



# NATIONAL PARTNERSHIP ON ALCOHOL MISUSE AND CRIME

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## South Dakota 24/7 Sobriety Project

*Changing Approaches and Achieving Results  
January 2009*

### **Introduction**

South Dakota's 24/7 Sobriety Project is one of the most progressive in the country. Conceived of and administered by Attorney General Larry Long, this award-winning program has reduced recidivism, cut jail and prison populations, and saved tax dollars by combining enhanced monitoring with real accountability.

### **History**

The impetus for the 24/7 Project began more than twenty years ago in Bennett County, a very rural area in South Dakota with a current population of 3,441. Two Indian reservations border Bennett County on three sides, and its high unemployment rate was matched only by its staggering level of alcohol consumption.

In the early 1980s, Bennett County's then-prosecutor Larry Long convinced his local judge to take a more aggressive approach to dealing with alcohol-related offenses, primarily drunk driving and domestic abuse. He required that offenders present themselves twice daily to the sheriff's office to demonstrate that they had not consumed alcohol by submitting to breath alcohol testing. Long convinced his local judge to immediately incarcerate anyone who failed to show up for a scheduled test or who tested positive. The implementation of this simple concept produced tangible results – hardcore alcoholics were able to maintain sobriety, and the jail population actually decreased.

In 2004, the newly-elected Attorney General Long was appointed by the Governor of South Dakota to a task force charged with examining incarceration rates in South Dakota. Long knew that alcohol misuse and drug-related offenses fueled much of the problem, which at the time was:

- Felony DUI (three or more offenses in ten years), vehicular homicide, and battery cases accounted for approximately 35% of all felony convictions in South Dakota
- Felony DUI offenses and felony drug offenses combined accounted for approximately 60% of the total felony convictions in South Dakota between 1996 and 2007
- Fifteen percent of the state prison population were DUI offenders
- A significant percentage of prison inmates had alcohol or drug misuse issues (87% of men and 91% of women sentenced to the South Dakota Penitentiary suffered from an alcohol and/or illegal drug dependency)

Long also recognized that, although judges frequently required repeat offenders to abstain from the use of alcohol as a condition of probation, no effective program existed to ensure compliance.

Long suggested that his program from Bennett County be implemented as a pilot project in three counties in South Dakota. He convinced the Circuit Court judges in those counties to require as a condition of bond that defendants totally abstain from the consumption of alcohol.

Every defendant arrested for a second or subsequent DUI offense was required to submit to a breath test between the hours of 7 a.m. to 9 a.m. and 7 p.m. and 9 p.m. at the local sheriff's office. The judges agreed to immediately revoke the bond of anyone who failed to show up for a scheduled test or whose PBT demonstrated that they had consumed alcohol. Over time, judges witnessed the success of the program and began utilizing it for domestic violence cases and drug offenses.

In 2007, the state legislature unanimously approved the formal creation of the 24/7 Sobriety Project. The statutes charged the Attorney General with the responsibility to coordinate efforts among the various state and local government entities for the purpose of finding and implementing alternatives to incarceration for certain DUI and other offenses involving alcohol, marijuana, or controlled substances. Authority was given to courts, the Department of Corrections, and the Board of Pardons and Paroles to utilize the program in a variety of ways. These statutes permitted courts to:

- Condition any bond or pre-trial release on the person's participation in the 24/7 Sobriety Project and payment of associated costs and expenses
- Condition the granting of a suspended imposition of sentence, suspended execution of sentence, or probation upon participation in the 24/7 Sobriety Project and payment of associated costs and expenses
- Require parents of abused or neglected children to participate in the program as a condition for their children to be placed back at home

They also authorized the Board of Pardons and Paroles, the Department of Corrections, or any parole agent to condition parole upon participation in the 24/7 Sobriety Project and payment of associated costs and expenses.

### **The Program**

Currently, the 24/7 Sobriety Project has been implemented in virtually every county in South Dakota. The program now utilizes a number of mechanisms to ensure both sobriety and abstinence from drugs. These mechanisms include twice-daily breath testing, SCRAM® (Secure Continuous Remote Alcohol Monitor) ankle bracelets that continuously monitor wearers for alcohol consumption, PharmChem drug patches that collect sweat samples for laboratory testing, and urine testing.

### **Program Results**

The 24/7 Sobriety Project is producing solid and impressive results. From an alcohol-related standpoint, to date over 1.5 million tests have been administered to nearly 11,000 defendants, who show up and blow a clean test 99.6% of the time. For SCRAM wearers, over 1,022 offenders have been monitored by the device with a 93% compliance rate (meaning that only 7% of participants had a confirmed drinking event while on the device). In addition, another 13% of participants attempted to tamper with the device, which was treated with equal importance as a drinking event and handled with a swift and certain response.

Since the program's inception in 2005, jail populations have decreased in most South Dakota counties, which is not only saving taxpayers about \$75/day per person, but is allowing offenders to maintain jobs, live with their families, and contribute positively to their communities. South Dakota is saving millions every year in costs of incarceration alone, as the program has helped reduce the daily jail population by almost 100 people in each of the state's two largest counties.

South Dakota's roadways are also safer. At the time the program was introduced, South Dakota had one of the highest DWI rates in the nation (21.6%) and nearly three-fourths of those involved in fatal crashes had a BAC of 0.15 or higher. From 2006 to 2007, alcohol-related traffic deaths in South Dakota declined by 33%, the highest decrease in the nation (NHTSA, 2008). In a year where the U.S. had a 4% decline in DUI fatalities, South Dakota outperformed every other state in its percentage reduction of DUI fatalities.

### **National Recognition**

The 24/7 Project won a Council of State Governments' 2008 Innovations Award. This award is given out each year, and highlights outstanding state programs that address a trend affecting the states and their future policies. Other states have expressed interest in implementing a similar program, and the North Dakota Attorney General's Office began a pilot of its own 24/7 Project in January 2008. A complete listing of the administrative rules, copies of forms, and program statistics can be found on the South Dakota Attorney General's website at:

[www.state.sd.us/attorney/DUI247/index.htm](http://www.state.sd.us/attorney/DUI247/index.htm).

### **Future Prospects**

Despite the program's successes, Attorney General Long continually strives for improvement. In late 2008, General Long began partnering with the National Partnership on Alcohol Misuse and Crime (NPAMC), to integrate screening, assessment, brief intervention, and treatment protocols for offenders with alcohol misuse, drug, and mental health issues. These protocols, based on evidence and consensus-based practices identified and incorporated by researchers and other model programs like DWI and drug courts, hold great promise and are expected to significantly enhance Long's program.