



The Judiciary, State of Hawai'i

**Testimony to the
Senate Committee on Ways and Means**
Senator Jill N. Tokuda, Chair
Senator Donovan M. Dela Cruz, Vice Chair

Thursday, March 03, 2016, 9:00 a.m.
State Capitol, Conference Room 211

by
Tom Mick
Policy and Planning Department Director

Bill No. and Title: Senate Bill No. 2102, Relating to the Judiciary.

Purpose: To provide supplemental operating and capital improvement appropriations for FY 2017.

Judiciary's Position:

The Judiciary strongly urges your support of Senate Bill No. 2102, which reflects the Judiciary's resource requirements for FY 2017.

The Judiciary recognizes that in spite of recent increases in general fund revenues, there are many competing demands for the limited resources available. Accordingly, the Judiciary has tried to be very prudent in its supplemental budget request and focus only on those items where we felt there was a pressing, demonstrated need to better serve the public, our employees, and our clients. Specifically, with these factors in mind, our general fund supplemental budget request for FY 2017 is for 24 new permanent positions and \$2.2 million in additional funding, an increase of just 1.4% over our current budget base.

The need for additional essential staffing is a major concern for the Judiciary, especially as workload continues to increase, and as additional demands and requirements are placed on judges and staff. This concern especially relates to Courts of Appeal which is requesting additional Staff Attorney and Appellate Court Clerk positions; to First Circuit which is requesting additional funding for an already authorized Family Court judge and three support staff positions; and to Second and Fifth Circuits which are requesting positions and funding for a District Court judge



and a District Family Court judge, respectively, as well as related support staff. The Courts of Appeal request is for \$152K for a Staff Attorney position and an Appellate Clerk position for the Intermediate Court of Appeals (ICA). With the restructuring of the appellate court system in 2006, almost all appeals are filed with and resolved in the first instance by the ICA. The number of appeals and motions filed has been increasing, as has the complexity and fundamental importance of the appeals, which together impose greater demands on judicial resources and the need for additional positions. Indeed, since the restructuring, the ICA's appeals caseload has almost doubled and its motions caseload has increased by more than ten times.

Funding of \$312K is being requested by First Circuit for a District Family Court judge and related staff positions provided by the 2007 Legislature. This would help address the heavy Family Court workload and the continual increase in the number and complexity of Family Court cases, as well as the backlog and delays in scheduling/hearing cases. This judge and staff would be assigned to the Domestic Division where litigants currently must wait four months for a hearing for settlement and trial settlement conferences, and an additional five months for trial. The current three Domestic Division judges were responsible for 6,668 cases in FY 2014 and 7,357 cases in FY 2015, an increase of 10%.

Second and Fifth Circuits are requesting an additional District Court judge and District Family Court judge, respectively, along with staff to address workload issues, case complexities, delays in scheduling and hearing cases, and the additional time required to handle the increasing numbers of self-represented litigants. For Second Circuit, the last District Court judge was added in 1982, more than 33 years ago, and the population in Maui County has more than doubled from 77,000 to 163,000 since then. New criminal filings in Maui County have increased from about 2,900 in FY 2011 to 4,200 in FY 2015, and traffic filings from 21,700 to 23,300. A new judge would also help address the growing needs and case numbers of the rural communities (Hāna, Lāna'i, Moloka'i). Fifth Circuit has only one District Court judge and one District Family Court judge, with the last judge being added in 1984. Compared to the second and third circuits, the current Fifth Circuit Family Court caseload per judge is much higher; specifically, the one District Family Court judge in Fifth Circuit was responsible for more than 6,700 cases in FY 2015 as compared to 2,400 and 2,800 cases per District Family Court judge in second and third circuits, respectively.

Three supplemental budget requests relate to our specialty courts/programs in the First Circuit. Specifically, funding and two positions each are being requested to sustain the Driving While Impaired (DWI) Court and the Hawai'i Zero to Three Program as permanent programs within the Judiciary, as grant funding is ending in summer 2016 for both of these. The DWI Court currently has 20 participants and 17 successful graduates to date, and was recently honored with the National Highway Traffic Safety Administration's top national award for public service at its 2015 Lifesavers Conference. The Hawai'i Zero to Three Program focuses on the unique needs of



infants and toddlers who have been removed from parental custody due to abuse and/or neglect. Time is of the essence in these cases since the children are developing so quickly. Since 2008 when the program began, 63 families and 80 infants/toddlers have been served, and there are currently 14 active clients. Lastly, three positions are being requested to create a mental health unit in First Circuit, and for additional funding for mental health assessments and related client services. This unit would allow expansion of the Mental Health Court from 40 clients to the originally envisioned 60, and would provide services and intensive supervision to not only Mental Health Court clients but also conditional release clients with severe mental illness and other general population clients that are dual diagnosed with mental health and drug addiction issues. The overall goals are to bring more stability to our partnerships with other agencies involved in this area, increase our client referrals and population served, reduce recidivism, increase public safety, and decrease dollars spent on incarceration and hospitalization.

