24/7 Sobriety Program & Partnerships

Meeting Number 11
August 3rd, 2015

For audio, please dial 1-866-835-7973
Today’s Agenda

• North Dakota: 24/7 Sobriety Program
• Montana: Partnerships
• Next Steps & the Final CoP Session
Meeting Orientation Slide

- If you are having any technical problems with the webinar, please contact the Adobe Connect hotline at 1-800-416-7640 or type it into the chat box on the left.

- For audio, please call the phone line at 866-835-7973. Please mute your computer speakers to eliminate echo.

- Phone lines will be muted during the presentation and unmuted for the Q&A.

- Have a question? Type it into the chat box on the left or use the “hand raise” function (icon shaped like a person above the audio instructions) and we will call on you.
Fran Penner-Ray  
Director of Traffic Education  
Montana Office of Public Instruction (OPI)

Lisa Scates  
Alcohol Education Coordinator  
Montana Department of Revenue, Liquor Control Division

www.ChildrensSafetyNetwork.org
Montana Report
Distracted and Impaired Driving*

8,442 Road Departure Fatal and Injury Crashes in Rural Montana (2003-2012)

Fran Penner-Ray fpenner-ray@mt.gov and Lisa Scates Liscates@mt.gov

*2015 Children’s Safety Network- Community of Practice
Tired drivers leave one tell-tale sign. No skid marks.  DRIVE FRESH.

#VisionZeroMT
zero deaths | zero serious injuries

- Develop good driving skills
- Buckle up
- Don’t drive impaired
- Avoid distractions
- Speed Control – You can’t beat physics. Slow Down
One life lost is one too many.

“The Department of Transportation and our partners are united in our mission to save lives on Montana roads.”

—Mike Tooley, MDT Director

**Safer Roads**
Ensuring that Montana’s state roads and highways are built and maintained with safety as the first concern.

**DRIVE SAFELY**
There were 192 fatalities in 2014. There have been 92 fatalities on Montana highways in 2015 compared to 92 fatalities for this same time in 2014.

**Safer People**
We can’t do this without the complete support of every Montanan. Together, we can save lives.

**Plans & Programs**
The resources our partners need as we aim Montana toward zero deaths and injuries on our highways.

**Crash Data**
Crash data is available by county, city, and reservation.

**Grants**
MDT administers federal grant monies for safety programs aimed at reducing deaths, injuries, and property losses resulting from traffic crashes.
Montana Graduated Driver License (GDL) effective July 1, 2006
Montana’s Graduated Driver Licensing Law included MCA 61-5-135 requiring education on distracted driving

- **61-5-135. Education on distracted driving.** (1) The department, in consultation with the superintendent of public instruction, shall encourage schools providing traffic education to include in their traffic education curriculum information regarding the dangers of physical and cognitive distractions while driving.

- (2) To reduce the risks for novice drivers, the department shall include in its publications intended for novice drivers information concerning the dangers of physical and cognitive distractions while driving, including but not limited to mental inattentiveness because of stress, fatigue, heightened emotion, conversation with passengers, stereo or climate control adjustment, food and drink, use of electronic devices, and personal grooming.

- **History:** En. Sec. 5, Ch. 297, L. 2005.
How many distractions are too many?
Over half of Montana teens report texting while driving

Some will never be heard from again
Among students who drove a car or other vehicle during the past 30 days, the percentage who texted or e-mailed while driving on one or more of the past 30 days.
This truck is the aftermath of a 2013 distracted driving crash in eastern Montana. A 20-year old driver from Sidney, MT was killed in the rollover. Her sister has presented the video and her story at Richland County high schools.

http://www.montanapbs.org/DistractedEyesOffTheRoad/
NO TEXT RED!

Arlee Driver Education Students got the word out to our community! They talked to many about distractions and texting and driving. If the person they talked to took the pledge and agreed to not text and drive they painted their thumb nail to remind them of their pledge.

Nursing Students from Montana State University worked with Gallatin City-County Health Department and Bozeman High School on a Red Thumb Campaign

http://www.redthumberminder.com/
Montana Behavioral Institute (MBI)
MBI Youth Days + MDT Teen Driver Safety

In coordination with State Farm Celebrate My Drive Grant and Montana Department of Transportation (MDT)
Please BUCKLE UP
So we can see you again.

Great Falls High School
Administration, Faculty, & Support Staff

PIRATES
We Appreciate our Students
Please BUCKLE UP
So we can see you again.

