

North Dakota
Attorney General's Office

24/7



Attorney General Wayne Stenehjem

Burleigh County Sheriffs Department 24-7 Sobriety Program

Sgt. Troy Karlberg
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24-7 Project Coordinator

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HISTORY: 60th Session

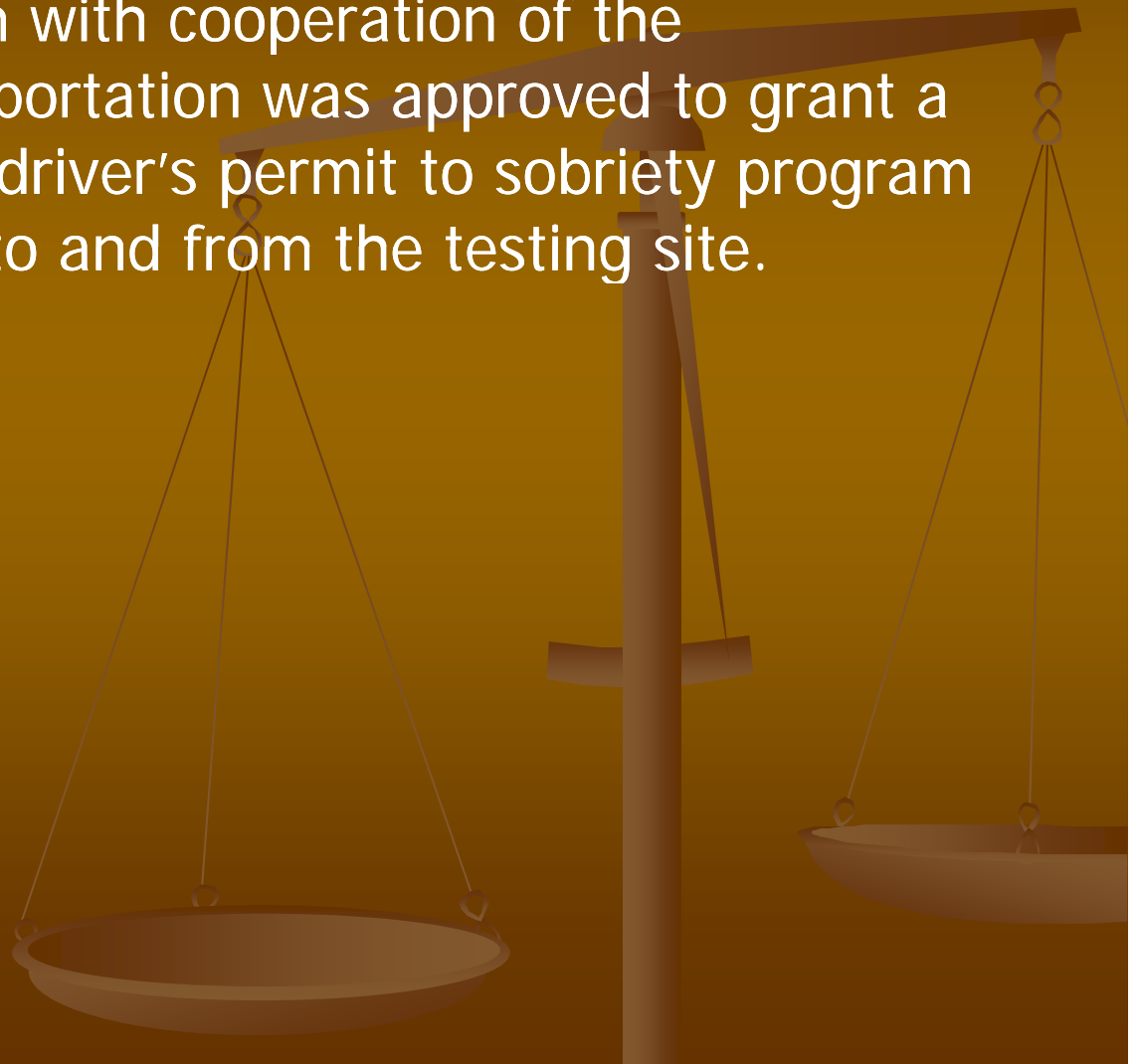
- The 60th Legislative Assembly, in Section 11 of Senate Bill 2003, authorized the Attorney General to establish a sobriety program pilot project in one or more judicial districts of the state. The sobriety program involved coordination among state, county, and municipal agencies. The Attorney General, 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

- 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.



