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Assessment of Hawaii's Administrative Driver's License Revocation Process for Driving Under the Influence

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Introduction

This report presents a study of Hawaii's Administrative Driver's License Revocation (ADLR) program. The law has been in effect since 1991. Procedures for the implementation of the law have evolved over the years as legislative changes have passed and court rulings have influenced how it is implemented. This study examines how the ADLR system operates to determine if there are any areas where system operation could be enhanced.

This study includes:

- an examination of the process of implementation of the law by law enforcement and the Administrative Driver License Revocation Office (ADLRO). This included discussions with those who implement the law, observations of case processing, and an analysis of case dispositions;
- an analysis of the effects the law and other related laws may have had on alcohol-related crashes in Hawaii; and
- a discussion of any issues or problems identified during the study and recommendations of steps which could be taken for potential resolution of these issues.

ADLR laws are intended to provide swift and certain license sanctions to impaired driving offenders who are lawfully apprehended and who are in violation of the impaired driving laws either through driving with a prohibited level of alcohol (0.08 blood alcohol concentration [BAC] in Hawaii) or other drugs, or refusal to submit to a chemical test to determine the presence and level of the impairing substances. In effect, persons who are apprehended for impaired driving have their driver's license confiscated by the arresting officer and are provided with a temporary license valid for a set period (typically 30 days in Hawaii for alcohol offenses; 44 days for other drugs. The lengthier period for other drugs is provided to allow for more time consuming laboratory analysis that is required.) In Hawaii, a case file is prepared and sent to the ADLRO for review to insure that all of the statutorily required elements are properly documented. Arrestees may submit written information opposing the revocation within three days of the arrest for alcohol (17 for other drugs) to be included in this review. If the review indicates that the appropriate elements are present, a notice of revocation is sent to the offender indicating when the revocation period is to begin and its duration. This is done within 8 days of the arrest (22 for drugs other than alcohol). If, after review, it is determined that the statutory requirements have not been met, a notice is sent to the arrestee (referred to as respondent) rescinding the revocation and returning the license. If the revocation is sustained, notice of that action is mailed to the respondent.

Respondents also have an opportunity to request a hearing before an administrative hearing officer to hear the basic facts of the case, usually including testimony from the arresting officer. Generally, a \$30 fee is assessed to help defray administrative costs. This hearing must be requested within 6 days of when the review decision is mailed and typically must be begun within 25 days of the arrest (39 days for cases involving drugs other than alcohol). A written decision is mailed to the respondent within 5 days of completion of the hearing.

The ADLRO is located in Honolulu, and that is where the administrative review is conducted. However, the Hawaii statute requires that if a hearing is requested, it is to be conducted at a place as close as possible to where the administrative revocation was issued. Thus, the hearing officers typically must travel to the county where the arrest took place.

The principal issues to be considered in the hearing are:

- whether there was reasonable suspicion to stop the vehicle, or it was stopped in a valid roadblock;
- whether there was probable cause to believe the respondent operated the vehicle while under the influence of an intoxicant;
- and if the preponderance of the evidence proves that the respondent operated the vehicle under the influence of an intoxicant (failed the chemical test) or refused to submit to a chemical test.

The respondent may request the appearance of the arresting officer and others who provided a sworn statement, and the ADLRO will issue a subpoena if that request is made five or more days prior to the hearing. The subpoena must be served at least 48 hours prior to the hearing. The cost of serving the subpoena is generally borne by the party requesting it. There is a provision allowing those individuals to testify by telephone. The respondent may request continuances, but those do not defer the imposition of the license revocation. Continuances initiated by the ADLRO, such as failure of the officer to appear at the hearing, do provide for an extension of the temporary permit, thus delaying the revocation.

There is a further provision for judicial review, which may be requested within 30 days of the mailing of the hearing decision. The request for hearing does not stay the license revocation and the review is on the record of the hearing without additional testimony.

The periods of revocation are as follows:

- a minimum of three months up to a maximum of one year for first offenders;
- a minimum of one year up to a maximum of two years for a second offense within five years;
- a minimum of two years up to a maximum of four years for a third offense within seven years;
- and lifetime revocation for a fourth offense or more within ten years.

For respondents who refuse the chemical test, the revocation periods are one year, two years, four years, and lifetime respectively for the categories listed above.

There are essentially parallel penalties for vehicle registration and plate confiscation for each of the levels of multiple offenders, with a provision that allows family members to petition for a vehicle plate (readily identifiable to police), provided the respondent will not drive that vehicle.

For respondents less than age eighteen, the license revocation is until their eighteenth birthday or the period described above, whichever is longer.

Additionally, respondents are referred to a driver's education program for a substance abuse or dependence assessment and recommendation of treatment, if appropriate, which are then ordered by the ADLRO.

First offenders may request a conditional license permit for the remainder of their revocation after first serving at least 30 days of absolute revocation, if they can demonstrate that they are gainfully employed and would lose their job if their driving privileges are revoked and/or they have no access to alternative transportation to drive to work or to substance abuse treatment. Respondents less than age eighteen are not eligible for the conditional permit.

The above is intended as a laypersons summary of the essential elements of the administrative license revocation (ALR) process in Hawaii and is intended to provide a framework to help understand the issues and recommendation discussed later in the report. The Hawaii Revised Statute, Division 1. Government, Title 17 Motor and Other Vehicles, Chapter 291E Use of Intoxicants While Operating a Vehicle, Part III Administrative Revocation Process is the main source of this information and provides copious additional detail. In fact, the statutes are very detailed and prescriptive as to procedures for the administrative revocation process.

Other parts of Chapter 291 present general provisions, the implied consent to submit to a chemical test, and the criminal track of the driving under the influence (DUI) offense which carry additional sanctions such as fines, community service, and jail time, which may be imposed as a result of a conviction for this offense. This report focuses on the ALR Process.

Other sections of this report include a literature review presenting the rationale for ALR and studies of its effectiveness, an analysis of the disposition patterns of ALR cases in Hawaii, an analysis of crash data to assess the potential effects of the law on alcohol-related crashes, and a discussion of issues identified in the law's implementation and possible remedies.

Rationale for Administrative License Revocation

Administrative License Revocation (ALR) systems are designed to suspend or revoke the driver license of impaired driving offenders in a swift and sure manner. They were adopted in States in the United States beginning in the 1970s largely because of a desire to counteract a perception in the potential impaired-driving public that criminal sanctions could be avoided or delayed in many instances. They are based on the general deterrence theory that if a sanction is severe enough and swift and certain enough, it will deter a substantial portion of the public from engaging in the undesired behavior—in this case, impaired driving (Ross, 1982). They authorize law enforcement to confiscate the licenses of drivers who either fail or refuse to submit to a chemical test for alcohol or other drugs. Drivers are given a notice of suspension or revocation, which in most States also serves as a temporary permit. Depending on the State, this permit may be valid for 7 to 90 days, during which time the suspension may be appealed (through a request for a hearing) and the supporting paperwork is reviewed by the licensing authority. If the paperwork is in order and there is no hearing requested, or if the appeal is not upheld in the hearing, the license is suspended or revoked for a prescribed period of time. Suspensions vary among jurisdictions from 2 days to a year for first-time offenders, but most commonly last 90 days. Longer suspensions are specified for repeat violators. ALR laws do not replace criminal prosecution, which is handled separately through the courts, but this swift and relatively certain imposition of a license action is an important component of both specific and general deterrence of impaired driving.

