

North Dakota
Attorney General's Office

24/7



Attorney General Wayne Stenehjem

North Dakota

- North Dakota has been ranked as **the safest state** or in the **top five** safest states **every year** for the past 15 years.
 - In CY 2008, there were 4 murders committed in the state.

DUI Laws

- Misdemeanor Offenses
 - First DUI/APC = class B misdemeanor
 - Second DUI/APC = class B misdemeanor
 - Third DUI/APC = class A misdemeanor
 - Third offense w/in five years
 - Fourth DUI/APC = class A misdemeanor
 - Fourth offense w/in seven years
- Felony Offenses
 - Fifth and subsequent (w/in 7 yrs) = class C felony

DUI ARRESTS by County for 2009

Ranked Greatest to Least (Preliminary Figures)

County	DUI Arrests	County	DUI Arrests
Cass	1025	Towner	7
Burleigh	575	Foster	7
Grand Forks	437	Sargent	6
Ward	395	Adams	6
Morton	266	Cavalier	6
Ramsey	171	Bowman	5
Stark	145	Pierce	5
Stutsman	115	Griggs	5
Williams	114	McHenry	4
Richland	85	Emmons	4
Walsh	82	Logan	4
Barnes	80	Sheridan	2
Mountrail	62	Oliver	1
Pembina	46	Grant	1
Mercer	44	Billings	1
McLean	41	Bottineau	1
McKenzie	30	LaMoure	0
Traill	28	Slope	0
Rolette	21	Benson	0
Wells	16	Burke	0
Ransom	13	Hettinger	0
Eddy	12	Divide	*DNR
Nelson	12	Golden Valley	*DNR
Renville	12	Sioux	*DNR
Dickey	11	Steele	*DNR
McIntosh	9	Dunn	*DNR
Kidder	8		

*DNR – Did Not Report

2009 Total DUI/Arrest: 3919 (This total does not include Highway Patrol arrests)

DUI ARRESTS AND CONVICTIONS 2002-2009

	Arrests	Convictions
2002	4114	3993
2003	4982	4673
2004	5985	5132
2005	6101	5118
2006	5463	4601
2007	5175	4268
2008	6052	5114
2009	6609	5542

AGE GROUPS AND BAC OF DUI'S IN NORTH DAKOTA FOR 2009

<u>Age</u>	<u>Number</u>	<u>Percent</u>
14-17	16	.02%
18-20	331	5.00%
21-25	1637	24.8%
26-34	2001	30.3%
35+	2624	40.0%
<hr/>		
Total	6609	100.0%

<u>BAC</u>	<u>Number</u>	<u>Percent</u>
0-.17	2734	41.4%
.17+	1823	27.6%
Refused	947	14.3%
Not on File (NOF)	1105	16.7%
(Admin Hearing Skipped)		

PERCENT OF TRAFFIC FATALITIES THAT WERE ALCOHOL RELATED

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Alcohol Related Fatality/ Total Fatality	42/119	52/105	48/97	53/105	38/100	56/123	47/111	63/111	54/104	56/140
Totals	35.29%	49.52%	49.48%	50.48%	38%	45.33%	42.34%	56.76%	52%	40%

OTHER OFFENSES

	ND CC 12.1-17-02 Aggravated Assault	ND CC 12.1-22-02 Burglary	ND CC 39-08-01 Driving Under the Influence (DUI)	ND CC 12.1-24-01 Forgery/ Counterfeiting	ND CC 19-03.1-23 (6) Possn. Of Controlled Substance
2000-2009 (YTD)	1,734	3,060	31,564	2,749	11,355
Percentages	3%	6%	63%	5%	23%