24-7 Program in the Media



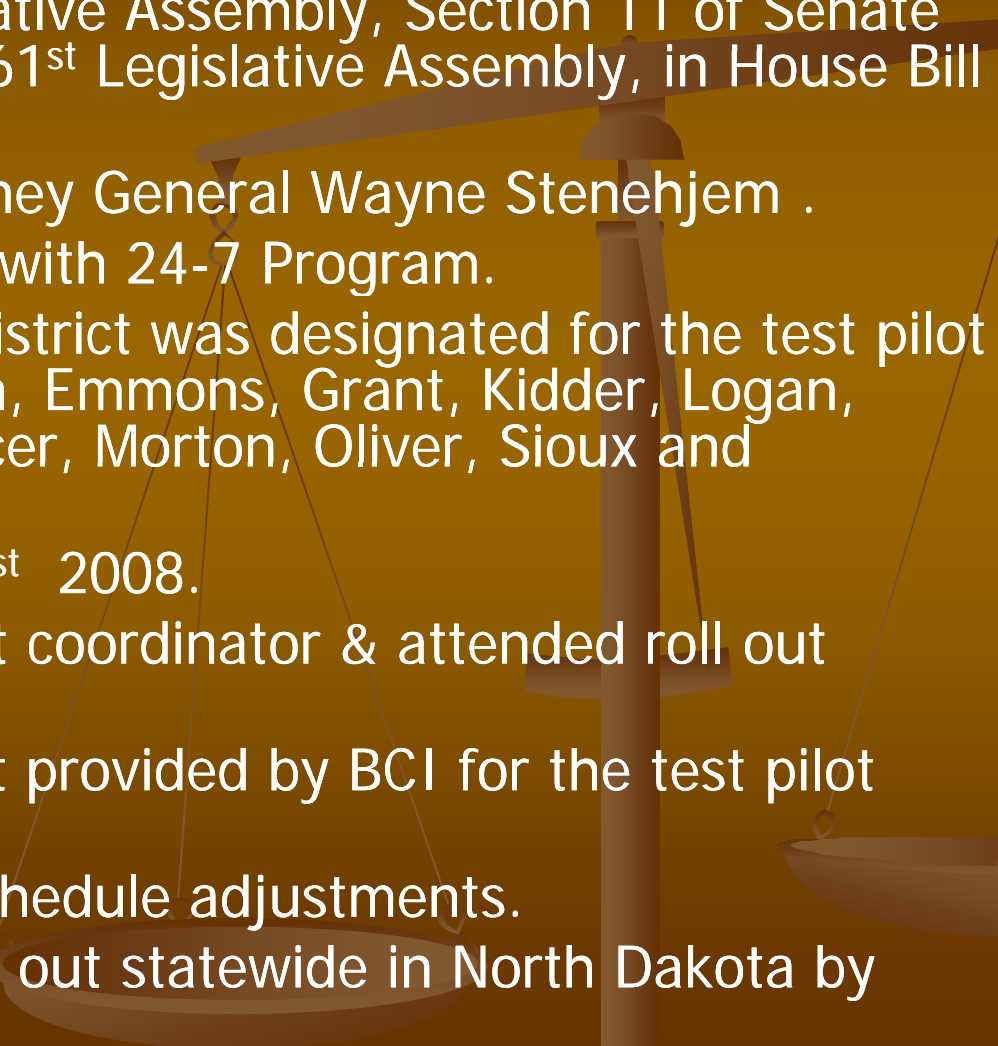


24/7 STATEMENT

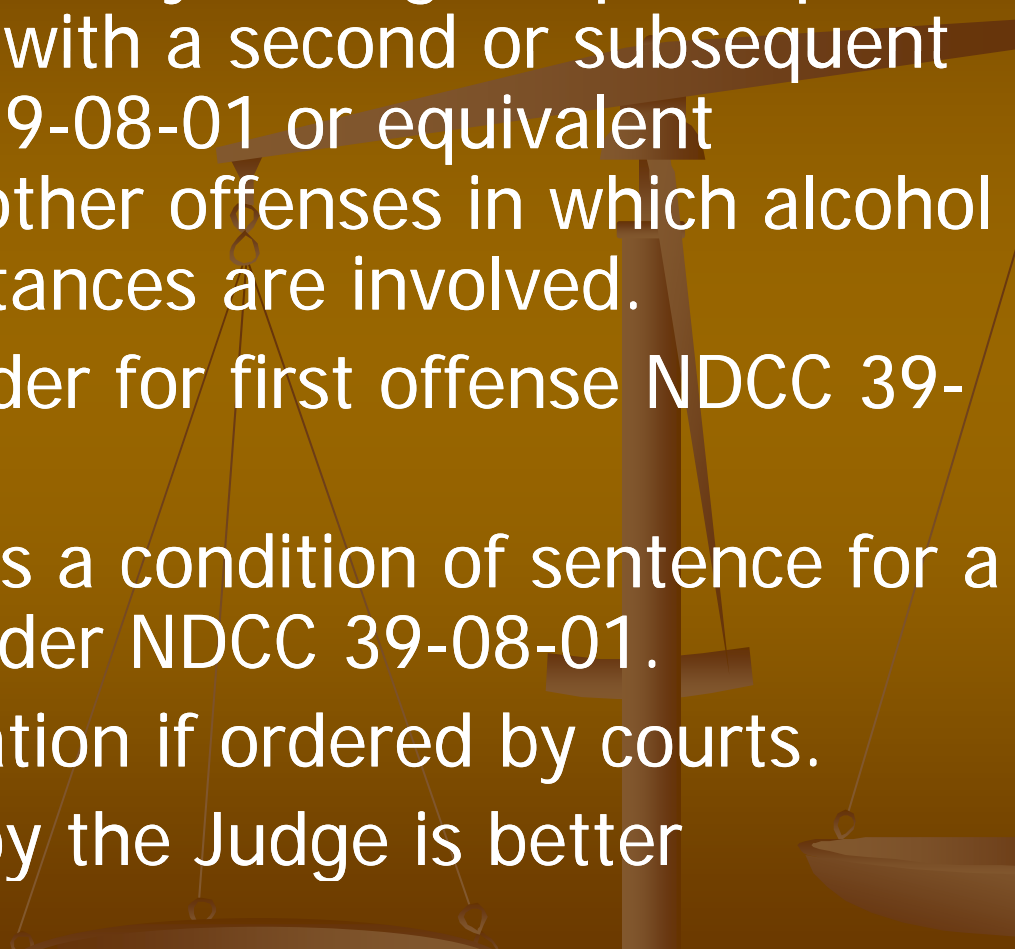
PEOPLE WITH ADDICTIVE
BEHAVIORS WILL NOT CHANGE
UNLESS ALL THE ALTERNATIVES
ARE WORSE

(IMMEDIATE CONSEQUENCES)

History of the 24-7 Sobriety Program

- Approved by 60th Legislative Assembly, Section 11 of Senate Bill 2003 and later, the 61st Legislative Assembly, in House Bill 1306.
 - Introduced by ND Attorney General Wayne Stenehjem .
 - South Dakota's success with 24-7 Program.
 - South Central Judicial District was designated for the test pilot in 12 counties. (Burleigh, Emmons, Grant, Kidder, Logan, McIntosh, McLean, Mercer, Morton, Oliver, Sioux and Sheridan counties.)
 - Implemented January 1st 2008.
 - BCSD assigned a project coordinator & attended roll out training.
 - PBT & Scram equipment provided by BCI for the test pilot program.
 - Training of officers & Schedule adjustments.
 - 24-7 is now being rolled out statewide in North Dakota by BCI.
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24-7 testing as a Condition Of Bond

- Participant is ordered by a Judge to participate in 24-7 if charged with a second or subsequent offense of NDCC 39-08-01 or equivalent ordinance, or for other offenses in which alcohol or controlled substances are involved.
 - Court may also order for first offense NDCC 39-08-01.
 - Court may order as a condition of sentence for a post conviction under NDCC 39-08-01.
 - Condition of Probation if ordered by courts.
 - No alcohol order by the Judge is better enforced.
- 

How does 24-7 PBT testing work?

- Participant comes to BCSD to register after court.
- Fills out information form & signs participation agreement.
- Pays two weeks fees in advance (\$28.00). Each test is \$1.00.
- Reports to BCSD twice daily for PBT test. Times are 8:00-9:00am and 8:00-9:00pm.
- Test takes about one minute or less.
- Participant signs log sheet, and leaves if they pass.
- If participant fails first test, a second test is given 15 minutes later. If bac is still positive, escort them to jail. (Minimum bac allowed by our guidelines is .007)
- Participant must see the Judge to have bond violation reviewed.
- Project coordinator logs test in 24-7 data base.
- Participant may test at other 24-7 testing sites, if approved.



