

South Dakota DUI Offenders Get Sober

By Mikel Chavers

In South Dakota, locking up repeat DUI offenders was the only way the state could keep them sober—but that just wasn't working.

In the state, three DUIs accumulated over a 10-year period is a felony.

That offender will probably get arrested five or six times before he or she gets the third DUI charge, said South Dakota Attorney General Larry Long. These people most likely have been on probation a few times and have been sent to treatment a few times, he said.

“And finally the judge is going to get sick of him after the third offense or perhaps the fourth offense, and send him to the penitentiary,” Long said.

It was the same story for drug offenses. By and large, these people end up doing short prison sentences and even shorter spasms of treatment, Long said.

Last year, 87 percent of men and 91 percent of women who entered the South Dakota Department of Corrections had a diagnosed alcohol or drug addiction, Long said. On any given day, 15 percent of the people behind bars in the state are there on felony drunken driving charges, according to Long.

“Alcohol addiction and drug addiction drives the criminal justice system,” Long said. “The one that is most consistent and most popular is alcohol.”

But the state's **24/7 Sobriety Program**—one of eight national winners of a CSG Innovations Award—is changing business as usual in South Dakota. Now repeat DUI offenders, in order to satisfy parole requirements, must show up at their local jail every morning and every evening—7 a.m. and 7 p.m.—to blow into a breathalyzer.

They must stay sober or go to jail.

If they pass, they go about their normal day. If they fail, they go directly to jail, conveniently located right around the corner. If they don't show up for the breathalyzer test, law enforcement picks them up at home and takes them to jail. The enforcement mechanism that was missing was set in place.

“Our court system really grabbed a hold of it,” said Pennington County Sheriff Don Holloway. “It gives the court some confidence level that people are not drinking to the extent where there would be a DUI.”

But it's also keeping people sober for longer than they've ever been, Long said. A 30-year-old participated in the program at the beginning in February 2005 and had been arrested for his seventh DUI, Long said. So they tried him out on the new 24/7 Sobriety Program. The program was the only thing keeping the man from the penitentiary, according to Long.

“He drove a bicycle to and from the test site twice a day for 10 months,” Long said. “And then he went into treatment, got out of treatment and he is still sober to this day.”

Some people in the program are middle-aged and had been drinking since age 15. State officials could see physical changes in people after two or three months of sobriety. “Their color changes, their weight changes—they become different people,” Long said.

The program began in the mid-1980s in Bennett County, where Long was a local prosecutor. He was young and new on the job and eventually it dawned



on him—“we were prosecuting the same people time after time for a variety of sins but the one common denominator was it was all alcohol related,” Long said of those days.

“Whether it was drunk driving or spouse abuse or burglary or a theft or a forgery or rape

or (aggravated) assault—it was all alcohol related. There was virtually nothing that we prosecuted of any significance that was not alcohol related.”

The issue has always been how to keep these people sober.

So far, this new program has been working, Long said.

FAST FACTS

- A DUI offender pays \$1 each time he or she comes in to take the breathalyzer test. “It's cheaper for him to stay sober and pay us two bucks a day than any other scenario for him,” said South Dakota Attorney General Larry Long, adding that it's much cheaper for the state and the offender than going to jail.
- Urinalysis testing for drugs is administered twice a week with the same program and costs participants \$5 each visit.
- Half the counties in South Dakota don't have a jail. In those counties special battery operated bracelets work like a breathalyzer machine, transferring the offender's information to the parole officer or the sheriff.