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Partners for Progress
Testimony to the Senate Judiciary Committee on HB 19 and SB 92
4/25/07

Among the three main sentencing provisions for DUI offenders – imprisonment, fines and license revocation, license revocation is the area where there is most need to focus carefully on protecting the public. The overriding goal in any legislation dealing with license revocation and the use of ignition interlock devices (IIDs) should be to establish a system that better protects the public against repeat drunk drivers.

To maximize public protection, it is essential to examine the realities of license revocation from the offender's perspective. We all know that driving is a privilege and not a right. Today, however, driving has become a necessity for leading a productive life, for getting and keeping a job, going to school, caring for family, buying groceries and keeping appointments.

The new ignition interlock technology provides a way of protecting the public from drunk driving, while recognizing that leading a responsible and productive life in today's community requires the ability to drive. IID technology is rapidly being improved with rolling retests and built-in cameras. IIDs offer a long-needed method of separating driving from drinking.

Our recommendations for IID legislation are based on a recent survey of national information about the use of ignition interlock devices. MADD's national organization has also reviewed the experience of other states. They recommend that all DUI offenders be required to obtain an ignition interlock device before driving.

We urge you to work together to craft a single bill requiring that **all repeat** DUI offenders get an ignition interlock device permit with a limited license so they can drive **while they are on probation/parole and license revocation**. This recommendation reflects national data that shows that IIDs are an effective tool for reducing recidivism, provided offenders start out driving with the ignition interlock device under the supervision of probation/parole. Supporting this approach, the recidivism data recently released by the Alaska Judicial Council show that most recidivism occurs in the first year after release from prison.

Timing the availability of the ignition interlock driving privilege is very important. To best protect the public, the first year when offenders are supervised through probation/parole and are reestablishing themselves in the community is the time they should be on an IID. To do otherwise is to program newly released offenders to drive without a license, to live on the wrong side of the law and to reenter the revolving door of repeat addicted crime.

The Court System reports that annually there are as many Driving Without License cases as there are DUIs. This syndrome is as costly as it is dangerous.

Secondly, **we strongly urge you to take the time – perhaps by deferring action at this time and meeting during the summer interim – to develop provisions to include felony DUI offenders in the IID system**. The potential benefits of public protection through IID legislation are greatest with felony DUIs. MADD reports that 50 to 75 percent of repeat drunk driving offenders go back to drinking and driving in the first year after they are released from prison. Many are felons. Court data supports this information showing that most individuals with revoked licenses are likely to drive

anyway. When felons are returned to our communities a great many drink and drive and seriously endanger the public.

We urge you to develop legislation that reflects this reality by putting felons on ignition interlock devices as a condition of probation/parole. The legislation could require extra measures to assure sobriety, perhaps drawing from some of the measures used in the therapeutic courts.

The cost of not putting felons on ignition interlock devices as soon as possible after release from prison is huge. It is a cost that will be paid by members of the public who are harmed or killed by repeat felony offenders who drive drunk without a license. We urge you to recognize this reality, and use ignition interlock limited licenses as part of probation to separate driving from drinking for all repeat DUI offenders - felons and misdemeanants.

If Alaska does it right, IIDs can be a powerful tool in reducing the shockingly high rate of DUI crime in our state, but doing it right requires a clear focus on the realities of protection for the public.

Finally, I want to talk about an inclusion in this legislation that would benefit therapeutic courts. As you know, the data shows that graduates of therapeutic courts are far less likely to recidivate than offenders who go through the traditional corrections system. Participants in therapeutic courts are closely supervised by the judge and other therapeutic court team members, and continually monitored for sobriety. To maximize the benefits of this proven program and gain the cost-effectiveness of volume, we ask you to incorporate license provisions in this bill that would encourage more offenders to enter and complete therapeutic courts.

We recommend that you add a provision that would give the court the discretion to grant ignition interlock limited license privileges to therapeutic court participants for purposes of attending requirements of the court-ordered treatment program. This would include both misdemeanants and felons, and should be available after the participant has achieved a degree of success and stability in the program. The legislation should also include a provision allowing graduates of therapeutic courts to apply for restoration of a revoked license after three years of successful driving with an ignition interlock limited license. These provisions would provide powerful incentives to increase the number of DUI offenders who enter and complete the difficult 18-month court-ordered treatment program,

Thank you.

April 21, 2007

Dear Senator French,

I am writing in support of the creation and implementation of a greatly expanded ignition interlock program in Alaska DUI offenders.

Both bills, SB 92 and HB 19 address this issue. Both are a tremendous first step in getting this matter before our lawmakers to initiate discussion. I appreciate that one bill deals with the judicial side and the other with the administrative side of an ignition interlock program. Ignition interlocks have been shown to greatly reduce recidivism rates among offenders and afford the public greater safety on the roads. Requiring their use for high-risk drivers through a program that captures the greatest number of them is crucial to the success of the program.

I have been researching this issue for about a year as an independent citizen; I do not work nor volunteer for any organization related to drunk driving or highway safety.

I attended the International Ignition Interlock Symposium held in October '06 and am grateful to be able to voice what I've learned.

Based upon my reading and the presentations at the Symposium, I offer the following as components of an excellent IID program in Alaska:

- An ignition interlock limited license should be required for every DUI offender – past, present, future, misdemeanor and felon – for the duration of their license revocation period, OR until they can demonstrate one year of alcohol-free driving, whichever is longer. (addresses head-on the fact that most offenders with driver's licenses revoked drive anyway)
- A thirty-day hard suspension period is maintained. (this has been shown as a deterrent for first-time offenders)
- Those individuals with revocations greater than five years are eligible for five-year reviews of their record by DMV for consideration of a termination of revocation. (a "carrot" to improve compliance)
- An indigent fund is established by requiring an upfront indigent fee from all non-indigent clients. (removes a significant obstacle for compliance)
- The cost of the installation and maintenance of the device is borne by the offender and the costs are counted toward the payment of any outstanding fines for DUI. (a "carrot")
- The punishments for DWLR/S are increased to provide incentive for compliance. (a "stick")

I've included some information for your consideration of ignition interlocks and hope to be able to work with the legislature to create an excellent research-based law that will most effectively serve to protect Alaskans on the road.

Thank you,



Narda Butler

346-1189

The Top Ten Reasons Why NOW is the Right Time for an Ignition Interlock Limited License Program in Alaska

- 1.** 50-75% of drivers whose driver's licenses have been revoked *drive anyway*. Revoking a person's driver's license, in these cases, does *not* improve public safety nor serve a punitive function.
- 2.** Over the past five years, 14% of all DUI arrests are accompanied with a Driving with License Revoked/Suspended charge as well. That number is *not* decreasing.
- 3.** Installation of Ignition Interlock devices effectively separates the act of drinking from the act of driving.

Data from a Maryland study¹ shows a 60% reduction in risk of committing an alcohol-related offense with an interlock installed.

An Ohio study² demonstrates a 65% decrease in the probability of a subsequent DUI for offenders *who have the interlock installed in their car*.

- 4.** Interlocks work while they are installed³, therefore they should be installed as soon as possible for *as long* as possible.
- 5.** The most current technology is alcohol-specific, tamper-resistant (the vendor gets a record of any disconnects) and becoming increasingly person-specific (some devices are equipped with cameras that photograph the person activating the device).
- 6.** Every time an individual is prevented from driving because the device detects alcohol, there is potential for saving a life. This device serves as an on-board, external conscience. Persons should not be removed from the program for attempting to start their car *while* under the influence of alcohol. Ignition interlocks are not a perk, nor are they, in and of themselves, rehabilitative. They are a safety device whose *primary purpose* is to protect the public.
- 7.** Ignition interlock limited licenses allow multiple DUI offenders the opportunity to become self-supporting citizens who are contributors to society, instead of takers.
- 8.** An administrative program allows the Department of Motor Vehicles to collect data to document performance and make data-driven decisions regarding reinstatement of regular driver's licenses.
- 9.** An administrative ignition interlock program is the most cost-effective means of capturing the largest population of at-risk drivers initially. *The costs of the interlock devices and monthly monitoring, are borne by the offender*. And, the cost savings realized if 35 individuals choose to install the device and *not* be arrested and charged with Driving with License Revoked or Suspended would fund one DMV administrative position.
- 10.** An administrative program can be implemented sooner rather than later and provide protection on the highways in a time-effective manner.

¹ Beck, K. H., Rauch, W. J., Baker, E. A., & Williams, A. F. (1999). Effects of ignition interlock license restrictions on drivers with multiple alcohol offenses: A randomized trial in Maryland. *American Journal of Public Health*, 89(11), 1696-1700.

² Elliot, D. S., & Morse, B. J. (1993). *In-vehicle BAC test devices as a deterrent to DUI*. (Final Report). Washington, DC: National Institute on Alcohol Abuse and Alcoholism.

³This figure is taken from :

Marques, P., Bjerre, B. Dussault, C., Voas, R., Beirness, D., Marples, I. and Rauch, W. (2001b) Alcohol ignition interlock devices. Position Paper {also available online: <http://www.icadts.org/reports/AlcoholInterlockReport.pdf> accessed 31 January 2007}. Washington D.C.: International Council on Drugs, Alcohol and Traffic Safety (ICDATS)

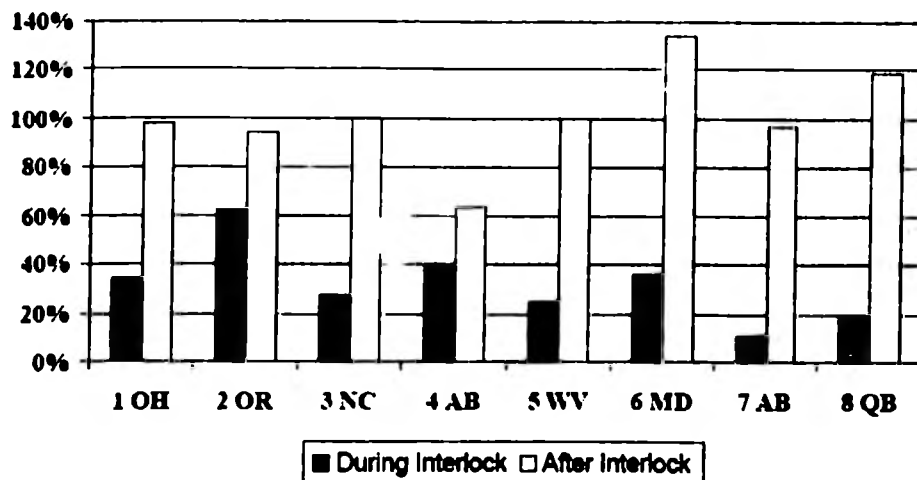


Figure 1: Eight studies that compared interlock recidivism rates (%) during the interlock (dark bars) and after the interlock (open bars) against recidivism for non-interlock contrast groups (set to 100%).

For additional information, see:

MADD's Issue Brief on the Ignition Interlock at:
<http://www.madd.org/activism/0,1056,7604,00.html>

MADD's Ignition Interlock Fact Sheet at:
<http://www.madd.org/news/docs/Interlock%20Fact%20Sheet%20Final.pdf>

"Best Practices for Alcohol Interlock Programs" from the Traffic Injury Research Foundation at: http://www.trafficinjuryresearch.com/publications/PDF_publications/BestPracticesReport.pdf

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MADD Announces National Campaign to Eliminate Drunk Driving

Combination of stronger enforcement, tougher laws and advanced technology make it possible to remove threat

DOT, NHTSA, IIHS, GHSA, IACP, the Century Council, DISCUS and the Alliance of Automobile Manufacturers join forces in support of Campaign

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WASHINGTON (November 20, 2006) – In a bold new effort designed to eradicate one of the nation's deadliest crimes, Mothers Against Drunk Driving (MADD) today launched its national *Campaign to Eliminate Drunk Driving*, which aims to literally wipe out drunk driving in the United States.

Despite a more than 40 percent decline in alcohol-related traffic fatalities since MADD was founded in 1980, the threat still remains. Every year, nearly 13,000 people are killed by drunk drivers with an illegal blood alcohol concentration (BAC) of .08 or above and countless others are injured. This represents more than 1,000 families every month that must live with the tragic consequences of drunk driving.

"The real possibility of eliminating drunk driving in this country is a powerful, even audacious, idea. Yet the tools are now at hand. Using technology, tougher enforcement, stronger laws and grassroots mobilization, the goal of eliminating a primary public health threat that has plagued the United States is within our reach," said Glynn Birch, national president of MADD, whose 21-month-old son was killed by a drunk driver in 1988.

As a nation, our efforts to prevent drunk driving fatalities have stalled. MADD's plan to eliminate this public health threat requires new strategies to complement current methods. Today, MADD is announcing a 4-point plan to lead the nation toward the goals of eliminating drunk driving:

- 1. Intensive high-visibility law enforcement, including twice-yearly crackdowns and frequent enforcement efforts that include sobriety checkpoints and saturation patrols in all 50 states;**

2. **Full implementation of current alcohol ignition interlock technologies**, including efforts to require alcohol ignition interlock devices for all convicted drunk drivers. A key part of this effort will be working with judges, prosecutors and state driver's license officials to stop the revolving door of repeat offenders;
3. **Exploration of advanced vehicle technologies through the establishment of a Blue Ribbon panel of international safety experts to assess the feasibility of a range of technologies that would prevent drunk driving.** These technologies must be moderately priced, absolutely reliable, set at the legal BAC limit and unobtrusive to the sober driver; and
4. **Mobilization of grassroots support**, led by MADD and its 400+ affiliates, to make the elimination of drunk driving a reality. MADD is uniting drunk driving victims, families, community leaders, and policy makers in the fight to eliminate drunk driving.

