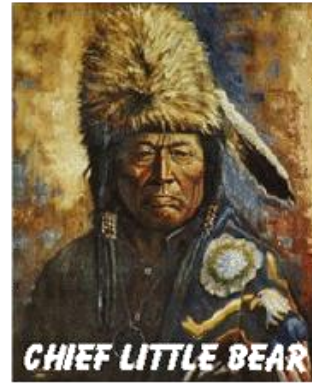


# Chippewa Cree Tribal Court Repeat Offender SCRAM Program

(Modeled after County Repeat Offender Program)

## December 2020



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## Overview

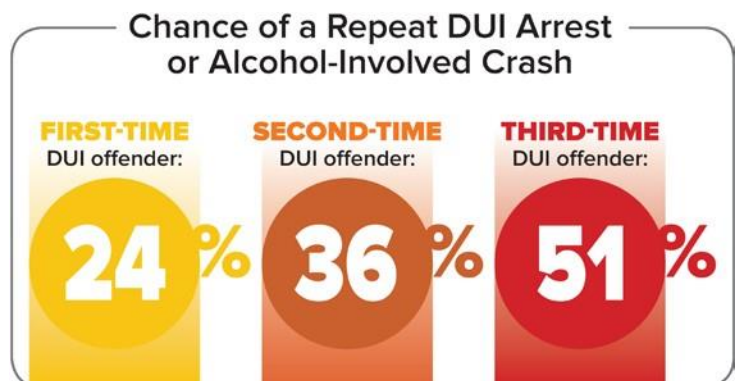
### *Chippewa Cree Tribal Court Repeat Offender Program*

The Chippewa Cree Tribe is dedicated to reducing the number of victims of alcohol and drug related crimes, reducing the number of at-risk drug and alcohol related offenders, and ultimately reducing repeat drug and alcohol related offenses. The implementation of the Chippewa Cree Tribal Court Repeat Offender Program will address these goals and significantly increase public safety.

Requiring alcohol and drug related-involved offenders and defendants to abstain (from) using substances during their pretrial period and post-adjudication is important to public safety and plays a significant role in reducing additional offenses. The Chippewa Cree Tribal Court Probation Office will supervise defendants and offenders with 24/7 continuous alcohol monitoring technology. This preventative measure is supported by current legislation that provides the clear authority for the Chippewa Cree Tribal Court to use and court order such technology to be used to test defendants during pretrial release and post sentencing for the presence of alcohol when subject to a Court order.

### *Impact of Repeat Drunk Drivers*

The National Highway Traffic Safety Administration (NHTSA) estimates that approximately one-third of the 1.5 million drunk driving arrests each year involve repeat offenders. Repeat DUI offenders are a serious public safety concern as they are overrepresented in fatal traffic crashes. Research shows that the risk of being involved in an alcohol-related traffic crash increases by approximately 20% with each additional prior DUI. Additionally, there is clear evidence that DUI arrests are a predictor for repeated offenses.



NHTSA has also indicated that:

- 70% of alcohol-related traffic fatalities are caused by drivers with a BAC of 0.15% or higher.
- Drivers with a BAC of 0.08% or higher involved in fatal crashes were six times more likely to have a prior conviction for driving under the influence.

### *SCRAM Continuous Alcohol Monitoring in Pretrial Programs*

Courts order defendants to SCRAM Continuous Alcohol Monitoring® (SCRAM CAM®) during the pretrial stage for a variety of reasons.

- Courts can impose SCRAM CAM as a condition of bail to help ensure that a defendant is complying with an order of sobriety and to add another layer of supervision to increase the likelihood the defendant will appear for trial.
- Supervised sobriety with SCRAM CAM lessens the defendant's risk to the community and provides data to enable the Court to better screen and assess defendants for alcohol misuse and abuse.

- Pretrial SCRAM CAM use may also assist defense attorneys by providing evidence that their clients are willing and able to change their behavior.

### ***SCRAM CAM Post Sentencing***

Courts utilize SCRAM CAM as a tool to supervise an offender who has already been sentenced.

- Continues to ensure community safety by offender sobriety after incarceration
- Increases successful outcomes when paired with substance abuse and mental health treatment
- Allows for open and honest interactions with the Court by providing quantifiable data of sobriety

### ***SCRAM CAM will help the Chippewa Cree Tribal Court:***

- Ensure defendants and offenders comply with Court-ordered terms of alcohol abstinence 24/7
- Promote greater accountability among defendants and offenders
- Provide clear evidence illustrating an individual’s abstinence from alcohol, and Court-admissible evidence when they do not
- Assess an individual’s alcohol dependency and drinking patterns
- Detect if a defendant drinks prior to his or her trial to facilitate an early intervention
- Protect the public while a defendant is out on bail and awaiting trial or released after sentencing
- Allow the defendant to maintain job and family obligations while awaiting trial
- Enhance reporting capability in support of the management of community-based defendants and offenders, and pretrial release with drug and alcohol conditions

## **Key Program Objectives**

- Eliminate DUI defendants who commit a new DUI while waiting for sentencing on their original DUI offense
- Behavior modification of the defendant
- Reduce DUI recidivism by treating the defendant while they are on the continuous alcohol monitoring thus guaranteeing they are sober while attending treatment, increasing their chances of long-term sobriety
- Reduce the total number of annual alcohol-related fatal vehicle crashes
- Reduce the burden on community resources utilized by the Court
- Expedite the flow of DUI cases towards disposition

## Repeat Offender Program Pretrial Bond Criteria

DUI Offense	2 <sup>nd</sup> DUI	3 <sup>rd</sup> DUI	4 <sup>th</sup> DUI	5 <sup>th</sup> & Subsequent DUI
<b>Repeat Offender Program Participation</b>	Enhanced	All	All	All

### *First DUI Enhanced Criteria*

BAC>.15 and one or more of other aggravating factors are present, including:

- Prior DUI arrests (amended or dismissed)
- Prior history of dismissed, amended, or convictions for alcohol related arrests (i.e., alcohol intoxication, DC involving alcohol, etc.)
- Minor passengers in vehicle
- Death or bodily injury
- Multi-vehicle crash
- Driver under 21

## Repeat Offender Program Sentencing Guidelines

Pretrial Repeat Offender Program participation and compliance will be considered at the time of sentencing.

