The Implementation of Alcohol Interlocks for First Offenders: A Case Study

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Overview

- About TIRF
- Evolution of alcohol interlock programs
- The issue of first offenders
- Describe study method
- Key findings from Illinois and other jurisdictions
- Lessons learned
Background

> Interlock programs have developed across North America, the EU and Australia.

> Historically programs have been mandatory for repeat offenders; voluntary for first offenders.

> Participation rates have been low.

> There have been significant advances in research and technology.

> Implementation has been challenging.

> Research is needed to identify best practices.
Background

More recently there has been a growing trend towards the use of interlocks for first offenders as a mandatory sanction.

Twelve U.S. states have introduced first offender laws for interlocks (AK, AR, AZ, CA pilots, CO, HI, IL, LA, NE, NM, UT, WA).

The nature and scope of first offender laws vary across jurisdictions.

Mandatory interlocks for first offenders has been raised as an issue during the reauthorization of the U.S. Federal Highway Bill.
Why first offenders?

> Drunk drivers can drink and drive more than 200 times without detection (Beck et al. 1999).

> More than 70% of drunk driving offenses involve first offenders with no priors (Voas & Fisher 2001).

> Some 25-75% of drivers that are suspended or revoked continue to drive (Griffen and de la Zerda 2000).

> First offenders frequently drive with high BACs and many have drinking problems (Rauch 2005).

> Cost benefit of almost $9 for every $1 spent (Elivk 1999).
What are the challenges?

> Repeat, high-BAC offenders are responsible for a majority (75%) of alcohol-related deaths and injuries (Blomberg et al. 2009).

> Even when ordered to install the device some 20-25% of offenders fail to do so (DeYoung 2002).

> Program participation rates are often low.

> All offender programs would substantially increase the number of offenders subject to the interlock device.

> First offenders are not monitored by courts in many jurisdictions.
So what does this mean?

> The discussion around this issue is not about whether alcohol interlocks for first offenders is beneficial or not.

> The discussion centers on how this policy change can best be implemented.

> Is it better to implement laws when there is currently little assurance that offenders will be subject to interlock supervision?

> Or is it better to strengthen programs to ensure that offenders are monitored and gradually expand the pool of offenders?
Study design

> TIRF conducted a case study to examine the process of implementing the first offender interlock law in IL and compare their experiences to other jurisdictions.

> Case study approach was used to better understand steps needed to translate legislation into operational practices.

> Purpose was to learn from experiences to provide guidance to other jurisdictions considering similar implementation.

> Funding was provided by the Century Council.
Method

> Gathered and reviewed relevant materials and documents related to implementation.

> Developed detailed summary of process and timelines.

> Interviewed key informants to gather information about experiences, challenges, achievements, outcomes.

> Organized Delphi panel to review findings.

> Involved other first offender jurisdictions to compare processes, augment knowledge and develop lessons learned.

> Phase 2 – create a roadmap.
Agency lead

- SOS departments involved in implementation:
  - Administrative hearings
  - Driver services
  - Program and policies
  - Executive office
  - General counsel
  - Information technology
  - Deputy press secretary
  - Budget and fiscal division
  - Accounting/revenue
Agency partners

> Other agencies implicated by implementation:
  » IL DOT/Office of Highway Safety
  » Traffic safety resource prosecutors
  » State and local police
  » State Attorneys offices
  » Defense bar
  » Judiciary and court staff
  » Liquor enforcement and control
  » MADD chapters
Committees

The implementation effort was organized and led by six committees lead by SOS whose goal was to identify and execute needed modifications to key aspects of the program:

» Revise the administrative rules to reflect the new legislation;
» Develop new forms and letters;
» Program changes into the IL SOS driver record and interlock program database;
» Deliver agency/staff training and education;
» Raise public awareness; and,
» Create new program fees and indigent funding.
Committee to revise administrative rules

> Eight people were on the committee.

> Focus was to revise and enhance the existing administrative rules for first offenders and to make modifications to the new law.

> Work lasted for nine months from October 2007 to July 2008 when the rules were filed.

