



The Judiciary, State of Hawai‘i

**Testimony to the
House Committee on Judiciary**
Representative Karl Rhoads, Chair
Representative Joy A. San Buenaventura, Vice Chair

Tuesday, March 22, 2016, 2:00 p.m.
Room 325

by
Tom Mick
Policy and Planning Department Director

Bill No. and Title: Senate Bill No. 2102, S.D. 1, 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, S.D. 1, 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 Judiciary is very grateful to the Senate Ways and Means Committee (WAM) for providing three (and possibly seven) positions and over \$1 million in general funds for supplemental FY 2017 related to the Mental Health Court, civil legal services, an additional judgeship and related staff, and a temporary to permanent position conversion for the Kona Fiscal Office. WAM provided two of the three positions requested for Mental Health Court which will allow us to expand the number of clients served with mental health issues. However, we are very



concerned that no funding was provided for the additional services that go hand-in-hand with an expanded number of clientele, that is, mental health assessments, emergency housing, and medical and dental care. The \$600,000 allocated by WAM for civil legal services is very important in helping to provide such services to those who cannot afford private counsel representation, and in ensuring the Judiciary does not have to divert other base budget monies to fund these services.

The Judiciary's supplemental budget request for FY 2017 included requests for three judgeships and related staffing – funding for a District Family Court judge and staffing in First Circuit as the positions were previously provided by the 2007 Legislature, and funding and positions for a District Court judge in Second Circuit and a District Family Court judge in Fifth Circuit. WAM provided \$330,000 in general funds and possible positions for one of these three judgeships, stating in its Standing Committee Report that the “Chief Justice should identify the judgeship that is of the highest priority and represents the greatest need so as to warrant the establishment of an additional court.” We believe that it is necessary to stress that whichever judgeship the Chief Justice selects, the other judgeships not selected are just as important to and needed by the island and/or community in which they are located. In all three circuits/locations, workload has been increasing and the cases have become more complex and time consuming, especially as the number of self-represented litigants has been growing. Further, neither the Second Circuit (Maui) nor the Fifth Circuit (Kauai) has had a new District judgeship position in more than 30 years, yet over this period of time, the population has more than doubled on Maui and increased by more than 70% on Kauai. It should also be noted that First Circuit Family Court is located in Kapolei, one of the fastest growing areas on Oahu, and its Domestic Division, where this judge would be assigned, experienced a 10% caseload increase from FY 2014 to FY 2015.

While, as mentioned previously, the Judiciary is appreciative of what WAM did provide in Senate Bill No. 2012, S.D. 1, we are also very concerned about the impact on Judiciary operations, clients, and the public by the lack of support in positions and funding for possibly as many as 21 of the 24 positions and more than \$1.7 million of the \$2.2 million requested in our supplemental budget package. The non-support for two of the three judgeship requests, which equates to possibly as many as eight positions and \$660,000, was discussed in the prior paragraph.

In First Circuit, two specialty court/program related requests were not supported. The Driving While Impaired (DWI) Court and the Hawai'i Zero to Three Program both have grant funds expiring in early FY 2017. Without any additional funding and positions to make these programs permanent within the Judiciary, these programs may have to be discontinued once the grant funding ends. The DWI Court is a nationally recognized and a US Department of Transportation award winning program that focuses on repeat, hard-core offenders, with 20 current participants and 17 successful graduates to date. 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.

Two security related requests were not supported, 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.

Another two budget requests in the extremely important area of client services were also not funded and supported. The first was 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, 2015, OPG's ten social workers acted as court-appointed guardians for 721 incapacitated clients statewide and managed finances for 263 of these. More than 60% 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 89 clients each). The second request was to cover significantly increased 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 that were not supported, one of which relates to the Intermediate Court of Appeals (ICA) that is requesting additional Staff Attorney and Appellate Court Clerk positions and the other of which relates to judges' training. 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



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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. 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 Judiciary is also concerned about the lack of any support for its Capital Improvement Program (CIP) requests. 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. While all the CIP requests relate to critical needs, especially important is the \$3 million in lump sum monies requested as it allows the Judiciary to be flexible and respond to any emergent or emergency 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, S.D. 1, which is the Judiciary's supplemental budget request, and that you strongly consider restoring the more than 17 positions and \$1.7 million from our supplemental budget requests that were not funded.

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 House Committee on Judiciary**

March 22, 2016, 2:00 p.m.



