Ignition Interlocks: Impact of 1st Offender Laws

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AAMVA AIC
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Background

• Interlock has been around since the 80’s
• Research has proven interlocks effective in reducing DWI recidivism 50% – 90%
• In 2011, 250,000 interlocks in use; 1.4 million DWI’s in U.S. (18% penetration)
• 2010 - 10,228 people were killed by a drunk driver
What is an Interlock?

• An electronic device wired into the ignition system of a vehicle which requires the user to pass a breath alcohol test in order to start the vehicle.

• AKA: Breathalyzer, Interlock, BAIID, IID

• Requires a breath sample, fail level determined by state, typically .020 (BrAC) breath alcohol content to pass. range .020 - .040
Purpose of Interlock

• Alternative to jail
• Keeps offender licensed and insured
• Allows offender to work, support family, pay court fees, attorney
• Participate in treatment
• Remain productive member of community and family
• Separates drinking from driving
How are interlocks used

- Probation
- Parole
- Bond
- License reinstatement and licensing
- Deferred Prosecution
- Repeat offenders
- 1st offenders
- 1st offenders with High BAC (.15 or higher)
- Family Violence (alcohol a factor)
- Court Visitation – Domestic courts (alcohol factor)
- Voluntary
Benefits of Interlock

• Monitoring Tool
  – Reporting and Supervision
• Prevent Repeat Behavior
• Form of Incapacitation
  • Bridge license suspension to full reinstatement
• Provide public safety
• Research supports reduction recidivism among 1st and Repeat offenders – 15 Peer reviewed studies
Interlock Technical Standards

- NHTSA, 1992
  Device specifications – Under review
  Comment period closed Dec. 6th

- State oversight and device certification
  Device programming and specifications
  - DMV
  - DPS
  - Transportation Safety Bureau
  - Board of Tests
  - Health Department
  - Probation and Parole
The Technology

• Fuel Cell – Specific to Alcohol
• Anti-circumvention features
• Programmable features
• Running Re-test / Rolling Re-test
• Data recorder
Anti-circumvention systems

- Temperature and pressure gauges
- Sealed wiring
- Voice pattern, tone, detection system
  Prevents balloons, altered air
- User Identification
- Data logger information
  Time and date stamps all events, attempted events
Installation/ Service/ Costs

- Service centers throughout a state
- Installation takes approx. 1 hour
- Return every 30 - 60 days
- Install - $70.00
- Monthly - $2.30 a day or $70.00 mo.
- Reports sent to authorities via email
- Authorities access to client information through Web
Monitoring Authority

There is not a consistent monitoring authority across states.

- DMV
- DOH
- Probation/Parole
- Secretary of State
- DOT
- Alcohol treatment
Administrative vs. Judicial

- Nearly 20 States are administered administratively by state agency (usually DMV)
- Almost 10 states are administered by the courts
- Other 20 states are a mix of administrative and judicial oversight
**Interlocks mandatory for all offenders (with .08 conviction)**

**Interlocks mandatory with a BAC of at least .15 - .17**
Alabama, Delaware, Florida, Maryland, Michigan, Minnesota, New Hampshire, New Jersey, North Carolina, Oklahoma, Tennessee, Texas, West Virginia, Wisconsin, Wyoming

**Interlocks mandatory with 2nd conviction**
Georgia, Massachusetts, Montana, Pennsylvania, South Carolina

**Discretionary**
Idaho, Indiana, Iowa, Kentucky, Maine, Mississippi, Nevada, North Dakota, Ohio, Rhode Island, South Dakota, Vermont

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Interlock Concerns

• Costs
  – Indigent Offenders

• Family Member inconvenience

• Mouth Alcohol Contaminants

• Temperature and Altitude
  -49 to + 185 degrees F ; 11,482 ft. elevation

• Running re-tests
  15-45 min. random

• Anyone can take the test! - 40 Yr. Old Virgin
  -What Would You Do - ABC
Interlock Challenges

- Offenders do not install
- Funding/Program costs/Program development
- Lack of information and education on how the Interlock works
- Supporting legislation; conflicts with State & Federal policy and unfunded mandates
- Workload
- Program funding
- Exiting the Interlock program
MAP 21: A Chance to Get it Right

- Great provisions in reauthorization bill
- 1st Offender Programs
- Incentive Funding
- NHTSA support
- 164 Withholding
  - Does away with driving restrictions
  - License suspension no longer required
  - Gives states a clean slate to implement a program that works
What makes a GREAT Ignition Interlock law?

- Recognize that IID’s are best used to protect the public, NOT to punish or appear ‘soft’ on drunk drivers.
- IID’s offer a side benefit to highway safety; allow DUI offenders to drive to keep their jobs and support their families.
- Allow ‘IMMEDIATE’ IID based relicensing before DUI offenders learn to drive unlicensed.
- Require a minimum 6 month IID term for 1st conviction.
- Require a minimum 1 year mandatory IID for each multiple conviction.
- Give day for day credit for ‘voluntary’ IID use against ‘mandatory’ use.
- Require longer mandatory IID times for Test Refusals or high BAC’s (measured at arrest, not post-plea).
- If a DUI/DWI is pled to a lesser offense, the IID requirement should remain for the protection of the public.
- Compliance based removal of IID.
Conclusion

• If the interlocks stopped someone from driving drunk.... That is a success
• Not the silver bullet
• People are going to drive
• Criminologist agree – Swift and Certain Penalties are more effective
• Insert the “intervention” during the teachable moment
• TZD – Towards Zero Deaths
Thank You!!

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