



## ALCOHOL IGNITION INTERLOCKS & AFFORDABILITY: WHAT DO WE KNOW?



ASSOCIATION OF IGNITION INTERLOCK  
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### **Traffic Injury Research Foundation**

171 Nepean Street, Suite 200  
Ottawa, Ontario K2P 0B4

Ph: (613) 238-5235  
Fax: (613) 238-5292  
Email: [tirf@tirf.ca](mailto:tirf@tirf.ca)  
Website: [www.tirf.ca](http://www.tirf.ca)

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# **ALCOHOL IGNITION INTERLOCKS & AFFORDABILITY: WHAT DO WE KNOW?**

Robyn D. Robertson\*, Laura Bailey\*\*, Devon Valentine\* and Ward G.M. Vanlaar\*

\*Traffic Injury Research Foundation

\*\*Association of Ignition Interlock Program Administrators



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## INTRODUCTION

Research has shown that breath alcohol ignition interlock devices are a highly effective tool to reduce impaired driving. On average, ignition interlock devices reduce recidivism among both first and repeat offenders, including persistent offenders who often drive at high breath alcohol concentration (BAC) levels (Willis et al. 2005; Kanable 2010; Elder et al. 2011; Fielder et al. 2013; McCartt et al. 2013; Voas et al. 2013; Beck et al. 2015; Vanlaar et al. 2016; Kaufman & Wiebe 2016). These reductions in recidivism remain even after the device has been removed from the vehicle, although they are slowly eroded over time without additional behavior change interventions (Vanlaar et al. 2016; Voas et al. 2013). More recently, new research has revealed reductions in fatal crashes due the use of ignition interlock devices. In 2016, Kaufman and Wiebe published a study using data from all U.S. jurisdictions from 1999 to 2013 to investigate the effects of all offender ignition interlock laws on fatal crashes. It showed that crash reductions were more pronounced in the 18 states with all offender ignition interlock laws as compared to 32 states without all offender ignition interlock laws. Based on the results of the study, it was concluded that the use of all offender ignition interlock laws would reduce alcohol-impaired driving fatalities by 15%, and an estimated 2,500 lives could be saved annually across the United States.

Recent increases in impaired driving fatalities in the U.S. that were reported in 2015<sup>1</sup> (NHTSA 2016) have contributed to renewed concern about alcohol-impaired driving. Ignition interlocks are one proven tool that can help address this problem and not only prevent convicted impaired drivers from driving after drinking, but also deter drinking and driving by the general public. However, to achieve these benefits, ignition interlock devices must be consistently installed and utilized by all impaired drivers who are eligible for ignition interlock program participation.

Cost is often cited as a barrier to the widespread use of ignition interlocks by impaired drivers. There is a pervasive perception that a proportion of offenders are unable to afford the cost of an ignition interlock, and it has been a major obstacle to the mandatory use of ignition interlocks in legislation, and the development of ignition interlock programs. In particular, even though there are no data to suggest what proportion of impaired drivers are unable to afford the cost of an ignition interlock, this perception has contributed to inconsistent political support to pass ignition interlock legislation or mandate the use of ignition interlocks by all impaired drivers. As a result, impaired drivers are able to avoid ignition interlock installation and instead continue to drive unlicensed. This poses considerable risk to other drivers on the road (Casanova-Powell et al. 2016).

The concern about cost stems from constitutional protections which require that penalties and sanctions for criminal behavior must embody the principles of equality and fairness. According to a 1963 Supreme Court decision (*Gideon v. Wainwright*), defendants who are indigent have a constitutional right to court-appointed representation. In addition, it is believed that financial constraints should not preclude some offenders from participation in sanctioning programs or penalties. The objective of this protection is to avoid the creation of a “two-tiered” system of

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<sup>1</sup> Alcohol-impaired driving fatalities rose from 9,943 in 2014 to 10,265 in 2015 which is a 3.2 percent increase. This was the most current data available.

justice where some offenders may receive different sanctions solely as a result of their ability to afford them. As such, programs and policies have been designed to ensure an equitable system of justice, that offenders who are unable to afford legal counsel receive legal representation, and that the sentencing of offenders does not reflect their financial status.