ALR laws differ from traditional license suspension or revocation. The administrative licensing action is triggered by failing or refusing to submit to a chemical test—not by a conviction—so anyone arrested is immediately subject to suspension or revocation. People whose licenses are suspended have the right to a prompt administrative hearing to determine the validity of the arrest and any alcohol testing.

License suspension is an effective sanction. Although 50 to 75 percent of those whose licenses are suspended or revoked drive at least occasionally (Nichols & Ross, 1990), they tend to drive less than they otherwise would, and more for essential purposes such as going to and from work and less for recreational purposes that are more likely to be associated with impaired driving. Moreover, the reductions in violations and crashes associated with license suspension or revocation continue well beyond the suspension period. Additionally, ALR deters some persons in the general driving population from ever driving under the influence of alcohol and thus prevents crashes (Voas, Tippetts & Taylor, 1998).

A 2000 study funded by the National Highway Traffic Safety Administration (NHTSA) found ALR laws to reduce the number of drivers involved in fatal crashes by about 9 percent during the nighttime hours when alcohol is more likely to be involved (Voas, Tippetts, & Fell, 2000). This confirmed the findings from an earlier study (Lacey, Jones & Stewart, 1991). NHTSA further reports that, among 17 States studied that had implemented ALR either alone or in combination with other laws, the median effect was a 6 percent decrease in crashes likely to be alcohol-related (DOT, 2001).

ALR laws, which apply to both first-time and multiple offenders, remove impaired drivers from the road quickly and increase the likelihood that penalties will be applied. ALR laws allow a greater number of cases to be moved swiftly through the legal system and result in far more suspensions than do laws that require a criminal conviction. They reduce the incentive for offenders to delay their criminal cases to avoid suspension. They also reduce the likelihood of future alcohol-related violations and crashes.

The success of laws against alcohol-impaired driving depends largely on deterrence, or keeping potential offenders off the roads in the first place. A 1996 study showed that about 3 out of every 100 drivers on U.S. roads on weekend nights had blood alcohol concentrations of 0.10 percent or greater (Voas, Wells, Lestina, Williams & Greene, 1998). This was a reduction from what was found in the similar survey conducted a decade earlier. As found in the 1991 study referenced above, a well-publicized and enforced ALR law increases public perception that punishment for alcohol-impaired driving is likely to occur and will be swiftly applied and appropriately severe—a perception that is necessary to deter potential offenders. It is likely that the adoption and implementation of ALR laws has contributed to the reduction observed in impaired driving which is described above.

State laws vary in terms of the length of time a temporary license is valid, the period within which a hearing must be held, and the length of suspension. In some States, the licensing action is stayed pending the hearing. In 1986, NHTSA reported, “in States where a delay can be gained through the hearing request, defendants will quickly overload the State's capacity to conduct them.” (Latchaw, 1986) Many States have taken the step to eliminate the stay to reduce fallacious hearing requests and others have worked to expedite the hearing process to obviate the benefit of the delay, but others still may have that problem and may welcome testing ways to fix that problem.

Some States allow hardship licenses so that offenders may drive to work. But studies have shown that suspended drivers rarely lose their jobs. The Insurance Institute for Highway Safety (IIHS) surveyed drivers in three communities where the automobile is the primary means of transportation. When asked, 8 out of 10 respondents said they would still be able to get to work even if they could not drive (Baker & Robertson, 1975). A Mississippi study found that license suspension had “relatively little impact on employment stability among [driving under the influence] offenders as a group.” (Wells-Parker & Cosby, 1987. Knoebel and Ross (1996) reported similar findings.

ALR systems can pay for themselves. In most States, drivers who have their licenses suspended or revoked must pay a reinstatement fee to receive a new license at the end of the suspension period. These fees, which are paid by offenders and not taxpayers, can cover or exceed the cost of the program. A NHTSA study of three State programs found not only that direct revenues exceeded expenses but also that State costs associated with nighttime crashes declined dramatically. States also gained additional funds by qualifying for federal safety incentive grants that encourage adoption of ALR laws (Lacey et al., 1991).

The public supports ALR laws. A 2001 Insurance Research Council (IRC) survey of public attitudes on auto safety issues found that 89 percent of respondents support ALR. This is a 10 percent increase since 1992 (IRC, 2001).

However, it is clear that ALR systems are not problem-free and can be improved. Several studies have documented problems with the ALR process. Both problems and

solutions were identified in *Problems and Solutions in DWI Enforcement Systems* (Jones, Lacey & Wiliszowski, 1998). This study outlined several common problems in DWI enforcement, including ALR systems, and recommended fixes for those problems. Another study conducted in Utah looked more closely at a specific solution to a significant problem within their ALR system. Law enforcement officers were failing to appear at ALR hearings. That was remedied by allowing telephonic testimony. The Utah law was changed through a simple fix to allow the parties involved in an ALR hearing to testify via telephone. This law has been shown in Utah to be, in part, responsible for decreasing the number of canceled hearings due to the officer failing to appear.

Thus, it is clear that ALR laws can have beneficial effects for society by reducing the toll of death, injury, and property damage, but it is also clear that probably in every State that has ALR laws, there is potential for improvement in how they are written and implemented. This study is an attempt to examine the implementation of Hawaii's ALR law and to identify areas where it can be improved.

Data Analyses

ADLRO Disposition Analyses

This section of the report presents the results of an analysis of the disposition patterns of ADLRO cases in 2004. First we present the statewide pattern of dispositions at each level of review of all cases followed by similar tables which present the information on a county-by-county basis. These tables are followed by a series of tables summarizing the reasons indicated in the case file for the rescissions or reversals at each level of review, both statewide and on a county-by-county basis. These tables are followed by a similar set of tables presenting data for repeat offenders and then for those who refused to submit to a chemical test. The county tables are ordered by volume of activity. Data for 2003 were also tabulated and show similar patterns; these are presented in an appendix.

Table 1 presents the statewide summary on all cases. We obtained statewide OVUI (operating a vehicle under the influence) arrest data as reported to the Safe Community Office by the county police departments in order to assess the extent to which cases might become dropped from the system. One can see that 5,110 arrests were reported in 2004, and the ADLRO had records of 5,090 cases for 2004. This appears to be a very high retention rate.

