



A Criminal Justice Perspective on Ignition Interlocks

Working Group on DWI System Improvements



TRAFFIC INJURY RESEARCH FOUNDATION

A DRIVING FORCE FOR SAFETY

enforcement



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monitoring



A Criminal Justice Perspective on Ignition Interlocks

Proceedings of the 3rd Annual Meeting
of the Working Group on
DWI System Improvements

This initiative was made possible
by a charitable contribution from
The Anheuser-Busch Companies

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The Traffic Injury Research Foundation

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TIRF is a national, independent, charitable road safety institute. Since its inception in 1964, TIRF has become internationally recognized for its accomplishments in a wide range of subject areas related to identifying the causes of road crashes and developing programs and policies to address them effectively.

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ISBN: 978-0-920071-65-6

ACKNOWLEDGEMENTS

TIRF and the Working Group acknowledge with gratitude the participation, assistance and support of:

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Preface

For many years, it has been acknowledged that ignition interlocks are inconsistently applied to impaired driving offenders, despite compelling research that these devices are effective in reducing recidivism from 50-90% (Voas and Marques 2003). More recently, this has lead many agencies, policymakers, practitioners, and researchers, to examine interlock delivery mechanisms in an effort to gain better understanding of where loopholes exist in the system and, more importantly, what steps are needed to overcome these problems and improve implementation.

At the 3rd Annual Meeting of the Working Group on DWI System Improvements in Orlando, FL from April 19-21, 2006, members focused on identifying ways to enhance the use of ignition interlocks and improve the effectiveness and efficiency of ignition interlock applications as part of broader supervision practices. This coalition of criminal justice organizations, representing police, prosecutors, judges, probation officers and treatment professionals, is an initiative of the Traffic Injury Research Foundation (TIRF) under funding from Anheuser-Busch Companies.

This report from the Working Group contains a criminal justice perspective on the use of interlock devices. It is designed to provide insight into the educational needs of criminal justice professionals, as well as into the inner workings of the criminal justice system and how it impacts interlock applications.

This document communicates the needs of those professionals implicated in the delivery of interlock applications in a criminal justice setting. Its purpose is to inform the development of effective delivery mechanisms to ensure that interlocks maximize their potential to reduce impaired driving. It can aid policymakers, program administrators, and researchers in developing model supervision programs involving interlocks and best practices to ensure that ignition interlocks are consistently applied to impaired driving offenders, and that these offenders are effectively monitored. More importantly, it provides an opportunity for policymakers, program administrators, and researchers to engage professional groups in the effective implementation of interlock applications.

Introduction

An ignition interlock is a breath testing device that is connected to the starter of a vehicle in order to prevent it from being driven by someone who has been drinking. The driver must provide an alcohol-free¹ breath sample in order to start the vehicle. These devices have been commercially available for more than 30 years and are used primarily to incapacitate convicted impaired driving offenders (i.e., prevent them from driving while impaired). This device allows offenders to retain their driving privileges while ensuring that they are sober when driving a vehicle, thereby protecting the public.

Research has shown that the interlock device is an effective sanctioning tool that reduces impaired driving. Evaluations of interlock applications have reported reductions in recidivism (re-offending) ranging from 50-90% (Voas and Marques 2003). In light of the fact that a majority of suspended or revoked drivers continue to drive (Griffin III and DeLaZerda 2000), the case for using ignition interlocks is even more compelling.

In the past decade, advances in the alcohol ignition interlock field have been substantial and impressive. Sound research demonstrating the effectiveness of these devices in preventing impaired individuals from driving a vehicle has been amassed; the technology of these devices is sophisticated and can be tailored to accommodate a broad range of requirements; and, most jurisdictions have implemented enabling legislation requiring the use of interlocks.

Paradoxically, despite compelling research, sophisticated technology, and enabling legislation, interlocks are used irregularly. After more than two decades, participation and usage rates for interlock devices are still less than 10% in many jurisdictions.

With regard to court-based programs, it is frequently presumed that judges are the source of the problem -- i.e., that they often do not impose the interlock as a sanction for impaired driving offenses, even when mandated by law. There is evidence that this is partly true, but “judicial interlock programs” require more than a judge to order the device. It must be partnered with a comprehensive set of supervision practices or a system of supervision -- more is required than just installing the interlock in the vehicle. This means that police officers, prosecutors, judges, probation/parole officers² and treatment professionals, as well as licensing agencies to a lesser extent, all play an essential role in the effective use of interlocks.

