



Office of the Administrative Director of the Courts – THE JUDICIARY • STATE OF HAWAII
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Rodney A. Maile
ADMINISTRATIVE DIRECTOR

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November 8, 2024

Via electronic submission

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

The Honorable Nadine Nakamura
Speaker of the House of Representatives
State Capitol
Honolulu, HI 96813

Dear President Kouchi and Speaker Nakamura:

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 Affairs and Special Projects Division 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

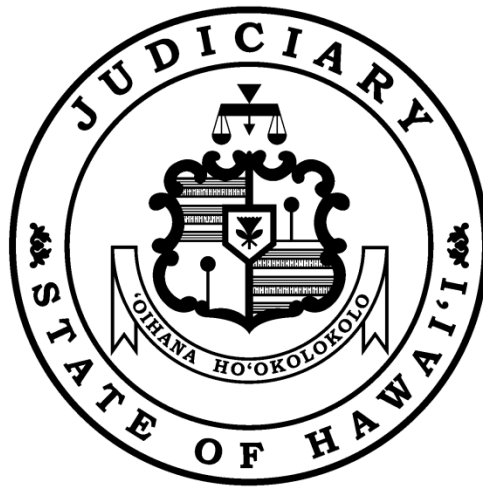
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**ANNUAL REPORT TO THE THIRTY-THIRD LEGISLATURE
2025 REGULAR SESSION**

A Report on Continuous Alcohol Monitoring for Repeat Offenders

Pursuant to HRS § 291E-6.5



Prepared by:

The Judiciary, State of Hawai'i

November 2024

**ANNUAL REPORT TO THE THIRTY-THIRD LEGISLATURE
2025 REGULAR SESSION**

A Report on Continuous Alcohol Monitoring for Repeat Offenders

This report is submitted in accordance with HRS § 291E-6.5.

Background:

Pursuant to Act 201, Session Laws of Hawai'i 2017, codified as Hawai'i 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 90 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.

On July 1, 2022, the Judiciary executed a new contract with SCRAM of California (SCRAM) to furnish the CAM devices and provide monitoring services. SCRAM's contract is effective until June 30, 2025. 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 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 30 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 2024 (FY 24), SCRAM provided CAM devices to 16 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.

SCRAM reported three violations in FY 24. The violation reports confirm that the CAM devices are working as intended.

SCRAM provided equipment and services in a satisfactory manner. SCRAM was able to service equipment on the neighbor islands by traveling to the site to address maintenance issues.

There have been no reported problems using the CAM devices nor any problems with the services provided by SCRAM of Hawai'i. SCRAM reports that out of a total of 5,773 monitored days, 99.8% of those days were sober days.

Table #1

	No. of unduplicated Court order referrals	No. of unduplicated deft. enrolled onto CAM	Misdemeanor, Felony, or Other	List Other
First Circuit	13	14	2	11 habitual
Second Circuit	4	2	0	2 habitual
Third Circuit	0	0	0	0
Fifth Circuit	0	0	0	0
Total	17	16	2 misdemeanor	13 habitual

Challenges/Barriers to Consider:

Challenge 1: There has been a decline in court referrals, specifically for the neighbor islands. Judges may not be aware of the services SCRAM provides. Presentations and refresher trainings are available.

Challenge 2: 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 3: 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.

Challenge 4: Some clients placed on CAM have trouble paying for the SCRAM services either due to lack of income or resistance to pay. Additionally, SCRAM of Hawai'i takes the time to build rapport with the clients to help support their sobriety and reinforce the importance of paying for the SCRAM services. SCRAM of Hawai'i has a flexible payment program to help clients to overcome their financial challenges, however, additional funding sources would be helpful.

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 voluntary service that offenders ask to be placed on as a post-adjudication service, to reinstate legal driving privileges. CAM monitors alcohol consumption, and Ignition Interlock monitors driving under the influence of alcohol. The purpose of each service differs greatly. In FY24, there were no effects of CAM on Ignition Interlock services.

Exhibit #1

SCRAM-CAM Quarterly and Annual Data Collection

First Circuit, O'ahu (FY 2024)	Qtr 1 (July 1 to Sept 30)	Qtr 2 (Oct 1 to Dec 31)	Qtr 3 (Jan 1 to Mar 31)	Qtr 4 (Apr 1 to Jun 30)	Annual (total all Qtrs)
Number of unduplicated court ordered referrals	3	3	3	4	13
Number of unduplicated individuals placed on SCRAM/CAM	3	5	2	4	14
Number of violations reported to probation and prosecuting attorneys	0	0	0	1	1
Number of unduplicated habitual cases placed on SCRAM/CAM	3	5	0	3	11
Number of unduplicated misdemeanor DUI cases placed on SCRAM/CAM	0	0	1	1	2
Number of individuals completed SCRAM/CAM for at least 90 days	5	2	4	3	15
Number of unduplicated court orders referrals for more than 90 days	1	0	0	0	1

Second Circuit, Maui (FY 2024)	Qtr 1 (July 1 to Sept 30)	Qtr 2 (Oct 1 to Dec 31)	Qtr 3 (Jan 1 to Mar 31)	Qtr 4 (Apr 1 to Jun 30)	Annual (total all Qtrs)
Number of unduplicated court ordered referrals	1	3	0	0	4
Number of unduplicated individuals placed on SCRAM/CAM	1	1	0	0	2
Number of violations reported to probation and prosecuting attorneys	3	0	0	0	3
Number of unduplicated habitual cases placed on SCRAM/CAM	1	1	0	0	2
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	1	0	0	0	1
Number of unduplicated court orders referrals for more than 90 days	0	2	0	0	2
Third Circuit, Big Island (FY 2024)	Qtr 1 (July 1 to Sept 30)	Qtr 2 (Oct 1 to Dec 31)	Qtr 3 (Jan 1 to Mar 31)	Qtr 4 (Apr 1 to Jun 30)	Annual (total all Qtrs)
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	0	0	0	0	0

to probation and prosecuting attorneys					
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
Fifth Circuit, Kaua'i (FY 2024)					
	Qtr 1 (July 1 to Sept 30)	Qtr 2 (Oct 1 to Dec 31)	Qtr 3 (Jan 1 to Mar 31)	Qtr 4 (Apr 1 to Jun 30)	Annual (total all Qtrs)
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 2024

Date: 9/19/2024

Indicate—Circuit: 1st, 2nd, 3rd, and 5th

		No.	Comments:
1	Total number of unduplicated SCRAM-CAM orders made by the court.	17	
2	Number of unduplicated felony DUI cases ordered onto SCRAM-CAM by the courts.	13	13 habitual cases
3	Number of unduplicated misdemeanor DUI cases, court ordered onto SCRAM-CAM.	2	
4	Number of unduplicated cases enrolled onto SCRAM-CAM.	16	
5	Number of violation reports sent by SCRAM.	4	
6	Number of cases who completed the SCRAM-CAM program.	16	

Reporting Period: July 1, 2023 to June 30, 2024 (Fiscal Year 2024)

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