DUI	Fine	Jail	License Suspension	Probation	Additional Sanctions	SCRAM
<b>2<sup>nd</sup> Enhanced*</b>	\$200 to \$500	4 to 30 days	30	30-day MRT (alcohol or substance abuse education)	48 hours to 30 days community service	30 GPS During probation
<b>3<sup>rd</sup></b>	\$350 to \$500	10 days to 6 months (14 days imprisonment if aggravating circumstances are present)	3 months	3 months MRT (alcohol or substance abuse treatment)	10 days to 6 months community service	60 to 90 days GPS <b>OR</b> 90 days CAM followed by 30 days Remote Breath
<b>4<sup>th</sup></b>	\$500 to \$1,000	60 days to 12 months (90 days imprisonment if aggravating circumstances are present)	6 months	6 months MRT (alcohol or substance abuse treatment)	10 days to 12 months community Service	120+ days CAM (defendant may petition Court for step-down to minimum of 30 days Remote Breath after 90 days of compliance with SCRAM CAM)
<b>5<sup>th</sup> or more</b>	\$500 to \$1,000	90 days to 12 months (90 days imprisonment if aggravating circumstances are present)	12 months	12 months MRT (alcohol or substance abuse treatment)	10 days to 12 months community service	120+ days CAM (defendant may petition Court for step-down to minimum of 30 days Remote Breath after 90 days of compliance with SCRAM CAM)

### *2<sup>nd</sup> DUI Enhanced Criteria*

BAC>.15 and one or more of other aggravating factors are present, including:

- Prior DUI arrest (amended or dismissed)
- Prior history of dismissed, amended, or convictions for alcohol related arrests (i.e., alcohol intoxication, DC involving alcohol, etc.)
- Minor passengers in vehicle
- Death or bodily injury
- Multi-vehicle crash
- Driver under 21

## Program Policies and Procedures

It is the policy of the Chippewa Cree Tribal Court to have procedures in place to obtain weekly reports, compliance and non-compliance reports as well as notification of installation and removals for Judges and Prosecutors and that referred defendant to Repeat Offender Program. This document refers to the specific policies and procedures to be used for the Chippewa Cree Tribal Court Repeat Offender Program.

### *Roles and Responsibilities*

The SCRAM Service Provider facilitates the most effective use of the SCRAM technology in accordance with the operational guidelines from SCRAM Systems, to provide the Court with the necessary support to ensure that offenders successfully complete the supervision requirements.

Chippewa Cree Tribal Court	
Action Item	Representative Tasks
Out-of-Custody Defendant Referral to Repeat Offender Program	<ul style="list-style-type: none"> <li>▪ SCRAM CAM monitoring is recommended based on the stated criteria in pre-trial or sentencing hearing.</li> <li>▪ Client Referral Form is filled out during hearing, reviewed by the Judge, will follow the case file and be emailed by the Clerk to the Probation Officer.</li> <li>▪ Defendant is given a Repeat Offender Program Client Handout to understand the basic guidelines of program by the Probation Officer.</li> <li>▪ Client is ordered to appear next day to register for Repeat Offender Program at the Probation Officer to enroll in Repeat Offender Program.</li> <li>▪ Probation Officer will email the signed contract back to the court for case file.</li> </ul>
In-Custody Defendant Referral to Repeat Offender Program	<ul style="list-style-type: none"> <li>▪ Pretrial Services screens defendant for prior offenses and Repeat Offender Program criteria.</li> <li>▪ Client Referral Form completed and emailed to Probation Officer by the Clerk of Court</li> <li>▪ During in Custody Arraignment the judge may order defendant to the Repeat Offender Program.</li> <li>▪ Defendant is ordered to appear next day at Pretrial Services to enroll in Repeat Offender Program</li> <li>▪ Defendant assigned their next Court date.</li> </ul>

PROBATION OFFICER AND SCRAM SERVICE PROVIDER	
Action Item	Representative Tasks
Intake and Installation	<ul style="list-style-type: none"> <li>▪ Once Client Referral Form is received from the Court, Probation Officer will reach out to defendant to verify install. After three unsuccessful contact attempts, the Court will be notified</li> <li>▪ Instruct defendant on care and use of equipment, Repeat Offender Program rules and responsibilities, and payment program</li> <li>▪ Obtain signed copy of Repeat Offender Program Participant Agreement from each referred client</li> <li>▪ Submit installation notification report to Court or a failure-to-report notice within 24 hours</li> </ul>
Equipment Maintenance and Inventory Control	<ul style="list-style-type: none"> <li>▪ Maintain inventory/physical control of all SCRAM CAM equipment</li> <li>▪ Follow up on equipment alerts, lost/stolen equipment, and bracelet/component replacements</li> </ul>
Defendant Management	<ul style="list-style-type: none"> <li>▪ Follow-up with offenders and Case management plan, Communication Alerts, and any other directives from SCRAM Systems or Court</li> <li>▪ Follow up with Court within one business day on any confirmed violation (drinking or tamper)</li> </ul>
Report Management	<ul style="list-style-type: none"> <li>▪ Forward confirmed violations (including date- and time-stamped drinking, tampering, and obstructing events) within one business day of receiving data to Court/Agency per preferred method of dispatch</li> <li>▪ Provide formal Court reports, usage records, or other related reports upon written request from Court</li> </ul>
Defendant Collections	<ul style="list-style-type: none"> <li>▪ Structure/manage a defendant-pay program, including billing and collections of monitoring-related fees and costs</li> <li>▪ Cooperate with any audits by the Court and provide documentation of defendant's income/application, as requested</li> </ul>
Court Support	<ul style="list-style-type: none"> <li>▪ Provide Court testimony, as required</li> <li>▪ Provide/facilitate Court hearing support</li> </ul>
De-installation	<ul style="list-style-type: none"> <li>▪ De-install SCRAM CAM device upon program completion and written approval from Court</li> <li>▪ Submit Notice of Removal report to supervising authority within 24 hours</li> </ul>

***Violations while participating in Repeat Offender Program include:***

- Confirmed drinking event
- Confirmed tampering, obstruction, or removal



- Confirmed deliberate use of prohibited interferants
- Failure to upload data from the bracelet at required scheduled times
- Failure to keep pre-scheduled appointments
- Failure to return calls from Service Provider or supervisory agent
- Failure to comply with payment plan (14 days or more behind schedule)

The following guidelines addressing Pretrial and Post Adjudication sanctions for non-compliance, unique circumstances may require deviation from these standard responses. Should a client violate any portion of his or her Repeat Offender Program Participation Agreement, the Court would be notified, in writing, in a timely manner. Similarly, participants who demonstrate compliance with their conditions of supervision should be recognized to encourage continued positive behavior. These reinforcements need not be substantial to be effective. The Service Provider will recognize participants verbally or with a certificate upon successful completion of any program.

