



# INDEPENDENT

## Maricopa County exploring home detention program, new tech



PIXBAY

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Maricopa County may become the latest government to adopt new criminal justice and public safety technologies.

The Board of Supervisors on Wednesday considered a proposal from the Maricopa County Attorney's Office, which would launch a home detention program from some low-level offenders, allowing them to complete a portion of their sentence from home.

Home detention programs are permitted by state law and established in other counties, such as Coconino, Pima and Pinal. Among Arizona cities already on board are Phoenix, Scottsdale, Gilbert, Tempe, Mesa, Chandler and Glendale.

The program in Maricopa County would be limited to DUI offenders who have only been convicted of non-violent crimes, according to the proposal.

“A.R.S. § 11-251.15 authorizes the county Board of Supervisors to approve a home detention program as a sentencing option in misdemeanor DUI cases. A home detention program allows a DUI defendant, following an initial mandatory period in custody, to serve the remainder of the sentence on home detention,” the MCAO proposal document states.

Participants in the program are required to submit to GPS monitoring and breathalyzer testing or to continuous alcohol monitoring provided by an outside vendor, which will report any non-compliance to program administrators.

Continuous alcohol monitoring — also called transdermal alcohol monitoring — is a core component to many home detention programs, such as that implemented in Phoenix.

Administered by the city prosecutor’s office, the Phoenix Municipal Court’s Home Detention Program and Continuous Alcohol Monitoring Program allow some DUI defendants to serve a portion of their sentence from home, saving the city on the cost of incarceration and reducing some of the costs associated with post-release follow up.

This can work, because the monitoring system reports blood alcohol levels 24/7 and reports any violations to authorities in real time.

“Continuous Alcohol Monitoring monitors alcohol consumption at all times (24/7), but it does not require people to stay at home to be monitored. The Court may allow a defendant to serve a portion of a DUI jail sentence via Continuous Alcohol Monitoring or may order CAM as part of a sentence in any case,” city officials reported at its program website.

SCRAM Systems, vendor of transdermal monitors available in Arizona, claims their product can read alcohol level through sweat on the skin, providing accurate and constant readings without need for invasive blood draws or breath tests.

“While 95% of alcohol is metabolized by the liver, 4% is expelled through the lungs and kidneys, and the remaining 1% is eliminated through the skin via sweat. If you have ever noticed the aroma coming off a person that drank alcohol the night before, then you have an idea of how transdermal, or ‘through the skin’, testing works,” company officials claim at their website.

The transdermal monitor, which reads a defendant’s alcohol levels via a mandatory ankle bracelet, works around the clock and is sensitive enough to avoid costly false positives, company officials claim.

“Using the science of transdermal testing, the SCRAM CAM bracelet samples the wearer’s sweat and tests for alcohol every 30 minutes around the clock and is even able to distinguish ingested alcohol from environmental alcohol sources (such as lotions or perfumes that contain alcohol),” they claim.

Behavioral health researchers have determined the technology is as useful and accurate as older monitoring methods, including breath and blood testing.

The National Institutes of Health published the results of a formal scientific study conducted by University of Texas pharmacological researchers, which demonstrated the effectiveness of transdermal alcohol detection.

Researchers worked with 22 adult study participants to compare blood alcohol testing, breath testing and transdermal monitor technology to find out how sensitive and accurate each method was for monitoring moderate to binge drinking.

They reported that the transdermal ankle monitors were as effective as traditional breathalyzers and blood test technologies.

“Transdermal alcohol testing, or the detection of alcohol expiration through the skin, offers advantages over [other] measures by allowing for continuous and noninvasive monitoring of an individual’s drinking behavior in real-time,” the June 2012 study concluded.

The Foundation for Advancing Alcohol Responsibility — a nonprofit advocacy group founded by a group of distillers in 1991 to promote public safety and responsible consumption — also praised the technology.

The group cited a study by the National Highway Traffic Safety Administration, which found CAM devices effective in helping defendants stay sober.

Among NHTSA study’s findings, the agency concluded:

- Transdermal monitoring was “generally effective” in deterring drinking among offenders;
- Incidents of non-compliance were detected and reported in a timely manner;
- The technology was a more effective deterrent than random testing;
- And the technology can reduce costs by limiting the need for case manager visits and testing appointments.

Among public safety agencies voicing support for the Maricopa County home detention program are the Maricopa County Sheriff’s Office, Maricopa County Justices of the Peace and the Maricopa County Office of Public Defense Services, according to MCAO’s proposal.

### **Maricopa County’s program**

A defendant in the county will not be eligible for home detention if the court finds they pose a risk to themselves or others, if the defendant has a history of violence, or if the judge otherwise decides against authorizing participation.

Participants sentenced to home detention will cover most of the cost of the program in accordance with state statutes, paying for the monitoring equipment and all fees. Those fees will be charged on a sliding scale based on a defendant’s ability to pay.

Estimates from MCAO predict participants will pay between \$200 and \$400 — including installation, statutory fee and daily monitoring fees — for an average home detention of 9-13 days.

Details of the Board of Supervisors’ Wednesday decision about the program were not available as of press time.

But with a majority approval from the supervisors, as well as authorization of home detention sentences by the presiding justice of the peace, MCAO officials will be able to select and contract with a program vendor.

The vendor, justice courts and MCAO will then collaborate to implement the home detention program, establishing an electronic data exchange, developing any necessary new internal processes and procedures, updating legal filing templates and identifying eligible participants.

If approved, the justice courts could begin issuing home detention sentences to misdemeanor DUI defendants starting on Monday, Aug. 3.