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Stopping Drunk Driving Before It Starts: A Technological Solution

Executive Summary

People who have previous drunk driving convictions make up approximately one-third of the drunk driving problem in America. These are people who have been failed by a system that has, in turn, failed to keep the rest of us safe.

Even first-time offenses are serious indicators that a person is likely to become a repeat offender. First-time offenders have driven drunk an average of 87 times before they are arrested and most likely have a serious problem with alcohol.

Fortunately, there is a technology that has the potential to eliminate repeat drunk driving offenses – the breath alcohol ignition interlock. These devices can prevent a vehicle from being driven by a drunk driver. If they are used correctly – in concert with treatment and hard license suspensions, and remain in vehicles for a substantial period of time – they can substantially reduce repeat offenses.

The studies on alcohol ignition interlocks clearly show their effectiveness. There are 12 high-quality studies on interlocks for repeat offenders, six high-quality studies on interlocks for first-time offenders, and four meta-studies of multiple jurisdictions. All of them show decreases in repeat offenses (i.e., recidivism) while the interlock is on the vehicle. These decreases range from 50 to 95 percent. Most of the failures of interlocks are system failures, where mandatory interlock laws are not enforced and offenders who are sentenced to receive interlocks either do not have them installed or receive little oversight. MADD's model concepts for an interlock law will alleviate many of these and model programs can eliminate the rest.

Overview

In 2006, 17,941 people were killed in alcohol-related crashes - an average of one almost every half-hour. Of these, 13,990 involved a driver with an illegal blood alcohol concentration (BAC) (.08 or greater).¹ At least nine percent of these involve a person with a previous driving while intoxicated (DWI) conviction² and most estimates indicate that people who have been previously convicted for drunk driving comprise about one-third of the drunk driving problem.³

This means that more than 4,000 lives could be saved if the criminal justice system could prevent those convicted of drunk driving from recommitting the offense. Now, it appears that there is a technological tool that, if properly administered, could save a large proportion of these 4,000 lives and give offenders the ability to drive while not endangering the public.

This tool is called an alcohol ignition interlock – a device that prevents vehicles from being driven by drunk drivers. This document aims to outline how this and other technologies can, and should, be used to save thousands of lives each year.

The Nature of Drunk Driving Offenders

There is a common misconception that most people who are convicted of their first drunk driving offense are social drinkers who made one mistake, get convicted, and learn from this, never to drink and drive again. The truth is much more worrisome.

Many first-time offenders are not really “first offenders.” Studies of enforcement patterns find that one arrest is generally made for every 88 instances of driving over the illegal limit.⁴ Thus, the average first offender will have driven drunk 87 times before being caught – some less, some more.

A first offender is also at a high risk of recommitting a drunk driving offense. Research has found that first offenders’ patterns of recidivism are generally similar to a drunk driving repeat offender.^{5,6} Their BACs at time of arrest are almost as high as the BACs

¹ National Highway Traffic Safety Administration. 2006 Preliminary Fatality and Injury Assessments, 2007.

<http://www.nhtsa.dot.gov/portal/nhtsa_static_file_downloader.jsp?file=/staticfiles/DOT/NHTSA/NCSA/Content/PPT/810755.pdf>

² National Highway Traffic Safety Administration. *Traffic Safety Facts 2005: Alcohol*. DOT 810 606, 2006. <<http://www.nrd.nhtsa.dot.gov/pdf/nrd-30/NCSA/TSF2005/AlcoholTSF05.pdf>>

³ Fell, Jim. “Repeat DWI Offenders in the United States.” Washington, DC: National Highway Traffic Safety Administration, February 1995.

<<http://www.nhtsa.dot.gov/people/outreach/traftech/1995/TT085.htm>>

⁴ Zador, Paul, Sheila Krawchuk, and B. Moore. (1997) “Drinking and Driving Trips, Stops by Police, and Arrests: Analysis of the 1995 National Survey of Drinking and Driving Attitudes and Behavior,” Rockville, MD: Estat, Inc, 1997.

⁵ Rauch, William et al. “A Longitudinal Survival Analysis of Drivers with Multiple Alcohol-Related Traffic Offenses: Fifth Year Follow-Up of a Randomized Ignition Interlock License Restriction Trial in Maryland.” *Proceedings of Alcohol, Drugs and Traffic Safety - T 2002: 16th International Conference on Alcohol,*

of repeat offenders (.16 for first offenders, .18 for repeat offenders).⁷ In Saskatchewan, on average, alcohol ignition interlock devices prevented first offenders from driving after drinking every 31 days.⁸ Thus, first offenders' behavior, even after their conviction and sanctions, tends toward recommitting the crime of drunk driving.