BCSD 24-7 Program

BURLEIGH COUNTY SHERIFFS DEPARTMENT 24/7 SOBRIETY PROGRAM - BREATH TESTING REQUIREMENTS

Participant: _____

Criminal Case No: _____

District Court: _____

Municipal Court: _____

1. The Participant shall submit to testing in the form of twice daily Alcohol Breath tests, and pay for the tests at the rate of \$1.00 per test. Payment shall be by cash. No personal or two-party checks will be accepted. A minimum of two weeks test fees (\$28.00) must be paid in advance.

2. The Participant shall report to the Burleigh County Sheriff's Office every day between 8:00 and 9:00 a.m. and between 8:00 and 9:00 p.m. to submit to breath testing for detection of the consumption of alcoholic beverages.

3. Testing will be conducted at the entrance/lobby area, located at the west doors of the Sheriff's Department. You must bring a photo ID with you at all times. Do not bring any items with you that would set off the metal detectors.

4. The Participant shall not use or possess any controlled substances or marijuana, nor consume, use or possess alcohol in any form.

5. The Participant shall not consume or use any of the following items for a period of at least fifteen (15) minutes before Alcohol Breath testing: mouthwash, toothpaste, cough syrup, carbonated beverages, food and tobacco products.

6. If at any time the Participant fails to report for or submit to a test, or if the Participant otherwise violates any of the conditions of the Court's Bond Order, or should any amount of alcohol be indicated by an Alcohol Breath test, the Participant may be detained, immediately taken into custody and held without bond until the matter can be brought before a judge of this Court or as otherwise provided by state law for review and reconsideration of the Court's Bond Order.

7. Do not park illegally in the parking lot, even for a short period of time.

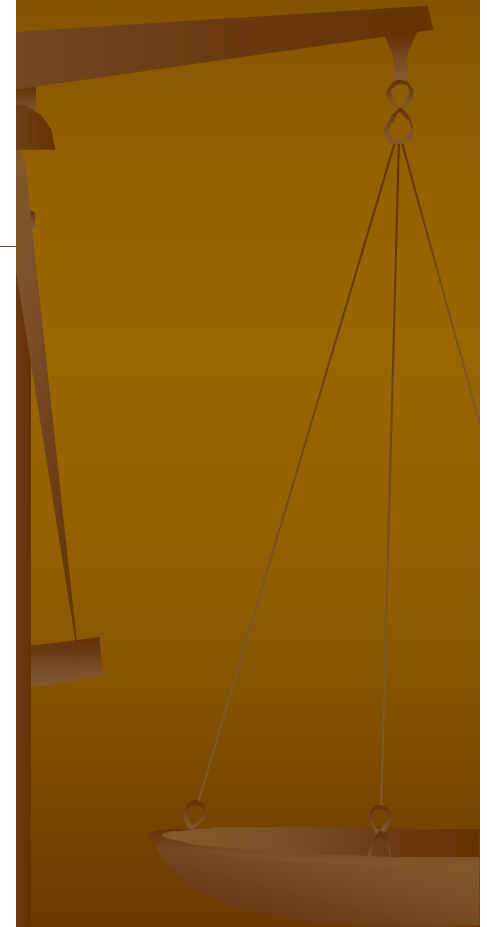
The Participant acknowledges receipt of these 24/7 Sobriety Project Bond Order requirements.

Dated _____

Participant _____

Dated _____

Witness _____



Alco-Sensor FST



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.

24-7 Data Base

North Dakota

nd.gov Official Portal for
North Dakota State Government



24/7 Program

Burleigh County Jail - Troy Karlberg

Main | Search | New Participant | Help | Logout

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

Participant # GP6Y-H7YM
Type Court Balance \$19.00
Judge David E. Reich [View Account](#)
Arresting Jurisdiction
Offense Date Tests PBT
Sites Burleigh County Jail Twice Daily
Start 5/12/2008 [remove](#)
Scheduled End [Fee Waivers](#)
Actual End
End Reason [Add Test Type](#)
Offense DUI 3+ Offense

Participant Information

Gender Male
DOB 9/14/1970
Hair Color Blk
Eye Color Bro
Height 509
Weight 235

OLN

Address

Alternate

County BURLEIGH

Home

Work

Cell

Email

[Photos](#)

[Alerts](#)

Interested Parties

[New Interested Party](#)

Employment Information

Employer
Address

Supervisor
Work
Cell

Test Log

Test PBT Result Passed
Date 07/25/2008 08:47
Testing Officer
PBT Value
Comments
Payment
[Log Test](#)

Date	Type	Result	Testing Officer	PBT Value	Fee	
7/24/2008 8:00	PBT	Passed	Rewald 4893	.000	\$1.00	remove
7/23/2008 20:11	PBT	Passed	Quam 4830	.000	\$1.00	remove
7/23/2008 8:50	PBT	Passed	Karlberg 4806	.000	\$1.00	remove
7/22/2008 20:07	PBT	Passed	Quam 4830	.000	\$1.00	remove
7/22/2008 8:45	PBT	Passed	Rewald 4893	.000	\$1.00	remove