These principles of equality and fairness apply to ignition interlock programs to ensure that all offenders are able to obtain legal driving privileges in a way that protects the public. Indigency and unaffordability program features have been developed as part of many, but not all, programs in jurisdictions across the U.S. These features ensure that offenders who are unable to afford the costs of the ignition interlock program are not precluded from participation. In practice, these features typically mean that specific program participation costs can be waived or reduced to facilitate their access to driving privileges. However, the application of these features is quite variable across jurisdictions, and still many jurisdictions do not provide any accommodation for costs.

The perception that cost is a barrier to participation in ignition interlock programs for many offenders has been difficult to overcome for two reasons. First, the cost issue has not been clearly defined. The terms indigency and unaffordability are often used interchangeably yet they represent very different standards to measure costs. Moreover, willingness to pay for sanctions is not clearly distinguished from these two terms. Second, there is limited understanding of the ways that these program features are implemented which makes it challenging to compare practices across states or draw conclusions about the use of or need for these features.

A critical step to begin to overcome the perception that cost is a barrier to participation in ignition interlock programs is to clearly define the standards that are used to determine whether cost is indeed a barrier to participation. In addition, more information about the ways that these program features are utilized across states and the proportion of offenders who utilize them is essential. Better information about the use of indigency and unaffordability features of ignition interlock programs across the United States can provide much-needed insight to increase understanding of this problem. Notably, such data can help quantify the magnitude of the problem and inform decision-making about legislation that includes mandatory participation for designated offenders. It can also provide guidance regarding ways that these program features can be strengthened and ensure that all eligible offenders are able to install a device.

As such, the objectives of this paper are to more clearly define these program features to create a common understanding to facilitate discussion, and create a current snapshot of practices in the United States and the extent to which these features are actually used. This knowledge can provide a foundation for informed discussion about mandatory participation for offenders in ignition interlock programs. Key issues that are addressed include:

- differences between indigency, unaffordability and willingness to pay;
- the use of this program feature across the U.S. and ways this feature is implemented;
- the types of agencies that manage this program feature;
- eligibility criteria and application processes;
- funding mechanisms; and,



- usage rates of this program feature.

Each of these issues is described in more detail below. Data to inform the development of this paper were collected during the past 24 months through the Association of Ignition Interlock Program Administrators (AIIPA) Annual Conferences and Training Institutes as well as ignition interlock technical assistance meetings conducted by the Traffic Injury Research Foundation (TIRF) in many states. Data have also been collected throughout this period by both AIIPA and TIRF as part of information requests.

## Defining the problem

There are important differences between indigency, unaffordability and willingness to pay although the former two terms are often used interchangeably. In general, indigent means that a person lacks food, clothing, shelter and other basic necessities of life because of poverty. Persons who are indigent have insufficient property to maintain either themselves or others who depend on them for a basic standard of living. In a court setting, persons who lack sufficient income to afford a lawyer for defense in a criminal case are deemed indigent. In these instances, persons who are deemed indigent by the court are appointed a public defender or other defense attorney to represent them in court proceedings. Courts may also find a person indigent for costs which means they are deemed unable to pay fees or costs in criminal proceedings. Fee and costs may be either waived or reduced in these cases.

This definition of indigency, or a variation of it, is often transferred to the inability of offenders to afford interventions and/or other sanctions although the cost of legal counsel and the costs associated with interventions or supervision technologies are substantially different. Hence, the inappropriate use of the term indigency has clouded discussion and made it difficult to determine whether or not cost is a true barrier to ignition interlock program participation.

More recently, unaffordability has instead been adopted as the provision used by many jurisdictions in lieu of indigent provisions for interlock programs. To determine whether offenders are unable to afford participation in an ignition interlock program, the court or the state assesses their financial status using a more holistic approach that may include one or more of the following measures:

- annual income;
- monthly income and expenses;
- eligibility for public assistance program enrollment;
- number of dependants; and,
- other court-related costs and expenses.