This is partly because those who are convicted of their first drunk driving offense tend not to be social drinkers, but rather have problems with alcohol. Over a three-year period, one judge sentenced all offenders with their first drunk driving conviction to clinical evaluation. Of the 1,252 offenders, 82 percent (1,032 total) were assessed as problem drinkers or alcoholics. Only 18 percent were found not to have a problem with alcohol.⁹

It is obvious that the more accurate picture of most first offenders is someone who has committed the crime before and who will commit the crime again unless significant intervention is taken. This intervention, for all drunk driving offenders, should include an ignition interlock device.

Current Sanctions

The most common sanctions for first-time offenders in the United States are fines, license suspensions, and assessment and treatment for problems with alcohol. These sanctions are necessary and effective in their own ways, but are not totally effective in stopping repeat offenses.

Administrative license sanctions are a general deterrent, meaning they prevent people from driving drunk. Having these laws enforced reduces alcohol-related fatal crashes by an average of nine percent.¹⁰ Additionally, administrative license sanctions at the time of arrest have been demonstrated to be effective in reducing subsequent DWI offenses among convicted drinking drivers. In Ohio, one study found significantly lower rates of DUI offenses, moving violations, and crashes among drivers convicted in the

Drugs and Traffic Safety, August 4-9, 2002. Ed. D. R. Mayhew and C. Dussault, (Vol. 1, pp. 139-144). Montreal, Canada: Société de l'assurance automobile du Québec, 2002.

⁶ Jones, Ralph and John Lacey. "State of Knowledge of Alcohol Impaired Driving: Research on Repeat DWI Offenders." DOT HS 809 027. Washington, DC: National Highway Traffic Safety Administration, 2000. <<http://www.nhtsa.dot.gov/people/injury/research/pub/Alcohol-ImpairedDriving.html>>

⁷ Jones, Ralph and John Lacey. "State of Knowledge of Alcohol Impaired Driving: Research on Repeat DWI Offenders." DOT HS 809 027. Washington, DC: National Highway Traffic Safety Administration, 2000. <<http://www.nhtsa.dot.gov/people/injury/research/pub/Alcohol-ImpairedDriving.html>>

⁸ Quaye, Kwei and Paul Boase. "First Time Drinking and Driving Offenders – Unraveling the Myth with Ignition Interlock and Short-Term Suspensions Data." *17th Meeting of the International Council on Alcohol, Drugs and Traffic Safety.* Glasgow, Scotland: August 8-13, 2004. <<http://www.icadts.org/t2004/pdfs/O115.pdf>>

⁹ Rauch, William. "Does Alcohol-Impaired Driving Recidivism among First Offenders More Closely Resemble that of Multiple Offenders?" *6th International Symposium on Alcohol Ignition Interlock Programs*, Annecy, France: September 25-27, 2005.

<http://www.trafficinjuryresearch.com/whatNew/newsItemPDFs/Bill_Rauch.pdf>

¹⁰ Voas, Robert, A. Scott Tippetts, and Jim Fell. "The Relationship of Alcohol Safety Laws to Drinking Drivers in Fatal Crashes." *Accident Analysis and Prevention* 32 (2000): 483-492.

two years after the administrative revocation law was passed compared with those convicted in the two years before.¹¹

While administrative license sanctions do a good job of deterring both the general public and the offender who receives the license sanction, they fail to keep unlicensed drivers off the road. Studies estimate that 50 to 75 percent of drunk drivers whose licenses are suspended continue to drive.^{12,13} While license sanctions are necessary, they do not fully prevent the suspended offender from driving.

Treatment is also a necessary component of any first offender's sentence. As mentioned earlier, in one court, 82 percent of first offenders were classified as problem drinkers. Using the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders standards to define substance abuse, another study found that over 70 percent of DUI offenders have alcohol abuse problems and between 10 percent and 50 percent were alcohol dependent.¹⁴ Clearly, a significant part of the drunk driving problem stems from underlying problems with alcohol.

