



# STAFF REPORT

**Report To:** Board of Supervisors

**Meeting Date:** 3/2/2017

**Staff Contact:** Chief Tad Fletcher, Department of Alternative Sentencing

**Agenda Title:** For Possible Action: To approve the application process for the State of Nevada Department of Public Safety, Office of Traffic Safety Grant to partially fund a Sober 24 program in Carson City from October 1, 2017 to September 30, 2018.

**Staff Summary:** The Department of Alternative Sentencing would like to submit for a grant to fund three part time positions; one of which will be a PTE Alternative Sentencing Officer and the other two will be Alternative Sentencing Specialist's. Once in place, the additional staff, plus one current staff member will be assigned to the Sober 24 program. Testing will be administered twice a day, 7 days a week to all individuals assigned to the program by the Courts. Furthermore, all color code testing will take place during the designated hours.

**Agenda Action:** Formal Action/Motion

**Time Requested:** 10 minutes

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## **Proposed Motion**

I move to approve the grant application process by the Carson City Department of Alternative Sentencing for State of Nevada Department of Public Safety, Office of Traffic Safety Grant to help fund the Sober 24 program in Carson City from October 1, 2017 to September 30, 2018.

## **Board's Strategic Goal**

Safety

## **Previous Action**

N/A

## **Background/Issues & Analysis**

National statistics indicates that approximately one-third of all first-time DUI offenders will have a second DUI offense and that DUI Offenders are more likely than non-DUI offenders to be involved in a future fatal car crash (National Highway Traffic Safety Administration). To date, traditional DUI offense intervention efforts that include a combination of education and sanctions report only a modest 7% - 9% reduction in recidivism rates for future impaired driving offenses. In comparison, the 2013 - RAND Corporation study in the American Journal of Public Health (funded by National Institute on Drug Abuse) reported that South Dakota saw a 12% reduction in recidivism for DUI offenses and a 9% reduction in recidivism for domestic violence offenses, following adoption of their 24/7 Sobriety Program. Since implementing the 24/7 program, South Dakota has experienced a 12% drop in the rate of DUI recidivism and over 33% reduction in DUI fatalities. A number of other states have implemented programs similar to that in South Dakota, including Montana, Washington, North Dakota, and Wyoming. Each of these has experienced similar reductions in recidivism and crimes related to drug and alcohol abuse.

**Applicable Statute, Code, Policy, Rule or Regulation**

None

**Financial Information**

Is there a fiscal impact?  Yes  No

If yes, account name/number:

Is it currently budgeted?  Yes  No

Explanation of Fiscal Impact: If approved, the Department of Alternative Sentencing will be submitting for a grant to fund the Sober 24 program. The grant has a minimum of a 20% match, which will be covered by the salary of one current PTE DAS Officer position on staff. In the grant, I will be requesting \$50,000, which will fund one additional PTE DAS Officer and two PTE DAS Specialist's.

To help create self sustainability, Sober24 has an internal income stream from program fees. Indeed, similar programs are completely self-funding in several states. The program fees will be waived for individuals already paying fees to Mental Health Court and Misdemeanor treatment Court.

The proposed fees are the same found in many other Sober 24 programs across the Country.

- \$1 per PBT test per participant (\$2 per participant, per day)
- \$4 per urinalysis test (\$8 per participant per week)

**Alternatives**

Not to create a Sober 24 Program in Carson City.

**Board Action Taken:**

Motion: \_\_\_\_\_

- 1) \_\_\_\_\_
- 2) \_\_\_\_\_

Aye/Nay  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
(Vote Recorded By)

