

North Dakota
Attorney General's Office

24/7



Attorney General Wayne Stenehjem

DUI Laws

- Misdemeanor Offenses
 - First DUI/APC = class B misdemeanor; NDCC
 - Second DUI/APC = class B misdemeanor; NDCC
 - Third DUI/APC = class A misdemeanor; NDCC
 - Third offense w/in five years
 - Fourth DUI/APC = class A misdemeanor; NDCC
 - Fourth offense w/in seven years
- Felony Offenses
 - Fifth and subsequent (w/in 7 yrs) = class C felony

DUI ARRESTS by County for 2011

Ranked Greatest to Least

County	DUI Arrests	County	DUI Arrests	County	DUI Arrests
Cass	1249	Traill	46	Emmons	15
Burleigh	815	Pembina	45	Griggs	12
Ward	738	Ransom	40	Billings	11
Grand Forks	436	Mercer	35	Foster	10
Williams	395	Bowman	32	Golden Valley	9
Morton	382	Sargent	32	Sioux	9
Stark	261	McHenry	31	Towner	7
Ramsey	242	Divide	30	Benson	7
Stutsman	161	Kidder	24	Logan	7
Mountrail	140	Nelson	22	McIntosh	6
Walsh	132	Wells	22	Sheridan	6
McKenzie	130	Pierce	22	Grant	6
Richland	78	Adams	21	Oliver	5
McLean	67	Dickey	19	Renville	3
Dunn	61	Eddy	18	Slope	1
Barnes	54	LaMoure	17	Hettinger	1
Rolette	53	Cavalier	16		
Bottineau	49	Burke	15		

DUI ARRESTS AND CONVICTIONS 2002-2011

	Arrests	Convictions
2002	4114	3993
2003	4982	4673
2004	5985	5132
2005	6101	5118
2006	5463	4601
2007	5175	4268
2008	6052	5114
2009	6144	5080
2010	6146	5077
2011	5937	5407

As Per ND Department of Transportation

AGE GROUPS AND BAC OF DUI'S IN NORTH DAKOTA FOR 2010

<u>Age</u>	<u>Number</u>	<u>Percent</u>
14-17	4	.50%
18-20	133	2.5%
21-25	1348	21.0%
26-34	2204	35.0%
35+	2617	41.5%
<hr/>		
Total	6306	100.0%

<u>BAC</u>	<u>Number</u>	<u>Percent</u>
0-.17	2645	43.0%
.17+	1778	28.9%
Refused	929	15.1%
Not on File (NOF) (Admin Hearing Skipped)	794	13.0%

As Per ND Department of Transportation

PERCENT OF TRAFFIC FATALITIES THAT WERE ALCOHOL RELATED

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Alcohol Related Fatality/ Total Fatality	52/105	48/97	53/105	38/100	56/123	47/111	63/111	54/104	56/140	55/105	66/148
Totals	49.52%	49.48%	50.48%	38%	45.33%	42.34%	56.76%	52%	40%	52%	45%

As Per ND Department of Transportation

OTHER OFFENSES

	ND CC 12.1-17-02 Aggravated Assault	ND CC 12.1-22-02 Burglary	ND CC 39-08-01 Driving Under the Influence (DUI)	ND CC 12.1-24-01 Forgery/ Counterfeiting	ND CC 19-03.1-23 (6) Possn. Of Controlled Substance
2000-2009 (YTD)	1,734	3,060	31,564	2,749	11,355
Percentages	3%	6%	63%	5%	23%

- Alcohol and/or Drug violations make up 86%

As Per ND Department of Corrections

MISDEMEANOR/FELONY PRISON ADMISSIONS

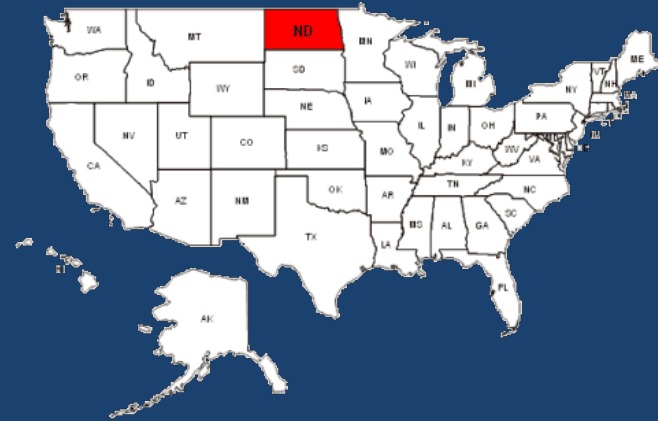
	2006	2007	2008	2009 <small>1/01/09-09/30/09</small>
Aggravated Assault	47	49	71	31
Actual Physical Control Misdemeanor	2	1	4	2
Actual Physical Control Felony	1	0	0	0
DUI Misdemeanor	26	16	24	10
DUI Felony	14	20	22	7

