

South Dakota 24/7 Sobriety Project

*Successful Statewide Initiative Targets Alcohol Abuse
by Utilizing SCRAM as Critical Program Component*

“SCRAM has proven to be a vital supplement to the South Dakota 24/7 Sobriety Project.

It offers an effective testing alternative, particularly for offenders who live a significant distance from testing centers or are challenged to balance their work schedules with required testing schedules.”

- Larry Long, Attorney General,
State of South Dakota





Program History

South Dakota is a predominately rural state that is best known for its extraordinary mountain sculptures of Mount Rushmore and Crazy Horse Memorial, as well as the Lewis and Clark Trail and a rich Native American heritage. But South Dakota is also becoming increasingly recognized for its innovative and highly effective program to eliminate drunk driving, decrease jail populations, and keep repeat alcohol offenders sober on a 24/7 basis.

In February 2005, the Office of the Attorney General – based in the capitol city of Pierre – launched a pilot of the South Dakota 24/7 Sobriety Project in several counties. Since then, the program has gained tremendous momentum and is now operational across about 90% of the state. The initiative for this project, however, began more than twenty years ago with the State’s Attorney General, Larry Long.

In the mid-1980s, Long was local prosecutor in Bennett County, the county where he grew up that, at the time, had a population of about 3,000 people with a third being Native American. “Two Indian reservations bordered the county on three sides,” explains Long. “Unemployment and poverty dominated the lives of the tribal members, and alcoholism was a way of life in Bennett County.”

Long says that he kept seeing the same offenders repeatedly being sentenced and released from jail. “I went to school with many of these people,” he adds. The county had 100+ DUIs in a year – mostly by repeat offenders – and domestic violence was also a significant issue. “Back then, Bennett County was not big on treatment,” says Long. “We couldn’t keep them sober unless we kept them locked up. But that was not a realistic option.”

Long and the local sheriff had an idea to help alleviate the situation, especially since jail costs were then running about \$60/day. As condition of bond – and until their cases were resolved – offenders would come in twice a day, seven days a week (such as 7:00 am and 7:00 pm or a similar 12-hour span), and submit to a breath test. “If they blew hot, they were walked across the hall to the county jail,” explains Long. “If they didn’t show up – they would get a day or two in jail. We let them know we were serious. We weren’t sure how this program would work, but we were desperate to find something that worked better than the status quo.”

Long began his twice-daily testing project in 1985, and soon found that people not only showed up when they were supposed to, but most of them blew clean tests. “These were practiced drinkers who usually drank every day,” says Long. “The program was very successful. We had people lined up at the door every morning. We found that our DUI and domestic violence rates started coming down very quickly, and stayed down.”

The State Pilot

Long moved to Pierre in 1991, after his friend won the Attorney General race and he was appointed as Chief Deputy for the State. Eleven years later, Long ran for the Attorney General position and won in November 2002.

In 2003, South Dakota’s new governor appointed a task force that was charged with developing a solution for the State’s growing prison population and reducing the number of people in the Department of Corrections (DOC). At the time, a large percentage of inmates had been incarcerated for alcohol-related crimes, and one in eight was in the system for felony DUI (three or more convictions in ten years). In addition, 75-80% of the people in the DOC admitted to having an alcohol addiction. Long, who was on this committee, was familiar with this situation because of his experiences in Bennett County. “The percentage doesn’t vary much throughout the state,” he says.

While serving on the governor’s task force, Long told the judges on the committee about his sobriety project in Bennett County and how well it worked. He got the endorsement of judges in the two main counties – Minnehaha and Pennington. “I asked them to try implementing this program in their counties for six months to humor me,” Long laughs, “and they finally agreed to it.”

It took a year for Long’s project to obtain grant money, but he finally received NHTSA funding for administrator salaries and breathalyzer equipment. They also added a third jurisdiction – Tripp County – to the program.

The three-county pilot of the South Dakota 24/7 Sobriety Project began in February 2005. The program ran in three centers, and software was developed to track the results of each offender’s test data. Criteria for program inclusion were having one or more DUIs within the last ten years. Like in Bennett County, offenders were in the program from the time they posted bond until their case was resolved – and they

***“You keep them (offenders) working at their jobs, you require that they have a job, you know that they’re not going to be on the road driving drunk because you’re checking them every 12 hours or, in the case of the SCRAM bracelets, all the time.*”**

If you can get them dried out, if you can get them sobered up and in a program like this, you might put them on the first step toward recovery. They have to take a look at whether they can actually handle alcohol.”

*- Governor Mike Rounds,
State of South Dakota*

had to submit to two breath tests a day, seven days a week. Some judges tacked on more time as a condition of probation. “We had the same criteria – if they skipped or failed a test, they went to jail,” explains Long. “It’s swift and certain punishment that not only shows we’re serious, but that we care enough about the person to keep him or her sober.”