> Additional work was ongoing until December 2008 when the rules were passed.
Committee to revise administrative rules

> Main task was to translate legislation into revised administrative rules for the interlock program.

> The committee made a number of strategic decisions relating to:
  » creation of definitions for violations of the program requirements for first offenders;
  » determining length of monitoring period; and,
  » identifying the consequences for violations.

> Secondary task was to identify inconsistencies and errors in the text of the law and propose revisions.
Committee to develop new forms, letters

> Eleven people on the committee (core group of 5).

> Purpose to revise existing forms, anticipate and develop new forms and letters to accommodate first offenders in the alcohol interlock program.

> The goals of this committee were threefold:

  » to change existing forms to reflect program changes and to develop additional forms for the new program;

  » to develop new letter responses to specific actions; and,

  » to plan the flow of information through the program to account for the new changes.

> Committee met bi-monthly for a year beginning in June 2007. Most forms were completed by July 30th, 2008 although work continued into January 2009.
Committee to develop new forms, letters

> Task was to identify all existing SOS forms that needed to be created, changed/updated due to the new law:

» Forms for program participation (e.g., MDDP application for BAIID program);
» Letters to the offender to communicate information about the program (e.g., offender requirements letter); and,
» Notices (e.g., notice of statutory summary suspension).

> More than 30 new documents created.
Committee to program databases

> Fifteen people were on this committee.

> Focus to develop and implement necessary changes to the SOS driver records system; change functions associated with the BAIID computer program to accommodate first offenders.

> The goals of this committee were twofold:

» to ensure that the existing Driver Records program was upgraded/updated to manage the new requirements resulting from the interlock program; and,

» to ensure that the new BAIID computer program was able to handle the multiple requirements associated with the interlock program.

> Work on the committee lasted from September 2007 to July 1st, 2008 (when the new BAIID/AH system was completed).
Committee to program databases

> Committee divided into two separate groups with different tasks.

> First subcommittee managed the changes needed to the driver record computer program.
  » Most of the tasks of the first subcommittee had to do with bringing the driving record program up to par with the new law.

> Second subcommittee managed the writing of the new BAIID computer program (that would review the interlock data and generate the appropriate letters and forms) and enabling it to interface with the driver record program.

> Need to interface with vendor data systems; provide access.
Committee on training and education

> Nine people were on the committee.

> Focus was to educate relevant agencies about changes to BAIID program and its implications for each agency.

> The goals were twofold:

>> to provide initial training to agency staff regarding new forms, the application of new offenses and penalties, changes to the processing of offenders and new staff responsibilities; and,

>> to provide information about alcohol interlock technology.

> Work lasted 18 months from June 2007 to December 2008. It took a 3-person committee approximately 6 months to plan and organize a statewide symposium.
Committee on training and education

Committee was responsible for following activities:

» To create a statewide symposium to deliver education and training to a broad range of practitioners and to generate interest in the program.

» To deliver general education and training about changes to the BAIID program and the implications of these changes for different agencies.

» To create educational materials that are geared towards each of the professional groups (e.g., police, prosecutors, judges, treatment, etc.).

» To respond to inquiries from agencies about the program.

» To provide agencies with new forms and templates in support of the program.
Committee on awareness and education

> Nine people on committee (core group of 5).
> Focus to develop and deliver educational initiatives/materials to the public about changes to BAIID program, new eligibility requirements, and new consequences of an impaired driving conviction.

  » Achieved through the use of press events, media interviews, and meetings with community and advocacy organizations.

> Work lasted for 18 months from June 2007 to December 2008. All publications were completed by October 2008.
Committee on awareness and education
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Delivered using comprehensive strategy:

» Town Hall meeting - held in July 2008 to provide information and solicit input.

» Multiple press conferences (involving SOS, MADD, and law enforcement) and press releases.

» SOS publications (e.g., The Sober Truth, DUI Fact Book, Rules of the Road, and the website).

» News ads/brochures about the BAIID program.

» A new section was added to the SOS website to explain the BAIID program (http://www.cyberdriveillinois.com).

» Law enforcement symposium.