THE  
NEVADA  
24/7 SOBRIETY  
PILOT PROGRAM

# BACKGROUND

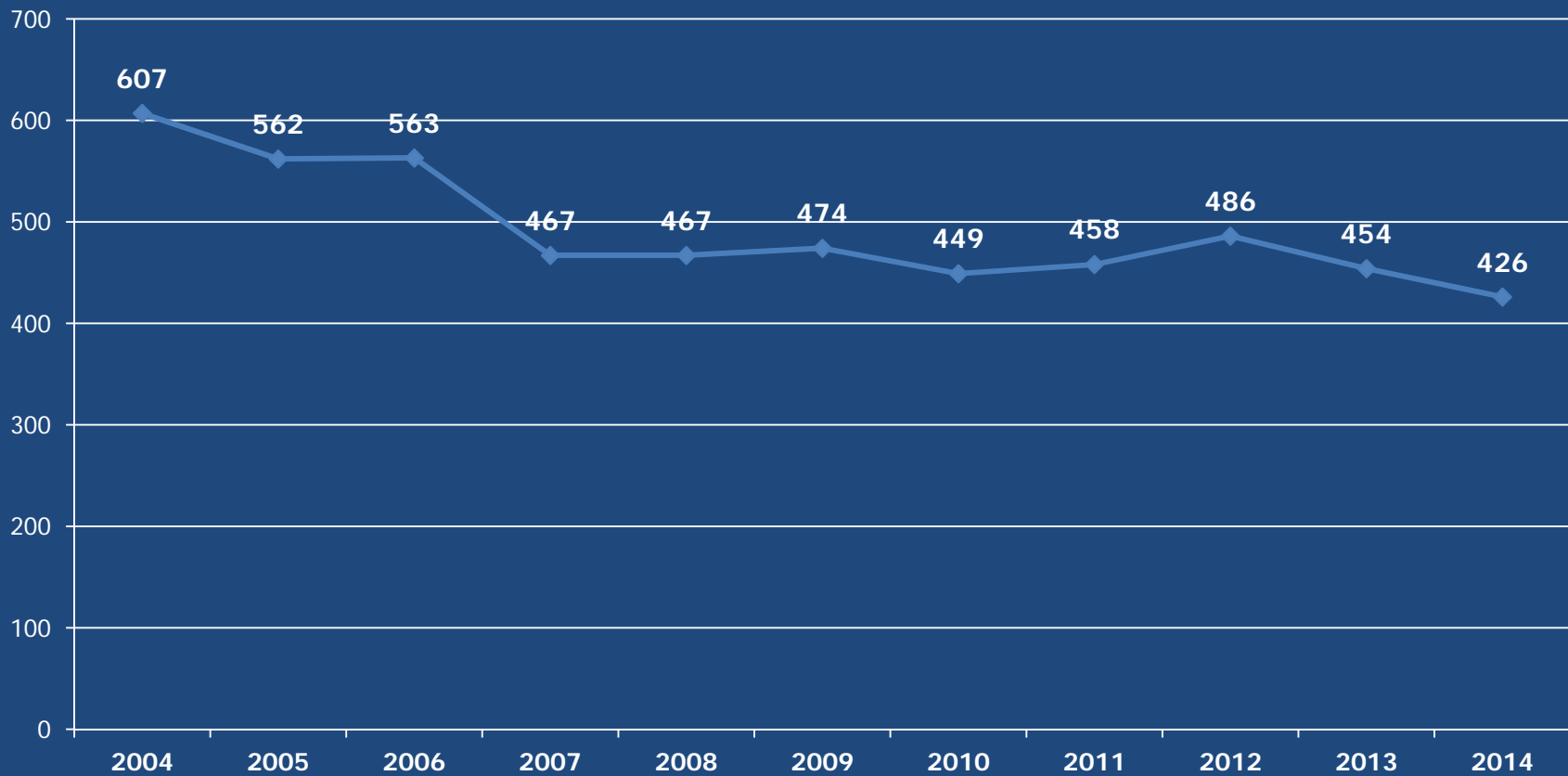
- The 24/7 Sobriety Program originated in South Dakota in 2004
- Thirty six (36) percent of South Dakota's prison population were felony DUI offenders
- Thirty one (31) percent were felony drug offenders
- Eighty five (85) percent of prison population had an admitted alcohol or drug abuse addiction

# SOUTH DAKOTA IMPLEMENTATION

- In 2005 South Dakota implemented a 24/7 pilot program in five (5) counties
- Currently 95% of South Dakota's 66 counties have a 24/7 sobriety program
- Long term data indicates that 99.1% of participants tested during the program pass sobriety testing
- Current data indicates that South Dakota's DUI recidivism rate has decreased by 12% and domestic violence by 9%