As Per Department of Corrections

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 North Dakota			
	1 st DUI	2 nd DUI	5 th DUI (felony offense)
2004	4,314	1,225	50 1% overall
2005	2,605	2,478	75 1% overall
2006	3,547	1,390	35 1% overall
2007	3,286	1,398	41 1% overall
2008	4,564	1,400	36 1% overall
2009	3,353	1,162	35 1% overall
2010	4477	1277	36 1% overall
2011	5040	1359	32 1% overall

As Per Department of Transportation

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.

HISTORY: 61st Session

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

HISTORY: 61st Session cont.

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.

Guidelines for State Wide Program

Conditions of bond, pre-trial, and post conviction

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

Conditions of bond, pre-trial, and post conviction

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 , including home surveillance and remote electronic alcohol monitoring;
 - c. Urine testing and drug patch testing
 - d. And establish fees, which are not subject to NDCC Chapters 28-32.

Guidelines for State Wide Program

Conditions of bond, pre-trial, and post conviction

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 used toward the operation of the sobriety program.

Guidelines for State Wide Program

Conditions of bond, pre-trial, and post conviction

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

Conditions of bond, pre-trial, and post conviction

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.

Guidelines for State Wide Program

Temporary Restricted Driver's Permit

1. If an offender has been charged with, or convicted of, a second or subsequent violation of NDCC section 39-08-01 or equivalent ordinance and the offender's driver's license is not subject to an unrelated suspension or revocation, the director (NDDOT) shall issue a temporary restricted driver's permit to the offender only for the purpose of participation in the twenty-four seven sobriety program.

Guidelines for State Wide Program

Temporary Restricted Driver's Permit

2. The participant must provide proof of financial responsibility and proof of participation in the program by the offender.
3. If the court or the parole board finds that an offender has violated a condition of the sobriety program, the court or parole board may order the temporary restricted driver's permit be revoked and take possession of the permit.

Guidelines for State Wide Program

Temporary Restricted Driver's Permit

4. The court or parole board shall send a copy of the order to the director (NDDOT) who shall record the revocation of the temporary restricted driver's permit.
5. Revocation of a temporary restricted driver's permit for violation of a condition of the sobriety program does not preclude the offender's eligibility for a temporary restricted driver's license under any other provisions of state law.

Guidelines for State Wide Program

Parole and Probation

1. The parole board may authorize participation in the twenty-four seven sobriety program as an intermediate sanction or condition of parole.

Guidelines for State Wide Program

Parole and Probation

2. Unless waived on the record by the court, the court shall also provide as a condition of probation that the defendant undergo various agreed-to community constraints and conditions as *intermediate measures* of the department of corrections and rehabilitation to avoid revocation, which may include the following:

