



North Carolina Department of Correction

Information Resources

Michael F. Easley
Governor

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Robert S. Brinson, CPA
Chief Information Officer

Theodis Beck
Secretary

December 14, 2007

Mr. Don White, Vice President, Field Operations
Alcohol Monitoring Systems, Inc.
1241 W. Mineral Ave., Suite 200
Littleton, CO 80120-4537

Dear Mr. White,

The General Assembly of North Carolina directed that the Secretary of the Department of Correction, or his designee, "shall approve continuous alcohol monitoring systems for use by the courts prior to their use by a court as evidence of alcohol abstinence, or their use as a condition of probation." The citation for this law is Session Law 2007-165 (Senate Bill 1290). The Secretary has designated me to review and approve those systems.

Alcohol Monitoring Systems has presented its SCRAM technology and device for approval pursuant to this legislation.

The Department has developed an Approval Approach and Selection Criteria document so that our methodology will be clear and understandable to all vendors interested in having their technology and devices considered for approval. A copy of that document is attached.

Using the information provided to me, as well as other inquiries I have made to parties involved in the research or who are using the devices, I have evaluated SCRAM against our approval criteria.

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I approve Alcohol Monitoring Systems' SCRAM technology and the associated device as a continuous monitoring system under the requirements set forth in the legislation.

Please feel free to contact me if you have any questions.

Sincerely,



Robert S. Brinson

Attachment: North Carolina Department of Correction Review of Continuous Alcohol Monitoring Systems: Approval Approach and Selection Criteria, Version 1 issued December 12, 2007

Cc: Theodis Beck, Secretary, Department of Correction
Dan Stieneke, Chief Deputy Secretary
Tracy Little, Deputy Secretary
Bill Stovall, Deputy Secretary
Robert Guy, Director, Division of Community Corrections
Tim Moose, Special Assistant to the Director

North Carolina Department of Correction Review of Continuous Alcohol Monitoring Systems: Approval Approach and Selection Criteria

Background

During the 2007 of the General Assembly, Senate Bill 1290, Section 6, required the Secretary of the Department of Correction, or his designee, to “approve continuous alcohol monitoring systems for use by the courts prior to their use by a court as evidence of alcohol abstinence, or their use as a condition of probation. The Secretary shall not unreasonably withhold approval of a continuous alcohol monitoring system and shall consult with the Division of Purchase and Contract in the Department of Administration to ensure that potential vendors are not discriminated against.”

The Bill defines a “continuous alcohol monitoring system” as “a device that is worn by a person that can detect, monitor, record, and report the amount of alcohol within the wearer’s system over a continuous 24-hour daily basis.”

Approach

Techniques to test for alcohol include testing for content in blood, breath, urine, saliva and perspiration. Of these, only breath, saliva and perspiration would seem to have any potential for meeting the “continuous” requirement. Further, of those with a potential for meeting the continuous requirement, the only technology suitable to meeting the wearable device requirement in the marketplace right now is measurement of perspiration.

In regards to the measurement of alcohol in perspiration (known as transdermal alcohol content, or TAC), studies seem to show that it is reliable in terms of detecting the presence of alcohol, but that it is more difficult to use this approach to correlate with results of blood or breath testing, certainly on a timing basis (there is a time lag) but also on a concentration basis. Consequently, it appears the appropriate way to use TAC technology now is to monitor simply whether or not any alcohol has been consumed. This means the technology can be used to enforce an abstinence requirement, but should not be used to assess degree of intoxication.

Technology is evolving. We expect new approaches to be presented on a continuing basis. We expect new systems to be approved, and perhaps new technologies. Similarly, large scale production operations may show flaws or problems that have not thus far become apparent in small sample testing and limited population installations. It is certainly possible that approved systems may be delisted if problems become evident.

We expect to use the Request for Information approach required in the legislation to solicit other interested technology solutions to be considered. We will also consult with

Department of Administration, Division of Purchase and Contract, to seek advice on other solicitation approaches to identify vendor interest.

Department of Correction is not equipped to be an "Underwriters Laboratory." Our approval approach is based on a list of important criteria which we can compare to information presented to us by potential vendors.

The approved list of vendors represents technology systems. That means the Department is approving technologies and devices to deliver those technologies. Management and support of such devices may be done in the marketplace by third-party firms. Courts and other users of this list need to make their own judgments about the ability of third-party providers to support an installed base of devices over a particular geographic area.

Criteria

Information that we will consider in approving technology systems under the legislation includes:

Research showing that the technology will consistently and accurately detect alcohol. Research that has stood the burden of peer review is particularly desirable.

What nationally known organizations endorse or support the technology or the device?

Information about court experience. Examples where the technology has been considered and upheld. Availability of expert testimony or other support.

Is the device in production anywhere? How widespread are the deployments? What problems are being reported?

Information about the occurrence of false reports, either positive or negative.

Information about the tamper-resistance of the device used to deliver the technology.

Information about the supportability of the device: how long between maintenance, what is the expected life of the device.

Information about health or other issues that might keep an offender from successfully being fitted with the device.

Information showing that expected environmental factors will not degrade device performance.

Information about how the data can be collected from the device in a timely, recurring manner.

Information about device cost showing that it is potentially supportable as a charge to the individual being monitored.