» IDOT also provided publicity for the new BAIID program in late 2008 to raise awareness about its launch.
Committee on fees, indigent funding

> Seven people were on the committee.

> Focus to anticipate and prepare for the financial impact of new BAIID program.

  » While there was not any indigent funding under the existing interlock program for repeat offenders, it was proposed for the first offender program.

> The committee met approximately ten times over 18-months. Decision-making was completed by June 16th, 2008.
Committee on fees, indigent funding

> Committee was required to set up two separate funds for the indigent program; one fund to receive monies and one fund to pay out monies.

> They were also responsible for:

  » Assessing financial impact of the new BAIID program.

  » Assisting with initial budget planning for the BAIID program.

  » Meeting with A/R and purchasing to determine if it was preferable to use a contract with vendors or to write the requirements into the administrative rules.
Staff resources

> More than 40 people involved over a 2 year period.
> Percentage of staff time allocated to implementation:
  » BAIID Program Manager – 90%
  » Legal Advisor – 20%
  » Manager of DUI Section for Drivers Services – 15%
  » Contractual Programmer – 25%
  » Creative Director – 1%
  » Policy and Program Analyst – 15%
  » Alcohol Program Coordinator at IDOT – 40%
  » Budget Analyst – 1%
  » TSRP – several hours per week for 9 months
> SOS staff grew from 3 to 7; more hires in future.
> Additional hires – 2 programmers and 6 staffers.
Equipment resources

> Additional office space
> Computer and phone purchase and set up costs.
> Office supplies and mailing costs
> Printing and distribution of materials
> Office equipment
Financial resources

> Total cost of implementation - $1.24 million

> HSO provided $25,000 grant to support the costs of the interlock symposium.

> HSO also provided $300,000 in Federal highway dollars to support additional staff for the SOS, to support staff travel to deliver training and education across the State.

» 66% of the grant from IDOT went toward paying staff salaries and social security.
Outcomes

> **Overall, implementation went very well.**
>  » The SOS was fully supportive of the new program and provided appropriate resources and timelines.
>  » There was a strong feeling of teamwork, coordination, and communication across agencies.
>  » Roles and responsibilities were clearly delineated.
>  » More time spent of wording of legislation would have streamlined development of administrative rules.
>  » There have been little or no technical issues associated with the new program at present.

> **Just 6,500 of potential 30,000 first offenders enrolled in first year of program.**
>  » Program was not mandatory. This is being monitored by SOS and more changes to law are being considered.
Experiences in other states

> Colorado – administrative program; benefited from interagency DUI task force; challenged by indigent funding due to existing contracts.

> Nebraska – court-based program; benefited from good relationships with Courts; challenged by Federal requirements of hard suspension.

> New York – court-based program; benefited from establishing partnerships; challenged by monitoring of first offenders, “unaffordability”.

> Washington – hybrid program; benefited from ongoing relationships with partners; challenged by enforcement of program and automation.
Experiences in other states

> **Colorado**
  » cost of implementation $900,000.
  » participation increased from 7,000 to 10,000
  » time for implementation was 4 months

> **Nebraska**
  » cost of implementation $46,000
  » participation increased from 650 to 1,802
  » time for implementation was a few months
Experiences in other states

> **New York**

» cost of implementation $0 ($3 million grant requested to support monitoring of offenders)

» potential increase in participation from 2,500 (current) to 25,000 (anticipated)

» time for implementation was 9 months

> **Washington**

» cost of implementation was 7 new, full-time staff for DOL and no hires for WSP but many needed

» unlicensed driving declined from 40,000 to 30,000

» time for implementation was 90 days
Conclusions

The implementation of first offender interlock laws can benefit from:

» A well-crafted law based on input from experienced program staff

» Strong political and agency leadership

» Balance level of detail between law and administrative rules

» Consultation from agency staff to guide program development
Conclusions

> The implementation of first offender interlock laws can benefit from:

» Include vendor representatives in process
» Accountability for implementation
» Adequate resources, training and TIME to prepare
» Public awareness throughout process
» Self-funded mechanism to support program
Staying informed

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