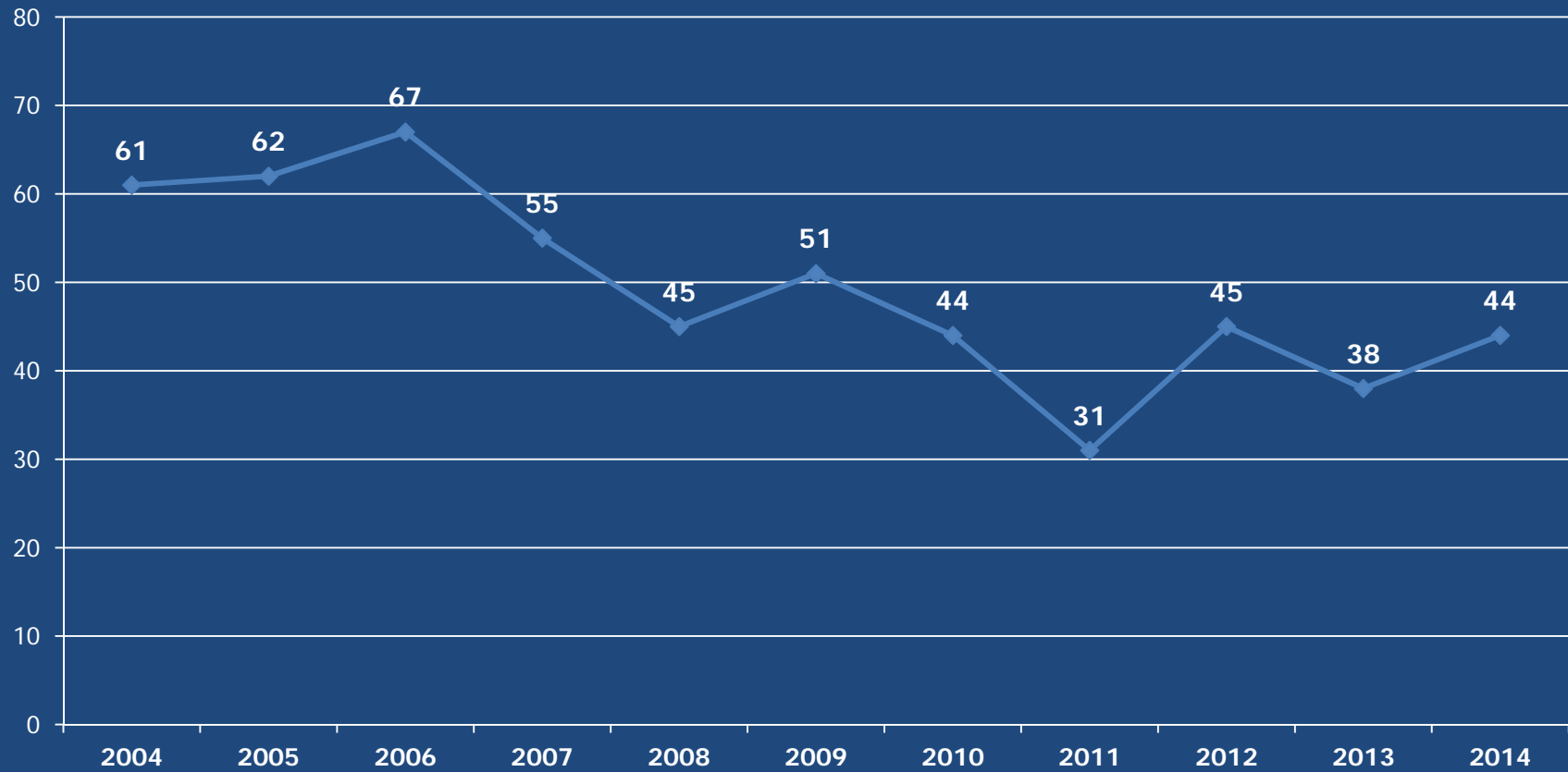
# South Dakota Results

## ALCOHOL RELATED INJURY CRASHES



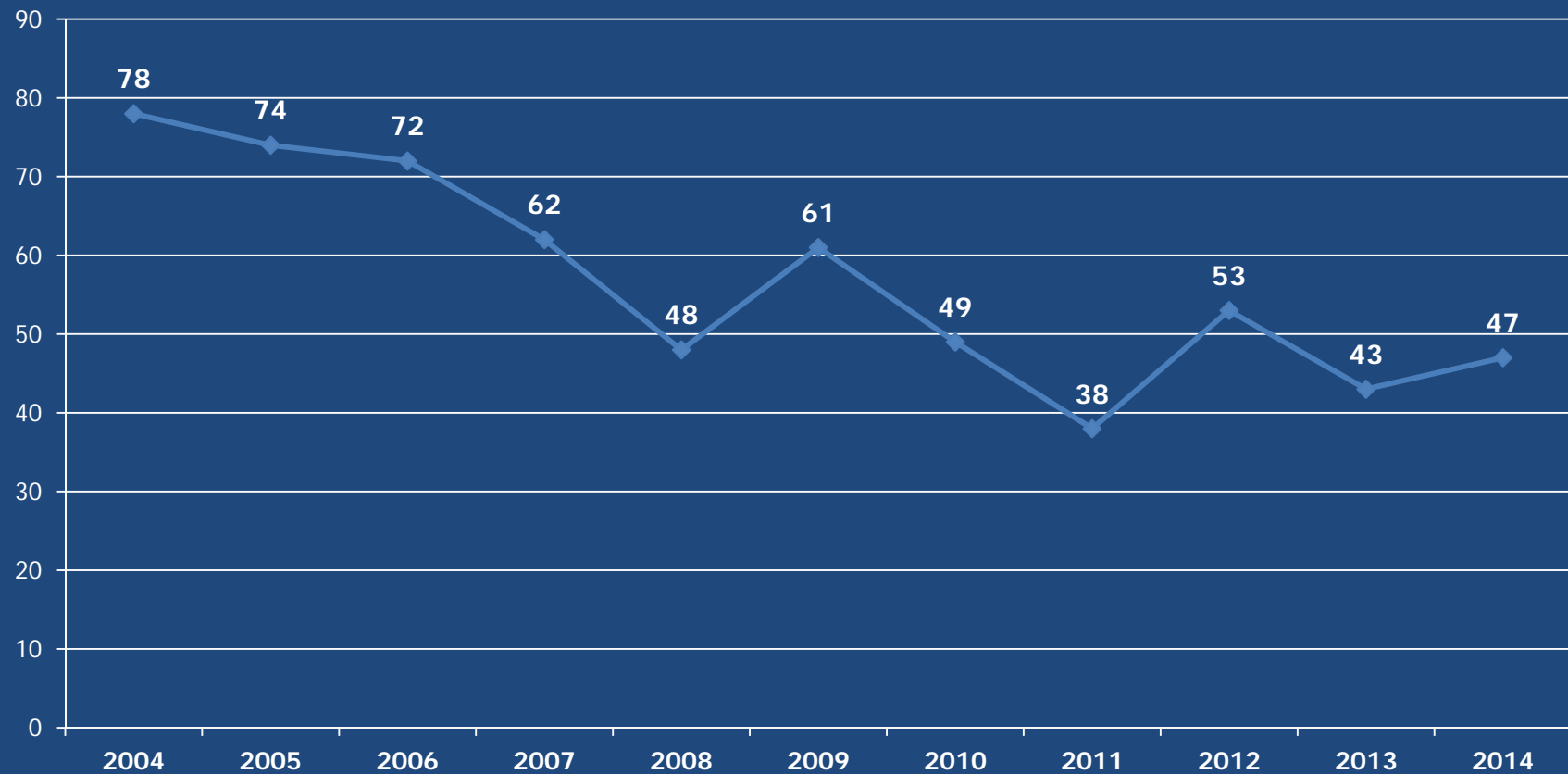
# South Dakota Results

## ALCOHOL RELATED FATAL CRASHES



SD OFFICE OF HIGHWAY SAFETY DATA  
2004 55% all fatal crashes involve booze.....in 2014 31%  
source NHTSA