Table 1. 2004 Statewide ADLRO Dispositions
(OVUI Arrests: 5,110; ADLRO Cases: 5,090)

	Alcohol	Drugs	Total
Cases	4,912	178	5,090
Review Level			
Sustained	4,388	104	4,492
Rescinded	522	74	596
%	10.63%	41.57%	11.71%
Hearing Level			1966
Sustained	1,724	29	1,753
Reversed	208	5	213
%	10.77%	14.71%	10.83%
Judicial Review			47
Sustained	41	0	41
Reversed	6	0	6
%	12.77%	0%	12.77%
Overall Reversal %	14.98%	44.38%	16.01%

Examination of the right-hand column of the table indicates that of the 5,090 ADLRO cases, 596 or 11.71 percent were rescinded on initial review. Of the 4,492 cases that were sustained, 1,966 or 43.8 percent of the respondents requested a hearing, and about 11 percent of those hearings resulted in a reversal. A much smaller portion of the 1,753 whose revocations were sustained at the hearing level requested judicial review, and only about 13 percent of those reviews resulted in a reversal. Overall, 16 percent of the cases were either rescinded or reversed, or, stated another way, 84 percent resulted in a license revocation. However, when

alcohol and other drug cases are separated, one can see that a much higher proportion of the drug cases (41.57%) are rescinded at initial review and, overall, 44.38 percent are rescinded or reversed. The vast majority of those are because test results were not received by the ADLRO in time for a timely review to be conducted.

Examining Tables 2 through 5, we see that there is considerable variation between the counties in the rescission and reversal patterns. Oahu, which is the most populous county and which also houses the ADLR Office, has the lowest rescission rate at the review stage (5.41% compared to between 21 to 27% for the other counties). Conversely, Oahu has the highest reversal rate at the hearing level. Some insight into these patterns can be obtained from examining Tables 7 through 10. Oahu has a much lower proportion of its cases rescinded at review for untimeliness than the neighbor islands, but proportionately more for insufficient documentation, no statement, or an unsigned sworn statement. Part of this is due to the fact that, logically, if the paperwork is not available to be processed in time, it would not be examined for these other issues, and Oahu has a much smaller fraction of its cases arriving late than the other islands.

By far the most frequent reason for reversal at the hearing stage on Oahu is too many continuances or failure of an officer to appear. This reason accounts for over 60 percent of the hearing level reversals on Oahu. This is also important from the statewide perspective because Oahu accounts for almost 75 percent of the volume of hearings statewide and nearly 90 percent of the reversals at that level. For the other islands, the most frequent reason for reversals at this level is untimely documentation or processing. Again, this speaks to the logistical issue of case transmission between the neighbor islands and Oahu.

Tables 11 through 15 present the statewide and county-by-county dispositions of repeat offender cases from 2004. Here, among the 783 cases statewide, the overall reversal rate is much lower (10.47%) than for all cases (16.01%). Statewide, only 5.62 percent were rescinded at review, compared to 11.71 percent for all cases statewide. Interestingly, only 29.3 percent of the repeat offenders whose revocations at the review level were sustained requested hearings, as opposed to 43.8 percent of all respondents sustained at review who requested a hearing. Again, the vast majority of the repeat offender cases came from Oahu; requests for hearings were rare in the other counties.

In 2004, there were 729 ADLR refusal cases statewide, with well over half of these coming from Oahu (Tables 16-20). Statewide, 7.56 percent were rescinded at review. Of the 673 respondents whose revocations were sustained at the review stage, 307 or 45.6 percent requested a hearing, and 14.66 percent had their revocations reversed at the hearing level. Fourteen respondents sought judicial review and 2 received reversals. All of these respondents were from Oahu. Again, the majority (71.3%) of the hearing requests came from Oahu.

When taken as a whole, the pattern of dispositions of ADLR cases is quite heartening, with 84 percent resulting in revocations. Many of the reversals and rescissions were the result of logistical problems, such as timeliness of submission, which are amenable to remedy.

Table 2. 2004 Oahu ADLRO Dispositions
(OVUI Arrests: 3,341; ADLRO Cases: 3,331)

	Alcohol	Drugs	Total
Cases	3,274	57	3,331
Review Level			
Sustained	3,107	42	3,149
Rescinded	165	15	180
%	5.04%	26.32%	5.41%
Hearing Level			
Sustained	1,283	11	1,294
Reversed	189	2	191
%	12.84%	15.39%	12.86%
Judicial Review			
Sustained	34	0	34
Reversed	5	0	5
%	12.82%	0%	12.82%
Overall Reversal %	10.97%	29.83%	11.29%

Table 3. 2004 Hawaii ADLRO Dispositions
(OVUI Arrests: 879; ADLRO Cases: 873)

	Alcohol	Drugs	Total
Cases	849	24	873
Review Level			
Sustained	639	13	652
Rescinded	210	11	221
%	24.74%	44.00%	25.32%
Hearing Level			
Sustained	200	4	204
Reversed	10	0	10
%	4.76%	0%	4.90%
Judicial Review			
Sustained	2	0	2
Reversed	1	0	1
%	33.00%	0%	33.00%
Overall Reversal %	26.03%	45.83%	26.58%

Table 4. 2004 Maui ADLRO Dispositions
(OVUI Arrests: 710; ADLRO Cases: 707)

	Alcohol	Drugs	Total
Cases	626	81	707
Review Level			
Sustained	516	42	558
Rescinded	110	39	149
%	17.57%	48.15%	21.08%
Hearing Level			
Sustained	182	12	194
Reversed	5	2	7
%	2.67%	14.26%	3.48%
Judicial Review			
Sustained	3	0	3
Reversed	0	0	0
%	0%	0%	0%
Overall Reversal %	18.37%	50.62%	22.07%

Table 5. 2004 Kauai ADLRO Dispositions
(OVUI Arrests: 173; ADLRO Cases: 172)

	Alcohol	Drugs	Total
Cases	157	15	172
Review Level			
Sustained	120	6	126
Rescinded	37	9	46
%	23.57%	60.00%	26.74%
Hearing Level			
Sustained	54	2	56
Reversed	3	0	3
%	5.26%	0%	5.09%
Judicial Review			
Sustained	2	0	2
Reversed	0	0	0
%	0%	0%	0%
Overall Reversal %	25.48%	60.00%	28.49%

