



June 29, 2020

The Hawaii State  
House of Representatives  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

Ladies and gentlemen,

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., Beam Suntory; Brown-Forman; Constellation Brands, Inc; DIAGEO; Edrington; Mast-Jägermeister US, Inc., Moët Hennessy USA; and Pernod Ricard USA. To learn more, visit [www.responsibility.org](http://www.responsibility.org).

Responsibility.org supports the mandatory and effective use of ignition interlocks for all convicted DWI offenders as part of a comprehensive approach to eliminating drunk driving. **We support Senate Bill SB 2329 and urge you to vote in favor of it.**

Evidence shows interlocks are highly effective in preventing alcohol-impaired driving for both repeat and first-time DWI offenders while they are installed. S.B. 2329 would require compliance with the ignition interlock program before allowing removal of the device. This is essential to preventing recidivism.

More than 10 evaluations of interlock programs have reported reductions in recidivism ranging from 35-90% with an average reduction of 64% (Willis et al., 2004). Additionally, a study commissioned by the Centers for Disease Control and Prevention (CDC) that involved a systematic review of 15 peer-reviewed studies revealed that, while interlocks were installed, the re-arrest rate of offenders decreased by a median of 67% compared to groups who never had an interlock installed (Elder et al., 2011).

A strong convergence of scientific evidence has led to substantial growth in interlock programs within the last decade, along with a shift toward mandatory interlock laws for all DUI offenders. At present, all 50 states have passed some form of interlock legislation and achieved different degrees of program implementation. A total of 34 states and the District of Columbia have all offender interlock laws in place.

Interlock programs are most effective when utilized in conjunction with proper assessment, treatment, and supervision. It is essential that effective screening for alcohol, drugs, and mental health issues be conducted with DWI offenders in tandem with an interlock sanction 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 45% 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. To prevent future instances of drunk driving, and subsequently, save lives, the underlying causes of DWI offending (such as substance misuse or mental health issues) must be addressed. The [Computerized Assessment and Referral System](#) (CARS) is operated on FREE, open source software that generates immediate personalized diagnostic reports that contain information about an offender's mental health and substance use issues, a summary of risk factors, and targeted referrals to treatment services within their community that match their specific needs. It is available for download at <http://www.carstrainingcenter.org>. We hope this project will help states better identify, sentence, supervise, and treat hardcore drunk drivers and subsequently, reduce recidivism.

If there is anything that Responsibility.org can do to strengthen your efforts, Please contact me at [brandy.axdahl@responsibility.org](mailto:brandy.axdahl@responsibility.org) or 202-277-6233 for additional support.

Sincerely,

A handwritten signature in black ink that reads "Brandy Axdahl". The signature is written in a cursive style and is centered within a light gray rectangular box.

Brandy Axdahl  
Senior Vice President, Responsibility Initiatives



June 24<sup>th</sup>, 2020

**RE: SB 2329, SD2, HD1, relating to the ignition interlock devices**

Ladies and gentlemen,

The Traffic Injury Research Foundation (TIRF; [www.tirf.ca](http://www.tirf.ca)) strongly urges you to support and advance SB 2329, SD2, HD1, which closes loopholes in the drunk driving law and improves compliance with the state's lifesaving ignition interlock law.

TIRF is an independent, scientific research institute, based in Canada, with a separate US office. We operate as a registered charity in Canada, and our US office is a registered 501(c)3. We receive funding from governments through research project contracts as well as from associations and industry. We have consulted with governments around the world (including the Netherlands, Australia, United Kingdom, Belgium, Norway and France in addition to the US and Canada) about drunk driving and alcohol ignition interlock programs. The Association of Ignition Interlock Program Administrators (AIIPA) in the US hires TIRF to provide strategic advice to AIIPA. During the past ten years, we have delivered technical assistance to improve the implementation and delivery of interlock programs and other drunk driving countermeasures in more than 40 states in the US with funding from the National Highway Traffic Safety Administration (NHTSA) through a cooperative agreement.

As part of this technical assistance, TIRF reviewed Hawaii's Alcohol Interlock Program in May 2014 and concluded with a written report. The report identified some of Hawaii's biggest challenges and offered suggested solutions. Challenges included:

- > Offenders who are eligible for the interlock program often choose to wait out the hard revocation instead of enrolling in the interlock program;
- > There is a lack of agency authority to hold offenders accountable for non-compliance with interlock program rules; and,
- > Offenders in the interlock program who continue unsafe driving behaviors can not necessarily be kept in the program, thereby reducing possibilities to prevent future offending.