In instances where unaffordability provisions apply, offenders may be offered participation at a reduced cost that may include a discount or reduction that is applied to some or all costs, or some or all costs may be waived, or at least waived for a specified period. However, it must be underscored that when offenders are relieved of the cost of the device due to an indigent or unaffordability determination, these program costs do not disappear. Instead, these costs are paid by ignition interlock vendors or state agencies that pass on the costs to others in the form of

increased costs for services. However, the proportion of offenders who are deemed indigent or unable to afford ignition interlock participation can substantially affect the ability of the state or of vendors to pay operational business costs or maintain or expand program services.

Conversely, willingness to pay is quite distinct from indigency and unaffordability features and should be clearly distinguished in discussions of the cost issue. In principle willingness to pay refers to a person's willingness to forgo other goods and services to receive the value offered by another good or service; in this case, the ignition interlock device which permits offenders to drive legally. It is important to note that offenders may not perceive the value offered by compliance with court sanctions, and thereby be less willing to forgo other goods and services to participate in the ignition interlock program. For example, the ability to drive unlicensed without detection may suggest to impaired drivers that there is no purpose in paying for a "value" that they can obtain at low cost and at low risk if they perceive the likelihood of detection to be low. This may be due, in part, to low levels of enforcement related to suspended or revoked drivers, and in part due to deficits in executive cognitive functioning<sup>2</sup> which can result for long-term alcohol misuse.

Evidence of the benefits of ignition interlocks in terms of reduced recidivism in the short and long-term, as well as crash reductions (Kaufman & Wiebe 2016; Vanlaar et al. 2016, McGinty et al. 2017; Voas et al. 2013) means that there is a strong public safety interest in ensuring that all eligible offenders participate in ignition interlock programs. Hence, data to create a better understanding of the proportion of offenders that are truly indigent or unable to afford ignition interlock participation can provide guidance regarding ways to ensure that all offenders who are eligible to participate in an ignition interlock program are able to do so. More information about the prevalence of indigent and unaffordability program features, and the ways that these features are implemented is described in the next section.

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<sup>2</sup> Executive cognitive functioning refers to the ability of a person to plan and make decisions in their own interest, as well as to delay immediate gratification for a longer-term reward.

## STATE PRACTICES

Information about the use of indigent and unaffordability program features presented in this section was gathered by AIIPA and TIRF through the course of in-person meetings, personal communication, emails and telephone calls. Information from all 50 U.S. states was provided by ignition interlock program managers and staff during the past 24 months. Reported information was further augmented with information from ignition interlock legislation, program documents, and ignition interlock vendors who described their experiences with these program features.

### Prevalence of program feature

A total of thirty-one states<sup>3</sup> confirmed they did have a formal funding feature to provide for indigent ignition interlock program participants or those deemed unable to afford a device. Additionally, in two states (KY and WI) it was determined that a formal program features does not exist, however, there were informal or ad hoc provisions to help accommodate offenders in need of assistance provided by vendors. In summary, there are 33 states<sup>4</sup> that accommodate offenders for whom cost is an issue. In addition, among states where it was reported that such provisions were available, a majority of them<sup>5</sup> (29) reported that this feature was codified in statute. Conversely, in just three states<sup>6</sup> it was reported that the program was not codified in statute. It appears this feature is instead described in program documents as a requirement for vendors. In Delaware, it was reported this feature is administered by the vendors based on an agreement to provide the device at a discounted rate. Maryland, which utilizes an unaffordability feature, reported a similar agreement with their vendors. As such there is reportedly nothing in the legislation that governs these types of determinations. However, in Texas, while indigent provisions are not specifically codified in ignition interlock statutes, there is general language in Texas criminal statutes that provide the ability for the Judge to make discretionary accommodation for offenders who are not able to afford an ignition interlock.

