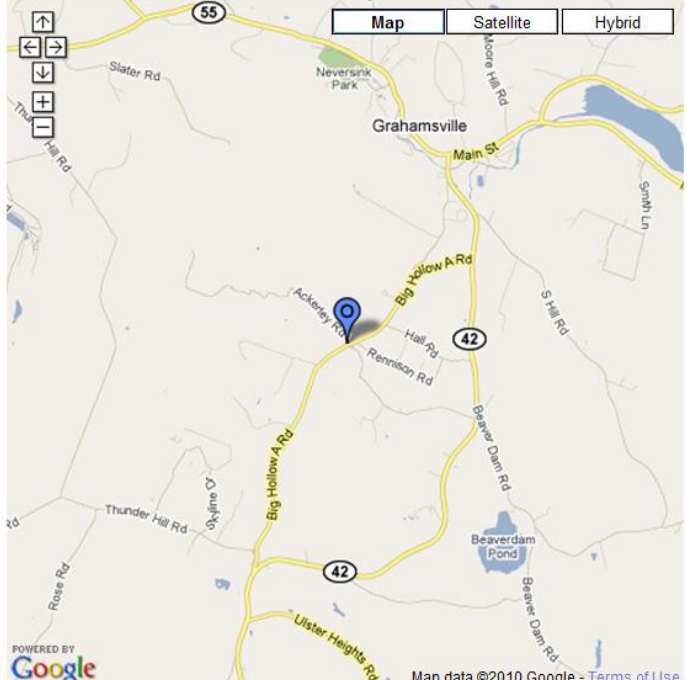
←

**License: Joseph ; Drivers License Number 275762005**

Reference Number: 411771

10-28-2010 6:58:42 AM Invalid sample --- No attempt made

Latitude: 41.82902 Heading:  
Longitude: -74.55694 Speed:





# 24/7 Program – What's Next

## DATA FOR: HIGHWAY SAFETY

Address: 2105 BUFFALO ST.

PIERRE, SD 57501

DOB: 00/00/00

Prob. Juris.: HUGHES

Prob. Officer: TOM DRAVELAND

Installed on: 9/29/09

Plate no.: 36EA89

Vehicle  
year:  
2004

Make:  
FORD

Model:  
CROWN  
VICTOR

Color:  
SILVER

Oct 15 2009 08:39 Rolling retest passed 0.000



Map

Oct 15 2009 08:28 Breath test passed 0.000



Map

Oct 14 2009 16:39 Breath test passed 0.000



Map

Oct 14 2009 13:49 Breath test passed 0.000



Map

Oct 13 2009 18:12 Rolling retest passed 0.000



Map

Oct 13 2009 18:06 Breath test passed 0.000



Map

Report View

Forward

Back

Return to Beginning

Summary Data

Failure Report

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[Map](#)

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# 24/7 Program – What's Next

## Interceptor Ignition Interlocks

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to Main  
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to Sign  
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### 30 Day Summary Report

From: 10/15/2009  
Thru: 9/29/2009  
For: Highway Safety

Breath Test Passes:	41
Breath Test Failures:	0
Rolling Retest Passes:	10
Rolling Retest Failures:	0

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# South Dakota 24/7 Sobriety Program



<http://atg.sd.gov/>