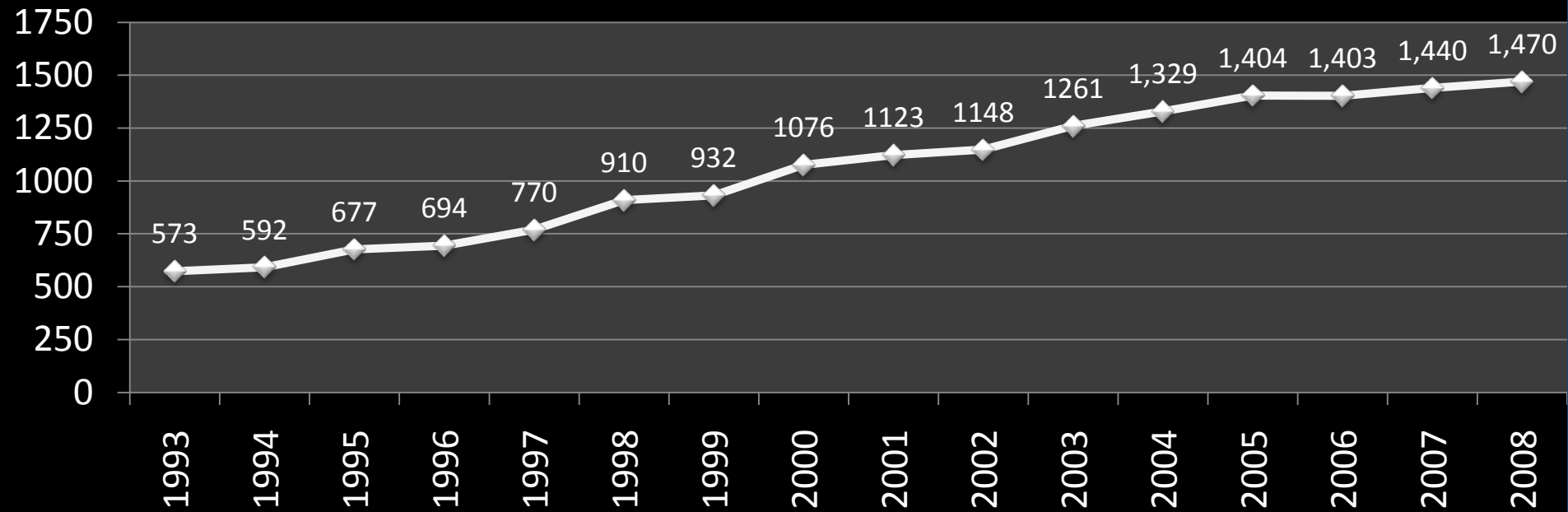
- Alcohol and/or Drug violations make up 86%

MISDEMEANOR/FELONY PRISON ADMISSIONS

	2006	2007	2008	2009 <small>1/01/09-09/30/09</small>
Aggravated Assault	47	49	71	31
Actual Physical Control Misdemeanor	2	1	4	2
Actual Physical Control Felony	1	0	0	0
DUI Misdemeanor	26	16	24	10
DUI Felony	14	20	22	7

DOC Prison Population

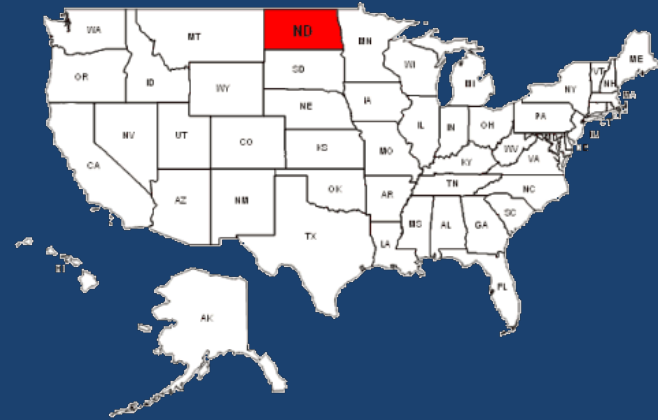
Inmate Count on Dec 31



THE BIG PICTURE: ALCOHOL AND CRIME

THE NATIONAL PROBLEM

- 1.5 million DUI arrests each year
 - 66% first time
 - 33% repeat offenders
- 700,000 DUI convictions
- 16,885 alcohol-related fatalities ('05)
- 39% of all traffic deaths involved alcohol
- 75% of all domestic violence offenses
- \$32.5 billion a year lost/spent on alcohol- related crime