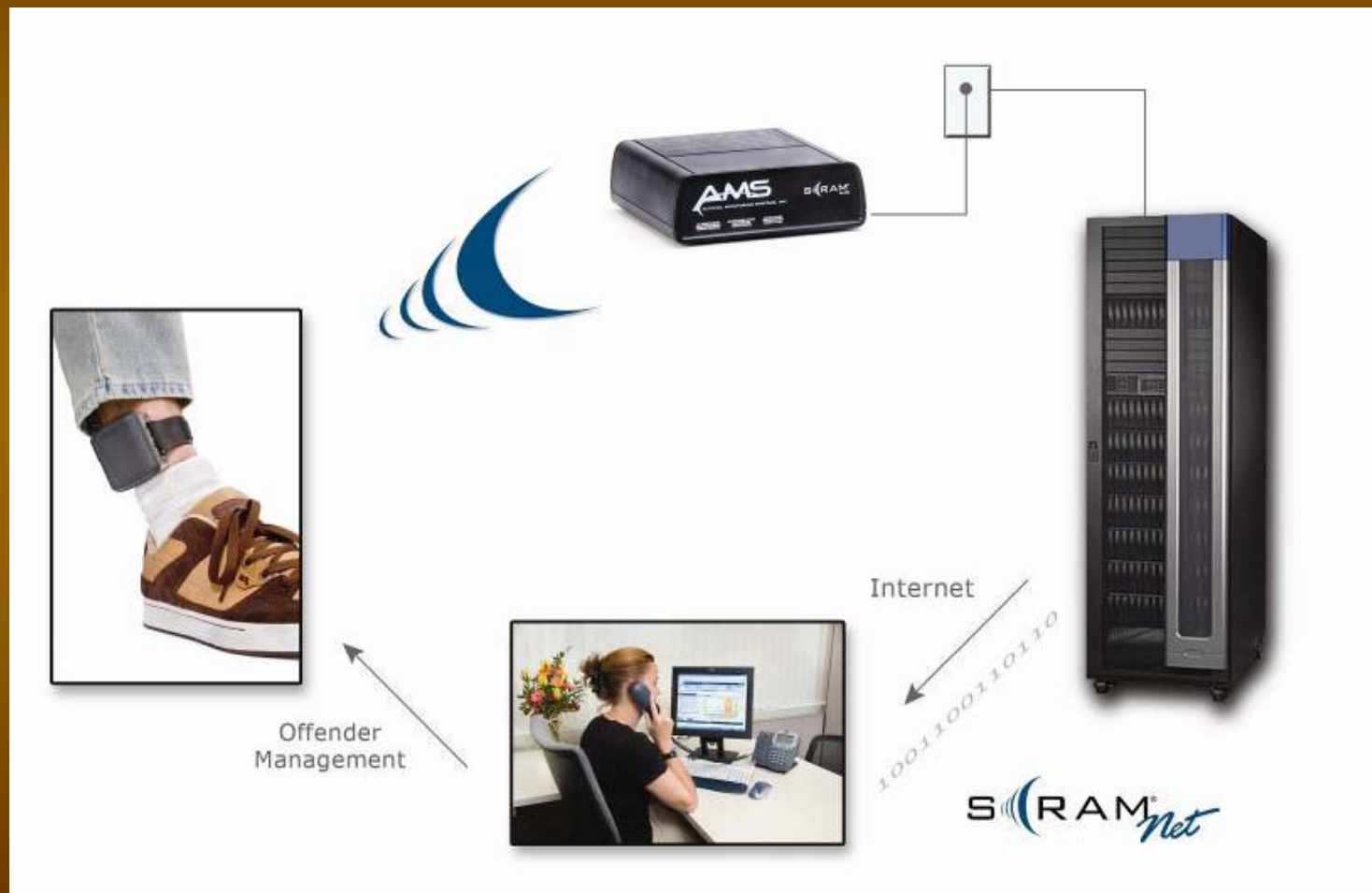
How Scram Works

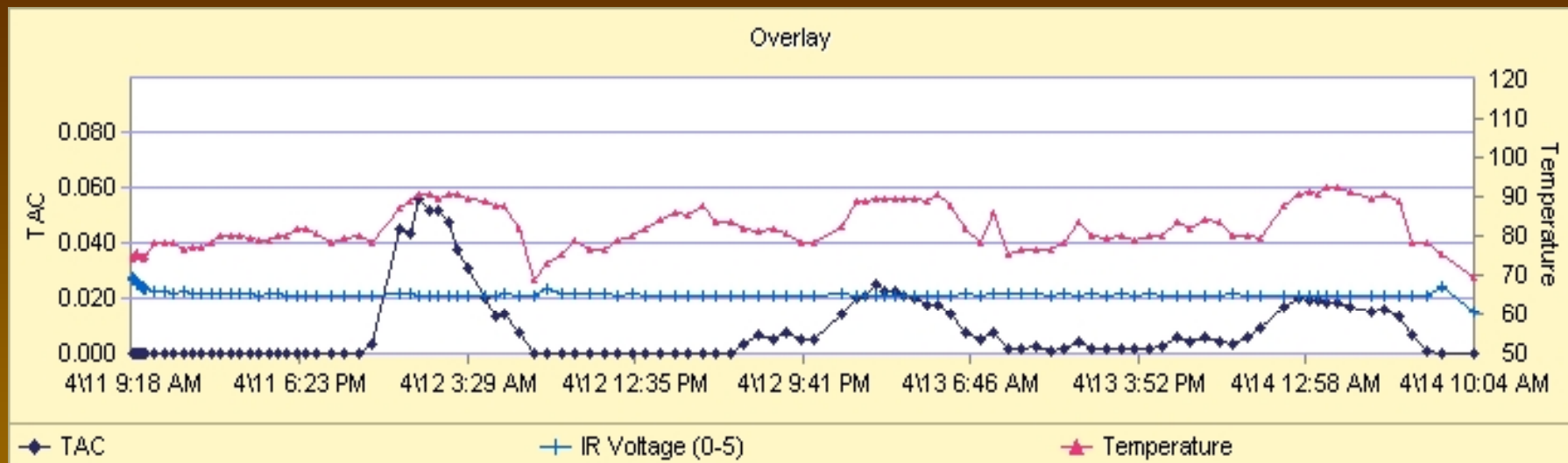
- Participant comes to BCSD to register after it's ordered by court.
- Fills out information form & signs participation agreement.
- Pay's two weeks fees in advance-\$5.00 a day monitoring fee, plus \$25.00 Activation & \$25.00 Removal Fee. (\$120.00 total) Fees are sent to the Attorney General's Office monthly.
- Orientation & set up takes about 45 minutes. They watch a video on care of scram and initialization set up is done.
- Participant takes modem home with them and test download at preset times.
- Client is assigned to an agent who oversees test downloads & collects fees every two weeks.
- Participant must see the Judge if a positive test reading comes back.
- Scram can be used by a Judge to more closely monitor a PBT violator.
- BCSD longest Scram participant has been on Scram since 6-5-08.



What is Scram?