Another two requests are security related, that is, one for two additional contract security guards in Second Circuit and one for two additional bailiffs in Third Circuit. In 2013, the National Center for State Courts conducted a comprehensive security assessment of the courts on Maui. Based on that assessment and its recommendations, one additional contract guard is needed to enhance security and public safety at a central entry point to Hoapili Hale, the main court and administrative operations building on Maui. A second guard is needed for the Adult Client Services Branch which is located in an unguarded separate building with 32 employees of which 28 are social worker probation officers who routinely meet with clients, some of whom have serious felony convictions. For Third Circuit, one bailiff position is needed for Kohala/Hāmākua and another for Hilo Family Court which currently has only one bailiff to serve two Family Court judges. Bailiffs help with court security and with processing cases in court, among other things. Currently, bailiffs assigned to Hilo or Kona must make a two hour round trip to Kohala/Hāmākua whenever court is in session. Not only is this unproductive time, but additional mileage costs are incurred by the Judiciary, and other clerks in Hilo and Kona have to help absorb some of the bailiffs' duties when they are gone. It should be noted that the bailiff position in Kohala/Hāmākua was authorized in 2008 but was cut due to funding reductions during the recession.

The Judiciary also has two budget requests in the extremely important area of client services. The first is for three additional social worker positions at the Office of Public Guardian (OPG) to allow it to establish an intake unit for new clients and more effectively service its existing clients. As of December 31, 2014, OPG's ten social workers acted as court-appointed guardians for 715 incapacitated clients statewide and managed finances for 263 of these. More than 50% were developmentally disabled and 11% had severe mental illness. National Guardianship Association standards indicate that a caseload should allow a minimum of one visit per month for each client and regular contact with all service providers, a standard which is very difficult to achieve considering the caseload of each social worker (for example, the seven social workers on O'ahu currently average 85 clients each). The second request is to cover significantly increased



Senate Bill No. 2102, Relating to the Judiciary
Senate Committee on Ways and Means
Thursday, March 03, 2016, 9:00 a.m.
Page 4

costs for legal counsel services in Second Circuit and thereby comply with all laws and fulfill its obligation to ensure the rights of parents in child protective proceedings. During the last four years, the budget allocation for legal counsel each year was \$125K, yet average annual expenditures over this period were \$292K leading to an average deficit of \$167K annually. In FY 2012, there were 65 legal counsel appointments; in FY 2015, there were 103.

The Judiciary has two final supplemental budget requests, one related to judges' training and one for a no-cost position conversion in the Third Circuit. The training request for judges is for funding for an annual two day judicial conference to especially focus on bias and cultural awareness and barriers to access to justice, in addition to new and revised laws, amended court rules, sentencing/treatment options, trends in criminal/civil/family law, federal and state court decisions that may impact the Judiciary, and innovative courtroom practices. The other request is for a no-cost conversion of a fiscal account clerk position in Kona from temporary to permanent. This position is important in filing and entering cases and financial transactions into the Judiciary Information Management System; collecting monies and tabulating monies received; and assisting with information requests. However, the temporary nature of this position has resulted in it being vacated seven times since 2006 with vacancies ranging from 63 to 193 days.

Capital Improvement Program (CIP) requirements continue to be a major item of concern as the Judiciary's infrastructure continues to age and deteriorate, and as the population served and corresponding demand for services provided by the Judiciary keep increasing. To that end, CIP funding totaling \$13.7 million is being requested to upgrade the fire alarm system to meet current codes and requirements, to begin elevator replacement, and to repair significant basement leaks at the Circuit Court Building in Honolulu; to replace an outdated fire suppression system at the Judiciary data center in the District Court Building in Honolulu; to repair the roof and exterior walls at the Līhu'e Courthouse; and for lump sum CIP monies to cover both emergency and emerging CIP needs.