With emerging technology, the vision that drunk drivers will not be able to operate vehicles is no longer a dream but, with substantial research, a real possibility. But to achieve it, all four strategies must succeed. Interlock use must expand to all convicted drunk drivers. Emerging technologies must be developed into effective and practical devices that don't inhibit lawful drivers. High-visibility enforcement must continue. All three of these components must be backed up by effective communications and broad public support.

U.S. Secretary of Transportation Mary E. Peters said, "Drunk driving is a problem that is painful and persistent, but it's also preventable. Pairing the public and private sectors for the common good is a powerful combination, one that will help us achieve real results in terms of saving lives and preventing injuries."

Secretary Peters was joined at the event by NHTSA Administrator Nicole Nason, who is the Honorary Chair of the *Campaign to Eliminate Drunk Driving*.

Joining MADD at the press conference were the Department of Transportation, the National Highway Traffic Safety Administration (NHTSA), the Insurance Institute for Highway Safety (IIHS), the Governors Highway Safety Association (GHSA), the Century Council, the Distilled Spirits Council of the United States (DISCUS), the International Association of Chiefs of Police (IACP), and the Alliance of Automobile Manufacturers. Properly implemented, this public/private partnership will lead to the elimination of one of the primary public health threats to the American family for the

last 100 years. Each supporter will pursue these initiatives according to their own policies and procedures.

Lt. Colonel Jim Champagne, immediate past chairman of GHSA, endorsed the *Campaign* as a way to renew attention to the drunk driving problem. According to Champagne, "State Highway Safety Agencies were pleased to work with MADD to help develop this new *Campaign* and we think it sends a clear message to those who may be tempted to drive drunk: we will use every tool at our disposal to keep our roads safe and when we arrest you—and we will—there will be no leniency."

Highly visible law enforcement crackdowns, including checkpoints and saturation patrols, are proven to get drunk drivers off the road. Eighty-seven percent of Americans support the use of sobriety checkpoints, yet 10 states still prohibit the use of them. The *Campaign* will work to make checkpoints legal in all states.

"Impaired driving is not just another traffic offense; it is a serious crime that often causes needless deaths and injuries," said IACP President Joseph Carter, Chief of the MBTA Transit Police Department. "More than two decades of research have demonstrated that sobriety checkpoints and other law enforcement efforts make a difference. They are vitally effective techniques to get impaired drivers off of our roads."

Research shows that the overwhelming majority of people arrested for drunk driving have driven drunk more than 50 times *before their first arrest*. Two-thirds of those whose licenses are suspended for DUI drive anyway. **Interlocks are proven to be up to 90 percent effective while on the vehicle**, yet it is estimated that only one in eight convicted drunk drivers each year currently get the device, and most of those are repeat offenders. Sixty-five percent of the public support mandatory interlocks for first time offenders, and 85 percent of the public support mandatory interlocks for repeat offenders.

The Honorable Susan Molinari, chairman of The Century Council, noted, "I thank MADD for having the vision that eliminating drunk driving is possible and that to do it, it requires many different stakeholders at the table. By working together, we can eliminate drunk driving."

In addition to stronger enforcement and mandatory **interlocks for all convicted drunk drivers**, MADD supports the development of new sensor technology already underway that allows a vehicle to recognize if a driver is drunk, and to stop the driver from operating that vehicle. The public is overwhelmingly supportive: by a 4

to 1 margin (58 percent to 16 percent), Americans support advances in smart vehicle technology to prevent drunk driving.

"Enforcement is essential, but we know we'll never arrest all drunk drivers once they get on the road," said Susan Ferguson, senior vice president of research at the Insurance Institute for Highway Safety and chair of the newly-announced Blue Ribbon Panel for the Development of Advanced Alcohol Detection Technology. "If society is to eliminate the carnage caused by drunk drivers, we must do more to prevent them from drinking and driving in the first place. Fortunately, advanced technology is being developed that may allow quick, reliable detection to do just that."

MADD, NHTSA, the auto industry and the Insurance Institute for Highway Safety are forming a cooperative research initiative via the Blue Ribbon Panel for the Development of Advanced Alcohol Detection Technology to help bring this new technology to market in the next 10 years through a non-regulatory, voluntary and data driven effort.

"The Institute has long studied the most effective ways to enforce alcohol-impaired driving laws," adds Adrian Lund, president of IIHS. "Now our research will have two broad objectives: to maximize the effectiveness of laws and enforcement techniques and to study how new technology can fit seamlessly into the driving task without affecting the majority of drivers who drive sober."

At least four classes of technology warrant further investigation by the Blue Ribbon Panel: advanced breath testing, both individual testing and testing for alcohol in the vehicle; using visible light to measure BAC (spectroscopy); using non-invasive touch-based systems to measure BAC transdermally; and eye movement measurement technology, including the involuntary eye movements (or nystagmus) related to BAC, and eye closure that can indicate drowsiness.

"There is no single solution that will eliminate drunk driving. Drunk driving remains a behavioral challenge, an enforcement challenge and a challenge requiring innovative new approaches, including exploring new technologies," said Fred Webber, president & CEO, Alliance of Automobile Manufacturers. "These diverse organizations are well suited to address the long-term strategy."

MADD intends to work with law enforcement agencies, judicial organizations, auto manufacturers, insurers, distilled spirits companies, technology companies, safety

advocates, health care professionals, and emergency technicians to abolish drunk driving in the U.S. through the *Campaign to Eliminate Drunk Driving*.

MADD's mission is to stop drunk driving, support the victims of this violent crime and prevent underage drinking. Founded in 1980, MADD has helped save more than 330,000 lives. MADD is a 501 (c)(3) charity with approximately 400 entities nationwide and 2 million members and supporters. For more information, visit our online press center , www.madd.org, www.madd.org/campaign or call 1-800-GET-MADD.

Top Myths About Ignition Interlock Devices

1. The Ignition Interlock unit drained the battery.

Units draw less than 1/4 of one amp when not in operation and it draws 1/2 half of one amp when it is preparing for a test. This is minimal drain on the battery of a properly functioning vehicle electrical system. The Ignition Interlock will not drain the battery to the point where it will not start unless the vehicle is not started for approximately 10 consecutive days. This period will be shorter if the electrical system is not functioning properly such as poor alternator output or dead cells in the vehicle battery. These symptoms are common in vehicles 5 years old and older. In such a case, the vehicle would have battery problems with or without an ignition interlock device. Just as tires on a car wear out with use, so do batteries and alternators and they are considered standard maintenance items for proper vehicle upkeep.

Clients are encouraged to start their vehicles on a regular basis so they maintain a charged battery. Keep in mind, the court/DMV order states the unit should be installed in the vehicle most often used. If the car sits unused for extended periods of time, the client may be driving another vehicle that is not equipped with an ignition interlock.

2. Spicy foods or Mexican foods cause the Ignition Interlock to fail.

In some cases spicy foods, when mixed with the HCL in the stomach creates a gas called methane. With the non-alcohol specific devices the methane gas will create a false positive because the sensor reacts to the hydrocarbons. Anti-acids and water will usually relieve the situation. This phenomenon doesn't occur with the alcohol specific ignition interlock utilizing alcohol specific, Fuel Cell technology.

3. Cigarette smoke and snuff cause the Ignition Interlock to fail.

Clients are instructed to always take a few deep breaths before blowing into the unit if they are smokers. Cigarette smoke does not affect the alcohol specific ignition interlock however; smoke should never be blown into any unit.

4. Gasoline at the service station causes the Ignition Interlock to fail.

Normal refueling at the gas station will NOT create a failure. Gasoline in high concentration will not register enough to be a fail on an alcohol specific ignition interlock.

5. Perfume, hairspray, after-shave colognes, cause the Ignition Interlock to fail.

Most perfumes and colognes contain alcohol but the ignition interlock will not react to it in heavy concentrations.

6. Mouthwash/Mouthspray causes the Ignition Interlock to fail.

Mouthwash and sprays usually contain up to 30% alcohol and will definitely react as alcohol in all ignition interlock devices. Non-alcohol mouthwash is available and all ignition interlock users should use this mouthwash. The alcohol concentration level can register as high as .250 but will immediately dissipate within a fifteen (15) minute timeframe due to being mouth alcohol only or quicker if the mouth is rinsed with water. Clients are always instructed to rinse their mouths out with water before each and every test.

7. Chocolate mints, Altoids, Dentyne and other gums cause the Ignition Interlock to fail.

Alcohol filled chocolates will register a fail; however, the alcohol in the chocolate will dissipate in 3 minutes.

8. Cinnamon Rolls and Donuts make the Ignition Interlock fail.

The sugar and the active yeast can combine to create a low level alcohol fail some of the time. However, as with cigarette smoke or mouthwash, a second test will indicate a drop or a completely clean test. Rinsing the mouth with water after eating and before blowing into the device will eliminate a fail. Smart Start clients should ALWAYS rinse their mouth with water before taking a test.

9. The Ignition Interlock just aborts and I can't start my vehicle.

The majority of all aborts are caused by improperly blowing into the device.

10. My friend or girlfriend blew a fail and was drinking.

The defendant is informed that they are responsible for all tests recorded on the vehicle's ignition interlock.

11. My engine stopped due to the ignition interlock OR What if it shuts the car down in a bad part of town

The units are designed to prevent the starting of a vehicle if a breath test is not passed. There is only one wire interrupted for the installation of the ignition interlock device and it serves no other purpose than to send the signal to the starter for the vehicle to start once the test is passed. If the individual fails a test while driving, it simply records a violation; *it does not shut the vehicle down.*

12. What is the difference between T-Cell (non-alcohol specific) vs. the Fuel cell (alcohol specific device)?

A fuel cell sensor is an electrochemical device in which the substance of interest, in this case alcohol, undergoes a chemical oxidation reaction at a catalytic electrode surface (platinum) to generate an electrical response. This response is then converted to an alcohol equivalent reading. By careful design and catalyst selection, the fuel cell chemistry can be geared to work only with a limited range of fuel substances. This is what gives the cell its high specificity to alcohol. T Cells, Taguchi, or Semi-conductor sensors, consist of a small bead of metal oxide, which is heated to a high temperature, and a voltage is applied to produce a small current. As a substance comes into contact with the small bead (alcohol) it changes this current. This change is then converted into an alcohol reading.

13. I only had one beer or glass of wine or one cocktail.

If one drink is consumed one hour or more prior to startup, the average person will pass the test. Alcohol is normally metabolized at the rate of 1 ounce of alcohol per hour. It should be noted that size, gender, and several other factors play a key role in determining the body's absorption of alcohol. There is no single formula that can be used for everybody in determining how much he or she can drink before they are affected by the alcohol.

14. I can start my vehicle without taking a test.

This can only be accomplished by a deliberate means of circumventing the ignition interlock. This would be considered tampering and would be recorded by the ignition interlock as a start violation.

15. What does anti circumvention mean?

This is a generic term for features designed to make tampering of the ignition interlock much more difficult. Some anti-circumvention features of the SSI-1000 include voice-tone, rolling-retests and the ability to detect power disconnects.

16. The rolling retest is dangerous.

The rolling retest is programmed to ask for a test within 5 to 15 minutes after initial start up of the vehicle and then randomly thereafter about every 45 minutes. Once the SSI-1000 requests the test, the client has six (6) minutes to respond. The test does not require eye contact with the device and the 6 minutes allows adequate time to pull over if the client feels more comfortable doing so.

17. The device is not very accurate.

All interlock devices must be certified to meet NHTSA specifications for accuracy and dependability and often by each State's specs as well. When properly calibrated the ignition interlocks are accurate enough to determine the presence of alcohol and its concentration. The device ignition interlock cannot be used to determine if a client is legally intoxicated because the test is unsupervised. Some of the evidentiary breath testing equipment used by the police departments actually utilizes a fuel cell sensor as an additional means of verifying test results. Interlocks with fuel cell sensors are accurate.

18. Anyone can blow in the Ignition Interlock. I only have one car in our family.

All family members must be trained to use the device however; the client is responsible for any positives and all readings registering on the monthly data logs. Yes, anyone can blow into the ignition interlock, but they must be able to make the voice tone and pass a test, at a level determined by State requirements, and they must also submit to the rolling retests.

19. Defense attorneys will attack the credibility of reports/data.

This is what defense attorneys are paid to do. We provide ignition interlock services and have employees who can provide testimony in cases where either the records are contested or detailed explanations of the reports are necessary. We prefer to have at least 3 days advance notice, but can prepare for a case in a shorter period of time if necessary. When the reports indicate repeated and significant problems we have been highly successful in having our device, systems, and reports held up in court. When there is only a single event or when events are interpreted outside of our standards the success rate is lower.

20. The Ignition Interlock costs too much.

A average cost of a unit is approximately \$2.50 per day. The cost is at the expense of the offender. Statistics show that the average amount of money spent on alcohol per day by the offender is \$16.00. They spend 30% of their monthly salary on alcohol.

