

April 9, 2024

Re: HB 37 Penalties for OVI and Aggravated Vehicular Homicide

Alcohol Recovery / Road Safety

Chair Abrams, Vice-Chair Williams, Ranking Member Brown, and Members of the Ohio House Criminal Justice Committee:

Thank you for the opportunity to submit written testimony today. My name is Brent Leonard, Executive Vice President of Ohio Alcohol Monitoring Systems (Ohio AMS). Our company is located in Independence, Ohio, and for the past 20 years, we have worked to help those with alcohol dependency issues achieve a sober life here in Ohio through the use of technology.

I am writing in support of HB 37 (Johnson, K. Miller) - Penalties for OVI and aggravated vehicular homicide. One major benefit to this legislation is that it strategically enacts policy and funding provisions to enable more alcohol-dependent Ohioans to access critically important alcohol monitoring programs. These programs are proven to help end their dependency, keep them employed, be present with their families, **and ultimately keep Ohio roads safer.**

To give you some background, Ohio AMS has been able to positively change lives through the use of technology called Continuous Alcohol Monitoring (CAM). The SCRAM Continuous Alcohol Monitoring (SCRAM CAM) bracelet provides 24/7 transdermal alcohol testing for high-risk alcohol caseloads. When someone consumes alcohol, a small percentage will be excreted back out through the skin in a very predictable manner in what is called “insensible perspiration.” By automatically sampling the wearer’s insensible perspiration every 30 minutes, we can definitively determine if an individual has consumed alcohol. This uninterrupted level of monitoring by the SCRAM CAM bracelet eliminates testing gaps and encourages accountability. SCRAM CAM not only supports sobriety but also results in higher compliance rates with court orders and **increases community safety.**

Key technology highlights:

- Has been employed in courts throughout the US for 20 years.
- Has been worn by over 1 million individuals for over 112 million days and has taken over 5 billion alcohol tests.
- Is extremely effective - as 99.1% of all those days monitored by SCRAM CAM are verifiably sober.
- Has been subjected to abundant peer review and has been upheld in over 130 evidentiary hearings throughout the US.
- Is widely accepted in both the scientific and legal communities.

This Legislature has continued to take a firm stance on behalf of constituents to establish the safest roads possible. This stance builds on what previous General Assemblies enacted as the initial continuous alcohol monitoring legislation passed in the 127th GA (2007-2008). Ohio AMS respectfully feels it makes sense to now modernize these provisions and continue to make our roads safer.

Currently, the CAM device is permissive in certain instances in Ohio law and mandatory for an offender who violates ignition interlock device sentencing. This device and others are currently funded in an existing Ohio line item (Department of Public Safety (5FF0 762621) Indigent Interlock and Alcohol Monitoring) which receives funding from reinstatement fees of a driver's license that was suspended for operating a vehicle while under the influence of alcohol or other drugs.

HB 37 makes changes to produce a balance of recovery for those with issues and public safety protection for Ohioans.

- HB 37 requires continuous alcohol monitoring for 180 days for third-time-or-more OVI offenders. (Current law does not require such monitoring but does authorize it as an alternative to jail time.) HB 37 also conditions the granting of privileges for third-time-or-more offenders on not consuming alcohol for 180 days.
- HB 37 specifies that the additional \$375 imposed for the minimum mandatory OVI Fine be deposited into the already existing Indigent Drivers Interlock and Alcohol Monitoring Fund. This fund has already been in law for years, and its use has been adopted throughout the court system in Ohio. Courts rely on CAM to provide the critical motivation to keep DUI offenders from drinking, in turn allowing those with alcohol issues to have another tool in the path to recovery. From our years of work in the field, we feel these provisions will greatly help Ohio citizens.

The proposals in HB 37 promise to significantly improve the lives of individuals in need of accountability monitoring while alleviating the strain on courts statewide, which often grapple with difficult decisions regarding resources and the supervision and support of high-risk OVI offenders. The supplementary funding outlined in HB 37 is sourced directly from individuals at risk of recurring offenses and is specifically allocated to those who have not benefitted from previous intervention initiatives. Drawing from insights gained over the past two decades of Continuous Alcohol Monitoring (CAM) implementation in Ohio and across the United States, it becomes evident that these adjustments to Ohio's statute are both necessary and timely.

The data shows why SCRAM / Continuous Alcohol Monitoring is important:

- NHTSA conducted a study in 2015 that determined the following:
 - Assignment to CAM for an extended period was associated with a 113% decreased risk of recidivism.
 - Less than 2% of CAM users recidivated while on the device.
- A study published by the National Center for State Courts in 2009 and the National Drug Court Institute in 2010 showed that the longer on CAM, the lower the rate of recidivism. (Flango and Cheesman)
- Historically, our targeted demographic, the hardcore drunk driver, is someone who has multiple offenses, drives drunk multiple times per month and is responsible for 2 out of every 3 alcohol-related fatal car accidents. (Fell, 1995; Sloan, Platt, & Chepke, 2011).
- DWI Recidivism in the United States: An Examination of State-Level Driver Data and the Effect of Look-Back Periods on Recidivism Prevalence - 34% of Ohio's DUI offenders are repeat offenders.

- In 2023, the marginal cost for the Ohio Department of Rehabilitation and Correction (ODRC) to house an offender was \$11.98 per day. (Ohio Department of Rehabilitation and Correction's 2023 Annual Report)
- The cost for a SCRAM CAM device is between \$10 - \$11 a day.

The SCRAM Continuous Alcohol Monitoring device has a profound impact on individuals' lives. Recently, we removed an OVI client from the bracelet who remained sober throughout his entire time on continuous alcohol monitoring. Upon completing his program, he emphasized that this device and program not only changed his life but also saved it. However, his experience is not unique. Exit surveys from thousands of clients nationwide provide valuable insights into their journey. Remarkably, 82% of bracelet wearers would recommend it to others struggling with alcohol problems, and 77% reported benefiting from the program.

Many past clients express a desire to continue wearing the device because they have witnessed firsthand the benefits of leading a sober life. They are adamant about not wanting the assistance to end. This underscores the critical importance of integrating accountability monitoring with alcohol and substance use treatment. Leveraging this window of sobriety to its fullest potential requires proper coordination and sequencing of efforts.

We understand that intervention and breaking the cycle of dependency have transformative effects on individuals' lives. **Ultimately, it is these profound changes that will enhance safety for Ohioans by addressing the root causes of recidivism rather than merely treating the symptoms.** The Ohio legislature made several positive changes in legislation in the last budget to help dependency in various areas. Building on that progress, your backing of HB 37 will bolster Ohio's legal framework for monitoring multiple OVI offenders in need of transformative life changes. Additionally, it will ease the burden on judges and probation officers, who often face difficult compromises between adhering to best practices and managing various resources. HB 37 will further solidify Ohio's leadership in promoting public safety and providing addiction services.

Thank you for your time and review of this important matter.

Sincerely,

Brent Leonard

Executive Vice President

Ohio Alcohol Monitoring Systems (Ohio AMS)