

SCRAM Program Guideline

1. SCRAM Bracelet Wearer Eligibility

- a. Bond condition for a person charged with a second offense DUI or greater and that person meets one or more additional criteria:
 - i. Violates 24x7 project program by providing a positive BA.
 - ii. Resides in a rural area where participation places an undue burden on that individual to participate in the program.
 - iii. Driver's license has been revoked or suspended.
- b. Post-adjudication DWI offenders who face incarceration for their third or fourth felony DWI offense and the person meets one or more of the additional criteria of 1.a.
- c. Person is capable of wearing the SCRAM Bracelet and a Bracelet is available.

2. Procedure For Participation in Program

- a. The Court or court service officer advises the person that he/she is being placed on the 24X7 project SCRAM Program.
- b. The Court or court service officer determines how long the person should be on the Program.
- c. The Court or court service officer determines how the person is to pay the \$6.00 a day service fee, the \$30 activation fee, and the \$30 deactivation fee. Money paid in advance of bracelet installation or a payment schedule for services is appropriate.
- d. The Court or court service officer completes appropriate court documents to place person in the SCRAM Program.
- e. Court or Clerk of Courts provides person with copy of the court document and receipts any payment required by the Court.
- f. The person who goes to law enforcement or court service entity that will install the SCRAM Bracelet.
- g. A determination is made whether a SCRAM Bracelet is available and the person is capable of wearing. If the person is not capable of wearing a SCRAM Bracelet or a unit is not available the person is brought back to the Court or court service office for further action.
- h. Person is advised of the SCRAM Program, The SCRAM Program equipment, rules and regulations, and the SCRAM Program Participation Agreement.
- i. Selection of times to be present with the modem for reading is made, and Participant initials where appropriate and signs a SCRAM Program Participation Agreement. See form document attached.
- j. SCRAM Bracelet attached to person and the person is given the other SCRAM Program equipment.

3. **Reporting and Notification**

- a. AMS will provide Attorney General's Office (AGO) with a dedicated customer support / data analyst.
- b. AMS will develop and maintain a SCRAMnet website to access offender data.
- c. AMS will provide AGO with a Daily Action Plan (Mon through Fri)
- d. AGO will provide AMS with a direct point of contact to distribute notification
- e. AGO will provide Prosecutor or Court Services Officer notification upon confirmed non-compliant behavior
- f. AMS will provide AGO a detailed court report for hearings upon request
- g. AMS will provide expert witness testimony for evidentiary level hearings upon subpoena
- h. Noncompliance criteria:

- i. **Non-Compliant Reporting**

AMS' Technical Support Team will identify non-compliant behavior based on alerts that post to the SCRAM network and forward a Daily Action Plan to the State of South Dakota.

- ii. **Alcohol Confirmed**

If positive alcohol detection is posted to the SCRAM network, AMS will review the alert to confirm the alcohol detected meets confirmation criteria. AGO will prepare a violation report and forward to appropriate entity

- iii. **Confirmed Obstruction /Tamper/Removal**

This is identified as an attempt to defeat the technology by either preventing an alcohol test and or by removing the SCRAM Bracelet. An obstruction typically refers to the placement of an object or material between the ankle and faceplate of the SCRAM Bracelet that restricts the ability of the bracelet to perform an alcohol test. A tamper is similarly identified as an attempt to defeat the technology by manipulating the bracelet, removing the bracelet, or damaging the bracelet. AGO will prepare a violation report and forward to appropriate entity.

- iv. **Communication Alert**

This indicates that the modem installed at the SCRAM Bracelet wearer's residence or other designated location has not successfully communicated with the SCRAM Bracelet or network at the scheduled time. The SCRAM Bracelet wearer must be in range of the modem at scheduled times to download the transdermal alcohol test data. AGO will notify the appropriate entity of the communication alert. The entity will contact the SCRAM Bracelet wearer will attempt to resolve with offender and notify appropriate entity if unsuccessful and if not report to AGO, and either prosecuting attorney or court service officer.

v. **Nonpayment**

Payment by a SCRAM Bracelet wearer is received by Clerk of Court's Office and entry made in payment database that is provided AGO. a monthly basis. AGO will notify states attorney or court service officer of nonpayment issues.

4. **Compliance Procedures**

- a. At time of sentencing SCRAM Bracelet wearer's payment history is reviewed and the Court determines whether to include amounts still due and owing for daily service fees as a court cost.

5. **SCRAM Bracelet Removal**

- a. Law enforcement entity or Court Service Officer shall remove the SCRAM Bracelet
- i. When person completes of the Program
 - ii. When ordered by the Court
 - iii. When incarcerated
 - iv. If medical condition warrants removal
 - v. If the SCRAM Bracelet is not functioning properly
- b. SCRAM Bracelet wearer required to return the modem and other SCRAM Equipment at time SCRAM Bracelet is removed unless another SCRAM Bracelet is installed.