We believe that SB 2329, SD2, HD1 would effectively address these identified challenges by implementing a compliance-based removal system whereby offenders must prove compliance with ignition interlock program rules before their device will be removed. This approach requires that drunk drivers using an interlock must have a period of no recordable violations before the device is removed.

Compliance-based systems are already law in 28 states and have become an effective way to teach sober driving. Although the number of days for compliance is blank in the bill, we believe a minimum of 90 days is appropriate.

We would propose that amendments be made to this proposal to:

- > No longer allowing offenders to wait out the hard revocation period, but rather ensuring that drivers ordered to use an interlock have no other choice but to actually install the device before they can obtain an unrestricted license;
- > Provide the authority for the Department of Transportation to adopt and promulgate rules, notably in relation to non-compliance.

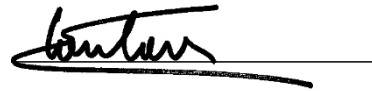
In conclusion, we believe that SB 2329, SD2, HD1 addresses existing challenges in the current drunk driving law. The new law proposes proven best practices to overcome these challenges. We therefore urge you to support and advance this bill. We sincerely hope that the information we have provided will help to make this decision but remain available, should you require more information.

Please do not hesitate to contact us if you have follow-up questions about our letter.

Sincerely,



Robyn Robertson  
President and CEO  
TIRF



Dr. Ward Vanlaar  
COO  
TIRF

Secretary of the Board TIRF USA, Inc.



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June 29, 2020

To: Representative Sylvia Luke, Chair, House Finance Committee;  
Representative Ty Cullen, Vice Chair, and members of the committee

From: JoAnn Hamaji-Oto, Territory Operations Director, Smart Start LLC, Hawaii Corporate Office

Re: Senate Bill 2329, SD2, HD2 - Relating to Ignition Interlock Devices  
Testimony in Support

I am JoAnn Hamaji-Oto, Territory Operations Director for Smart Start LLC, Hawaii Corporate Office. Smart Start is the current vendor contracted by the Hawaii Department of Transportation to install and service alcohol ignition interlocks in the state of Hawaii. I am offering testimony in support of Senate Bill 2329, SD2, HD2 Relating to Ignition Interlock Devices. This version of the bill inserts compliance-based requirements into Hawaii's ignition interlock law. We commend the legislature for its efforts to strengthen Hawaii's impaired driving laws.

The only way to stop a drunk driver from reoffending is to install an ignition interlock on the vehicle that a person operates during a license revocation period. Unlike other alcohol monitoring technologies or programs, an interlock is the only technology and the single most effective tool available to physically separate drinking from driving and to enhance public safety. Since the implementation of Hawaii's Ignition Interlock law in 2011, we have prevented more than 100,000 drunk driving attempts in the state of Hawaii. The interlock did what it was supposed to do, it directly prevented drunk driving and the injuries and deaths it causes. We believe that SB 2329, SD2, HD2 will complement and strengthen the existing law and strongly support it.

Thank you for the opportunity to provide testimony in support of this important bill.



June 29, 2020

Hawaii State Legislature  
415 South Beretania Street  
Hawai'i State Capitol Honolulu, HI 96813

Re: Senate Bill 2329, SD2, HD2, Relating to Ignition Interlock Devices

Dear Chairman,

My name is Tara Casanova Powell. I am the Principal of Casanova Powell Consulting (CPC). I am providing testimony as a research expert in the field of impaired driving to strongly urge your support of Senate Bill 2329, SD2, HD2, relating to ignition interlock devices.

I am the Principal of Casanova Powell Consulting, an independent traffic safety research consulting firm. With over 20 years of experience in the field of road safety, and conducting and publishing research in several peer reviewed journals regarding the impaired driving population, I am considered a national expert in this regard. I have led several national and state projects involving alcohol and drug impaired driving, including a national evaluation of 28 state's ignition interlock programs, two Washington State ignition interlock offender behavior and recidivism projects, Minnesota and Colorado interlock program evaluations, an Annual National Survey of Ignition Interlocks, and a Continuous Alcohol Monitoring Recidivism study in Nebraska and Wisconsin. I have been asked to present at several state, national and international conferences including the 2017 National Conference of State Legislatures (NCSL) State Transportation Leaders Symposium in Denver, Colorado where I discussed refining ignition interlock laws and programs. I am a founding member of the Connecticut Statewide Impaired Driving Task Force, a faculty staff member for the National Center for DWI Courts (NCDC), a member of the Leadership Committee of the National Academies of Sciences, Engineering and Medicine Transportation Research Board Impaired Driving Committee, and a member of the International Council on Alcohol Drugs and Traffic Safety where I have been appointed to the Rehabilitation Measure Working Group. I have intimate knowledge of Hawaii's impaired driving program since Hawaii was selected as a case study for a national study where I was the Principal Investigator: State Blood Alcohol Concentration (BAC) Testing and Reporting for Drivers Involved in Fatal Crashes.