An assessment of ignition interlock applications administered within the criminal justice system exposes two critical gaps that contribute to the apparent reluctance of these professionals to apply the interlock to impaired driving offenders. First, frontline professionals generally have limited knowledge about the sophisticated advances in interlock technology, the compelling research, and are not well-informed about program applications that are operating in their own jurisdictions. Second, the delivery of programs utilizing interlocks do not consistently allow justice professionals to meet the due process and

¹ In practice, the breath sample must not contain alcohol above a prescribed level set by the State.

² The term probation is used in a more generic form throughout the document to indicate probation, parole, and other community supervision functions.

statutory obligations or requirements of their respective roles -- legal requirements that are imposed by the system itself (e.g., prosecutors must demonstrate that a high-breath alcohol reading (BAC) was due to alcohol and not food).

The consequences of such conditions are far-reaching. Professionals who have insufficient information about interlock devices and/or program applications, and who find it challenging to fulfill the statutory requirements of their jobs, are not likely to rely on the interlock as an effective sanction for impaired driving offenders.

To be truly effective and efficient in implementing interlocks into a program that addresses drunk driving, two basic ingredients are required:

- 1) Comprehensive educational opportunities and materials that are designed to meet the needs of professionals and ensure they have the knowledge and information required to do their jobs.
- 2) Well-designed program delivery mechanisms that acknowledge the requirements imposed on professionals by the justice system.

Enhanced recognition of these two elements can contribute to the identification of ways to improve interlock delivery and increase the use of these devices. It must be noted that criminal justice professionals have legal authority to mandate and ensure that offenders are uniformly and consistently subject to these devices, particularly repeat offenders and high-BAC offenders who pose the greatest threat on the road and are more likely to resist efforts to control their drinking and driving behavior. As such, professionals are a linchpin to enforcing participation and compliance. This means that the inclusion of criminal justice professionals is an essential part of any strategy to improve the application of interlocks into more comprehensive programs and increase participation rates.

There is a clear need for practitioners representing all phases of the justice system to share their experiences and insights with researchers in order to guide the development of interlock applications and overcome these obstacles. This is the goal of the following report. It has been developed with input from a wide range of professional groups and practitioners to provide insights into the educational needs of law enforcement, prosecutors, judges, probation officers, treatment professionals and licensing agencies, and the statutory role requirements that each of these groups must fulfill in the delivery of interlock devices. With this knowledge, researchers and practitioners can work collectively to identify a set of implementation guidelines that can inform the delivery of interlocks and overcome common loopholes in the system.

Educational Requirements

Comprehensive and accessible information about ignition interlock devices and supervision programs are essential for practitioners throughout the system to fulfill their respective duties. The following section describes how a diversity of information related to ignition interlocks is relevant to the roles of each of the professional groups at multiple points within the justice system.

Enforcement

Beginning at the roadside, the role of police officers is to determine whether an interlock-restricted driver has an interlock device installed in their vehicle. Officers must be aware of ways to identify an interlock-restricted driver (e.g., a notation on the driver's license or driving record). In addition, they must be familiar with the appearance and operation of interlock devices and be knowledgeable of correct installation protocols. To confirm a device is installed, officers perform a visual inspection. As such, they should be able to recognize an approved device and detect any signs that the device is not properly connected or in good working order. They must be able to recognize key details (e.g., the placement of the device, sealed wiring) to ensure that it has not been tampered with or circumvented in some way.

Surprisingly, many police officers have never seen an interlock device. Some officers even report that “a driver could plug a cell phone into the dash and place a straw on the antenna and call it an interlock” -- and the officer would not know otherwise. Hence, adequate information about interlock devices is necessary to ensure that drivers are in compliance with any interlock restrictions. Without this information, interlock-restricted drivers may remain undetected and be able to avoid using the interlock device while driving.

Prosecution

Knowledge about interlock technology, research, and applications is essential to allow prosecutors to effectively manage a range of court proceedings. At sentencing, prosecutors must have sufficient information about interlock legislation and applications to make a recommendation for an interlock device. For example, prosecutors must be able to determine which offenders are eligible for an interlock, have knowledge of the cost implications for the offender, and know what devices have been properly approved by the state. This is particularly important as judges frequently rely on prosecutors to provide this type of information to inform decision-making.

Of some note, tampering is a pressing concern for prosecutors and other professionals. They must have confidence that these devices cannot be easily tampered with and/or circumvented before recommending the device as an appropriate sanction. The ability of prosecutors to respond to tampering violations can have a direct bearing on the likelihood that they will subsequently recommend the device for other offenders.

In jurisdictions where prosecutors have responsibility for proceedings involving violations of court-ordered conditions, information is needed to address a diversity of issues that frequently arise. For example, it may be necessary to demonstrate that the interlock device in question is a device approved by the state and operating properly (meaning the BAC

reading is accurate). This also means that prosecutors must be familiar with relevant regulations, information captured by the data recording device in the interlock, and understand the information that is contained in the reports provided by the service provider.