Ponson High School
Administration, Faculty, & Support Staff

SUGAR BEETERS
We Appreciate our Students
Please BUCKLE UP
So we can see you again.

Chinook High School
Administration, Faculty, & Support Staff

HELLGATE KNIGHTS
We Appreciate our Students
Please BUCKLE UP
So we can see you again.

Missoula Hellgate High School
Administration, Faculty, & Support Staff

MUSTANGS
We Appreciate our Students
Please BUCKLE UP
So we can see you again.

Ennis High School
Administration, Faculty, & Support Staff

THUNDERBIRDS
We Appreciate our Students
Please BUCKLE UP
So we can see you again.

Fort Belknap Tribes
Parent Meeting Required

Develop good driving skills

“Half of all teens will be involved in a car crash before graduating from high school. The more you know, the more you can do to prevent these crashes.”
—National Safety Council

The top risks for teen drivers are: not buckling up, distractions, impaired driving, driving at night, and speeding. Taking your driver education seriously and doing what you can to avoid these risks could literally save your life.

What kind of driver are you raising?
MONTANA EFFORTS

Partnership building
Parent education
Enforcement
The Road to Change
2015 Alcohol Education Summit
MONTANA
SUMMIT GOALS

Form Partnerships – Make the pieces fit

- Law enforcement
- Prevention specialists
- City/county attorneys
- Judges
- Addiction counselors
- Tribal members
- DUI Task Force members
- Community coalitions
SUMMIT GOALS

Valuable and consistent information

- Alcohol and drugs in rural communities
- Building collaborative community partnerships
- Overview of alcohol and gambling regulation
- Adverse childhood experiences (ACE)
- Strengthening alcohol regulation
- Over-serving alcohol
- Harnessing the advocacy of our youth
- Working with tribal nations
- Minor in possession panel discussion
- DUI case law and legislative update
SUMMIT GOALS

Recognition

The summit awards were presented that represent the best community programs, agencies and individuals who are dedicated to the responsible sales, service and consumption of alcohol, public health prevention efforts and making positive community change in our state.

- Individual law enforcement personnel
- Individual community member
- Community program
- State certified trainers
SUMMIT RESULTS

- 178 attendees plus 30 speakers
- 23 different training sessions
- Tribal representation
  - Blackfeet
  - Chippewa Cree
  - Confederated Salish & Kootenai
  - Northern Cheyenne
  - Crow
- Different forms of credit
  - POST credits for law enforcement personnel
  - CLE credits from the Montana State Bar for attorneys/judges
  - CPE credits
  - Funded by a National Alcohol Beverage Control Association grant

Montana Department of Revenue, Liquor Control Division
PARENT EDUCATION

MADD – Power of Parents®

✔ Partnership between Department of Revenue, Liquor Control and Interagency Coordinating Council on State Prevention programs
✔ Train-the-Trainer session April 9, 2015
✔ 25 minute presentation for parents
✔ Funding: National Alcohol Beverage Control Association grant

Montana Department of Revenue, Liquor Control Division
In the state of Montana, local law enforcement agencies act as duly authorized representatives for the Department of Revenue, Liquor Control Division for the purpose of carrying out enforcement of the state liquor laws.

**Liquor Law Class**
- Liquor license types
- Common liquor violations
- What constitutes a violation
- Enforcement
- Reporting process
- Credits
- Travel
- Free
Montana Department of Revenue
Liquor Control Division
Lisa Scates, Alcohol Education Coordinator
(406) 444-4307
LiScates@mt.gov
AlcoholServerTraining.mt.gov
Presenters

S/A Duane Stanley
24/7 Sobriety Program
North Dakota Bureau Of Criminal Investigation
North Dakota POST Board
HISTORY: 60th Session

The 60th Legislative Assembly, in Section 11 of Senate Bill 2003, authorized the Attorney General to establish a sobriety program pilot project in one or more judicial districts of the state. The sobriety program involved coordination among state, county, and municipal agencies. The Attorney General, in cooperation with Law Enforcement, the Judiciary, the Department of Corrections and Rehabilitation, and the Department of Transportation Traffic Safety Division, was authorized to develop guidelines, policies and procedures, and to establish user fees for a sobriety program pilot project.
The 61st Legislative Assembly, in House Bill 1306, authorized the Attorney General to expand the sobriety program pilot project to all judicial districts across the state. The sobriety program was expanded to implement procedures as alternatives to incarceration for offenders charged with, or convicted of, driving under the influence of alcohol or controlled substances, domestic violence, abuse or neglect of a child, or for other offenses in which alcohol or controlled substances are involved.
The sobriety program was expanded to include twice-per-day breath alcohol testing, electronic monitoring, and random drug testing by law enforcement.

