

# 24/7 Sobriety Program

An approach for the judicial system to reduce the influence of drug and alcohol abuse in crime



The Problem and  
Costs to Society



A Solution: the 24/7  
Sobriety Program



Tools and Products

# What is a 24/7 Sobriety Program ?

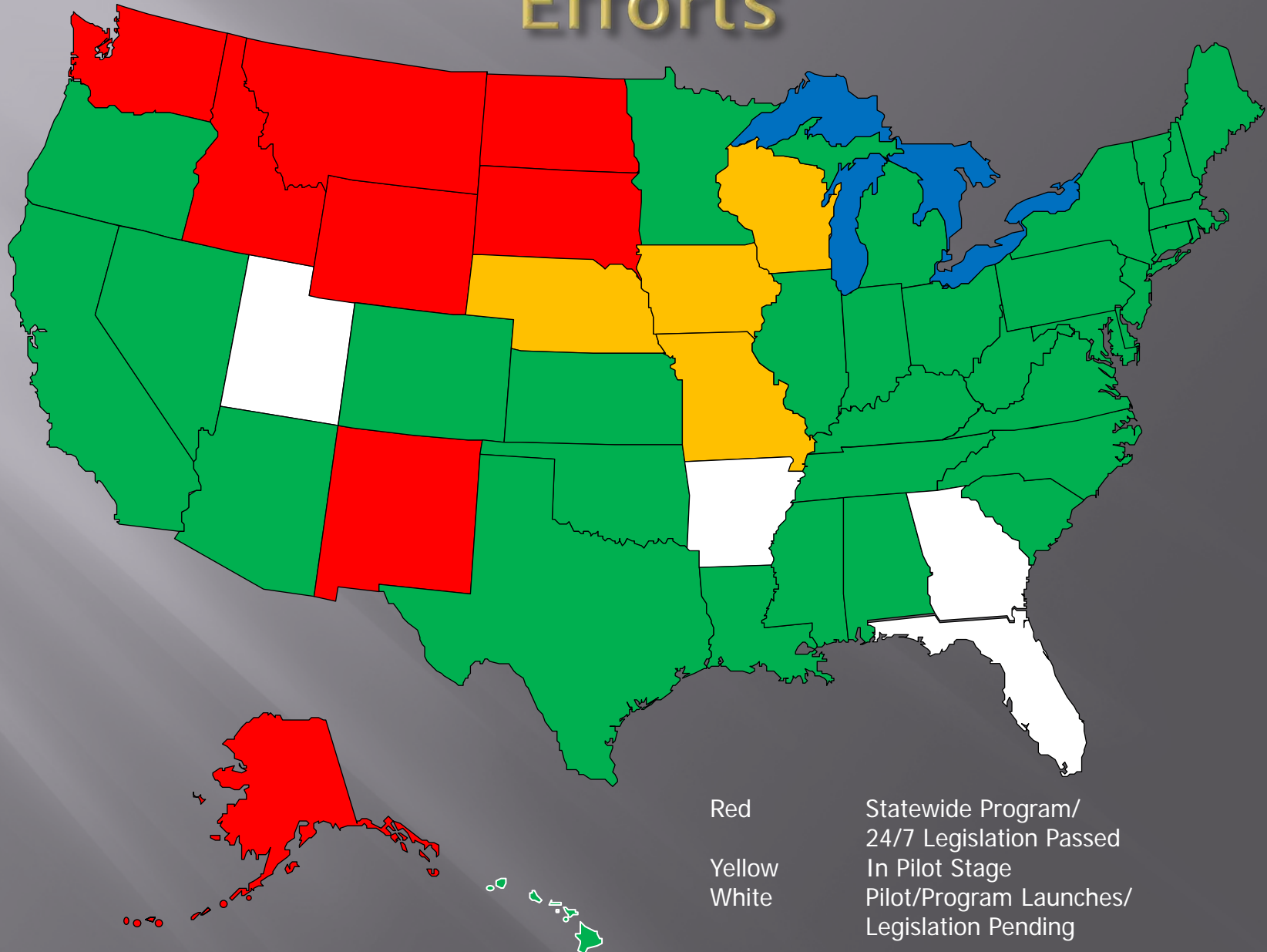
- ▣ A court ordered alcohol and drug testing management tool designed to deal with problem drinkers/drug users.
- ▣ The goal of the program is to enhance behavior modification of the participant, reduce jail costs, reduce DUI recidivism, and increase public safety within your community;
- ▣ Requires those arrested for or convicted of a second or subsequent violation of RCW 46.61.502/504 (DUI) to abstain from alcohol and drugs, take twice-a-day on-site breath tests, use a remote electronic alcohol monitoring device, or submit to urinalysis testing.
- ▣ All testing fees are paid by the participant and the majority of the funds collected are retained by the local jurisdiction.
- ▣ Serves as an alternative to incarceration or in addition to other court ordered activities, is cost effective, allows participants to work and remain in the community, drive if eligible, care for their families and stay out of the criminal justice system by changing their behaviors;
- ▣ Violation of program rules leads to predetermined, swift and certain sanctions.

