



Rodney A. Maile
ADMINISTRATIVE DIRECTOR

Brandon M. Kimura
DEPUTY ADMINISTRATIVE DIRECTOR

December 7, 2020

Via electronic submission

The Honorable Ronald D. Kouchi
President of the Senate
State Capitol, Room 409
Honolulu, HI 96813

The Honorable Scott Saiki
Speaker of the House of Representatives
State Capitol, Room 431
Honolulu, HI 96813

Dear President Kouchi and Speaker Saiki:

Pursuant to Section 291E-6.5, Hawai'i Revised Statutes (HRS), the Judiciary is transmitting a copy of the *Report on Continuous Alcohol Monitoring for Repeat Offenders*.

In accordance with Section 93-16, Hawai'i Revised Statutes, we are also transmitting a copy of this report to the Legislative Reference Bureau Library.

The public may view an electronic copy of this report on the Judiciary's website at the following link: https://www.courts.state.hi.us/news_and_reports/reports/reports.

Should you have any questions regarding this report, please feel free to contact Karen Takahashi of the Judiciary's Legislative Coordinating Office at 808-539-4896, or via e-mail at Karen.T.Takahashi@courts.hawaii.gov.

Sincerely,

A handwritten signature in blue ink that reads "Rodney A. Maile".

Rodney A. Maile
Administrative Director of the Courts

Attachment

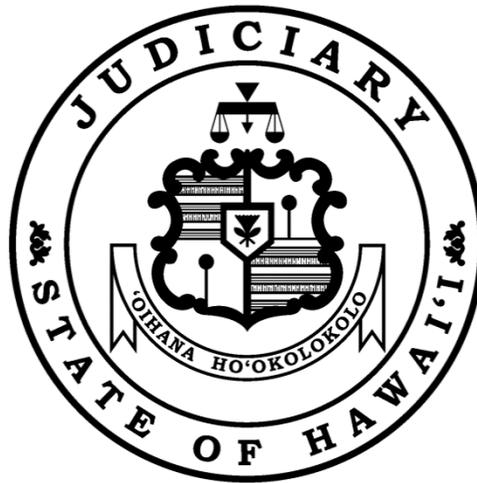
c: Legislative Reference Bureau Library
Office of the Clerk, Hawai'i State Senate
Office of the Clerk, Hawai'i House of Representatives

**ANNUAL REPORT TO THE THIRTY-FIRST LEGISLATURE
2021 REGULAR SESSION**

ON

**ACT 201, SESSION LAWS OF HAWAI'I 2017
HRS § 291E-6.5**

A Report on Continuous Alcohol Monitoring for Repeat Offenders



Prepared by:

The Judiciary, State of Hawai'i

December 2020

**ANNUAL REPORT TO THE THIRTY-FIRST LEGISLATURE
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**ACT 201, SESSION LAWS OF HAWAII 2017
HRS § 291E-6.5**

A Report on Continuous Alcohol Monitoring for Repeat Offenders

This report is submitted in accordance with Act 201, Session Laws of Hawai'i 2017, Section 3 (Act 201).

Background:

Pursuant to Act 201, codified as Hawaii Revised Statutes (HRS) §291E-6.5 and effective as of January 1, 2018, defendants charged with operating, or habitually operating, a vehicle under the influence of an intoxicant as a result of consuming alcohol may be ordered by the court to submit to a continuous alcohol monitoring (CAM) device for a period of no less than ninety days. HRS § 291E-6.5 mandates the Hawai'i State Judiciary's Administrative Director of the Courts to establish and administer a statewide program relating to the oversight of all CAM devices and to select a vendor to provide and monitor the CAM devices.

In August 2018, the Judiciary executed a contract with SCRAM of California (SCRAM) to furnish the CAM devices and provide monitoring services. SCRAM's contract is effective until June 30, 2021. SCRAM is responsible for installing and monitoring the CAM mobile devices that are strapped onto the ankles of court-ordered defendants. The State of Hawai'i is not charged for this service. Offenders who are ordered to use this service are responsible for making payments to SCRAM. SCRAM may complete a financial assessment for individuals who cannot afford the service. If the person meets qualification requirements, SCRAM will consider payment options such as a sliding scale or reduced rate, and/or a payment schedule, to adjust the cost for the indigent population.

SCRAM's CAM device measures the alcohol levels found in the offender's perspiration every thirty minutes. If the CAM device provides a positive alcohol reading for an offender, SCRAM notifies the authorities with a violation report.

Activities This Reporting Period:

In Fiscal Year 2020 (FY20), SCRAM provided CAM devices to 42 persons statewide. A breakdown of the usage by circuits is shown in Table No. 1 and a more detailed breakdown is attached as Exhibit No. 1. Due to COVID-19, court activities have been limited and therefore, the pandemic may have impacted the number of

persons who were ordered to obtain CAM devices. Additionally, SCRAM reported that there has been a greater demand for financial assessments.

SCRAM reported 17 violations in FY20. The violation reports confirm that the CAM devices are working as intended.

SCRAM provided equipment and services in a satisfactory manner in spite of COVID-19. SCRAM was able to service equipment on the neighbor islands by obtaining exemptions from quarantine requirements and traveling to the site to address maintenance issues.

Table #1

	No. of unduplicated Court order referrals	No. of unduplicated defendants enrolled onto CAM	Misdemeanor, Felony, or Other	List Other
First Circuit (Oahu)	29	25	3 other	22 habitual
Second Circuit (Maui)	9	8	7 misdemeanor	1 habitual
Third Circuit (Hawaii)	13	9	1 misdemeanor/ 1 other	7 habitual
Fifth Circuit (Kauai)	0	0	0	0
Total	51	42	8 misdemeanor/ 4 other	30 habitual

Challenges/Barriers to Consider:

Challenge 1: In all the DUI cases ordered for CAM services, no immediate action can be taken to prevent a defendant from driving under the influence if a defendant consumes alcohol. There are legal procedures to bring a defendant back to court for a violation. The legal procedures delay the desired effects of the program.

