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**Frank Fortunati, M.D., J.D.**  
**President – Connecticut Alcohol Monitoring, LLC**  
**Testimony in Support of SB 660 - An Act Requiring Drunken Drivers to Maintain a**  
**Period of Continuous Sobriety**

Good morning Senator McDonald, Representative Lawlor and members of the Judiciary Committee. My name is Frank Fortunati and I am a child, adolescent, and forensic psychiatrist, interim chief of child and adolescent psychiatry services at The Hospital of Saint Raphael in New Haven, and Assistant Clinical Professor of Psychiatry at Yale University. I am also President of Connecticut Alcohol Monitoring, LLC, a partnership of forensic and substance abuse psychiatrists and attorneys established to provide the secure, remote, continuous alcohol monitoring device known as SCRAM in Connecticut. **I am here to testify in support of SB 660 - An Act Requiring Drunken Drivers to Maintain a Period of Continuous Sobriety.**

SB 660 gives judges discretion by adding a sentencing option for repeat drunken driving offenders of reducing the current mandatory minimum sentence and imposing a period of sobriety as evidenced by continuous alcohol monitoring ("CAM") after they are released from jail. For a second DUI conviction, the mandatory minimum is reduced from 120 days to 60 days, plus 120 days of sobriety as proven by CAM. For third time DUI convictions, the mandatory minimum is reduced from 1 year to 90 days plus 1 year of CAM sobriety. **By requiring a period of continuous sobriety, SB 660 increases the likelihood of sustained abstinence and consequently reduces recidivism.** With decreased mandatory minimum sentences also comes the potential for **significant cost savings** to the state by reducing the number of DUI offenders in state prisons. SB 660 also increases offender accountability by shifting the cost of monitoring to the driver.

Attached as Addendum A is an illustration of the changes SB 660 would make to current sentencing guidelines for operating under the influence convictions. As you are aware, a driver's first offense for operating a motor vehicle under the influence of alcohol does not result in a criminal conviction. Their second offense within 10 years results in a driver's first conviction. Accordingly, their second and third convictions are actually their third and fourth instance, respectively, of operating a motor vehicle under the influence of alcohol within a 10 year period.

On average, there are 775 second convictions and 75 third convictions per year in Connecticut.

**<sup>1</sup> Simply by cutting the mandatory minimum in half for second convictions – from 120 days to 60**

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<sup>1</sup> Office of Fiscal Analysis Fiscal Note on SB 502 (2008)

**days – the state may save up to \$ 5 million annually in DOC costs.** When drivers with third convictions are included, another \$ 2 million in annual DOC costs may be saved.

By requiring these drivers to maintain either 120 days or one year of continuous sobriety after release from prison, SB 660 does not let these repeat drunk driving offenders off easy. Rather, it requires them to do what had previously been extremely difficult for them do – to maintain sobriety for an extended period of time. In the process they may continue to work, support their family, continue to pay taxes, and, most importantly, make a significant step toward continued abstinence.

Monitoring substance abuse offenders to make sure they remain abstinent is not new. Indeed, urine tests for drugs of abuse are a routine component of any probation program. But detecting alcohol use in offenders has been difficult because it is so quickly metabolized by the body.

In 2004, the Secure Continuous Remote Alcohol Monitoring program became available. The SCRAM device takes advantage of the fact, known for many years, that approximately 10% of ingested alcohol is actually eliminated by the body through insensible perspiration. **By monitoring an individual's insensible perspiration every hour with the same fuel cell technology used in common breathalyzers, the SCRAM device detects any alcohol consumption without the need of having the individual report to probation for a urine test or otherwise provide a monitored breathalyzer sample.** Because the SCRAM device is worn continuously and takes a sample at least every hour, it essentially provides the equivalent of 24 breathalyzers a day, 168 breathalyzers per week, or 720 breathalyzers per month.

The data from the bracelet can be transferred daily to Alcohol Monitoring Systems in Denver, Colorado, where technicians review and analyze the data. Potential alcohol consumption events are reviewed by their team of analysts using criteria designed to minimize false positives. At the same time, the device also transmits data designed to determine whether an individual tampers or removes the bracelet.

Attached as Addendum B to my testimony is a sample report demonstrating results from a recent client of Connecticut Alcohol Monitoring, LLC. Addendum C demonstrates results from a client who drank while on the bracelet.

Since the device was introduced in 2004, across the country there have been over 84,000 offender's monitored with a current average of 9,000 individuals monitored per month. Further, data from the SCRAM program has successfully met Frye-Daubert evidentiary standards in several jurisdictions. Currently in use in 46 states, 6 states have actually enacted legislation utilizing continuous alcohol monitoring.