Among the 33 states that reported using either an indigent or unaffordability provision, most states<sup>7</sup> (21) described an indigent provision whereas just six states<sup>8</sup> described an unaffordability provision. In the seven remaining states<sup>9</sup>, it was reported the provisions used in their jurisdiction could not be clearly classified as either one. Overall, it appears the use of an indigent provision is much more prevalent as compared to unaffordability. This may be due to the fact that unaffordability provisions have only more recently been developed and/or specifically applied to ignition interlock program participation. In addition, it is common practice that these provisions are

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<sup>3</sup> AL, CA, CO, DE, FL, GA, HI, IL, IN, KS, ME, MD, MI, MN, MS, NE, NH, NJ, NM, NY, OH, OR, SC, TN, TX, UT, VT, VA, WA, WV, WY

<sup>4</sup> AL, CA, CO, DE, FL, GA, HI, IL, IN, KS, KY, ME, MD, MI, MN, MS, NE, NH, NJ, NM, NY, OH, OR, SC, TN, TX, UT, VT, VA, WA, WV, WI, WY

<sup>5</sup> AL, CA, CO, FL, GA, HI, IL, IN, KS, KY, ME, MI, MN, MS, NE, NH, NJ, NM, NY, OR, SC, TN, UT, VT, VA, WA, WV, WI, WY

<sup>6</sup> DE, MD, TX

<sup>7</sup> AL, CO, DE, IL, IN, KS, MI, MS, NE, NH, NM, OH, OR, SC, TN, UT, VT, VA, WA, WV, WY

<sup>8</sup> GA, ME, MD, NJ, NY, VA

<sup>9</sup> CA, FL, HI, KY, MN, TX, WI

codified in statute, although this practice may reduce the flexibility afforded to states to accommodate individual offenders.

Conversely, based on reported information, approximately one-third of states<sup>10</sup> in the U.S. do not make any provisions, either formal or informal, for offenders for whom cost is a barrier to ignition interlock program participation.

## Management of program feature

Program management consists of ways offenders are notified about the availability of such program features, documentation to determine approval processes, and processing of offenders. An overview of the ways indigent and unaffordability program provisions are managed across the U.S. is described below.

**Notification.** Offenders may be notified about the availability of funding to support their participation in the ignition interlock program in a variety of ways, and practices vary across states. It was reported in 12<sup>11</sup> states that the ignition interlock program authority or licensing authority notified offenders (either through a personal letter, program brochures or website) that funding was available for offenders who could not afford the cost of participation. In an additional seven<sup>12</sup> states offenders were notified by the courts or probation agency, and in five<sup>13</sup> states offenders were notified of this provision by vendors. It was reported in five states<sup>14</sup> that there was a comprehensive system of notification that included multiple sources such as letters, brochures, the courts, probation, the program website, and vendors. In one state (KY) it was reported that offenders are notified by their legal counsel or public defender, and in one state (NH) it was noted that the notification process was not applicable. Two states (OR and WV) indicated that there was no process to notify offenders, although in WV letters have been used at various times. In three states (GA, DE and OH) the notification process could not be determined.

In terms of qualifying documentation required for the funding feature, states consistently required official documentation as the primary type of documentation used to determine who received funding or financial support. Twenty-one states<sup>15</sup> favored official documentation as either the only requirement or one of the requirements to qualify for the funding feature. What was classified as official documentation varied, however it was generally comprised of tax returns, pay stubs, and other such information from government or external sources. As such, it seems that across the United States it is required that some form of official documentation be presented before funding can be issued. This official documentation may be accompanied by self-reported information, however, that is not a practice in all states.

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<sup>10</sup> AK, AZ, AR, CT, ID, IA, LA, MA, MO, MT, NV, NC, ND, OK, PA, RI, SD

<sup>11</sup> CA, IN, IL, HI, MI, MN, NE, SC, TN, VT, WY, WI

<sup>12</sup> AL, FL, NJ, NY, TX, UT, WI

<sup>13</sup> CO, KS, ME, VA, WA

<sup>14</sup> MD, MI, MS, NM, WY

<sup>15</sup> CA, CO, HI, IL, IN, MD, MI, MN, MS, NH, NJ, NM, NY, NE, OR, SC, TN, VT, VA, WA, WI

Results revealed that, even though the methods of notification may vary, the majority of states at least have some form of notification system for participants. Overall twenty eight states<sup>16</sup>, confirmed they had a process for notification, which suggests offenders can be notified of indigent and unaffordability features in most states in the U.S. The extent to which these features are effective and whether offenders receive this information is unknown.

