

24/7 SOBRIETY

OFFICE OF  
ATTORNEY GENERAL  
LARRY LONG



# DUI FELONIES FY 99- FY06

	32-23-4 DW13*	32-23-4.6 DW14*	22-16-42 Vehicular Battery	22-16-41 Vehicular Homicide	TOTALS
FY99 FY06 Convictions	5,853	1,258	132	71	7,314

FY99-FY06	ALL FELONY CONVICTIONS	21,724
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**DUI FELONIES** were 32.7% of all felony convictions

# OTHER FELONIES

	22-42-5 Possn. of Cont. Subst.	22-30A- 17(1) Grand Theft	22-39-36 Forgery	22-32-8 3 <sup>rd</sup> Degree Burglary	22-18-1.1 Aggravated Assault
FY99-FY06 Convictions	5,918	3,337	1,651	1,362	1,104
FY99-FY06 Percentage	27.2%	15.3%	7.5%	6.2%	5.1%

DUI and controlled substances felonies total 59.9%

12.5% of state prison population are DUI felonies

# TOTAL CLASS 1 MISDEMEANOR FILINGS

	Total Class 1 Misdemeanor Filings	DUI 1 DUI 2	DUI % of total filings
<b>FY06</b>	24,064	12,346	51%
<b>FY05</b>	22,094	11,255	50%
<b>FY04</b>	20,542	8,004	39%
<b>FY03</b>	20,107	7962	40%
<b>FY02</b>	19,502	7119	37%
<b>FY01</b>	20,732	8360	40%
<b>FY00</b>	21,388	8781	41%

# DUI CLASS 1 MISDEMEANORS

		DUI 1	DUI 2	TOTAL	% of DUI with 2 <sup>nd</sup> offense
FY06	Charges	9850	2496	12,346	20%
	Convictions	7304	1416	8,720	
FY05	Charges	9097	2158	11,255	19%
	Convictions	6918	1294	8,212	
FY04	Charges	6,559	1,405	7,964	18%
	Convictions	5,537	1,198	6,735	
FY03	Charges	6,700	1,262	7,962	17%
	Convictions	5,517	1,105	6,622	
FY02	Charges	5,863	1,256	7,119	18%
	Convictions	4,847	1,074	5,921	
FY01	Charges	7,001	1,359	8,360	17%
	Convictions	5,770	1,146	6,916	
FY00	Charges	7,456	1,325	8,781	15%
	Convictions	6,093	1,079	7,172	
FY00-06	Charges	52,526	11,261	63,787	18%
	Convictions	41,986	8,312	50,298	

# GOAL

- Defendant sobriety- 24/7
- Target group- anyone arrested for DUI with prior conviction in last 10 years

# BOND CONDITIONS

- No alcohol
- No bars
- Breath test- 7am and 7pm
- If you skip or fail **you go to jail**

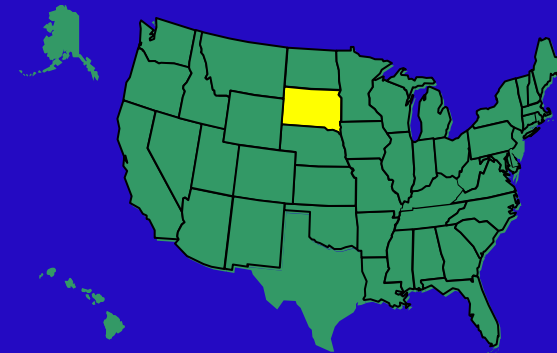
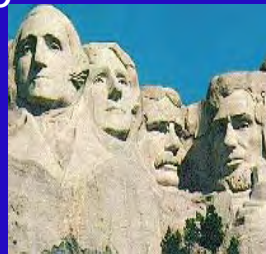
# BENEFITS

- Mom and kids are safer
- Public is safer
- Defendant will spend less time in jail
- Treatment prospects improve
- Defendant's employer happy
- **ALMOST NO COST TO TAXPAYER**