The examination or cross-examination of expert witnesses is common in evidentiary hearings within violation proceedings. As such, prosecutors must become somewhat of an expert in order to be able to select the most suitable witnesses for the prosecution and prepare to challenge witnesses presented by the defense. Prosecutors must determine the most appropriate questions to ask, and what evidence will best support their case. Considerable knowledge is needed to refute defense arguments involving alternate explanations for high-BAC readings (e.g., “mouth alcohol, chocolate donuts, salami or mustard were the source of elevated BAC readings”). Although the burden of proof is generally lower in these proceedings (i.e., “on a preponderance of the evidence” as opposed to “beyond a reasonable doubt”), judges are still concerned with hearsay evidence, and often an expert witness is required so prosecutors must be adequately prepared with a variety of information.

Of considerable importance, the admissibility of evidence from an expert witness must meet certain criteria. First, any testimony provided by the witness has to meet certain scientific and legal standards. For example, Federal Rules of Evidence (FRE) determine what testimony and exhibits will be admitted during a trial. These rules have been adopted in large part by a majority of the states. There are also State evidentiary standards that vary across jurisdictions, and some are more challenging to meet than others, meaning prosecutors must know enough about interlocks to ensure that evidence will be admitted. Second, the witness must be recognized by the court as an “expert” according to specific criteria and possess the requisite knowledge.

Other challenges in court are related to the breath volume required by the device settings. Prosecutors routinely respond to frivolous claims that the defendant is medically unable to provide a suitable breath sample. This requires knowledge of the operation of these devices, the volume of breath the interlock requires, and an understanding of the impact of various health conditions on the ability of the offender to provide a breath sample.

An ongoing legal concern in many courts involves the argument that someone other than the driver provided a breath sample. This is a critical issue that must be overcome. Some manufacturers have developed a variety of features including breath pulse recognition, “blow-and-suck”, and hum-tone³ to address this issue and to reduce the likelihood that a bystander could deliver an acceptable sample. Prosecutors must have enough knowledge of devices to accurately explain these features in court.

More recently, manufacturers have been experimenting with picture identification – some devices have a camera that takes multiple pictures of the driver as the breath sample is delivered – and devices with fully functional picture identification are now penetrating

³ Breath pulse recognition, blow-and-suck, and hum-tone are features that require the delivery of a breath sample in a particular way (e.g., by humming while breathing into the device) with the objective of making it difficult for an untrained bystander to deliver a breath sample.

the market (Robertson et al. 2006). As these enhancements become more common, the consistency and reliability of these devices will become important in court proceedings, and prosecutors will be required to demonstrate that the driver indeed provided the breath sample. As a side note, manufacturers must consider the impact of the pricing of these newer devices and whether that will impact their use. If offered at a higher-cost, these devices can lead to discrimination against higher-income defendants because these devices offer a higher level of supervision than more traditional devices. This issue presents considerable legal implications and no doubt challenges that will have to be addressed.

Adjudication and Sanctioning

Knowledge of the research on interlocks, the technology, and interlock applications is critical to the adjudication and sanctioning of impaired driving offenders.

Of some concern, to date, many judges are unfamiliar with the research supporting interlocks and misperceptions are common. For example, many judges believe that interlocks will change offender behavior in the long-term. However, research has shown that once the device is removed from the vehicle, recidivism rates increase. This has substantially undermined judicial confidence in interlocks. This needs to be addressed by informing judges that, interlocks at this point in time and, in particular, in the absence of supporting case management or treatment, are not intended to change behavior. However, the safety benefits while the device is installed are significant and more than justify its use.

Many judges are also unsure of how the interlock device fits into the principles of sentencing. It is often considered a punitive sanction. As such, it appears too lenient for repeat offenders, and too harsh for first offenders (Vanlaar 2005). Not surprisingly, in the face of such ambivalence, the device is infrequently applied. In fact, interlocks are designed to incapacitate offenders (prevent them from driving while impaired) while allowing them to remain in the community and maintain family obligations and employment. Interlocks also effectively address the practical problem of offenders who persist in driving despite a suspended or revoked license.

It is also important that judges have confidence that these devices cannot be circumvented and that offenders will be restricted in their driving habits. Technological advances have addressed many of the historical challenges that often permitted offenders to circumvent the device, yet this has to be adequately communicated to the judicial community. Myths persist. Many judges still have the impression that the offender can get someone else to start their vehicle or that other techniques can be used to by-pass a breath sample from the offender. Information about the sophisticated interlock devices of today with the broad range of anti-circumvention features is needed to challenge these misconceptions.