**Approval processes.** In at least 12 states<sup>17</sup>, approval of eligibility for indigent or unaffordability funding was a specific responsibility of court or probation agencies. In an additional 12<sup>18</sup> states, applications are approved by the licensing agency or other program authority. However, ignition interlock vendors were also identified as being responsible for application approvals for funding in seven<sup>19</sup> states. In at least two states (e.g., MN, VA), both courts and an administrative authority may approve indigent funding. In MN, either a court or an administrative approval process would apply depending on the enrolment process into the program, whereas in Virginia it is a two-step approval process in which the courts determine indigent status and the program authority conducts a further assessment to gauge financial status. This suggests that state agencies as a whole (courts or probation, ignition interlock program authorities and driver licensing agencies), rather than vendors, are generally responsible for making a determination regarding whether cost is an issue for individual offenders.

**Paperwork processes.** Conversely, in many states it is vendors who actually process paperwork and manage fees or fee reductions. Indeed, they were reported to fulfill this role in 16 states<sup>20</sup> that provided information. Most often, it is the responsibility of vendors to reduce fees and/or report fees to the program authority, and there is not an actual fund to disperse fees. However, in 15<sup>21</sup> states this process is managed by a state agency.

Notably, in 13<sup>22</sup> states, the agency that approved applications was different from the agency that handled the paperwork and dispersion of fees. For programs where there was no actual fund per se but rather an applicable reduction in fees, it seems vendors were consistently relied upon to manage certain processes. For instance, in New York the application for approval to enter the unaffordability program is determined by the courts. As part of the contract that vendors sign with the State, they are required to offer a discounted rate for offenders that are determined to be in need of assistance. For this reason, although the approval process is determined by state agencies, the actual application of this discount is delegated to ignition interlock manufacturers.

There are a few instances in which vendors handle both the application approval process and the reduction of fees. For example, in Michigan, the vendors are responsible for approving applications and administering a discounted rate. However, they are regulated in how they manage these

<sup>16</sup> AL, CA, CO, FL, HI, IL, IN, KS, KY, ME, MD, MI, MN, MS, NE, NJ, NM, NY, OR, SC, TN, TX, UT, VT, VA, WA, WI, WY

<sup>17</sup> AL, FL, GA, KY, NH, NJ, NY, TN, TX, UT, VT, WI

<sup>18</sup> CA, CO, IL, HI, IN, NE, NM, OR, SC, VA, WA, WY

<sup>19</sup> DE, HI, KS, ME, MD, MI, MS

<sup>20</sup> CA, DE, GA, KY, ME, MD, MI, MN, MS, NH, NJ, NY, TX, UT, VA, WI

<sup>21</sup> AL, CO, FL, IL, IN, KS, NE, NM, OR, SC, TN, VT, WA, WV, WY

<sup>22</sup> AL, CA, CO, GA, HI, KS, KY, MN, NH, NJ, TN, TX, UT

determinations. They are not permitted to request offenders provide any other documentation other than the state tax return which is used to determine eligibility.

In summary, practices are variable in relation to approval and paperwork processes for indigent and unaffordability provisions across the U.S., however state agencies are most often responsible for approval processes. In part, this variability may be dependent upon the type of feature that is offered by that particular state. The only exception to this is in instances when vendors are required to reduce fees and this may occur because states are not involved in the approval processes.