# 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



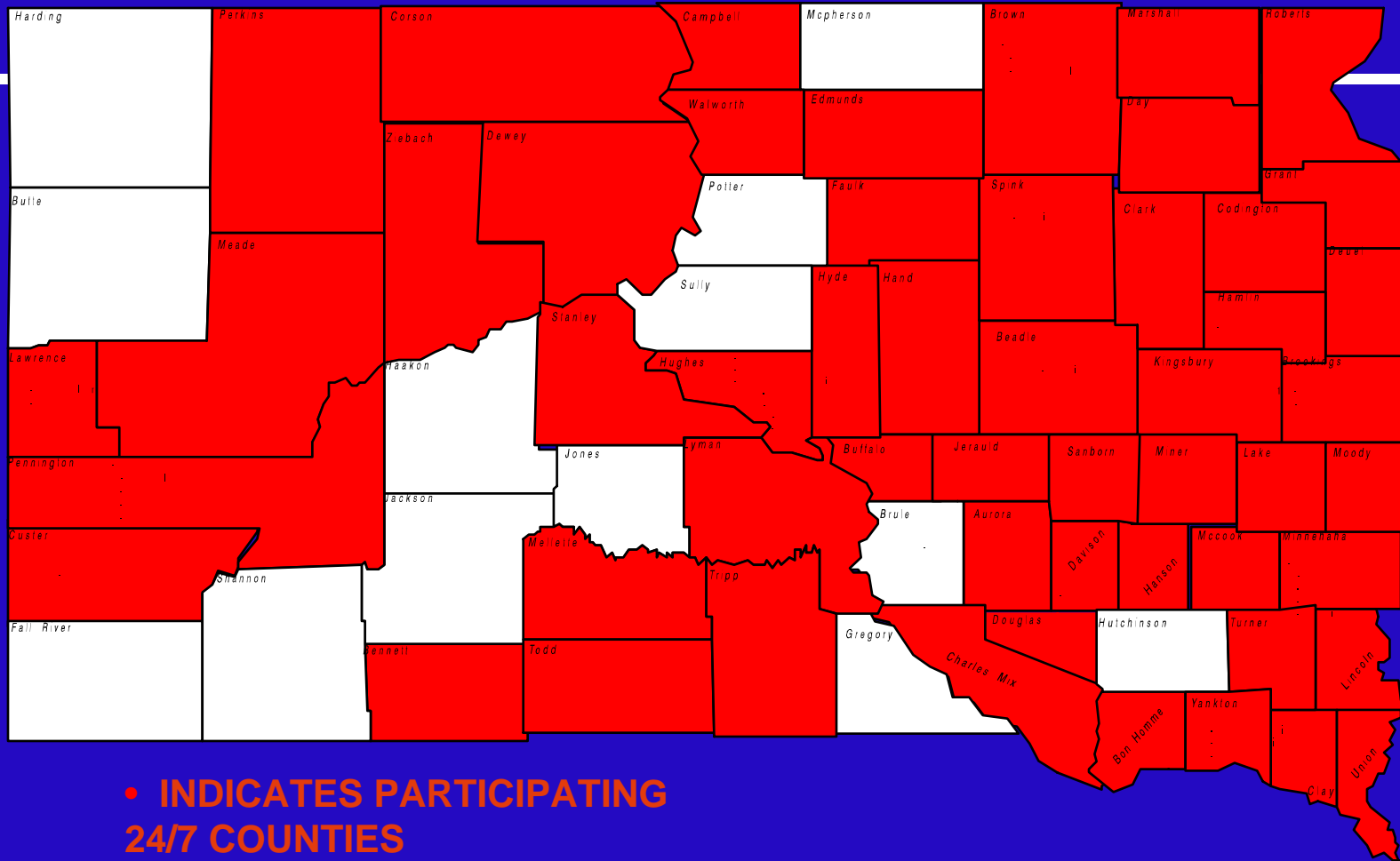
## DUI in South Dakota

- 6,735 DUI 1 & 2 convictions ('04)
- 43% of all traffic deaths include alcohol ('05)
- 32.4% of all felony convictions are for DUI

## The Dollars:

- Alcohol is a factor in 34% of South Dakota crash costs
- SD alcohol-involved crashes: \$400 million/year
- 18% of South Dakota auto insurance payments