Nothing is 100%. However, the ignition interlock works and there are independent studies that back this up. In order for it to be effective it must remain on the vehicle. One IID company has prevented over 4 million illegal starts since 1992. ***Surely they have saved several lives by preventing so many DWI attempts!***

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1. Can someone use a balloon or other air source to mimic human breath?

No. The devices currently available have anti-circumvention techniques, which cause the Ignition Interlock Device to abort phony breath samples.

2. Can a person with an Ignition Interlock Device restriction have someone else take the breath test for the driver to start the vehicle?

Not legally.

3. Will the Ignition Interlock Device unit lose all memory if the battery is disconnected?

No. The unit has a back up lithium battery to protect the data log's memory.

4. If a driver gets stranded and thinks the Ignition Interlock Device unit is causing the problem, is there anything he/she can do?

Some units can self-diagnose problems and the driver will be able to confirm if the unit is having problems by the condition of the service light. The driver can also call a service provider to help determine if the unit requires service.

5. Can a participant leave his/her car running outside of a bar, while drinking inside, and then drive away?

If someone tries to do this, the unit will randomly ask for breath tests while the vehicle is running. If a sample is not given when requested, the device logs a violation and with some devices, the horn starts to honk until the vehicle is shut off.

6. What happens when the driver forgets his/her service appointment?

The device will prompt the driver. For example, a device may flash or the light may stay on and a tone will sound if it needs service. If the IID is not serviced, all Ignition Interlock Devices will enter a lockout condition and the driver will not be able to operate the vehicle. Then, the vehicle would have to be towed to the service center or the service center technician would have to perform remote service.

7. What if the driver is taking a medicine with an alcohol base?

Alcohol is alcohol. If the driver's blood alcohol concentration, as measured in the breath, is over the preset level, the driver will not be allowed to start the vehicle. During the training session, drivers are particularly cautioned about common substances that contain alcohol and the use of mouthwash.

8. What if the driver uses mouthwash in the morning and the mouthwash has an alcohol base?

Again, alcohol is alcohol. If the driver does not allow sufficient time for the alcohol to dissipate from his/her mouth, a FAIL will be registered in the memory.

9. What happens when a driver fails the breath test?

The Ignition Interlock Device will enter a short lockout period of a few minutes for the first failed breath alcohol test and a longer lockout for any subsequent failed breath alcohol test. This permits an opportunity for the alcohol to dissipate from the mouth and for the driver to consider the reason for the failed breath alcohol test.

10. Can others besides the participating driver drive the IID-equipped vehicle?

Yes. However any intended driver must take and pass a breath test in order to start the vehicle. All other possible drivers should be trained on the operation of the device. The person with the Ignition Interlock Device restriction is responsible for all readings recorded by the device.

11. What happens when the IID-equipped vehicle needs repair?

The driver needs to contact the Ignition Interlock Device service provider before having repairs conducted on his/her vehicle in case the repair shop has questions about the IID. Documentation must be provided if the power to the vehicle is interrupted as the unit will record the power disconnect and the reconnect.

12. If the Ignition Interlock Device unit malfunctions, will it shut the vehicle off?

No. The IID unit has no means of interrupting vehicle operation once it is started.

13. What happens if the vehicle stalls in traffic?

The Ignition Interlock Device unit permits the driver to restart the vehicle without having to conduct another breath sample, but a breath sample will be requested shortly after restarting.

14. What happens if the driver is out of California and experiences problems with his/her Ignition Interlock Device unit?

Most states currently have Ignition Interlock Device programs with service centers to assist them. Drivers are instructed to contact the primary service center to be routed to the closest center for assistance.

15. Will installation of the Ignition Interlock Device damage the vehicle?

No. The IID unit is only connected to the wiring under the dash and under the hood. At the end of the program, this wiring is restored to pre-IID installation conditions.

16. Will the requirements to take a "running retest" cause the driver to take his/her eyes off the road creating a hazardous situation?

No. When the Ignition Interlock Device signals for a retest, the driver has a few minutes to provide the sample or to pull over to the side of the road in a safe area to provide the breath sample. There are no buttons to push; the driver must only breathe into the unit to complete a breath sample. This is much simpler than using a cellular telephone or tuning a state-of-the-art car stereo.

17. How often does the device need a calibration check?

Typically, every 60 days.

18. Can the device be tampered with by computer?

No. Proprietary software and a special interface connection are needed to communicate with the device.

Drunk Drivers Beware: System Works in Drew Co.

Source: PINE BLUFF COMMERCIAL
(Arkansas) - Thursday, July 9, 1998

Kara Tooke -
MONTICELLO/WARREN
CORRESPONDENT, MONTICELLO

If you're planning on throwing caution to the wind when it comes to consumption of alcohol and getting behind the wheel of a car, think twice before heading to Drew County.

It was one year ago this month Municipal Judge William R. "Bill" Daniels made the decision to crack down on drunk drivers by ordering all first offenders to have installed in their vehicle an Ignition Interlock system. Already Drew County is witnessing a change for the better.

The Interlock, which looks like a small portable breathalyzer and is endorsed by Mothers Against Drunk Driving (MADD), is fitted into a vehicle's dashboard. Before their car will start, the driver must blow into it. The system analyzes the sample and if even a trace of alcohol is detected, the car will not start.

A study done by the University of Maryland showed that "an interlock program reduces the risk of an alcohol traffic violation within the first year (after conviction) by about 65 percent."

"The figures show that DWIs in our court are down about 30 percent from years past," Daniels said.

Where normally eight to twelve people charged with DWI would appear on one day in his court before, Daniels said now he sees an average of five or six. He also reports a significant decrease in the number of second and third offenses.

Law enforcement has noticed a difference as well. "We've seen a decrease in DWIs on regular patrols," Sheriff Tommy Free said. "They're holding people in contempt for not installing it and there have been some lengthy jail terms imposed," he noted.

"I had one State Trooper tell me his superiors wanted to know why he hadn't been making arrests on DWI," said Daniels. "He told them they're just not out there."

Daniels decided to adopt the policy after he lost confidence in the idea that fines were an effective deterrent to drinking and driving.

"Though they had to deal with the embarrassment of court, fines didn't seem like a big enough deal to those first offenders who just made a careless mistake," said Daniels, "and those with a real problem needed to be threatened with something more burdensome and meaningful."

Daniels attributes the success of the policy to the willingness to force those with a DWI first offense to have the Interlock, as well as the severe sanctions that have been imposed for non-compliance. "The fear factor is at work," said Daniels. "If they violate the order

by refusing to have the system put on or tampering with it they're going to be looking at as much as 180 days in jail and a \$1,000 fine."

According to Superior Interlock Services Inc., of Conway which installs and maintains the systems for Drew County, 86 people were caught drinking and driving over the last year in the county and all were prohibited from driving any vehicle without an Interlock.

Of the 86 convictions, 30 units have been installed according to a report from Superior Interlock. Of those not yet in compliance, ten people claim not to own a vehicle, two live out of Arkansas where there is no service, one is in rehabilitation, another is in jail for tampering and 42 warrants are being processed for non-compliance.

"If the punishment for not following the order is strong enough, the word travels pretty quickly," said Fred M. Bowers, president of Superior Interlock. Paul Dotley, a DWI Counselor with Delta Counseling in Monticello agrees. "It's made a major impact in Drew County, and since Judge Daniels orders the interlock for first offenders, it's a great deterrent," he said.

All DWIs issued in a five-county area are referred to Delta Counseling, and Dotley says Drew "by far has dropped more than any other county." "Several area judges have shown an interest and we're hoping they will go to the Interlock as well," he said.

According to Bowers, who is working with others to push legislation allowing offenders to have their license reinstated

upon proof that their vehicle is equipped with an Interlock, the use of an Interlock is easily validated.

"National statistics show that 80 percent of those who have their license suspended drive anyway...illegally, without insurance, and with no way of knowing if they are driving drunk or not," Bowers said.

Daniels said the Interlock is logical because if violators have been proven to drive regardless of having their license suspended, "Why not offer the public some degree of protection from drunk drivers and keep them legal?"

"It allows them to keep driving to work so they can provide for their family, while keeping them in the system so their behavior can be monitored," said Bowers.

Another perk that comes with the Interlock is that it keeps potential drunk drivers out of trouble and they know it. "A few people, after going through counseling and driving with the system on their cars for a year, have decided to keep it even though they no longer have to because they realize it's cheaper than paying fines and insurance increases" said Dotley. "It becomes a crutch for them" said Bowers, "because they know they will drink and drive again, but not with an Interlock."

"My goal in establishing the Interlock as a punishment was to keep the roads safe for my family and yours, it's even better if it helps someone realize they have a real problem," said Daniels. "I'm really pleased with its effectiveness."

Sec. 28.22.011. Motor vehicle liability insurance required; exemptions.

(a) The operator or owner of a motor vehicle subject to registration under AS 28.10.011 when driven on a highway, vehicular way or area, or on other public property in the state, shall be insured under a motor vehicle liability policy that complies with this chapter or a certificate of self-insurance that complies with AS 28.20.400 unless

(1) the motor vehicle is being driven or moved on a highway, vehicular way, or a public parking place in the state that is not connected by a land highway or vehicular way to

(A) the land-connected state highway system, or

(B) a highway or vehicular way with an average daily traffic volume greater than 499; and *see list attached*

(2) the operator has not been cited within the preceding five years for a traffic law violation with a demerit point value of six or more on the point schedule determined under regulations adopted by the department under AS 28.15.221.

(b) The department shall annually publish a list of areas that meet the requirements of (a)(1) of this section. This list shall be available for public inspection at each office of the department.

(c) In this section, "operator" does not include

(1) an employee who operates, during the course and within the scope of employment, a motor vehicle that is owned or leased by the operator's employer; or

(2) an emergency service volunteer who operates, during the course and within the scope of responding to an emergency, a motor vehicle not owned by the volunteer.

Department of Administration Division of Motor Vehicles

State of Alaska > Administration > DMV > Mandatory Insurance

Mandatory Insurance

The Mandatory Insurance Statutes require that the owner of a motor vehicle subject to registration have a liability insurance policy in effect that complies with AS 28.22.101. The minimum amounts for this policy are \$50,000/\$100,000 for bodily injury or death and \$25,000 for property damage. Failure to have the proper insurance may result in a suspension of a driver's license. Insurance is not required in areas where registration is not required. The list of these locations is shown below. **EXCEPTION:** A driver that has received a ticket for a violation of 6 points or more within the last 5 years must have liability insurance.

Proof of motor vehicle liability insurance must be in the person's possession at all times when driving a motor vehicle, and they must present the proof for inspection upon demand of a peace officer or other authorized representative of the Department of Public Safety. Your vehicle may be impounded in the Municipality of Anchorage if you do not have proof of insurance. In this case, you would need to contact the Anchorage Police Department for procedures on obtaining your vehicle.

As required by AS 28.22.011(1)(A) & (B), the following areas are exempt from registration and the Mandatory Insurance law. Compiled by the Department of Administration, Division of Motor Vehicles, from information obtained from the Department of Transportation.

Adak	Afognak	Akiak	Akiachak
Akiak	Akolmiut	Akulurak	Akutan
Alakanuk	Alatna	Alakaket	Amakdedori
Ambler	Amchitka	Aniak	Annette
Anvik	Arctic Village	Atka	Atkasuk
Attu	Baranof	Beaver	Bell Island Hot Springs
Belkofski	Belmezok	Bettles	Bettles Field
Biorka	Birch Creek	Breig Mission	Buckland
Candle	Canyon	Cape Pole	Cape Yakataga
Chalkyitsik	Chandalar	Chaniliut	Chakaktolik
Chase	Chatham	Cheching	Chenik
Cheformak	Chemofski	Chevak	Chichagof
Chignik	Chignik Lagoon	Chignik Lake	Chisana
Christian	Chuathbaluk	Clark's Point	Colli Bay
Crooked Creek	Deering	Diomedea	Edna Bay
Eek	Egavik	Egegik	Ekuk
Ekwok	Elfin Cove	Elim	Emanguk
Emmonak	English Bay	Excursion Inlet	False Pass
Flat	Fort Yukon	Fortuna Lodge	Galena
Gambell	Golovin	Goodnews Bay	Grayling
Gustavus	Hawk Inlet	Haycock	Holy Cross
Hooper Bay	Hughes	Huslia	Iditarod
Iguigig	Igushik	Iliamna	Ivanoff Bay
Kachemak	Kaguyak	Kakhonak	Kaktovik
Kalskagg	Kaltag	Kanatak	Karluk
Kashegelok	Kasigluk	Katalla	Kiana
King Cove	King Island	Kipnuk	Kivalina
Kiwalik	Kobuk	Kokhanok	Kokrines
Koliganek	Kongiganak	Kotlik	Kotzebue
Koyuk	Koyukuk	Kvichak	Kwethluk

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Kwigillingok	Kwiguk	Kwinhagak	Lake Minchumina
Larsen Bay	Latouche	Levelock	Lime Village
Little Diomed	Long	Lower Kalskag	Monokatak
Marshall	Mary's Igloo	McGrath	Medfra
Mekoryuk	Meshik	Metlakatla	Meyoruk
Meyers Chuck	Moses Point	Mt. Village	Mumtrak
Napaimiut	Napaiskak	Napakiak	Nelson Lagoon
New Stuyanok	Newhalen	Newtok	Nightmute
Nikolai	Nikolski	Noatak	Nolan
Nondalton	Noorvik	Nuiqsut	Nulato
Nunachuak	Nunapitchuk	Nushagak	Nyac
Old Harbor	Ophir	Oscarville	Ouzinkie
Owl Village	Pavlof Harbor	Pedro Bay	Pelican
Pennock Island	Perryville	Pikmiktalik	Pile Bay
Pilot Point	Pilot Station	Pitka's Point	Platinum
Point Baker	Point Hope	Point Lay	Poorman
Port Alexander	Port Alsworth	Port Ashton	Port Graham
Port Heiden	Port Lions	Port Moller	Port Wakefield
Quinhagak	Rampart	Red Devil	Ruby
Russian Mission	St. George	St. Mary's	St. Michael
St. Paul	Sanak	Sand Point	Savoonga
Scammon Bay	Selawik	Shageluk	Shaktoolik
Sheldon Point	Shemya	Shismaref	Shungnak
Shungnnak Village	Skwentna	Sleetmute	Snettisham
South Naknek	Squaw Harbor	Stebbins	Stevens Village
Stony River	Stuyahok	Takotna	Taku Harbor
Tanana	Tanunak	Tatitlek	Tenakee Springs
Tetlin	Tin City	Todd	Togiak
Token	Toksook Bay	Tuluksak	Tuntutuliak
Tununak	Twin Hills	Tyonek	Ugashik
Umiat	Unalakleet	Unga	Venetie
Wainwright	Wales	White Mountain	Wiseman
Woody Island			REV. 6/16/05

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REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

MEMORANDUM

DATE: April 2, 2007

TO: Senator Hollis French, Chair
Senate Judiciary Committee

FROM: Representative Kevin Meyer

RE: Request to Schedule House Bill 19 *Limited Driver's Licenses*

Please schedule HB 19 *Limited Driver's Licenses* for a hearing in the Senate Judiciary Committee at your earliest convenience.