The proposed supplemental budget is the Judiciary's best estimate of the resources necessary to maintain the integrity of the courts and to fulfill our statutory, constitutional, and public service mandates. The Judiciary respectfully requests your support of Senate Bill No. 2102, the Judiciary's supplemental budget request.

Thank you for the opportunity to testify on this measure.



**Office of the Public Defender
State of Hawaii
Timothy Ho, Chief Deputy Public Defender**



**Testimony of the Office of the Public Defender,
State of Hawaii to the Senate Committee on Ways and Means**

March 3, 2016, 9:00 a.m.

S.B. No. 2102: RELATING TO THE JUDICIARY

Chair Toduka and Members of the Committee:

I am writing in support of Judiciary's supplemental budget package. In particular, we support permanent funding for the Driving While Intoxicated (DWI) Court. This program, which is based on the national drug court model, has proven to be effective on reducing recidivism by the repeat intoxicated and alcohol dependent drivers.

The Oahu DWI court, a pilot project, works with repeat offenders, most of whom are clinically diagnosed with alcohol dependency. Through intense supervision, clinical treatment, and regular, mandatory court appearances, the participants have found success, not only by reducing recidivism, but also by addressing and conquering their alcohol and/or substance abuse. This program should be expanded, and offered in all of the judicial circuits.

Thank you for the opportunity to present testimony on this matter to this committee.



Mothers Against Drunk Driving HAWAII
745 Fort Street, Suite 303
Honolulu, HI 96813
Phone (808) 532-6232
Fax (808) 532-6004
hi.state@madd.org

March 3, 2016

To: Senator Jill Tokuda, Chair — Senate Committee on Ways & Means; Sen.
Donovan Dela Cruz, Vice Chair, and members of the Committee

From: Arkie Koehl, Public Policy Committee - MADD Hawaii

Re: Senate Bill 2102 – Relating to the Judiciary

I am Arkie Koehl, offering testimony on behalf of the Hawaii Chapter of Mothers Against Drunk Driving in support of permanent funding for the successful DWI Court Program. The program is voluntary, primarily targeted at offenders with prior OVUII convictions. It includes regular court appearances before a designated DWI Court Judge, coordination by a Case Manager, alcohol and drug testing, group counseling and regular attendance at self-help meetings.

Since the program began over three years ago, the Court has successfully graduated twenty participants, with a **zero percent recidivism** rate for subsequent OVUII arrests among graduates. The DWI Court Program was also the recipient of the National Highway Traffic Safety Administration Public Service Award in March 2015 in recognition of the collaborative efforts to reduce traffic fatalities due to alcohol impaired driving.

MADD Hawaii is proud to have played an active role in the Court since its inception. We applaud the State for its support this program, which we believe has turned around the lives of its participants, and moved us toward MADD's vision of "No More Victims."

All our lives and property have been made safer by this innovative program. It needs to continue. MADD Hawaii urges passage of Senate Bill 2102.

Thank you for this opportunity to testify.

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: amimeowz@gmail.com
Subject: Submitted testimony for SB2102 on Mar 3, 2016 09:00AM
Date: Wednesday, March 02, 2016 8:25:48 AM

SB2102

Submitted on: 3/2/2016

Testimony for WAM on Mar 3, 2016 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Ami Scronce	Individual	Support	No

Comments: My name is Ami Scronce and I am testifying in support for the funding of the Driving While Impaired Court Program (DWI Court Program). I am a former case manager for the DWI Court Program and a firsthand witness of the many successes of the program. Many of the participants that I worked with entered into the program unemployed or underemployed due to issues regarding their alcohol abuse. By the time they graduated, they were employed full-time and one participant even returned to school as he felt that he now had the ability to achieve goals that he had once given up on. Receiving one DUI per year was a common story that I heard from the participants that I worked with. However, with help of the alcohol monitoring, AA meetings, case management meetings, time in treatment, and court appearances that the DWI Court Program required, the participants were able to remain sober and out of jail for the duration of the 12 month program and beyond. To my knowledge, the 1st participant to graduate from the DWI Court Program in 2014 has remained DUI arrest free. The most impactful benefit of the DWI Court Program is the increase in public safety. I would not want my family or friends sharing the roads with the participants pre-DWI Court Program. The public will be grateful to know that there is a program that helps to keep the roads safe by instilling accountability and filling treatment gaps for repeat impaired/dangerous drivers.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: justinshenson@gmail.com
Subject: Submitted testimony for SB2102 on Mar 3, 2016 09:00AM
Date: Monday, February 29, 2016 9:55:15 AM

SB2102

Submitted on: 2/29/2016

Testimony for WAM on Mar 3, 2016 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Justin Henson	Individual	Support	No

Comments: I am writing to voice my support for the Driver While Impaired Court Program. This program has been successful in addressing the DWI problem here on Oahu and it's continuation is necessary to help keep all drivers of Hawaii safe on public roads. Please continue the funding for the vital program.