Table 6. 2004 Statewide Reasons for Rescission or Reversal - All Cases

Rescinded at Review	
Test results	27%
<.08 or negative	5%
Untimely or missing test	22%
Improper test	<1%
Untimely documentation or processing	39%
Insufficient documentation	23%
No or unsigned sworn statement	12%
No reasonable suspicion or probable cause	<1%
License already revoked	<1%
Reversed at Hearing	
Evidence does not support	4%
Too many continuances or Officer failure to appear	62%
Untimely documentation or processing	18%
Insufficient documentation	2%
No reasonable suspicion or probable cause	5%
Improper Intox operator paperwork or test	2%
Improper Implied consent	2%
Problem with Notice of Administrative Revocation	5%
Reversed at Judicial Review	
Insufficient time offered respondent to take test	1
Officer failure to appear	1
Lack of notice to respondent	1
Reason not recorded	2
Untimely notice of ADLRO decision	1

Table 7. 2004 Oahu Reasons for Rescission or Reversal - All Cases

Rescinded at Review	
Test results	
<.08 or negative	4%
Untimely or missing test	24%
Improper test	<1%
Untimely documentation or processing	22%
Insufficient documentation	25%
No or unsigned sworn statement	23%
No reasonable suspicion or probable cause	<1%
License already revoked	<1%
Reversed at Hearing	
Evidence does not support	3%
Too many continuances or Officer failure to appear	68%
Untimely documentation or processing	15%
Insufficient documentation	2%
No reasonable suspicion or probable cause	3%
Improper Intox operator paperwork or test	3%
Improper Implied consent	2%
Problem with Notice of Administrative Revocation	6%
Reversed at Judicial Review	
Insufficient time offered respondent to take test	0
Officer failure to appear	1
Lack of notice to respondent	1
Reason not recorded	1
Untimely notice of ADLRO decision	1

Table 8. 2004 Hawaii Reasons for Rescission or Reversal - All Cases

Rescinded at Review	
Test results	
<.08 or negative	7%
Untimely or missing test	10%
Improper test	0%
Untimely documentation or processing	41%
Insufficient documentation	36%
No or unsigned sworn statement	8%
No reasonable suspicion or probable cause	0%
License already revoked	0%
Reversed at Hearing	
Evidence does not support	10%
Too many continuances or Officer failure to appear	0%
Untimely documentation or processing	40%
Insufficient documentation	10%
No reasonable suspicion or probable cause	20%
Improper Intox operator paperwork or test	0%
Improper Implied consent	20%
Problem with Notice of Administrative Revocation	0%
Reversed at Judicial Review	
Insufficient time offered respondent to take test	0
Officer failure to appear	0
Lack of notice to respondent	0
Reason not recorded	1
Untimely notice of ADLRO decision	0

Table 9. 2004 Maui Reasons for Rescission or Reversal - All Cases

Rescinded at Review	
Test results	
<.08 or negative	4%
Untimely or missing test	41%
Improper test	0%
Untimely documentation or processing	45%
Insufficient documentation	3%
No or unsigned sworn statement	6%
No reasonable suspicion or probable cause	0%
License already revoked	1%
Reversed at Hearing	
Evidence does not support	14%
Too many continuances or Officer failure to appear	0%
Untimely documentation or processing	57%
Insufficient documentation	0%
No reasonable suspicion or probable cause	29%
Improper Intox operator paperwork or test	0%
Improper Implied consent	0%
Problem with Notice of Administrative Revocation	0%
Reversed at Judicial Review	
Insufficient time offered respondent to take test	0
Officer failure to appear	0
Lack of notice to respondent	0
Reason not recorded	0
Untimely notice of ADLRO decision	0

Table 10. 2004 Kauai Reasons for Rescission or Reversal - All Cases

Rescinded at Review	
Test results	
<.08 or negative	0%
Untimely or missing test	9%
Improper test	0%
Untimely documentation or processing	70%
Insufficient documentation	17%
No or unsigned sworn statement	4%
No reasonable suspicion or probable cause	0%
License already revoked	0%
Reversed at Hearing	
Evidence does not support	33%
Too many continuances or Officer failure to appear	0%
Untimely documentation or processing	67%
Insufficient documentation	0%
No reasonable suspicion or probable cause	0%
Improper Intox operator paperwork or test	0%
Improper Implied consent	0%
Problem with Notice of Administrative Revocation	0%
Reversed at Judicial Review	
Insufficient time offered respondent to take test	1
Officer failure to appear	0
Lack of notice to respondent	0
Reason not recorded	0
Untimely notice of ADLRO decision	0

Table 11. 2004 Statewide ADLRO Dispositions - Repeat Offenders
(ADLRO Cases: 783)

Cases	Total
Cases	783
Review Level	
Sustained	739
Rescinded	44
%	5.62%
Hearing Level	
Sustained	182
Reversed	37
%	16.90%
Judicial Review	
Sustained	12
Reversed	1
%	7.69%
Overall Reversal %	10.47%

Table 12. 2004 Oahu ADLRO Dispositions - Repeat Offenders
(ADLRO Cases: 483)

	Total
Cases	483
Review Level	
Sustained	479
Rescinded	4
%	<1%
Hearing Level	
Sustained	145
Reversed	34
%	18.99%
Judicial Review	
Sustained	8
Reversed	1
%	11.11%
Overall Reversal %	8.08%

Table 13. 2004 Hawaii ADLRO Dispositions - Repeat Offenders
(ADLRO Cases: 182)

	Total
Cases	182
Review Level	
Sustained	155
Rescinded	27
%	14.84%
Hearing Level	
Sustained	15
Reversed	2
%	13.33%
Judicial Review	
Sustained	1
Reversed	0
%	0%
Overall Reversal %	15.93%

Table 14. 2004 Maui ADLRO Dispositions - Repeat Offenders
(ADLRO Cases: 94)

	Total
Cases	94
Review Level	86
Sustained	8
Rescinded	8.51%
%	
Hearing Level	
Sustained	16
Reversed	1
%	6.25%
Judicial Review	
Sustained	2
Reversed	0
%	0%
Overall Reversal %	9.57%

Table 15. 2004 Kauai ADLRO Dispositions - Repeat Offenders
(ADLRO Cases: 23)

	Total
Cases	23
Review Level	
Sustained	18
Rescinded	5
%	21.74%
Hearing Level	
Sustained	5
Reversed	0
%	0.00%
Judicial Review	
Sustained	1
Reversed	0
%	0%
Overall Reversal %	21.74%

Table 16. 2004 Statewide ADLRO Dispositions – Refusals
(ADLRO Cases: 729)

	Total
Cases	729
Review Level	
Sustained	673
Rescinded	55
%	7.56%
Hearing Level	
Sustained	262
Reversed	45
%	14.66%
Judicial Review	
Sustained	12
Reversed	2
%	14.29%
Overall Reversal %	13.99%

Table 17. 2004 Oahu ADLRO Dispositions – Refusals
(ADLRO Cases: 425)

	Total
Cases	425
Review Level	
Sustained	409
Rescinded	16
%	3.77%
Hearing Level	
Sustained	182
Reversed	37
%	16.90%
Judicial Review	
Sustained	12
Reversed	2
%	14.29%
Overall Reversal %	12.94%