HB 19 creates a limited license specifically for people convicted of driving under the influence of alcohol. The limited license requires the person to install and maintain an ignition interlock device on the vehicle or vehicles they intend to drive.

Included in this packet:

- CSHB 19 (FIN) *Limited Driver's Licenses* v. LS-0133\T
- Sponsor Statement
- Sectional Analysis
- Fiscal Notes: DOT/ADMIN
- Changes to HB 19 in CSHB19 (FIN)
- Changes to HB 19 in CSHB 19 (JUD)
- Changes to HB 19 in CSHB 19 (STA)
- HB 19 *Limited Driver's Licenses* v. LS-0133\E
- Backup materials:
 1. Department of Public Safety Letter
 2. National Highway Transportation Safety Administration: "10 Promising Sentencing Practices" excerpt: "Ignition Interlock Devices"
 3. MADD Alcohol Ignition Interlock Fact Sheet and position papers
 4. "Blow and Go: the breath-analyzed ignition interlock device as a technological response to DWI." By Judge Andrew Fulkerson
 5. The Department of Premier and Cabinet Government of Western Australia Office of Road Safety
 6. USA Today *States turn on to idea of ignition locks (1/26/07)*



REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

Sponsor Statement HB 19

"An Act relating to ignition interlock limited driver's license privileges."

Currently, a person convicted of driving under the influence has been able to get a limited driver's license from the Division of Motor Vehicles so that they can continue to drive and to earn a living. The limitation currently placed on a license focuses primarily on where a person can drive. House Bill 19 shifts the emphasis from where a person can drive to how a person can drive by changing the type of limited license available to an offender from the traditional limited license to an ignition interlock limited license.

An ignition interlock limited license requires an offender to install and maintain an ignition interlock device on the vehicle they intend to drive. An ignition interlock device analyzes a person's blood alcohol content and prevents the car from being started if the person's blood alcohol level is above a set level. The license allows the offender to drive only the vehicle on which the device is installed. Under HB 19, driving another vehicle is considered the same as driving with a revoked license and that vehicle can be forfeited to the state.

Several states require ignition interlock devices for DUI offenders and studies suggest that ignition interlock devices lead to a substantial decline in recidivism, particularly for offenders with multiple DUI's. More importantly, an ignition interlock device prevents an intoxicated person from starting their car and thereby keeps a potential drunk driver off the road. With an ignition interlock device – if you can't blow, you can't go.

(Updated 1/16/2007)



REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

MEMORANDUM

DATE: January 16, 2007
TO: Representative Kevin Meyer
FROM: Mike Pawlowski
RE: Sectional Analysis for HB 19
(Version No. 25 – LS0133\E)

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Removes the suspension provision in order to allow early application for an ignition interlock limited license.

Section 2. Creates and establishes requirements for an ignition interlock limited license.

Section 3. Specifies that a person caught violating the provisions of an ignition interlock limited license is subject to 28.15.291 (driving with a suspended or revoked license) and subjects the vehicle in violation to forfeiture.

Section 4. Repeals the existing limited license provisions for DUI convictions in 28.15.201(d) & (e) to allow for the ignition interlock limited license created in section 3.

Section 5. Transitional provision allowing a person convicted prior to the passage of HB 19 to continue to use their limited license.

Section 6. January 1, 2008 effective date.



REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

MEMORANDUM

DATE: March 23, 2007
TO: Representative Meyer
FROM: Mike Pawlowski
RE: Changes to HB 19 in CSHB 19 (FIN)

The attached blank CS for HB 19 makes substantive changes to the previous versions. The major departure is that rather than attempting to enlarge the sphere of people qualified to apply for a limited license we instead focus on changing the limited license. Below is a comparison of existing law and the new HB 19:

	AS 28.15.201(d)	HB 19 (Section 3)
Authority to Grant:	Court or DMV	Court or DMV
Qualified Offenses:	Misdemeanor DUI	Misdemeanor DUI
Hard Suspension Period:	30 days / 90 days	30 days / 90 days
Enrolled / Completed Treatment:	Yes	Yes
Employed:	Yes	No
Proof of Ignition Interlock Device	No	Yes
Affidavit:	No	Yes
Application Cost:	\$100	\$120
Ignition Interlock Costs:	If required	Yes

The primary differences between the old limited license and the new limited license are:

1. **Where you can drive:**
 - a. The old limited license specified a person could only drive to and from work. The ignition interlock limited license allows a person to drive anywhere as long as they have the device installed on their vehicle.

2. Employment:

- a. The old limited license required a person to be employed. The ignition interlock limited license is based on the ignition interlock device and not on whether or not a person is employed.

The blank CS for HB 19 also contains several changes to existing statutes (Sections 1,2,4,5 & 6). The changes are summarized below:

Section 1: Changes existing AS 11.76.140 (*Avoidance of an Ignition Interlock Device*) by elevating the offense for tampering with an ignition interlock device to a class A misdemeanor from an unclassified offense. Section 1 also clarifies the mental states governing whether or not a person violates AS 11.76.140 when renting or loaning a vehicle to a person that is required to have an ignition interlock device.

Section 2: Adjusts the existing limited license (AS 28.15.201(d)) allowing a person to apply to the courts for the old type of limited license if they cannot reasonably get an ignition interlock device installed on their vehicle.

Section 4: Makes conforming changes to the driving while license suspended or revoked statute.

Section 5 & 6: Requires the court to make findings regarding whether or not a person should be required to have an ignition interlock device on their vehicle throughout the period of their probation.



REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

MEMORANDUM

DATE: February 19, 2006
TO: Representative Meyer
FROM: Mike Pawlowski
RE: Changes to CSHB 19 (STA) in CS HB 19 (JUD) (25-LS0133\L)

The CS for HB 19 (25-LS0133\L) includes new language that includes avoiding an ignition interlock device in the affidavit required under section 3 (old section 2), makes conforming changes to the statute and clarifies that attempting to operate a vehicle that is prevented from starting is not considered a violation of the limited license.

Changes:

Section 1: Adds a new section 1 amending AS 11.76.140 to conform existing statute to the new ignition interlock limited license, removes subsection (2) governing rentals and loans, changes the classification of the offense to a class A misdemeanor.

Renumbered sections accordingly

Section 3: (Old Section 2) Changed "that is" on page 2 line 25 to "shall be" and inserted new language on page 2 line 26: "If the ignition interlock device prevents a vehicle from being operated, the person has not violated the requirements of the limited license by attempting to operate the vehicle."

The new language is intended to address 2 AAC 90.230 (A) which gives the division the power to cancel an ignition interlock limited license if the person "attempted to operate a motor vehicle after consuming alcohol sufficient to lock-out the ignition."

Added, on page 3 lines 7-8 a new (B) in the required affidavit giving notice that circumventing or tampering with an ignition interlock device is a violation of AS 11.76.140.



REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

MEMORANDUM

DATE: February 7, 2006
TO: Representative Meyer
FROM: Mike Pawlowski
RE: Changes to HB 19 in CS HB 19 (STA) (25-LS0133\M)

Changes:

Section 1: No changes.

Section 2: Rewrote lines 4-7 on page 2 to retain the court system's authority to issue a limited license which was repealed by section 6.

Added in subsection (1) (Page 2 lines 12-13) "or a similar municipal ordinance" to ensure that HB 19 applies to convictions under municipal DUI ordinances.

Section 4 & 5: Added new section 4 extending the court's authority to require an ignition interlock device beyond the initial period of probation.



State of Alaska
Department of
Public Safety

Sarah Palin, Governor
Walt Monegan, Commissioner

February 22, 2007

The Honorable Kevin Meyer
House of Representatives
Alaska State Capitol, Rm 515
Juneau, AK 99801-1182

Dear Representative Meyer:

Re: HB 19

The Alaska Department of Public Safety (DPS) supports HB 19 to enhance current law regarding limited driver's license privileges and ignition interlock devices.

Currently, at least 46 states and the District of Columbia have laws that require some offenders to drive only if their vehicles have been equipped with ignition interlocks.¹ In neighboring Canada, one province that has implemented ignition interlocks is showing a reduction in the repeat DWI rate by 80% during the first 12 months for first-time offenders and by 74% during the first 24 months among repeat offenders.²

Studies have shown that about one-third of all drivers arrested or convicted of driving under the influence of alcohol are repeat offenders (Fell, 1995). In addition, the risk of a driver who has one or more DWI convictions becoming involved in a fatal crash is about 1.4 times the risk of a driver with no DWI conviction (NHTSA, 2000).

The Department of Public Safety is committed to increasing safety on Alaska's highways and supports passage of HB 19 as a means of reducing impaired driving.

Sincerely,

Walt Monegan
Commissioner

¹ Insurance Institute for Highway Safety.

² <http://www.interlockdevice.com/r3.htm>

Promising Sentencing Practice No. 5 Ignition Interlock Devices



By Judge Calvin Holden (Missouri)

Overview

While DWI sanctions have generally focused on punishing, rehabilitating, or incapacitating the drinking driver, another approach to controlling the DWI offender that has emerged in recent years is to focus on the offender's vehicle as a means of influencing the offender. One of these approaches, which has proven to be effective, is the ignition interlock device.

To prevent a convicted DWI offender from driving while intoxicated, courts may require the installation of an ignition interlock device on the offender's vehicle. Courts employ this sentencing practice because:

- Installation of the device allows DWI offenders to maintain their responsibilities (e.g., driving to work, taking children to school, running errands, etc.), while also serving as a constant reminder that their privilege to drive is contingent on their sobriety.
- Given the fact that many offenders whose licenses are suspended or revoked will continue to drive without a license, a deterrent to DWI other than license suspension or revocation is necessary to protect public safety.

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What Is An Ignition Interlock Driver?

An ignition interlock device consists of a breath-testing unit that is connected to a vehicle's ignition switch. To start the vehicle, the driver must blow into the unit. If the breath sample provided by the driver contains more than a predetermined blood alcohol concentration, the ignition interlock device prevents the vehicle from being started. To meet the model specifications set by NHTSA, the ignition interlock device must not only require a breath test to start the vehicle, but must also require a subsequent "rolling or running retest" to prevent another person from starting the vehicle and then allowing an impaired driver to take over the wheel. The ignition interlock system records the results of all breath tests, as well as all attempts to circumvent or tamper with the device.

Federal Law

The TEA-21 Restoration Act supports the use of ignition interlock devices by

mandating that State laws regarding second and subsequent convictions for DWI must require that all vehicles of repeat DWI offenders be impounded or immobilized for some time period during the license suspension period, or require the installation of an ignition interlock system on all of the offender's vehicles for some time period after the end of the suspension. Otherwise, the State risks losing Federal funding.⁵²

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State Laws

Forty-three States have laws providing for either the discretionary or mandatory installation of ignition interlock devices on the vehicles of repeat DWI offenders. New Mexico, for example, requires that as a condition of probation upon a first conviction for aggravated driving while under the influence of intoxicating liquor or drugs,⁵³ an offender shall be required to have an ignition interlock device installed and operating for a period of one year on all motor vehicles driven by the offender.⁵⁴

Costs

The offender is required to pay for the ignition interlock device. The average cost for installation of the device is approximately \$100-\$150, and monthly monitoring and calibration is approximately \$65.

Effectiveness Of The Device

The ignition interlock device has proved to be an effective deterrent to DWI because when properly installed and regularly monitored, the device is extremely difficult to circumvent. It has also proved to be an effective deterrent when it is emphasized to the offender that this is a lesser penalty than might be imposed (e.g., impounding the offender's vehicle) and is conditioned on the offender's correct use of the device every time he or she drives.