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February 29, 2016

Senator Jill N. Tokuda, Chair
Senator Donovan M. Dela Cruz, Vice Chair
Committee on Ways and Means

Re: SB 2102 – Relating to the Judiciary
Hearing Date: Thursday, March 3, 2016
Hearing Time: 9:00 a.m.

Ladies and Gentlemen:

My name is Kristi Lyn Suzuki and I am a current employee of the Judiciary of the State of Hawaii. However, I am submitting testimony as an individual private citizen in support of SB 2102, specifically the funds that are related to the DWI Court Program.

The DWI Court Program is administered through the Honolulu District Court. I am a former District Court Clerk, who had the honor and privilege of working closely with the DWI Court Program staff and participants from its beginning in January 2013 until September 2015 when I transferred to First Circuit Court. In fact, I was present when the very first participant entered into the program in January 2013 and since then, I was able to observe not only program growth, but more importantly, the success of participants.

During my tenure at District Court, I was designated as the “DWI Court Clerk” and I was assigned to all DWI Court sessions that were held twice a month. I absolutely loved the assignment because DWI Court is very special. I was able to observe participants when they first entered the program – sullen, shy, angry, wary, unhappy, etc. – and over time, with the support of the DWI Court Program staff and fellow participants, people would make miraculous changes! Upon graduation, every single participant was a completely different person: happy, engaged, thankful, and basically loving their lives. Every time a participant reached a milestone, they were asked to speak to the audience. That was my favorite part because you could hear how important the DWI Court Program was to the participants and how much it helped them change for the better. There were many times that I had to wipe away tears when listening to how the participants struggled through the program, but in the end they were overjoyed and thankful because the program gave them their lives back. The DWI Court Program helped them beat their addictions. Family members spoke on how different the participants were – parents and spouses, so grateful to have their loved ones back from the grips of addiction.

Although I am now at Circuit Court and unable to be the designated “DWI Court Clerk”, I will be forever grateful to have been a part of a program that is not only helping individuals but families as a whole, and ultimately our community. Each successful DWI Court graduate continues to help others who are struggling with addiction which creates a positive impact on our community. To date, the program has successfully graduated 20 participants with a 0% recidivism rate for subsequent DUI arrests among those graduates. Additionally, in March 2015, the DWI Court Program was nationally recognized and received the National Highway Traffic Safety Administration Public Service Award in recognition of the collaborative efforts to reduce traffic fatalities due to alcohol impaired driving.

Your consideration of permanent funding for the DWI Court Program would be greatly appreciated. Although the program is small, I believe that every person that has been helped will create

a ripple effect in our community. When it comes to preventing driving while under the influence, every little bit helps, and this program is a HUGE help.

If it were still possible for me to be the designated "DWI Court Clerk", I would relish the opportunity, as I was so proud to be a part of a program that has changed people so significantly and in such a positive way.

Very truly yours,

Kristi Lyn Suzuki
808-280-1909

Senator Jill N. Tokuda, Chair
Senator Donovan M. Dela Cruz, Vice Chair

SB2102

Thursday, March 3, 2016
9:00 am
Conference Room 211

To Senate Chair and Senate Committee:

My name is Michelle Kawasaki and I am writing to provide testimony **in support of the DWI Court Program** (SB2102).

My brother-in-law was driving while under the influence in 2013 and his passenger/girlfriend was killed. Yesterday he was sentenced to 10 years in prison for manslaughter. I do not know the details of his legal history, but I know that this was not his first DWI offense. I wonder if he had gotten assistance from a program like DWI Court if there would have been a different outcome for everyone involved.

I urge legislators to approve funding to support this program as part of the Judiciary budget.