# 24/7 SOBRIETY PROJECT



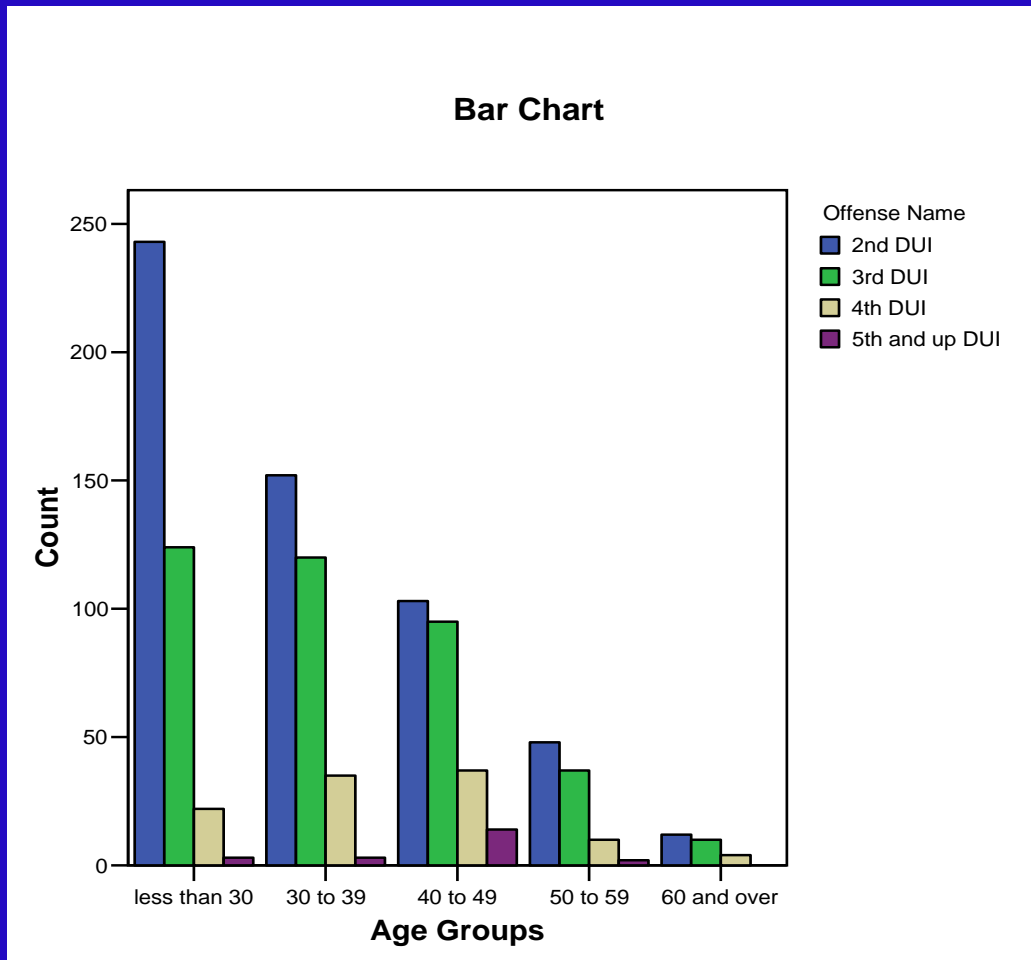
Last Update:  
09/18/2007

# COUNTY/ LOCATION OF TESTING

Testing County	Frequency *	Percent	Valid %	Cumulative %
Bennett	12	1.1	1.1	1.1
Brookings	22	2.0	2.0	3.2
Brown	180	16.8	16.8	19.9
Clay	5	.5	.5	20.4
Hughes	76	7.1	7.1	27.5
Lincoln	4	.4	.4	27.8
Mellette	20	1.9	1.9	29.7
Minnehaha	356	33.1	33.1	62.8
Pennington	328	30.5	30.5	93.4
Spink	9	.8	.8	94.2
Tripp	27	2.5	2.5	96.7
Union	1	.1	.1	96.8
Walworth	7	.7	.7	97.5
Yankton	27	2.5	2.5	100.0
<b>TOTAL</b>	<b>1074</b>	<b>100.0</b>	<b>100.0</b>	