Studies have shown:

- A recidivism rate of 0-4 percent by offenders whose vehicles were equipped with an ignition interlock device.⁵⁵
- That offenders were 65 percent less likely to re-offend while the device was in place than those offenders who were not required to install the device.⁵⁶
- That multiple DWI offenders who were required to install ignition interlock devices were less than half as likely to have subsequent DWI convictions within three years, as compared with other multiple DWI offenders who were not required to install the devices.⁵⁷
- That after 30 months, the recidivism rate for offenders placed in an interlock group was only 1.5 percent, compared to 16.1 percent for offenders in the non-interlock group.⁵⁸
- That a program which combined an ignition interlock requirement with substance abuse treatment and license suspension was more effective in

preventing recidivism than any other program.⁵⁹

Other researchers have found, however, that the deterrent effect of the device generally ends once it is removed, and that the likelihood that offenders who were required to install the device will commit a repeat DWI offense following removal of the device is virtually the same as for those who were not required to install the device.⁶⁰ Research suggests that the device should remain installed until the offender can demonstrate an extended period of sobriety.⁶¹ When combined with substance abuse counseling, there is some evidence that the deterrent effect of the device may continue beyond its removal.⁶²

One court found that the practical effectiveness of the device was limited because only a small number of offenders were willing to install the device in order to be able to drive legally. Consequently, it adopted a court policy that created a strong incentive for offenders to install the device by making traditional penalties, such as jail or electronically monitored house arrest, the alternative to participation in the interlock program. Comparison of the recidivism rates of offenders subject to this policy with offenders in similar, nearby courts, not using interlocks, indicated that the policy was producing substantial reductions in DWI recidivism.⁶³

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Using Data Recorded by Device

The data recorded by the ignition interlock device may provide information regarding the offender's particular pattern of alcohol abuse that may be useful in attempting to change the offender's behavior through counseling or other means (e.g., by showing the offender's attempts to drive while intoxicated at a certain time of day or under certain circumstances).⁶⁴ Some researchers have concluded that interlock data may eventually come to serve as a useful adjunct for monitoring offenders by alcohol counselors, as well as by courts and motor vehicle authorities.⁶⁵

Barriers to Using the Device

Judges and prosecutors who participated in a 2003 study conducted by the California Department of Motor Vehicles noted three barriers that exist to requiring ignition interlock devices:

- Many offenders are unable to pay for these devices;
- Many offenders do not own a vehicle; and
- Monitoring offenders ordered to install an ignition interlock device is time-consuming and difficult.⁶⁶

One method of dealing with offenders who do not own a vehicle is to require them to sign a waiver stating that they will not own or operate a vehicle that is not equipped with an ignition interlock device.

⁵² See 23 U.S.C. § 164(a)(5)(B).

⁵³ N.M. Stat. §66-8-102 (D): Aggravated driving while under the influence of intoxicating liquor or drugs consists of a person who:

(1) has an alcohol concentration of sixteen one hundredths or more in his blood or breath while driving a vehicle within this state;

(2) has caused bodily injury to a human being as a result of the unlawful operation of a motor vehicle while driving under the influence of intoxicating liquor or drugs; or

(3) refused to submit to chemical testing, as provided for in the Implied Consent Act, and in the judgment of the court, based upon evidence of intoxication presented to the court, was under the influence of intoxicating liquor or drugs.

⁵⁴ N.M. Stat. §66-8-102 (N).

⁵⁵ See "The Technology Answer to the Persistent Drinking Driver," National Commission against Drunk Driving (NCADD), <http://www.ncadd.com/015.cfm>.

⁵⁶ See Beck, Kenneth H., et al., "Effects of Alcohol Ignition Interlock License Restrictions on Multiple Alcohol Offenses: A Randomized Trial in Maryland," *American Journal of Public Health*, Vol. 89, No. 11, pp. 1696-1700 (November 1999); Coben, Jeffrey, and Gregory Larkin, "Effectiveness of Ignition Interlock Devices in Reducing Drunk Driving Recidivism," *American Journal of Preventive Medicine*, Vol. 16, No. 1S, pp. 81-87 (1999).

⁵⁷ See Fulkerson, Andrew, "Blow and Go: The Breath-Analyzed Ignition Interlock Device as a Technological Response to DWI," *American Journal of Drug and Alcohol Abuse*, Vol. 29, pp. 219-229 (2003).

⁵⁸ See More, Barbara J. and Delbert S. Elliott, "Effects of Ignition Interlock Devices on DUI Recidivism: Findings from a Longitudinal Study in Hamilton County, Ohio," *Crime & Delinquency*, Vol. 38, pp. 131-141 (1992).

⁵⁹ See Tashima, Helen N. and Clifford J. Helander, "1999 Annual Report of the California DUI Management Information System," California Department of Motor Vehicles, pp. 30, 38 (January 1999).

⁶⁰ See Raub, R., et al., "Breath Alcohol Ignition Interlock Devices: Controlling the Recidivist," *Traffic Injury Prevention*, Vol. 4, No. 3, pp. 199-205 (2003); "Alcohol Ignition Interlock Devices I: Position Paper," *International Council on Alcohol, Drugs and Traffic Safety (ICADTS)*, p. 11 (July 2001).

⁶¹ See Raub, supra.

⁶² See Raub, supra.

⁶³ See Voas, Robert A., et al., "Evaluation of a Program to Motivate Impaired Driving Offenders to Install Ignition Interlocks," *Accident Analysis and Prevention*, Vol. 34, No. 4, pp. 449-455 (2002).

⁶⁴ See Marques, Paul R., et al., "Predicting Repeat DUI Offenses With Alcohol Interlock Recorder," *Accident Analysis and Prevention*, Vol. 33, No. 5, pp. 609-619 (2001); Marques, Paul R., et al., "Behavioral Monitoring of DUI Offenders with Alcohol Ignition Interlock Recorder," *Addiction*, Vol. 94, No. 12, pp. 1861-1870 (1999).

⁶⁵ See Marques, Paul R., et al., "Behavioral Measures of Drinking: Patterns from the Alcohol Interlock Record," *Addiction*, Vol. 98, No. 2, pp. 13-19 (2003).

⁶⁶ See DeYoung, David, "An Evaluation of the Implementation of Ignition Interlock in California," *Licensing Operations Division, Research Notes—2003*, http://www.dmv.ca.gov/about/profile/rd/resnotes/evaluation_implementation.htm.

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Alcohol Ignition Interlock Fact Sheet

Alcohol ignition interlocks

An alcohol ignition interlock is a breath test device linked to a vehicle's ignition system. When a driver wishes to start his or her vehicle, he or she must first blow into the device. The vehicle will not start unless the driver's alcohol concentration is below a pre-set blood alcohol concentration (BAC). A data recorder logs the driver's BAC for each attempt to start the vehicle. Interlocks may be calibrated to have "rolling retests," which requires a driver to provide breath tests at regular intervals, preventing drivers from asking a sober friend to start the car, drink while driving, or leaving the car idling in a bar parking lot.¹

Use and prevalence of interlocks

Interlocks are used as a condition of probation for drunk driving offenders after their driver's licenses have been reinstated; they can also be directly mandated by judges. Sometimes interlocks can be used when licenses are revoked upon arrest for drunk driving as well, before conviction. As of 2006, 45 states and the District of Columbia allow for interlocks for some drunk driving offenders.²

- In 20 of these states, the law mandates the use of ignition interlock devices for DWI offenders. These states include: Arizona, California, Colorado, Florida, Idaho, Illinois, Iowa, Louisiana, Maryland, Massachusetts, Missouri, New Jersey, New Mexico, Oklahoma, Oregon, Pennsylvania, Texas, Utah, Virginia and Washington.³
- Twenty-five states have laws that provide for the discretionary use of ignition interlock devices for DWI offenders. These states are: Alaska, Arkansas, Connecticut, Delaware, Georgia, Indiana, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New York, North Carolina, North Dakota, Ohio, Rhode Island, South Carolina, Tennessee, West Virginia, Wisconsin, Wyoming, and the District of Columbia.⁴
- Five states, Alabama, Hawaii, Maine, South Dakota and Vermont, have no ignition interlock provisions.⁵

Despite these various laws throughout the nation, only 100,000 interlocks are in service in the United States.⁶

Effectiveness of interlocks

Interlock devices are up to 90 percent effective while installed in a vehicle.⁷ Once the interlock is removed from the offender's vehicle, however, the recidivism is similar for both offender groups.⁸ The average offender with an interlock installed in their vehicle gives a breath test five to nine times per day, of which 99 percent feature a BAC under .02.⁹ This data shows that interlocks are an effective weapon against drunk driving.

Alcohol ignition interlocks save lives

Each year, one-third of all drunk driving arrests are of drivers who have previously been convicted of drunk driving. Installing interlocks on all repeat offenders has the potential to save the lives of at least 300 individuals per year.¹⁰ Expanding the installation of interlocks into the

cars of first time offenders could save at least 1,600 lives.¹¹ By requiring interlocks for all convicted drunk drivers, we could save at least 1,900 lives per year.

The public supports the implementation of alcohol ignition interlocks

Eighty-five percent of the public supports the mandatory installation of alcohol ignition interlocks in the vehicles of repeat DWI offenders and 65 percent also support the mandatory installation of interlocks for first time offenders.¹²

Best use of interlock programs

New Mexico is the best model of successful judicial ignition interlock program. In 2005, New Mexico passed a law making interlocks mandatory for all drunk driving offenders: one year for first offenders, two years for second, three years for third, and a lifetime for the fourth offense. As of June 2006, 5,265 ignition interlocks had been installed in New Mexico, significantly more per capita than in any other state.¹³ Additionally, interlocks are perceived as a fair sanction by 85 percent of more than 3,000 offenders from that state.¹⁴

Alcohol ignition interlock programs have been adapted in other countries, as well.

- Australia has interlock programs in three of its states, adding up to 2,500 total interlock installations as of June 2006.¹⁵
- Almost all of the Canadian provinces have interlock programs for drunk driving offenders, most of which are voluntary.¹⁶
- The European Union has conducted feasibility studies in Belgium, Germany, Norway and Spain, while voluntary ignition interlock programs for convicted drunk drivers are also being tested in Finland, France, Germany and Great Britain.¹⁷
- Sweden has the most advanced interlock laws, as drunk driving offenders can choose between having their drivers license revoked or keeping it and participating in the interlock program. For two years, offenders must drive only interlock vehicles and cannot drive outside of Sweden. Drivers are dropped from the program if they are not completely sober during the second year. Two years after they left the program, successful participants had significantly fewer drunk driving arrests and crashes than they did before starting the program.¹⁸

Expanding interlock use for all convicted drunk drivers

The *Campaign* supports several approaches to implement greater use of interlocks for all convicted drunk driving offenders. First, new state laws need to be enacted to require interlock use by all drunk driving offenders, including first time offenders. Second, judges are one of the keys to increasing interlock use because they have the power to implement interlock laws and to penalize drivers who fail to comply with interlock program requirements. The *Campaign* aims to provide active education among state driver's license officials, judges and prosecutors on interlocks.¹⁹

MADD, *International Technology Symposium: A Nation without Drunk Driving Summary Report*, November, 2006: pg 4.

² MADD (2006), *State-by-State Alcohol-Related Laws*. www.madd.org/laws

³ MADD (2006), *Ignition Interlock Brief*.

⁴ *Ibid.*

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- ⁵ Ibid.
- ⁶ Marques, Paul. "Technology Today: Controlling DWI Offenders with Alcohol Ignition Interlock Programs" Presentation at the *MADD International Technology Symposium*: June 19-20, 2006.
- ⁷ Voas, Robert, et al. "The Alberta Interlock Program: The Evaluation of a Province-Wide Program on DUI Recidivism." *Addiction* 94 (12): 1849-1859. 1999.
- ⁸ Marques, Paul.
- ⁹ Ibid.
- ¹⁰ Fell, James. "Potential Role of Technology in Reducing Alcohol-Related Traffic Fatalities." Presentation at the *MADD International Technology Symposium*: June 19-20, 2006.
- ¹¹ Ibid.
- ¹² McInturff, Bill. "A Presentation of key findings from a national survey of 800 drivers conducted June 8-11, 2006." Presentation at the *MADD International Technology Symposium*: June 19-20, 2006.
- ¹³ Ibid.
- ¹⁴ Roth, Richard. "Interlocks in New Mexico". Presentation at the *MADD International Technology Symposium*: June 19-20, 2006.
- ¹⁵ MADD, *International Technology Symposium: A Nation Without Drunk Driving Summary Report*, November, 2006: pg 4.
- ¹⁶ Ibid, pg 4.
- ¹⁷ Ibid, pp 4-5.
- ¹⁸ Ibid, pg 5.
- ¹⁹ Ibid, pg 5.



Ignition Interlock - Issue Brief

[Overview](#) | [Take Action](#) | [Related Issues](#) | [Resources](#)

Overview

Repeat offenders are a significant portion of the drunk driving problem – about one-third of all DUI arrests each year are of people who have been convicted previously of driving under the influence. (Fell, 1995) Considering that between 50 and 75 percent of those whose licenses are suspended or revoked as the result of driving under the influence continue to drive without their license, (Nichols and Ross, 1990) (Voas and Tippetts, 1994) revoking a license is good, but not always enough.

Ignition interlocks prevent people who have alcohol in their system from driving a car. An operator breathes into an interlock device to determine blood alcohol concentration. If there is measurable alcohol in the blood, the vehicle does not start.