Guidelines for State Wide Program

Parole and Probation

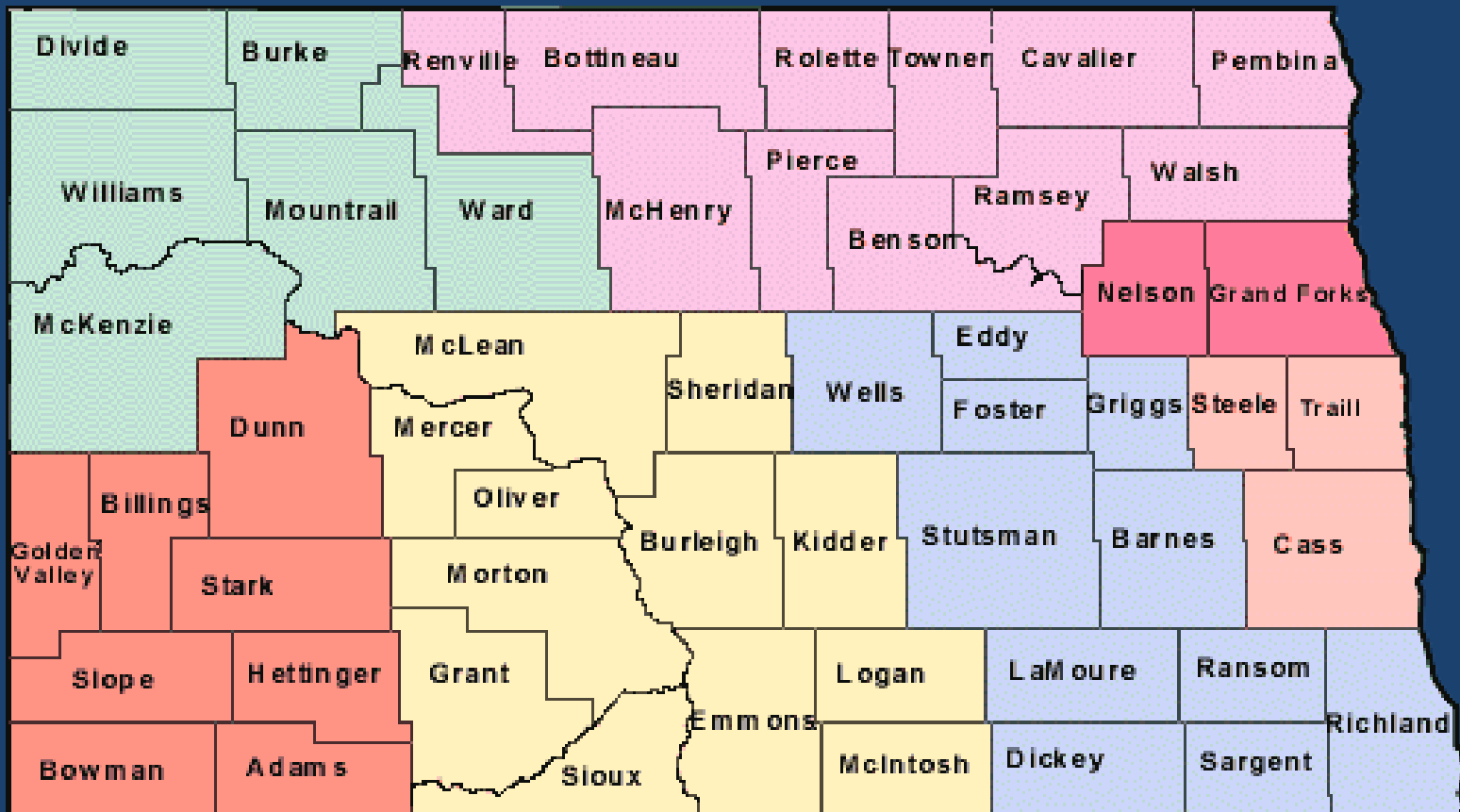
3. Intermediate Measures:

- a. Community Service;
- b. Day reporting;
- c. Curfew;
- d. Home confinement;
- e. House arrest;
- f. Electronic Monitoring;
- g. Residential halfway house;
- h. Intensive supervision program;
- i. or Participation in the twenty-four seven sobriety program.

ABOUT THE PROGRAM

Pilot Program

12 Counties in the South Central Judicial District



ABOUT THE PILOT PROGRAM:

12 Counties in the South Central Judicial District

Burleigh

Emmons

Grant

Kidder

Logan

McIntosh

McLean

Mercer

Morton

Oliver

Sheridan

Sioux

2 counties in the Northeast Central Judicial District

Grand Forks

Nelson

1/1/08 – 3/15/2012 COUNTY/LOCATION OF TESTING

*includes both current *and* discharged participants

Testing County	Participants	Percent
Adams	3	0.0%
Barnes	11	1.0%
Benson	0	0.0%
Billings	1	0.0%
Bottineau	0	0.0%
Bowman	1	0.0%
Burke	1	0.0%
Burleigh	944	32%
Cass County Jail	200	6.0%
Cavalier	2	0.0%
DOCR	101	3.0%
Dickey	1	0.0%
Divide	0	0.0%
Dunn	0	0.0%
Eddy	0	0.0%
Emmons	6	0.0%
Foster	4	0.0%
Golden Valley	10	0.0%
Grand Forks County CC	247	8.0%