In conjunction with other sanctions like license sanctions, treatment results in a seven to nine percent reduction in recidivism compared with no treatment.¹⁵ But there are many shortcomings of treatment programs. Most treatment programs are not as effective as they could be because there are few, if any, repercussions for not completing the program. As a result, about half drop out after three months of treatment or less. Those who are most likely to drop out are those who need the treatment the most – young people and those with high BACs at the time of arrest.¹⁶ Additionally, there are few ways for treatment providers to know what is happening with their client. Finally, treatment mandates are inflexible. Offenders can be sentenced to three months of treatment even if they need three years to successfully fight their alcohol issues.

Strong alcohol ignition interlock programs can help address many of these issues. They can effectively prevent a person from driving drunk while granting them greater legal mobility than they would otherwise have. They can enhance treatment programs by

¹¹ Voas, Robert, A. Scott Tippetts, and Eileen Taylor. "Impact of Ohio Administrative License Suspension." *42nd Annual Proceedings: Association for the Advancement of Automotive Medicine*. Barrington, IL: Association for the Advancement of Automotive Medicine, 1998.

¹² 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.
<http://profiles.nlm.nih.gov/NN/B/C/Y/B/_/nnbcyb.pdf>

¹³ Peck, Raymond, R. Jean Wilson, and Lawrence 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, D.C.: National Research Council, 1995.

¹⁴ Wieczorek, William, Brenda Miller, and Thomas Nochajski. "Multiple and Single Location Drinking Among DWI Offenders Referred for Alcoholism Evaluation." *American Journal of Drug and Alcohol Abuse*, 18, no. 1 (1992):103-116.

¹⁵ Wells-Parker, Elisabeth, et al. "Final Results From a Meta-Analysis of Remedial Interventions with DUI Offenders." *Addiction* 90 (1995): 907-926.

¹⁶ Kern, JC, WR Schmelter, and SR Paul. "Drinking drivers who complete and drop out of an alcohol education program." *Journal of Studies on Alcohol* 38(1) (1997): 89-95.

providing data on a person's drinking and driving patterns. Additionally, they can be a flexible sanction that remains on an offender's vehicle as long as it is needed.

How Interlock Technology Works

Most current interlock devices use a fuel cell to detect alcohol similar to many breath testing devices used to collect evidence in drunk driving cases. A person breathes into a handheld device. That breath is passed over an electrical chip. When there is alcohol in the breath, there is a chemical reaction on the chip where the alcohol is "burned up" (chemically oxidized). This produces an electrical current that increases as the amount of alcohol in the breath increases. The interlock interprets the electrical current and, through a connection to the ignition system, allows the car to be started if the amount of alcohol in the breath is under a state-defined level.

Currently, alcohol ignition interlocks are required by National Highway Traffic Safety Administration (NHTSA) standards to prevent a car from starting 90 percent of the time, if the BAC is .01 percentage points greater than the preset limit (.02 percentage points in extreme conditions). NHTSA will likely make these standards much stricter in the next year.¹⁷

There are additional features that prevent circumvention and tampering. Older models of interlocks could be fooled by cans of compressed air or air released from balloons. Now, most interlocks have pressure and/or temperature gauges that screen out non-human or stored air.¹⁸

Additionally, advances have been made that ascertain that the driver is the person providing the air sample. Devices currently incorporate various patterns (humming, breath pulses, sucking and blowing patterns, etc.) that are taught to the driver that make it difficult for someone who has not received instruction to start the vehicle (these also make sure that deep lung air is sampled). Some newer devices incorporate digital cameras to capture a picture of the person providing the test and there is the potential to try biometric markers in future devices.

Furthermore, devices require running retests – tests required at random intervals between five and 30 minutes once the vehicle is started. These retests are designed to be done at roadside and effectively help prevent a sober person from starting the vehicle for another or letting a car idle while alcohol is consumed. If a person fails a running retest, the vehicle does not stop – the interlock is connected to the starter, not the engine – but can give a visual and/or auditory alert to law enforcement of the failure such as a sounding horn and/or flashing headlights.

¹⁷ "Model Specifications for Breath Alcohol Ignition Interlock Devices (BAIIDs)." *Federal Register* 71 (February 15, 2006).

¹⁸ "Model Specifications for Breath Alcohol Ignition Interlock Devices (BAIIDs)." *Federal Register* 71 (February 15, 2006).

