THE
24/7 SOBRIETY PROJECT
Origins

- Created by South Dakota
- Has existed since 2005
- Now in use in 57 of 66 South Dakota Counties
Defendant sobriety- 24/7 (NO ALCOHOL NO DRUGS NO BARS)

DUI 2 or more, post sentence probation any offense, prison parole any offense, social services, domestic violence, dependency treatment
24/7 Project Background

South Dakota Facts:
For decades alcohol and drugs have driven the criminal justice system
  40% of traffic fatalities were alcohol related
85% of prison populations in SD have an admitted alcohol or drug problem
  13% of prison population is Felony DUI
33% of all felonies are DUI Felony / Vehicular Battery / Vehicular Homicide
57% of all felonies are DUI and controlled substances
18% of persons convicted for DUI 1 get a second conviction for DUI 2
41% of all misdemeanor filings are DUI 1 and DUI 2
Montana Facts:

Similar issues with drugs and alcohol in Montana’s criminal justice system
40% of our traffic fatalities are alcohol related
93% of prison populations in MT have an admitted alcohol or drug problem
Alcohol is the drug of choice in 95 percent of those reporting a preference
12% of people under DOC supervision are there for Felony DUI
247 persons in prison, 1233 on parole
Approximately 23% of persons convicted for DUI 1 get a second conviction for DUI 2
9838 misdemeanor traffic filings were for DUI in 2008 (4.9%)
24/7 STATEMENT

PEOPLE WITH ADDICTIVE BEHAVIORS WILL NOT CHANGE UNLESS ALL THE ALTERNATIVES ARE WORSE

(IMMEDIATE CONSEQUENCES)
24/7 Sobriety Goals

The Goals:

“Keep them Sober” Requiring defendant sobriety - 24/7

Reduce the impact of alcohol related cases on incarceration rates (local and state)

Reduce drunk driving accidents and fatalities

Save taxpayers money

Treat the person not the symptom
SD BREATH TESTING RESULTS

June 1, 2009

• 11,956 PARTICIPANT SINCE FEB. 05
• 1871 ACTIVE PARTICIPANTS STATEWIDE
• ADMINISTERED 2,087,390 TWICE PER DAY TESTS
• 2,079,359 CLEAN TESTS FOR A PASS RATE OF 99.6%
• 8,031 TESTS FAILED
• 6,176 TIMES FAILED TO SHOW UP FOR A TEST
• 2 MILLION TESTS / 2 = 1,000,000 DAYS x $68 PER DAY COSTS = $60,000,000
  (*estimated SAVINGS ON JAIL FEES FOR LOCAL GOVERNMENT)
Changes in South Dakota Corrections and Highway Safety

**CORRECTIONS**
Inmate numbers have been steadily rising by 150 in the last 10 years. The last two years have shown a net decrease of 200. The Secretary of Corrections credits 24/7 as responsible for a significant portion of those numbers. "In the 28 years Warden Doug Weber has worked at the South Dakota state penitentiary, he’s never seen the inmate population go down, two years in a row. "It's positive, it's reassuring, and it's refreshing," he says. One reason for the decrease is that judges have more options, such as the 24/7 program for drunk drivers, before sending a criminal to prison."

WARDEN WEBER
07/22/08

**HIGHWAY SAFETY**
NHTSA is reporting SD had the largest percentage drop of alcohol related fatal crashes in the nation for the reporting period of 2006/2007/2008 (a 43% reduction). The national average was 3.7% drop.

SOURCE: TRAFFIC SAFETY FACTS (NHTSA)
VOLUME DOTHS811016
AUGUST 2008
Positive Change over time with greater participation

- Alc. Imp. MV Fatalities
- 24/7 Participants
BENEFITS

- Public is safer
- Family is safer
- Defendant will spend less time in jail
- Treatment prospects improve
- Participant’s employer happy
- ALMOST NO COST TO TAXPAYER
The State of Impaired Driving in Montana

- Rank first in the United States for the number of alcohol related fatalities per 100 million miles traveled.
- Rank first in the United States for the number of alcohol related deaths per 100,000 (13.0)
- 40% of all traffic fatalities involve alcohol
- 3rd highest in the United States.
Montana Drunk Driving Statistics