Testing County	Participants	Percent
Grant	0	0.0%
Griggs	6	0.0%
Hettinger	1	0.0%
Kidder	11	1%
Lake Region	108	3.0%
LaMoure	10	1.0%
Logan	12	1.0%
McHenry	2	0.0%
McIntosh	28	1.0%
McKenzie	10	0.0%
McLean	49	2.0%
Mercer	80	3.0%
Morton	432	15.0%
Mountrail	13	1.0%
Nelson	0	0.0%
Oliver	5	0.0%
Pembina	2	0.0%
Pierce	8	0.0%
Ransom	3	0.0%

Testing County	Participants	Percent
Renville	2	0.0%
Richland	2	0.0%
Rolette	3	0.0%
Sargent	10	1.0%
Sheridan	7	0.0%
Sioux	0	0.0%
Slope	0	0.0%
Stark	105	4.0%
Steele	0	0.0%
Stutsman	77	3.0%
Towner	0	0.0%
Traill	12	1.0%
Walsh	4	0.0%
Ward	306	10.0%
Wells	9	0.0%
Williams	74	2.0%
TOTAL	2923	100%

ABOUT THE PROGRAM

- *DUI-alcohol and controlled substances; Domestic violence; Abuse or neglect of a child; other offenses involving alcohol or controlled substances
- *Bond Condition; Pretrial Condition; Post conviction requirement
- *Court Mandated
- *Monitored: Intoxilyzer Twice per Day
 - Remote Electronic Alcohol Monitoring Bracelet
 - Urine/Drug testing

GOAL:

- Defendant sobriety - 24/7
- Target group
 - = anyone arrested for DUI (alcohol or drugs) with prior conviction in the last 10 years
 - = anyone arrested for controlled substance abuse.
 - = anyone arrested for abuse or neglect of a child
 - = anyone arrested for a crime involving alcohol/controlled substance
 - = anyone on parole or probation involved in a crime listed above (intermediate measure)

PROGRAM CONDITIONS

- No alcohol
- No bars
- 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

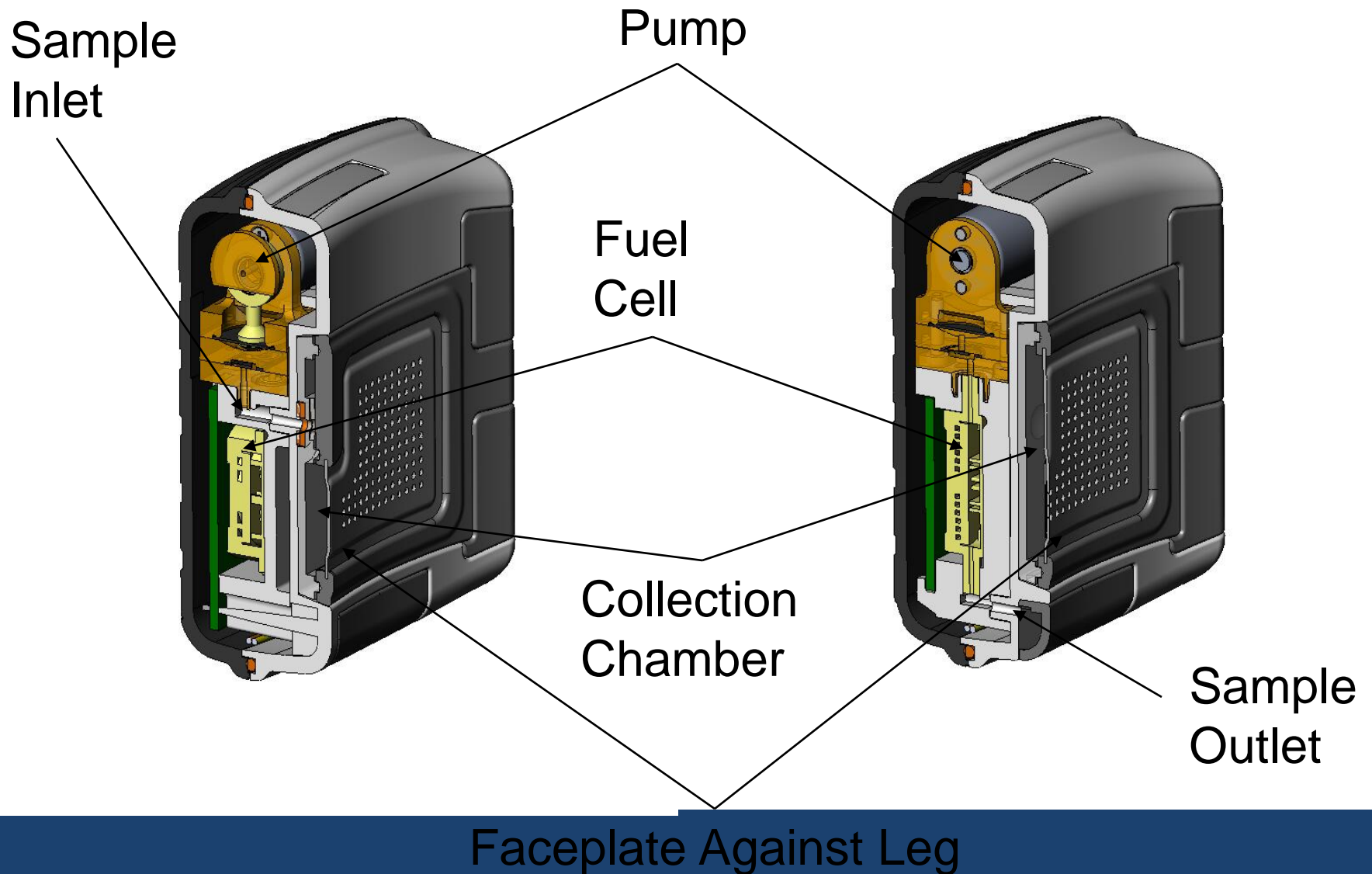
The Alco-Sensor FST and/or CMI SD-5 are the newest instruments in their companies product lines. Offering both direct and passive sampling, these instruments produce fast, reliable, accurate results in a package that is designed so that the operator has maximum control over the subject during sample collection.