## Selection criteria and fees

Generally speaking, the criteria used to determine indigent or unaffordability status was confirmed to be fairly consistent across states, and it is noteworthy that many states use multiple measures to make a determination. A total of 15<sup>23</sup> states relied upon proof of enrollment in public assistance programs as a primary requirement to determine indigent status. However, a number of states<sup>24</sup> reported using poverty guidelines proportions with almost the same frequency, with 14 states making use of this method. In addition, 11<sup>25</sup> states used paystubs or recent federal tax returns to evaluate the financial status of participants, and four<sup>26</sup> states reported that the total assets and equity of a client were considered during the assessment of applications. Just one\* state<sup>27</sup> also considered whether or not the participant required a motor vehicle for employment purposes. Overall, almost every state used these criteria in various combinations to make a determination regarding approval for indigent or unaffordability funding.

The fees that were covered as part of an indigent or unaffordability provision were also quite consistent across states. Installation was confirmed as the single most common cost of the ignition interlock program that was covered by indigent and unaffordability features, with 29<sup>28</sup> states reporting it was covered. This was closely followed by monthly monitoring and removal fees which were identified in 24<sup>29</sup> states and 21<sup>30</sup> respectively. Fees that were less frequently accommodated included vehicle transfer fees, camera fees, and reporting fees. Mobile fees were generally not covered by indigent and unaffordability features, nor were violation reset fees consistently covered.

Based upon this information, there appears to be a general trend within these programs to cover or waive many of the standard costs of participation such as installation, monitoring, and removal of the ignition interlock device, and increasingly camera fees. Whether or not other fees were covered was typically a function of states. However, there was also a fairly consistent trend that participants that were non-compliant had to pay for violation re-set fees themselves, and such costs were not included as part of the indigent or unaffordability feature, except in a few states.<sup>31</sup>

<sup>23</sup> CO, HI, IL, IN, KS, MD, MN, NJ, NM, NY, OR, SC, UT, WA, WY

<sup>24</sup> CA, CO, KS, ME, MI, MN, MS, NE, SC, TN, UT, WA, WV, WI

<sup>25</sup> CO, KS, ME, MI, MS, NE, NY, SC, VA, WA, WI

<sup>26</sup> AL, KY, UT, WA

<sup>27</sup> VA

<sup>28</sup> AL, CO, DE, FL, HI, IL, IN, KS, KY, ME, MD, MI, MN, MS, NE, NH, NJ, NM, NY, OR, SC, TN, TX, VT, VA, WA, WV, WI, WY

<sup>29</sup> AL, CO, HI, IL, IN, KS, KY, ME, MI, MN, MS, NE, NH, NJ, NM, NY, OR, SC, TN, TX, VA, WA, WI, WY

<sup>30</sup> CO, HI, IL, IN, KS, KY, ME, MI, MN, MS, NM, NY, OR, SC, TN, TX, VA, VT, WA, WV, WY,

<sup>31</sup> ME, MN, NY, OR, TX

As a general rule, at least half of states (15<sup>32</sup>) with this feature did not review any income or cost information after the initial approval process. Among the 13<sup>33</sup> states that do subsequently review cost information, just seven<sup>34</sup> states indicated that it was reviewed annually, one<sup>35</sup> state reported it was reviewed every six months, and two<sup>36</sup> states suggested it was reviewed every three months. Of interest, there were also two<sup>37</sup> states that reported information was reviewed monthly, and it was confirmed in California the situation is variable across the state and depends upon the presiding judge. In two<sup>38</sup> states it was indicated that this information was not known.

If an application is denied, the majority of states do allow participants to re-apply but the timeframe in which this can happen is variable. Seven<sup>39</sup> states permit participants to re-apply either immediately or within one day. In one<sup>40</sup> jurisdiction it was reported there was a one month waiting period, another state<sup>41</sup> reported a six-month waiting period, and three<sup>42</sup> states noted that participants could re-apply in the next tax year.

The remainder of the states who permitted participants to re-apply did not indicate a specific time requirement and highlighted that this was determined by other factors (e.g., a change in the participant's financial status). In states where a determination was made by the court to apply a discount as opposed to provide funding, as a principle of law there was generally not a point when participants could re-apply because it was inherently tied into their sentencing.

Overall, slightly more than half of states using an indigent or unaffordability funding feature in the U.S. reported some sort of criteria that had to be met before the participants could re-apply. In the remainder of the states, no provisions were provided and re-submitting an application was confirmed as not always being possible.