Passage of SB 2329 provides for the adoption of language which will strengthen and expand the current ignition interlock program whereby SB 2329 will establish compliance-based removal provisions.

As interlock research and technology evolved over the years, reductions in recidivism were seen with varying cohorts of offenders and terms of interlock, including interlock extensions. Interlock extensions were found to decrease recidivism among all levels of offense including high BAC and repeat populations of DWI offenders (of which 65 percent of impaired driving fatalities occur).

[Casanova Powell Consulting \(CPC\)](#)  
[Traffic Safety Program Design and Implementation, Evaluation, and Research](#)

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Interlock research performed by myself and my colleagues in the field has shown that interlocks can effectively monitor offenders, facilitate behavior change, and reduce recidivism rates among this population (McCartt et. Al, 2013; Casanova Powell et. al, 2015, McGinty, 2017). Compliance-based removal, or interlock extensions based on compliant performance over a specific period of time was a strong recommendation as a result of my “Evaluation of State Ignition Interlock Programs: Interlock Use Analyses From 28 States” study (Casanova et. al, 2015).

Furthermore, a recent study conducted by Voas et al., (2016), examined the effects of treatment and supervision in combination with interlock use. Results showed that those participants in the treatment group experienced 32 percent reduction in recidivism during the 30 months following the removal of the interlock. The Voas study validates the use of ignition interlock paired with treatment as a viable tool to facilitate behavior change. As a result, public perceptions regarding the interlock device as a useful tool to monitor the impaired driving population (including those of judges and court staff), have changed over the years. This research also supports the DWI court model where required interlock use and term extension for confirmed alcohol interlock violations are standard practice.

I recommend that this version of Senate Bill 2329 be amended to:

- No longer allow offenders to wait out the hard revocation period, but rather ensure that drivers ordered to use an interlock have no other choice but to actually install the device before they can obtain an unrestricted license.
- Provide the authority for the Department of Transportation to adopt and promulgate rules.

In conclusion, I ask you to support SB 2329 to better ensure the safety of the citizens of Hawai'i. Please contact me with any additional questions you may have.

Respectfully Yours,

A handwritten signature in black ink that reads 'Tara Casanova Powell'. The signature is written in a cursive, flowing style.

Tara Casanova Powell  
Principal

Casanova Powell Consulting (CPC)  
Traffic Safety Program Design and Implementation, Evaluation, and Research

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**THE HONORABLE SYLVIA LUKE, CHAIR**  
**HOUSE COMMITTEE ON FINANCE**  
**Thirtieth State Legislature**  
**Regular Session of 2020**  
**State of Hawai'i**

June 29, 2020

**RE: S.B. 2329, S.D. 2, H.D. 2; RELATING TO OPERATING A VEHICLE UNDER THE INFLUENCE OF AN INTOXICANT.**

Chair Luke, Vice Chair Cullen, and members of the House Committee on Finance, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony in support of S.B. 2329, S.D. 2, H.D. 2, with suggestions.

The purpose of S.B. 2329, S.D. 2, H.D. 2, is to strengthen Hawaii's laws regarding operating a vehicle under the influence of an intoxicant ("OVUII"), in a concerted effort to make our roads safer for everyone to traverse. While we believe that all sections of this bill are well-intended, we do have concerns regarding Section 1, as it could have the unintended consequence of prohibiting low-income individuals (or others) from ever getting their driver's license back. For example, as currently written, someone would never qualify for their driver's license if they are unable to afford an ignition interlock device<sup>1</sup>; or they do not have a vehicle on which they could get ignition interlock installed; or they fall under a number of other exceptions listed under Section 291E-61(b)(4) or (c), Hawaii Revised Statutes. Moreover, affluent offenders could have multiple vehicles to choose from, for installing an ignition interlock device. At present, there is no way to ensure an offender is actually utilizing the vehicle with the device installed, other than citing someone for driving a vehicle (without ignition interlock) while their license is revoked for OVUII (HRS 291E-62)...and that method is already in-effect now, without this statutory change.