Alcohol Monitoring System (AMS) Secure Continuous Remote Alcohol Monitoring (SCRAM)

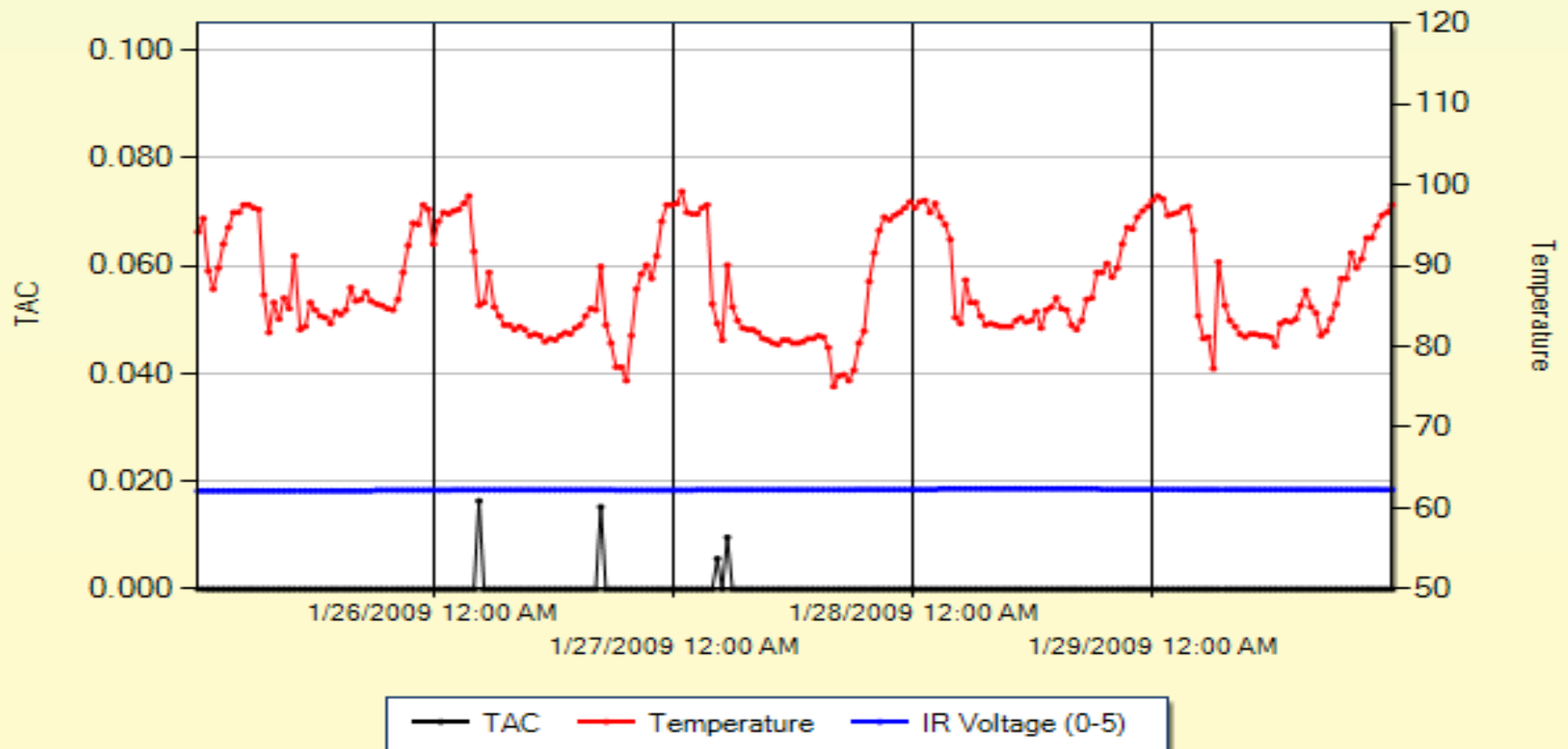