# South Dakota 24/7 Program

- ▣ <http://www.youtube.com/watch?v=Qn04sxF6-wQ>



# Current 24/7 Sobriety Program Efforts





# WASHINGTON'S 24/7 SOBRIETY PROGRAM

- ▣ Established by 2013 Legislature
- ▣ Codified in RCW 36.28A.300 - 390
- ▣ Administered by WASPC and WTSC
- ▣ Five pilot agencies selected to begin the program;
  - Chelan County Sheriff's Office
  - Spokane County Sheriff's Office
  - Thurston County Sheriff's Office
  - Kent Police Department
  - Centralia Police Department

# RCW 10.21.055

When any person charged with or arrested for a violation of RCW [46.61.502](#), [46.61.504](#), [46.61.520](#), or [46.61.522](#), in which the person has a prior offense as defined in RCW [46.61.5055](#) and the current offense involves alcohol, is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release shall require, as a condition of release, that person to (a) have a functioning ignition interlock device installed on all motor vehicles operated by the person, with proof of installation filed with the court by the person or the certified interlock provider within five business days of the date of release from custody or as soon thereafter as determined by the court based on availability within the jurisdiction; or (b) comply with 24/7 sobriety program monitoring, as defined in RCW [36.28A.330](#); or both.

# “24/7 electronic alcohol/drug monitoring”

Means the monitoring by the use of any electronic instrument that is capable of determining and monitoring the presence of alcohol or drugs in a person's body and includes any associated equipment a participant needs in order for the device to properly perform. Monitoring may also include mandatory urine analysis tests as ordered by the court.

# “Participant”

Means a person who has one or more prior convictions for a violation of RCW 46.61.502 (Driving Under the Influence) or 46.61.504 (Physical Control) and who has been ordered by a court to participate in the 24/7 sobriety program.

SB 6413, passed in the 2014 Leg session, allows judges to place defendants, following a 1<sup>st</sup> DUI conviction, into 24/7 if the local jurisdiction has a WASPC verified program.



# “Participation agreement”

Means a written document executed by a participant agreeing to participate in the 24/7 sobriety program in a form approved by the Washington association of sheriffs and police chiefs that contains the following information:

- The type, frequency, and time period of testing;
- The fees and payment procedures required for testing; and
- The responsibilities and obligations of the participant under the 24/7 sobriety program.

# **“Participating agency”**

## **RCW 36.28A.330**

Means a sheriff’s office or a designated entity named by a sheriff that has agreed to participate in the 24/7 sobriety program by enrolling participants, administering one or more of the tests, and submitting reports to the Washington association of sheriffs and police chiefs.

# 24/7 SOBRIETY ACCOUNT

## RCW 36.28A.320

- ▣ There is hereby established in the state treasury the 24/7 sobriety account. The account shall be maintained and administered by the Washington traffic safety commission to reimburse the state for costs associated with establishing the program and the Washington association of sheriffs and police chiefs for ongoing program administration costs.

# FUND COLLECTION AND DISPURSEMENT

- ❑ Funds in the 24/7 sobriety account shall be distributed as follows:
  - Any daily user fee, installation fee, deactivation fee, enrollment fee, or monitoring fee collected under the 24/7 sobriety program shall be collected by the sheriff or chief, or an entity designated by the sheriff or chief, and deposited with the county or city treasurer of the proper county or city, the proceeds of which shall be applied and used only to defray the recurring costs of the 24/7 sobriety program including maintaining equipment, funding support services, and ensuring compliance, and



# 24/7 FUNDS

- ▣ Any participation fee collected in the administration of testing under the 24/7 sobriety program to cover program administration costs incurred by the Washington association of sheriffs and police chiefs shall be collected by the sheriff or chief, or an entity designated by the sheriff or chief, and deposited in the 24/7 sobriety account.
- ▣ All applicable fees shall be paid by the participant contemporaneously or in advance of the time when the fee becomes due.

# NO WAIVER OR REDUCTION OF FEES - RCW 36.28A.380

- ▣ The court shall not waive or reduce fees or associated costs charged for participation in the 24/7 sobriety program.

# PROGRAM VIOLATIONS

## RCW 36.28A.390

A participant who violates the terms of participation in the 24/7 sobriety program or does not pay the required fees or associated costs shall:

- Receive a written warning notice for a first violation;
- Serve a term of two days imprisonment for a second violation;
- Serve a term of up to five days imprisonment for a third violation;
- Serve a term of up to ten days imprisonment for a fourth violation;
- For a fifth violation, the participant shall serve the entire remaining sentence imposed by the court.