### Repeat Offender Program Pretrial Violation Penalties

Violation Type	1 <sup>st</sup> Violation	2 <sup>nd</sup> Violation	3 <sup>rd</sup> + Violations
<b>Consumption</b>	<p><b>Minimum:</b> Show Cause Hearing. Warning on record of action to be taken on additional infractions</p> <p><b>Maximum:</b> Reinstatement and/or increase of bond</p>	<p><b>Minimum:</b> Reinstatement of original bond</p> <p><b>Maximum:</b> Increased bond and/or other conditions</p>	<p><b>Minimum:</b> Reinstatement of original bond</p> <p><b>Maximum:</b> Increased bond and/or other conditions</p>
<b>Tamper Warning*</b>	<p><b>Minimum:</b> No action necessary</p> <p><b>Maximum:</b> Show Cause Hearing. Warning on record of action to be taken on additional infractions</p>	<p><b>Minimum:</b> Reinstatement of original bond</p> <p><b>Maximum:</b> Increased bond and/or other conditions</p>	<p><b>Minimum:</b> Reinstatement of original bond</p> <p><b>Maximum:</b> Increased bond and/or other conditions</p>
<b>Tamper Violation**</b>	<p><b>Minimum:</b> Show Cause Hearing. Warning on record of action to be taken on additional infractions</p> <p><b>Maximum:</b> Reinstatement and/or increase of bond</p>		
<b>Technical Program Violations</b> (failure to communicate data, use of banned products)	<p><b>Minimum:</b> Show Cause Hearing. Warning on record of action to be taken on additional infractions</p> <p><b>Maximum:</b> Reinstatement and/or increase of bond</p>	<p><b>Minimum:</b> Reinstatement of original bond</p> <p><b>Maximum:</b> Increased bond and/or other conditions</p>	<p><b>Minimum:</b> Reinstatement of original bond</p> <p><b>Maximum:</b> Increased bond and/or other conditions</p>
<b>Failure to Pay</b>	<b>All:</b> Show Cause Hearing. Bring defendant back to Court		

\* **Tamper Warning:** First time infraction without alcohol detected re-re-education of defendant occurs at the service provider level.

\*\* **Tamper Violation:** First time infraction with alcohol detected *or* second and subsequent infractions.

## Repeat Offender Program Post-Adjudication Penalties

By agreement between Chippewa Cree Tribal Court and Defendant at the time of plea.

Violation Type	1 <sup>st</sup> Violation	2 <sup>nd</sup> Violation	3 <sup>rd</sup> + Violations
<b>Consumption</b>	<b>Minimum:</b> Revoke 2 days jail of CD time <b>Maximum:</b> Revocation of entire sentence	<b>Minimum:</b> Revoke 7 days jail of CD time <b>Maximum:</b> Revoke 7 days jail of CD time, mandatory 30 AA meetings in 30 days, mandatory chemical dependency evaluation, revocation of original sentence	<b>Minimum:</b> Revoke 12 days jail of CD time, mandatory 90 AA meetings in 90 days, mandatory chemical dependency evaluations <b>Maximum:</b> Revocation of entire sentence
<b>Tamper Warning*</b>	<b>Minimum:</b> No Court action necessary <b>Maximum:</b> Show Cause Hearing. Warning on record of action to be taken on additional infractions	<b>Minimum:</b> Revoke 7 days jail of CD time <b>Maximum:</b> Revoke 7 days jail of CD time, mandatory 30 AA meetings in 30 days, mandatory chemical dependency evaluation, revocation of original sentence	<b>Minimum:</b> Revoke 12 days jail of CD time, mandatory 90 AA meetings in 90 days, mandatory chemical dependency evaluations <b>Maximum:</b> Revocation of entire sentence
<b>Tamper Violation**</b>	<b>Minimum:</b> Show Cause Hearing. Warning on record of action to be taken on additional infractions <b>Maximum:</b> Revocation of entire sentence		
<b>Technical Program Violations</b> (failure to communicate data, use of banned products)	<b>Minimum:</b> Show Cause Hearing. Bring back to court <b>Maximum:</b> Revocation of entire sentence.	<b>Minimum:</b> Revoke 7 days jail of CD time <b>Maximum:</b> Revoke 7 days jail of CD time, mandatory 30 AA meetings in 30 days, mandatory chemical dependency evaluation, revocation of original sentence	<b>Minimum:</b> Revoke 12 days jail of CD time, mandatory 90 AA meetings in 90 days, mandatory chemical dependency evaluations <b>Maximum:</b> Revocation of entire sentence
<b>Failure to Pay</b>	<b>All:</b> Show Cause Hearing. Bring defendant back to Court		

\* **Tamper Warning:** First time infraction without alcohol detected re-re-education of defendant occurs at the service provider level.

\*\* **Tamper Violation:** First time infraction with alcohol detected **or** second and subsequent infractions.

## Recommended SCRAM CAM Program Eligibility Criteria

Case-by-Case Assessment	Parameters
Level of risk	<ul style="list-style-type: none"> <li>Defendants eligible for community release because they are not considered a threat to family members or the community</li> </ul>
Offense history	<ul style="list-style-type: none"> <li>Current charges</li> <li>Number of prior arrests and convictions</li> <li>Status of driver's license</li> <li>No outstanding arrest warrants</li> </ul>
Drinking history	<ul style="list-style-type: none"> <li>History of persistent drinking and non-compliant behavior</li> <li>Difficulty maintaining sobriety</li> <li>Lack of treatment success</li> </ul>
Location/suitability of residence	<ul style="list-style-type: none"> <li>Permanent residence</li> <li>Residence within Court's jurisdiction</li> </ul>
Connectivity for data downloads	<ul style="list-style-type: none"> <li>SCRAM Base Station connectivity: a working landline, digital phone line, home Internet (Ethernet connection or Wi-Fi), or reside in good cellular coverage area</li> <li>Phone or Internet bills associated with SCRAM CAM usage paid by the defendant</li> <li>Phone line free for use during hours pre-scheduled for the defendant's SCRAM CAM data downloads (phone connection only)</li> <li>If not within the residence, may be another Court-approved location with appropriate connectivity</li> </ul>
Employment	<ul style="list-style-type: none"> <li>Employment history (employment is not required; however, defendants may be held financially responsible for monitoring costs)</li> <li>Presence of environmental interferants in the workplace</li> <li>Travel required to sustain employment</li> </ul>
Family status	<p>Low-risk defendants who have:</p> <ul style="list-style-type: none"> <li>Sole support of family members</li> <li>Custody of minor(s)</li> </ul>
Medical history	<ul style="list-style-type: none"> <li>See disqualifying medical conditions in next section</li> </ul>