S.B. No. 2102, SD1: RELATING TO THE JUDICIARY

Chair Rhoads and Members of the Committee:

I am writing in support of Judiciary's supplemental budget package. In particular, we ask that the request for permanent funding for the Driving While Intoxicated (DWI) Court be restored. 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.

Coincidentally, SB 612, HD1, which would allow a probationary term for individuals convicted of Operating a Vehicle Under the Influence of an Intoxicant (OVUII), has crossed over to the House, and is scheduled to be heard by this Committee today. Passing out SB 612, HD1 and not funding the DWI court is akin to buying a fleet of buses and not providing money for gasoline and bus 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.



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Jodi S. Yamamoto, Esq.
President, Board of Directors

M. Nalani Fujimori Kaina, Esq.
Executive Director

TESTIMONY IN SUPPORT OF SB2102 SD2 – RELATING TO THE JUDICIARY.

Committee on Judiciary - Room 325

Representative Karl Rhoads, Chair
Representative Joy A. San Buenaventura, Vice-Chair

March 22, 2016 at 2:00 p.m.

The Legal Aid Society of Hawaii submits strong testimony in support of SB2102 SD2 – Relating to the Judiciary.

We support the passage of the Judiciary budget bill, however do request that the current funding level of \$600,000 in Judiciary Program ID JUD601 be increased to \$2,159,632 in “A” funds and that it becomes a recurring budget item to purchase civil legal services for low-income and moderate-income families.

This funding would go to restoring general revenue funding for civil legal services. Civil legal services are critical in that they can provide real world solutions to help families in crisis find stability and hope. The recommendation for this funding was the result of an off-session working group established by HR12 and SR6 which requested the Hawaii Access to Justice Commission to Assemble Various State and Community Entities to Determine which Agency or Organization should Administer Funding for Civil Legal Services to the Low- and Moderate-Income.

The Legal Aid Society of Hawai'i has provided civil legal services to the community for over 65 years. Through our ten offices which include one on each of the major Hawaiian islands, our staff assist residents of Hawai'i to navigate and solve basic issues which require legal interventions. In 2015, our staff of 100 closed over 8,500 cases and opened almost 9,800 in legal areas ranging from family, housing, consumer, foreclosure, public benefits, elder law, homelessness, immigration, language access, and child welfare. In most of these cases, we are only able to provide legal counsel and advice or provide brief services which includes assisting with the completion of court forms and explaining the court process. Because of our limited resources, we were only able to assign an attorney or paralegal for representation in 13.25% of these cases or 1,248 cases. The provision of this funding for the purchase of additional civil legal services will go a long way to increasing the number of people in the community that we are able to assist.

As members of the Committee on Judiciary, we ask for your support on this measure as it will help to increase our community's ability to bring civil legal services to those most in need.

Thank you for this opportunity to provide testimony.

Sincerely,

M. Nalani Fujimori Kaina
Executive Director



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VOLUNTEER LEGAL
SERVICES HAWAII

TESTIMONY IN SUPPORT OF SB 2102 SD1- RELATING TO THE JUDICIARY

House Committee on Judiciary

Tuesday, March 22, 2016 at 2:00 p.m. - Conference Room 325

CHAIR RHOADS, VICE CHAIR SAN BUENAVENTURA, AND MEMBERS OF THE
JUDICIARY COMMITTEE:

Volunteer Legal Services Hawaii supports passage of SB 2102, SD 1 and its companion bill HB 1649.

I am the Executive Director of Volunteer Legal Services Hawaii ("Volunteer Legal"). Volunteer Legal has been providing civil legal services to the low- and moderate-income community in the State of Hawaii for 35 years. It does so in partnership with volunteer attorneys who donate their personal time and professional skills to ensure that the people who live in poverty or near poverty have meaningful access to legal services.

Each day, Volunteer Legal staff speak with individuals and families experiencing a legal crisis affecting very basic aspects of their lives: housing, financial stability, ability to maintain relationships with their children, and the ability to care for a vulnerable family member. Those who qualify for our services have limited personal resources to obtain legal representation. Through a variety of direct services: outreach, education, legal advice and counseling, guidance for self-representation, and full-representation, staff and volunteer attorneys are able to provide quality assistance to those with civil legal needs.

Dedicated funds for civil legal service to Hawaii's indigent community is critical in ensuring that everyone benefits from the judicial system in as fair a manner as possible. Civil legal services that address basic living needs in Hawaii such as housing, receiving benefits, financial stability, protection from domestic violence, and the ability to maintain family relations, and care for vulnerable family members does not just achieve peace of mind for those individuals, but provides a safety net for our community, and in the long-run ensures that our legal system is accessible to all and not just to those who can afford it.

