

SCRAM Remote Breath Pro Court Support Policy



Statement

SCRAM Systems supports SCRAM Remote Breath Pro in court at varying levels depending on the nature of the client's violation and the legal circumstances surrounding the violation. The level of SCRAM Systems support is usually determined through discussions between the SCRAM Systems Court Testimony Liaison and the prosecutor.

Standard Court Support

The customer should be able to address most SCRAM Remote Breath Pro court proceedings using information that is available in SCRAMNET®. Specifically, the customer will:

1. Assemble a court package for a non-compliance event. To put together the package using documents in SCRAMNET:
 - a. Print the *SCRAM Remote Breath Pro Non-Compliance* report that is available on the *SCRAM Systems Help & Support* site. The client's name, device serial number, assignment date, and last calibration date may be added to the report.
 - b. Generate and print the *Remote Breath Results Summary* report for the client. This report provides high-level information on testing history for a specified date range.
 - c. Generate and print the *Remote Breath Result Details* report(s) for the client. This report contains detailed data regarding a specific event.
 - d. Print the calibration certificates to demonstrate calibration history for the device.
 - e. Print the "*Remote Breath Pro Glossary of Terms*" help article available in the *Program Administration* section of SCRAM Remote Breath help.
2. Provide the court package to the appropriate supervising court or agency.
3. Act as a fact witness during court testimony. This includes:
 - a. The ability to explain the details of the reports included in the court package.
 - b. The ability to explain how and when the device was last calibrated.
 - c. The ability to answer other questions that do NOT relate to the scientific and technological principles of SCRAM Remote Breath Pro, such as when the device was assigned to the client, the client's testing schedule, and/or other relevant information.

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Additional Support (if required)

When a customer believes that the required court support extends beyond the standard support, the customer completes a Request for Testimony* form, available in SCRAMNET via the *SCRAM Systems Help & Support* site. The request places the Court Testimony Liaison in contact with the prosecutor in that case, who will determine what additional information is required, based on the facts of the case and the judge's requirements.

If needed, SCRAM Systems will provide Additional Information Based on Prosecution Needs. This may include:

- Additional data or background material requested by the court that the customer is not able to provide or is not qualified to testify about in court.
- affidavits related to facts surrounding the case.
- Telephonic or Video Testimony: This type of testimony will be determined by working with the prosecutor (i.e., fact witness or expert witness).
- Because breath testing technology is easily understood and readily accepted by courts, prosecutors, and defense attorneys, SCRAM Systems does not anticipate providing any court testimony for SCRAM Remote Breath Pro but will consider each situation on a case-by-case basis.

Frye or Daubert Hearings

The general acceptance of breath testing devices in judicial opinions for four decades compels courts to take judicial notice that SCRAM Remote Breath Pro test results are generally accepted by the relevant scientific community as reliable for the purposes of demonstrating that a person has consumed alcohol. The focus of hearings should be on the specific reliability of procedures followed for any particular case. Processes followed, calibration records, and traceability of standards should be considered, rather than general scientific principles or reliability concerns. SCRAM Systems support will be considered only if the judge requires such a hearing.

Subpoenas

SCRAM Systems will respond to subpoenas in accordance with applicable law. When SCRAM Systems receives a subpoena duces tecum from the defense, SCRAM Systems will always contact the prosecution.