**Defendants may be deemed ineligible for SCRAM CAM because of:**

Health	<p>Certain medical health conditions, including:</p> <ul style="list-style-type: none"> <li>▪ Diabetes</li> <li>▪ Chronic dermatitis or other dermatological condition of the leg/ankle</li> <li>▪ Chronic swelling of legs/ankles due to other health issues</li> <li>▪ Pregnancy</li> </ul> <p>Mental health conditions, including:</p> <ul style="list-style-type: none"> <li>▪ History of or current signs of mental illness or psychotic behavior</li> </ul>
Criminal History	<ul style="list-style-type: none"> <li>▪ Nature of offense, grading, and number of counts</li> <li>▪ Prior criminal history, including history of violence or drug sales</li> <li>▪ Being held on detainer or warrant from another Court or jurisdiction</li> <li>▪ Aggravated circumstances, such as violent or destructive behavior or propensity to commit further serious illegal acts</li> </ul>

**Program Fees and Payment Policies**

<b>Deposit</b>	<b>Amount of the bond for the offense or \$1,600</b>
<b>Due at start of program</b>	<b>Deposit and \$5 per day for the length of the probation sentence for SCRAM GPS monitor and \$10 per day for the length of the probation sentence for the SCRAM CAM monitor. An application for fee waiver can be made but not guaranteed to be approved. Eligibility is based upon Federal Poverty Guideline.</b>
<b>Failure to pay</b>	Client will be placed in jail for terminating the program if prior arrangements are not made for payments.
<b>Accepted payment forms</b>	<p>Cash or money order payable to the Chippewa Cree Tribal Court paid at the Chippewa Cree Tribal Office.</p> <p><b><i>Clients are expected to pay Repeat Offender Program monitoring fees two weeks in advance.</i></b></p>

## SCRAM Continuous Alcohol Monitoring (CAM)

### Overview

SCRAM Continuous Alcohol Monitoring (SCRAM CAM) is the most widely used and the only scientifically proven and court validated CAM device available today. SCRAM CAM is based on transdermal (“through the skin”) technology and continuously monitors individuals 24/7 to verify their compliance with court ordered sobriety. SCRAM CAM also includes house arrest technology to provide an additional sanctioning option and ensure home confinement during peak drinking hours.

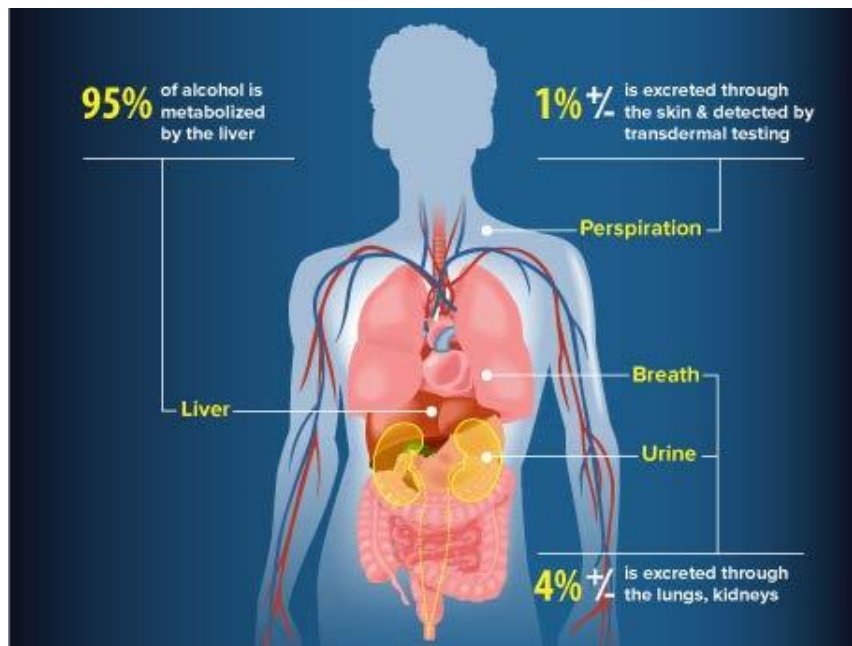
Designed for application in long-term monitoring programs that require alcohol abstinence, SCRAM CAM provides the supervising authority with a fact-based, comprehensive profile of a client’s compliance or drinking patterns.



Designed for application in long-term monitoring programs that require alcohol abstinence, SCRAM CAM provides the supervising authority with a fact-based, comprehensive profile of a client’s compliance or drinking patterns.

### The Science of Transdermal Testing

SCRAM CAM tests for alcohol consumption trans dermally, or “through the skin.” Transdermal testing measures the concentration of ingested alcohol present in the insensible perspiration that is constantly produced and given off by the skin. SCRAM CAM automatically collects transdermal samples of insensible perspiration from the air above the client’s skin and transmits this data to a central source for analysis—requiring no effort on the part of the client or the supervising agency. Because people excrete approximately one percent (1%) of the alcohol they drink through their sweat, if an individual has been drinking it shows up in the level of ethanol vapor present in this insensible perspiration.



While transdermal testing cannot determine an exact blood alcohol concentration (BAC), it can qualitatively determine whether a person drank a little, a moderate, or a large amount of alcohol (transdermal alcohol content or TAC). Because of the way that alcohol is absorbed and processed by the body, TAC peaks typically are reached 30 minutes to two hours after BAC peaks.

## Research & Review

SCRAM CAM uses scientifically proven continuous transdermal alcohol monitoring technology, based on the result of more than 70 years of research and nearly 30 peer-reviewed studies. Many of these completed or in-process studies have been sponsored or conducted by leading organizations in traffic safety research:



- National Traffic Safety Board (NTSB)
- National Highway Traffic Safety Administration (NHTSA)
- National Center for State Courts (NCSC)
- Traffic Injury Research Foundation (TIRF)
- University of Colorado Health Science Center
- Brown University
- University of Texas-San Antonio
- Michigan Department of Corrections
- RAND Corporation
- Preusser Research Group
- Pacific Institute for Research and Evaluation (PIRE)

## Sobriety vs. Abstinence

Despite the importance of sobriety in the justice system, the difficulties of keeping tabs on alcohol involved clients means there are a wide variety of definitions for sobriety. While treatment professionals emphasize the importance of complete abstinence, the realities of long-term testing often mean that alcohol-involved individuals are tested randomly, periodically, or not at all, with the hope that the chance they might get caught is enough of a deterrent to drinking. Unfortunately, some clients are willing to take that chance. Today, programs and technologies are proliferating that allow courts and treatment providers to cost-effectively require and enforce more than sober moments: they are enforcing Sober Days.