Due to their limited experience with interlocks, judges are unsure of the conditions that should be imposed in conjunction with interlocks. Many are surprised to learn that the offender frequently fails to install the device. In general, judges are not aware that ordering the certificate of installation as a sentencing condition can overcome this problem as well as streamline the work of probation officers by ensuring that those who fail to install the device are more easily identified.

Knowledge of interlock legislation and applications is also a critical need. Judges must be able to determine what costs are associated with these devices, and if any flexibility in the imposition of fines is available. For example, judges in Florida can waive fines in lieu of interlocks. The length of time that these devices are to be installed also has relevance because interlock utilization should not conflict with hard license suspension periods⁴ and should coincide with the length of supervision. Judges also need information about the eligibility requirements for interlock assignment in order to identify which offenders are most suited for this type of sanction.

Post-sentencing, judges have responsibility for hearings involving offender violations of sentencing conditions and any evidentiary hearings that arise as a result. Sufficient knowledge of interlocks is needed to effectively preside over evidentiary hearings that are part of the larger violation proceeding. During evidentiary hearings judges must be able to determine who is eligible to give expert testimony and evaluate evidence that is presented. Familiarity with current research is essential in making these determinations. Moreover, judges have to evaluate this evidence according to various legal standards in order to gauge its admissibility.

The role of the judge is to consider testimony presented by expert witnesses and claims by the defendant (e.g., they are unable to provide an adequate breath sample; the elevated BAC reading was due to a source different than ingested alcohol). As such, knowledge of the technology and various features of these devices is essential. In addition, judges must determine whether the device was operating properly and provided an accurate BAC reading, requiring knowledge of the technology and regulations. Judges must also be able to interpret any results from the data recording device within the interlock and understand the meaning of the data that is captured.

Finally, judges need knowledge of the exit requirements of interlock applications so they can determine whether an offender should remain on or be removed from an interlock application.

Monitoring

Probation officers are a linchpin to the successful use of interlock applications. Many of the supervision aspects of an interlock device are relegated to these professionals because they have legitimate authority to enforce compliance and take action in instances of non-compliant behavior. Therefore, they need a broad knowledge base to be able to provide adequate supervision of probationers requiring an interlock device.

Prior to sentencing, probation officers must be familiar with the research regarding ignition interlocks and their efficacy and have knowledge of applications to be able to make a determination whether an interlock is a suitable and appropriate sentence for a particular

⁴ Hard suspension refers to a minimum period during which the offender is not eligible to drive under any conditions. It is argued that during this time the interlock should already be installed because research has shown that offenders typically violate this condition and drive anyway. An interlock ensures offenders are unable to drive after drinking.

offender. In making this recommendation, probation officers need confidence that the sanction will have a positive impact on the offender. Without this knowledge, devices are unlikely to be recommended.

Moreover, officers need specific information to determine whether certain offenders on their caseload are eligible for an interlock, what treatment services may be available, and the length of a suitable period of supervision. Information regarding how offenders are likely to attempt to avoid compliance with the interlock device, and methods to overcome these challenges is also important to ensure that offenders are effectively monitored.

Post-sentencing, officers need knowledge of the technology to determine whether the device has been tampered with or circumvented, and also to review the data collected by the device in order to identify potential violations and other actionable events. In many instances, officers must be able to confirm or eliminate alternative explanations for violations that are frequently offered by offenders (e.g., eating chocolate donuts), and determine when there is a basis for and evidence to support a violation of court-ordered conditions or probation violation charge.

In the event of violations, officers in some jurisdictions may also be responsible for handling violation or revocation hearings. To fulfill this role, officers must have knowledge of the technology, the science, and the law in order to challenge arguments presented by the defense, similar to prosecutors, as discussed previously.

Treatment professionals are often an integral part of the monitoring/supervision of offenders. They need knowledge of interlock applications and how the information available from the interlock device can facilitate offender progress in treatment. This is a critical need in light of recent research suggesting that the effectiveness of interlocks can be increased when combined with treatment (Baker et al. 2002; Marques et al. 2003a, 2003b). For example, offenders who demonstrate repeated positive or high-BAC readings in early morning hours are frequently still intoxicated from drinking the prior evening. Incidentally, offenders commonly assume that the device is malfunctioning when it produces a positive BAC reading “the morning after”. However, this information can be used by treatment providers to illustrate the impact that drinking has on the offender’s life, and use it as a basis to educate and encourage change. Furthermore, this substantiated knowledge of alcohol use can be used to confront an offender’s denial during the treatment process.