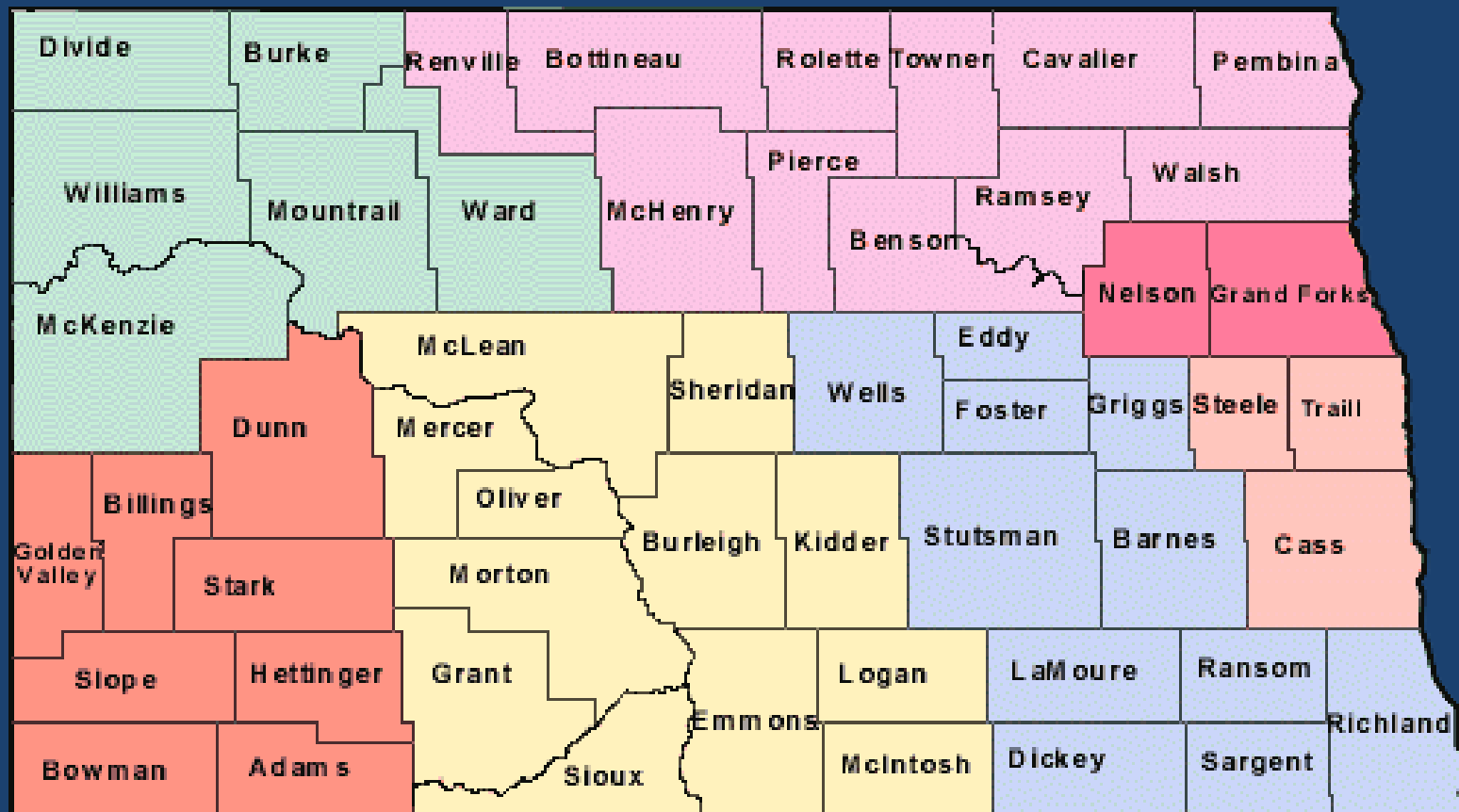


DUI in North Dakota			
	1 st DUI	2 nd DUI	5 th DUI (felony offense)
2003	3,428	1,101	45 1% overall
2004	4,314	1,225	50 1% overall
2005	2,605	2,478	75 1% overall
2006	3,547	1,390	35 1% overall
2007	3,286	1,398	41 1% overall
2008	4,564	1,400	36 1% overall
2009	3,353	1,162	35 1% overall