All of the tests that are performed, along with attempts to tamper with the device, are captured by a data recorder. These data are collected and communicated to the interlock provider, who then transmits the data to the officials administering the interlock program. This is an integral part of the device. Data allow criminal justice professionals to analyze the successes and failures of a person using the interlock device. As will be discussed later, this allows the system to customize sanctions for the individual offender – allowing driving privileges earlier to those who demonstrate sober driving and keeping the interlock device on longer for those who need more time to change their ways. Right now, most jurisdictions do not use these data – this is one of the major failures of current alcohol ignition interlock programs.

Effectiveness of Alcohol ignition interlock Devices

There is a robust body of literature that shows the effectiveness of alcohol ignition interlock devices for those with previous drunk driving convictions. All of these studies show a decrease in recidivism of 50 to 90 percent while the alcohol ignition interlock device is on the vehicle:

Jurisdiction	Date	Author(s)	Recidivism Reduction
North Carolina	1993	Popkin et al ¹⁹	62 percent over restricted; 72 percent over suspended
West Virginia	1997	Tippets & Voas ²⁰	75 percent
Maryland	1999	Beck et al ²¹	64 percent
Alberta	1999	Voas et al ²²	89 percent over reinstated; 95 percent over ineligible
Colorado	2000	Marine et al ²³	73 percent
Illinois	2002	Frank et al ²⁴	81 percent
Quebec	2002	Vezina ²⁵	66 percent

¹⁹ Popkin, CL et al. "An Evaluation of the Effectiveness of Interlock Systems in Preventing DWI Recidivism among Second-Time DWI Offenders." *Alcohol, Drugs and Traffic Safety – T-92: Proceedings of the 12th Interlock Conference on Alcohol Drugs and Traffic Safety*. Ed. H-D Utzelmann, G Berghaus, G Kroj, 1992.

²⁰ Tippets, A. Scott and Robert Voas. "The Effectiveness of the West Virginia Interlock Program." *Journal of Traffic Medicine* 26 (1-2) (1998): 19-24.

²¹ Beck, Kenneth H. 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 (1999): 1696-1700.

²² Voas, Robert, et al. "The Alberta Interlock Program: The Evaluation of a Province-Wise Program on DUI Recidivism." *Addiction* 94 (12) (1999): 1849-1859.

²³ Marine, W., et al. "Results of Colorado's Voluntary Alcohol Ignition Interlock Pilot Program: Evaluation and Recommendations for Change." Denver, CO: University of Colorado Health Science Center, 2000.

²⁴ Frank, JF et al. "Illinois Ignition Interlock Evaluation." *Alcohol Drugs and Traffic Safety – T2002. Proceedings of the 16th International Conference on Alcohol, Drugs and Traffic Safety*. Ed. DR Mayhew and C. Dussault, 2002.

²⁵ Vezina. "The Quebec Alcohol-Ignition Interlock Program: Impact on Recidivism and Crashes." *Alcohol Drugs and Traffic Safety – T2002. Proceedings of the 16th International Conference on Alcohol, Drugs and Traffic Safety*. Ed. DR Mayhew and C. Dussault, 2002.

<[http://www.saaq.gouv.qc.ca/t2002/actes/pdf/\(08a\).pdf](http://www.saaq.gouv.qc.ca/t2002/actes/pdf/(08a).pdf)>

There are also several meta-studies – studies that look at multiple studies and jurisdictions – that have found interlocks to be effective.^{26,27,28,29}

The devices have also proven very effective (in some cases, even more effective) when applied to first-time offenders:

- New Mexico, even before its new, more extensive first offender interlock program, found a decrease in recidivism by over a half among first offenders who installed interlock devices.³⁰
- West Virginia found a 77 percent decrease in recidivism among interlocked first offenders (effectively the same as the 75 percent reduction among repeat offenders).³¹
- Cincinnati looked at both high-BAC (.20+ in this case) first-time offenders and repeat offenders and found a 65 percent decrease in recidivism.³²
- Alberta found over a 95 percent reduction in recidivism among interlocked first offenders (compared with an 89 percent reduction among repeat offenders).³³
- Quebec found a 80 percent reduction in recidivism among first offenders (compared with 66 percent among repeat offenders).³⁴
- A Swedish evaluation among interlocks for first and multiple offenders found recidivism dropped to nearly zero.³⁵

Additionally, it is important to note that offenders themselves believe interlocks are a fair and effective sanction. One study reported that of those sentenced to alcohol ignition interlock devices, 82 percent believed the system was very successful in preventing them from driving after drinking and 68 percent believed it was very successful in

²⁶ 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.