Driver Licensing

Court-administered ignition interlock applications ultimately impact an offender’s license to drive. As such, driver licensing agencies play a key role in administering ignition interlock applications because they are responsible for removing and re-instating the driver’s license.

To fulfill their responsibilities, the licensing agency must be aware of the procedures and policies of any interlock applications, as they apply to the licensing agency. These include information about the notification process that will be initiated by the court when an offender is sentenced to a license suspension, revocation, or ignition interlock device; the length of any hard suspension period as well as the interlock period; and, any changes to

the driver license and/or driver record to note the interlock restriction. In addition, licensing agencies should be familiar with paperwork that is needed to re-instate the driver license at the completion of the sanction period as necessary.

Licensing agencies also require information to process requests from police, courts, and probation officers to determine whether an offender is interlock-restricted and/or whether they have access to a vehicle. In many respects, licensing agencies will be reliant on information provided, in part, by the courts, to identify interlock-restricted drivers, so mechanisms are needed to ensure that information is received from the court in a timely manner and is updated into driver record systems.

Summary

To date, many professionals have been unable to consistently access information regarding interlocks devices and applications. Educational opportunities have been irregular and, in some jurisdictions, non-existent. Not surprisingly, urban myths and legends about the circumvention of interlock devices still predominate among many criminal justice professionals. This has occurred, in part, because the research on interlocks has not been well-translated in the criminal justice practitioner literature, and in part because demanding schedules and competing priorities make it unlikely that practitioners will independently locate and review information which is generally fragmented and not readily accessible.

The implications of this are substantial. Professionals who are not familiar with interlock research, devices and applications are not likely to rely on interlocks as an effective sanctioning tool for impaired driving offenders. This inadequacy must be addressed in order to provide professionals with the specific information they require about interlocks in order to process offenders through the system.

Greater efforts are needed to consistently and uniformly educate these practitioners about interlock research, technology, and applications. Fulfilling this educational need through structured opportunities across jurisdictions and professions can ensure that practitioners learn about the benefits interlocks offer and consistently apply this sanction to impaired driving offenders.

System Requirements

The criminal justice system imposes certain due process and statutory requirements and obligations on practitioners when processing offenders. As such, practitioners must be equipped with the tools and information necessary to ensure that these tasks can be completed when the interlock is applied. The following section highlights some of the requirements that practitioners are obliged to meet as part of their regular duties and provides insight into where problems regarding the delivery of interlocks can occur.

Enforcement

The enforcement of driving restrictions imposed through an interlock application requires that police officers are able to determine immediately whether a driver is in fact interlock-restricted as part of a routine traffic stop. Of some importance, this information must be accessible at the roadside. The information may be a notation on a driver's license, or a notation on the driver record. If it is the former, officers must be aware of the interlock-restricted designation and its placement on the license so that it can be quickly and easily identified. If it is the latter, officers must be able to immediately access these records at the roadside, and these records must be current and contain relevant and accurate information.

Upon making a determination that the driver is interlock-restricted, the officer needs to be familiar with the requisite statutes under which to charge the offender. More importantly, resources must be available to remove the driver from the road. However, the process does not end here. The information collected by the officer must then be entered into the necessary forms and forwarded to the appropriate agency. Accordingly, officers must be familiar with any paperwork requirements, and be able to enter information into record systems as necessary and ensure that any requisite notifications are issued to other agencies. For example, in some instances courts and probation must be informed that the driver has been arrested for driving a non-interlocked vehicle before additional action can be taken.

Prosecution

In instances of driving a non-interlocked vehicle, prosecutors need verifiable evidence of the driving offense. This is mainly in the form of a written report from the officer stating that the driver was driving a non-interlocked vehicle. In the event of court proceedings, the prosecutor may also have to call the officer to court to testify as to the veracity of this evidence.

In the event of charges of tampering with the interlock device, prosecutors may be obliged to conduct criminal prosecutions. In these instances, the burden of proof is much higher (i.e., beyond a reasonable doubt), meaning that the rules of evidence are more strictly applied. To prove a charge of tampering, the prosecutor must be aware of the actions of the defendant and be able to demonstrate that this behavior constitutes a violation in accordance with regulations. As a consequence, prosecutors are more likely to rely upon additional witnesses to testify that tampering occurred.

In some jurisdictions, violations of court-ordered conditions may also be handled by prosecutors who are responsible for filing the appropriate paperwork with the court. To proceed in these instances, prosecutors are required to demonstrate that the offender was mandated to drive with an interlock. In instances where this order is issued by an agency external to the court (e.g., the Secretary of State), prosecutors may have difficulty obtaining proof of the order from the agency, in addition to obtaining proof of compliance with the order from the service provider.