## Funding mechanisms

Based on the information that was gathered, indigent and unaffordability features are funded in different ways. In more than half (16<sup>43</sup>) of states, the features were funded by vendors. This method was most prevalent in states with unaffordability programs and specifically, in several states where an actual fund does not exist. Instead, ignition interlock vendors are required to either provide a discount or waive the cost of the device.

However, other methods to finance these features were used when there was an actual monetary fund. For example, in 4 states<sup>44</sup> a fee is charged to all impaired drivers and a portion of it is

<sup>32</sup> AL, CO, FL, HI, KS, KY, ME, MD, NJ, NY, TN, UT, VT, WV, WI

<sup>33</sup> CA, IL, MI, MN, MS, NE, NM, OR, SC, TX, VA, WA, WY

<sup>34</sup> IL, MI, MN, MS, NE, NM, WA

<sup>35</sup> TX

<sup>36</sup> SC, VA

<sup>37</sup> OR, WY

<sup>38</sup> IN, NH

<sup>39</sup> CO, KS, KY, MN, NM, TN, VA

<sup>40</sup> SC

<sup>41</sup> WA

<sup>42</sup> IL, MI, MS

<sup>43</sup> CA, DE, HI, KS, KY, ME, MI, MN, NH, NJ, NY, TX, UT, VA, WV, WI

<sup>44</sup> CO, IN, OR, TN



allocated for indigent funding for interlock program participants. Another method that was reported to be used by six<sup>45</sup> states was to charge a fee to all paying ignition interlock program participants to support indigent participants.

There were also some unique strategies to fund ignition interlock program participants for whom cost is an issue. In Florida, court fines can be reduced in lieu of ignition interlock program participation, and in New Mexico, a portion of Liquor Excise Tax is used to fund these participants. In two states (MD and GA) a ceiling is imposed on fees that vendors can charge.

In cases in which an actual fund is managed, it was generally reported that monies in the fund cannot be allocated for other purposes by the Legislature, although in five<sup>46</sup> states it appears that a fund surplus can indeed be allocated to other purposes. The reasons for this were not known, and it was not possible to determine what impact this may have on program operations. In a few states, such as New Mexico, Oklahoma and Virginia, state agencies that administer the fund are able to use excess revenue to support program staff and administration costs.

### Usage rates of this feature

Use of the indigent or unaffordability program feature in ignition interlock programs across the United States was generally hard to gauge. Of the twelve<sup>47</sup> states with such a feature that were able to provide an estimate, the results varied. The reported usage (i.e., the estimated proportion of the total number of ignition interlock participants who were eligible for indigent or unaffordability funding) in a majority of states that responded was 10% or less. In two<sup>48</sup> states, it was reported that the usage rate was up to 15%. It was estimated in Vermont that the usage rate varied from 15% to 20%. Just one jurisdiction (NH) indicated that the estimated usage rate was more than 25%.

Conversely, three<sup>49</sup> states that acknowledged having such a program feature were unable to provide information about usage. An additional eight states<sup>50</sup> suggested that this information was unknown, while seven<sup>51</sup> noted it was unavailable. Kansas confirmed that they were investigating this issue but were unable to provide an estimate. In total, 19 states<sup>52</sup> which had previously reported some type of funding mechanism were unable, for various reasons, to provide an estimated usage rate.

This illustrates that more data are needed to better understand the prevalence of the cost issue. However, based upon available information that could be gathered, it appears that usage of these funding mechanisms is generally low. This may be due to the fact that, despite the promotion of it, offenders were unaware, or unable to access funding mechanisms, or that they merely were not in need of funding to support program participation or did not qualify for it. In states where this

<sup>45</sup> AL, MS, NE, SC, WA, WY

<sup>46</sup> AL, CO, NE, NM, TN

<sup>47</sup> CA, HI, IL, MN, NE, NH, NY, SC, TN, TX, VT, WA, WY, WV

<sup>48</sup> IL, WA

<sup>49</sup> DE, OH, UT

<sup>50</sup> AL, CO, GA, IN, KY, ME, NM, VA

<sup>51</sup> FL, MD, MI, MS, NJ, OR, WI

<sup>52</sup> AL, CO, DE, FL, GA, IN, KS, KY, ME, MD, MI, MS, NJ, NM, OH, OR, UT, VA, WI



number is known it seems that it is usually less than 10%, indicating that those who do need to use these types of funding features are a minority of the overall ignition interlock program population. More research is needed to increase understanding of this issue.