²⁷ Weinrath, Michael. "Ignition Interlock Program for Drunk Drivers: A Multivariate Test." *Crime and Delinquency* 43 (1) (1997): 42-59.

²⁸ Coben, Jeffrey and Gregory Larkin. "Effectiveness of Ignition Interlock Devices in Reducing Drunk Driving Recidivism." *American Journal of Preventive Medicine* 16 (1S) (1999): 81-87.

²⁹ Willis, C., Lybrand, S., & Bellamy, N. "Alcohol Ignition Interlock Programmes for Reducing Drink Driving Recidivism." *Cochran Database of Systematic Reviews* (2005).

³⁰ Voas, Robert, Paul Marques, and Richard Roth. "Evidence that Interlocks Are Effective with First Offenders." *6th Annual Ignition Interlock Symposium*, 2005.
<http://www.tirf.ca/whatNew/newsItemPDFs/Bob_Voas.pdf>

³¹ Tippetts, A. Scott and Robert Voas. "The Effectiveness of the West Virginia Interlock Program." *Journal of Traffic Medicine* 26 (1-2) (1998): 19-24.

³² Elliott, DS and BJ Morse. *Hamilton County Drinking and Driving Study. Interlock Evaluation: Two-Year Findings*. Boulder, CO: University of Colorado Institute of Behavioral Science, 1992.

³³ Voas, Robert, et al. "The Alberta Interlock Program: The Evaluation of a Province-Wise Program on DUI Recidivism." *Addiction* 94 (12) (1999): 1849-1859.

³⁴ Vezina. "The Quebec Alcohol-Ignition Interlock Program: Impact on Recidivism and Crashes." *Alcohol Drugs and Traffic Safety – T2002. Proceedings of the 16th International Conference on Alcohol, Drugs and Traffic Safety*. Ed. DR Mayhew and C. Dussault, 2002.
<[http://www.saaq.gouv.qc.ca/t2002/actes/pdf/\(08a\).pdf](http://www.saaq.gouv.qc.ca/t2002/actes/pdf/(08a).pdf)>

³⁵ Bjerre, B. "An Evaluation of the Swedish Interlock Program." *Traffic Injury Prevention*, 4(2) (2003), 98-104.

changing their drunk driving habits.³⁶ Similarly, a survey of offenders in Albuquerque found 82 percent felt interlocks were a fair sanction and 79 percent thought interlocks reduced drunk driving.³⁷

There are some who still doubt the effectiveness of these devices, citing a 2005 study by the California Department of Motor Vehicles that indicates that offenders who were sentenced to ignition interlock devices had an increased crash risk. However, the failure in California, as several researchers, including the study's authors³⁸, have pointed out, is not of the devices; it is a failure of the program to get the devices installed on offenders' vehicles. One study author said "many first offenders tend to be in denial, resent the devices and refuse to install them."³⁹ This refusal means that in California, too few offenders who are required to get alcohol ignition interlocks actually follow up to get those devices.⁴⁰ Those studies that look at offenders who have interlocks installed, like those listed previously, find that these offenders have significantly fewer repeat offenses while interlocks are on their vehicles. Thus, the proper response to the California DMV study is to increase, not decrease, implementation of alcohol ignition interlock devices for first-time offenders.

Interlock devices log attempts to start the vehicle while the driver has alcohol in his/her system. These attempts, even by first-time offenders, come approximately once per month on average.⁴¹ The information contained in the data logger is extremely valuable, as several studies have indicated that one of the best predictors of whether someone will recommit the crime of drunk driving is how often they try to start their vehicle with alcohol in their system.^{42,43,44,45,46} These data indicate that there is potential

³⁶ Morse, BJ and DS Elliott. *Hamilton County Drinking and Driving Study: 30 Month Report*. Boulder, Colorado: University of Colorado, 1990.

³⁷ Roth, Richard. *7th Annual Ignition Interlock Symposium*. Vail, CO, 2006.