Volunteer Legal Services Hawaii respectfully requests funding for civil legal services either through SB 2102, or in the alternative HB 2121 in the amount of \$2,159,632 for fiscal year 2016-2017 for the judiciary to purchase civil legal services for low-and moderate income persons. This amount is requested in addition to the Judiciary's supplemental budget.

Thank you for this opportunity to submit testimony.

Sincerely,



Michelle D. Acosta

TESTIMONY

House Committee on Judiciary

Hearing: Tuesday, March 22, 2016 @ 2:00 p.m.

TO: The Honorable Karl Rhoads, Chair
The Honorable Joy San Buenaventura, Vice Chair

FROM: Jodi Kimura Yi
President, Hawaii State Bar Association

RE: SB2102 SD1 Relating to the Judiciary
Appropriate funds to the Judiciary for FY 2016-2017

Chair Rhoads, Vice Chair San Buenaventura and Members of the House Judiciary 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 as set forth in SB2102 as originally introduced;

- 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 as originally submitted by the Judiciary 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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While the Senate Ways and Means Committee noted in its committee report that the Judiciary's original CIP requests were being deleted, consideration of said requests would be considered during Conference Committee deliberations, the HSBA respectfully requests this Committee's consideration of inserting the CIP requests as originally submitted by the Judiciary prior to reporting out this measure to the House Finance Committee.

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.



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 22, 2016

To: Representative Karl Rhoads, Chair — House Committee on Judiciary;
Rep. Joy San Buenaventura, Vice Chair, and members of the Committee

From: Carol McNamee and Arkie Koehl - MADD Hawaii

Re: Senate Bill 2102 – Relating to the Judiciary

The Hawaii Chapter of Mothers Against Drunk Driving strongly supports 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 SD 1 **amended to restore the original bill's funding of DWI Court.**

Thank you for this opportunity to submit testimony.

Testimony, SB 2102, SD1 (21 March 2016)

21 March 2016

The Honorable Karl Rhoads, Chair
The Honorable Joy A. San Buenaventura, Vice Chair
The House Committee on the Judiciary

LATE

Subject: Senate Bill Judiciary Supplemental Appropriations Act (SB2102), SD1
Hearing, House Conference Room 325, 22 March 2016 1400 hrs.

Position: In support.

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 unqualified support of this bill**. Before you is Senate Bill 2102, SD1, being the supplemental appropriations act for the Judiciary of the State. I offer supplemental testimony to that previously provided in its support, with modifications. I do not represent the University of Hawai`i or the John A. Burns School of Medicine.

Intent: Among the operations funded by SB2102 was the support necessary for continuation of a Driving While Intoxicated (DWI) Court within the District Court of the First Circuit. *This line item was ranked first among supplemental requests.* It was deleted in the course of Committee review in the Senate. My testimony is in support of re-instituting allocation required for this initiative.

History: The detailed history of this project is included in the testimony originally supplied in support of this bill. It has been in existence since 2013, with noteworthy success. Within the budgetary supplemental request by the judiciary was a line item for State support of this project. On behalf of the Hawaii Society of Addiction Medicine and the American Society of Addiction Medicine, as well as implicitly on behalf of the community at risk and the enrollees who benefit, I ask that you reinstitute this line item.

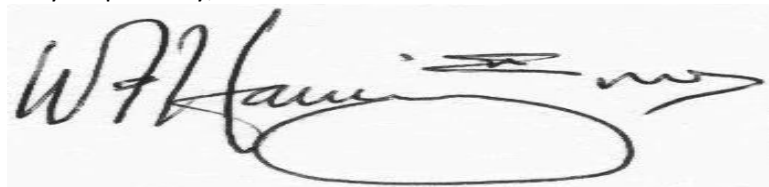
Proposal: While presently relying upon a contractual relationship funded from a grant, upon approval of the budget item the operation of the DWI Court will revert wholly to the state of Hawai`i both for operating personnel and space. Please note that I have been a consultant to and the Principal Investigator 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, HSAM, as well as a member of the Board of Directors of the national organization, American Society of Addiction Medicine.

Consequences of Failure to Authorize Support: The present DWI Court as constituted will cease operation no later than 30 September, 2016. There is no identified alternate funding through DoT or other grants processes; the pilot grants from Department of Transportation were essential to the commencement of this program but never intended for its perpetuation.

