

## DUI Hearing

### Testimony of Craig W. Stedman & Ande Gonzalez

My name is Ande Gonzalez, and I am here on behalf of the District Attorney of Lancaster County, Craig Stedman. Each of us knows the danger that repeat DUI offenders pose to the safety of our community, some here more than any of us. So, I would like to thank the Committee for holding this hearing, looking at new ways to keep our communities and roadways safe, and for providing us with an opportunity to provide our input on House Bill 916.

On average, Lancaster County sees approximately 1,600 individuals arrest for DUI every year. Statistics show that roughly 20% of those arrested have at least one prior DUI offense within the past 10 years. These individuals represent the most dangerous drivers on our roads, yet they were generally released on unsecured or minimal bail. Additionally, it was rare that any of those released on bail had a condition imposed that protect the community from further impaired driving or address the alcohol and/or drug issues that lead the offense. The result was that we saw many offenders continue to drive impaired while on bail. So, the question became whether to seek high monetary bail and place all of these offenders in Lancaster County Prison or find another way.

In 2015, Lancaster County adopted a form of York County's Target 25 Protocol through the implementation of our DUI Repeat Offender Program. Under

this program, any individual who is charged with a second or subsequent DUI offense within 10 years is placed under the supervision of the Office of Bail Administration in addition to any monetary bail the court may impose. While under bail supervision, an offender must wear an alcohol monitoring device, undergo a drug and alcohol evaluation, following through with any treatment deemed necessary, abstain from alcohol and/or drugs, and they are subject to a curfew. In drug impaired driving cases, they are also subjected to random drug testing. The costs of these conditions are borne by the individual Defendants and not the taxpayers. Any violation of these conditions is swiftly addressed by a bail violation petition filed as soon as possible by the Office of Bail Administration.

Without the program, offenders with multiple pending DUI cases was becoming an all too common and troubling occurrence. Since the implementation of this program, and the early intervention it provides, we have seen a reduction in the number of repeat offenders committing another DUI violation while on bail. This not to say our program completely prevents a new offense from happening while on bail, but it is a significant deterrent. Additionally, it forces offenders face, and hopefully start to overcome, their drug and alcohol issues within days of their DUI arrest.

The benefits here have been substantial and widespread. Public safety is increased because there is a tangible and immediate deterrent to the offender who is

thus less likely to re-offend. The taxpayer benefits because fewer people are incarcerated at no cost. Because we know people out on bail with no monitoring generally attempt to delay their cases, court efficiency improves because offenders in our DROP program have more incentive to resolve their case sooner which, in turn, helps court efficiency. Finally, the offender benefits because there is an immediate consequence for their conduct, which, in turn, will cause more of them to deal with any potential substance abuse issue sooner and give them a better chance to get the help they need earlier than they otherwise might.

The effectiveness of our program, York's, and the legislation proposed here is probably best illustrated by a recent failure in our County. This year, an offender was arrested for their second DUI within 10 years, unfortunately as I noted this is not an uncommon occurrence. That offender was placed into the DUI Repeat Offender Program in January, and remained compliant through May 3, 2019, when his attorney asked the court to remove the alcohol monitor based on his compliance and the costs of monitoring. The Court granted this request. Sixteen days later, that same offender was arrested by the Lancaster County DUI Task Force for driving with a breath alcohol concentration of .24%. This incident clearly illustrates the benefits and need for the type of legislation we are discussing today. With the alcohol monitor they were sober for five months. Without it, they were caught driving impaired in less than one month.

The Office of the District Attorney of Lancaster County is in full support of the concept of House Bill 916, and use of alcohol monitoring devices. To ensure the intent of the legislature is fully realized through its enactment, we would have a few matters for the committee to consider moving forward.

Presently, House Bill 916 address alcohol related DUI offenses that have a breath or blood alcohol result. It does not, however, address cases where an offender has refused a breath test, or a blood test after the issuance of a warrant. It also excludes cases where there was a DUI crash resulting in property damage or bodily injury, but for some reason do not have a breath or blood alcohol result. We would encourage the committee to expand this legislation to include cases involving breath and/or search warrant refusals as well as crashes where an alcohol reading could not be obtained.

Additionally, there is the growing trend of drug impaired driving. In fact, nearly 30% of the DUI cases in Lancaster County involve drugs, and many of those are solely drug impaired driving cases. It is not out of the ordinary to come across an offender who has one or more prior DUI convictions all involving drugs alone. So, while continuous alcohol monitoring is an excellent first step, we would ask the committee to craft an amendment to this legislation that would address bail conditions for drug impaired driving offenses as well.

We would also ask the committee to consider expanding the definitions to include other types of alcohol monitoring devices. We have come across cases, rare though they are, where SCRAM anklets could not be utilized on an offender due to size and/or health conditions. In those cases, rare as they are, it would be helpful to have alternative alcohol monitoring options available to the courts.

Finally, there is a concern that the legislation as drafted may conflict with bail authority provisions under Section 5702 of Judicial Code such that it may need to be enacted under that statutory title rather than the Vehicle Code.

We would again like to voice our full support of the goals of this legislation. Our experience has shown that providing an immediate consequence, access to treatment, and monitoring of repeat DUI offenders has helped curb impaired driving. Likewise, we have seen that without these conditions, especially monitoring, offenders continue to put the public in danger by driving impaired. While there are certainly no guarantees, if we remain committed to working together in crafting legislation like this, we can save lives.