(Secure Continuous Remote Alcohol Monitor)





Alerts

Alert Description

Alcohol Detected

Start Date/Time

04/11/2006 11:51 PM

Status

Resolved

Resolution

Confirmable

Action Log:

Contact AMS	04/14/2006 2:02 PM
Contact AMS	04/13/2006 7:38 AM
Contact AMS	04/12/2006 9:50 AM

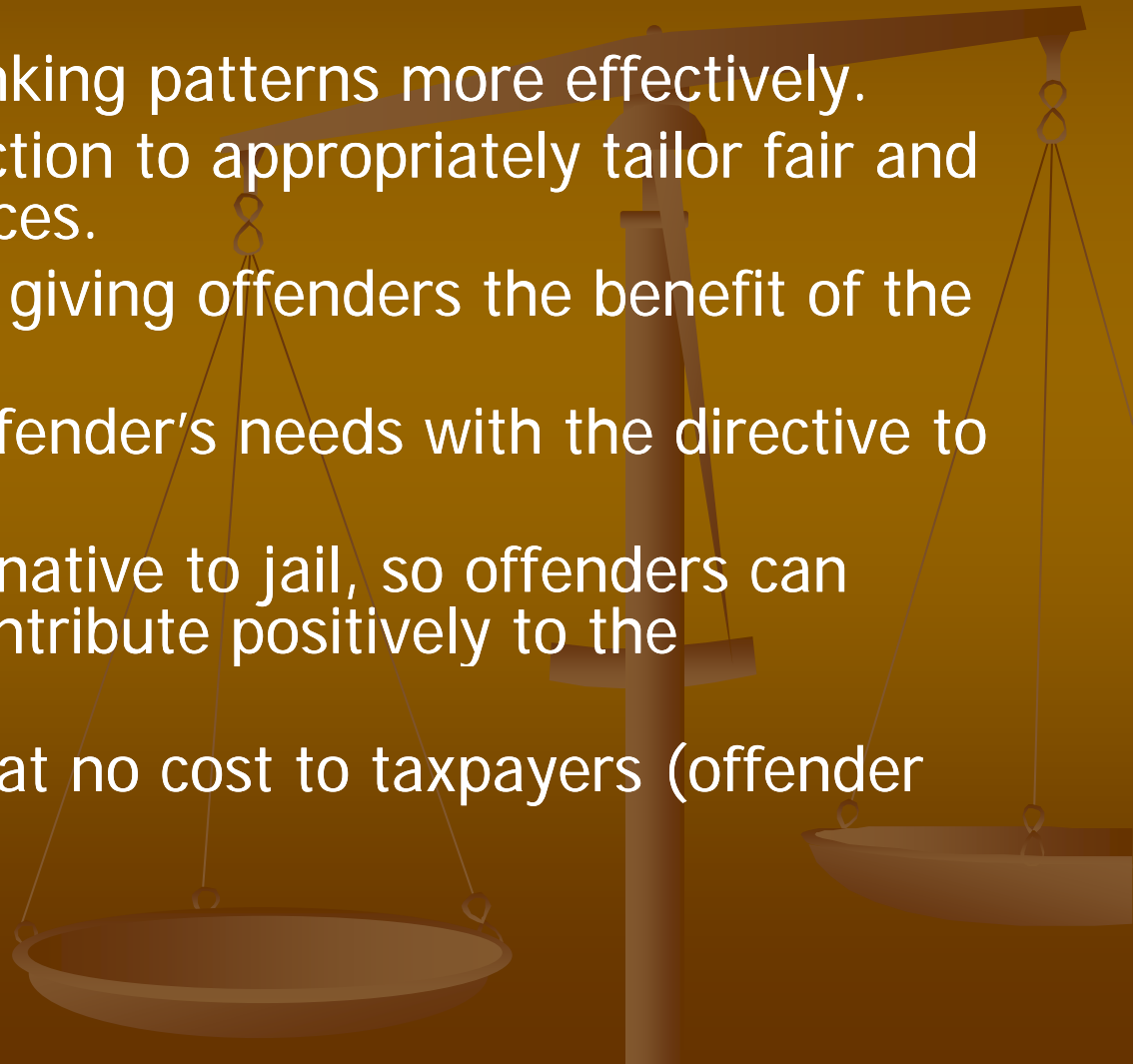
Confirmed
Appears to be low- level consumption.
Awaiting return to zero to complete analysis.

Confirmable
Confirmable

Benefits Of Scram

SCRAM lets judges:

- Gauge offender's drinking patterns more effectively.
- Assess levels of addiction to appropriately tailor fair and individualized sentences.
- Be more confident in giving offenders the benefit of the doubt.
- Better balance the offender's needs with the directive to protect the public.
- Provide a viable alternative to jail, so offenders can maintain jobs and contribute positively to the community.
- Protect public safety at no cost to taxpayers (offender pay model).



Benefits Of Scram

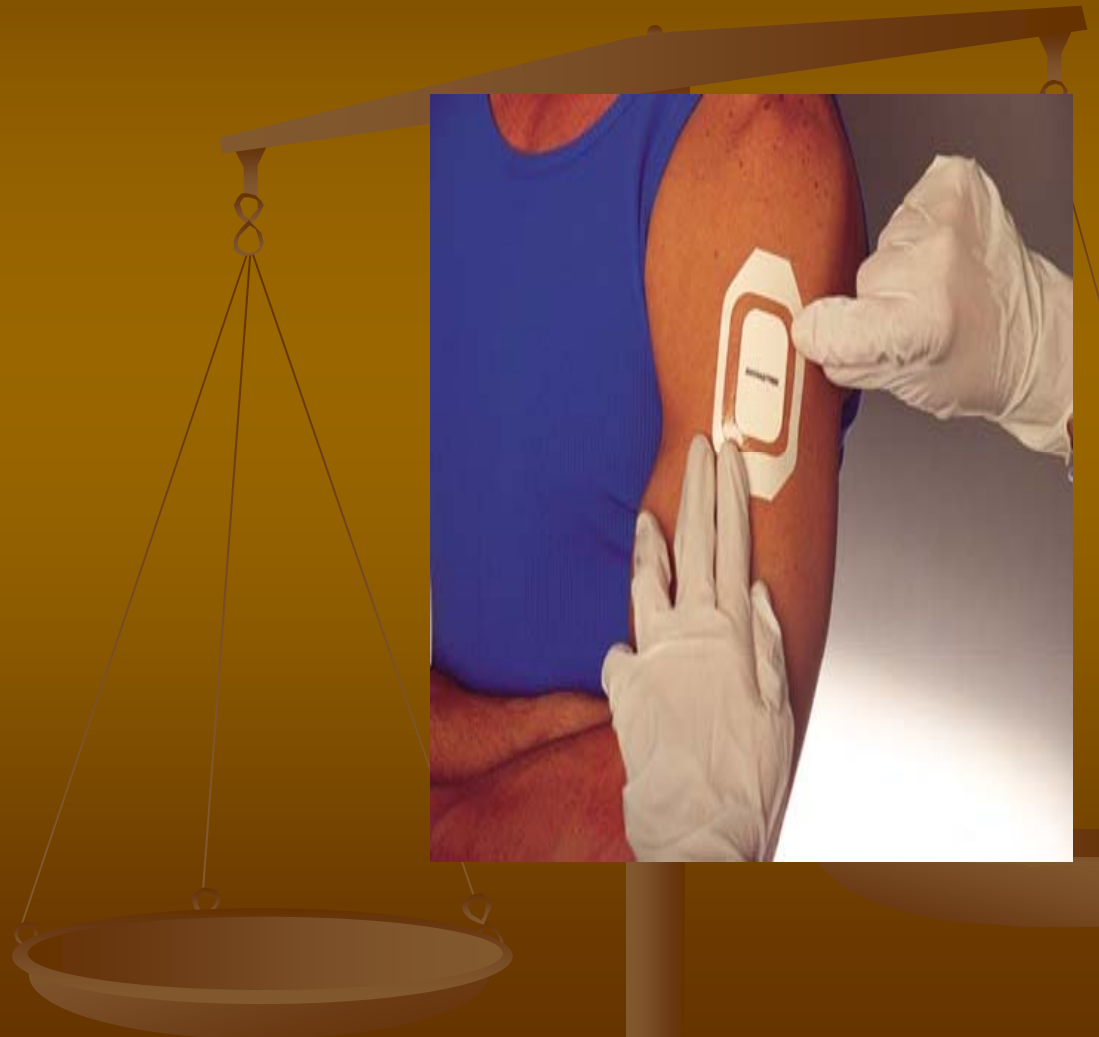
Defense attorneys can use SCRAM results to:

