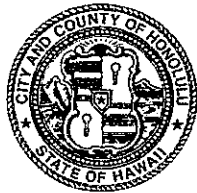


POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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LOUIS M. KEALOHA
CHIEF

DAVE M. KAJIHIRO
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DEPUTY CHIEFS

OUR REFERENCE TB-JL

January 28, 2013

The Honorable J. Kalani English, Chair
and Members
Committee on Transportation and
International Affairs
State Senate
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair English and Members:

Subject: Senate Bill No. 578, Relating to Driving Under the Influence of an Intoxicant

I am Timothy Boswell, Captain of the Central Receiving Division, of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD opposes the passage of Senate Bill No. 578, Relating to Driving Under the Influence of an Intoxicant.

This bill would require the police department to keep people in custody, who have been arrested for operating a vehicle under the influence of an intoxicant (OVUII), until their blood alcohol (BAC) is 0.05 or less, or they are no longer under the influence of drugs or alcohol, or after eight hours have elapsed from the time of arrest.


This would create a huge burden on the police department detention facilities by requiring them to hold detainees longer, which will increase the total number of people in custody at any one time. The police department's outer district stations would be especially taxed by this bill due to their smaller staff and capacity. The bill would also require our detention facility officers to perform multiple intoxilyzer tests on each detainee arrested for OVUII, which will interfere with performing the initial intoxilyzer test to establish the charge of OVUII. In 2012, the Central Receiving Division alone performed over 3,600 intoxilyzer tests on individuals.

The Honorable J. Kalani English, Chair
and Members
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In addition, the HPD is concerned that Senate Bill No. 578 may conflict with State of Hawaii v. Perez. In this decision, the State Supreme Court decided that a delay in admitting the defendant to bail was not justified. Further, the bill may violate the Eighth Amendment, which has been interpreted in some lower courts as a right to bail and may also violate the Fourteenth Amendment, which guarantees the right to due process.

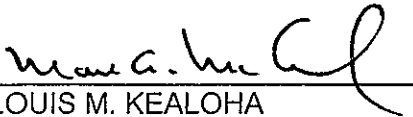
Thank you for the opportunity to testify.

Sincerely,



~~FOR~~ TIMOTHY BOSWELL, Captain
Central Receiving Division

APPROVED:



LOUIS M. KEALOHA
Chief of Police