



State Of Utah 24/7 Sobriety Program

The 24/7 Sobriety Program has proven to be effective in reducing DUI fatality and recidivism rates while allowing DUI offenders to maintain employment and avoid jail time if the offender stays sober.

HISTORY

The program was initiated in South Dakota in the 1990s and is based on daily alcohol or drug testing with an immediate sanction for non-compliance. The offender must report to provide a breath sample twice a day, once in the morning and once in the evening. If the offender stays sober, he/she is allowed to maintain driving privileges and avoid jail time. If the person tests positive for alcohol, he/she is immediately sanctioned in the form of an 8-hour jail commitment. Subsequent positive tests result in increased times of incarceration. The offender is removed from the program on the fourth violation, and the driver license suspension and jail time are reinstated.

South Dakota has had over 50,000 participants and maintained a 99.05% compliance rate for daily testing. During this time, South Dakota not only saw a reduction in DUI-related crimes, but also saw a reduction in other alcohol and drug-related crimes, such as domestic violence and disorderly conduct.

This model of face-to-face accountability, coupled with the threat of immediate sanctions, has proven to be extremely effective at helping participants to overcome their addictions. Based on the success in South Dakota, The National Highway Traffic Safety Administration endorsed 24/7 as an evidence-based sobriety program.

24/7 PROGRAM IN UTAH

In 2017, Utah initiated a pilot program in Weber County. Since then, over 120 offenders have participated in the program with a 99.5% compliance rate in daily testing. They were held accountable each day but still maintained their driving privilege and employment while being a productive member of society. Participants give overwhelmingly positive feedback about the program.

Program Authorization

The Utah Legislature authorized the statewide implementation of the 24/7 Sobriety Program under HB0026 in the 2021 General Session. Language regarding the 24/7 Sobriety Program was also added to the DUI sentencing requirements under UCA 41-6a-505. The Utah Department of Public Safety has been tasked with implementing the program and is working with local law enforcement agencies statewide.

Implementation

The State of Utah provides the licensing software to each county that chooses to participate. The software allows offenders to test at any participating county in the state. The state also provides each county with remote alcohol testing bracelets when participants are unable to appear at the testing facility twice a day. Each county is responsible for providing the manpower to perform daily testing and a holding facility where jail sanctions can be served in the event of a failed test. Program implementation can vary from county to county depending on the resources already available and what is the best fit for each county.

Eligibility

The 24/7 program is available for any level of DUI offense as long as the individual's driver license can be reinstated. The Driver License Division has created a link with a certified request form to help determine if a person is eligible for the 24/7 program. This request form is specifically for court and government entity use only and can be found [here](#). The requesting party provides basic case information, and the DLD will reply with a certified record regarding the individual's eligibility for the program. If an individual wants to request a 24/7 certified record and they are not a court or government entity, they may request a 24/7 certified record by submitting a [DLD 266M](#) form with a fee of \$10.75 to the Driver License Division at PO Box 144501 Salt Lake City, UT 84114.

Once eligibility has been established, a judge can court order a person into the 24/7 program as part of their sentencing and may be in addition to other court-ordered treatment programs.

Cost

The 24/7 Sobriety Program is an offender pay model designed to be self-sufficient. There is a charge of \$2 per breath test, for a total of \$4 a day. Urine tests are \$6 per test, and the CAM bracelets are \$10 per day. A \$30 administrative fee is assessed when a person enters the program. The fees collected are split between the law enforcement entity that is operating the program and the Department of Public Safety. The Department of Public Safety provides web-based software licensing that tracks the program participants for each county to use. The Department of Public Safety also provides each county the CAM bracelets (Continuous Alcohol Monitoring). Each participating county provides the manpower to facilitate daily testing and a location for participants to serve sanctions for failed tests.

Locations

The program is currently implemented in nine counties throughout the State with a total of 70 participants. They are Cache, Weber, Davis, Summit, Utah, Sevier, Grand, San Juan, and Washington counties. Several other counties are also actively working to initiate their programs. Davis County is now accepting participants that live in Salt Lake County as well.

SUCCESS STORIES

Derrick "It's forcing me to choose better habits."

Timothy: "If I didn't have this chance, I couldn't work or supply for my family."

Lawrence: "I can honestly say it's made me a better person."

FREQUENTLY ASKED QUESTIONS

What is the primary purpose of the program? The program's purpose is to combat alcohol and drug abuse's role in crime and criminal recidivism, particularly in the realm of DUIs. It is intended to motivate offenders to change their behaviors.

How does the program work? The program works to keep qualified offenders accountable daily to stay sober and clean. They are put into a program of ongoing scheduled or random testing (twice daily for alcohol or random testing for drugs). Failure to pass the test results in immediate short-term incarceration. This system of continual monitoring paired with immediate consequences for failure has been demonstrated to be effective in causing offenders to change their behavior and maintain sobriety.

What are the benefits to the public? The number of alcohol and drug-related traffic accidents and fatalities will be reduced, as well as criminal recidivism and incidents of other crimes where alcohol and drugs are often an instigating factor. Participants can continue to live with family and remain employed,

encouraging them toward sober lifestyles. The program is very cost-effective since the offenders primarily fund it. In addition, the program provides an alternative to incarceration and reduces jail populations.

What if I am unable to go to a testing site twice a day? The program allows for remote alcohol testing bracelets to be worn by an offender who cannot report to the testing site twice a day. Those reasons might include travel distance, work schedules, or lack of transportation. The bracelets measure alcohol every 30 minutes through the skin and transmit the data to a base station every night. The bracelets allow for greater flexibility while maintaining accountability. The bracelets are referred to as CAM bracelets (Continuous Alcohol Monitoring).

How long does an offender have to participate in the program? A first-time DUI offender must be sentenced to the program for a minimum of 30 days. A second or subsequent DUI offender must be in the program for a minimum of one year.

What are the eligibility requirements to enter the program? Any DUI offender age 21 or older is eligible to participate in the program if they are court ordered to do so, regardless if they are a repeat offender, as long as they have a valid driver license. If the offender has a driver license suspended for an offense other than the DUI arrest or if they refused to submit to a chemical test at the time of their arrest, they are not eligible to participate in the 24/7 program. Once eligibility has been established, a judge can court order a person into the 24/7 program as part of their sentencing and may be in addition to other court-ordered treatment programs.

Does the 24/7 program work for DUIs that are drug-related? Yes. The program utilizes random Urine Analysis (UA) tests to ensure sobriety for drug offenders. DUI metabolite offenders can also enter the program if the court orders.

Is the program available in every county? Not at this time. The Department of Public Safety is actively working to make the program available to many individuals statewide. Several counties implementing the program are willing to allow individuals from other jurisdictions to participate using their testing sites.

Who do I contact if I have questions about the program? Utah Highway Patrol Sgt. Brian Spillman is the statewide coordinator for the 24/7 Sobriety Program. He can be reached by email at bspillman@utah.gov.