Judges in Sioux Falls and Rapid City saw huge benefits in the results and, through word of mouth, the program began expanding into other counties. By January 2007, the 24/7 Sobriety Project was operational in 12 counties and 1,021 offenders had completed the pre-trial portion of the program. For an average length of 111 days, they were tested over 160,000 times with a success rate of 99.3%. In total, 670 offenders were program compliant by appearing for every test on time and consistently blowing a clean test. Most of this twice-daily testing was done at the county jails to reinforce the “swift and certain” sanction.

SCRAM Joins the 24/7 Program

In early 2007, it became apparent that, in order for the South Dakota 24/7 Sobriety Project to grow statewide, there had to be another way to address specific challenges inherent to the state’s demographics. Half of the counties in South Dakota are very rural, and many of the smaller ones do not have a local jail or sufficient personnel to administer the breath tests. This means that the nearest test site could be up to 50 miles away, so some offenders would have to drive a significant distance twice a day to be tested. “It takes 20 to 30 users to make it financially feasible to have a test site,” explains Long. Also, some offenders had unusual employment responsibilities that made attendance at the regular testing times very difficult.

Long first became aware of SCRAM® (Secure Continuous Remote Alcohol Monitor) in April 2006, and saw it as a way to address these issues. “Because SCRAM tests offenders remotely – and every half hour around the clock – we saw it as an excellent addition to our program,” says Long. “When we first became aware of SCRAM, we tested it ourselves and it worked great. The charts came out just like we expected.” Long received an initial grant from NHTSA to purchase 100 SCRAM bracelets, and procured the first 50 in November 2006 and the next 50 in January 2007.

Long explains that “SCRAM fills a huge need in our program. For people who live really a challenging distance from a test site, we can put a bracelet on them and that saves a lot of headaches, time, and gas.” He adds that, in rural areas where sheriffs might not have enough staff to man a test site, the bracelets keep the program in operation.

In early 2007, HB 1072 was passed that formally created a statewide 24/7 Sobriety Program. This bill not only established the program parameters, but also appropriated \$345,000 in funding to help expand it statewide. The bill included provisions for staffing, Intoxilyzer machines, tubes, and SCRAM bracelets, as well as urinalysis tools for drug testing. Additional language was added to the bill to test caregivers who have alcohol issues or domestic violence charges to prove sobriety in order to regain custody of their children. With the passing of HB 1072, an additional 260 SCRAM bracelets were added to the program’s inventory – bringing the total to 360.

Offenders who wear SCRAM as part of the program pay \$5/day for their monitoring. “In reality, that’s a bargain because they were typically spending three times that per day on alcohol,” says Bill Mickelson, the State 24/7 Project Coordinator.

Long and his team also received an additional \$38,000 in contributions from alcohol companies to establish an indigent fund to help pay the daily monitoring fees and testing costs for those who can’t afford to pay or are delinquent in payment. Currently, about 10-12% of the offenders in the program who wear SCRAM have their fees waived or are delinquent in payment.

“The 24/7 program, especially with the increased availability of the SCRAM bracelet, is an important tool for the courts to use in holding defendants accountable for their actions. Research shows the more days of sobriety a defendant has, the more likely the defendant will be able to maintain sobriety.”