### ALCOHOL RELATED FATALITIES

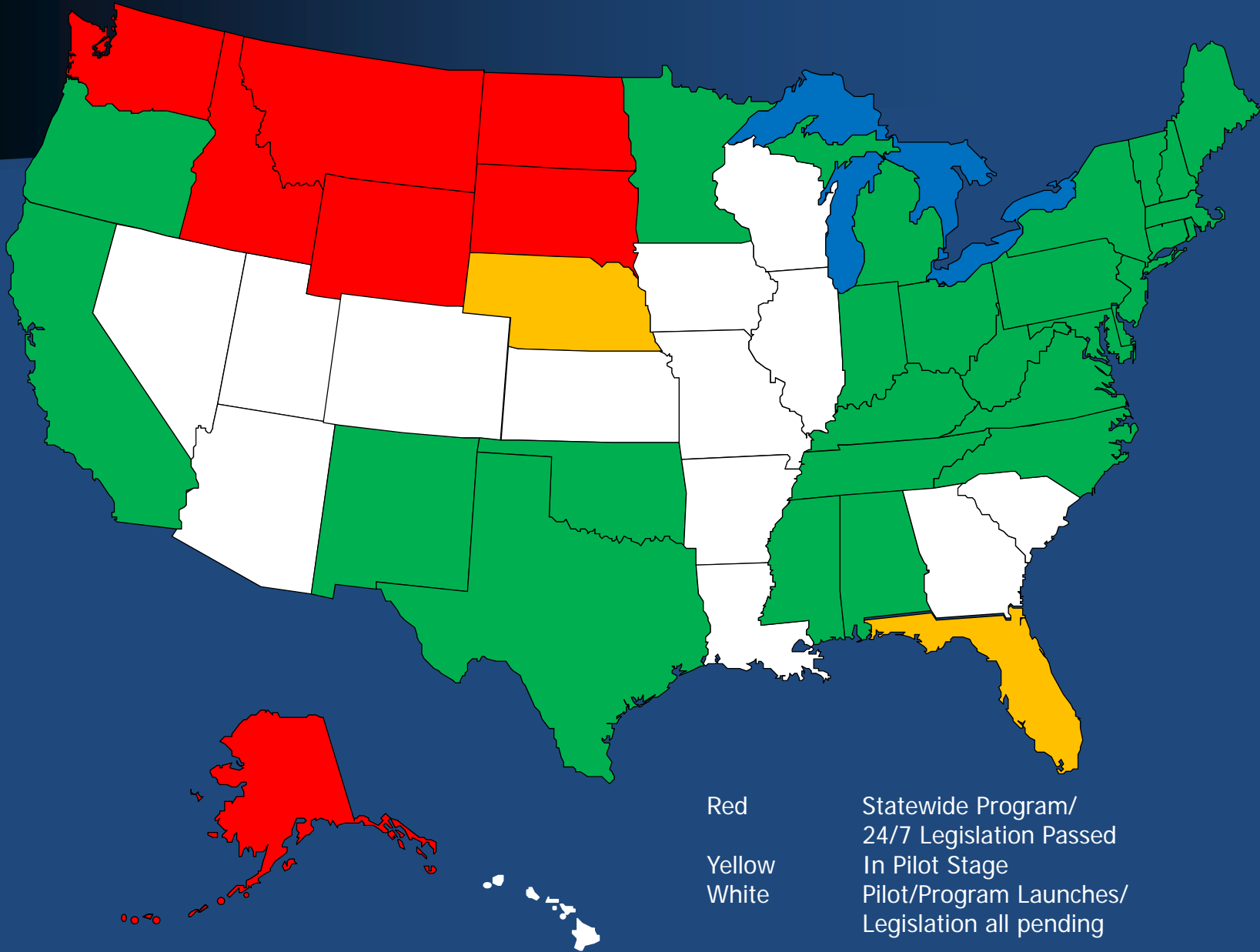




# 24/7 SOBRIETY PROGRAM

- The program is based on twice a day testing seven days a week
- The cornerstone for the program is swift and immediate sanctions for violations
- Twenty four hours incarceration for first violation
- Forty eight hours for second violation
- Mandatory appearance in court for third or subsequent violations

# 24/7 SOBRIETY PROGRAM



# 24/7 SOBRIETY PROGRAM

## HOW IS IT USED

- Pre-Sentence: Can be used as a condition of bail or release
- Most common use is for second or subsequent offense DUI, or first offense with high BAC
- Can be used by Parole & Probation Officers who struggle with high case loads
- Can be used for any criminal conviction as determined by Justice of the Peace

# 24/7 SOBRIETY PROGRAM

## Nevada Pilot Program

- A pilot program is almost ready for kickoff in Reno Justice Court (Judge Scott Pearson)
- Possible testing facility through Catholic Charities
- Support from Washoe County Sheriff's Office
- Support from Washoe County Department of Alternative Sentencing