In order to strengthen OVUII enforcement against egregious offenders, and ensure that more offenders overall get ignition interlock devices installed on their vehicles, **we respectfully suggest that the Committee add all sections from H.B. 2174, H.D. 2,** which previously

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<sup>1</sup> It is our understanding that the lowest price currently offered is 50% of the regular monthly fee.



crossed over from the House to the Senate in March 2020.<sup>2</sup> In summary, that language would establish penalties (and a definition) for OVUII offenders who operate vehicles while “highly intoxicated”; increase and align all license revocation periods and lookback periods; and close so-called “loopholes” in the current mandate for OVUII offenders to install ignition interlock devices in their registered vehicles. It would also make a number of changes to correct small inconsistencies—such as deleting references to old statutes that no longer exist—and add smaller improvements to Hawaii’s OVUII laws—such as requiring a heightened substance abuse program for repeat OVUII offenders, where our current law only requires a substance abuse program for first-time offenders (none for repeat offenders).

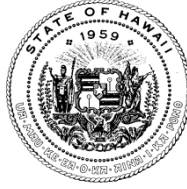
In addition, we would recommend that existing statutory provisions on page 5, lines 8-10 and 19-21; page 6, lines 11-13; page 8, lines 9-10 and 16-17; and page 9, lines 2-3, regarding loss of a privilege to use ignition interlock, be struck. We believe deleting this prohibition would further the general interest of encouraging more people to install ignition interlock devices in their vehicles, rather than less.

From April 2019 through December 2019, our Department was part of a highly dedicated working group—coordinated and facilitated by the Department of Transportation, Highway Safety Division—which convened nearly every two weeks for five months, and spent numerous working hours outside of that, for a singular purpose: to produce proposed legislation that would significantly strengthen Hawaii’s OVUII laws. We believe the working group was able to do that, and much of S.B. 2329, S.D. 2, H.D. 2—aside from Section 1—is consistent with the bills that were jointly created by that working group. The language of H.B. 2174, H.D. 2, is also consistent with the working group’s recommendations, and should be added here as well.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu supports the passage of S.B. 2329, S.D. 2, H.D. 2. Thank you for the opportunity to testify on this matter.

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<sup>2</sup> The Senate companion to that bill (S.B. 2330, S.D. 1) previously passed a joint hearing of the Senate Committees on Transportation, and Public Safety, Intergovernmental and Military Affairs, and was only awaiting a hearing from the Senate Committee on Judiciary; but shortly thereafter, H.B. 2174, H.D. 2, already crossed over from the House.



TESTIMONY BY:

JADE T. BUTAY  
DIRECTOR

Deputy Directors  
LYNN A.S. ARAKI-REGAN  
DEREK J. CHOW  
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EDWIN H. SNIFFEN

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June 29, 2020  
2:00 P.M.  
State Capitol, Room 329

**S.B. 2329, S.D. 2, H.D. 2  
RELATING TO IGNITION INTERLOCK DEVICES.**

House Committee on Finance

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The Department of Transportation (DOT) **supports** S.B. 2329, S.D. 2, H.D. 2, relating to ignition interlock devices (IID), with a suggested amendment.

In response to a legislative request we received last session, DOT created the Hawaii Drug and Alcohol Intoxicated Driving (DAID) Working Group to review Hawaii's existing Operating a Vehicle Under the Influence of an Intoxicant (OVUII) laws and legislatively address any issues and concerns.

The DAID, which is comprised of multiple stakeholders including county prosecutors and police, and representatives from the Hawaii State Department of Health, Mothers Against Drunk Driving, Smart Start, Inc., began tackling the considerable task in April 2019. As a result of the numerous hours dedicated to this statewide collaborative effort, which included input from the Public Defender and defense bar, DOT completed the legislative request by providing language to strengthen Hawaii's existing OVUII laws in December 2019.

Upon further review of this bill, we are recommending that SECTION 3 page 7, line 13, add “; or” and on page 7, line 16, add “(4) Not provide a photograph of the driver who is being tested.” This is to further ensure that the identification of the driver whose driving privileges have been restricted to operating a vehicle with an ignition interlock device is the same driver providing the rolling test, to prevent any circumvention.

As DOT is concerned with improving highway safety and saving lives, we respectfully ask the committee on judiciary to pass S.B. 2329, S.D. 2, H.D. 2 with the suggested amendment. The amendment would provide law enforcement with additional support statutorily to help protect our loved ones from impaired drivers, as well as provide clarification and consistency.

Thank you for the opportunity to provide testimony.