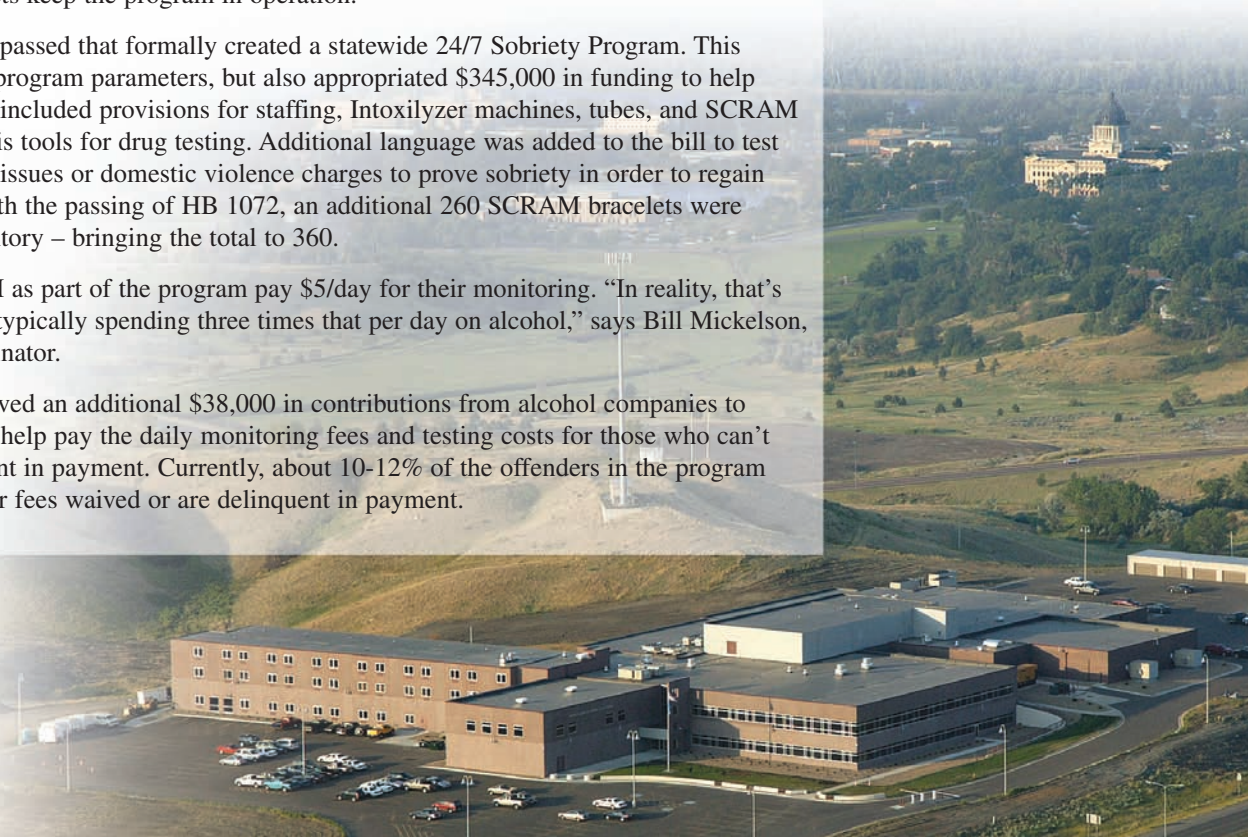
- The Honorable Judge Lori Wilbur, 6th Judicial District, State of South Dakota

SCRAM Statistics (November 2006 - April 2008):

- 490 offenders monitored
- Average duration – 80 days
- 83% of people on SCRAM are program compliant

Overall 24/7 Sobriety Project Results:

- Decreasing jail populations
- Making roadways safer
- Keeping offenders sober
- Saving the state and taxpayers money



With the funding provided by HB 1072 – and fueled through word of mouth – the South Dakota 24/7 Sobriety Project continued its explosive growth across the state. In February 2008, HB 1067 passed unanimously that provided an additional \$400,000 in project funding. Long used this money to purchase an additional 300 SCRAM bracelets, bringing his current inventory close to 700 bracelets. “Before we received this funding, we had a waiting list that was approaching 100 offenders,” he says. “As our program grew, so did our need for more SCRAM bracelets.”

Program Results

The 24/7 Project is now operational in 57 of the State’s 66 counties. Those that aren’t part of the program are either very small or rural, or are on Indian reservations that have their own court and government systems.

Since the program’s inception in 2005, the results have been nothing short of phenomenal. Jail populations have decreased in most counties, which is not only saving the taxpayers about \$75/day, but is allowing offenders to maintain jobs, live with their families, and contribute positively to their communities.

Explains Mickelson, “To date, if we were to approximate how much money the 24/7 Sobriety Project has saved both our state budget and our taxpayers – in terms of incarceration costs – it would be somewhere in the millions of dollars. Our program has so far kept nearly 100 people per day out of jail in each of our two largest counties.”

South Dakota’s roadways are also safer. “If you quit drinking first, you’ll quit drinking and driving,” Long explains. “In March 2008, we surpassed having 1 million tests administered to over 6,000 defendants. We kept those drivers sober for 500,000 testing days, where they might otherwise have been out on our roads driving drunk.”

In conclusion, Long says that, “SCRAM has proven to be a vital supplement to the South Dakota 24/7 Sobriety Project. To date, more than 80 percent of the participants wearing SCRAM have remained sober and compliant with our program’s requirements. Some offenders give us credit for helping save their lives. Last Christmas, one wall of the Minnehaha County test site displayed cards from offenders, and many who have graduated from our program still stay in touch.”

“The public is not interested in part-time sobriety. With the investments that have been made into this program – both in technology and people – that’s what has made it successful.”

*- Bill Mickelson,
State 24/7
Project Coordinator*

We see SCRAM as a supplement to treatment – not a substitute. It’s very important for them to get sober before, during, and after they receive treatment. SCRAM helps accomplish that.”

*- Larry Long,
Attorney General,
State of South Dakota*



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