# 24/7 SOBRIETY PROGRAM

## Funding

- Partial funding for the pilot program through NVDPS-OTS: \$50,000 NHTSA Grant
- Other funding sources include: Reno Justice Court, Washoe County Sheriff's Office, Washoe County DAS, and Catholic Charities
- The funding will be for start-up fees
- The program will become self funded by fees paid by offenders in the program

# 24/7 SOBRIETY PROGRAM NEEDS

- Need support from Law Enforcement in each county
- Need support from Courts
- Need support from District Attorney and Public Defender
- Need support from Community Leaders
- Need support from legislative branch

# 24/7 SOBRIETY PROGRAM

Two independent studies have been conducted on the program

## MT. PLAINS EVALUATION

STUDY SANCTIONED BY NHTSA AND DEMONSTRATED A 50% PLUS REDUCTION IN RECIDIVISM RATES (long term) FOR PARTICIPANTS PLACED ON THE 24/7 PROGRAM

<http://apps.sd.gov/atg/dui247/247stats.htm>

## RAND CORPORATION

<http://www.rand.org/health/feature/24-7.html>

# 24/7 SOBRIETY PROGRAM

- Funding available through NHTSA and Office of Traffic Safety
- Fix Americas Surface Transportation FAST Act. 24/7 funding available for states that have legislative approved program



# 24/7 SOBRIETY PROGRAM

## Contact

Scott Swain

Law Enforcement Liaison

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Office of Traffic Safety

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**NEVADA 24/7 SOBRIETY PROGRAM**  
**Policy Outline**

Whereas, a 24/7 sobriety program is a statewide program that authorizes a court or an agency with jurisdiction to require an individual who has committed a DUI offense to abstain totally from alcohol or drugs for a period of time and be subject to testing for alcohol or drugs at least twice per day at a testing location, by continuous transdermal monitoring device or by an alternative approved by NHTSA;

Whereas the Office of the Attorney General may authorize implementation of a voluntary statewide 24/7 program that includes local jurisdictions, courts, agencies of law enforcement, and prosecution;

Whereas the primary stakeholders of the Nevada 24/7 program are the Nevada Office of Traffic Safety, the Nevada Office of the Attorney General, and the Nevada Administrative Office of the Courts;

Whereas a Multidisciplinary Executive Steering Committee (hereafter referred to as the 24/7 Steering Committee) comprised of primary and secondary stakeholders is responsible for program development & implementation in accordance with evidence-based practices and maintains the fidelity of 24/7 with national best practices and model supported by the Fixing America's Surface Transportation Act (FAST);

The Nevada 24/7 program is authorized by the Office of the Attorney General

**Program Structure:**

The Multidisciplinary 24/7 Steering Committee Shall:

- Appoint a Nevada Program Coordinator from within the ranks of the primary stakeholders
- Be responsible for recruitment and selection of 24/7 implementation site(s) and identify local program coordinators
- Develop participant assessment screening tools
- Develop policies for participant program length, testing protocols, clearly defined sanctions, rewards and measurable program evaluation data and tracking
- Develop and coordinate necessary training to support 24/7 projects statewide.

- Provide oversight of the Nevada 24/7 Program Coordinator, program planning, program training, program implementation and program evaluation.

**Policies:**

- The Nevada 24/7 program is implemented on a voluntary basis by county and municipal entities exercising law enforcement, prosecutorial and judicial responsibility for responding to impaired driving within their jurisdictional limits.
- The Nevada 24/7 program requires a license restriction of at least a 30-day period that could include license revocation, alcohol-ignition interlock device requirements or alcohol use prohibitions.
- Jurisdictions with 24/7 programs must agree to maintain program fidelity to the established policies and procedures developed by the 24/7 Steering Committee to receive support from State of Nevada resources.
  1. Develop a Memorandum of Understanding between relevant law enforcement agencies, prosecution agencies and judicial agencies on the roles and obligations incumbent on each to implement compliant 24/7 Sobriety Programs;
  2. Develop appropriate jurisdictional offender 24/7 participant assessment tool and rate structure;
  3. Develop clearly defined sanctions for participant's non-compliance to 24/7 daily testing to be consistently and quickly applied upon non-compliance;
  4. Develop 24/7 Protocols for informing participants of program requirements regarding compliance and imposing 24/7 testing costs and sanctions;
  5. Develop 24/7 data collection, monitoring and analysis protocols; and
  6. Develop 24/7 Certification for successful offender participation and program completion.
- Offenders must be tested at least twice daily for alcohol and two or more random mandatory drug tests if drugs are a compliance factor.
- Jurisdictions implementing 24/7 with State of Nevada support must agree to share data on offenders in the program, offender compliance to the program, non-compliant offender sanctions and offender recidivism for impaired driving or related offenses with a nexus to alcohol and/or drug use.
- Jurisdictions may use remote testing methods that have been approved by NHTSA, but must have protocols in place to ensure immediate sanctions for non-compliance. This may be optional in urban jurisdictions and may be a necessity for effectiveness in rural and frontier jurisdictions.