### The Sober Days Concept

A Sober Day is defined as a 24-hour period in which a monitored individual has no confirmed consumption of alcohol and no confirmed attempt to tamper or circumvent testing to mask the consumption of alcohol. To be a true Sober Day, a client must:

- Be able to present evidence-based confirmation of sobriety for each 24-hour period
- Be monitored trans dermally (via perspiration/the skin) to meet the required test frequency

- Be tested a minimum of once per hour per 24-hour period
- Be tested automatically, with no requirement to participate in the testing

When evaluating CAM technologies in support of the Sober Days Concept, it is important to understand what is required for a technology to truly be CAM. Only systems that meet all these requirements, would be considered court-validated and capable of delivering Sober Days.

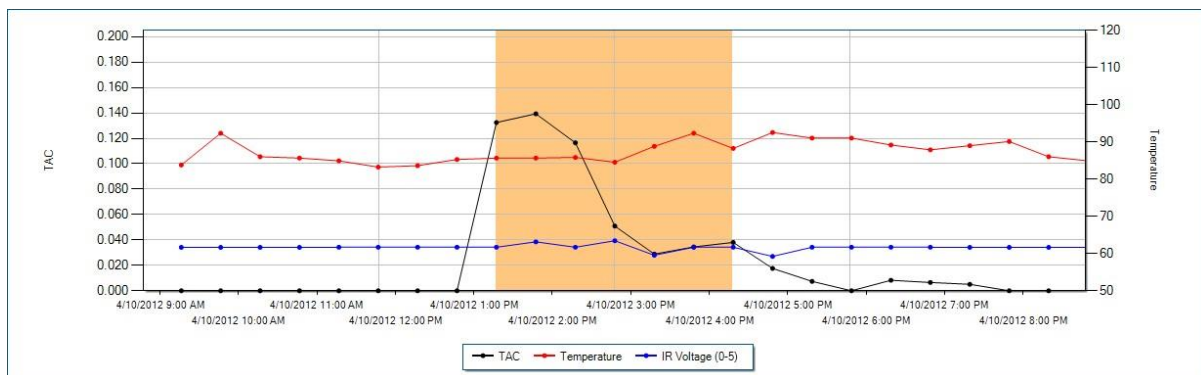
### Length of Monitoring

Findings from contemporary research on executive cognitive functioning (Zinn, et al, 2004) state that a period of 90 days of sobriety is needed to counteract the effects of alcohol and correct impairments in thinking. Likewise, practitioners report that a longer period of supervision is beneficial and achieves better outcomes.

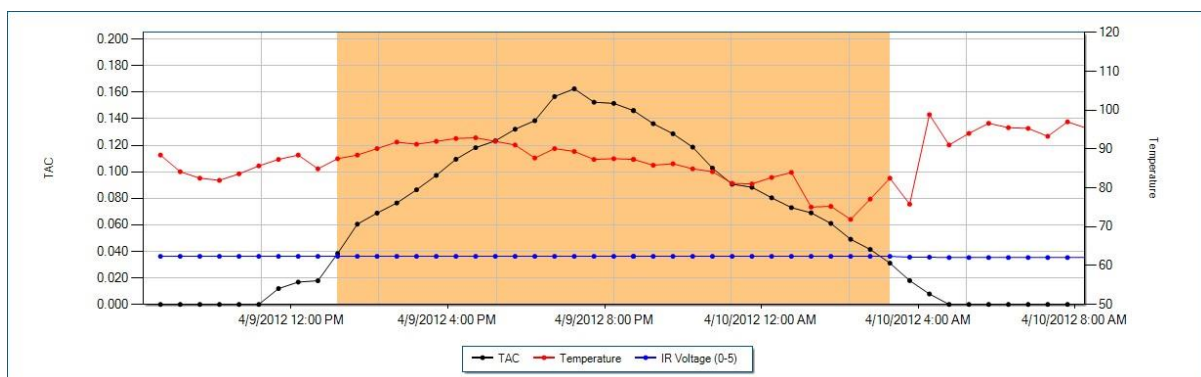
Across the country, agencies advocate 90 days on SCRAM CAM, followed by a performance-based review of those offenders who demonstrate continued and persistent drinking patterns are retained on the device until their drinking ceases. Some agencies also require that offenders complete a minimum number of days of sobriety before the removal of their SCRAM CAM bracelet.

### Thorough Data Analysis and Review Process

All data received from the bracelet through SCRAMNET is subject to a rigorous data analysis and review process conducted by AMS' team of professionally-trained analysts. These analysts understand the nuances of real-world bracelet use and can confirm or not confirm drinking episodes using court-proven criteria. Their review process identifies the presence of environmental alcohol and looks at key characteristics of the Transdermal Alcohol Concentration (TAC) curve-which is similar to a BAC (Blood Alcohol Content)-to ensure that only true drinking episodes are confirmed (such as alcohol absorption and elimination rates).



**Environmental Alcohol Detection.** A distinct and dramatic jump in the absorption side of the alcohol curve, followed by a rapid dissipation of the alcohol, indicates SCRAM CAM meeting an environmental alcohol source.



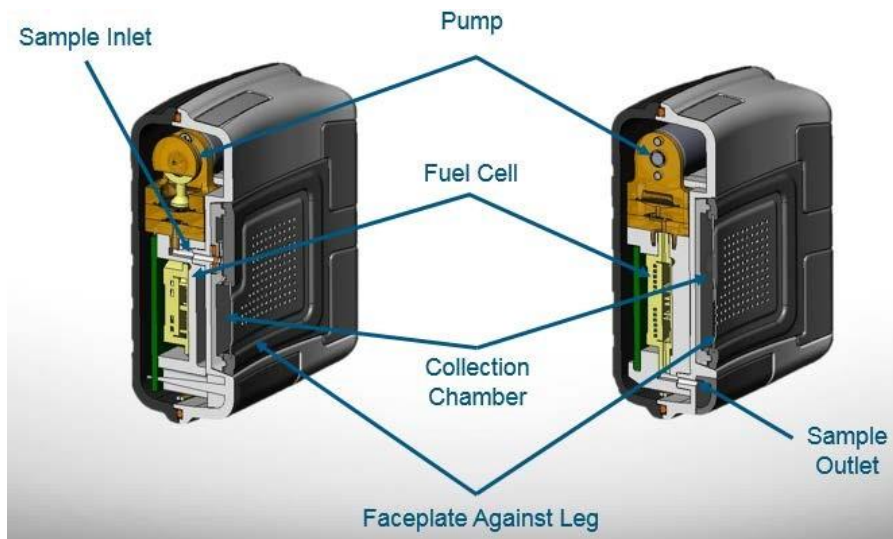


**Confirmed Alcohol Consumption Event.** Data from a drinking event shows a gradual increase in alcohol levels over time, and then slowly burns off to create a well-defined alcohol curve (the black line).