- Prove that their clients are obeying court orders.
- Argue for lower bonds and shorter jail sentences.
- Better assess individual client treatment needs.
- Ask judges and prosecutors to tailor sentences that fit the individual.
- Identify those offenders who can succeed on their own without severe punishment .
- Show those who need further help because they are a risk to the public.

DRUG PATCH (Pharmacheck)

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

\$40.00 Per Patch Fee



DRUG URINALYSIS (Redwood Toxicology)

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

\$5.00 Per UA Test Fee
\$12.50 Lab Confirmation



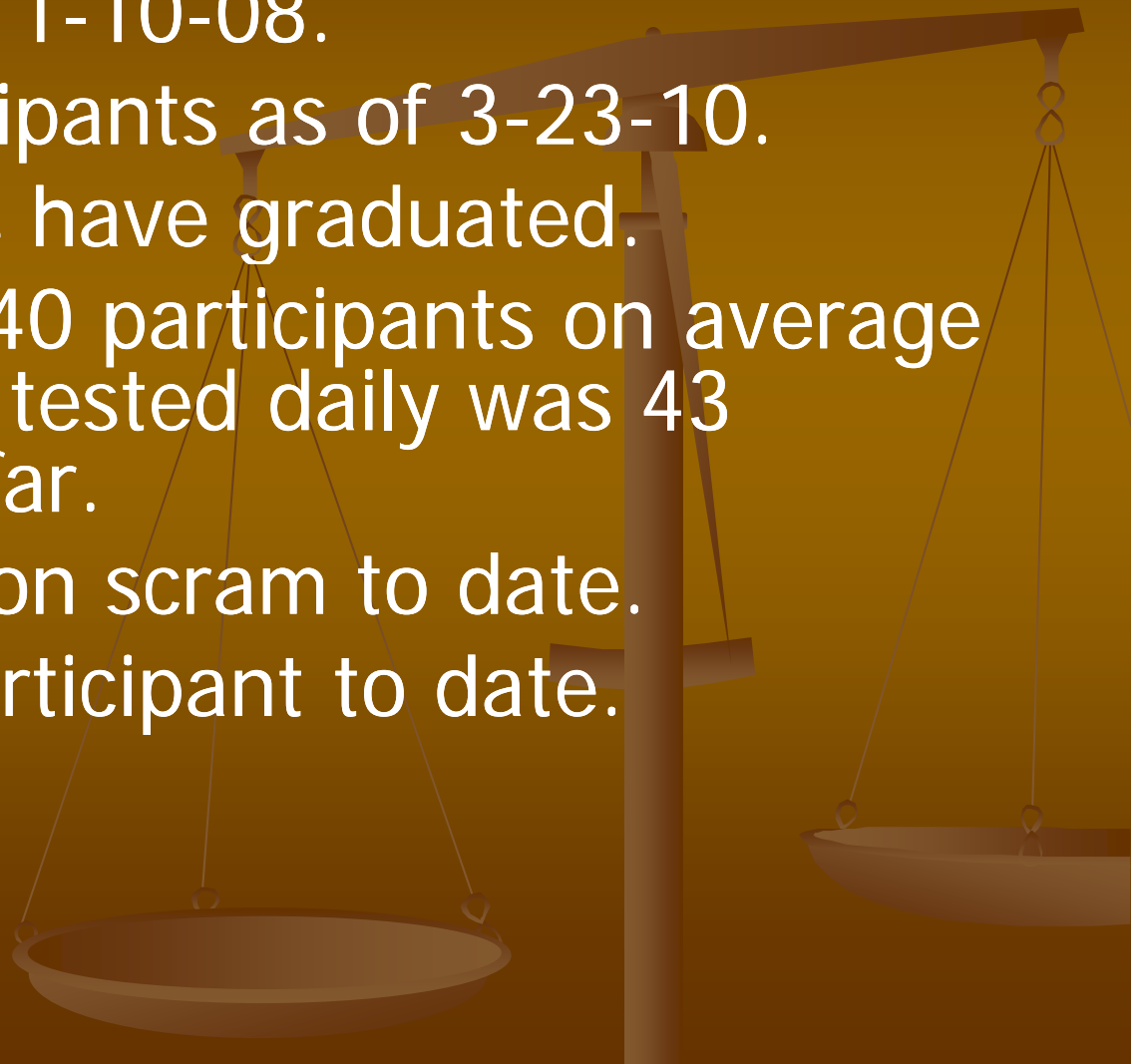
Benefits of 24-7 Sobriety Program

- Decreases jail population.
- Makes our roadways safer.
- Keeping offenders sober.
- Saving state & tax payers money.
- Helps reduce jail sentence for participant.
- Families are safer.
- Treatment prospects improve.
- Offenders employers happier.
- Prevents chronic offenders from repeating.



