

EXHIBIT C.2

24x7 SOBRIETY MONITORING PROGRAM

1. Use of the 24x7 monitoring program is a growing trend in criminal justice initiatives across the United States and abroad. Alcohol and drug offenders are monitored in 24/7 by a variety of testing methodologies with the goal of long term positive behavior change achieved by extended sobriety. The program represents a commitment to working with chronic DUI and substance abusers and is an alternative to jail and prison incarceration saving millions in tax dollars each year.
2. **The model for 24x7 Sobriety Monitoring is an evidence-based abstinence program****, that includes:
 - a. A focus on personal responsibility and accountability of the offender,
 - b. A focus on change, behavior modification, and choices made by the offender,
 - c. Continued poly-substance use testing and monitoring of the offender,
 - d. Daily data collection and communication, using web-based client management software,
 - e. Uses predetermined, **immediate**, measured, and sure consequences for non-compliance by the offender,
 - f. All testing fees paid by the participant are low and affordable making indigency inconsequential for courts,
 - g. 24/7 is self funding and also qualifies for NHTSA (MAP 21) grants funds through the Office of Highway Safety to help establish and grow programs. 24x7 became an approved NHTSA program in the 2014 federal highway bill.
3. The 24x7 Sobriety Program is being used by the courts in several states as a condition of bond, sentencing, as a condition of probation, use by family courts, in cases of domestic violence, child welfare, parole services, and driver license reinstatements.
 - 24x7 state programs have been established in Wyoming, Idaho, South Dakota, North Dakota, Alaska, Washington, and Montana through demonstration programs and passing legislation.
 - Demonstration program(s) are currently in operation in Florida, Nebraska, Iowa, Wisconsin, and some jurisdictions in the United Kingdom (London and Scotland).
 - Demonstration programs and/or legislation are pending in: Arkansas, Utah, New Mexico, Minnesota, Missouri, Hawaii, and Georgia.
4. The 24x7 Sobriety Monitoring Program provides less opportunity for tampering and manipulating the system because in this program the monitoring operator is not the user for the vast majority of the participants. The monitoring options used in this program require face-to-face observation of the conducted test or are testing methodologies that remotely monitor sobriety if the offender cannot present to the testing site.
5. The 24x7 program uses several approved testing methodologies to measure use of alcohol or drugs to make sure that the participants are following the program guidelines. The tools include:
 - Personal breath testing (PBT) or evidentiary devices, recommended for twice-daily (seven days a week) for alcohol
 - Trans-dermal alcohol monitoring
 - Drug sweat patches
 - Urine or blood tests (random or scheduled)

Additionally, participants may be required by the court to use more than one testing/monitoring method.

****Of the tools available, PBTx2 is the most common monitoring tool used (85% of all alcohol testing).**

6. While on the program: participants remain in society, conduct their daily lives, work, pay their fees, and fulfill their responsibilities **as long as they are program compliant and pass the sobriety testing.**
7. If participants do not show up for a scheduled test, or if a test shows consumed alcohol or other drugs, then probation, parole or bond may be instantly revoked and participant may be immediately jailed. Sanctions should be swift, certain, and measured. Sanctions most often afford a reinstatement into the program.

Examples of recommended sanctions for violations, include, but are not limited to:

- First violation: Immediate 12 hours incarceration, followed by return to program monitoring, with no mandatory reappearance before the court;
 - Second violation: Immediate 24 hours incarceration, followed by return to program monitoring, with no mandatory reappearance before the court;
 - Third violation: Incarceration and Mandatory appearance before the court to determine consequences of repeated violations.
8. **Program Cost-Effectiveness:** The 24x7 program is based on a participant pay (user-funded) model with formal adopted rules and procedures. The web-based 24x7 management software coordinates data, testing sites, and communicates information to all agencies that touch the system and administer the project. No taxpayer dollars are necessary to operate. Flexibility is built into the business model and allows the testing agency to utilize existing or new resources to maximize efficiencies. Price points for testing have been kept low eliminating the need for indigence considerations by the courts.

9. Examples of projected costs to the participants for the 24/7 demonstration project monitoring options include:
- \$2.00 for each PBT conducted. If there is a positive reading on an initial test, a second test will be conducted after 15 minutes, at no additional cost to the participant.
 - \$10.00 (est.) per day for transdermal alcohol monitoring. Initial set up fee and activation and de-activation fees apply.
 - \$40.00 (est.) for each drug sweat patch. Patch may be worn for 7-10 days unless outer seal is compromised.
 - \$10 (est.) for each UA screen

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NOTE: South Dakota's 24x7 Sobriety program was pioneered by former South Dakota Attorney General Larry Long and has now been in effect since February of 2005. Special Attorney General Bill Mickelson assisted with development, implementation, and management of the project.

"The 24x7 program works like an electric fence works. The punishment is swift, 100% certain, but not severe. And that seems to be why the program is effective. I also think there is a therapeutic effect for offenders involved in a twice-daily program with a community of participants like themselves. They don't feel singled out and they have others involved daily in addressing their addiction problem. It's been gratifying to me to hear from family members of offenders who see a real difference in their son or daughter or spouse as they become sober again and are able to sustain it over time. I believe that the 24x7 sobriety program, which allows us to gather and analyze data related to these repeat offenders, will help us make real strides in the future in balancing punitive and treatment options that can help end the cycle and move people to permanent sobriety." Former South Dakota Attorney General, and current circuit Judge Larry Long, South Dakota.

<http://www.c-span.org/video/?321091-1/discussion-substance-alcohol-abuse>

***Program Effectiveness:** Evidenced in a study by the RAND Corporation, the 24x7 Sobriety Project is showing favorable results in reducing problem drinking and improving public health outcomes. As published in the American Journal of Public Health in November 2012, the first year's analysis of a four year study showed that between 2005 and 2010 there was a significant reduction in crashes, DUI recidivism, a decline in domestic violence, and a positive effect on mortality for counties that adopted 24/7. Additional analysis is being done on 30,000 participants, cost benefit analysis, and the impact on health care systems where 24/7 is implemented. The peer reviewed and evidence based 24/7 publication by the RAND Corporation is available through the [American Journal of Public Health](#). ** In South Dakota, 85% of the participants monitored for alcohol were on twice a day testing and 15% were placed on transdermal devices. The Rand Study cited above was based on this distribution.

<http://www.rand.org/health/feature/24-7.html>
<https://www.crimesolutions.gov/ProgramDetails.aspx?ID=404>

In the [Mountain Plains Evaluations](#), researchers documented the dramatic decrease in recidivism for multiple DUI offenders placed on the program. The data was generated from participants that **only participated in the twice a day testing portion of the program**. In further studies from the Mountain Plains firm, 24x7 alcohol testing studies confirmed that twice per day testing had lasting and long term positive effects on DUI recidivism versus use of a transdermal device. See study results at the link below:

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

South Dakota program statistics from February 2005 to June 1, 2015:

- 2x per day alcohol breath testing, 37,291 participants, 7.8 million tests administered, pass rate 99.1%
- Transdermal alcohol testing, 7,667 participants, 1.36 million days monitored, 76% fully compliant (vendor information)
- Ignition Interlock alcohol testing, 350 participants, 591,808 tests administered, 99.45% (vendor reporting tests passed)
- UA drug testing, 5,394 participants, 132,778 tests administered, 96% pass rate
- Drug patch testing, 354 participants, 3,62 tests administered, 78% pass rate