Program enrollees will be discharged from monitoring and case management, and remaining sentences will be executed. Benefit to the enrollees, their families and employers will cease; risk to the community will consequently increase.

Summary: The Legislature is asked to approve a budget which included 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. The project has been a successful collaboration between the Judiciary and the School of Medicine, in which the school provides considerable unreimbursed personnel, professional and facilities support. 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 flourish underneath.

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.

References

Centers for Disease Control and Prevention [CDC] (2014a, December). *Sobering facts: Drunk driving in Hawai'i*. Atlanta, GA: Centers for Disease Control and Prevention.

Centers for Disease Control and Prevention [CDC] (2014b). *Motor vehicle crash deaths: Costly but preventable*. Atlanta, GA: Centers for Disease Control and Prevention.

Hawai'i State Department of Health (2012). *Hawai'i Injury Prevention Plan: 2012-2017*. Honolulu, HI: Hawai'i State Department of Health, Emergency Medical Services and Injury Prevention System Branch, Injury Prevention and Control Section, Injury Prevention Advisory Committee.

National Center for DWI Courts (2015, January). *The bottom line: Research update on DWI courts*. Alexandria, VA: National Association of Drug Court Professionals, National Center for DWI Courts.

National Highway Traffic Safety Administration [NHTSA] (2012). *Traffic safety facts: 2010 data*. Washington, DC: US Department of Transportation, National Center for Statistics and Analysis.

National Highway Traffic Safety Administration [NHTSA] (2014). *Traffic safety facts 2013 data: Alcohol-impaired driving*. Washington DC: National Highway Traffic Safety Administration.

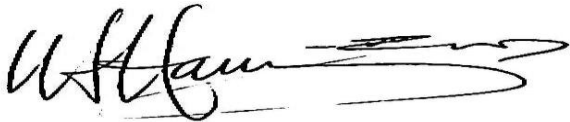
US Department of Transportation (2009). *Traffic safety facts 2009: Alcohol-impaired driving*. Washington, DC: National Highway Traffic Safety Administration (NHTSA).

US Department of Transportation (2010). *Safety facts 2009: Highlights of 2009 motor vehicle crashes*. Washington, DC: National Highway Traffic Safety Administration (NHTSA).

Wallace, D. (2008, July 30). *Personal communication*. Alexandria, VA: National DWI Court Institute.

Warren-Kigenyi, N. and Heidi Coleman (2014). *DWI Recidivism in the United States: An Examination of State-Level Driver Data and the Effect of Look Back Periods on Recidivism Prevalence*. Washington, DC: National Highway Traffic Safety Administration.

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 long horizontal flourish extending to the right.

William F. Haning, III, M.D., DFASAM, DFAPA
Principal Investigator
Professor
Department of Psychiatry, University of Hawai'i John A. Burns School of Medicine

TESTIMONY OF THOMAS D. FARRELL
Regarding Senate Bill 2102, SD1 Relating to the Judiciary

House Committee on Judiciary
Representative Karl Rhoads, Chair

Tuesday, March 22, 2016 2:00 p.m.
Conference Room 325, State Capitol

Good afternoon Rep. Rhoads and Members of the Committee:

As a practicing attorney, mostly in the Family Court of the First Circuit, I support the Judiciary's Supplemental Appropriations request, and offer the following observations.

First, I note that the Senate Ways and Means Committee chopped a \$2.2M operating request to \$1.0M. To be honest, it's difficult to read the bill and understand what has happened, but it appears that funding for additional staff for the Intermediate Court of Appeals didn't make it, which is a real shame. The ICA moves glacially, and it typically takes a couple of years to get a decision. Anything that could speed that up would be very welcome. It also appears that funding for the DWI court fell by the wayside, even though this new specialty court enjoys substantial public support and is having some success. I respectfully suggest that this funding be restored.

Of the \$1.0M that your Senate colleagues would appropriate, about a third of it would go to fund an additional district judge. The Chief Justice had asked for three, and the legislation as currently drafted would require him to pick one. I can't comment on the needs on Maui or Kauai, but I can tell you that we sure need help on the divorce docket on Oahu. About five thousand divorce cases are filed each year, and about seven thousand are currently pending. If we can't get as many cases completed as are filed, then we'll get farther and farther behind. We have three divorce judges at present. It takes a month or two to get temporary orders in a divorce case and a year to a year and a half to get to trial. This translates into suffering and uncertainty--not for me, but for the thousands of families who are stuck in this system.