³⁸ Business Wire. "California DMV Says Beverage Industry Press Release Misrepresented Study on Ignition Interlock Devices for DUIs." Press Release. March 21, 2005.
<http://www.findarticles.com/p/articles/mi_m0EIN/is_2005_March_21/ai_n13455550>

³⁹ Business Wire. "California DMV Says Beverage Industry Press Release Misrepresented Study on Ignition Interlock Devices for DUIs." Press Release. March 21, 2005.
http://www.findarticles.com/p/articles/mi_m0EIN/is_2005_March_21/ai_n13455550

⁴⁰ Voas, Robert, Paul Marques, and Richard Roth. "Evidence that Interlocks Are Effective with First Offenders." *6th Annual Ignition Interlock Symposium*, 2005.
<http://www.tirf.ca/whatNew/newsItemPDFs/Bob_Voas.pdf>

⁴¹ Quaye, Kwei and Paul Boase. "First Time Drinking and Driving Offenders – Unraveling the Myth with Ignition Interlock and Short-Term Suspensions Data." *17th Meeting of the International Council on Alcohol, Drugs and Traffic Safety*. Glasgow, Scotland: August 8-13, 2004.
<<http://www.icadts.org/t2004/pdfs/O115.pdf>>

⁴² Marques, Paul et al. "Predicting Repeat DUI Offenses with the Alcohol Interlock Recorder." *Accident Analysis and Prevention* 33 (5) (2001): 609-619.

⁴³ Marques, Paul et al. "Behavioral Monitoring of DUI Offenders with the Alcohol Ignition Interlock Recorder." *Addiction* 94 (12) (1999): 1861-1870.

⁴⁴ Marques, Paul et al. "Predictors of Failed Interlock BAC Tests and Using Failed BAC Tests to Predict Post-Interlock Repeat DUIs." *Proceedings of the Fifteenth International Conference on Alcohol, Drugs, and Traffic Safety*. Stockholm, May 2000.

⁴⁵ Beirness, Douglas and Paul Marques. "Alcohol Ignition Interlock Programs." *Traffic Injury Prevention* 5 (3) (2004): 299-308.

to base sanctions on behavior changes, not one-size-fits-all sanctions. It makes no sense to take an interlock off a vehicle when the offender continues to try to drive drunk, just as it makes no sense to require offenders who have demonstrated they have changed their ways to keep an interlock.

Summary

Interlocks, when properly administered, have the potential to greatly reduce repeat drunk driving offenses. They need to be mandatory for all offenders (as discretionary programs tend to have less than ten percent usage), they need to be coupled with treatment, and they need to be removed only when they are no longer needed. Additionally, while current long periods of hard license suspension should be shortened, interlocks can not replace some period of hard suspension. Hard license suspensions programs have a general deterrent effect that interlocks have not yet been shown to have and thus are necessary as a part of any interlock program.

MADD's model concepts for alcohol ignition interlock laws are in Appendix B. They address all of these concerns and MADD hopes they will be adopted by every state. If we implement strong laws and run model programs, we have the potential to curtail most repeat drunk driving offenses and in doing so, save thousands of lives each year.

⁴⁶ Marques, Paul, A. Scott Tippetts, and Robert Voas. "The Alcohol Interlock: An Underutilized Resource for Predicting and Controlling Drunk Drivers." *Traffic Injury Prevention* 4 (1S) (2003): 5-11.

Appendix A – Frequently Asked Questions

Interlock Q & A

Q: What is a breath alcohol ignition interlock device?

A: It is a small device attached to a vehicle's electrical system that requires a driver to submit to a breath test before the vehicle will start.

Q: How does an alcohol ignition interlock device work?

A: The driver blows into the device to determine his/her BAC. If alcohol is detected at or above a predetermined threshold, the vehicle will not start. Once the driver passes the test, the vehicle is permitted to start. In most states, the driver must complete "running retests" to make sure he/she remains sober while driving. All tests taken by the driver are recorded and should be transmitted to proper authorities (probation officer, court, licensing agency, etc...) responsible for monitoring the offender.

Q: How reliable are alcohol ignition interlock devices?

A: Currently, alcohol ignition interlocks are required by National Highway Traffic Safety Administration (NHTSA) standards to prevent a car from starting 90 percent of the time, if the BAC is .01 percentage points greater than the preset limit (.02 percentage points in extreme conditions). NHTSA is considering making these standards stricter in the next year.⁴⁷

Q: Is it constitutional to require interlocks on cars as a part of sentencing?

A: Courts throughout the states have analyzed this issue and no state appellate court has overturned an interlock statute. Twenty states have alcohol ignition interlocks as part of mandatory sentencing for certain DUI offenses and none of these statutes have been challenged successfully.

Q: What is the cost of the device and what if the offender cannot afford it?