ABOUT THE PROGRAM

Pilot Program

12 Counties in the South Central Judicial District



North Dakota's 24/7 Sobriety Program



1/1/08 - Present

COUNTY/LOCATION OF TESTING

*includes both current *and* discharged participants

Testing County	Participants	Percent
Barnes	0	0.0%
Benson	0	0.0%
Bottineau	0	0.0%
Burke	0	0.0%
Burleigh	339	52.0%
Cass County Jail	7	1.0%
Cavalier	2	0.5%
Dickey	0	0.0%
Divide	0	0.0%
Eddy	0	0.0%
Emmons	1	0.5%
Foster	0	0.0%
Grand Forks Co CC	80	12.0%
Grant	0	0.0%
Griggs	0	0.0%
Kidder	5	1.0%
Lake Region	12	2.0%
LaMoure	0	0.0%
Logan	6	1.0%
McHenry	0	0%
McIntosh	7	1.0%
McKenzie	0	0.0%
McLean	19	3.0%

Testing County	Participants	Percent
Mercer	21	3.0%
Morton	135	21.0%
Mountrail	0	0.0%
Nelson	0	0.0%
Oliver	2	0.5%
Pembina	0	0.0%
Pierce	0	0.0%
Ransom	0	0.0%
Renville	0	0.0%
Richland	0	0.0%
Rolette	0	0.0%
Sargent	0	0.0%
Sheridan	4	0.5%
Sioux	0	0.0%
Steele	0	0.0%
Stutsman	0	0.0%
Towner	0	0.0%
Traill	4	0.5%
Walsh	0	0.0%
Ward	11	2.0%
Wells	0	0.0%
Williams	0	0.0%
Total	655	100%

ABOUT THE PROGRAM

- *DUI-alcohol and controlled substances; Domestic violence; Abuse or neglect of a child; other offenses involving alcohol or controlled substances
- *Bond Condition; Pretrial Condition; Post conviction requirement
- *Court Mandated
- *Monitored: Intoxilyzer Twice per Day
 - Remote Electronic Alcohol Monitoring Bracelet
 - Urine/Drug testing

GOAL:

- Defendant sobriety - 24/7
- Target group
 - = anyone arrested for DUI (alcohol or drugs) with prior conviction in the last 10 years
 - = anyone arrested for controlled substance abuse.
 - = anyone arrested for abuse or neglect of a child
 - = anyone arrested for a crime involving alcohol/controlled substance
 - = anyone on parole or probation involved in a crime listed above (intermediate measure)