Challenge 2: In pretrial habitual DUI cases, a court ordered defendant must remain on the SCRAM-CAM service for no less than ninety (90) days. If a defendant is found not guilty before the 90-day period, then by statute, a defendant must still remain on the service.

Effects of CAM on Ignition Interlock Devices:

The orders made for CAM services are discretionary orders by the courts. CAM services are ordered as a pretrial condition of bail. Ignition Interlock is a voluntarily service that offenders ask to be placed on as a post-adjudication service, to reinstate driving legally. CAM monitors alcohol consumption, and Ignition Interlock monitors driving under the influence of alcohol. The purpose of each service differs greatly. In FY20, there were no effects of CAM on Ignition Interlock services.

Exhibit #1

SCRAM-CAM Quarterly and Annual Data Collection

First Circuit, Oahu (FY 2020)	Quarter 1 (July 1 to Sept 30)	Quarter 2 (Oct 1 to Dec 31)	Quarter 3 (Jan 1 to March 30)	Quarter 4 (April 1 to June 30)	Annual (Total all Quarters)
Number of unduplicated court ordered referrals	6	7	8	8	29
Number of unduplicated individuals placed on SCRAM/CAM	6	7	7	5	25
Number of violations reported to probation and prosecuting attorneys	0	1 (Tamper)	5	5	11
Number of unduplicated habitual cases placed on SCRAM/CAM	0	7	7	8	22
Number of unduplicated misdemeanor DUI cases placed on SCRAM/CAM	0	0	0	0	0
Number of individuals completed SCRAM/CAM for at least 90 days	0	4 (see below)	2 (see below)	8	14
Number of unduplicated court orders referrals for more than 90 days	0	0	0	2	2

Second Circuit, Maui (FY 2020)	Quarter 1 (July 1 to Sept 30)	Quarter 2 (Oct 1 to Dec 31)	Quarter 3 (Jan 1 to March 30)	Quarter 4 (April 1 to June 30)	Annual (Total all Quarters)
Number of unduplicated court ordered referrals	0	2	4	3	9
Number of unduplicated individuals placed on SCRAM/CAM	0	2	4	2	8
Number of violations reported to probation and prosecuting attorneys	0	0	2 -1 confirmed consumption -1 confirmed tamper	2	4
Number of unduplicated habitual cases placed on SCRAM/CAM	0	0	0	1	1
Number of unduplicated misdemeanor DUI cases placed on SCRAM/CAM	0	2	4	1	7
Number of individuals completed SCRAM/CAM for at least 90 days	1	0 (see below)	1 (see below)	3 (see below)	5
Number of unduplicated court orders referrals for more than 90 days	0	0	0	1	1
Third Circuit, Big Island (FY 2020)	Quarter 1 (July 1 to Sept 30)	Quarter 2 (Oct 1 to Dec 31)	Quarter 3 (Jan 1 to March 30)	Quarter 4 (Apr 1 to Jun 30)	Annual (Total all Quarters)
Number of unduplicated court ordered referrals	2	3	1	7	13
Number of unduplicated individuals placed on SCRAM/CAM	2	2	1	4	9

Number of violations reported to probation and prosecuting attorneys	0	0	1 -1 confirmed tamper	1	2
Number of unduplicated habitual cases placed on SCRAM/CAM	0	2	1	4	7
Number of unduplicated misdemeanor DUI cases placed on SCRAM/CAM	0	1	0	0	1
Number of individuals completed SCRAM/CAM for at least 90 days	0	0	2	1	3
Number of unduplicated court orders referrals for more than 90 days	0	0	0	7	7
Fifth Circuit, Kauai (FY 2020)					
Quarter 1 (July 1 to Sept 30)	Quarter 2 (Oct 1 to Dec 31)	Quarter 3 (Jan 1 to Mar 30)	Quarter 4 (Apr 1 to Jun 30)	Annual (Total all Quarters)	
Number of unduplicated court ordered referrals	0	0	0	0	0
Number of unduplicated individuals placed on SCRAM/CAM	0	0	0	0	0
Number of violations reported to probation and prosecuting attorneys	0	0	0	0	0
Number of unduplicated habitual cases placed on SCRAM/CAM	0	0	0	0	0

Number of unduplicated misdemeanor DUI cases placed on SCRAM/CAM	0	0	0	0	0
Number of individuals completed SCRAM/CAM for at least 90 days	0	0	0	0	0
Number of unduplicated court orders referrals for more than 90 days	0	0	0	0	0

Exhibit #2

Court CAM Data Collection Form

FY 2020

Date: 10/30/2020

Indicate—Circuit: 1st, 2nd, 3rd, 5th

		No.	Comments:
1	Total number of unduplicated SCRAM-CAM orders made by the court.	51	
2	Number of unduplicated felony DUI cases ordered onto SCRAM-CAM by the courts.		30 habitual cases & 4 other
3	Number of unduplicated misdemeanor DUI cases, court ordered onto SCRAM-CAM.	8	
4	Number of unduplicated cases, court ordered onto SCRAM-CAM, who did not show up for their initial enrollment into the program.	9	
5	Number of unduplicated cases enrolled onto SCRAM-CAM.	42	
6	Number of violation reports sent by SCRAM.	17	
7	Number of cases who completed the SCRAM-CAM program.	22	

Reporting Period: July 1, 2019 to June 30, 2020 (Fiscal Year 2020)

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