## CONCLUSIONS

Research has demonstrated that ignition interlocks are an effective tool to address the problem of alcohol-impaired driving. In particular, there has long been a consensus that ignition interlocks can reduce recidivism among convicted offenders. In more recent years, there is also convergence of evidence from independent sources showing that ignition interlocks can be effective with first offenders, and that they can reduce crashes and fatalities.

However, for such a measure to be truly effective and achieve in the real world the potential demonstrated in research, eligible offenders must consistently install and use it as required. Data from across the country indicate that this is not the case for a variety of reasons. In terms of indigent and unaffordability features, one of the challenges is to make ignition interlocks available to all offenders, notably the proportion of offenders who are unable to pay for it according to an objective and appropriate standard. In response to this challenge, many states have developed some form of financial support to these offenders as a program feature, and standards are increasingly refined based on state experiences to date.

This report reviewed data about this program feature based on information from all 50 U.S. states to more clearly define this issue as well as create a common understanding to facilitate discussion. Not all U.S. jurisdictions were able to provide information, and some information could not be confirmed. However, this report represents the most detailed information that is available at this time. The report also creates a current snapshot of practices in the U.S. and the extent to which this feature is used.

Based on the data collected, it can be concluded that approximately one-third of U.S. states do not provide any form of financial support to participants who may need it, and an estimated two-thirds of states do provide such support. Furthermore, among those states that do provide some type of support, the ways in which this support is provided varies considerably. This variation is indicative of the many different ways ignition interlock programs have been implemented across the country. While it is important to tailor an ignition interlock program to the context of the jurisdiction where it is implemented, the data in this report suggest that the following provisions are common in relation to indigent and unaffordability funding mechanisms:

- Indigent funding features are most common across states and are generally codified in statute, however the use of unaffordability provisions is growing.
- State agencies typically have responsibility for approval processes, although both states and vendors may manage the paperwork processes.
- Upon approval, a growing number of states are reviewing the financial status of offenders at least annually, and in some cases more frequently to determine eligibility.
- Multiple criteria are used to determine eligibility for funding.
- Primary program costs are typically paid using this feature, but costs arising as a result of non-compliance, or special conditions, are not.



- Indigent and unaffordability features are funded by fees charged to impaired drivers, ignition interlock program participants, reduced fees by vendors or the use of funds collected by the state for another purpose.
- Usage of indigent and unaffordability features is 10% or less in most states that are able to quantify usage.

In conclusion, developing a program feature to provide financial support to some offenders may be another tool to help increase participation rates. An examination of ignition interlock program participation rates in states that do not offer such provisions may shed further insight into this issue. More importantly, careful attention is essential when developing such program features to ensure it fits well within the program and the jurisdiction, and that it can sustain an appropriate balance between those offenders who are eligible to rely on the financial support versus those who are not.

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Traffic Injury Research Foundation (TIRF)

171 Nepean Street, Suite 200

Ottawa, Ontario

Canada K2P 0B4

[www.tirf.ca](http://www.tirf.ca)

Toll Free: 1-877-238-5235

Fax: 613-238-5292

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**ASSOCIATION OF IGNITION INTERLOCK  
PROGRAM ADMINISTRATORS**

Association of Ignition Interlock Program  
Administrators (AIIPA)

5030 N. May Ave. #212

Oklahoma, OK 73112

[aiipaonline@gmail.com](mailto:aiipaonline@gmail.com)

[www.aiipaonline.org](http://www.aiipaonline.org)