A: On average, interlocks are about \$70-150 to install and about \$60-80 per month for monitoring and calibration. This is less than three dollars a day, less than the cost of one drink. In most jurisdictions, there are fines, program fees, insurance premium increases, assessments, and other costs that are significantly more than the interlock fees. If it is a problem, in most states, interlock companies provide interlock devices for indigent offenders at reduced costs or an indigent fund is set up by the state to cover the costs for these offenders.

⁴⁷ "Model Specifications for Breath Alcohol Ignition Interlock Devices (BAIIDs)." *Federal Register* 71 (February 15, 2006).

Interlock devices allow offenders greater mobility than would otherwise be afforded them by a hard administrative license revocation. For that privilege, the cost should be born by the offender.

Q: Are there ways to bypass using the device, like having someone else blow into it?

A: This is possible, and there needs to be strict penalties for blowing into someone else's alcohol ignition interlock or for having someone else blow into your device. However, currently interlocks are required to have anti-circumvention features that prevent such activity. One of these features is the running retest, which requires offenders to blow into the device at random intervals once the vehicle has been allowed to start. Furthermore, blowing into an interlock is a learned skill that requires specific training that would most likely be difficult for an impaired person to administer. There are also tamper-proof seals on interlocks to detect tampering.

Q: Does the public support alcohol ignition interlocks?

A: A majority of the public (65%) supports mandatory alcohol ignition interlock devices for all convicted DUI offenders.⁴⁸

Q: Is interlock a fair sanction for first time offenders?

A: Yes, even convicted offenders think so. A survey of offenders in Albuquerque indicated that 82 percent of offenders think that alcohol ignition interlocks are a fair DWI sanction for convicted offenders.⁴⁹ Furthermore, research shows that people arrested for DUI have driven drunk an average of 87 times before being caught.⁵⁰ This tells us that many first-time offenders may not *really* be offending for the first time; it's just the first time they were arrested.

Q: Aren't interlocks an inconvenience to family members who share the offender's vehicle?

A: No, they are allowed to drive the vehicle as well; they simply must not drink and drive. Having an interlock installed on an offender's vehicle actually allows the offender and his or her family members to continue to drive legally. Other sanctions like vehicle impoundment or immobilization do not allow for this.

Q: What if someone else drives the vehicle with the interlock and fails a test?

⁴⁸ Gallup Survey, 2005.

⁴⁹ Roth, Richard. *7th Annual Ignition Interlock Symposium*. Vail, CO, 2006.

⁵⁰ Zador, Paul, Sheila Krawchuk, and B. Moore. (1997) "Drinking and Driving Trips, Stops by Police, and Arrests: Analysis of the 1995 National Survey of Drinking and Driving Attitudes and Behavior," Rockville, MD: Estat, Inc, 1997.

A: Although this is possible, when a convicted DUI offender violates society's trust by committing a crime, he/she is responsible for the consequences of his/her actions. If an interlock is one of these consequences, then the offender is responsible for making sure those driving his or her vehicle do not drive intoxicated. State laws should also have provisions for an appeals process in which offenders can appeal failed tests. Finally, new technology includes identification systems that can detect who is blowing into the device.

Q: What if someone's health inhibits them from providing a sufficient breath sample?

A: Individuals with low lung capacities due to having asthma or pulmonary disorders are generally able to provide the needed breath sample. If they can demonstrate that they are unable, the settings on the devices can be adjusted to account for this. Failing that, medical waivers are allowed.

Q: Couldn't someone just use compressed air to blow into the device?

A: No, the devices have temperature and air gauges to make sure this cannot occur.

Q: If someone has recently had a drink of alcohol, won't the device register a much higher BAC?

A: If this occurs, the individual can just wait a few minutes for the mouth alcohol to dissipate and blow again.

Q: Don't offenders go back to their old behavior after the device is removed?

A: Studies have shown that interlock devices decrease recidivism anywhere from 50-90 percent while installed on the vehicle. After they are removed, these rates tend to go back to normal. This most likely would not be the case if interlock programs were coupled with treatment and offenders were not allowed to have the device removed until they exercise a period of demonstrated compliance. An offender's likelihood of re-offending is much greater if they fail tests during the interlock period. Unfortunately, in most states, offenders still automatically get the device removed at the end of the specified period, even if they failed a test the day before. It is essential that states add provisions for treatment and extended periods for non-compliance in order to make their laws more effective.

Q: Won't offenders just re-title their cars or sell them to avoid having to install an interlock?

