

Traffic fatalities down since Aliyah's Law enacted

By [UnitedHealthcare](#)

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The law, which went into effect on May 3, 2012, permits the towing of vehicles of motorists driving under the influence of alcohol or drugs, without a valid driver's license or with fraudulent license plates or registration stickers. It was named after Aliyah Braden, a 17-month old toddler killed in 2009 when a drunken driver in a pickup truck ran a red light in Kailua-Kona and plowed into a car driven by the girl's mother, Mayvelyn Braden.

Mayvelyn Braden also sustained permanent injuries in the collision.

Only 23 vehicles were towed in 2012, but those numbers have increased on a yearly basis, with 475 towed in 2013, 671 in 2014, 746 in 2015 and 253 by early May this year.

The largest number of vehicles towed over the four-year period, by far, was 969 in Hilo. Police called for 683 tows in Puna, 279 in Kona and 172 in South Kohala. There were 28 tows in North Kohala, 22 in Hamakua, 14 in Ka'u and one in North Hilo.

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Eric Correa

"The public is reminded that drinking and driving can result in not only potential injury or loss of life, but also secondary consequences such as arrest and having your vehicle towed for driving while impaired or without a valid license," said Hawaii Police Chief Harry Kubojiri.

Sgt. Robert Pauole of the Traffic Services Section noted that impairment was a factor in 13 of the 15 official traffic fatal traffic crashes on the Big Island last year. He said Aliyah's Law is "one more tool" officers can employ to get impaired drivers off the road.

"Officers are more aware of it and are using it more frequently," Pauole said Wednesday. "Officers can (also) use it under certain other circumstances, say, a basic traffic stop where the driver doesn't have a valid license, there's no one else in the vehicle with a valid license and the vehicle is in an area where it can't remain. It's not always for a DUI."

It seems logical that the numbers of vehicles ordered towed under Aliyah's Law would at least roughly correspond to numbers of DUI arrests in the different districts around the island. The numbers, however, tell a different story. Kona had the most DUI arrests between Jan. 1, 2012, and May 29 this year, with 2,157. Hilo was second with 1,815 arrests, followed by Puna with 867 and South Kohala with 444.

Asked why Kona, which has the largest number of DUI arrests, is a distant third in police-ordered tows under Aliyah's law, behind Hilo and Puna, Pauole said every circumstance is different and it's up to the arresting officer whether it's appropriate to tow the vehicle.

"According to Aliyah's Law, you have to have certain circumstances (for an officer to ask for a vehicle to be towed)," he said. "Let's say, for instance, the driver has pulled over and parked in an area where the vehicle can be secured and left there. Then Aliyah's Law doesn't apply. ... If there is an

occupant in the vehicle who is sober and has a valid driver's license, that individual can drive the vehicle away, too. So there are circumstances where it can't be used."

Pauole said dispatchers for each district have what he called a "no-preference" list of towing companies and call the companies on a rotating basis from the list when an officer requests a vehicle be towed. He said the towing companies on the list have contracts with department.

"All it really does is give us a list of tow companies to call because we can't just use just whatever tow company (the arresting) officer likes," he said.

Official Big Island yearly traffic fatality counts are down since 2012, the year Aliyah's Law went into effect, from 38 that year — the highest number so far this decade — to 25 in 2013, 11 in 2014, 19 last year and 10 so far this year. County Prosecutor Mitch Roth, who helped draft the ordinance, believes the law has helped reduce carnage on the roads.

"I believe that Aliyah's Law is a factor in that; I think the work the police and our emergency responders is a factor in that ... and I think we've been more successful in our DUI prosecutions here than on Oahu," Roth said. Asked if he thinks the upgraded Saddle Road, also called Daniel K. Inouye Highway, is a factor, Roth replied, "Yes."

"Look at the 'Es': Engineering, enforcement and education. And the fourth 'E' is our emergency services," he said.

"Anything that could cause a decrease in traffic fatalities is certainly welcome," added Carol McNamee, founder of Mothers Against Drunk Driving Hawaii. "And it looks like it's a possibility that this has helped decrease fatalities on the Big Island, which have always been above the state average."

In addition, the state Legislature has passed House Bill 1747, a bill that would give police officers statewide the authority to have a vehicle towed on a DUI arrest "provided that the arresting officer has reason to believe the arrested person is likely to return to the vehicle and continue to drive under the influence of an intoxicant after being released from custody."

The measure is sponsored by Big Island representatives Cindy Evans, Cliff Tsuji and Mark Nakashima.

During the legislative process, provisions that would have allowed the officer to have vehicles towed if drivers were unlicensed or were driving after having their licenses suspended or revoked for impaired driving were removed from the bill.

MADD Hawaii is supporting the measure, as are Roth, the state Department of Transportation and the Honolulu and Kauai police departments. Maui Police Chief Tivoli Faaumu submitted testimony "strongly opposing" the final version of the bill.

"This bill places an undue burden on officers to show cause that an arrested intoxicated driver will return to their vehicle and drive. This may possibly happen, but is an unpredictable event that cannot be foreseen," Faaumu wrote.

Gov. David Ige hasn't signed the proposed legislation into law. He has until June 27 to notify the legislature he is considering a veto on any bills not yet approved, although he's not bound to veto bills on the list. Any bill neither signed nor vetoed will become law without his signature by July 12.

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