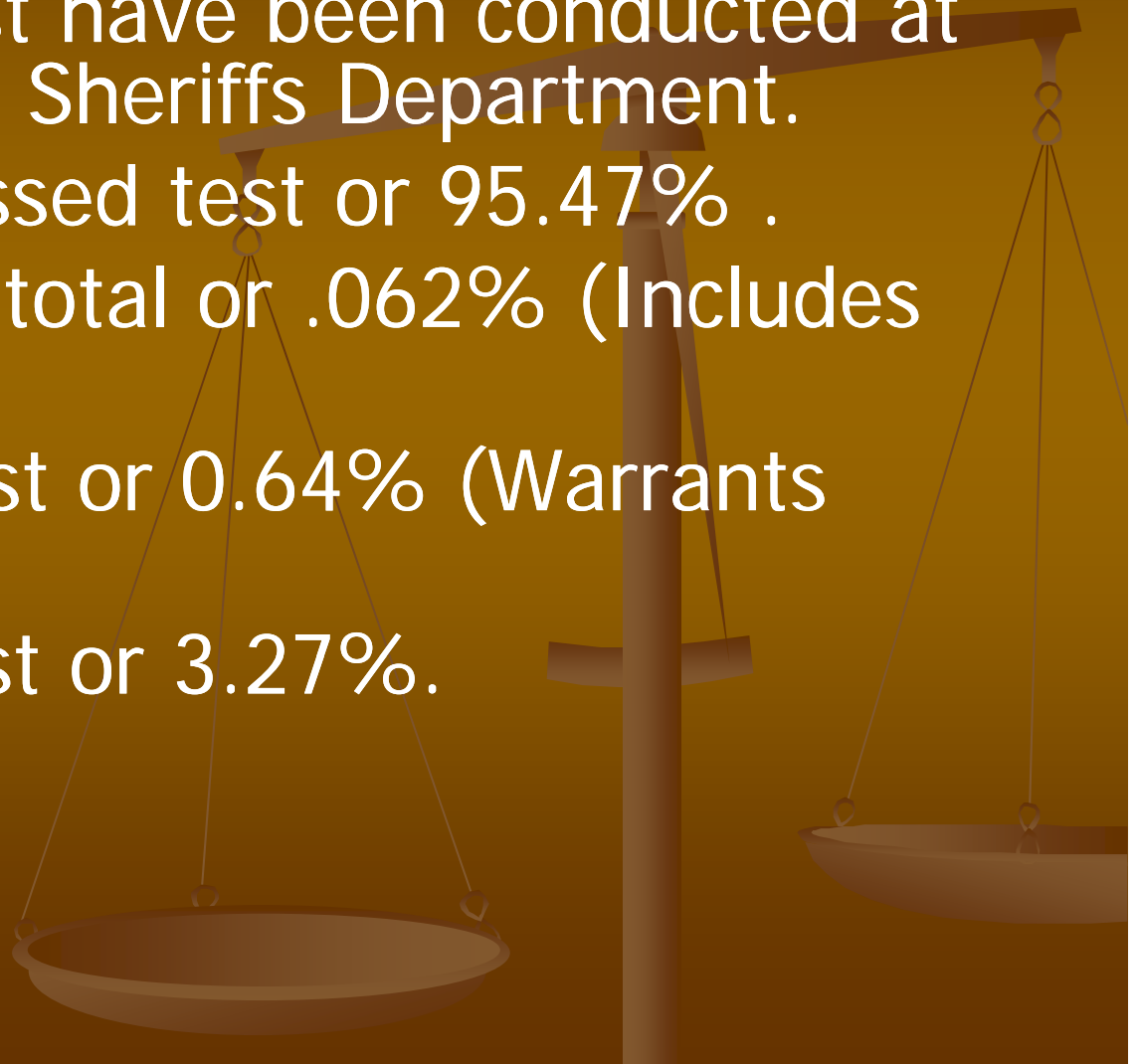
BCSD 24-7 Sobriety Program

- First Participant 1-10-08.
- 297 Total participants as of 3-23-10.
- 190 Participants have graduated.
- PBT testing 35-40 participants on average daily. The most tested daily was 43 participants so far.
- 10 participants on scram to date.
- 1 drug patch participant to date.