Prosecutors require evidence that a violation has taken place in order to proceed with charges. To prove a charge of drinking and driving, reports are needed from the data recording device indicating that the offender was drinking. The prosecutor must have access to these reports to determine the extent of the drinking behavior. Obviously a drinking violation is much easier to prove in court when the condition of abstinence has been imposed as part of sentencing. However, when abstinence is not required, prosecutors must demonstrate that the offender was over the legal limit or court-ordered limit, which can be a much more substantial challenge.

Obtaining a violation hearing is dependent on a number of factors, the most important of which is time on the court calendar. This is a particular challenge in misdemeanor cases because they are often considered a lower priority. In light of this, the seriousness of the offense and the risk that is posed to the public needs to be impressed on the prosecutor as well as the court and other justice system personnel.

Adjudication and Sanctioning

Prior to sentencing, judges must have access to interlock legislation, case law, and application requirements in order to tailor an appropriate sentence. As part of this, judges must be able to determine the financial status of the offender and the availability of indigent funding. This will allow the judge to decide whether an interlock is a suitable sanction. Another consideration involves the location and availability of service providers. Offenders must be able to access a service provider within a reasonable distance from their residence. Knowledge of family life of the offender must also be taken into account. For example, the judge must gauge the extent to which an interlocked vehicle will constitute a significant hardship for other family members.

Access to vehicle registration information is of considerable importance. Judges are frequently faced with claims that offenders do not have a vehicle, and therefore do not need an interlock. Judges must be able to determine to what extent this is true. Licensing agencies are needed to perform reverse look-ups using the name or driver license information of the offender to ensure that offenders indeed do not have access to other vehicles owned by family members. Offering the offender the choice between an interlock sentence or a more severe sentence such as electronic monitoring or incarceration has been suggested as an alternative to overcome this problem. It should be noted that offering a more severe sanction in lieu of a less severe sanction presents both ethical and legal issues that are not easily resolved in some jurisdictions.

Post-sentencing, judges must be able to confirm that the offender has failed to install an interlock device. This requires feedback from either the service provider or probation officer before action can be taken. Judges also need a way to verify that the offender is driving the interlocked-vehicle, or driving another vehicle. However, in many jurisdictions, first-offenders are not subject to probation supervision, meaning that this burden falls upon judges who are likely already struggling under a heavy caseload.

Judges must be available and have time on the court calendar to schedule violation hearings. More importantly, in the event of a finding of a violation, resources are required to impose the desired sanction. However, too often sanctions cannot be imposed because jails are at full capacity and probation officers are unable to take on increased supervision, leaving judges limited alternatives. This is illustrative of the need for alternative sanctions to incarceration and resources to institute the sanctions that are imposed. Judges require a system of gradual responses before jail is imposed and must have confidence that any sanctions that are ordered will be carried out.

As a last consideration, judges must have access to reports from the data recording device to inform any determination to remove the interlock restriction. Of some concern, offenders can often exit the interlock application once a specified period of time on the device has been completed, regardless of how compliant the offender was while on the device. Reports from the data recording device containing the BAC readings of the offender can provide judges with insight into offender drinking behavior and the likelihood that they will continue to drink and drive, and inform any decision the judge makes to continue supervision using the interlock.

Monitoring

Similar to judges, probation officers need to be able to confirm that offenders own a vehicle or have access to a vehicle on which an interlock device can be installed. This is a common problem within existing interlock applications. To overcome this, probation officers require access to driver records to determine whether an offender is being honest about his/her access to, or ownership of, a vehicle.

Probation officers need a way to communicate with service providers to ensure that the offender has an interlock installed, or to take action if they fail to do so. This is frequently how offenders slip through the cracks. It is also important that officers are able to ensure that offenders are completing the monthly download of the information from the data recording device so that officers can receive information that allows them to determine an offender's level of compliance. Therefore, effective communication channels with service providers are essential.

Regular access to reports from service providers is important and officers must be able to quickly review and filter this information to determine what negative or positive action, if any, is warranted. Without a streamlined system for managing information, officers can quickly become overwhelmed by data and this can detract from the effectiveness of supervision. Information from the interlock device must be consistently and uniformly reported by all service providers.

Of some importance, probation officers charged with supervising offenders with this device should be intimately involved in the selection of interlock devices and the development of standard practices and procedures, as the majority of work associated with the interlock application will fall on their shoulders. These devices generate volumes of data, and probation officers must be able to manage it and make sense of it in a timely fashion and in a way that is compatible with case management systems.