Table 18. 2004 Hawaii ADLRO Dispositions – Refusals
(ADLRO Cases: 142)

	Total
Cases	142
Review Level	
Sustained	122
Rescinded	20
%	14.09%
Hearing Level	
Sustained	34
Reversed	4
%	10.53%
Judicial Review	
Sustained	0
Reversed	0
%	0%
Overall Reversal %	16.90%

Table 19. 2004 Maui ADLRO Dispositions – Refusals
(ADLRO Cases: 125)

	Total
Cases	125
Review Level	
Sustained	113
Rescinded	12
%	9.60%
Hearing Level	
Sustained	33
Reversed	1
%	2.94%
Judicial Review	
Sustained	0
Reversed	0
%	0%
Overall Reversal %	10.40%

Table 20. 2004 Kauai ADLRO Dispositions – Refusals
(ADLRO Cases: 34)

	Total
Cases	34
Review Level	
Sustained	27
Rescinded	7
%	20.59%
Hearing Level	
Sustained	11
Reversed	2
%	15.39%
Judicial Review	
Sustained	0
Reversed	0
%	0%
Overall Reversal %	26.47%

Results

Crash Analyses

In assessing the potential effect of the ALR law as an intervention, we looked for changes in alcohol-related crash incidence associated with the point in time when the law was initially implemented, using summary data provided to us from the Hawaii state crash file. We did not have a direct measure of alcohol-involvement for any of these crashes, but we did have the time of day at which the crash occurred and the number of injuries occurring in the crash; nighttime injury crashes are known to be correlated with alcohol-involvement and are often used as a proxy measure of alcohol involvement.

The crash file also contained crashes that were property damage only; however, the reporting threshold for minimum dollar amount of damage changed during the timeframe being examined, making the counts of such accidents non-comparable over time and, thus, poorly suited for an analysis of interventions over time. Additionally, lower-severity (non-injury) crashes are poorly correlated with alcohol-involvement, and are not a statistically reliable proxy measure for changes in alcohol-involvement in crashes.

Injury crash cases were aggregated into two time series of monthly count totals, separately for nighttime and daytime injury crashes. The series for daytime injury crashes provide a convenient “comparison” group against which the intervention effect of the ALR law can be tested differentially. This comparison series provides a degree of statistical “control” [sic] to guard against wrongly attributing spurious effects to the intervention that were actually caused by other external factors (which would be likely to impact both series), as well as to provide a baseline pattern of other factors that cause variation over time in both series (e.g., exposure factors, such as driving volume and economics; and other general risk factors, such as weather, enforcement patterns, other laws, etc). By expressing the intervention series (nighttime injury crashes) as a ratio or odds against the comparison series (or, as a proportion of the total of the two series), we obtain a time series that naturally eliminates much of the error term that would otherwise show up as random fluctuation over time. This approach—analyzing a ratio series of the intervention series to a baseline/control series (or as a proportion of the total of the two)—tends to create more stable series, providing greater statistical power to detect real changes if they are present.

Analysis of these time series data were performed using ARIMA intervention analyses, which model the time-related dynamics (trends, drift, and other auto-correlated processes) as well as cyclical / seasonal patterns using autoregressive (AR), integrative (I), and moving average (MA) components, and then tests for changes in the model resulting from the introduction of (or variation in) some intervention variable, which in this case is the pre-post change in the ALR law (before implementation vs. after implementation).

In performing these analyses, it was important to incorporate a few other parameters into the model, to account for other law changes that would likewise be expected to affect alcohol-involved crashes. Failure to adjust the model for such changes occurring before and/or after the ALR law would threaten the validity of the results of the analysis. As such, we included

intervention terms in the models to account for potential changes due to the Youth Zero Tolerance law that prohibited those less than age 21 from driving with any alcohol in their system on December 1, 1997, and for the reduction of the impaired per se BAC level (sometimes loosely termed the "legal limit") from 0.10 to 0.08 on June 30, 1995.

Analysis of these time series data found that the date of implementation of the ALR law corresponds with a significant 13.6 percent reduction in nighttime injury crashes when expressed as a percentage of total injury crashes, (t -value = 8.2; $p < .001$). However, the date of the 0.08 law corresponds to an approximately 5 to 6 percent increase ($p = .015$), and the date of the Zero Tolerance law also correlates marginally ($p = .070$) with an approximately 4 percent increase.

The benefit attributable to ALR is even larger – a significant reduction of 16.5 percent – if the outcome measure is expressed as the ratio of night-to-day injury crashes ($t = 8.2$, $p < .001$), which ratio series is a statistically preferable way to test the measure (roughly, an odds of risk), though not as straightforward to explain to the layperson as using nighttime injury crashes as a percentage of total injury crashes. This series is plotted in Figure 1, below. Again, however, the date of implementation of the 0.08 law corresponds to an approximately 7 percent increase ($p = .016$), and the date of the Zero Tolerance law correlates marginally ($p = .070$) with an approximately 5 percent increase. In any event, the ADLR law has had a dramatic beneficial effect on crashes in Hawaii.

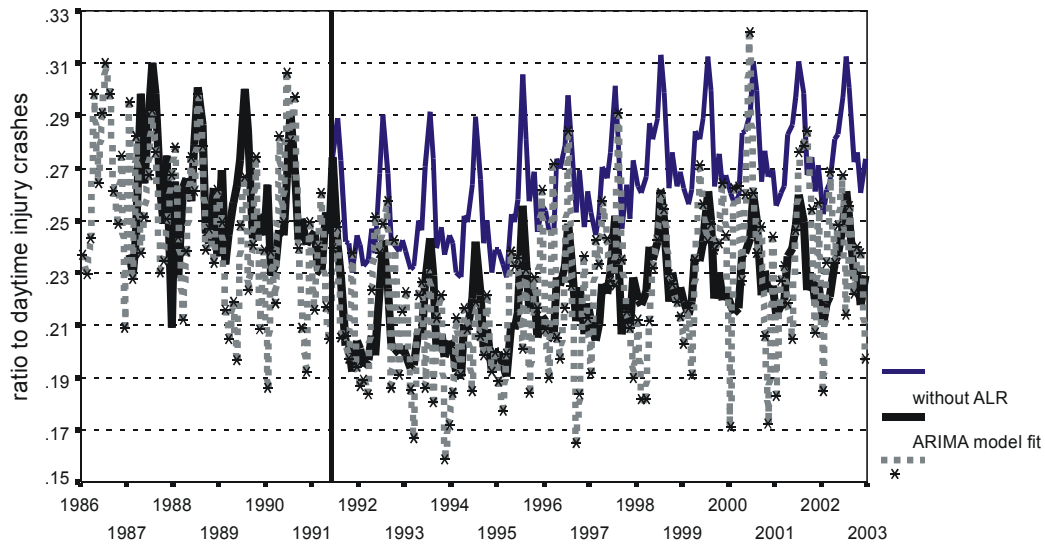


Figure 1. Nighttime Injury Crashes as a Ratio to Daytime Injury Crashes

Figure 1 presents these results pictorially. The plotted line to the left of the vertical line represents the modeled trend of the ratio of nighttime injury crashes to daytime injury crashes from 1986 up to the point of implementation of the ALR law in mid-1991 (intervention point). The upper plotted line to the right of the intervention point reflects the pattern that would be expected to occur if no change occurred coincident with the implementation of the ALR law. The lower line represents a plot of the actual experience