**Program Goals and Objectives**

The goals of Nevada's 24/7 program in Nevada are to:

- Provide a more cost and deterrent effective response to impaired driving within Nevada.

- Reduce recidivism rates for criminal offenses with a nexus to alcohol and/or drug use within Nevada.
- Reduce short and long term recidivism for driving offenses with a nexus to alcohol or drug use;
- Provide an alternative to incarceration with a supervised monitoring program;
- Encourage offenders to live and work soberly in the community;
- Allow compliant participating offenders to have conditional restricted driving permits or licenses contingent on successful program participation; and
- Ensure that offenders will participate in judicial proceedings in a timely and sober manner.

Future objectives might include:

- Use 24/7 to better identify and refer offenders requiring more intensive supervision and treatment than the 24/7 Program provides;
- Enable expansion of the 24/7 Program Model to other specialty courts or additional crimes with a nexus to alcohol or drug use;
- Improve overall public safety by reducing criminal activity with a nexus to alcohol or drug use; and
- Improve resources in the management of jail and prison populations.

#### **Primary Stakeholder Roles:**

The **Nevada Office of Traffic Safety (OTS)** is the primary recipient for federal FAST funding for the State of Nevada and the primary fiduciary agency for the Nevada 24/7 Program and the 24/7 Steering Committee. OTS provides FAST sub-awards as available and necessary to support 24/7 planning, training, implementation and evaluation. The OTS also provides appropriate and permanent OTS staff for 24/7 Steering Committee participation. The OTS uses its unique contacts and relationships to assist the 24/7 Steering Committee in recruitment and selection of 24/7 projects. As the primary recipient for FAST funding, OTS retains responsibility for any FAST award administration, compliance and reporting obligations to federal sponsors.

The **Nevada Office of the Attorney General (OAG)** assists in 24/7 Program planning, training, implementation and evaluation. The OAG provides appropriate and permanent OAG staff for 24/7 Steering Committee participation, including the participation of the newly created position of Nevada Traffic Safety Resource Prosecutor (TSRP), that will be primarily grant funded by a federal pass through sub-award from OTS. The OAG uses its unique contacts and relationships to assist the 24/7 Steering Committee in recruitment and selection of 24/7 projects.

The **Nevada Administrative Office of the Courts (AOC)** provides appropriate and permanent AOC staff for 24/7 Steering Committee participation. The AOC uses its unique contacts and relationships to assist the 24/7 Steering Committee in recruitment and selection of 24/7 projects. The AOC assists in providing appropriate judicial training to ensure fidelity from the bench for program objectives.

**24/7 Sobriety Program – Mission Statement:**

Nevada's 24/7 Sobriety Program provides an alternative to incarceration for DUI offenders through monitoring efforts to ensure sobriety from alcohol and drugs, both legal and illicit to effectively combat impaired driving and reduce recidivism rates.

## **Traffic Safety 2018 for Carson City District Court**

**Offered By:**

NVDPS-OTS

**Application Availability Dates:**

01/30/2017-03/10/2017

**Application Period:**

not set

**Application Due Date:**

03/10/2017

**Description:**

The Nevada Department of Public Safety, Office of Traffic Safety awards federal funds to state, local, and non-profit organizations desiring to partner in solving Nevada traffic safety problem areas. Funds awarded are strictly for use in reducing deaths and serious injuries caused by motor vehicle crashes through the implementation of programs that address driver behavior. Program areas include: impaired driving, occupant protection (including child safety seats), community programs, pedestrian safety, motorcycle safety, traffic records, police traffic services, distracted driving, teen drivers, intersections, lane departures, and emergency medical systems.