In Montana, the number of *drunk driving* deaths peaked in 1983, with 184. The *percentage* of total highway fatalities that were alcohol related peaked in 1985 with 69%. Since then, Montana has had an overall decline in both figures, with the lowest numbers reported in 1996. In 2006, out of all traffic fatalities, 40% involved a blood alcohol concentration (BAC) of 0.08 or higher.
Media Reports Tell The Story

Normally more than once a week the media reports an alcohol related crash somewhere in Montana.
Media Reports Tell The Story

Several times a week there are stories of people injured and/or arrested for alcohol offenses while driving.
Billings student struck by school bus in crosswalk; driver investigated for DUI

By Greg Tuttle - 09/26/2009

A Billings school bus driver is being investigated for drunken driving after a bus hit a 15-year-old West High student in a crosswalk Friday morning.

The driver, Timothy J. Whalen, 53, was released by Billings police after submitting to tests at the Yellowstone County jail's DUI processing center. Police did not release the results of the testing, but a school official said Whalen's blood-alcohol level was 0.18 percent, more than four times the legal limit of 0.04 percent for commercial drivers.
Media Reports Tell The Story

At least once a week there is a story in the newspaper about an offender receiving a 5th, 6th, 7th, 8th, 9th, or 10th DUI arrest.
To date alcohol was a factor in 70 fatality crashes in which 80 people lost their lives.

Beyond the statistics are stories behind each death.

After 30 years without a line of duty death the Montana Highway Patrol has lost three troopers to head-on crashes, two of which had an impaired driver behind the wheel of the opposing vehicle.
The tragedies cannot go unnoticed!

- Trooper Evan Schneider
- Age: 29
- Died in the line duty on August 27th, 2007
- Opposing driver later determined to have BAC of .16
The tragedies cannot go unnoticed!

- Trooper Mike Haynes
- Age 28
- Died in the line of duty on March 27, 2008 after collision with a wrong way drunk driver on March 23, 2008
- Opposing driver later determined to have a BAC of .18 plus a significant presence of marijuana.
Where Do We Go From Here

Colonel Mike Tooley initiated and spearheaded the development of Senate Joint Resolution 39 which mandates the study of all areas of impaired driving in Montana. Request for interim legislative study of DUI & DUID.
Struggles with effective DUI Law in Montana

- Montana law in this area has become a complex patchwork of statutes.

- **Causes for patchwork:**
  - Federal mandates.
  - Initiatives by legislators or task forces.
  - Case-specific circumstances
Struggles with effective DUI Law in Montana

CULTURE
1) A set of shared attitudes, values, goals, and practices that characterizes an institution or organization
2) A set of values, conventions, or social practices associated with a particular field, activity, or societal characteristic
   Accepted?
   Taught?
   Rewarded?
   Glamorized?
Changes Have To Be Made

- It is the duty of the Legislature to give law enforcement and the courts the ability to effectively protect the public from those who threaten our well being on public highways.

- The offenders must get into the system before they can get the help they need and changes can be made.
On May 7, 2010, Attorney General Steve Bullock launched a Montana pilot project with the backing of local, county and state law enforcement.

Program was run in Lewis and Clark County and the City of Helena which is also the State Capital.

In the first month there were 8 participants

194 twice a day breath tests were performed

There were 7 violations (6 failed tests and 1 no-show)

This equated to a 96.39% clean breath sample.
After 10 ½ months (May 7, 2010 to March 16, 2011) there are a total of 117 participants.

- 38 Active participants – Twice daily breath tests
- 10 Active participants – SCRAM
- 8 suspended due to treatment or in jail
- 51 Participants who have completed the program.

- 9,590 tests administered with 111 violations (32 failed tests, 75 no-shows and 4 SCRAM)
- 98.84% of the tests are clean.

- 1 participant started at inception and is still in the program.

Passed out of the House 93 – 3 in favor of the bill on January 31, 2011 and transferred to Senate.

Senate held first reading on HB 106 and it was referred to the Judiciary Committee on February 8.

March 4, 2011 – Committee took Executive Action – Bill concurred on a 12 – 0 vote.

April 4, 2011 – Completed second reading with a favorable vote 40-9 in the Senate. 3rd Reading is scheduled for today 4/5.

Looking for passage and a signature from the Governor by the end of next week for statewide implementation.
Thank You

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