since the law was implemented. The difference between the two lines represents the benefit attributable to the implementation of the law, in this case, a reduction in the ratio of nighttime to daytime injury crashes on the order of 16.5 percent. The regular fluctuation in the line represents seasonal variation. The increases apparent beginning in mid-1995 may well reflect an erosion of the effect of the law as the time between its initial implementation and associated publicity widens, and with the negative effects observed with the implementation of the zero tolerance and 0.08 per se laws. These observations may point to a need to renew public information and education efforts to increase public awareness and adherence to the provisions of all three laws.

Discussion & Recommendations

One part of the information gathering phase of the study involved holding discussions with persons representative of certain aspects of implementing the ADLRO law. These included police in each of the four counties, hearing officers, and ADLRO administrative personnel, prosecutors, motor vehicles administration personnel, private citizens, and others.

The greatest sense of frustration with the system was voiced by police who found the paperwork demands of an OVUI burdensome, and were particularly bothered by the lengthy (multi-page) description of the consequences of failing or refusing to take the chemical test that had to be read to arrestees. This implied consent warning had evolved over the years through case law, and varied from county to county. This case law evolved in both the administrative and criminal spheres, but this time consuming process was most often associated with the ADLR process. Another frequent complaint of police was they felt that questioning during hearings often went afield of the limited issues to be covered in a hearing and was being used by the defense bar for discovery purposes in preparation for the criminal case. Some voiced a wish to be represented by a prosecutor, and others wanted the hearing officers to limit the scope of the questioning more effectively. There was also a perception among police officers that a very high proportion of cases resulted in hearings and that many cases were likely to have been reversed on minor technicalities. Additionally, police expressed frustration that otherwise sound cases were being rescinded at initial review because of glitches in transmission of paperwork to the ADLRO. Some neighbor islands transmit the files through FAX, and felt that occasionally pages would be dropped in transmission and ADLRO would not notify them of missing pages. ADLRO has maintained that, as a part of the judiciary, they must maintain an "arms length" status as an independent arbiter of justice, and should not, in essence, help develop the case against a respondent. They also have limited clerical staff to potentially deal with such issues.

The statute prescribes a rigid time schedule for processing cases. Failure to adhere to that schedule results in a number of rescissions and reversals. ADLRO personnel are frequently faced with case files arriving on the afternoon of the final day for issuing review decisions, and are not always able to process them in time. Another timing issue is the receipt of blood and urine test results in a timely manner. The statute allows 22 days for completion of initial review for those cases, but frequently test results arrive two weeks after the deadline. This leads to a number of cases, particularly for drugs other than alcohol, being rescinded at the initial review.

Particularly on Oahu, a large number of cases are reversed at the hearing stage because of too many continuances for police or police failure to appear.

These and other issues are presented below with suggested remedies for consideration.

Issues and Suggested Remedies

Issue: Burdensome paperwork requirements are by far the most frequent complaint from law enforcement officers, particularly reading the implied consent warning. This frustration is

often directed at ADLRO, but what is sometimes forgotten is that the warning is also required for the criminal case.

Remedy: The recently passed and signed Act 64 of the 2006 legislative session provides that the warning need only be read after a person initially refuses the chemical test. If the arrestee initially refuses, the warning is to be read and the arrestee may change his or her mind. This change goes into effect in 2007. It should dramatically reduce this burden on the police. Refusal patterns should be monitored to see if this change has an effect on the rate of refusals which currently is relatively low at 14.3 percent. However, it still remains true that there is a great deal variation between counties in the length and complexity of the warning forms and that is largely due to the requirements of the local prosecutor's office rather than the ADLRO. A meeting of DUI prosecutors from all counties to address this issue should be considered. The risk is that those counties that now have shorter warnings could see them lengthened, while the ones with longer ones will benefit from the shorter version.

Issue: Many cases are rescinded because the statutory time limit has been exceeded for submission of forms to the ADLRO for review. Fax transmissions are not always reliable and courier service is expensive.

Remedy: Email (.pdf) submission by neighbor islands would provide a faster and better record for both entities (the law enforcement agency and the ADLRO). The law enforcement agency would be able to audit what was actually submitted and ADLRO would likely get the information more readily. However, this remedy would require the police agencies to scan the documents and the ADLRO to print them.

Issue: Documentation in the case file is sometimes insufficient and missing certain components.

Remedy: There is a need for quality control prior to initial review to confirm that all necessary documentation is available. This could be done both at the police agency and at ADLRO. The police supervisor or clerical staff should compare the documents with a checklist to insure that all the appropriate forms are included in the file and properly authenticated. Another possible remedy, at the initial ADLRO clerical stage, is that an inconsistency between what is indicated on the document checklist and the faxed items should be brought to the attention of the police agency by the ADLRO clerical staff. This has been proposed to ADLRO, but objections are limited staff. If ADLRO is agreeable to implementing a procedure such as this, additional resources should be identified.

Issue: Submitting blood and urine test results within the statutorily allotted period is problematic. Blood test results are routinely two weeks late. It is logistically difficult to get the analysis done and submitted to ADLRO within the window of time provided by the law, particularly for the neighbor islands.

Remedy: It is conceivable that deferring the deadline could have the undesirable result of encouraging more persons to request the blood test to delay the imposition of the sentence; however, if additional time permits almost all of the samples to get into the record, then that should result in fewer rescissions at review. Revising the statute to provide an additional 14

days for initial review for blood and urine cases would allow 36 days for that step. Subsequent stages should also be adjusted accordingly. Also, laboratories conducting the analyses should be instructed to send test results to both ADLRO and the arresting officer. The case file should be prepared and submitted to ADLRO absent the test result but with an indication of where and when the sample was sent for analysis.

Issue: Lack of feedback to police on case dispositions and misperceptions about the overall patterns of case paths and dispositions on the part of police.

Remedy: ADLRO should prepare regular summary reports similar to the tables included in this report, either annually or quarterly. At a minimum, they should be disseminated to the traffic commanders of each county. Preliminary findings from this report were shared with the traffic commanders at one of their regular meetings and they found this type of information useful. Individual case dispositions should be reported to arresting officers or traffic commanders by email.