Finally, officers must take action in instances of non-compliance. In the first few months of use, officers should expect that offenders will have multiple positive BAC readings. This occurs as a natural function of offenders “testing” the device to see what behavior is detected and how well the device works. During this time and throughout the period of interlock supervision, officers must have a range of graduated responses available for sanctioning non-compliance so that offenders recognize there are consequences. This is imperative if the device is to be effective. However, the interlock should not be used as a purely punitive tool. Information from the data recording device can also be used to reinforce and encourage positive behavior.

In order to help ensure a comprehensive and effective response to impaired driving, treatment professionals can greatly benefit from access to the information collected from the interlock. In specialty court programs, access to this information is usually facilitated. In regular courts such access is not necessarily granted. Special mechanisms are needed to ensure that this flow and transfer of information is facilitated to maximize the potential associated with these devices. Such information offers providers objective information about progress in treatment, and helps assess the level of intervention that is required. Similarly, the information from the interlock can also provide an indication whether an offender requires praise for compliant behavior or closer supervision of drinking behavior.

Driver Licensing

Driver licensing agencies need a series of mechanisms that will allow them to quickly and efficiently receive, exchange, and share information with court and probation agencies so that changes to licensing status and driver records can be made in a timely manner, requests for information from the court and probation agencies can be handled, and records at the completion of the interlock sanction period can be updated.

Summary

It is apparent that, due to the complexity of the system, the delivery of interlock applications must be strategic and streamlined. Delivery mechanisms must take account of the requirements imposed on professionals by the system and provide practitioners with the tools, knowledge, and resources to properly support the administration of interlock applications. Emphasis should be placed on developing comprehensive practices and procedures that are compatible with system requirements and that allow professionals to process offenders in an effective and efficient manner. Of some importance, efforts are also needed to address the common legal concerns raised by criminal justice professionals and encourage acceptance of interlocks as a proven tool.

Improving Delivery

It is evident that interlock technology would be applied more extensively and uniformly if relevant professionals were better informed about the safety benefits associated with the device as well as its technical and operational features, and had more efficient communication channels across disciplines. In response to this need, TIRF launched the International Inventory of Ignition Interlock Programs under funding from Anheuser-Busch Companies. The inventory is available electronically at the TIRF website (<http://www.trafficinjuryresearch.com/interlock/interlock.cfm>) and provides an overview of the key elements of interlock applications used in jurisdictions around the world. It also contains the proceedings from an international series of interlock symposia beginning in 2000, legislative and research references, contact information for each jurisdiction, and links to research institutes and manufacturers involved in the field of interlocks.

Moreover, TIRF has released a primer for judges entitled “Ignition Interlocks: From Research to Practice”, under funding from Alcohol Countermeasure Systems, Corp. It has received considerable visibility and been distributed widely in the United States, Canada, Europe, and Australia. The demand with which it has been met speaks volumes about the need for educational materials.

Even more recently, TIRF began development of a national curriculum on interlocks for practitioners, under funding from the National Highway Traffic Safety Administration (NHTSA), Alcohol Countermeasure Systems Corp. (ACS), and Smart Start, Inc. This curriculum will involve a diversity of information related to interlocks including, research, technology, applications, and legislative/legal concerns. It is being designed in consultation with, and input from, practitioners representing criminal justice, treatment, and administrative agencies. This curriculum will allow agencies and professional associations to educate their staff and members in a cost-effective way that meets their respective needs. It is expected that this curriculum will be finalized and made available in 2008.

Finally, in consultation with members of the Working Group on DWI System Improvements and other practitioners, a practical checklist of questions has been developed that can be used by professionals to identify current gaps in their court-based interlock applications that must be addressed to improve their delivery of these devices. Practitioners will find this list of critical questions helpful for identifying gaps and loopholes in their procedures as well as determining how interagency cooperation can improve implementation.

List of Critical Questions

Training and Education

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|---|---|---|
| 1. Do police officers have knowledge of interlock technology so they can recognize approved ignition interlock devices in vehicles at the roadside and ensure they are properly installed? | Y | N |
| 2. Are police officers aware of the legislation pertaining to interlocks so they can enforce the applicable laws as necessary? | Y | N |
| 3. Do prosecutors, judges, and probation officers have knowledge of the research supporting the efficacy of ignition interlock devices, the technology, and relevant legislation and information about applications for the purposes of sentencing and to manage violation proceedings? | Y | N |
| 4. Are police, prosecutors, judges and probation officers aware of the ways that offenders typically avoid compliance with interlock devices? | Y | N |
| 5. Are courts and probation agencies informed about court-ordered conditions that are most suitable for offenders on an interlock device? | Y | N |
| 6. Are treatment providers familiar with the research supporting the use of ignition interlocks as well as information about interlock applications? | Y | N |
| 7. Are licensing agencies familiar with the interlock requirements? | Y | N |

