

August 2010

## Central South Dakota STOP DUI Program

*By The Honorable Lori Wilbur, Circuit Court Judge, South Dakota*



The Central South Dakota Supervised Treatment Options Program for Driving under the Influence (STOP DUI) is a court-supervised,

comprehensive treatment program for felony DUI offenders. The mission of the voluntary program is to enhance public safety by providing a judicially supervised regimen of treatment to substance dependent offenders. The goal of STOP DUI is to protect the public and to improve the quality of life for participants, families, and the communities in which they live. STOP DUI utilizes the Ten Key Components of Drug Courts as well as the Ten Guiding Principles of DUI Courts as adopted by the National Drug Court Institute.

All participants are required to participate in the [South Dakota 24/7 Sobriety Project](#), which requires individuals enrolled in the program to either complete a breath test twice daily at local jail or wear a SCRAM Bracelet. In addition, participants are subject to random drug testing.

STOP DUI received grant funding in the past two years from the National Highway Traffic Safety Administration through the South Dakota Office of Highway Safety. The grant covers the cost of treatment, case management services, program management, and administrative assistance. At this time, because of grant

restrictions, participants are not required to pay treatment costs but are responsible for paying a portion of the costs of 24/7 Sobriety Program participation.

### Quick Facts

- Hughes and Stanley counties, central South Dakota
- Includes the state capital city of Pierre
- Program started February 2009
- Up to 15 individuals may participate
- Two judges share responsibility to attend staffing and court session each week
- Costs average less than \$10,000 per participant
- Program length is determined by participant's progress, but no less than 12 months
- Participants agree to refrain from using tobacco products while in the program
- Participants must be enrolled in the [South Dakota 24/7 Sobriety Program](#) while in the STOP DUI Program

### Entry Criteria

- Candidate must have felony level (3 or more convictions within 10 years) DUI convictions, but no more than 7 lifetime DUI convictions.
- Candidate cannot have any prior convictions or current offenses that are defined as violent.

- The current or prior DUI convictions cannot have included injury to someone other than the candidate (no vehicular battery or homicide).
- Candidate must demonstrate a willingness to accept responsibility for his or her addiction and criminal conduct.
- Candidate must have chemical dependence or abuse diagnosis.
- Candidate with current offense or criminal history which includes distribution or manufacturing of illegal drugs is not eligible for program.
- Candidate must be 18 years of age.
- Candidate must reside within 25 miles of the courthouse.
- Participants who volunteer for the program are sentenced to maximum penitentiary sentences<sup>1</sup>, which are suspended on condition of successful completion of STOP DUI.
- Incentives to reward participants for positive steps toward achieving sobriety include decrease in fines and fees, decreased court attendance, tokens, attaboys/girls in court sessions, and transit passes.
- Sanctions imposed for failing to follow program rules may include therapeutic sanctions, curfew, essays, presentations in court; observe court for a day; house arrest, jail, and termination.
- After a minimum of 12 months and successful completion of the phases, a participant may be eligible for graduation.

After two years of preparation, STOP DUI accepted its first participants in February 2009. As of May 2010, the program has had 19 participants. Four participants have been terminated.

### **Program Components**

- Participant must pass a legal screening, followed by risk/needs assessment and clinical screenings to determine eligibility for the program.
- The STOP DUI team consists of the judge, prosecuting attorney, defense attorney, court service officers, program coordinator, case manager, and treatment provider representatives.
- Once admitted to the STOP DUI program, participants move through a phased program similar to the drug court model of graduated incentives and sanctions.
- Two unique characteristics of STOP DUI are the mandatory participation in the 24/7 Sobriety Program and the requirement that participants refrain from usage of tobacco products.

Because of the infancy of the STOP DUI Program, no participant has completed or graduated to-date. Upon completion, the DUI conviction remains on the participant's record, but with the treatment and support received throughout the program, we expect the likelihood of re-offending to be greatly reduced.

For more information, contact Noreen Plumage, Program Director for the Central South Dakota STOP DUI Program.

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<sup>1</sup> Maximums: DUI 3rd offense, 2 years in penitentiary; DUI 4<sup>th</sup> offense 5 years; DUI 5th offense, 10 years.