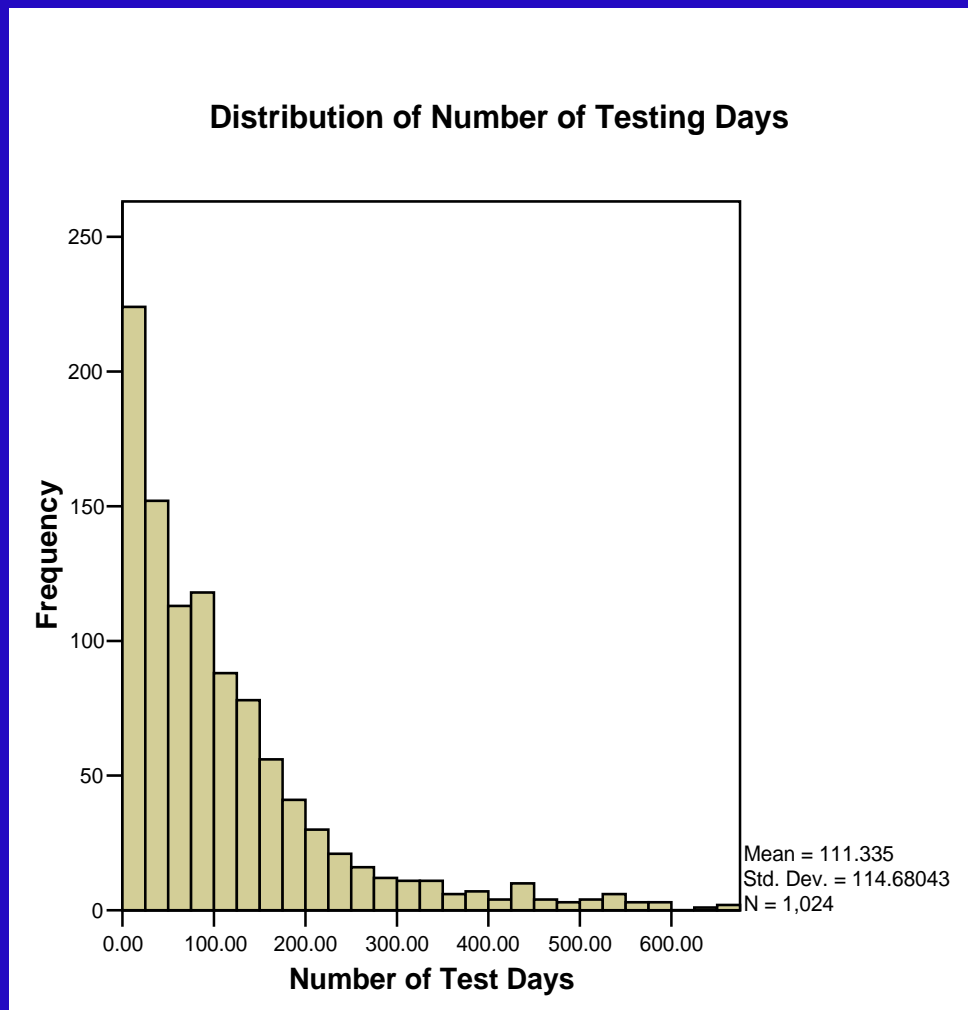
\*Includes both current and discharged participants

