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Testimony in Support of SB 660 - An Act Requiring Drunken Drivers To Maintain
A Period Of Continuous Sobriety

Good day Senator McDonald, Representative Lawlor and members of the Judiciary Committee. My name is Drzislav (Dado) Coric and I am a partner in Connecticut Alcohol Monitoring, LLC, in New Haven, Connecticut, as well as a partner in the law firm of Traystman & Coric, LLC, in New London, Connecticut. My practice is devoted extensively to civil and criminal litigation, in Federal, State, and Tribal Courts in Connecticut. I have been practicing law since 1987. I am submitting my testimonial in support of SB 660 – An Act Requiring Drunken Drivers to Maintain a Period of Continuous Sobriety.

Having represented well over a thousand criminal defendants in my twenty-one year legal career, I am well acquainted with the traditional aims of criminal statutes: punishment and rehabilitation. Punishment provides retribution for past bad acts, and deterrence of future bad acts. Rehabilitation is accomplished by allowing conditional liberty properly dependent on observance of special restrictions meant to assure genuine rehabilitation and to safeguard the community.

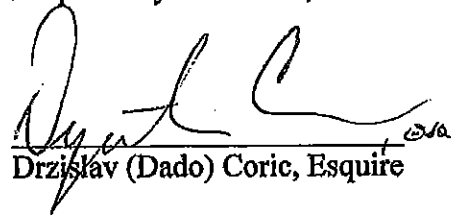
Criminal sentencing can be vindictive in nature, used chiefly to inflict penalty as a retribution for misdeeds, with little or no expectation of correction or improvement, or when well considered can be used specifically with the idea of bringing about improvement by inflicting a penalty that will educate and/or will establish useful habits.

SB 660 - An Act Requiring Drunken Drivers to Maintain a Period of Continuous Sobriety is a well considered penalty that couples retribution for misdeeds (a sentence of incarceration) with the establishment of useful habits (sobriety). The bill targets the most dangerous of OUI drivers – the repeat offenders with two or more convictions, providing a reduced sentence of incarceration (minimum mandatory sentence of 120 days incarceration for a second offender, or minimum mandatory sentence of 1 year incarceration for a third or subsequent offender) in exchange for a significantly greater overall period of penalty (minimum mandatory sentence of 60 days incarceration followed by 120 days of continuous alcohol monitoring [180 days total punishment/restriction] for a second offender, or minimum mandatory sentence of 90

days incarceration followed by 1 year of continuous alcohol monitoring [1 year and 90 days total punishment/restriction] for a third or subsequent offender). Coupling mandatory incarceration with continuous alcohol monitoring (sobriety) best satisfies the traditional aims of punishment and rehabilitation, while most effectively safeguarding the community.

Continuous alcohol monitoring will reliably indicate whether an individual is maintaining sobriety. Imposing the afore-specified period of incarceration followed by the corresponding period of conditional liberty, will not only serve to more effectively punish and deter the repeat offender, but will wean the repeat offender from the culture of alcohol that permeates the repeat offender's existence, thereby offering real hope of rehabilitation. This forced time away from alcohol will serve to safeguard the community at large, and will provide the repeat offender with the opportunity to establish a function, sustainable, sober lifestyle. SB 660 - An Act Requiring Drunken Drivers to Maintain a Period of Continuous Sobriety is a well founded and reasoned approach to more effectively punishing repeat offenders by better targeting and increasing the overall penalties imposed on them. I urge the members of this committee to support SB 660 - An Act Requiring Drunken Drivers to Maintain a Period of Continuous Sobriety. Thank you for allowing me to submit my testimonial on this matter.

Respectfully Submitted,



Drzislav (Dado) Coric, Esquire



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TO: ALL ASSISTANT STATE'S ATTORNEYS

FROM: JOE BIRKETT *JB*

RE: S.T.O.P. and S.C.R.A.M.

DATE: October 9, 2008

In August of 2002, our office adopted and began the State's Attorney Target Offender Program (S.T.O.P.). When ordered by the Court upon our request, it has proven to be a successful deterrent for a number of high risk offenders who are able to post bond. S.T.O.P. should be requested in all cases where the defendant poses a significant risk to a particular victim, the community, and also in cases where the defendant has a history of violence or a history of violating conditions of bond. Ask for it when it is appropriate and document when the request is denied.