Sincerely,

Michelle Kawasaki, Ph.D.
94-970 Lumiauau Street #B101
Waipahu, HI 96797
(808) 256-7031

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: mikaokamura@gmail.com
Subject: Submitted testimony for SB2102 on Mar 3, 2016 09:00AM
Date: Wednesday, March 02, 2016 2:19:51 PM

SB2102

Submitted on: 3/2/2016

Testimony for WAM on Mar 3, 2016 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Mika Okamura	Individual	Support	No

Comments: Please support the DWI Court program. This program is especially important for effectively addressing public safety issues by keeping Hawaii's roads safe. The program benefits all of Hawaii, not just the DWI participants. Its national recognition reflects its guaranteed continued success and is a program that the state of Hawaii should stand proudly behind and support.

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TESTIMONY

Senate Committee on Ways and Means
Hearing: Thursday, March 3, 2016 @ 9:00 a.m.

TO: The Honorable Jill N. Tokuda, Chair
The Honorable Donovan M. Dela Cruz, Vice-Chair

FROM: Jodi Kimura Yi
President, Hawaii State Bar Association

RE: SB2102 Relating to the Judiciary. Appropriate funds to the
Judiciary for FY 2016-2017

Chair Tokuda, Vice Chair Dela Cruz and Members of the Senate Ways and Means Committee, this testimony is submitted with the unanimous approval of the Board of the Hawaii State Bar Association in **STRONG SUPPORT** of the Judiciary's 2016 supplemental budget CIP requests;

- Kaahumanu Hale (Oahu Circuit Court) Fire Alarm & Elevator Systems Upgrade \$5,905,000
- Kaahumanu Hale (Oahu Circuit Court) Water Infiltration Remedial Improvements \$3,419,000
- Kaahumanu Hale (Oahu Circuit Court) Sheriff Security Station Upgrade & Improvements \$200,000
- Kauikeaouli Hale (Oahu District Court) Main Data Center Fire Suppression System Replacement \$560,000
- Kauai Judiciary Complex Exterior Remedial Improvements \$600,000
- Alterations, Upgrades & Improvements to Judiciary Facilities Statewide \$3,000,000

The requests submitted are basic “no-frills” upgrades and maintenance construction projects necessary to keep the Judiciary facilities in good working condition to ensure the safety of the litigants, court staff, attorneys and members of the public who must conduct business in court rooms and meeting areas every day. A statewide network of safe and clean Judiciary facilities is essential to the delivery of court services.

In addition, it is in the State's best interest to properly maintain state buildings to ensure the longevity of these facilities as originally planned.

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PAGE 2
TESTIMONY

Before closing, I would like to express the HSBA Board's sincere appreciation for this Committee's support of the Kona Judiciary Complex which overcame its last funding hurdle last year. Third Circuit Administrative Judge Ronald Ibarra attended a Hawaii County Bar Association meeting and reported that a construction contract is scheduled to be awarded at the end of March 2016 with groundbreaking this fall. A completion date in the summer of 2019 is being planned.

HSBA volunteer Self-Help Center attorneys at the current Kona Court facility were ecstatic to receive this information, and are eagerly looking forward to moving from the Kona Self-Help DESK in the former hospital morgue to a real Self-Help Center to assist members of the public seeking legal information.

Thank you for the opportunity to submit these comments in **STRONG SUPPORT** of the Judiciary's supplemental CIP budget.

Testimony, SB 2102 (03 March 2016)

01 March 2016

The Honorable Jill Tokuda and The Honorable Donovan Dela Cruz
Chair and Vice Chair
Senate Committee on Ways and Means, and Members thereof

Subject: Senate Bill Judiciary Supplemental Appropriations Act (SB2102)
Hearing, Senate Conference Room 211, 0900 hrs. 03 March 2016

I am William Haning, M.D., an employee of the University of Hawai'i who represents the Hawai'i Society of Addiction Medicine, testifying in favor of this bill. Before you is Senate Bill 2102, being the supplemental appropriations act for the Judiciary of the State. I do not represent the University of Hawai'i or the John A. Burns School of Medicine.

Intent: Among the operations funded by this bill will be the support necessary for continuation of a Driving While Intoxicated (DWI) Court within the District Court of the First Circuit. My testimony is in support of the allocation required for this initiative.