## RCW 36.28A.390

A sheriff or chief, or the designee of a sheriff or chief, who has probable cause to believe that a participant has violated the terms of participation in the 24/7 sobriety program or has not paid the required fees or associated costs shall immediately take the participant into custody and cause him or her to be held until an appearance before a judge on the next judicial day.



# LIMITATION ON LIABILITY

## RCW 4.24.545

- ▣ Local governments, their subdivisions and employees, the department of corrections and its employees, and the Washington association of sheriffs and police chiefs and its employees are immune from civil liability for damages arising from incidents involving offenders who are placed on electronic monitoring or who are participating in the 24/7 sobriety program, unless it is shown that an employee acted with gross negligence or bad faith.

# TWICE A DAY BREATH TEST (2XPBT)



The Alco-Sensor FST

- ▣ Certified in WA
- ▣ Offers rapid and accurate testing.
- ▣ Extremely durable instrument.
- ▣ Designed to do 150 tests per hour.

# SCRAM – CONTINUOUS ALCOHOL MONITORING



SCRAM Continuous Alcohol Monitoring (CAM). SCRAM CAM, worn 24/7, automatically samples a client's perspiration, every 30 minutes, to measure for alcohol consumption. No missed tests. No circumventing a testing schedule.



# SCRAM REMOTE BREATHALYZER



A handheld, wireless, portable breath alcohol device with automated facial recognition and GPS with every single test.



# In-Home Testing



The SMART START IN-HOM unit is an alcohol specific fuel cell based device which is the same price as an interlock device. It is an alternative for the offender who does not have a car yet still needs some form of alcohol monitoring. The IN-HOM alcohol monitor is a device equipped with a camera allowing for positive photo identification.

# SOBERLINK - MOBILE BREATHALYZER



SOBERLINK SL2 is a rugged, one-piece, mobile alcohol monitoring device that measures Breath Alcohol Content (BrAC) by collecting deep lung breath samples. The SL2 incorporates Adaptive Facial Recognition, evidentiary-grade fuel cell technology and multiple acquisition technologies to ensure the client is accurately identified and tested. Results of each test are promptly reported to the central monitoring computer system via a cellular connection. Each test report includes a high resolution client photo, BrAC reading, GPS location and time and date stamp to ensure accuracy.

# PharmChek Drug Patch

USES SWEAT AS THE  
SPECIMAN SOURCE

Provides an alternative to urine collection. The sweat patch is worn on the skin for up to 10 days.





## WEB-BASED SOFTWARE AND REPORTING

- ❑ INTOXI-TRACK 24/7 SOBRIETY PROGRAM DATA MANAGEMENT SYSTEM
- ❑ ON-LINE FAILURE NOTIFICATION SYSTEM AND PARTICIPANT COMPLIANCE TRACKING FOR ALL SITES
- ❑ FINANCIAL TRACKING FOR PARTICIPANTS AND AUDITING PURPOSES
- ❑ COMMUNICATION OF TESTING RESULTS TO ALL PARTIES AND AGENCIES
- ❑ ALL FEES ARE PAID BY THE PARTICIPANT AND NO SOFTWARE COSTS TO THE AGENCY
- ❑ ALLOWS PARTICIPANTS TO TEST AT MULTIPLE SITES



# FEES

- ▣ \$30.00 Participant enrollment fee.
- ▣ \$2.00 per PBT for twice a day testing. Monthly cost approximately \$120.00
- ▣ \$9.00 per day for a remote breath testing device. Monthly cost approximately \$270.00
- ▣ \$12.00 per day for a transdermal device. Monthly cost approximately \$360.00
- ▣ \$10.00 per UA test plus laboratory confirmatory costs on positives.
- ▣ \$50.00 per drug patch.
- ▣ Duration and frequency of drug testing is set by the Judge.

# WHAT HAPPENS WHEN A COUNTY OR JURISDICTION ADOPTS 24/7?

- ▣ REDUCTION IN DUI RECIDIVISM
- ▣ REDUCTION IN DOMESTIC VIOLENCE
- ▣ REDUCTION IN ALCOHOL RELATED CRASHES
- ▣ REDUCTION IN PUBLIC HEALTH HARMS FROM ALCOHOL AND DRUG MISUSE
- ▣ REDUCTION IN JAIL/PRISON POPULATIONS (LESS TIME IN JAIL)
- ▣ MARKED DIFFERENCE IN PROBATION AND PAROLE STRATEGIES
- ▣ ENHANCED PROSPECTS FOR TREATMENT SUCCESSES
- ▣ TESTING SUPPORT FOR DUI / DRUG COURTS
- ▣ CRIMINAL JUSTICE PRO-ACTIVE OPPORTUNITY AND COST SAVINGS

## RAND Study Shows 24/7 Sobriety Programs Work

- ▣ In November of 2012, RAND released results of a three-year, peer-reviewed study on South Dakota's 24/7 Program.
- ▣ <http://www.youtube.com/watch?v=vmuvD4DAeA8>

# 24/7 CONTACT INFORMATION

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