# AGE GROUPS/ OFFENSES



48% of program participants have 3 or more DUI Offenses

# NUMBER OF TESTING DAYS



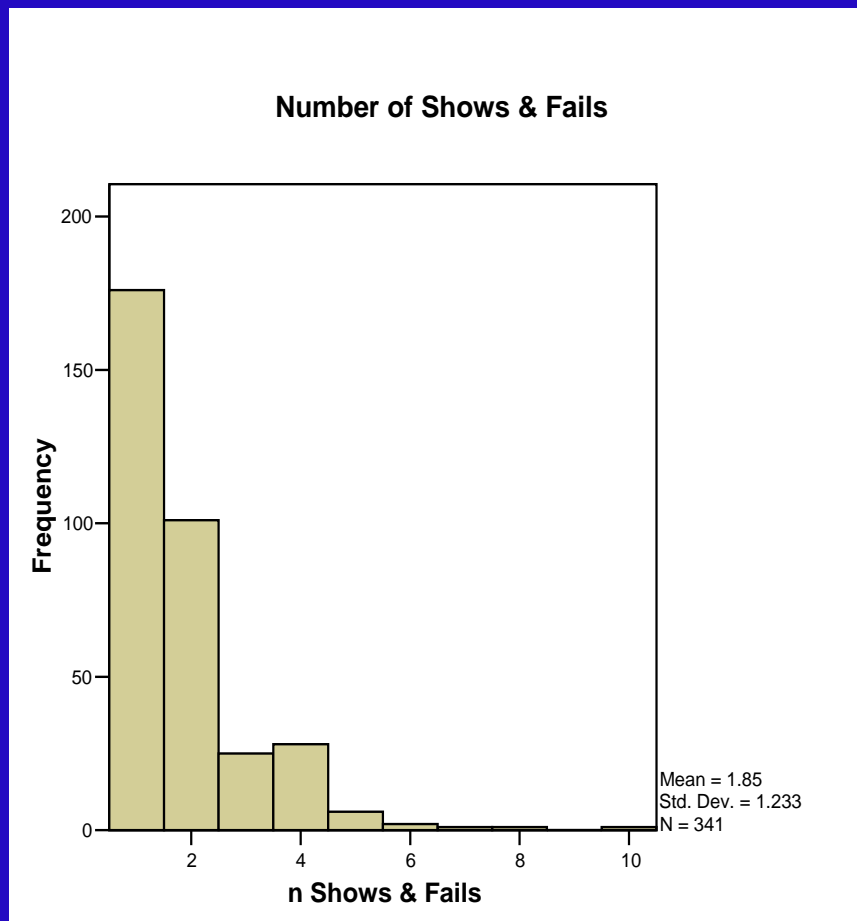
Comparing first test date to last test date yields an average of 111.3 days of participation in the program.

# TESTING RESULTS

	N Participants	Total Number of Tests
Number of Tests	1021	166222
Shows	1021	165456
n No Shows Excuses	114	407
n No Shows	261	766
n Neg Tests	1021	165105
n Fail Tests	341	632

Participants passed 165,105 (or 99.3%) of 166,222 scheduled tests.

# NUMBER OF SHOW AND FAILS



- 680 (66.6%) never failed a test
- 175 (17.1%) failed only one test
- 100 (9.7%) failed only twice

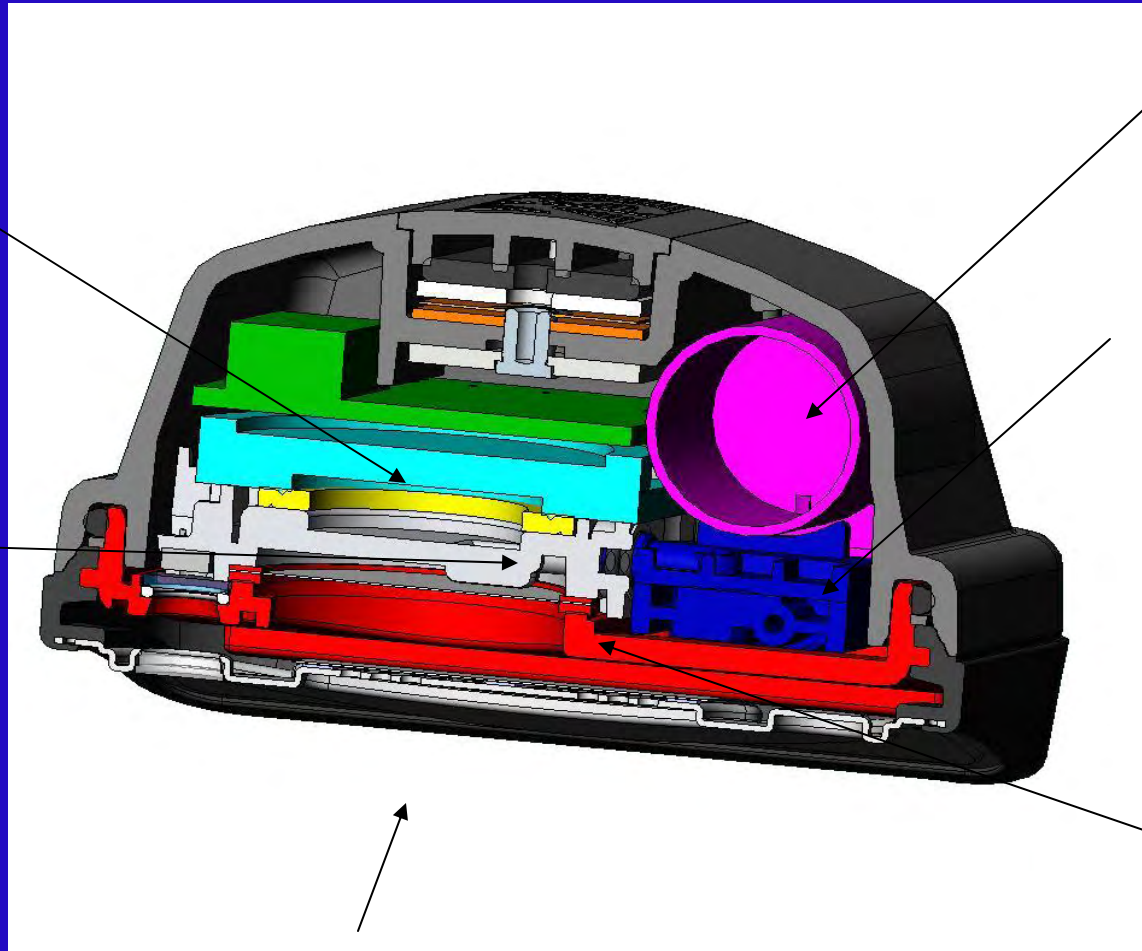
# A Continuous Alcohol Monitoring System