Communication and cooperation

- | | | |
|---|---|---|
| 8. Are police officers informed of the paperwork associated with processing interlock-restricted drivers and the agencies that should receive copies? | Y | N |
| 9. Are courts or probation agencies able to notify licensing agencies about changes in an offender's licensing status in a timely manner? | Y | N |
| 10. Are probation officers able to confirm that an offender has had an ignition interlock device installed? | Y | N |
| 11. Do courts and probation agencies receive reports from service providers in a timely manner? Is this information understood and easily managed? | Y | N |
| 12. Are treatment professionals able to access the data recording device reports from the interlock to monitor offender progress and treatment? | Y | N |
| 13. Are courts or probation officers notified when offenders fail to attend an appointment with the service provider to have information downloaded? | Y | N |

14. Are probation officers and prosecutors able to discuss violations of court-ordered conditions and identify ways that these violations can be efficiently processed?	Y	N
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15. Do prosecutors have access to data recording device reports from the interlock device in the event of violation proceedings?	Y	N
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Technology

16. Are prosecutors, judges, and probation officers aware of existing technical standards for approved interlock devices in their jurisdiction?	Y	N
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17. Are police, prosecutors, judges, and probation officers routinely informed about advances in interlock technology?	Y	N
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Records

18. Can police officers identify interlock-restricted drivers at the roadside using either the driver's license or driver records?	Y	N
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19. Are court convictions that impact licensing status entered into driver licensing records in a timely manner?	Y	N
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20. Are courts and probation agencies able to access driver licensing records to determine if an offender has access to a vehicle?	Y	N
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Legislation

21. Are changes to interlock legislation routinely communicated to all criminal justice professionals?	Y	N
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Resources

22. Are resources available for police to remove interlock-restricted drivers from the road?	Y	N
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23. Is time available on the court calendar to handle violation proceedings?	Y	N
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24. Have certified "experts" on interlocks been identified by the courts?	Y	N
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25. Is there a treatment component offered in conjunction with use of interlocks?	Y	N
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Conclusions

There has been substantial positive research on the effectiveness of ignition interlocks in the past two decades. Much less attention has, however, been paid to the dissemination of this information to professionals in the criminal justice field. And, very little attention has been paid to overcoming the problems associated with the extremely infrequent use of the device. As a consequence, the application of interlocks has become unique in each jurisdiction -- the practices and policies associated with them vary widely. The diversity of these applications has made it challenging for researchers to identify “best practices” that maximize the potential of interlocks to reduce impaired driving.

This is starting to change. Efforts are being made to address information gaps by engaging the front-line practitioners directly in the process to encourage and facilitate the use of interlock devices as part of a comprehensive set of supervision practices within the justice system.

The goal of this document is to communicate the needs of those professionals implicated in the delivery of interlock applications in a criminal justice setting. Its purpose is to inform the development of effective delivery mechanisms to ensure that interlocks maximize their potential to reduce impaired driving. It can aid policymakers, program administrators, and researchers in developing model supervision programs using interlocks and best practices to ensure that ignition interlocks are consistently applied to impaired driving offenders, and that these offenders are effectively monitored. More importantly, it provides an opportunity for policymakers, program administrators, and researchers to engage the various professional groups in the effective implementation of interlock applications.

Of some interest, our own work with various criminal justice associations has demonstrated that when these audiences are presented with solid, contemporary information about interlocks, they appear anxious to learn more. There is both a need and an opportunity to provide these key professional groups with concise and comprehensive information about interlock devices and applications.

More importantly, professionals want to be engaged in the development of effective policies and practices to improve the implementation of interlock devices. They can provide insight into the workings of the justice system and ways that applications can meet these demands. Greater cooperation, exchange of information, and understanding of the obligations imposed by the justice system are needed among researchers, criminal justice professionals, and administrative agencies to enhance the success of interlock applications.

As progress is made in improving the implementation of interlocks, two important facts should remain at the forefront of this issue. First, front-line criminal justice professionals witness first-hand the damage inflicted by impaired drivers. They deal with the consequences of these crimes, including the victims, on a daily basis. These practitioners chose to be police officers, prosecutors, judges, probation officers, and treatment professionals because they are concerned about the problem and dedicated towards achieving solutions.

Second, these professionals did not create the laws or the procedures that make up the justice system. They try to work within the system as it currently exists. As such, they are our partners, not adversaries, and play a critical role in improving the effectiveness and efficiency of interlock delivery within the justice system.

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