In 2006, our office began using the Secure Continuous Remote Alcohol Monitoring (S.C.R.A.M.) system. We were the first County to implement the S.C.R.A.M. program because I believe in it. I have attached a copy of yesterday's Daily Herald editorial regarding the successful use of it. Like S.T.O.P., I am directing all of you to request and/or negotiate S.C.R.A.M. as a condition in all cases in which there is clear evidence that alcohol played a role in the offense. As you can see from the article, we too will be tracking the cases and number of hours that S.C.R.A.M. has been

implemented. I am directing all of you to request SCRAM as a condition of bail in the following types of cases:

- a. first time DUI offenders who were extremely intoxicated;
- b. all repeat DUI offenders;
- c. domestic violence cases where the offender was intoxicated or where there is a reported history of abuse;
- d. misdemeanor and felony cases where the offender's alcohol problem played a role in the commission of the offense.

I have attached information and forms for both S.T.O.P. and S.C.R.A.M. These forms are available in all criminal courtrooms and in bond court.

JEB:cs

Att:

c: Chief Judge Stephen Culliton
Public Defender Robert Miller
Sheriff John Zaruba
DuPage County Bar Association (Criminal Law Committee)
DuPage County Defense Attorneys Association

Daily Herald

Big Picture . Local Focus

Keeping them off bottle, out of jail

Daily Herald Editorial Board

Published: 10/8/2008 12:05 AM

They work better than a parent's curious nose. And they are saving us lots of money.

Secure Continuous Remote Alcohol Monitoring (SCRAM) is a system that employs a remote-controlled gizmo that is strapped to the ankle of someone charged with driving under the influence of alcohol. It constantly monitors the perspiration of the wearer to determine whether he or she has been drinking.

Kane County State's Attorney John Barsanti points to manifold advantages to using SCRAM. Not only have they kept down jail overcrowding - long a serious issue in Kane County - and kept DUI defendants sober between court dates, but they've freed up \$3.2 million over the course of 18 months to be spent in Kane County on something other than housing inmates.

Kane County started using SCRAM in April 2007. DuPage County pioneered it in Illinois in late 2006. Use of the technology has grown steadily in the past couple years. It's currently used in 1,650 jurisdictions in 46 states, according to representatives from Colorado-based Alcohol Monitoring Systems Inc., which makes SCRAM.

Kane County has used it with 430 defendants. Cook and Will counties have only dabbled in it, though. According to the company, Cook has only strapped up 28 defendants since January 2007. Will County is currently monitoring about 10 people and have only used the device on 25 people overall.

Neither Lake nor McHenry County have used it at all.

In Kane County, the 430 defendants have worn the device a combined 44,097 days. That's 108 days on average. And the compliance rate is about 90 percent, Kane County reports.

It's being used both as a way to keep people clean between court appearances but also as a sentencing tool to keep people on the straight and narrow. Kane County State's Attorney Barsanti likes it for its behavior-changing abilities.

Those who try to break or otherwise make the unit inoperable will get caught anyway and face more serious trouble. But they were going to drink anyway, Barsanti theorizes.

The wearer must stand near a modem in his home for a period of time each day for the unit to upload its information to a computer.

Here's where the savings comes in:

Wearing a bracelet costs the defendant - not the county - between \$6 and \$15 a day. It costs about \$73 on average to house an inmate for 24 hours. And a portion of the fee that's paid is held to help those who can't pay for it themselves.

The Pew Charitable Trust this year released a report examining incarceration in America. It says that one in 99 people in the United States is in jail or prison.

"This is the kind of thing we have to think about in the future," Barsanti said. "Alternative ways of getting things accomplished without having to resort to jail."

Other counties in the suburbs should take a close look at the success Kane County has had with SCRAM and consider wider use.

DuPage County State's Attorney's Office Investigator so that an alternative monitoring device can be installed

- 5 S.T.O.P. location shall be set up at the following address or provided by the defendant prior to installation:

6. At all times the defendant shall remain at the S.T.O.P. location except for permitted appointments. Each time the defendant leaves the S.T.O.P. location for an approved appointment he/she shall notify the S.T.O.P. investigator by leaving a message at 630-407-8100 and advise name, address, and phone number of his/her appointment.
7. The S.T.O.P. program requires a daily home monitoring fee to be paid each month. The offender is required to pay this fee and remain current with his/her monthly monitoring bill
8. The defendant shall be subject to the following additional selected restrictions of the court until further order of the court:
- Defendant is permitted to attend work. The employer's name, address, phone number, and work hours shall be provided to the S.T.O.P. investigators.
 - Defendant shall attend all required court dates.
 - Defendant shall be permitted to meet with his/her attorney.
 - Defendant shall be permitted to attend school. School address, phone, and schedule shall be provided to the S.T.O.P. investigators.
 - Defendant shall be permitted to go to scheduled doctor/dental appointments Medical emergencies are not restricted in any way.