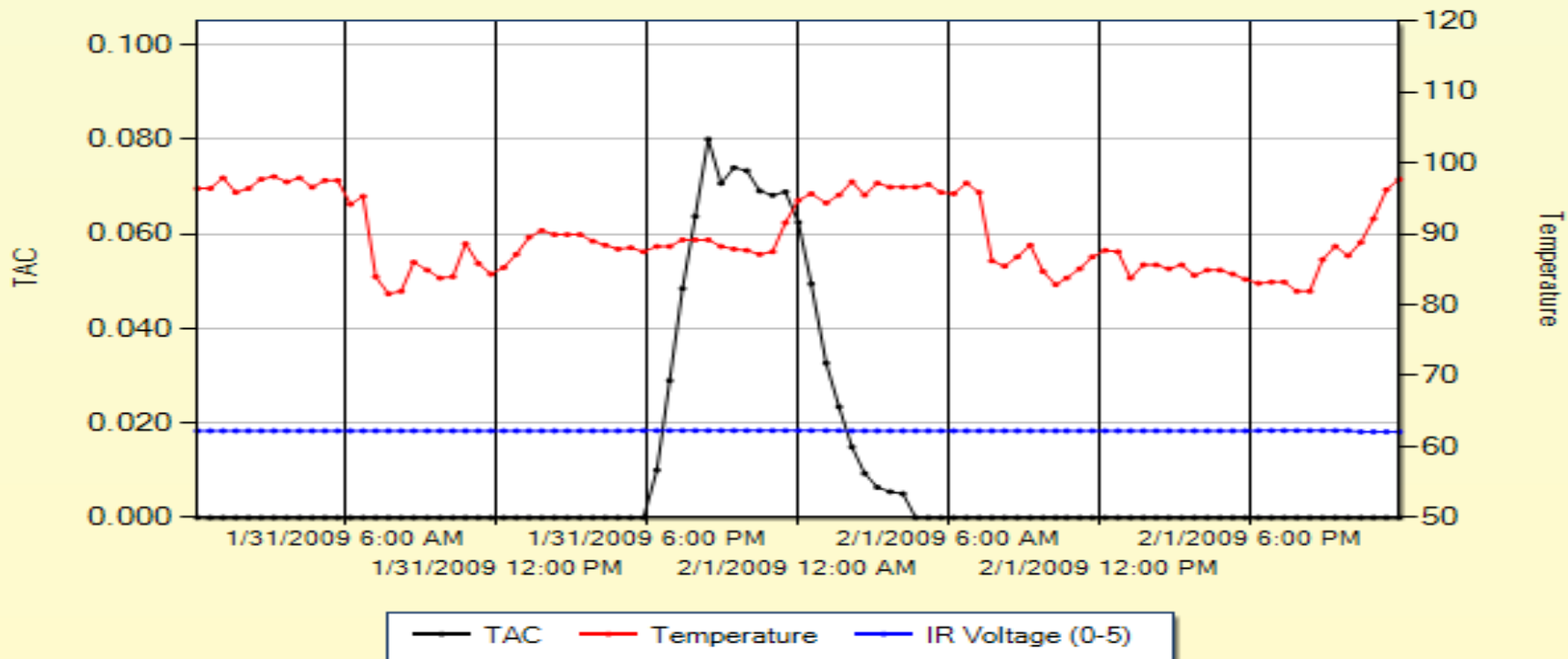
How SCRAM Works



Three Tests With Every Sample:

Ethanol / Temperature / IR





Alerts

Alert Description	Start Date/Time	Status	Resolution
Alcohol Detected	01/31/2009 3:51 PM	Resolved	Confirmable
Action Log:			
Contact AMS	01/31/2009 6:02 PM		
Confirmable			
Contact AMS	02/1/2009 7:38 AM	Confirmed	
Confirmable			

SCRAM STATS

February 19, 2009 through March 4, 2012

- 659 participants
- 55,805 total monitoring days for an average of 80 days per participant
- 405 were fully compliant during monitoring period 61%
- 138 non-compliant clients 21%
- 48 clients had a total of 116 confirmed drinking events 7%
- 111 clients had a total of 235 confirmed tampers 16%
- 21 client had both confirmed drinking and tamper events 3.0%

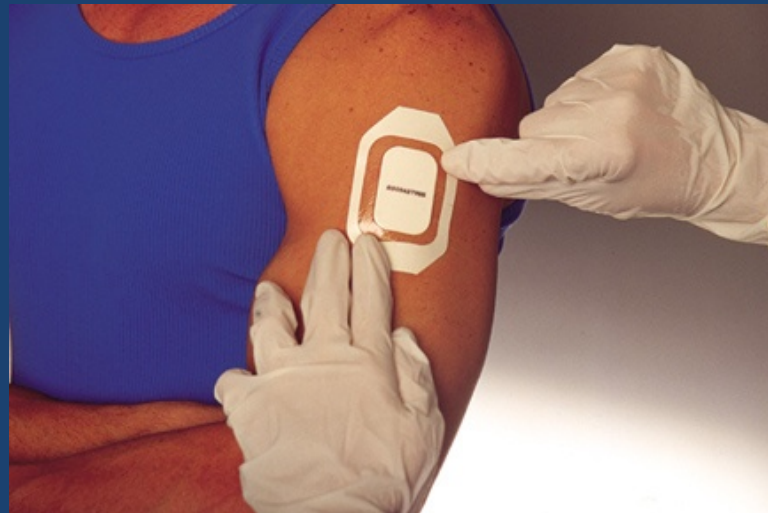
DRUG URINALYSIS (Redwood Toxicology)

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



DRUG PATCH (Pharmacheck)

- Detection of drugs
- through sweat test
- Detectable drugs
 - Cocaine
 - Opiates
 - Amphetamines
 - Marijuana
 - OxyCodone
 - PCP
 - Antidepressants
 - Ecstasy



24/7: AVAILABLE SERVICES

\$1.00
per test
\$2.00
p/day



- PBT
 - Small counties
 - Ease and Test

\$5.00 per day
(\$25.00
activation &
\$25.00
deactivation)



