

Case Study: North Dakota Statewide

# North Dakota's 24/7 Program Relies on Continuous Alcohol Monitoring for Convenience and Cost Control

24/7 Sobriety Program  
Statewide  
Jail Alternative

North Dakota faces unique challenges and problems with alcohol misuse. According to the 2005 National Survey of Drug Use and Health, the state has one of the highest rates of alcohol use and binge drinking in the U.S., and 10% of North Dakotans aged 12 and older are either dependent on or have abused alcohol in the past year. The North Dakota Attorney General's office notes that in 2014, DUIs made up nearly a quarter of all adult arrests, and according to the National Highway Traffic Safety Administration (NHTSA) 41% of all fatal motor vehicle crashes in North Dakota in 2014 involved a driver with a BAC of 0.08 or higher. Mothers Against Drunk Driving (MADD) reports that driving fatalities cost North Dakota tax payers \$303 million annually.

## A New Approach to Alcohol Crime

To address the link between alcohol and crime, on January 1, 2008, the State of North Dakota launched a 24/7 pilot Sobriety Program in the 12-county South Central Judicial District. North Dakota modeled its initiative on South Dakota's successful 24/7 Sobriety Program and customized it to meet its needs. In 2009, the North Dakota Legislative Assembly authorized North Dakota Attorney General Wayne Stenehjem to expand the 24/7 Sobriety pilot program statewide. This was completed by August 2010.

The planning, implementation, and management of the statewide program was made possible by interdepartmental cooperation led by the Attorney General's office. This phase of the program involved multiple agencies to include North Dakota law enforcement, the State Judiciary, the North Dakota Department of Corrections and Rehabilitation, and the North Dakota Department of Transportation. These organizations collaboratively worked to develop guidelines, policies and procedures, and to establish participant user fees.



CAM in 24/7 Sobriety Programs

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## Highlights of Success

- Independent research has shown that the program is effective in deterring motor vehicle crashes, including among the most high-risk offenders.
- Both high-risk recidivists and non-high-risk recidivists had reductions in crash rates after enrolling in the program.
- 98% of North Dakota's participants complete the 24/7 Sobriety Program with no violations and no drinking events.
- By early 2016 the program had grown to more than 2,100 average daily participants.

## Sobriety and Accountability

North Dakota's 24/7 Sobriety Program provides an alternative to incarceration for individuals charged with, or convicted of, driving under the influence of alcohol or controlled substances, domestic violence, abuse or neglect of a child, or other offenses in which alcohol or controlled substances are involved.

In 2013, state lawmakers further expanded the program to include both pretrial and post-conviction offenders and created mandatory sentences for those accused or convicted of two or more alcohol-involved crimes. Offenders may be referred by courts as a condition of bond or pretrial release and/or as a condition of sentence or probation. Additionally, the North Dakota Parole Board refers some parolees to the program.

Program participants are held accountable for their sobriety with SCRAM Continuous Alcohol Monitoring (SCRAM CAM) bracelets or twice daily supervised breath testing (PBTx2). If necessary, participants are also monitored for illicit drug use via transdermal drug patches and urinalysis. If a program participant tests positive for alcohol or drugs, the individual is subject to an immediate sanction, including the possibility of a short jail stay.

## How is SCRAM CAM Being Used?

While twice-daily breath testing started as the primary alcohol testing method for North Dakota's program, today 70% of alcohol-involved participants are monitored with SCRAM CAM.

According to Duane Stanley, special agent with the North Dakota Bureau of Criminal Investigation, larger counties with the staffing resources to run a twice daily breath testing program usually start program participants on PBTx2. SCRAM CAM is then offered as a reward for compliance on PBTx2 because it eliminates the burden on participants of traveling to a testing center.

Smaller counties and sheriff's departments typically use SCRAM CAM exclusively in the 24/7 Sobriety Programs due to limited staffing. These departments cannot afford the costs of assigning one staff member to run breath testing twice a day. In these departments, it is more efficient and cost effective to place program participants on SCRAM CAM.

## Costs

The North Dakota legislature appropriated \$1.2 million so the Attorney General's office could complete the Sobriety Program state rollout and

***"We have seen a shift over the last several years in testing methodology to where we now have a majority of participants utilizing continuous alcohol monitoring."***

***- Special Agent Duane Stanley,  
North Dakota Bureau of Criminal Investigation***

purchase hardware. The Attorney General's office initially purchased just over 100 SCRAM CAM units and currently owns nearly 2,000 units. Because the state owns the equipment, it has been able to keep costs to participants low.

## Program Expansion

The North Dakota 24/7 Sobriety Program has grown significantly since its inception. In 2013, there were approximately 500 people on the program, with just over 100 participants monitored by SCRAM CAM. By early 2016, the program had grown to more than 2,100 average daily participants, 900 of whom are on SCRAM CAM.

Several factors account for the growth of North Dakota's 24/7 Sobriety Program, including:

- Legislatively, the program has been expanded to apply to a variety of alcohol offenses: driving under the influence of alcohol or controlled substances; domestic violence; abuse or neglect of a child; or other offenses in which alcohol or controlled substances are involved.
- Repeat DUI offenders are mandated to be on the program for 12 months and offenders with four or more DUI's have a mandatory minimum of two years on the program.
- More judges are requiring people charged with an alcohol-related crime to participate in the program.

It is important to program integrity that utilization remains uniform from county to county. As such, from the outset, North Dakota has relied on its [Sobriety Program Guidelines](#) and contractual agreements with participants to ensure (1) the program is consistently administered and (2) expectations are expressly communicated. However, counties have administrative latitude to select technology to be utilized, testing times (if applicable), and payment collection.

## Outcomes

As of early 2016, SCRAM CAM has been used to monitor nearly 4,400 participants in North Dakota's 24/7 Sobriety program.

Program participants spend an average of 224 days on SCRAM CAM and the length of monitoring plays a key role in the program's success. A study released in 2015 by the Preusser Research Group and sponsored by NHTSA shows that SCRAM CAM worn for a period of at least 90 days can significantly lower the risk of recidivism.

North Dakota's program is making a difference in alcohol-involved offenses and in public safety. The North Dakota Attorney General reports that 98% of participants complete the program with no violations

and no drinking events. And an evaluation of North Dakota's program by researchers with the [Upper Great Plains Transportation Institute](#) found:

- The program's mandatory 12-month enrollment period for repeat offenders – put in place in 2013 – is more successful at deterring DUI recidivism than previous sentencing periods that were determined by local judges.
- The program is effective in deterring crashes, including among the most high-risk offenders.

Special Agent Stanley notes, "Our Attorney General had the foresight to realize how beneficial this program could be for the citizens of North Dakota. We were also very fortunate in our state to have the support along with a financial commitment from our legislature which provided a great foundation that allowed us to hit the ground running, making our program the success that it is."

North Dakota State University, along with the North Dakota Attorney General's office, is currently conducting an evaluation of the North Dakota 24/7 Sobriety Program to ascertain which alcohol monitoring technology produces better outcomes. This study should be published in late 2016.

## Resources

### Assessment of the 24/7 Sobriety Program in North Dakota: Participant Behavior During Enrollment

*Upper Great Plains Transportation Institute  
North Dakota State University, Fargo*

[View PDF](#)

### North Dakota 24/7 Sobriety Program

*North Dakota Attorney General*

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