

## **MONTANA DEPARTMENT OF JUSTICE 24/7 Sobriety Pilot Project**

### **WHAT IS THE 24/7 SOBRIETY PROJECT?**

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The 24/7 Sobriety Project is designed to keep anyone who is arrested for a second or subsequent DUI sober – 24 hours a day, seven days a week – without having to keep them in jail. Offenders are required to submit to a breath test twice a day, every day.

Participation in the 24/7 program is imposed by a judge as an additional condition of bond for someone arrested for a second or subsequent DUI. They participate in the program while awaiting their court date.

If an offender fails a breath test or does not show up to be tested, the offender's bond is immediately revoked and he or she is taken directly to jail and waits to see a judge. The judge decides how long an offender spends in jail.

### **WHY DO WE NEED THE 24/7 PROGRAM IN MONTANA?**

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What we are doing in Montana is not working. Although judges in Montana frequently require repeat DUI offenders to abstain from using alcohol as a condition of bond, no effective program exists to ensure compliance.

In Montana, we still lead or are near the top in all of the 2008 national DUI categories:

- Montana ranked highest in the nation for number of alcohol-related fatalities per 100 million miles traveled;
- Montana is first in the nation for number of alcohol-related deaths per 100,000 people (13.9);
- And we are third in the nation for the percentage of traffic fatalities that are related to alcohol – nearly 40 percent.

The 24/7 Sobriety pilot project will show us what can happen in Montana if we hold DUI offenders accountable and ensure that they stay sober. The key to the 24/7 program's success is that immediate consequences are imposed for a failed test. The South Dakota Sobriety Project – which is a similar program started in 2005 – states: *"People with addictive behaviors will not change unless all the alternatives are worse."*

### **WHO WILL BE INVOLVED IN THE MONTANA PILOT PROJECT?**

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Montana's 24/7 pilot project was initiated by Attorney General Steve Bullock in cooperation with Lewis & Clark County, the Helena Police Department and the Montana Highway Patrol. It will begin by May 2010, and involve the following criminal justice agencies:

- County Attorney Leo Gallagher, Lewis & Clark County Attorney's Office
- Sheriff Leo Dutton, Lewis & Clark County Sheriff's Office
- City Attorney David Nielsen, Helena
- Police Chief Troy McGee, Helena Police Department
- Col. Mike Tooley, Montana Highway Patrol

### **HAS SOUTH DAKOTA'S 24/7 PROJECT WORKED?**

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South Dakota's 24/7 Project is producing solid results. Since the project began as a pilot in 2005, it has administered over 2.9 million tests to nearly 12,000 offenders. Participants show up and blow a clean test 99.6% of the time.<sup>1</sup> Jail times for a failed test in South Dakota average 24 hours.

South Dakota's roads are safer. At the time the program was introduced, South Dakota had one of the highest DUI rates in the nation (21.6%) and nearly three-quarters of people involved in fatal crashes had a BAC of 0.15 or higher. Notably, from 2006 to 2007, alcohol-related traffic deaths in South Dakota declined by 33% – the largest decrease in the nation.<sup>2</sup> And over the six years from 2003 and 2008, alcohol-related fatalities in South Dakota declined from 94 in 2003 to 34 in 2008 – a 64% drop.

The 24/7 Project has also cut jail and prison populations. Since the program's inception in 2005, jail populations have decreased in most South Dakota counties, which saves taxpayers about \$75/day per person and allows offenders to maintain jobs, live with their families, and contribute positively to their communities. By helping reduce the daily jail population by almost 100 people in each of the state's two largest counties, the program is credited with saving millions of dollars in incarceration costs alone.

### **WHO PAYS THE COST ASSOCIATED WITH THE PROGRAM?**

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The 24/7 Project is a low-cost way to combat the DUI problem. Offenders are required to pay \$2 per breath test. And state and local governments are poised to save huge amounts of money typically spent on incarceration – it costs over \$70 per inmate, per day in Montana.

### **WHAT HAPPENS IF PEOPLE LIVE TOO FAR AWAY TO DRIVE TO A TESTING SITE**

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In rural areas where offenders cannot drive to a testing site twice a day, they wear ankle bracelets that continuously monitor wearers for alcohol consumption. In South Dakota, over 1,395 offenders have been monitored by SCRAM ankle bracelets – Secure Continuous Remote Alcohol Monitor – with an 89% compliance rate. Offenders will be required to pay for the daily use of the ankle bracelet.

<sup>1</sup>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).

<sup>2</sup>National Highway Traffic Safety Administration, "Fatalities and Fatality Rates in Alcohol-Impaired Driving Crashes by State, 2006-2007" at <http://www-nrd.nhtsa.dot.gov/Pubs/811099.PDF>