The sobriety program, with cooperation of the Department of Transportation, was approved to grant a temporary restricted driver’s permit to sobriety program participants to drive to and from the testing site.
History: 63rd Session

The 63rd Legislative Assembly authorized the 24/7 Sobriety Program to be used as a restriction for a temporary restricted driver’s license, set a mandatory condition of probation for driving under the influence offenses and also directed that the 24/7 Sobriety Program be used by the Juvenile Court for alcohol related driving violations under the Juvenile Court Act.
Geography of Pilot Program
South Central Judicial District (Hi-Lighted in yellow)
North East Central Judicial District (Hi-lighted in red)
Guidelines for State Wide Program

1. The sobriety program is established to implement procedures as alternatives to incarceration for offenders charged with, or convicted of:

   a. Driving under the influence of alcohol or controlled substances;
   b. Domestic violence;
   c. Abuse or neglect of a child;
   d. Or for other offenses in which alcohol or controlled substances are involved.
Guidelines for State Wide Program

2. The sobriety program is to enforce compliance with the sobriety guidelines by the following means:
   
a. Sobriety testing twice per day seven days per week  
b. Electronic monitoring   
c. Urine testing and drug patch testing  
d. Establish fees, which are not subject to NDCC 28-32
Guidelines for State Wide Program

3. The sobriety program created the Twenty-Four Seven Sobriety Program Fund. This fund is administered by the Attorney General and can consist of appropriated funds; moneys received from grants; agencies of this state; private grants, gifts, or donations; and program fees.

4. Funds are to be used toward the operation of the sobriety program.
Guidelines for State Wide Program

5. The sobriety program granted a criminal justice agency the permission to collect program fees from offenders participating in the sobriety program, including fees for:

a. Twice per day breath alcohol testing
b. Urine Testing
c. Drug patch testing
d. Installation and deactivation fees for remote electronic monitoring devices
e. Remote electronic monitoring daily fees
Guidelines for State Wide Program

6. Criminal justice agencies shall pay all program fees into the general fund of the governing body. The fees may only be applied to:
   a. Twenty-four seven sobriety program support services
   b. Equipment, maintenance and replacement
   c. Compliance with the program

**The governing body shall pay any daily fees collected for remote electronic monitoring to the state twenty-four seven sobriety program fund.**
APPLICABILITY

1. Pre-trial
   • Bond conditions

2. Parole
   • Parole Board imposed

3. Probation (supervised and unsupervised)
   • Intermediate Measure

4. Post conviction
   • Conditions of sentence
Temporary Restricted Driver’s License

NDCC Section 39-06.1-11(7)

1. If an offender has been charged with, or convicted of, a second or subsequent violation of section 39-08-01 or equivalent ordinance, or if the offender’s license is subject to suspension under chapter 39-20 and the offender’s operator’s license is not subject to an unrelated suspension or revocation, the director (NDDOT) shall issue a temporary restricted license to the offender upon the restriction the offender participate in the twenty-four seven sobriety program under chapter 54-12.
DUI Laws and Penalties

• 1st Offense Class B Misdemeanor
  – $500 fine if below .16
  – Two days imprisonment and $750 fine if .16 or greater
  – Addiction evaluation
  – 91 day suspension if below .18
  – 180 day suspension if .18 or greater

* A first offense DUI with a minor in a vehicle is up to one year imprisonment and/or a $2,000 fine. If an individual has a previous conviction for a violation of section 39-08-01.4, it is a Class C Felony
DUI Laws and Penalties Cont.

• 2nd Offense in 7 years Class B Misdemeanor
  – Ten days imprisonment and $1500 fine
  – Addiction evaluation
  – One year in the 24/7 program
  – 365 day suspension if below .18
  – Two year suspension if .18 or greater
• 3rd Offense in 7 years Class A Misdemeanor
  – 120 days imprisonment and $2000 fine
  – Addiction evaluation
  – One year supervised probation
  – One year in the 24/7 program
  – Two year suspension if below .18
  – Three year suspension if .18 or greater
DUI Laws and Penalties Cont.