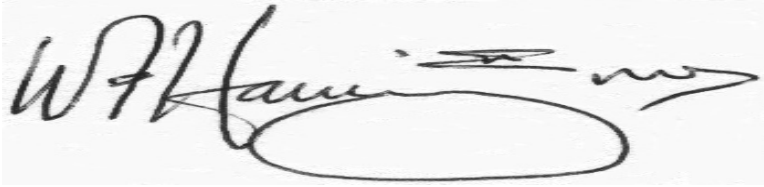
History: In 2013, at the behest of the Chief Justice of the Hawai'i Supreme Court, the district court of the First Circuit entered into an agreement with the University of Hawai'i John A Burns school of medicine, Department of psychiatry, to develop and operate a court intended to divert those with alcohol use disorders to treatment. The premise behind this diversion was simple: treatment and monitoring have proven effective in reducing both the morbidity and mortality associated with alcohol-related driving incidents. Your attention is invited to the attached Executive Summary [Attachment A], which describes the present basis for, and the operating principles of the DWI court as it now exists. Following extensive consultation and training, a nuclear cadre comprised of School of Medicine faculty and staff, the administrative judge of the District Court, a designated DWI court lead judge, and a legal liaison officer established the court, employing funding on a one-time renewable grant from the National Highway Transportation Safety Administration, administered by the Department of Transportation of the State of Hawai'i. This grant, which was adequate for the establishment of the pilot project, has been renewed for the maximum number of permissible cycles, and will expire in September, 2016. Within the budgetary supplemental request by the judiciary is a line item for State support of this project, which has proven successful and emphatically warrants continuation.

Proposal: While presently relying upon a contractual relationship funded from a grant, upon approval of the budget item operation of the DWI Court will revert wholly to the state of Hawai'i both for operating personnel and space. Please note that I have been a consultant to and the Principal Investigator associated with the execution of this grant since its inception, and I will be seeking no remuneration or benefit following the execution of this budgetary authorization. The fact of my being a faculty member of the medical school does not allow me to speak on the medical school's or the University's behalf in this matter. I am testifying from my position as president of the professional association of addiction medicine specialists within Hawai'i, as well as a member of the Board of Directors of the national organization, American Society of Addiction Medicine.

Consequences of Failure to Authorize: The present DWI Court as constituted will cease operation no later than 30 September, 2016. Program enrollees will be discharged from monitoring and case management, and remaining sentences will be executed.

Summary: The Legislature is asked to approve a budget which includes as a crucial line item the establishment of a DWI court within the judiciary. It is an excellent and successful pilot that represents current thinking and practice in the majority of the United States and which has proven exceptionally cost-effective as well as conserving the lives and careers of many valuable citizens. This court will be modeled from, and will effectively be a continuation of an existing pilot operated under a grant provided through the state Department of Transportation. I am available to answer questions on short notice and may be reached through the contact information below.

Very respectfully,

A handwritten signature in black ink, appearing to read 'W F Haning III', with a large, stylized loop at the end.

William F. Haning, III, MD, DFASAM, DFAPA
President, Hawai'i Society of Addiction Medicine
and
Director, American Society of Addiction Medicine (Region 8)
haning@prodigy.net
808-220-2685

Attachment A:

Driving While Impaired (DWI) Court Program Executive Summary

Every 51 minutes, a person dies at the hand of a drunk driver according to the 2012 National Highway Traffic Safety Administration report (NHTSA, 2012). Approximately 25% of all drivers arrested or convicted nationwide are repeat offenders (Warren-Kigenyi & Coleman, 2014). Not surprisingly, a repeat drunk driving offender is four times more likely to cause a deadly crash (NHTSA, 2012). DWI Courts were created nationwide to address this population of impaired drivers who are overrepresented in these fatal crashes and provide them with close supervision and substance abuse treatment in an effort to reduce these traffic fatalities.

Compared to the national average, Hawai'i has a higher proportion of fatal crashes that involve impaired driving (CDC, 2014a). The DWI Court Program provides offenders with comprehensive Court-supervised treatment opportunities and resources to successfully complete rehabilitation with the goal to reduce individual recidivism rates, reduce societal financial burdens, and protect the community.

It is a voluntary program for nonviolent offenders, who have been assessed by a health professional as having a substance dependence or substance abuse diagnosis. The program involves regular court appearances before a designated DWI Court Judge, case management meetings, and participation in an individualized treatment program. Treatment includes alcohol and drug testing, individual and group counseling, and regular attendance at self-help meetings. Entry to the Program requires the participant to enter a plea of guilty or no contest, but the execution of sentence is stayed pending compliance and completion of program requirements.