I am also a volunteer pro bono attorney and a board member of Volunteer Legal Services Hawaii, and as such I strongly support that part of the bill that gives funds to the Judiciary to purchase civil legal services for the indigent. This isn't money that is going to go into lawyers' pockets; rather, it will go to non-profits such as VLSH, Legal Aid, and others.

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Providing civil legal services not only benefits the individuals who receive this assistance; it can benefit taxpayers as well. Currently, I'm handling an adoption for a woman who has been in casual possession of a seven year old girl for the past five years. The child's mother has been in and out of prison, and the father is unknown. My client needs to have the legal authority to act as a parent, and also to make sure that mom doesn't demand the return of this child in a drug induced moment. The paperwork for an adoption is daunting, even for lawyers. My client--- who makes about \$1,500/month---would never be able to afford to hire an attorney at \$300/hour. She went to VLSH, and they found me to handle the case at no charge. This child will remain in a safe and loving home, and will not be one of those who are in our CPS system and in foster care at taxpayer expense.

Last year, the Legislature created a task force on funding civil legal services, and their ultimate recommendation was that the best answer was to create a line item in JUD 100. An appropriation is consistent with that recommendation and will create a stable base of funding, that will be complemented by private grants and fundraising. However, there appears to be a very large disconnect between what this body believes is an adequate amount and what the Senate would appropriate. The task force and ultimately the Access to Justice Commission put the figure at \$2.1M, and that is the amount that this Committee inserted into HB 2121. I thank the Chair for your leadership on that. Unfortunately, your colleagues in the House Finance Committee deleted the \$2.1M figure and replaced it with an unspecified amount. At this point, I would imagine that HB 2121 and the Judiciary Supplemental Appropriation will both go to conference committee, and when they do, I hope you will persuade the Senate conferees to restore the original recommended amount of \$2.1M to whatever vehicle finally emerges.

Finally, I note that the CIP requests were zeroed out by the Senate Ways and Means Committee, which I hope was merely for the purpose of further discussion. Most of the CIP requests are for maintenance and repairs to buildings that have been around for quite some time now---like the Circuit Court building on Punchbowl Street. Just the other day, I was there for a meeting with Judge Browning which was interrupted by the announcement that all water had been shut off, and the building had to be evacuated. You can't imagine the disruption that something like this creates. Trials and hearings get stopped, people can't file their legal documents, meetings with probation officers get cancelled---it's just a mess.

So I ask that you give some consideration to these points, and I appreciate your time today.

March 21, 2016

Representative Karl Rhoads, Chair
Representative Joy A. San Buenaventura, Vice Chair
Committee on Judiciary

Re: SB 2102, SD1 (SSCR2868) – Relating to the Judiciary
Hearing Date: Tuesday, March 22, 2016
Hearing Time: 2:00 p.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, SD1, 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 have been able to observe not only program growth, but more importantly, the success of its 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. The DWI Court Program actually addresses the underlying problem of DWI/DUI – helping people actually cure their addictions and change their lives.

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

House Judiciary Committee

Bill number SB2102, SD1

Tuesday, March 22, 2016

2:00 p.m. in Conference Room 325 at the Hawaii State Capitol

My name is Shay Rego.

I am testifying in support of restoring the DWI Court Program funding as part of the Judiciary Supplemental Budget (SB2102, SD1).

I strongly support the DWI Court Program because it is a beneficial program that has experienced successful outcomes such as:

- graduating 20 participants since the program began in January 2013

- recipient of the National Highway Traffic Safety Administration Public Service Award in March 2015

- continuance of striving toward their goal in providing positive results

With these reasons, I support funding the DWI Court Program.

Thank you for your time.

Sincerely,
Shay Rego

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 20, 2016 6:36 PM
To: JUDtestimony
Cc: justinshenson@gmail.com
Subject: Submitted testimony for SB2102 on Mar 22, 2016 14:00PM

SB2102

Submitted on: 3/20/2016

Testimony for JUD on Mar 22, 2016 14:00PM in Conference Room 325

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

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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Senate Bill 2102, SD1

I am writing today on behalf of the above enumerated bill. I am, R. Patrick McPherson an attorney whose practice focuses on representing individuals charged with driving while impaired. I am also a stakeholder for the DWI court program. I am requesting that this committee seriously consider appropriating sufficient funds to extend this vital program into the future. I have had at least 5 clients graduate from this program. All have done well after the completion of the one year intensive sobriety program. This is a public safety issue as well as a rehabilitation program. I now have approximately 8 clients in the program. It is important for their sobriety that the program continues to function. My brother was an addict for many years until he entered a program that changed his life and the lives of all of our family. I have seen the miracles that can be created when a person becomes sober. The program is so important to me that I had my parents address the participants to give them the opportunity to hear what their behavior does to the inner workings of the family unit. The cost of continuing this good work is minimal compared to the cost if a repeat intoxicated kills a family when driving impaired.

