

# On Tap

An OVI Report

## SCRAM . . . Not Going Away

At a cost of nearly \$1,600 per unit and with daily monitoring fees ranging from \$12-\$20/day, SCRAM, or Secure Continuous Remote Alcohol Monitoring devices, are relatively new, but growing in use and popularity for post-conviction alcohol consumption monitoring as part of a treatment program.

The Franklin County Municipal Court is the first Court in Ohio to utilize SCRAM. Since March 2005, the probation department reports approximately 48 people have been monitored by SCRAM and 3 cases have been reported for alcohol use and probation revocation proceedings.

The SCRAM system consists of 2 primary components - a somewhat bulky/cumbersome ankle monitoring bracelet worn continuously and the SCRAM modem which downloads the data stored by the bracelet and transfers the information to the host (Alcohol Monitoring Systems) agency for monitoring and reporting to the probation department.

According to the manufacturer (AMS), SCRAM is designed to monitor the user's alcohol consumption, intake, and levels, if any, by "transdermal analysis." When we consume alcohol, ethanol migrates through the skin, unmetabolized, and is excreted in Insensible Perspiration, defined as the "constant, unnoticeable excretion of sweat through the skin."

SCRAM is designed to measure/test that sweat for alcohol around the clock. For more information about SCRAM, visit [www.alcoholmonitoring.com](http://www.alcoholmonitoring.com).

In Ohio, unlike some other states, SCRAM is only used for post-conviction monitoring as part of a comprehensive alcohol treatment program in conjunction with community control/probation. In Franklin County Municipal Court, according to Carl Keenan of the probation department, the device is only used for offenders with alcohol related problems, who are typically multiple offenders. The device is usually worn for 90-180 days of continuous (24/7) monitoring. Keenan, who also has a background in therapy, does not see the device as punitive. He reports that users of SCRAM have even thanked him, crediting the device for helping them to stay sober while on probation, used in conjunction with a comprehensive alcohol treatment program.

Practitioners that handle alcohol related cases, including OVI's, should become familiar with the SCRAM system. It appears to be on the upswing in terms of use and popularity among judges ordering it for multiple offenders, particularly as the Court and probation department become more familiar and comfortable with SCRAM.

This device and its use provide practitioners with an opportunity to explore sentences avoiding potential jail terms for their clients. With the cooperation of the judge, prosecutor, and probation department, allowing clients the opportunity to engage in a treatment program outside of jail, abstaining from the use of alcohol and correcting the problem behavior, can be a win-win-win for the client, court system (public), and prosecutor alike.

So, is SCRAM as good as it sounds? The manufacturer would have you believe so, but, they also appear to be the only one in the scientific community to have tested (or funded testing of) the system. Accordingly, many remain skeptical of the system, particularly since so little is known at this point about AMS's alcohol analysis methods which are based on "undisclosed proprietary evaluation methods, as well as technology that is inherently inferior to breath testing or a blood alcohol screen". *DWI Journal: Law & Science*, Volume 21, No. 4 (April 2006).

For those wanting to know more about this issue, in addition to the above-referenced article, practitioners are encouraged to review an article published in the Michigan Bar Journal, June 2006: *The SCRAM Tether*, co-authored by Michigan District Judge Dennis N. Powers. Among the conclusions reached in this article, which discusses the scientific reliability of SCRAM and its accuracy, it is pointed out that "there is simply too great an analytical gap between the data and the opinion proffered."

Keenan would disagree, believing in SCRAM's reliability and calling it the "best thing he has seen in probation and treatment in a long time." Nonetheless, it is predictable that as SCRAM's use becomes more widespread, violations will also increase, thereby making these issues of increasing concern to practitioners addressing allegations of alcohol consumption. Questions about the device's scientific basis and its reliability and accuracy should always be raised. While SCRAM and the rationale for its use may be well-intentioned, hiring the right Attorney may prevent users from being sent to jail for violations based on false readings or errors.

[www.888oviohio.com](http://www.888oviohio.com)  
(888) OVI-OHIO

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