Of the 243 repeat offenders that have been referred to the DWI Court Program since 2013:

- 114 offenders (46.9%) were eligible for screening
- 55 offenders (48.2%) petitioned to enter the program and/or started screening
- 43 offenders (78.2%) decided to join the DWI Court Program
 - 19 offenders (44%) graduated
 - 16 offenders (37%) are currently enrolled
 - 8 offenders (19%) either withdrew or were terminated for non-compliance

**There are five potential participants who are currently in the screening process who were not included in the above statistics.*

The typical participant at the time of screening was around 31 years of age, single, male, employed full time, and had at least a high school education. 47% of all participants who

chose to join the program have children. During the screening process, potential participants were asked about their substance abuse history. 100% of current participants reported at screening that they believed alcohol negatively affected their lives, and 47% had already tried some form of substance abuse treatment prior to joining the DWI Court Program.

In addition to the personal improvements that program participants experience during recovery, sustained substance abuse treatment and recovery for these individuals also amounts to a social and economic benefit by preventing future arrests that they would likely acquire without any intervention. This reduction in recidivism benefits our community by improving public safety on our roadways and saving taxpayer money in costs to arrest, prosecute and imprison these offenders.

While the penalties for a first offense of Operating a Vehicle Under the Influence of an Intoxicant (OVUII) are minimal, repeat offenders are subject to increasing amounts of jail time if convicted of multiple offenses. Additionally, these repeat offenders are often charged under H.R.S. §291E-62 if they are caught operating a vehicle after license and privilege have been suspended or revoked for operating a vehicle under the influence of an intoxicant, which has increasing mandatory jail time associated with second and third offenses. Further, when an offender is arrested for OVUII and has already been convicted of OVUII three or more times within a 10 year period, they can be charged with habitually operating a vehicle under the influence of an intoxicant pursuant to H.R.S. §291E-61.5. This felony charge carries either an indeterminate term of imprisonment of five years or five years of probation that would cost even more.

Looking at specific numbers, it costs approximately \$125 per day to house inmates in Hawai‘i (Hawai‘i Department of Public Safety, 2014).

Conviction	Sentence	Cost of Jail per occurrence
OVUII - 3rd offense	10 days - 30 days	\$1,250 - \$3,750
H.R.S. §291E-62 - 2nd offense	30 days	\$3,750
H.R.S. §291E-62 - 3rd offense	1 year	\$45,625

Of the participants who entered the program, 42% had been convicted of their 3rd OVUII and 21% had been convicted of a 2nd §291E-62 charge, making these participants eligible for the aforementioned longer and more expensive jail sentences upon future arrest. With successful substance abuse treatment through the DWI Court Program these potential future arrests could be avoided resulting in a significant cost savings.

The basic costs of enrolling an individual in the DWI Court Program, which includes case management services and alcohol monitoring are approximately \$495 per month per participant, or \$6,025 per participant per year. The cost of treatment services are primarily paid for through the participant’s health insurance carrier or by the participant in order to keep them invested in their own recovery. When a participant is indigent and unable to pay for necessary treatment services, the program will pay for the treatment to ensure the same quality of care for everyone.

DWI Program Length	Cost	Potential Cost Savings
30 days	\$495	\$3,255
1 year	\$6,025	\$39,600

Since the program's inception in January 2013 to December 2015, the DWI Court Program has graduated 19 participants with a 0% recidivism rate for subsequent drunk driving arrests. In comparison, there is a 20% recidivism rate for subsequent drunk driving arrests among those who were eligible for the DWI Court Program but chose not to screen or join.

In March 2015, the DWI Court Program received a NHTSA Public Service Award in recognition of the collaborative efforts to reduce traffic fatalities due to impaired driving by creating and operating Hawai'i's first DWI Court program. We would like to secure permanent funding for the program so we can build on this initial success and continue to confront the persistent problem of impaired driving in our community by changing lives through rehabilitation.

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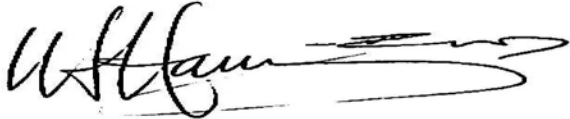
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Submitted to the District Court of the First Circuit, DWI Court, 20 January 2016:

A handwritten signature in black ink, appearing to read 'William F. Haning, III', with a stylized flourish at the end.

William F. Haning, III, M.D., DFASAM, DFAPA

Principal Investigator

Professor

Department of Psychiatry, University of Hawai`i John A. Burns School of Medicine