As one might expect, this stops offenders from re-offending while the interlock device is on the vehicle. Interlocks have been shown to be effective in Maryland (Beck, 1999) Alberta (Voas, et al, 1999), California (Tashima and Helander, 1999), and elsewhere (Weinrath, 1997) (Coben, 1999) with results ranging from 50 to 90 percent reductions in subsequent offenses by those offenders who were assigned interlock devices, compared with those who were not.

While interlocks are not the only solution, as offenders tend to go back to their old ways once the device is off of the vehicle, they certainly keep the roads safer while these devices are in place.

Take Action

Thirty-one states and the District of Columbia have not yet made interlock interlocks mandatory: Alabama, Alaska, Arkansas, Connecticut, Delaware, District of Columbia, Georgia, Hawaii, Indiana, Kansas, Kentucky, Maine, Maryland, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, West Virginia, Wisconsin, and Wyoming. if you are from one of these states, please click here to contact your representative to tell them you want to mandate the use of interlocks.

Related Issues

- [Ignition Interlocks](#)
- [Administrative License Revocation \(ALR\)](#)
- [Vehicle Impoundment](#)
- [Mandatory Assessment and Treatment](#)

Resources

- *Official Position Statement*
- *State Laws*
- *Studies*
 - *MADD's Impaired Driving Summit Report (PDF)*
 - Beck, KH, et al. "Effects of Ignition Interlock License Restrictions on Drivers with Multiple Alcohol Offenses: A Randomized Trial in Maryland." *American Journal of Public Health*, 89 vol. 11 (1999): 1696-1700. ([Click here](#))
 - Coben, Jeffrey, and Gregory Larkin. "Effectiveness of Ignition Interlock Devices in Reducing Drunk Driving Recidivism." *American Journal of Preventive Medicine* 16 vol. 1S (1999): 81-87. (not yet online)
 - Fell, Jim. "Repeat DWI Offenders in the United States." Washington, DC: National Department of Transportation, National Highway Traffic Safety Administration Traffic Tech No. 85, February 1995. ([Click here](#))
 - National Highway Traffic Safety Administration. "Repeat DWI Offenders Are an Elusive Target." Washington, DC: National Department of Transportation, National Highway Traffic Safety Administration Traffic Tech No. 217, March 2000. ([Click here](#))
 - Nichols, James, and H. Lawrence Ross. "The Effectiveness of Legal Sanctions in Dealing with Drinking Drivers." *Alcohol, Drugs and Driving* 6(2) (1990): 33-55. ([Click here](#))
 - Peck, R.C., R. J. Wilson, and L. Sutton. "Driver License Strategies for Controlling the Persistent DUI Offender," *Strategies for Dealing with the Persistent Drinking Driver*. Transportation Research Board, Transportation Research Circular No. 437. Washington, DC: National Research Council (1995): 48-49. (not yet online)
 - Tashima, H.N., and C.J. Helander. 1999 *Annual Report of the California DUI Management Information System*. Sacramento, CA: California Department of Motor Vehicles Research and Development Section, 1999. (not yet online)
 - Voas, Robert, et al. "Alberta Interlock Program: The Evaluation of a Province-Wide Program on DUI Recidivism." *Addiction* 94 vol. 12 (1999): 1849-1859. (not yet online)
 - Voas, Robert and A. Scott Tippetts, A.S. "Unlicensed Driving by DUIs - A Major Safety Problem?" TRB ID No. CR077. Paper presented at the 73rd Annual Meeting, Transportation Research Board, Landover, MD, (1994, January 9-13). (not yet online)
 - Weinrath, M. "Ignition Interlock Program for Drunk Drivers: A Multivariate Test." *Crime and Delinquency* 43 vol. 1 (1997): 42-59. (not yet online)
- *Fact Sheets*
 - NCLS. "Ignition Interlock Requirements for Convicted Drunk Drivers." As of July 2003. ([Click here](#))
- *Testimony*
 - Wendy Hamilton's testimony before the Senate Appropriations Committee, May 22, 2003. ([Click here](#))
 - Wendy Hamilton's testimony before the Senate Commerce, Science & Transportation Committee, May 22, 2003. ([Click here](#))
- *Press Releases*

- o "Florida Legislature Adopts Stricter DUI Laws", Mothers Against Drunk Driving Press Release. April 3, 2002. ([Click here](#))



MADD's Positions on Sanctions

Position:

*License Plate/Vehicle Impoundment and Confiscation
Administrative License Revocation
Progressive Sanctions
Mandatory Confinement for Repeat Offenders
Minimum Security DWI/DUI/ Facilities
Anti Charge Reduction
Equal Penalties
DWI Tracking Systems
Probationary Technology
Ignition Interlock Devices*

License Plate/Vehicle Impoundment And Confiscation

MADD advocates confiscating (or impounding) vehicles or plates from the vehicles of habitual impaired drivers or those who drive while under driver's license suspension or revocation, where the suspension or revocation was the result of driving under the influence or any other alcohol related driving offense.

Administrative License Revocation

MADD advocates implementation of administrative drivers license revocation or suspension laws for drivers whose blood alcohol content exceeds the legal limit defined by law.

Progressive Sanctions

MADD advocates a two-track system of penalties applied in both the administrative and criminal justice systems. Designed to reduce impaired driving by repeat offenders and deter those who have not been detected, the system will administer progressively more severe sanctions to deter offenders who have not been detected and reduce recidivism of those who have been detected.

Mandatory Confinement for Repeat Offenders

MADD favors confinement which cannot be suspended or probated for those convicted more than once of driving while under the influence. Drunk driving is a crime, and continued incidence of such offenses warrants the punitive effect of a certain jail sentence. Making the sentence mandatory removes the uncertainty and increases deterrent value of the sanction.

Minimum Security DWI/DUI/ Facilities

MADD calls for the development of special minimum security facilities for incarceration of convicted DWI/DUI offenders, which include assessment and treatment while incarcerated.

Anti Charge Reduction

MADD believes that all who are charged with DUI/DWI offenses should be prosecuted as charged, rather than be allowed to negotiate to a lesser offense, especially a non alcohol related offense.

Equal Penalties

MADD believes that all impaired driving violations resulting in death or serious bodily injury, as well as leaving the scene of a crash, should be felonies. The penalties for these offenses should be equal.

DWI Tracking Systems

MADD supports the implementation of integrated DWI tracking systems that record pertinent information on DWI offenses from arrest to final disposition by the courts and driver license agencies. Tracking systems should include arrest records from all police agencies, prosecution court disposition and driver licensing records and should be accessible by all law enforcement agencies and courts.

Probationary Technology

MADD supports investigation and evaluation of new scientific technology designed to prevent individuals from driving under the influence of alcohol, such as ignition interlock device; however MADD does not support the use of such technology as a substitute for appropriate traditional penalties and sanctions for drunk driving, such as license revocation and jail sentences.

Ignition Interlock Devices

MADD supports the use of ignition interlock devices as an additional penalty and sanction for drunk driving offenders. The use of such devices should be in addition to normal sanctions such as fines, license sanctions and jail sentences. MADD supports laws that would require that offenders install these devices on their vehicles during probationary periods and as a prerequisite to being issued a limited driving permit or a probationary or restricted license, where such restricted permits are permitted by law.

Blow and go: the breath-analyzed ignition interlock device as a technological response to DWI - driving while intoxicated

Andrew Fulkerson

- judge

BACKGROUND

In the last two decades, the crime of driving while intoxicated (DWI) has been one of the most visible of criminal or traffic related offenses. For many years, until the 1980s, the violation of laws prohibiting the operation of motor vehicles while under the influence of alcohol was not pursued with the same degree of enthusiasm with which they are at the present.

The activist organization, Mothers Against Drunk Driving (MADD), was formed in 1980 as a part of a grassroots campaign to get impaired drivers off of the roadways of America (1). Citizen involvement by groups such as MADD and others resulted in campaigns to increase the minimum drinking age in states that permitted drinking under the age of 21, passage of "dramahop" laws that make sellers of alcohol liable for damages sustained by persons injured by drunk drivers, and programs to make the public more aware of the dangers of driving under the influence (2).

This groundswell of public opinion worked in tandem with legislative reforms to produce significant decreases in alcohol-related crashes. In fact, the public opinion campaign is thought to be so important and effective, that it, in and of itself, should be viewed as an intervention completely separate and apart from the legislative enactments that changed the law and procedure of DWI/DUI offenses in the early 1980s (1).

The United States Department of Justice, Bureau of Justice Statistics, reports a substantial decrease in the DWI arrest rate. The arrest rate per 100,000 drivers fell from 1124 in 1986 to 809 in 1997 (3). This is an impressive decline of 28% in a little over a decade (see Table 1). Thus, it may appear that there has been a positive cumulative effect from a combination of the changing social and cultural climate regarding drinking and driving and the increased attention from law enforcement and the courts.

Much of the public opinion regarding drunken driving mentioned above has supported a "get tough" approach to handling DWI cases. In keeping with this sentiment, the number of persons in jail, prison, or on probation for DWI has increased from 270,100 in 1986 to 513,200 in 1997 (3).

TECHNOLOGICAL RESPONSE TO DWI OFFENSES

The handling of cases involving driving under the influence has become increasingly dependent on technology. Examples include the use of blood and breath tests to establish impairment. The level of alcohol in the system has been measured in terms of blood-alcohol content (BAC). Two pioneer studies that examined the relationship between BAC and its relationship to automobile crashes were the Manhattan Study and the Grand Rapids Study. The Manhattan Study found that alcohol increased the risk of a fatal vehicular crash (4). The Grand Rapids Study produced the "relative risk curve," which predicts the increased likelihood of being involved in an automobile crash at increasing BAC levels (5).

Persons can be, and often are, found guilty of DWI without scientific evidence of the person's BAC through testimony of eyewitnesses who provide evidence of the defendant's demeanor, physical appearance, speech patterns, and driving skill. However, this evidence will often not be enough in close cases where the defendant is not obviously under the influence of

alcohol. As a result, courts began to rely on objective scientific evidence of impairment.

Blood-alcohol content is measured in milligrams of ethanol per milliliters of whole blood. Until recently, most states had laws establishing the BAC level of 100 mg of ethanol per 100 mL of whole blood (0.10 g/dL) as the point at which an individual is incapable of safely operating a motor vehicle. However, it has been reported that even low-dose BAC's (under 0.05) will impair the visual perception, acuity, and complex reaction times of subjects (6). Thus, it could be argued that there is no "safe level" of alcohol in one's system in terms of safely operating motor vehicles. In response to this factor, many states have reduced the "guilty per se" limit to a BAC of 0.08. The federal government has encouraged this change by making the availability of certain highway funding contingent on moving to this lower BAC limit.

Early scientific tests for determining BAC were based on venous blood samples. Alcohol found in the breath of subjects was found to correlate to levels found in venous blood, and the National Safety Council Committee on Alcohol and Drugs recommended the use of breath testing in impaired driving cases in 1953 (6).

The Breathalyzer was developed for use by law enforcement by Robert Borkenstein in 1954. This machine measures the BAC of persons based on breath samples. Because the taking of breath samples is much less intrusive and expensive than sampling blood, the breath test soon became the accepted method for establishing the blood-alcohol level of suspected drunk drivers (7). There are presently several machines that provide breath analysis for law enforcement agencies on the market.

In addition to the use of modern scientific technology for evidentiary purposes, technology may also be used in such a manner as to prevent offenses. Such preventive technology has been considered since before 1970 (8,9). This preventive technology seeks to fill the quest for a "car that drunks can't drive" (8,10).

Early devices included locking systems that required the driver to enter a numerical code in the proper sequence before the vehicle would start. This, and other exercises, called critical tracking tasks (CTT), met with only limited success. In-vehicle breath testing was initially found to be impractical due to concerns over reliability and circumvention. Eventually, the technology of breath testing improved and was found to be reliable (11). But circumvention remained a problem (7). Some methods of circumventing the interlock included giving stored breath samples. When features that reduced the possibility of cheating were introduced, the modern breath-analyzed ignition interlock device emerged. Now, the most frequent method of "circumvention" by offenders is the operation of a vehicle that is not equipped with the interlock (12). The interlock device itself is not circumvented, but the court order requiring the use of the device is violated.

This device is installed in the ignition system of a motor vehicle. An interlock device typically uses a handheld unit connected by a wire to the analyzer unit mounted under the dash (7). The driver must give a breath sample that does not have the presence of alcohol in excess of a predetermined threshold amount. An excessive amount of alcohol in the driver's breath sample will prevent the ignition system from starting the vehicle. A "fail" BAC level will prevent the vehicle from being started for a predesignated time, usually 30 min. The ignition interlock will not prevent a person from drinking, nor will the device prevent a person from driving. But it will prevent one from drinking and driving in a particular vehicle. It has been observed that the ignition interlock is "designed to control the intersecting risk behaviors (drinking and driving) rather than either behavior separately" (13).