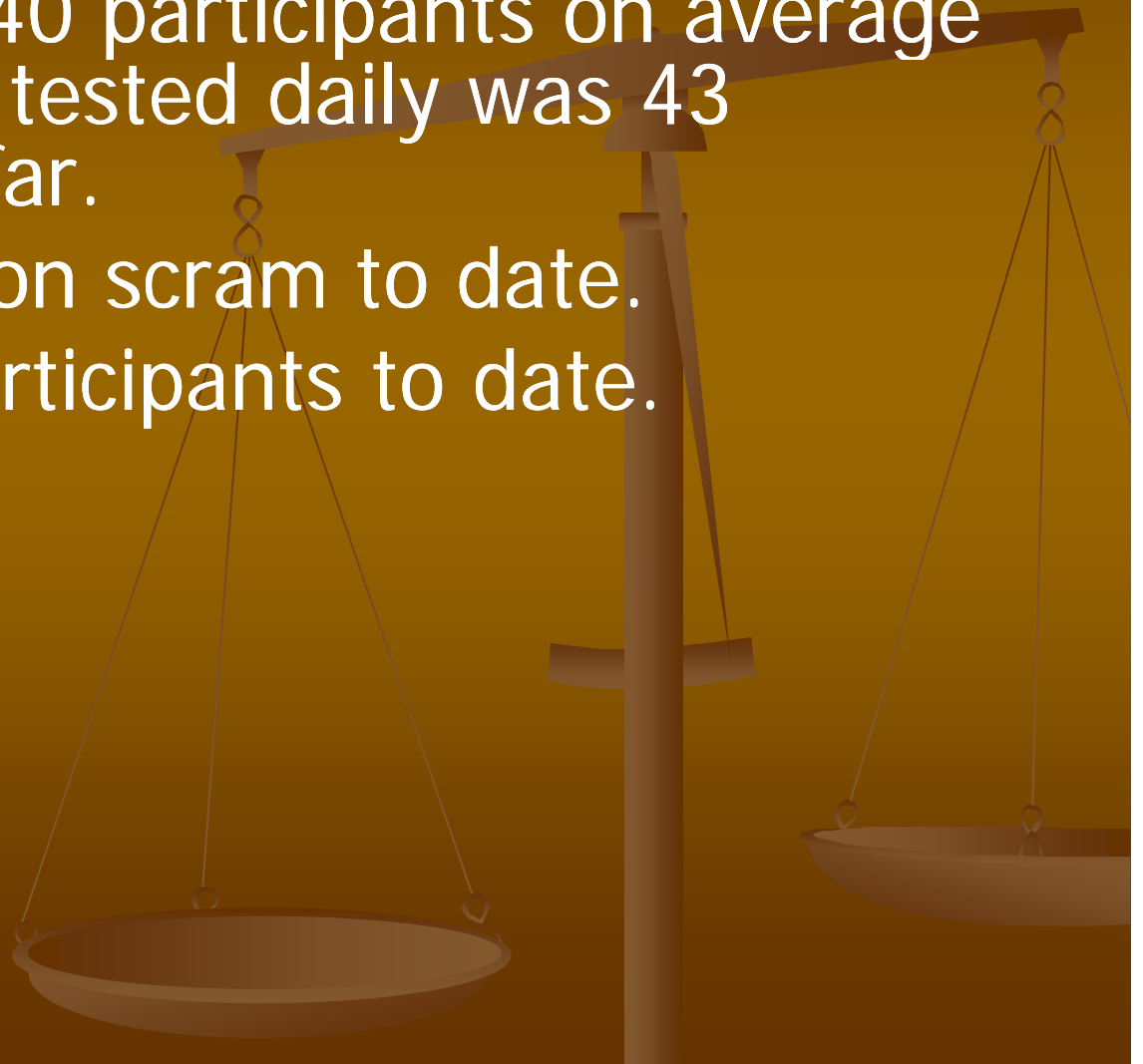
BCSD 24-7 Sobriety Program

- Over 20,291 test have been conducted at Burleigh County Sheriffs Department.
- 19,372 total passed test or 95.47% .
- 126 failed tests total or .062% (Includes second re-test)
- 130 no show test or 0.64% (Warrants issued)
- 663 Excused test or 3.27%.



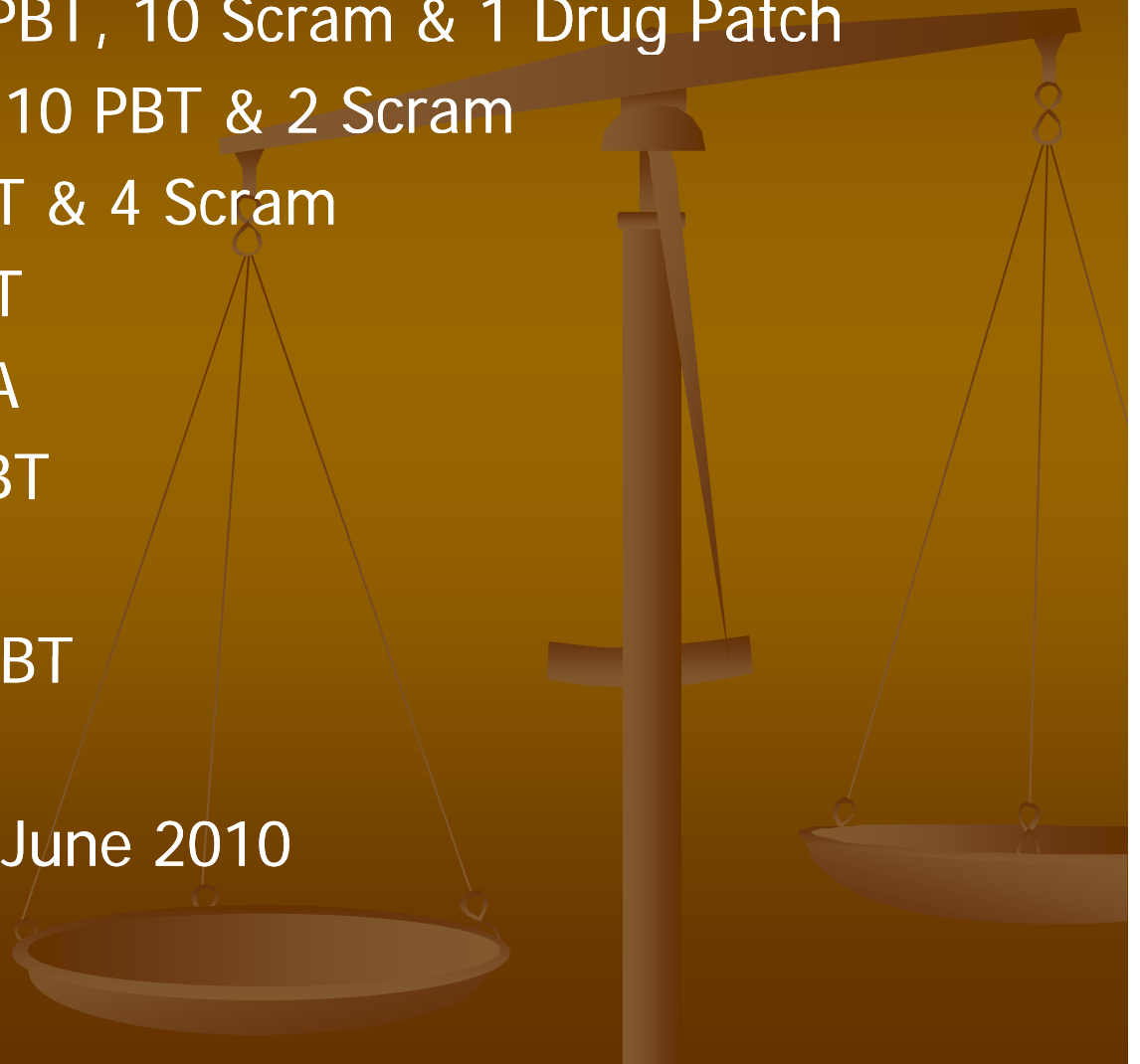
BCSD 24-7 Sobriety Program

- PBT testing 35-40 participants on average daily. The most tested daily was 43 participants so far.
- 10 participants on scram to date.
- 2 drug patch participants to date.



Other Agencies in ND doing 24-7 Program

- Burleigh County: 36 PBT, 10 Scram & 1 Drug Patch
- Grand Forks County: 10 PBT & 2 Scram
- Morton County: 7 PBT & 4 Scram
- Mclean County: 4 PBT
- Mercer: 2 PBT & 1 UA
- Cavalier County: 2 PBT
- Logan County: 1 PBT
- Sheridan County: 1 PBT
- Trail County: 1 PBT
- Cass County starting June 2010



BCSD Financial Part of 24-7 Program

- PBT Fees to date: \$19,498.00
- Scram Activation/ Deactivation fee: \$1,900.00
- Total: \$21,398.00 since 2008.
- Scram Monitoring Fees \$17,575.00



Concerns of 24-7 Program

- Staffing issues.
- Extended hours.
- Outgrowing test sites.



Questions?



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