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SWEETWATER COUNTY SHERIFF'S OFFICE

24/7 Sobriety Program offers new approach to DUI discipline

States with program report drop in alcohol-related deaths

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Rhett Wilkinson reporter4@rocketminer.com Sep 16, 2017



A Wyoming highway patrolman administers a breathalyzer test. As part of the 24/7 Sobriety Program that came first to Wyoming via Sweetwater County, past offenders take tests twice per day in lieu of immediate jail time. Violations of the morning or evening tests will result in limited incarceration.

Wyoming Department of Transportation Photo/Rick Carpenter

SWEETWATER COUNTY — New options to address crime in Sweetwater County originated in South Dakota.

After growing up 30 miles from the site of the Wounded Knee Massacre near the Pinewood Ridge Reservation, Larry Long stayed longer, as the local prosecutor for 18 years.

"I had the advantage and disadvantage of growing up there," he says. "I knew everybody and everybody knew me."

Long said the folks he dealt with "by and large, were decent people when they were sober. But when they were drunk ... "

He later changed the adjective he used to complete the sentence, settling on "they were a law enforcement problem."

By the mid-1980s, the jail in Bennett County was running out of room, even though the population was 3,441. Also, the jail didn't have any alcohol treatment programs, he explained to the Rocket-Miner.

"The only people we could get into treatment were people who qualified in some other fashion, like veterans," he said. "That sort of thing."

That left him and County Sheriff Ed Cummings in a tough spot, needing to achieve criminal justice while also giving a nod to functionality.

"We were kind of at wit's end," he said.

Then he and Cummings thought about a third way.

"We can let (offenders) out and test them, and we can put them back in if we fail," Long said he remembers thinking.

So he and Cummings sat down with the local judge. The magistrate's response?

"I'll fill the jail if you do what I ask," Long recalls the judge saying.

"Well, the jail's full now, judge," Long said was the sheriff's reply.

The judge agreed, but Long questioned his intent.

"I think the judge said to himself, 'I'm going to humor (Cummings) and Larry for a few months and say, 'I gave it a shot and it's not going to work,'" Long said.

In 2004, the average annual alcohol-related traffic fatalities in South Dakota was 83 for the five-year period ending that year. The next year, when the first 24/7 Sobriety Program was started, that death toll dropped 16.7 percent. It fell further each year until about five years ago, where each year since, the count has been approximately 66 percent lower than that first, pre-24/7 year.

"We never saw that coming," said Long, now a South Dakota Second Circuit judge.

Economics, too, smiled on the program, which operates today in essentially all of South Dakota.

"The county commissioners were happy," Long said, "because they didn't have to pay to house (offenders) and feed them and pay for lawyers and accrue all those expenses."

And Long and Cummings only had to buy tubes, at 20 cents per day per person per test.

The program requires participants to breathe into a standard portable breath tester twice per day — once in the morning and again in the evening, hence the 24/7 adjective.

The program continues in a full dozen other states, including Wyoming's border neighbors Nebraska, Colorado, Montana, Utah and Idaho. Pilot initiatives are in Kansas, Arkansas and Arizona, Bill Mickelson tells the Rocket-Miner. Mickelson was in charge of implementing the program throughout South Dakota when Long was the South Dakota attorney general and Mickelson was Long's deputy.

As Long and Mickelson collectively said, judges talked to judges, sheriffs talked to sheriffs and prosecutors talked to prosecutors about 24/7. State legislators have passed laws in its favor — in South Dakota, the vote was unanimous.

Now, three years after such a bill passed the Wyoming Legislature and 18 months after funding for the program was included in the federal transportation bill, a 24/7 Sobriety Program is in Sweetwater County. It's the first county in the state to have the plan. For that, two weeks ago, Officers Crystal Lopez and Gerald Carr accepted a leadership award from Wyoming Gov. Matt Mead.

24/7 comes to Wyoming

The Sweetwater County program started in late May after a year-and-a-half of preparation.

Sweetwater County Sheriff Mike Lowell gave credit to others. It's why he sent Lopez and Carr, he said. Throughout an interview with the Rocket-Miner, he talked about Mike Reed, the state fire marshal who until last year was the governor's alcohol policy adviser and a member of the Governor's Council on Impaired Driving. Lowell said he's known Reed for 25 years and they each "grew up in law enforcement in Wyoming."

Reed said that he and Lowell were members of the Wyoming Association of Sheriffs and Chiefs of Police.