The ignition interlock is typically required as a part of an offender's sentence as imposed by the trial judge following a conviction for driving under the influence of alcohol. The offender is under court order not to drive any motor vehicle that is not equipped with an interlock system. The interlock system can also be programmed to require subsequent breath samples, called "rolling re-tests," which are used to deter an impaired driver from attempting to get his or her vehicle started with the aid of a sober person. If not for this feature, a person under the influence of alcohol could have a friend provide the initial sample to get the car started and then drive to his or her desired destination. The driver must continue to give breath samples

even while the vehicle is in motion. A failure of the test while the vehicle is in motion does not cause the vehicle to stop for safety concerns. A retest failure causes the lights to flash and the horn to honk until the driver stops the vehicle. At that point, the vehicle is shut down and will not start again until such time as a "passing" breath sample is provided. These retests should also deter a driver from consuming alcohol while driving. The ignition interlock system records data of all tests and is downloaded at periodic intervals by technicians.

Studies have shown that the ignition interlock is effective in reducing recidivism rates among persons who have an interlock device in their vehicle (14). The Beck study conducted in Maryland reported that offenders in interlock programs have reduced their risk of being involved in an "alcohol traffic violation" within 1 year (13).

A 30-month longitudinal study of the interlock and its effect on recidivism in Ohio showed that a group of drivers who were sentenced to drive with an interlock device experienced a 65% decrease in the probability of a subsequent drunken driving arrest than a comparison group that was not required to use the interlock (15). The ignition interlock has been described as having an educational component in that it "requires the driver to change life habits related to drinking and driving" (16). It may also include rehabilitative features. The machine provides instant feedback to the offender. If one has consumed enough alcohol to exceed the preset BAC limit, then the vehicle will not start. This feature gives the offender the chance to learn how much alcohol consumption is unacceptable prior to driving (10,16).

This study will examine whether the ignition interlock results in a reduction in subsequent convictions of persons convicted of DWI in one court jurisdiction. It will also consider both the deterrent and rehabilitative effect of the interlock as a part of DWI sentences.

STUDY METHODOLOGY

Greene County, Arkansas, is a rural community in Northeast Arkansas with a population of approximately 35,000. Craighead County is an adjoining county with a population of approximately 75,000. Both counties have experienced significant growth in population and industry in recent years. The county seats of each county are only 20 miles apart and are in the same judicial circuit. According to Census 2000 of the U.S. Census Bureau, Greene County is 97% white, 69.5% of its residents are 21 years of age or older, and 72.6% reside in family households. Craighead County is 89.3% white, 69.5% 21 years of age or older, and 68.4% reside in family households.

To evaluate the effectiveness of the interlock system, court records in Greene County were examined to determine the identities of all cases of DWI for the first 14 months of the program (May 1, 1995 through June 30, 1996). This group included 315 offenders. From this group of 315 offenders, a total of 178 actually installed an interlock device on their vehicle. Of the 137 persons who failed to comply, many had no vehicle and made other arrangements for transportation. We must realistically presume that some were driving non-interlock-equipped vehicles. However, all will continue to have the requirement of an interlock device as a restriction on their license until such time as this requirement is completed.

A comparison group of 6 months of offenders in adjoining Craighead County was then identified. This time frame was January 1, 1996 through June 30, 1996. This group was made up of 312 persons. The study population consisted of all DWI offenders in the two courts for the applicable time periods. The Office of Driver Control of the State of Arkansas provided the driving history of all persons in the experimental and comparison groups for a period of 3 years after their conviction dates.

The treatment group subjects were required to use the interlock for time periods of either 6 or 12 months. The 3-year study period provides for examination of recidivism following the removal of the interlock from the subject's vehicle. One criticism of other studies of the ignition interlock is that most only examine recidivism during the time that the interlock is actually in the offenders' vehicle (14). Inasmuch as treatment subjects were required to use the interlock for 6-12 months and their driving

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and criminal records were examined for 3 years following the installation of the interlock, this study has the benefit of at least 2 years of rearrest history after the removal of the device.

The interlock provider for Greene County offenders also reviewed data obtained from interlock devices regarding the blood alcohol level found in breath samples of interlock clients for the time frame from which Greene County offenders were selected.

LIMITATIONS OF STUDY

This study must be viewed as being somewhat limited. Readers are cautioned regarding generalizing data on a nationwide basis due to the fact that this project contains a small study population. The study also suffers from a similar problem for which other studies have been criticized; it is not based on a random experimental design (16). However, an experimental design will be difficult to achieve because most judges will be reluctant to assign offenders randomly to the interlock device. The interlock is, in and of itself, a substantial penalty. Judges will not want to impose this punishment on a random basis, which punishes half of the offenders in this manner while not punishing the other half on the basis of nothing more than the luck of when their case was docketed. Judges strive for fairness in sentences, believing that similarly situated persons should be treated in a similar manner. The random assignment of this form of punishment runs contrary to this principle. When judges impose a treatment procedure as a part of a sentence, they do not want to withhold this component of the sentence on pure random chance.

The differences in experimental and control groups could be addressed in future studies by assigning 100 consecutive subjects to an experimental group and the next 100 consecutive subjects to a control group. This method of group assignment may be more acceptable to a sentencing judge than pure random assignment.

FINDINGS

Recidivism Rates

The experimental group of DWI offenders who were required to drive only when using the interlock device experienced a lower rate of DWI recidivism than did the comparison group. Of the 315 offenders in the Greene County experimental group, 55 (17.5%) were convicted of a subsequent DWI within 3 years. The control group of 312 offenders whose group was not exposed to the ignition interlock produced 79 (25.3%) offenders who had subsequent DWI convictions within the 3-year follow-up period (see Table 2).

This is a 31% decrease in recidivism rates after 3 years for the interlock group subjects. What is the measure of association between the independent variable of interlock use and the dependent variable of recidivism? The two variables produce a Phi of only 0.096, which must be described as a weak to moderate relationship.

Length of time for use of the interlock had no effect on recidivism. As mentioned above, some offenders were required to drive with the ignition interlock for a period of 6 months, whereas others were sentenced to an interlock term of 1 year. The 6-month interlock users and 12-month interlock users had almost identical recidivism rates. This could be attributed to the fact that 12-month interlock users tended to be offenders who were convicted of multiple DWI offenses, a group that may be more difficult to reach through treatment or punishment.

Survival Rates

The subject groups were followed for 3 years subsequent to their offense dates for the purpose of comparing survival data. For the interlock group, 4.1% of the subjects had been charged with another DWI offense at the end of 6 months, compared to 8%

of the control group subjects. Thus, the interlock group had a 6-month survival rate of 95.9%, whereas the control subjects had a 92% survival rate at this point. At 1 year, the interlock group had a 92.4% survival rate compared with 85.3% rate for the control group. At 18 months, the survivors were 88.9% for the interlock subjects and 80.8% for the control group offenders. This point marked the largest spread between the two groups. After 24 months, 85.4% of the interlock group remained free of additional DWI charges compared to 78.2% of the control subjects. At 36 months, the gap narrowed to 81.3% of the 1995-1996 interlock group surviving 3 years without subsequent DWI charges compared with 74.7% of the Craighead County control group.

The 1995-1996 interlock group had higher survival rates at all time periods. Both groups showed declining survival rates with the lowest being at the 3-year mark. It is noteworthy that the spread between the two groups increased with the passage of time, peaking at a difference of 8.1% points after 18 months. Even a year or more after the device is removed, subjects were exhibiting continued reductions in reoffense rates. However, the difference between the two groups declined sharply at the 24- and 36-month intervals. This may indicate lessening long-term benefit of the interlock, with the increased passage of time after removal of the device (see Table 3).

Compliance with Interlock Requirement

As mentioned previously, of the 315 cases in 1995-1996 where the offenders were ordered to install an interlock in their vehicle, 178 of the offenders complied with the court's order and 137 did not comply. Thus, only a little more than half (57%) completed the interlock requirement of their sentence. This compliance rate is consistent with that found in the Maryland study by Beck, Rauch, and Baker (13). Those who did not comply with the interlock requirement will continue to have the requirement of an interlock as a restriction on their driver license until such time as they have completed this part of the sentence.

Any reduction in future offenses is desirable. However, the overall recidivism rate for the interlock subjects is not substantially better than the non-interlock group. As noted above, the recidivism rate for the interlock group was 17.5% compared to the comparison group rate of 25.3%, with a Phi of 0.096 and a significance level of 0.016, indicating a weak to moderate relationship. However, when we control for whether the interlock group subject is a first offender or a multiple DWI offender, the differences become more pronounced. First offenders experienced a 17.2% recidivism rate for interlock group, compared to a 21.1% recidivism rate for the comparison group. The Phi value is 0.048, indicating a weak relationship. This, of course, is an improvement, but not substantial. In contrast, the multiple offenders in the interlock group had a reoffense rate of 18.1%, whereas the non-interlock group had a recidivism rate of 36.9%. The Phi value for the multioffender variable was 0.211, indicating a moderate to strong relationship. The multioffenders in the group not subjected to the interlock were more than twice as likely to have a subsequent DWI conviction within 3 years than the repeat offenders who were subject to the interlock requirement. This suggests that the interlock may be most effective when selectively used (see Table 4).

Controlling for age of the offender also produced interesting results. Offenders under 30 years of age showed much greater improvement in recidivism rates than did the over 30 offenders. The interlock group under age 30 experienced a recidivism rate of 12.2% compared to an under 30 comparison group rate of 23.3%. The interlock group subjects over 30 had a recidivism rate of 19.8%. The over 30 comparison group members exhibited a recidivism rate of 27.1% (see Table 5).

Selective use of the interlock appears to produce much more substantial results than across-the-board use. Offenders under 30 years of age in the non-interlock group had nearly twice the recidivism rate than the interlock group members in the same age group. The most important variable is prior DWI history. The offenders who had previously been convicted of DWI in the interlock group were less than half as likely to receive another DWI within 3 years than the multioffenders in the non-interlock comparison group. The Phi value for the multiple offender variable (0.211) was much stronger than the value for the under 30 years of age variable (0.138).

Deterrent Effect

One of the traditional purposes of punishment is deterrence. Deterrence rational choice theory is at least partially based on economic perspective of criminal behavior. The would-be offender is presumed to make a calculation, which weighs the potential benefit that may be gained from the contemplated criminal act against the potential cost if the person is caught and punished. The "cost" of criminal behavior may be increased by making greater the likelihood of detection and punishment (2). The cost of criminal behavior is increased by enhancing the punishment. This punishment may include fines, incarceration, public service work, treatment requirements, license suspension, probation supervision, and other sentencing provisions, which may include the use of an ignition interlock device. This punishment goal can be directed toward the individual offender in the form of specific deterrence or to society as a whole in the form of general deterrence (17). Deterrence is limited by low rates of detection. Low detection rates regarding drunken drivers is also a serious limitation in measures of recidivism based on rearrest rates (10).

Incapacitation

The ignition interlock also uses another of the traditional purposes of punishment, incapacitation. The ultimate form of incapacitation, in non-capital punishment, is incarceration. Jail sentences are totally effective in preventing the offender from driving under the influence of alcohol while the person remains incarcerated. As mentioned above, studies have shown that incarceration has little deterrent effect on future violations. Another form of incapacitation is license suspension.

A device such as the interlock is a form of partial incapacitation. The offender is partially incapacitated in that his vehicle is rendered functionally inoperable if the offender, or any person, attempts to start the vehicle with a prohibited breath alcohol level.

Routine Activities Theory

Society's mobility subsequent to World War II is noted to be related to crime and criminal activity. Cohen and Felson's (18) "routine activities theory points to "... the convergence in space and time of the three minimal elements of direct-contact predatory violations: (1) motivated offenders, (2) suitable targets, and (3) the absence of capable guardians against a violation." (p. 589). Drunken driving is always potentially predatory, given the likelihood of injury of persons or property. It thus appears that drunken driving could be examined in the context of this theory. The offender (a person under the influence of alcohol and in control of a motor vehicle) meets in time and place with a victim (any member of society or their property in the path of the offender) in the absence of a capable guardian (anyone or anything that can stop the offender).

Routine activities theory ignores the motivation of criminal offenders. The theory assumes that certain persons are motivated to commit offenses and will do so if they meet with a target and there is no one or nothing to stop them. A person who has been convicted of DWI is such an offender. In fact, it could be said that the DWI offender is quite predisposed to commit this offense. The vehicle is not the target of the offense but, rather, is the tool for the commissions of the offense. As stated above, the victim is any member of society, or their property, who gets in the way of the impaired driver. The interlock becomes the capable guardian. The interlock is an example of "opportunity blocking." It is similar to anti-theft devices installed in vehicles (19). The major distinction between such devices and the interlock is that the crime-preventing device is installed in the vehicle of the potential offender instead of that of the potential victim.

The ignition interlock is a very capable guardian. As mentioned above, the interlock was extremely effective in preventing drivers from operating the interlocked vehicle while intoxicated. One driver of 315 (0.32%) was charged with DWI with an interlock in place. This offender had a child provide the breath sample while she drove the vehicle. This incident is the only time in over 5 years in the subject jurisdiction that an offender has been discovered driving under the influence with an

interlock device in place.

This incident underscores the fact that the interlock is effective but still imperfect. Other possible scenarios include the fact that an offender can drive a vehicle that is not equipped with an interlock. The offender is legally constrained, but not physically restrained, from driving another vehicle that is not equipped with an interlock. A household with more than one vehicle will not be required to install the interlock in all of the family vehicles. In addition, being a mechanical device, it may be possible to circumvent the system in some manner (13).