### **Controlled, quantifiable sample delivery system**

SCRAM Continuous Alcohol Monitoring can conclusively distinguish between ingested and environmental alcohol because it is only CAM device on the market that uses a controlled, quantifiable sampling method that draws a measured sample every 30 minutes. This is the same proven sample delivery system used in evidential breath testing equipment that has been the standard in law enforcement for many decades. Other devices may claim to be “testing” more frequently; however, without a controlled, quantifiable sample, these devices are merely alcohol sensors and cannot distinguish between alcohol consumption and interfering alcohol-based products.

Because both sensible (liquid) and insensible (gas) perspiration are continuously being collected by the bracelet between each 30-minute sample, SCRAM Continuous Alcohol Monitoring **is truly a continuous transdermal alcohol monitoring device.**



**Industry-validated fuel cell.** The fuel cell at the heart of the SCRAM CAM bracelet is the same type of fuel cell used in evidential breath testing equipment and interlock devices. It has been proven through decades of research and experience and is accepted by the forensic community in alcohol testing applications. This is the same fuel cell used in evidential breath testing equipment and interlock devices. Draeger fuel cells have been independently validated (both directly and indirectly) and are extremely sensitive and ethanol-specific alcohol sensors.

### **Anti-Tamper Technology**

The SCRAM Continuous Alcohol Monitoring bracelet is equipped with industry-leading, anti-tamper technology that features five sensors to detect and report attempted tampers. These sensors determine whether the bracelet has been cut, removed, obstructed, or submerged. The bracelet’s intelligent self-diagnostic capabilities constantly monitor and report its functionality. Any attempts to tamper with the bracelet or its functionality will be immediately detected by the system.

**Water Resistant.** SCRAM CAM is completely water resistant; all participants are encouraged to shower as frequently and thoroughly as they want.

### **Capabilities**

- Collects insensible perspiration every second 24/7/365 into a controlled sample chamber
- Sample chamber is drawn and tested for alcohol every 30 minutes
- Optional House Arrest curfew monitoring in one bracelet
- 99.3% compliance each day
- Conclusively distinguishes between alcohol consumption and environmental alcohol sources
- Single-source admissibility—no back-up tests required
- Continuous testing means no drinking around test schedules
- Cellular capability using SCRAM Wireless™

## **SCRAM Systems Court and Legislative Support**

### **Judicial Support Program**

SCRAM Systems has an excellent track record of defending SCRAM CAM in court cases. Most judges hearing cases involving SCRAM CAM have recognized that the device is accurate, reliable, and accepted.

SCRAM Systems stands firmly behind SCRAM CAM monitoring results in court and offers expert testimony on the science of continuous transdermal alcohol monitoring technology. What this means for judges is that they will be able to verify and enforce sanctions based on the data received from the SCRAM CAM device, ensuring single-source admissibility and eliminating the need for a “secondary screen” or additional confirmation of a drinking event. To date, SCRAM Systems has been found admissible and reliable in:

- 129 evidentiary hearings
- 33 hearings that resulted in Daubert/Frye rulings
- 1 State Supreme Court ruling and 1 State Court ruling
- 3 Appellate Court rulings (South Dakota, 2; Indiana, 1)

### **Flexible, Exception-Based Reporting**

- Customized testing, synchronization, and reporting schedules
- Exception-based reporting streamlines case management priorities
- Allows courts and probation focus attention on clients who need it most
- Flags and graphically depicts:
  - Drinking events
  - Tamper or removal attempts
  - Equipment malfunctions

## **SCRAM CAM Client FAQs**

### ***Does the bracelet make noise?***

When the SCRAM CAM Bracelet takes a reading every 30 minutes, a light buzzing sound can be heard, but is generally reported to be “discreet.”

### ***What technology do I need in my home to connect the SCRAM Base Station?***

The SCRAM Base Station can work with an analog or digital phone line, home Internet with an Ethernet cable or Wi-Fi, or over cellular.

### ***What products should I refrain from using while wearing SCRAM CAM?***

You should not consume food or beverages that contain alcohol. As noted in your SCRAM Program Participant Agreement, you should also avoid using products on or near the bracelet that contain alcohol. The application of small quantities of cologne or perfume in areas far from the bracelet should not be problematic.

### ***Can I travel and go through TSA screening?***

Whether or not you can travel and leave your current jurisdiction is up to your supervising agency. Please be sure to check first with your agent. We also recommend that you carry your paperwork that addresses your participation in a SCRAM CAM monitoring program. When passing through security, inform the TSA agent that you are wearing an electronic monitoring device that you cannot remove. The TSA agent may “swab” the bracelet and test it. However, you should be permitted to pass through security while wearing the SCRAM CAM Bracelet.

### ***Is it safe to wear SCRAM CAM during an MRI, X-Ray, or CT scan?***

You cannot wear a monitoring bracelet if you need an MRI. You will need to contact your supervising agent prior to a scheduled appointment to plan to have the bracelet removed prior to the procedure. Your agent may have additional requirements.

### ***Can I exercise with the bracelet on? Will it flop around, and will that register as tampering?***

Exercise will have no impact to the functions of the bracelet. For comfort, you might want to wear a sweatband, or a sock rolled down to prevent the bracelet from “bouncing” on the ankle bone. Just make sure nothing gets between the bracelet and leg.

### ***Can I wear boots or leggings?***

You cannot wear anything that would go between the skin and the bracelet. You can wear boots or leggings over the top but be cautious that boots could cause the bracelet to rub and even create a blister.

### ***Will I set off alarms when I go through security checkpoints, like leaving a department or convenience store?***

No. It is no different than your cell phone or any other jewelry you might wear.

### ***Can I shower? What about swimming or hot tubs?***

While you are not allowed to submerge the bracelet in water (swimming pools, hot tubs, the bath tub), you can shower, and in fact you need to shower in order to keep the area around the bracelet clean. Refer to the SCRAM CAM Participant Video for a demonstration of the best way to clean regularly around the bracelet.

**Can I wear cologne or perfume?**

We recommend that you avoid using any products on or near the bracelet that contain alcohol. The application of a small amount of cologne or perfume in areas far from the bracelet should not be problematic. But please be aware that if it does trigger an alcohol alert, you will be held accountable with your supervising agent.

**What lotions can I wear?**

As outlined in your Program Participant Agreement, avoid lotions with alcohol on or near the bracelet.

**Can I spray tan?**

Absolutely not.

**Can I use hair coloring/hair dye?**

As outlined in your Program Participant Agreement, you should avoid using any alcohol-containing products on or around the bracelet. Many clients are exposed to hair color and other similar products without any issues. When in doubt, talk to your PO or supervising agent.