# HOW SCRAM WORKS

Fuel Cell

Sample Chamber Under Fuel Cell



Pump

Manifold Connecting Sample Chambers Via Pump

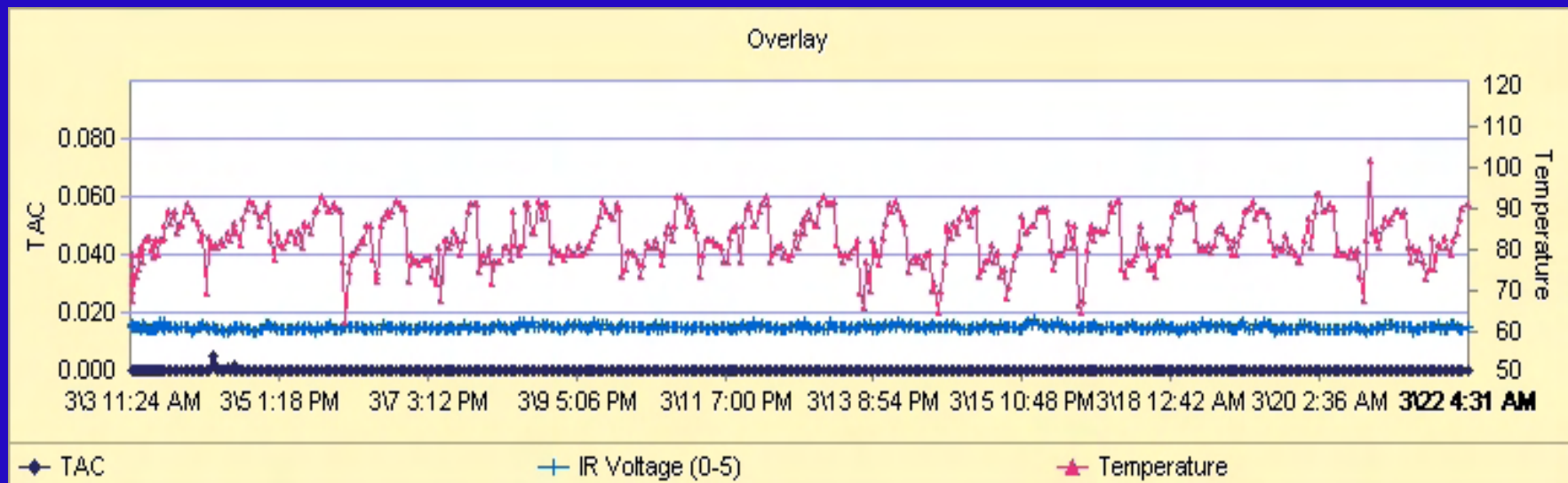
Sample Collection Chamber

Faceplate Against Leg

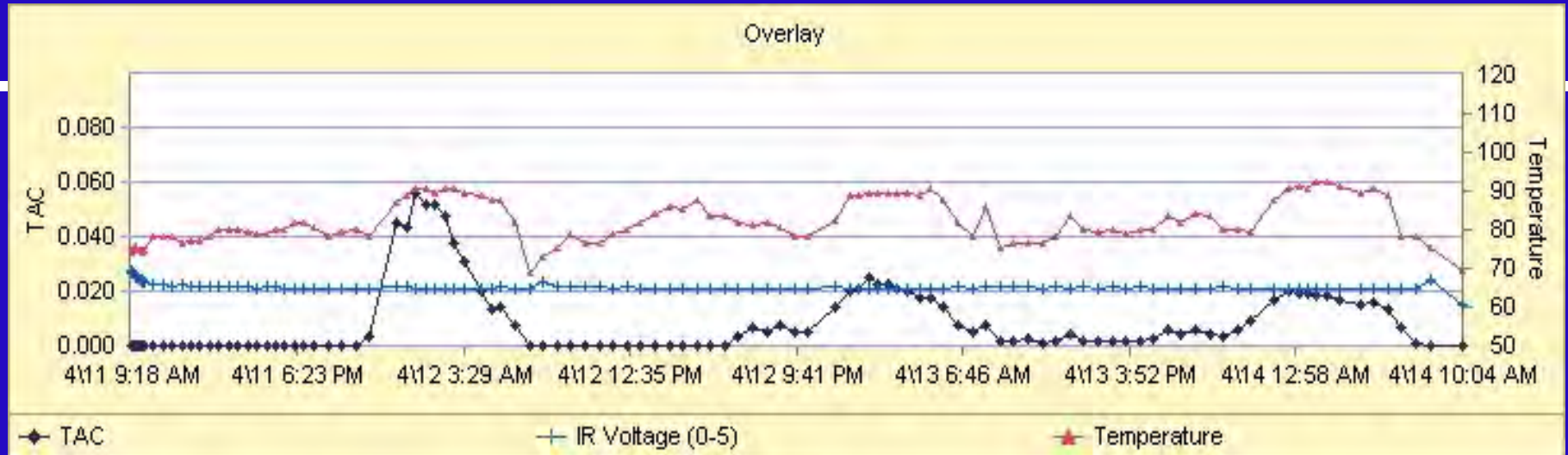
# WHAT DOES A TRANSDERMAL TEST MEASURE?

## Three Tests With Every Sample:

- Ethanol
- Temperature
- IR



# ATTORNEY GENERAL LONG'S TRANSDERMAL TEST RESULTS



## Alerts

Alert Description	Start Date/Time	Status	Resolution
Alcohol Detected	04/11/2006 11:51 PM	Resolved	Confirmable

### Action Log:

Contact AMS	04/14/2006 2:02 PM		Confirmable
Contact AMS	04/13/2006 7:38 AM	Confirmed	Confirmable
Contact AMS	04/12/2006 9:50 AM	Appears to be low- level consumption. Awaiting return to zero to complete analysis.	

# PRELIMINARY SCRAM STATS

Nov 6, 2006 and August 1, 2007

- 170 participants
- 10,140 days for an average of 59 days per participant
- 28 participants had some type of violation
- 143 (or 84%) participants had no violation
- 23 participants are parolees. Balance are pretrial detainees or post conviction probationers

# DRUG URINALYSIS

- Detection of drugs through urine test
- Detectable drugs
  - Cocaine
  - Opiates
  - Amphetamines
  - Marijuana
  - Oxycodone
  - PCP
  - Antidepressants
  - Ecstasy



# DRUG PATCH

- Detection of drugs through sweat
- Patch lasts for 7-10 days
- Drugs detected from 1-2 days before patch applied and up to 24 hours prior to removal
- Detects
  - Cocaine
  - Opiates
  - Amphetamines
  - Marijuana
  - PCP



# SERVICES AVAILABLE – JULY 1, 2007

\$2.00  
per day



- Twice per day alcohol testing
  - Counties with a jail
  - Some others

\$5.00 per  
test or \$10  
per week



- Drug Urinalysis-
  - Counties with high volume
  - Need both male and female staff

\$5.00  
per day



- SCRAM
  - Small counties
  - No jail
  - Defendant has odd situation

\$40.00  
per patch  
or \$4.00  
per day



- Drug Patch
  - Small Counties
  - Counties without female staff

# APPLICABILITY- ALL CRIMES

## 1. Pre-trial

- Bond conditions

## 2. Post conviction

- Conditions of suspended sentence

## 3. Parole

- Parole Board imposed

## 4. A & N Children

- Testing imposed upon adults in household as condition of return of children to homes