Issue: Though on paper Hawaii has a strong law calling for plate and registration confiscation for repeat offenders, the perception is that it is not effectively applied, particularly when it comes to obtaining physical custody of the plates. Police relate that it is often difficult to remove the plates, and that the arresting officer often does not know that the offenders are repeat offenders at the time of arrest. ADLRO does put a hold on the offender's vehicle registration file as soon as repeat offenders come into the system. This makes it so they cannot sell, transfer ownership, or renew the vehicle while this stop is on. However, it does not ensure that the plates are surrendered. At the time of ADLRO disposition, a notice is sent to the offender to surrender his or her plates and registration, stating that failure to do so is a misdemeanor, though typically that order only comes into meaningful effect when the person attempts to reinstate his or her license. Additionally, only the first person named on the title is searchable by ADLRO in the current registration file, so they are only able to take action on vehicles with joint ownership such as husband and wife if the first name on the registration is that of the respondent. Thus, many offenders have plates on their cars when they should not.

Remedy: Renewed effort should be made to insure plate and registration confiscation at time of arrest. It should be standard procedure that dispatchers check records at time of arrest and encourage officers to confiscate plates and registration. The registration database should be made searchable for names of all owners on registration.

Issue: Prosecutors making charging decisions must currently subpoena information from ADLRO about prior offense. This requires time and resources.

Remedy: Make the Judiciary Integrated Management System (JIMS) searchable for the information and give prosecutors access to drivers license files.

Issue: Data entry into the JIMS is time consuming and inefficient for ADLRO personnel.

Remedy: Streamline the data entry process and consider increasing ADLRO clerical staff.

Issue: Statewide and particularly on Oahu, there are many instances of cases being reversed at hearing because of too many continuances on an officer's failing to appear.

Remedy: The statute has a provision that permits telephonic testimony by those subpoenaed to testify. Hearing officers should be encouraged to accept testimony in that manner and officers should be made aware of that tool. There should be additional command emphasis within departments encouraging officers to testify at hearings.

Issue: There is a perception among officers that the several hearing officers are not consistent in their rulings and that they allow defense attorneys to question officers about issues outside those directly relevant to the ALR hearing process as specified in the statute.

Remedy: Specialized training should be provided both to hearing officers and to police.

Issue: The current zero-tolerance law which prohibits driving with any measurable alcohol in one's system is not an administrative violation but rather only a criminal offense. Thus there is no administrative per se revocation for these offenders, including some relatively high BAC youthful offenders who are charged with this offense rather than the 0.08 violation. Additionally, analysis of crash data has indicated that implementation of the zero-tolerance law was not associated with a reduction in alcohol-related crashes, as has been the case in many other States. Also, Judiciary asked the Department of Transportation not to publicize the .08 law when it was initially adopted.

Remedy: Change the statutes to make zero-tolerance violations subject to ALR and publicize that change, as well as the 0.08 limit, in an effort to make both provisions of the law more effective in promoting general deterrence.

Summary

Though many issues and suggested remedies are listed above, one should not lose sight of the fact that Hawaii's administrative license revocation law has resulted in substantial reductions in alcohol-related crashes. Also, when one examines the patterns of case dispositions it is clear that the implementation of the law is resulting in one of its desired effects—a large portion (84%) of respondents are receiving license revocations and benefiting from that sanction. The recent statutory revision, which should reduce officer burdens in reading the implied consent warning, may well result in increased officer enthusiasm for enforcing the impaired-driving laws. Implementation of some of the other suggestions should help make the ADLRO system run more smoothly, and others, such as adding an ALR component to the zero-tolerance law and aggressively publicizing that change as well as the 0.08 limit itself, could enhance the general deterrence of impaired driving.

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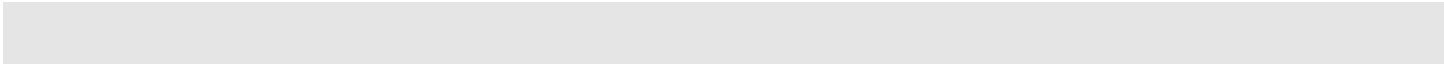
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Appendix A: 2003 Data by State and County

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2003 Data By State & County

2003 Statewide ADLRO Dispositions (OVUI Arrests: ~4,692; ADLRO Cases: 4,207)

	Alcohol	Drugs	Total
Cases	4,075	132	4,207
Review Level			
Sustained	3,573	85	3,658
Rescinded	502	47	549
%	12%	36%	13%
Hearing Level			
Sustained	1,351	24	1,375
Reversed	101	2	103
%	4%	0%	4%
Judicial Review			
Sustained	26	0	26
Reversed	15	0	15
%	37%		37%
Overall Reversal %	15%	37%	16%

2003 Oahu ADLRO Dispositions (OVUI Arrests: ≈ 2,674; ADLRO Cases: 2,549)

	Alcohol	Drugs	Total
Cases	2,514	35	2,549
Review Level			
Sustained	2380	28	2408
Rescinded	134	7	141
%	5%	20%	6%
Hearing Level			
Sustained	966	8	974
Reversed	89	1	90
%	8%	11%	8%
Judicial Review			
Sustained	22	0	22
Reversed	13	0	13
Overall Reversal %	9%	23%	10%

Assessment of Hawaii's ADLR Process for Driving Under the Influence

2003 Hawaii ADLRO Dispositions
(OVUI Arrests: ≈ 1,030; ADLRO Cases: 854)

	Alcohol	Drugs	Total
Cases	816	38	854
Review Level			
Sustained	628	24	652
Rescinded	188	14	202
%	23%	37%	24%
Hearing Level			
Sustained	177	7	189
Reversed	4	1	5
%	2%	12%	3%
Judicial Review			
Sustained	3	0	3
Reversed	0	0	0
%			
Overall Reversal %	24%	39%	24%

2003 Maui ADLRO Dispositions
(OVUI Arrests: 666; ADLRO Cases: 602)

	Alcohol	Drugs	Total
Cases	569	33	602
Review Level			
Sustained	449	12	461
Rescinded	120	21	141
%	21%	64%	23%
Hearing Level			
Sustained	158	3	161
Reversed	6	0	6
%	4%	0%	4%
Judicial Review			
Sustained	0	0	0
Reversed	1	0	1
Overall Reversal %	22%	64%	25%

2003 Kauai ADLRO Dispositions
(OVUI Arrests: 275; ADLRO Cases: 202)

	Alcohol	Drugs	Total
Cases	176	26	202
Review Level			
Sustained	116	21	137
Rescinded	60	5	65
%	34%	19%	32%
Hearing Level			
Sustained	50	6	56
Reversed	2	0	2
%	4%	0%	4%
Judicial Review			
Sustained	1	0	1
Reversed	1	0	1
Overall Reversal %	36%	19%	34%

