

# SCRAM<sup>®</sup> SYSTEM

## FREQUENTLY ASKED QUESTIONS



### 1. What is the advantage of transdermal analysis *versus* breath, blood, or urine testing?

Breath, blood, and urine testing are accurate and reliable for on-the-spot testing, such as a roadside sobriety test. As a point-in-time tool, they are generally reliable and cost-effective. However, when applied to a long-term alcohol monitoring program, where clients are randomly requested to take a test, either from home or at a testing center, their effectiveness is greatly diminished.

### 2. Why does alcohol testing need to be done more frequently than drug testing?

Drugs often remain in the body for days or even weeks, so Random/Period testing protocols are more efficient at pinpointing drug use. Monitoring for alcohol consumption, however, is more difficult. The body metabolizes alcohol very quickly, and once this process is complete, there are virtually no trace elements left to facilitate detection. For example, a 190-pound adult male will take less than five hours to go from the legal DUI limit of .08 BAC to .00 BAC. That means that unless you test at least once every three hours—a practical impossibility with breath, blood, and urine tests—you will be unable to detect most drinking events.

### 3. What type of offenders are being sentenced to SCRAM?

SCRAM Programs are being used to support treatment and to enhance supervision for:

- Both first-time and multiple DUI offenders
- Domestic Violence offenders where alcohol is considered to be a contributing factor to the offense
- Family Court, either to enforce a parent's sobriety or to assess a parent for their level of alcohol problem
- Underage drinking offenders, as a method to assess and deter drinkers under the age of 21 from re-offending
- Drug Court offenders, who often turn to alcohol as their drug of choice once they are being actively tested for drugs

### 4. How does an offender get sentenced to wear SCRAM?

A requirement to wear SCRAM is generally a result of a judge's ruling—either as a direct order to place an offender on SCRAM, or as an order for an offender to enter a treatment or supervision program where SCRAM is a component. In addition, a defense attorney may pursue the use of SCRAM on a client pre-trial in an effort to demonstrate to the court that an offender has taken their offense—and their alcohol issue—seriously, and that they are making a good faith effort to address that problem.

SCRAM is used at several points throughout the criminal justice cycle, including:

- Pre-trial supervision, as a condition of bond
- As a supervision tool for offenders sentenced to adult probation
- As part of a specialty court program, such as a DUI, Domestic Violence, or Drug Court, as part of a comprehensive program of sanctions, education, and treatment
- As a condition of parole for nonviolent offenders released early due to jail or prison overcrowding

- To support offender re-entry programs, where intensive community supervision is a condition of parole
- As a sanction and assessment tool for misdemeanor underage drinking violators

#### **5. Have SCRAM test results been upheld in court challenges?**

Yes. The reliability and accuracy of both transdermal alcohol testing and the SCRAM System have been upheld in court challenges in every state where SCRAM is being used, predominantly in probation or bond revocation hearings. In addition, every component of SCRAM, from the fuel cell technology used to sense ethanol to RF communications, have been challenged and upheld in courts for many years.

#### **6. How long are offenders sentenced to wear SCRAM?**

To-date, sentences have ranged from two weeks for misdemeanor underage drinkers who were caught drinking on a college campus to ten years for an offender convicted of killing a child in an alcohol-related traffic accident. The most common type of program requires an offender to complete an average of 90 consecutive days of compliance (not drinking or tamper events) in order to successfully complete the SCRAM component of their program.

#### **7. What happens to offenders who are caught drinking or tampering with SCRAM?**

That's up to the supervising agency. Generally, progressive sanctions are implemented, ultimately resulting with revocation of bond or probation and re-incarceration. The type of punishment for violations and how quickly it escalates to the offender being sent to prison or jail depends on the laws and programs of that offender's supervising agency, the severity of their offense, and the orders of the court.

#### **8. How does the cost of SCRAM compare to other alcohol monitoring programs?**

The offender will pay an initial installation fee that can average between \$50 to \$100, and the daily monitoring fee can average between \$10 and \$12 per day. To compare, a home arrest system that incorporates a remote alcohol-testing component, testing at most three times per day, will have an average daily cost of \$15 each day. When comparing the cost to incarceration, according to the U.S. Department of Justice Bureau of Justice Statistics, the average daily cost to house an inmate in state or federal prison is just over \$62 each day.

#### **9. Is SCRAM another instance of the government invading individual privacy? Is this Big Brother?**

While Big Brother in George Orwell's *1984* was watching everyone, SCRAM is used on offenders who have committed serious offenses, often repeatedly, and they present a danger to the community. In addition, parole and probation—essentially supervision in the community—are alternatives to incarceration. An offender sentenced to community corrections has to consent to that supervision and to all the requirements and restrictions of that program, including drug and alcohol testing. If they do not give consent, the alternative is to serve the term of their sentence in prison or jail. Once you've been convicted of a crime, you forfeit a number of your rights and privileges. The privilege of drinking is quite frequently lost, either as a condition of bond or at sentencing, with the judge



requiring abstinence for alcohol-involved offenders. SCRAM allows law enforcement to monitor and enforce that requirement, supporting both treatment outcomes and community safety.

#### **10. Who pays for SCRAM?**

The SCRAM System, like many electronic monitoring programs used today, is delivered on an offender-pay model, meaning that the offenders pay either all or a significant portion of the cost for the equipment and daily monitoring fees. If there are costs above and beyond what an offender can pay, then generally, some type of government funding will subsidize the daily cost.

#### **11. How does AMS generate revenue?**

AMS generates revenue in two ways: Through sales (or the leasing) of the individual units and through daily monitoring charges.

#### **12. How does probation or the Court find out that an offender has been drinking or tampering with SCRAM?**

Once each day, the offender is required to be within 30 feet of the modem that's in their home or office in order for the previous day's test results to download to SCRAMNET. In the event that the bracelet detects either alcohol or a tamper, first, it begins sampling every 30 minutes instead of every hour. Second, it begins looking for the modem each time it takes a test, so as soon as the offender is within range of the modem, the data will download to SCRAMNET. If the offender misses the next scheduled communication time, then a Missed Communication Alert goes out to the supervising agency. A probation officer or court representative with secure access to an offender's data can log on 24/7 to SCRAMNET in order to initial view test results. However, every drinking violation or tamper event must be confirmed by the AMS Advanced Monitoring Center. The AMS team is reviewing results, confirming violations, and notifying the monitoring authority by that agency's preferred method (phone, email, or fax) seven days a week.

#### **13. How big of a problem is alcohol abuse and crime?**

The United States spends more than \$184.5 billion each year dealing with the effects of alcohol abuse. In 2001, the US Department of Health and Human Services estimated that 13.4 million Americans were dependent on or abused alcohol. Of these, nearly 2.2 million people received treatment for alcohol abuse, at a cost of \$5.5 billion from the criminal justice system and private treatment providers.

When it comes to crime, more than 2.4 million people each year are convicted of a crime committed while under the influence of alcohol. More than 1.1 million of those convictions are for drunk driving, with another 1.3 million for crimes committed while under the influence of alcohol but not operating a motor vehicle. In 2000, the U.S. broke the \$100 million-dollar-a-day barrier in spending to incarcerate individuals with serious drug and alcohol problems.

#### **14. How do agencies manage the data and test results?**

They don't have to. The data is automatically collected and transmitted by the bracelet and sent automatically to the secure, web-based data center, SCRAMNET. AMS manages and hosts SCRAMNET. That means our customers are not required to support costly investments in





computer hardware, software, or IT support. All offender data and testing results are easily accessed via the Internet, from any location, using standard Web browsers.