The provider of interlock devices (a private contractor) in the subject jurisdiction reviewed the data retrieved from the company's client base for the period of July 1, 1995 through June 30, 1996. The interlock devices were all set to prevent the operation of a vehicle if the driver's blood-alcohol level (BAC) exceeded 0.025%. Interlock unit reports indicate that the subjects were prevented from driving with a BAC in violation of the state's then-current illegal per se limit of 0.10% a total of 90 times. Another 33 starts at the 0.08% BAC level (the present legal limit) were also prevented.

Punishment in General

The interlock may be viewed as an additional sentencing option, which has a specifically deterrent effect on the offender. It may also be viewed as rehabilitative, or at least educational, in that it provides instant feedback to the offender whether an excessive amount of alcohol has been consumed to safely operate a motor vehicle. It is certainly a form of incapacitation, in that the offender is limited in what he or she can do with regard to operating the interlock-equipped vehicle. It also may satisfy that basic societal urge to get revenge on lawbreakers. The DWI sentences may include incarceration, public service work, treatment or counseling, probation supervision, license suspension, and alternatives such as the ignition interlock. All of these sentencing components, individually or collectively, cover each of the four basic punishment goals. The interlock may be viewed as another reasonable form of punishment, which covers each of these four traditional sentencing goals.

Other Intervening Factors

Are there other factors that may have played a part in this reduction in recidivism rates, particularly among repeat offenders? State law mandates alcohol education or counseling. As such, these services were provided to offenders in both jurisdictions. Moreover, the program was delivered by the same source, and subjects in both groups were provided the same program. A review of court sentences indicates that the court's sentences were similar in both groups. First offenders typically were sentenced to public service work in lieu of incarceration. Second offenders were usually sentenced to serve 10 days in jail. Third offenders were normally sentenced to serve a mandatory minimum of 90 days in jail. However, in Greene County, third offenders typically were sentenced to a 6-month jail sentence, twice the normal sentence used in Craighead County. It is possible that the stiffer jail sentence in Greene County could be associated with the lesser rate of recidivism found in Greene County. But it must be recognized that jail has not been found to have a significant deterrent effect. As stated above, all offenders were sentenced to some form of treatment based on recommendations of a presentence screening report. All offenders had additional jail time suspended on the condition that the other requirements of their sentence be completed.

There was also a difference in fines and court costs from the control group and the experimental group. Fines in Craighead County were normally \$500 for first offenders, \$1500 for second offenders, and \$2500 for third offenses. Court costs ranged from \$300 to \$340. In 1996, fines, in Greene County for DWI, were normally \$500 for a first offense; \$750 for a second offense; and \$1000 for a third offense. Court costs were set at \$325. Thus, Greene County used more jail time in some sentences and Craighead County used higher fines. In both courts, persons were permitted to perform public service work for credit toward fines if they were financially unable to pay fines. Both jurisdictions had the benefit of probation services to monitor offender compliance regarding the specific terms of their sentences.

Judicial Response

Members of the Arkansas District Judges Council were surveyed regarding their usage of the ignition interlock device at an annual meeting in May 1999. Thirty-seven judges participated in the survey. Thirty percent indicated that the interlock was available for them to use as a part of a DWI sentence. Sixty-eight percent of respondents stated they do not use the interlock as part of their DWI sentences. Twenty-two percent of the judges make use of the interlock as part of their sentences. Of those judges who do not use the interlock, 53% stated the primary reason was that the cost to the offender was prohibitive; 36% did not know how to arrange for the use of the device; and 12% said they believed the device was ineffective.

CONCLUSION

The breath-analyzed ignition interlock device is an example of a technological response to a technological problem. The problem is that the technology of the modern automobile in the hands of an impaired driver has created a serious danger to society. The technological response is to render the vehicle inoperable for a driver with a proscribed amount of alcohol in his or her system.

The ignition interlock device is not a perfect response, but it may be viewed as appropriate in certain cases. The sentencing judge must weigh the relevant factors. The interlock may be a burden on other family members who may have to share an interlock-equipped vehicle with an offender. It may also be a financial hardship on some offenders and their families. However, the device may also prevent numerous alcohol-related motor vehicle crashes. It provides both incapacitative and rehabilitative functions. The device is also a new approach to the concept of target hardening.

Although there is a difference in recidivism rates between the experimental and control groups, comparing these rates for all offenders, there was not a clear statistical relationship between the two. But the study demonstrates that recidivism is decreased significantly for multiple offenders who are required to drive with the interlock. Multiple offenders who are ordered to use the interlock are less than half as likely to have a subsequent conviction for drunken driving over a 3-year period. This decrease in subsequent violations has been shown by this study to continue even after the removal of the interlock device. In view of the foregoing, especially when applied to multioffenders, the breath alcohol ignition interlock device appears to be an effective tool in the prevention of drunken driving.

Table 1. DWI arrest rates.

Year	Licensed drivers	Arrests for DWI	Rate of arrest per 100,000 drivers
1986	159,486,000	1,793,300	1,124
1987	161,916,000	1,727,300	1,067
1988	162,854,000	1,792,500	1,101
1989	165,864,000	1,736,000	1,046
1990	167,018,000	1,800,300	1,081
1991	168,908,000	1,770,400	1,048
1992	173,129,000	1,820,000	1,051
1993	173,149,000	1,824,300	1,052
1994	175,403,000	1,834,600	1,046
1995	176,623,000	1,436,000	813
1996	179,539,000	1,467,300	817
1997	182,709,000	1,477,300	811

Change (%) 14.6 -17.6 -28.0

Table taken from Ref. (3), citing FBI, crime in the United States (1986-1997), and Federal Highway Administration. Highway Statistics (1986-1997).

Table 2. Three-year recidivism rates by group.

	Interlock group	Comparison group
Total DWI offenders	312	315
Total offenders with DWI within 3 years (%)	55 (17.5)	79 (25.3)

Table 3. Survival rates by group.

Time (months)	Interlock (N = 315) (%)	Comparison (N = 312) (%)
6	302 (95.9)	287 (92)
12	295 (92.4)	266 (85.3)
18	(284 (88.9)	252 (80.8)
24	273 (85.4)	244 (78.2)
36	260 (81.3)	233 (74.7)

Table 4. Three-year recidivism rates by offense level.

	Interlock group	Comparison group
Total DWI first offenders	232	228
First offenders with DWI within 3 years (%)	40 (17.2)	48 (21.1)
Total DWI multioffenders	83	84
Multi offenders with DWI within 3 years (%)	15 (18.1)	31 (36.9)

Symmetric measure

Offense Level	Value
First offender Phi	0.048
Multi offender Phi	0.211

Table 5. Three-year recidivism rates by offender age.

Subsequent conviction	Interlock (%)	Comparison (%)
Under age 30	12.2	23.3
Over age 30	19.8	27.1

Symmetric measures

Age	Value
Under 30 Phi	0.138
Over 30 Phi	0.086

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The Department of Premier and Cabinet
Government of Western Australia

Office of Road Safety

Your ref:

Our ref:

Enquiries:

Representative Kevin Meyer
State Capitol
Juneau, AK 99801

Dear Mr Meyer

I was fortunate to receive a draft copy of the Alcohol Interlock legislation that is being proposed for Alaska and would like to take this opportunity to offer my support for the Bill and congratulate all those that were involved in its development.

I met Narda Butler in October last year at the International Interlock Symposium in Colorado. At the Symposium I presented on the Western Australian Interlock Scheme and spent a memorable evening with Narda discussing the work we were both doing. During that discussion we discovered that Alaska and Western Australia have much in common, especially concerning our Indigenous populations, and that we share many of the same challenges in relation to establishing an effective response for convicted drink drivers.

In my role as a consultant to the Government of Western Australia (WA), I have been working on a comprehensive strategy to reduce repeat drink driving and unlicensed driving. This includes new legislation for an alcohol interlock scheme that, like Alaska, will make provision for all convicted drink drivers to apply to our Transport Department for a special interlock licence that will allow them to drive a vehicle fitted with an interlock device for the full period of their licence revocation. The aim of our program is to reduce repeat drink driving and unlicensed driving by drink driving offenders and in doing so reduce the associated road trauma and harm to the community.

The program in WA has been developed over a number of years and I believe that the process we undertook was extremely rigorous. All the components of our program are based on the latest international research and best practice indicators, which clearly suggest that interlock schemes should be managed administratively and that, if we are really serious about reducing drink driving recidivism, drink driving offenders should be engaged in an interlock program as soon as possible after receiving a drink driving conviction and retained on that program until such time that they demonstrate a clean driving record.

It is great to see another jurisdiction base their program on the evidence that interlocks provide the best opportunity to effectively separate drinking and driving, whilst at the same time allowing drink driving offenders to remain in employment and contributing to their families and wider community. As you will be aware, the majority of these people need to drive to remain in employment and the evidence is clear that simply revoking their driver's licence does not stop them driving, nor does it stop them drink driving. A special interlock licence that restricts these offenders to only driving a vehicle fitted with an interlock device allows them to continue to drive legally and ensures that when they do they are under the

legal alcohol limit. In addition, it also reduces the incidence of unlicensed driving, which like drink driving is associated with significant road safety risks.

It is very heartening to learn that Alaska is proposing to introduce such a well considered interlock program and we should all be encouraged by the very positive results that are coming out of New Mexico, which has pioneered the approach that both Alaska and Western Australia are hoping to establish.

The Drink Driving Bill in WA is due to be considered by our Parliament in March of this year. We have done a great deal of consultation with all our legislators and politicians and all the indicators are pointing to a positive result. The community wants safer roads and everyone is keen to see legislation enacted that will reduce drink driving recidivism and the associated death and serious injury that results.

I wish you the best of luck as you progress your legislation through your political processes and will wait with interest to hear about your success.

Yours sincerely



Melanie Hands
Consultant, Office of Road Safety

17 January 2007

States turn on to idea of ignition locks

By Haya El Nasser, USA TODAY

More convicted drunken drivers may have to blow into devices that won't let them start their cars if they're intoxicated now that several states are embracing tougher penalties.



Lobbyist Richard Roth, holds up the ignition interlock device which keeps a car from starting if the driver has been drinking.

By Jeff Geissler, AP

New Mexico last Friday became the first state to require "ignition interlock" systems for first-time offenders. The devices, which act as breath-alcohol analyzers that control a car's ignition, will be on their cars for one year. Drivers with four or more DWI convictions are required to drive with the interlocks for the rest of their lives.

The devices cost the offenders about \$1,000 a year

Until now, they were required only for repeat offenders and for a maximum of a year.

"This is the first time it's been so broad," Jonathan Adkins, communications director for the Governors Highway Safety Association, says of the New Mexico law. "States realize we haven't won the drunken driving battle yet."

At the same time, the Senate version of a federal highway spending bill before Congress threatens to withhold about \$600 million in highway construction and maintenance funds if states don't subject high-risk offenders to stiffer sanctions, including ignition interlocks and license suspensions.

'Excellent tool'

Mothers Against Drunk Driving says 17,000 people are killed and a half-million injured in alcohol-related crashes every year. Only 18 states have mandatory ignition interlock laws, according to MADD President Wendy Hamilton.

"They have to play a bigger role," she says about the devices. "They're an excellent tool and should be used for higher-risk drivers."

High-risk drivers include repeat offenders and those convicted of driving with a blood-alcohol levels of 0.15% or higher. By August when a Minnesota law goes into effect, the legal limit in every state will be 0.08%.

Forty-three states and the District of Columbia have the option to make convicted drunken drivers use interlocks, MADD says. More are making them mandatory, applying the sentence to all offenders or lengthening the penalty:

- This month, Florida Gov. Jeb Bush signed a bill that allows the state to require the device without a court order.
- Last year, Washington state began requiring interlocks for first-time offenders with a blood-alcohol level of 0.15% or higher.
- New York Assemblyman Felix Ortiz, who spearheaded legislation that bans hands-on use of cell phones while driving in his state, introduced a bill that would require interlocks on all new cars. A similar measure failed in New Mexico last year, but others are being proposed in New Jersey, Connecticut and Washington state.

Growing business

About 80,000 interlocks are used in the USA, according to Lamar Ball, chief executive of Smart Start Inc., a manufacturer in Irving, Texas.

"I would expect that to more than double in the next five years," he says. His business is growing 30% a year.

Interlocks also can be installed voluntarily by parents who worry about their teenage children's driving habits. The system keeps a log of failed attempts to turn on the ignition.

Some drivers have tried to bypass the system by starting the car when sober and drinking while the engine is running. Others have used air compressor hoses. The devices now require random breath samples while the person is driving. They have only a few minutes to comply.

Amy Berning, research psychologist at the National Highway Transportation Safety Administration, says interlocks are "extremely effective" when they're on a car. "The concern is when the devices come off the vehicle, the recidivism starts to go back up."

Tackling the problem

New Mexico, which ranks sixth in the nation in the rate of alcohol-related car fatalities, is becoming one of the toughest enforcers. There are 3,000 interlocks on cars in the state, the highest per capita of any state.

In 2003, 198 of New Mexico's 439 traffic fatalities were alcohol-related, according to the most recent government data. It was the first time since 1998 that the state's alcohol-related fatalities fell below 200.

Fighting drunken driving is one of Gov. Bill Richardson's signature issues. He has appointed DWI Czar Rachel O'Connor and several task forces to tackle the problem of repeat offenders and set up drunken-driving checkpoints statewide.

"An interlock device is like a mechanical probation officer on duty and monitoring DWI offenders 24 hours per day and seven days per week," Richardson says. "It's a wonderful device. It's going to dramatically curb DWI in New Mexico."

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