**What if I kiss someone who has been drinking?**

Kissing someone who has been drinking has no impact on SCRAM CAM testing or results.

**Repeat Offender Program Court Order Form**

CASE NO. \_\_\_\_\_

JUDGE \_\_\_\_\_

CHIPPEWA CREE TRIBAL COURT

VS.

Date of Birth \_\_\_\_\_

Phone No. \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_  
DEFENDANT

\_\_\_\_\_

**SCRAM CONTINUOUS ALCOHOL MONITORING (SCRAM CAM) ORDER**

THE ABOVE-NAMED DEFENDANT IS HEREBY ORDERED TO the Chippewa Cree Tribal Court Repeat Offender Program as a condition of (circle one) PRE-TRIAL or PROBATION.

- 1) The defendant shall completely abstain from the use of alcohol while in Repeat Offender Program. Defendant is not to consume or use any substance containing alcohol or use any of the substances prohibited by Repeat Offender Program rules.
- 2) The defendant is instructed to enroll in the Chippewa Cree Tribal Court Repeat Offender Program within the next 24 hours (or on the next business day if court is not in session), or as otherwise directed by the Court.

3) The defendant shall submit to and comply with the Chippewa Cree Tribal Court Repeat Offender Program for \_\_\_\_\_ days or until further order of the Court.

Continuous Alcohol Monitoring as follows: (refer to Chippewa Cree Tribal Court Repeat Offender Program for criteria guidelines):  
\_\_\_\_\_.

Continuous Alcohol Monitoring + Curfew monitoring as follows: (refer to Chippewa Cree Tribal Court Repeat Offender Program for criteria guidelines):  
\_\_\_\_\_.

Continuous Alcohol Monitoring + House Arrest as follows: (refer to Chippewa Cree Tribal Court Repeat Offender Program for criteria guidelines):  
\_\_\_\_\_.

Remote Breath as follows: (refer to Chippewa Cree Tribal Court Repeat Offender Program for criteria guidelines):  
\_\_\_\_\_.

4) The defendant shall pay a deposit and a fee of \$\_\_\_\_\_ to the Chippewa Cree Tribal Court. The fees shall be paid before the time of installation.

5) Failure to keep balance current without making prior financial arrangements with the Probation Officer and Chippewa Cree Tribal Officer will result in revocation of participation in Repeat Offender Program. If the Defendant is more than 14 days in arrears with program fees, the courts will be notified, and the case may be returned to court for review.

6) The Defendant is further ordered to not tamper with or circumvent, destroy any monitoring equipment that is used in conjunction with the Chippewa Cree Tribal Court Repeat Offender Program. Failure to comply with this requirement will be considered a violation of this Order.

7) Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

ENTERED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

### SCRAM CAM Participant Agreement

Participant Name: \_\_\_\_\_ Agency: \_\_\_\_\_  
\_\_\_\_\_

Probation Officer Name: \_\_\_\_\_

Date Placed on Program: \_\_\_\_\_

I \_\_\_\_\_, have been placed in the SCRAM Program. As a condition of being allowed to participate in this Program, I agree to comply with all Program requirements set forth in this Agreement and to strictly follow the instructions of my Probation Officer or Pretrial Services Probation Officer. I understand that any failure by me to comply with this Agreement or the instructions of my officer or agent will be considered a violation of my supervision and may result in adverse legal consequences.

As a condition of my participation in the Program, I agree to properly use the SCRAM Continuous Alcohol Monitoring ("SCRAM CAM") or GPS equipment provided to me by my Probation Officer. In that regard, I will wear the SCRAM CAM Bracelet on my ankle for the duration of the Program. I will allow the SCRAM Base Station to be connected to my home or office telephone or Internet (through Ethernet or Wi-Fi) unless I have reached an agreement with my Probation Officer. I understand that the SCRAM CAM Bracelet will, at pre-programmed intervals, test me for the presence of a positive blood alcohol concentration by the measurement of alcohol that is being emitted as vapors through my skin. When the SCRAM CAM Bracelet detects the presence of alcohol, it will record a positive reading and will transmit an alcohol alert to the SCRAM Base Station. The SCRAM CAM Bracelet also contains systems designed to detect interference

or tampering and will also transmit a tampering alert to the SCRAM Base Station. When maintenance is required, I agree to come into the office within 48 hours after being notified by my agent.

**I acknowledge receipt of:**

Initial Here

SCRAM CAM Bracelet Number \_\_\_\_\_

SCRAM Base Station Number \_\_\_\_\_

1 Power Cord \_\_\_\_\_

1 Phone Cord \_\_\_\_\_

I understand that I may be required to pay the daily cost of my SCRAM monitoring. If so ordered, I agree to pay the following cost per day on a schedule set forth in a separate payment agreement and will submit payments as directed by my officer or agent:

Cost \_\_\_\_\_

Initial Here

Fee \_\_\_\_\_

Additional Hook Up \_\_\_\_\_

The additional hook-up fee will be assessed if a new bracelet is required because of cut strap, submersion, or intentional damage to the bracelet components. I also understand that I will be held responsible for damage, other than due to normal wear, to the SCRAM equipment. I also understand that if I do not return the equipment in good working condition, I will be charged for the repair or the replacement of the equipment as follows:

Full Replacement of the SCRAM CAM Bracelet \_\_\_\_\_

Initial Here

Full Replacement of the SCRAM Base Station \_\_\_\_\_

Strap Replacement \_\_\_\_\_

As a condition of being allowed to participate in the Program, if required, I agree to pay these costs. And, I agree to allow authorized personnel to inspect and maintain the SCRAM CAM Bracelet and SCRAM Base Station (if that device is being used.)

While participating in the Program, I agree to wear a non-removable SCRAM CAM Bracelet that will be attached by my agent, officer, or other authorized agency personnel. I agree not to remove, tamper with, or place any obstruction material between the SCRAM CAM Bracelet and my leg. Only in an emergency or with the prior permission of my officer or agent will I remove the SCRAM CAM Bracelet. I also agree not to move, disconnect, or tamper with the SCRAM Base Station without the prior approval of my agent.

**WARNING: If I experience a burning sensation, rash on my skin or any other apparent health risk from the bracelet, I will contact my agent immediately. If I must remove the SCRAM CAM Bracelet for health risks, I will cut the bracelet strap where the words "Cut Here" appear.**

If a SCRAM Base Station is being used, I agree to maintain an analog telephone line or Internet service and electrical service in my residence at my own expense. I agree that I will not make any changes in the services at my residence without prior approval of my agent. If notified by my agent or officer, I agree to remove any telephone features or functions that interfere with normal operation of the SCRAM Base Station. I agree to provide copies of my monthly telephone, Internet, and electric bill when requested by my agent or officer.