2003 Statewide Reasons for Rescission or Reversal - All Cases

Rescinded at Review	
Test results	
<.08 or negative	5%
Untimely or missing test	22%
Improper test	<1%
Untimely documentation or processing	35%
Insufficient documentation	22%
No or unsigned sworn statement	15%
Reversed at Hearing	
Evidence does not support	47%
Too many continuances or Officer FTA	41%
Untimely	3%
No reasonable suspicion or probable cause	4%
No or unsigned sworn statement	2%
Respondent misadvised that CLP available to refusers	2%
Improper Intox operator paperwork	<1%
Improper ALR notice	<1%
Reversed at Judicial Review	
Out of state record unclear	1
No probable cause	1
No transcript (blank tape)	1
Hearing officer improperly denied testimony	1
Hearing officer improperly denied extension	3
Hearing officer did not justify longer revocation	1
SFST officer not qualified	1
Intox. error (Army)	1
Hearing officer made factual error	2
Charged under wrong statute	1
Insufficient evidence for probable cause	1
Hearing officers denied extension of CLP	1

2003 Oahu Reasons for Rescission or Reversal - All Cases

Rescinded at Review	
Test results	
<.08 or negative	4%
Untimely or missing test	26%
Improper test	0%
Untimely documentation or processing	14%
Insufficient documentation	32%
No or unsigned sworn statement	24%
Reversed at Hearing	
Evidence does not support	44%
Too many continuances or Officer FTA	47%
Untimely	3%
No reasonable suspicion or probable cause	5%
Improper Intox operator paperwork	1%
Reversed at Judicial Review	
Out of state record unclear	1
No probable cause	1
No transcript (blank tape)	1
Hearing officer improperly denied testimony	1
Hearing officer improperly denied extension	3
Hearing officer did not justify longer revocation	1
SFST officer not qualified	1
Intox. error (Army)	1
Hearing officer made factual error	2
Charged under wrong statute	1

2003 Hawaii Reasons for Rescission or Reversal - All Cases

Rescinded at Review	
Test results	
<.08 or negative	10%
Untimely or missing test	12%
Improper test	0.5%
Untimely documentation or processing	28%
Insufficient documentation	30%
No or unsigned sworn statement	17%
Reversed at Hearing	
Evidence does not support	3
Respondent misadvised that CLP available to refusers	1
Reversed at Judicial Review	

2003 Maui Reasons for Rescission or Reversal - All Cases

Rescinded at Review	
Test results	
<.08 or negative	<1%
Untimely or missing test	40%
Improper test	0%
Untimely documentation or processing	50%
Insufficient documentation	6%
No or unsigned sworn statement	3%
Reversed at Hearing	
Evidence does not support	3
Respondent misadvised that CLP available to refusers	1
No sworn statement respondent driving	2
Reversed at Judicial Review	
HO improperly denied extension of CLP	1

2003 Kauai Reasons for Rescission or Reversal - All Cases

Rescinded at Review	
Test results	
<.08 or negative	5%
Untimely or missing test	6%
Improper test	0%
Untimely documentation or processing	65%
Insufficient documentation	8%
No or unsigned sworn statement	14%
Reversed at Hearing	
Evidence does not support	1
Improper ALR notice	1
Reversed at Judicial Review	
Insufficient evidence for probable cause	1

2003 Statewide ADLRO Dispositions - Repeat Offenders
(ADLRO Cases: 690)

	Total
Cases	690
Review Level	
Sustained	650
Rescinded	40
%	6%
Hearing Level	
Sustained	182
Reversed	23
%	11%
Judicial Review	
Sustained	10
Reversed	5
%	33%
Overall Reversal %	10%

2003 Oahu ADLRO Dispositions - Repeat Offenders
(ADLRO Cases: 410)

	Total
Cases	410
Review Level	
Sustained	406
Rescinded	4
%	1%
Hearing Level	
Sustained	139
Reversed	19
%	12%
Judicial Review	
Sustained	9
Reversed	5
%	36%
Overall Reversal %	7%

2003 Hawaii ADLRO Dispositions - Repeat Offenders
(ADLRO Cases: 155)

	Total
Cases	155
Review Level	
Sustained	132
Rescinded	23
%	15 %
Hearing Level	
Sustained	22
Reversed	1
%	4%
Judicial Review	
Sustained	0
Reversed	0
%	0%
Overall Reversal %	15%

2003 Maui ADLRO Dispositions - Repeat Offenders
(ADLRO Cases: 96)

	Total
Cases	96
Review Level	
Sustained	88
Rescinded	8
%	8%
Hearing Level	
Sustained	18
Reversed	2
%	11%
Judicial Review	
Sustained	0
Reversed	0
%	0%
Overall Reversal %	10%

2003 Kauai ADLRO Dispositions - Repeat Offenders
(ADLRO Cases: 29)

	Total
Cases	96
Review Level	
Sustained	24
Rescinded	5
%	17%
Hearing Level	
Sustained	3
Reversed	1
%	25%
Judicial Review	
Sustained	0
Reversed	0
%	0%
Overall Reversal %	21%

2003 Statewide ADLRO Dispositions - Refusals
(ADLRO Cases: 585)

	Total
Cases	585
Review Level	
Sustained	546
Rescinded	39
%	7%
Hearing Level	
Sustained	207
Reversed	16
%	7%
Judicial Review	
Sustained	12
Reversed	5
%	29%
Overall Reversal %	10%

2003 Oahu ADLRO Dispositions - Refusals
(ADLRO Cases: 333)

	Total
Cases	35
Review Level	
Sustained	323
Rescinded	10
%	3%
Hearing Level	
Sustained	139
Reversed	10
%	7%
Judicial Review	
Sustained	11
Reversed	3
%	21%
Overall Reversal %	7%

2003 Hawaii ADLRO Dispositions - Refusals
(ADLRO Cases: 117)

	Total
Cases	117
Review Level	
Sustained	103
Rescinded	14
%	12%
Hearing Level	
Sustained	22
Reversed	1
%	4%
Judicial Review	
Sustained	1
Reversed	0
%	0%
Overall Reversal %	13%

2003 Maui ADLRO Dispositions - Refusals
(ADLRO Cases: 100)

	Total
Cases	100
Review Level	
Sustained	91
Rescinded	9
%	9%
Hearing Level	
Sustained	35
Reversed	4
%	10%
Judicial Review	
Sustained	0
Reversed	1
%	100%
Overall Reversal %	14%

2003 Kauai ADLRO Dispositions - Refusals
(ADLRO Cases: 35)

	Total
Cases	35
Review Level	
Sustained	29
Rescinded	6
%	17%
Hearing Level	
Sustained	11
Reversed	1
%	8%
Judicial Review	
Sustained	0
Reversed	1
%	100%
Overall Reversal %	23%