Sincerely,

R. Patrick McPherson , Esq.

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March 22, 2016

VIA ELECTRONIC-DELIVERY

Karl Rhoads, Chair
And Committee Members
House Judiciary Committee
State Capitol, Room 325
415 South Beretania Street
Honolulu, HI 96813

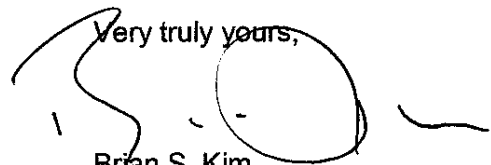
Re: Letter in Support for Senate Bill 2102: DWI Court Program Funding

To Whom It May Concern:

Please accept this letter as my enthusiastic and utmost support for your continued efforts in funding the Hawaii Judiciary's DWI Program ("Program").

As an attorney, whose client is currently participating in the Program, I am so pleased and impressed by the Program staff's hard work and dedication in positively changing the lives of its participants. Equally, I am very delighted by how the participants have responded to the Program with inspiration, determination, and motivation to live a sober and productive life for not only themselves, but for their families and their community. I humbly ask that you continue to support this unique Program. Simply put, it is working and making a positive difference we can see.

Very truly yours,

A handwritten signature in black ink, appearing to read 'B. S. Kim', with a large circular flourish at the end.

Brian S. Kim
Attorney at law

Trisha Y. Nakamura, Esq.
PO Box 61619
Honolulu, Hawaii 96839

LATE

To: The Honorable Karl Rhoads, Chair, Committee on Judiciary
The Honorable Joy A. San Buenaventura, Vice Chair, Committee on Judiciary
Honorable Members, House Committee on Judiciary
Date: March 21, 2016
Re: **Comment regarding SB 2102, SD 1 (please restore funding for DWI Court)**

Mahalo for the opportunity to offer written testimony commenting on SB 2102, SD 1.

I write to request that funding for the DWI Court program be included in the supplemental Judiciary budget as this measure moves forward. The DWI Court program provides critical services to defendants who would otherwise be sentenced to jail or fines without doing the long and hard work to address their alcohol issues. This ultimately means that the roads are safer.

I am a Deputy Public Defender and for half of 2015, I was assigned as the Deputy Public Defender in the DWI Court. I also have referred a number of clients to the program. From these experiences, I have seen firsthand how important and necessary the DWI program is for those who are charged with Operating a Vehicle Under the Influence of an Intoxicant ("OVUII").

For most people charged with OVUII, they will spend at most 10 minutes with a District Court Judge at sentencing. In addition to losing their license, they will pay a small fine, take a two day class, and undergo a substance abuse assessment and possible treatment. There will be an additional court appearance for the Court to see if the OVUII defendant has complied. This will generally be the end of their path with the court.

While this is appropriate for most, there are defendants who have multiple OVUII cases and who have deep issues regarding alcohol abuse. For these defendants, the average way of handling an OVUII case is not appropriate, nor is it helpful.

For example, I had a client in the Waianae Division who pled "no contest" to OVUII as a first offense. She paid a small fine, in addition to incurring the mandatory penalties. Within a month, she returned as a client facing two charges: OVUII as a second offense charge and driving with a suspended license. She had a problem; her second OVUII charge was a wake up call. However, it was only with the DWI program that her "wake up" call could lead to true change. She had the motivation; the program provided her the framework, tools, counseling, and staff support to truly change her life. With the help of the DWI program, she graduated sober.

More resources expended in District Court at the DWI Program means that there will be less OVUII cases at the District Court level and less felony habitual OVUII cases (felony matters in Circuit Court equal more time and resources than District Court matters).

Please include language in this measure to provide for funding for the DWI Court.
Mahalo.

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 22, 2016 9:26 AM
To: JUDtestimony
Cc: amimeowz@gmail.com
Subject: Submitted testimony for SB2102 on Mar 22, 2016 14:00PM

SB2102

Submitted on: 3/22/2016

Testimony for JUD on Mar 22, 2016 14:00PM in Conference Room 325

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

Comments: My name is Ami Scronce. In the interest of public safety and safer roads, please provide funding for the continuation of the DWI Court Program.

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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