



*The Judiciary, State of Hawai'i*

**Testimony to the House Committee on Judiciary**  
Representative Scott Y. Nishimoto, Chair  
Representative Joy A. San Buenaventura, Vice Chair

Friday, February 3, 2017, 2:00 PM  
State Capitol, Conference Room 325

WRITTEN TESTIMONY ONLY

by  
Judge Ronald Ibarra  
Chief Judge, Third Judicial Circuit

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**Bill No. and Title:** House Bill No. 601 Relating to the Judiciary

**Purpose:** Makes an appropriation to establish driving while impaired courts in Kona and Hilo on Hawai'i island.

**Judiciary's Position:**

The Judiciary supports House Bill 601.

On Hawai'i island, we are keenly aware that we have the highest per capita incidence of impaired driving in the state, as noted in House Bill 601.

On O'ahu, Driving While Impaired (DWI) Court started in 2013 and has shown to reduce recidivism rates for repeat DWI offenders by utilizing intensive probation supervision and alcohol abuse treatment, frequent alcohol and drug testing, and ongoing judicial interaction to change behavior of the DWI offenders.

To implement this program on Hawai'i island, we would need additional positions of 2 (two) probation officers – 1 (one) for Hilo and 1 (one) for Kona/Waimea. Also, while we currently refer DWI offenders to alcohol and drug treatment services and seek to have these services paid for by the offender's medical insurance, there are times when offenders do not have medical benefits at the time they need to have an alcohol and drug assessment and commence the



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treatment; therefore, we would respectfully request an appropriation for treatment funds in the amount of \$10,000 to ensure offenders needing immediate treatment are able to get it.

Although implementation of this program will surely impact court calendars by increasing judicial interaction with offenders, we would not be seeking additional judicial resources to implement a DWI court.

We support House Bill 601 if we are appropriated the necessary resources to implement the program, and also as long as this does not have an adverse impact on our other budget requests.

Thank you for the opportunity to testify on House Bill 601.

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**Categories:** Yellow Category

**HB601**

Submitted on: 2/2/2017

Testimony for JUD on Feb 3, 2017 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Susan L.K. Lee Loy	Individual	Support	No

Comments:

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**HB601**  
Submitted on: 2/3/2017  
Testimony for JUD on Feb 3, 2017 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mitchell D. Roth	Hawaii County Office of the Prosecuting Attorney	Support	Yes

Comments:

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**LATE**

February 3, 2017

The Honorable Joy A. San Buenaventura  
Hawaii House of Representatives  
Hawaii State Capitol  
415 South Beretania Street, Room 302  
Honolulu, HI 96813

**Ralph S. Blackman**  
President & CEO

Dear Representative San Buenaventura,

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The Foundation for Advancing Alcohol Responsibility (Responsibility.org) is a national not-for-profit that leads the fight to eliminate drunk driving and underage drinking and is funded by the following distillers: Bacardi U.S.A., Inc.; Beam Suntory; Brown-Forman; Constellation Brands, Inc.; DIAGEO; Hood River Distillers, Inc.; and Pernod Ricard USA. For more than 25 years, Responsibility.org has brought individuals, families, and communities together to guide a lifetime of conversation around alcohol responsibility and offers proven strategies to stop impaired driving. To learn more, visit [www.responsibility.org](http://www.responsibility.org).

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Responsibility.org strongly supports the use of DWI Courts. These courts are specialized, post-conviction programs that provide a structure of appropriate treatment, supervision, and accountability for repeat DWI offenders following the well-established Drug Court model. We support the proposed **House Bill 601** which establishes DWI Courts in Kona and Hilo on Hawaii Island and we urge its swift passage.

DWI Courts are developed for hardcore drunk driving offenders who have not been deterred by traditional sanctions and are most resistant to behavior change. The DWI court program model aims to identify and address the root causes of DWI offending (e.g., substance dependence and mental health issues). Each court participant has an individualized supervision and treatment plan that addresses both their risk level and their needs.

Evidence shows that DWI Courts are effective in reducing recidivism:

- A Michigan study of three DWI Courts found that participants were 19 times less likely to be re-arrested for another drunk driving offense during a two-year follow-up period than offenders processed through a traditional court (Carey et al., 2008). DWI Courts were also determined to be cost-effective and efficient in the adjudication and supervision of offenders.
- An evaluation of three Georgia DWI Courts funded by the National Highway Traffic Safety Administration (NHTSA) found that DWI Court participants had a recidivism rate of 15% compared to a recidivism rate of 35% among DWI offenders who were processed through traditional courts (Fell et al., 2011). It is estimated that DWI Courts prevented between 47 and 122 repeat DWI arrests over a four-year period.
- A study of the Waukesha County Alcohol Treatment Court in Wisconsin revealed that participants had a significantly lower recidivism rate two years post-entry when compared to traditional probationers (29% versus 45%) (Hiller and Saum, 2009).

- In evaluations of DWI Courts in Arizona (Maricopa County), California (Los Angeles County), and Georgia (Athens), it was found that graduates had lower recidivism rates than offenders processed through traditional courts (Marlowe et al., 2009).

Research shows that referral to and participation in appropriate treatment interventions are particularly important for hardcore (repeat) drunk drivers as this population of offenders are historically resistant to behavior change. Subsequently, it is essential that effective screening for alcohol, drugs, and mental health issues be conducted with DWI offenders in tandem with other sanctions to identify those offenders who have issues that must be treated.

Research shows that repeat DWI offenders often suffer from multiple disorders. In one study, in addition to a lifetime alcohol disorder, 41% of the participants had a drug-related disorder and 44% had a major mental health disorder that was not alcohol or drug-related (Shaffer et al., 2007). Absent the identification and treatment of substance use and co-occurring disorders, long-term behavior change is unlikely for these offenders. **These important components are incorporated into the DWI Court model, thus improving outcomes.**

Responsibility.org and the Division on Addiction at Cambridge Health Alliance, a teaching affiliate of Harvard Medical School, are working together to expand and test [a Computerized Assessment and Referral System \(CARS\)](#) for use with a structured diagnostic mental health assessment in DWI intervention and treatment settings. Already successfully piloted in multiple locations with support from the National Institute on Alcohol Abuse and Alcoholism (NIAAA), the project examines the relationship between psychiatric profiles and driving under the influence among repeat DWI offenders. It will help identify and treat offenders with the goal of changing their behavior. A natural fit within the DWI Court model, we hope this project will help states better identify, sentence, supervise, and treat hardcore drunk drivers and subsequently, reduce recidivism. This cutting edge tool will be available later this year at no cost.

In conclusion, Responsibility.org believes that strong laws enabling swift identification, certain punishment, and effective treatment are fundamental elements necessary to reduce the incidence of drunk driving. Responsibility.org further believes that these elements must be coordinated into a statewide system in order to be effective.

If there is anything that Responsibility.org can do to strengthen your efforts, please contact Erin Holmes, Director of Traffic Safety at (202) 445-0334 or [erin.holmes@responsibility.org](mailto:erin.holmes@responsibility.org).

Sincerely,



Ralph S. Blackman  
President & CEO