"Even outside of that friendship, you begin to understand who outside the state of Wyoming are true leaders. That's who I went to first with this 24/7 program," Reed said. "Sheriff Lowell is one of the strongest leaders out there and so he took this program and started running with it."

"I'm the guy who said 'that's a good idea,'" Lowell said. "The people who did the work should get the credit."

“(Sweetwater County) being the first in the state of Wyoming, of course, is a very important thing for us on the Governor’s Council for Impaired Driving because you have to have somebody that has the vision, because you have to step up to the plate. That was Sheriff Lowell,” Reed added. “I’m excited that he did that and that the (council) agreed with me that he was deserving of the award.”

Lowell said that the very next day after Reed called him to pitch the program, Reed drove from Cheyenne to Lowell’s office.

Lowell liked what he saw, considering the relationship of Wyoming’s Interstate 80 corridor and substance abuse.

As for his own particular relationship? Here’s some of the things Lowell reported saying:

“Hell yes, Mike. I’ll give it a try.”

“Damn, dude. This is good. And it’s Mike Reed, so it’s double-good.”

“I’m pretty happy about this thing. Everybody was waiting for the first guy,” he said just before noting that Reed worked with him in that year-and-a-half prep period, even after Reed was no longer working in alcohol policy.

Each of the county’s circuit courts and each municipal court are on board, according to the sheriff’s office.

“It was very important that (judges) be included in the process,” Lowell said. “It’s important for them to see the merits of it.”

Details and data

The county was working with 10 program participants as of Sept. 11. By that time the county had conducted 1,450 tests. All but two of the results were negative. Five participants had completed the 90-day program in the 103 days that it existed, as of Sept. 11, plus a handful of days in May.

Individuals charged with a second driving under the influence or another alcohol-related charge are obliged to participate. They must go to the Sweetwater County Detention Center for twice-a-day testing. The examinations continue for a minimum of 90 days unless the courts order otherwise. The tests are performed by a detention officer with one of the breath testers, which measures an individual’s blood-alcohol content levels. A test result must be 0.000 percent. If not, the test result is considered positive, and the individual must test again after 15 minutes, according to the sheriff’s office.

The consequence of a first-offense positive test result is a 12-hour incarceration. A second-offense positive test results in a 24-hour incarceration. In a third offense, an individual is held in jail and must appear before a sentencing judge, according to sheriff’s office spokesman Dick Blust.

More than three offenses? Going by South Dakota’s case, it won’t happen often. As of Sept. 1, 46,481 South Dakotans had participated in 24/7. Between 6 and 7 percent had failed tests more than three times, according to the South Dakota Attorney General’s Office.

“And who else was happy?” Long asked. “Mom and the kids. Because so many of them associated with domestic violence.”

In results of one of three studies on 24/7 conducted by the RAND Corporation, mortality rates among women dropped by 8 percent, in counties where was participation by at least one-quarter of all possible participants. And that’s besides the 4 percent drop from all causes.

“It’s like, who would have thought of that?” Long said. “That was the further thing from our point, but of course, the public health people are thinking, ‘whoa.’ From a public health perspective, you are implementing a program that doesn’t cost anything and addresses a huge public health headache and you get 4 to 8 percent results. Well, you know — they are really excited.”

One such person is Keith Humphries. The psychiatrist is the director of mental health policy at Stanford University and wrote in favor of 24/7, crediting Long, in the Washington Post.

A benefit to the county

In Sweetwater County, participants pay a \$30 registration fee and \$2 for each test, offered between 7-9 a.m. and 7-9 p.m., unless a judge allow a different time span due to the offender’s work schedule. All of the money goes toward funding 24/7 Sobriety Program computer software invested by the state of Wyoming. The county ultimately gets back about 75 percent of the cash, according to the sheriff’s office.

Lowell likes how 24/7 offers something law enforcement didn’t previously enjoy: a way to check on offenders.

"There was no way unless (an offender) comes before us," Lowell remarked. "He could be 110 miles away and instead of chasing him down, he comes to us."

Long and Cummings came to a judge for their own reasons. Some may believe that if Lowell had been in Cummings' shoes, he would have been right there alongside Long, making that moon-shot pitch decades ago.

"You've got a good man there in Sweetwater County," Reed said. "(24/7) really can be a good program for Sweetwater County."

'From a public health perspective, you are implementing a program that doesn't cost anything and addresses a huge public health headache.'

Larry Long