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

\$40.00
per patch



- Drug Patch
 - Small counties
 - Counties without female staff

\$5.00 per test
\$12.50 for
Laboratory
Confirmation



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

APPLICABILITY – ALL CRIMES

1. Pre-trial

- Bond conditions

2. Parole

- Parole Board imposed

3. Probation (supervised and unsupervised)

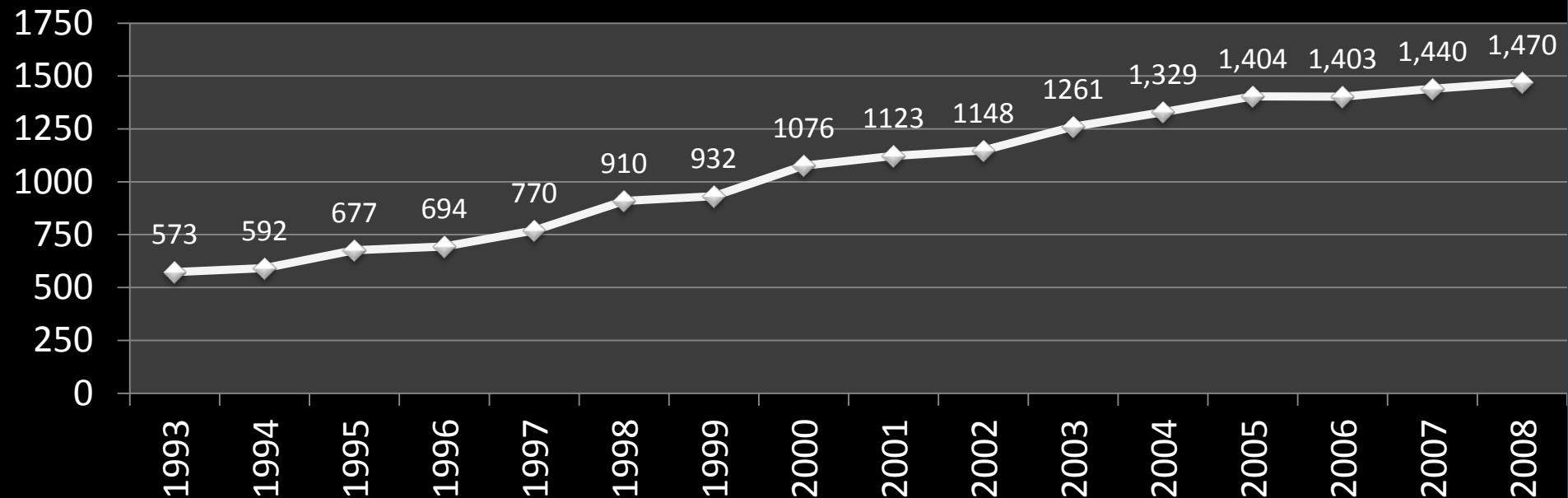
- Intermediate Measure

4. Post conviction

- Conditions of sentence

DOC Prison Population

Inmate Count on Dec 31, 2008



As Per ND Department of Corrections

24/7 WEB APPLICATION

24/7 Program

TEST ENVIRONMENT

BCI - Admin. Only

[Main](#) [Search](#) [New Participant](#) [Help](#) [Logout](#)

Site Administration

[Daily Payments](#)

[List No Shows](#)

[Add Existing Participant](#)

[Unpaid Fees](#)

[Fees Owed To The State](#)

[Calibrations](#)

Useful Links

[SCRAM](#)

[SCRAM Supplies](#)

Current Participants

Removed Participants

24/7 WEB APPLICATION

24/7 Program

TEST ENVIRONMENT

BCI - Admin. Only

[Main](#) [Search](#) [New Participant](#) [Help](#) [Logout](#)

Joe Doe [Edit](#) [Change Status](#)

Participant #	F9N6-GTN8	Balance	
Type	Court		View Account
Judge			
Arresting Jurisdiction		Tests	
Offense Date			Add Test Type
Sites	BCI - Admin. Only		
Start	12/11/2007		
Scheduled End	1/1/2008		
Actual End			
End Reason			
Offense	DUI 1st Offense		

There are no tests. In order to log test results, you must [Add a Test Type](#)

Date	Type	Result	Testing Officer	PBT Value	Fee
------	------	--------	-----------------	-----------	-----

[Show All...](#)

Participant Information

Gender Male
DOB
Hair Color
Eye Color
Height
Weight

OLN

Address 1 Some Street
Bismarck, ND 58501
Alternate

County BURLEIGH

Home
Work
Cell
Email

Interested Parties

[New Interested Party](#)

Employment Information

Employer
Address

Supervisor
Work
Cell

Current Numbers/Statistics

- As of March 14, 2012
 - 2923 total participants
 - 327 active
 - 1984 graduated
 - 451 failed
 - 161 re-offended

Current Numbers/Statistics

- Present and Successful PBT tests versus No shows and failed PBT tests
- 96.49 % Success rate

Total PBT tests: 211,582

- Present and Successful PBT tests: 204,065
- No Shows and Failed PBT tests: 2982
 - 1174 failed tests; 1808 no shows
 - 4535 excused tests

Current Numbers/Statistics

- SCRAM Bracelets available to BCI= 294

24/7 CONTACT INFORMATION

Special Agent TIM MYERS

NDBCI

(701) 328-5515-office

(701) 220-7026-cell