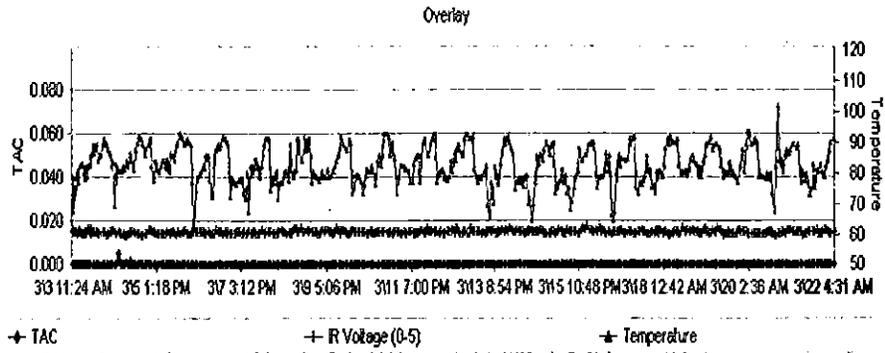
For these reasons I respectfully request the committee to support SB 660 - An Act Requiring Drunken Drivers to Maintain a Period of Continuous Sobriety. Thank you for allowing me to testify on this matter.

**ADDENDUM A**  
**Proposed S.B. 660 - AN ACT REQUIRING DRUNKEN DRIVERS TO MAINTAIN A PERIOD OF CONTINUOUS SOBRIETY**

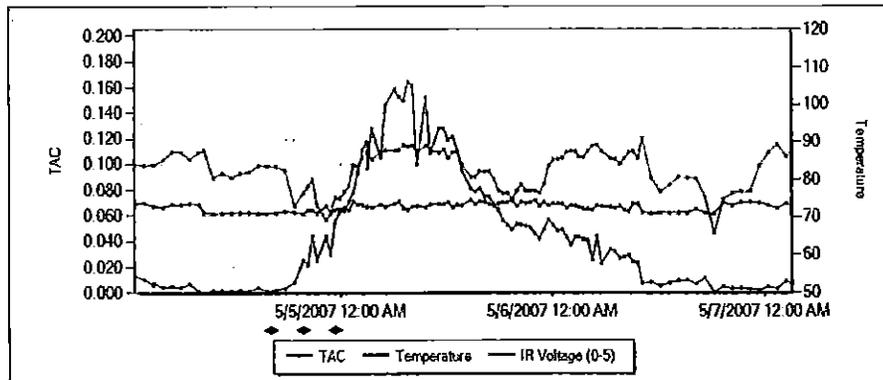
DUI Arrest #	Conviction #	Current Law (C.G.A. 14-227a(g))	Proposed SB 660	Potential Cost Savings to State (assuming driver pays for CAM)
1 <sup>st</sup> Arrest	No Conviction (12,000 per year in CT)	<ul style="list-style-type: none"> <li>o No conviction</li> <li>o Alcohol Education Class</li> </ul>	No Change to Current Law	
2 <sup>nd</sup> Arrest	First Conviction (4,000 per year in CT)	<ul style="list-style-type: none"> <li>o License Susp. 1 year</li> <li>o 48 hours jail or 100 hours community service</li> </ul>	No Change to Current Law	
3 <sup>rd</sup> Arrest	Second Conviction (775 per year in CT)	<ul style="list-style-type: none"> <li>o Jail: 120 Days mandatory minimum (up to 2 years)</li> <li>o License Susp: 1 year</li> <li>o 2 years ignition interlock</li> </ul>	<ul style="list-style-type: none"> <li>o Jail: 60 days mandatory minimum; followed by 120 days of CAM sobriety</li> <li>o License Susp: 1 year plus reinstatement conditioned on 90 days CAM sobriety</li> <li>o 2 years ignition interlock</li> </ul>	\$5,626,500  (60 less days incarceration at \$121/day x 775 offenders/year)
4 <sup>th</sup> and subsequent	Third DUI Conviction (75 per year in CT)	<ul style="list-style-type: none"> <li>o Jail: 1 year mandatory minimum (up to 3 years)</li> <li>o License revoked – can reapply after 6 years, then 10 years ignition interlock</li> </ul>	<ul style="list-style-type: none"> <li>o Jail: 90 days mandatory minimum plus one year CAM sobriety</li> <li>o License revoked – can reapply after 1 year with proof of 6 months CAM sobriety, then 5 years ignition interlock</li> </ul>	\$2,486,550  (274 less days incarcerated at \$121/day x 75 offenders/year)

*Arrest data and Cost of Incarceration data from Office of Fiscal Analysis Fiscal Note on S.B. 502 (2008)*

## Addendum B: Compliant Subject



## Addendum C: Non-Compliant Subject



Subject consumed:

- 1) 50 oz Wheat Beer from 3:30 PM – 5:30 PM
- 2) 24 oz Wheat Beer from 7:30 PM – 8:30 PM
- 3) 48 oz Wheat Beer from 11:00 PM – 1:00 AM