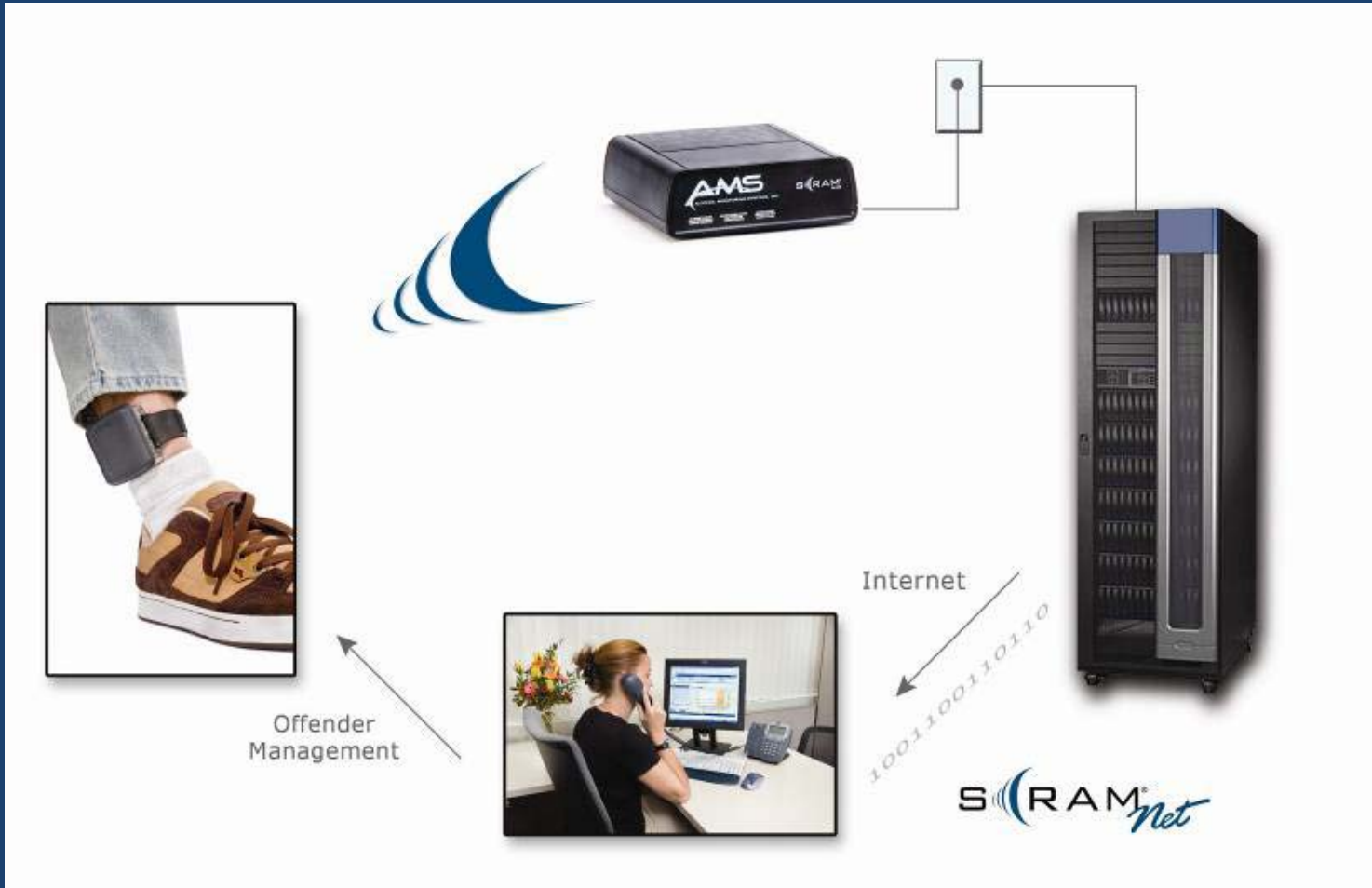
PROGRAM CONDITIONS

- No alcohol
- No bars
- Breath test - 7 a.m. and 7 p.m. or,
- Electronic Monitoring;
- Random U/A or Drug Patch test;
- Defendant pays for the program;
- If you skip or fail, **you go to jail**;
- Does NOT replace any treatment component.

BENEFITS

- Parents, Spouses, and Children are safer
- Public is safer
- Defendant will spend less time in jail
- Treatment prospects improve
- Defendant's employer happy
- ALMOST NO COST TO TAXPAYER

SCRAM System



SCRAM STATS

January 1, 2008 through June, 15th 2010

- 73 participants
- 4,970 total monitoring days for an average of 68 days per participant
- 58 were fully compliant during monitoring period 79.45%
- 15 non-compliant clients 20.55%
- 4 clients had a total of 5 confirmed drinking events 5.48%
- 11 clients had a total of 26 confirmed tampers 15.07%
- 0 clients had both confirmed drinking and tamper events

APPLICABILITY – ALL CRIMES

1. Pre-trial

- Bond conditions

2. Parole

- Parole Board imposed

3. Probation (supervised and unsupervised)

- Intermediate Measure

4. Post conviction

- Conditions of sentence

Current Numbers/Statistics

- As of 06/15/10
 - 655 total participants
 - 98 active
 - 424 graduated
 - 102 failed
 - 31 re-offended

Current Numbers/Statistics

- Present and Successful PBT tests versus No shows and failed PBT tests
- 98.5 % Success rate

Total PBT tests: 45,997

- Present and Successful PBT tests: 44,259
- No Shows and Failed PBT tests: 629
 - 279 failed tests; 350 no shows

Current Numbers/Statistics

- SCRAM Bracelets available to BCI= 104

Why 24/7?

- For years, we have tried to stop repeat DUI offenders from **driving** – and it doesn't work. The 24/7 program stops them from **drinking**.
- Over **98%** of the individuals who are placed on the 24/7 Sobriety Program successfully complete it. In other words, **they don't drink, and they don't drink and drive!**