A: This is not extremely common, but it does happen. It is imperative that state laws accommodate for this by mandating that all cars that the offender operates, not just owns, are equipped with an interlock. Also, offenders who choose not to drive should be required to have some other form of electronic monitoring, like continuous alcohol-

sensing ankle bracelets. In Hancock County, Indiana, alcohol ignition interlock installation rates increased from 20 percent to 62 percent when the alternative was electronic monitoring (meaning that offenders who claimed not to have a car seemed to be able to find one when the alternative seemed more difficult). These policies alone reduced DWI rates by 40 percent for first offenders and 22 percent for repeat offenders.⁵¹

Q: Why are judges reluctant to utilize interlock sanctions even when they are mandatory?

A: Some of the new advancements in interlock technology have not been well-publicized to the judiciary. As a result, some judges do not know how they work or do not understand that they are an effective sanction. This is why judicial education is so important because generally those judges who know the most about interlock technology are the ones who are using them most.

Q: Could an interlock stop a person's car in traffic, making a more dangerous hazard?

A: Interlocks are hooked up to a vehicle's starter system, not to the engine itself. The interlock does not have the ability to stop the vehicle once it is running for safety reasons. When a driver fails a running retest, the vehicle's horn will honk and/or the lights will flash to alert law enforcement – the vehicle will not stop.

Q: Is it dangerous to provide a running retest?

A: The tests are not designed to be done while the car is actually rolling. Interlocks give people a few minutes – enough time to pull over – to perform the retest.

⁵¹ Voas, Robert et al. "Motivating DUI Offenders to Install Interlocks: Avoiding Jail as an Incentive." *Accident Analysis and Prevention* 25 (2001): 102A.

Appendix B – MADD’s Model Concepts for Alcohol Ignition Interlock Laws

- Parallel administrative and judicial structures should exist. The administrative side would be voluntary (that is, offenders could opt either for a short license suspension, followed by a period of interlock-restricted license, or a hard license suspension with no restricted license); the judicial side would be mandatory.
- The mandatory judicial sanctions should be structured so that if a person elected not to have an interlock license during the administrative process, the interlock period would start from scratch, but if they elected, the period wouldn’t start over – thus it is in the offender’s best interest to elect for the interlock restricted license anyway to shorten the period of license suspension.
- If the mandatory judicial sanction is not ordered by the court, the licensing body shall impose the restriction administratively.
- Penalties (for both the administrative and judicial) should be:
 - First offense with no aggravators: 180 day suspension, 30 of which must be hard (150 would be with interlock)
 - First offense, .15+ BAC: one year suspension, 60 days of which must be hard (305 would be with interlock)
 - Repeat offense: two year suspension, 60 days of which must be hard (670 would be with interlock)
 - Third offenses and beyond would lead to vehicle forfeiture
 - Lookback periods for the purposes of repeat offenses should be at least 10 years
 - Those under the age of 21 who drive with a measurable amount of alcohol in their system (i.e., a zero tolerance violation) should also receive an ignition interlock device
- Offenders could elect for the administrative interlock program even if they do not own a vehicle – they would get an interlock-restricted license and would have to drive only vehicles with interlocks. These offenders should also be subject to electronic monitoring to verify sober driving. On the judicial side, offenders who do not own a vehicle should required get to an interlock-restricted license and should be subject to electronic monitoring.
- The mandatory judicial sanction should be monitored as a part of probation, so that violations can be monitored and acted upon by the court. If a person is not sentenced to probation, not sentenced to an interlock, or probation is terminated, the interlock program should still be enforced through the licensure process.
- There should also be mandatory treatment administered through probation. Probation departments should be given appropriate resources to monitor interlock and treatment programming.
- There should be a compliance provision. Interlocks should continue on the vehicle until an offender can demonstrate sober driving (either through the interlock or through the electronic monitoring). If the person fails a test, the period of extension should be equal to the initial interlock period (e.g., 150 days for a first offense). There should be an appeals process if a person thinks a violation was in error. Additionally, offenders should be required to attend additional, more intensive treatment and/or receive additional electronic

monitoring if they continue to attempt to start their vehicles with alcohol in their systems.

- Tampering with the device should be a separate offense and should be a breach of probation punishable by vehicle sanctions.
- All interlocks used should be alcohol-specific, require running retests, have a set point of .02 BAC, and comply with all NHTSA standards.
- Interlocks should be required on all vehicles the offender operates, not just owns.