• 4th and Subsequent offenses Class C Felony
  – One year and one day imprisonment and $2000 fine
  – Addiction evaluation
  – Two years supervised probation
  – Two years in the 24/7 program
PROGRAM CONDITIONS

• No alcohol
• No drinking establishment
• 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
Current Numbers/Statistics

• As of July 7, 2015

These numbers include all methods of testing (PBT, SCRAM, Drug Patch, U/A)

– 11,788 total participants
– 2,010 active
– 7,163 graduated
– 1,935 failed
– 680 re-offended
The Alco-Sensor FST is the instrument that is currently being utilized to conduct breath testing for participants who are in the 24/7 Sobriety Program.
Alcohol Monitoring System (AMS)
Secure Continuous Remote Alcohol Monitoring (SCRAM)
DRUG PATCH (PharmChem)

• Detection of drugs through sweat test

• Detectable drugs
  – Cocaine
  – Opiates
  – Amphetamines
  – Marijuana
  – OxyCodone
  – PCP
  – Antidepressants
  – Ecstasy
DRUG URINALYSIS (Redwood Toxicology)

• Detection of drugs through urine test
• Detectable drugs
  – Cocaine
  – Opiates
  – Amphetamines
  – Marijuana
  – OxyCodone
  – PCP
  – Antidepressants
  – Ecstasy
Assessment of the 24/7 Sobriety Program in North Dakota: Participant Behavior during Enrollment

March 2015

Andrew Kubas, Ph.D.
Poyraz Kayabas Ph.D. Candidate
Kimberly Vachal, Ph.D.

Upper Great Plains Transportation Institute
North Dakota State University
Fargo, North Dakota
Abstract: This project seeks to understand if the 24/7 Sobriety Program has a positive deterrent effect on repeat impaired driving offenders.

Methods:
• Two data Bases were used NDBCI and NDDOT
• Only traffic-related alcohol crimes were considered relevant
• The final data base consisted of 1,893 impaired driving related records
Crash Trends

• About half of all DUI offenders in this study (44.9%) had a traffic crash on record prior to starting the 24/7 Sobriety Program

• A much smaller portion (7.4%) were involved in a traffic crash after the program.
Gender

- Women were more likely to have had at least one DUI conviction prior to starting the program but men were more likely to have committed at least one DUI violation after enrolling in the program. “it appears as though the program has a more noticeable influence on women than men”
Gender cont.

- Men had more non-DUI convictions on their records than women prior to starting the program. Women had fewer non-DUI convictions than men after starting the program. This parallels earlier findings and once again indicates that the 24/7 Sobriety Program has a stronger effect on women than on men.
Gender Cont.

- Women had a higher average number of crashes on record than did men prior to starting the program. There was no statistically significant difference between the two groups after starting the program. “This once again suggests that the program had a positive influence on females with regard to safer driving practices...”
Study Highlights

• The 24/7 Sobriety Program has a larger deterrent effect on non-high-risk participants, it still has a noticeable influence on high-risk offenders as well.

• The program has a positive deterrent effect with regard to traffic collisions for especially dangerous drivers as crash rates by drivers with more prior DUI convictions were reduced after beginning the program.
Study Highlights Cont.

- As a whole when studied across gender, every metric saw a statistically significant improvement when factoring for before-and-after trends. Whether the metric was examined by percentage or by average, both men and women noticeably reduced dangerous driving behaviors after enrolling in the program.
Participant Patterns Related to House Bill (HB) 1302

• “Results were more powerful for participants who had to adhere to the longer 24/7 Sobriety Program standards after the passing of HB 1302. Regardless, it should be reiterated that the program still has a statistically significant impact on participants even if they are not required to participate for a full year as mandated by the most recent legislative changes.”
Conclusion

• “The 24/7 Sobriety Program clearly deters most participants from partaking in dangerous behaviors.”
• “There is a clear link between the amount of time one is enrolled in the program and its influence on participants to abide by the law.”
• This study focused solely on repeat offenders.
24/7 CONTACT INFORMATION
NDBCI

S/A Duane Stanley  ds417@nd.gov
(701) 328-5516- Direct Line
(701) 202-3340-Cell

or

Monica Sebastian  msebasti@nd.gov
(701) 328-5529- Direct Line
Upcoming Webinars & Reminders

- **September:** Wrapping up the CoP
  - Reviewing the Final evaluation: [https://www.surveymonkey.com/r/XZHPNYZ](https://www.surveymonkey.com/r/XZHPNYZ) (Closes on August 26th)
  - Team Updates and Next Steps
Thank you for your participation

Please take a moment to complete our short evaluation:

https://www.surveymonkey.com/r/3XW5FW9

Questions or Comments? Contact:

Rhunt@edc.org
617-618-2178