I understand that my officer or agent will use telephone calls, the SCRAM equipment, and personal visits to monitor my compliance with this Agreement. Therefore, when I am at home, I agree to promptly answer my telephone or door. I further understand and agree that all telephone calls from my officer or agent to my residence may be tape-recorded.

**Reporting Schedule:** I understand that my daily SCRAM equipment reporting times are as follows:

Reporting Time 1 \_\_\_\_\_ Reporting Time 2 \_\_\_\_\_

Reporting Time 3 \_\_\_\_\_ Reporting Time 4 \_\_\_\_\_

Reporting Time 5 \_\_\_\_\_ Reporting Time 6 \_\_\_\_\_

If I am being electronically monitored, I agree to be, and remain, in my residence always, except when specifically authorized by the Court, my Pretrial Services Agent, or Probation Officer. I will place the SCRAM Base Station in a central location in my house. I will not install the SCRAM Base Station on the floor. I will keep the base station on a wood surface at least three feet off the ground. I will keep the SCRAM Base Station away from windows, mirrors, and electrical items.

If I experience problems with the SCRAM CAM Bracelet or SCRAM Base Station, or if I lose electrical power at my residence, I agree to call my agent immediately. If I am unable to speak to my agent in person, or during nonbusiness hours, I agree to call my agent and leave a message on their answering machine including my name, the date, the time, and the nature of my problem. If there has been a power problem, I agree that I will call and leave another message when the power is restored. I also agree to notify my agent of any problems with my telephone service as soon as I can do so.

I understand that as a participant in the Program that I am to abstain from any and all alcohol consumption and to avoid the use of products containing alcohol and to avoid certain restricted activities, as described as follows:

Initial Here  
\_\_\_\_\_

**Banned Products:**

I understand that I am not to use or possess any product containing alcohol, including, but not limited to: mouthwash, medicinal alcohol, household cleaners and disinfectants, lotions, body washes, perfumes, colognes, or other hygiene products that contain alcohol. No products other than soap and water should be used on the skin around the bracelet.

Initial Here  
\_\_\_\_\_

**Tampering:**

I understand that the use of banned products or any topical application of a product near the SCRAM CAM Bracelet to tamper with or alter its readings will be considered a violation of this Agreement.

Initial Here  
\_\_\_\_\_

**Swimming & Bathing:**

I understand that I am not to submerge the SCRAM CAM Bracelet in water. Showers are the only permitted bathing method. I understand that if I submerge the SCRAM CAM Bracelet in water it will be treated as an 'attempt to defeat' and will be handled in the same manner as a tamper or obstruction. I understand that I will be held liable for any damages caused by submerging or damaging the SCRAM CAM Bracelet as well as for additional hook-up fees when new equipment is required due to intentional damage.

Initial Here  
\_\_\_\_\_

**Personal Hygiene:**

I agree that when showering, I will thoroughly clean the area around the bracelet with soap and water. I will thoroughly rinse with clean water and dry underneath the SCRAM CAM Bracelet. I understand that failure to rinse away all soap and dry the area around the bracelet may result in a mild skin rash.

Initial Here  
\_\_\_\_\_

**Current Health Status or Pre-existing Medical Conditions:**

I agree that I will reveal my current health status to my officer or agent and will also notify them of any pre-existing medical conditions that I am aware of such as pregnancy, diabetes or any type of known skin disorder or condition.

I acknowledge that I have received a copy of this Agreement and that it has been explained to me before signing. I understand that I must comply with the requirements of this Agreement until notified otherwise by my probation officer or pre-trial services agent. I agree to call my officer or agent immediately if I have any questions about this Agreement or if I experience any problems with the SCRAM CAM Bracelet or SCRAM Base Station. I further understand that any violation of this Agreement will constitute a violation of the Program and may cause immediate adverse legal action to be taken against me.

\_\_\_\_\_  
Participant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**CHIPPEWA CREE TRIBAL COURT  
APPLICATION FOR SCRAM BRACELET FEE WAIVER**

*All sections must be complete. Incomplete applications will not be accepted.*

NAME OF APPLICANT (Last, First, Middle)				DATE OF BIRTH	
PHYSICAL ADDRESS				PHONE NUMBER	
MAILING ADDRESS				ADDITIONAL PHONE NUMBER	
NAMES OF PERSONS LIVING IN HOUSEHOLD <small>USE BACK IF MORE SPACE IS NEEDED</small>			RELATIONSHIP		MARITAL STATUS <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Separated <input type="checkbox"/> Divorced
					PRESUMPTIVE ELIGIBILITY <input type="checkbox"/> TANF <input type="checkbox"/> Food Stamps/SNAP <input type="checkbox"/> SSI/SSDI <input type="checkbox"/> Vet Benefits/Disability
					Documentation Required
					<i>Office Use Only</i>
					<input type="checkbox"/> Documentation Received <input type="checkbox"/> Documentation Missing
GROSS MONTHLY INCOME <small>Documentation Required</small>		AMOUNT	MONTHLY EXPENSES <small>Documentation Required</small>		<input type="checkbox"/> Approved <input type="checkbox"/> Denied
Applicant – Gross Wages		\$	Mortgage <input type="checkbox"/> Rent <input type="checkbox"/>		Approval/Denial Reason: _____ _____ _____  Approving/Denying Official: _____ _____  Date: _____  Eligible for Community Service in Lieu of court fee: <input type="checkbox"/> Yes <input type="checkbox"/> No
Applicant Employer Name/School			Utilities- Gas, Electric, etc.		
Spouse/Significant other – Gross Wages		\$	Phone		
Spouse Employer Name/School			Food		
			Child Care		
			Vehicle Loan Payment		
Other HH Members		\$	Child Care		
Self-Employment		\$	Vehicle Loan Payment		
Food Stamps		\$	Other Vehicle Expenses		
Unemployment		\$	Payroll Taxes		
Worker's Comp		\$	Child Support		
Pension/Retirement		\$	Insurance-Health		
Child Support Rec		\$	Insurance-Vehicle		
Other Income:			Other Expenses:		
<i>Office Use Only</i> Total Monthly Income		\$	<i>Office Use Only</i> Total Expenses		

I, the undersigned, am requesting waiver of filing fees for \_\_\_\_\_. I am unable to pay for these filing fees due to \_\_\_\_\_ determining my eligibility, I swear, under oath, that the foregoing information is complete, correct and accurate. **False statements or false information will result in another criminal prosecution for knowingly providing false information.**

I certify under penalty of perjury or false swearing, that the information given is complete, correct and accurate.

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_ Witnessed by \_\_\_\_\_ Date \_\_\_\_\_