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Refining Ignition Interlock Laws and Programs: Increasing State Interlock Program Participation

Objectives

- How can states increase interlock use among DWI offenders who are required or eligible to install one?
- What changes to interlock programs have led to increases in ignition interlock use?
- What are key program features of ignition interlock programs?
- What key program features are related to higher ignition interlock use rates?



Key Features

GHSA/NHTSA/CDC funded, conducted by PRG.

- 3 categories of 8 keys to increase participation:
 - Program design:
 - requirements & penalties.
 - Program management:
 - monitoring, uniformity, coordination & education.
 - Program support:
 - resources & data.



Results: Correlations Key Ratings with In-Use Rates, 2011

Rate per:	Requirements	Monitoring	Coordination	Uniformity	Penalties	Education	Resource	Data
Population	0.63	0.56	0.55	0.52	0.47	0.38	0.41	0.12
DWI Arrests	0.51	0.39	0.36	0.38	0.31	0.19	0.17	0.02
DWI Fatalities	0.64	0.56	0.50	0.45	0.47	0.37	0.28	0.12
Range	0.51-0.64	0.39-0.56	0.36-0.55	0.38-0.52	0.31-0.47	0.19-0.38	0.17-0.41	0.02-0.12

Interlock Use Change Results

- Required or allowed interlocks for 1st offense: use increased in all 3 states (FL-judicial discretion, KS, NY).
- Required interlocks for repeat/high-BAC offense: use increased in 3/4 states (MI, WV, WI, VA no change).
- Required interlocks for hardship license: interlock use increased in 2/3 states (IL, LA, IA-no change) .
- Interlock to reduce or eliminate license suspension period: use increased in all 6 states (AR, CO, IA, OR, WA, WV) .
- Management and other changes: use increased in 7 states (CA, CO, FL, MO, NM, OK, WA).



Current Interlock Laws

- 30 states and 4 California counties require all alcohol-impaired driving offenders to install an interlock.
- 10 states require interlocks for offenders with a high blood alcohol concentration (BAC) (usually 0.15 or higher) and for repeat offenders.
- 6 states require devices only for repeat offenders.
- 4 states do not have mandatory interlock requirements.



Legislative Successes

Requirements and Penalties

- In 2014, Alabama, Mississippi, and Missouri passed a law requiring all DWI offenders to install an interlock.
- In 2014 Indiana also passed legislation requiring ignition interlocks for repeat offenders, and to allow a judge to order interlocks for first-time offenders.
- In 2014 South Carolina passed Emma's Law, which requires all high-BAC (0.15) offenders to install an interlock.
- In 2015, Delaware, and Texas passed an all DWI offender law requiring an interlock.

Legislative Successes

Requirements and Penalties

- Effective 7/1/2015, CT requires an interlock for drinking and driving arrests, including Administrative Per Se. Prior to 7/1/2015 the requirement was upon convictions.
- In 2015 Kentucky strengthened its ignition interlock law which required an interlock for repeat offenders, high-BAC (0.15) 1st offenders and offenders who refuse a chemical alcohol test.
- In 2016, Vermont and Washington D.C. passed an all offender interlock law, and Maryland passed “Noah’s law” an all offender law with a five-star rating from MADD (MADD 2017).
- In 2017, Nevada and Oklahoma implemented an all offender interlock law.

Program Obstacles: Design

Requirements and Penalties

- In several states, the interlock law itself is a major obstacle increases in interlock use.
- Several states have implemented laws but have not educated their law enforcement, courts, or licensing divisions on these laws.
- Many courts are reluctant to require interlocks for low-income or first-time offenders.
- Offenders who otherwise would be required or encouraged to install an interlock may be prohibited because of unrelated license restrictions.



Program Obstacles: Design

Requirements and Penalties: Delays in processing the offender

- Long delays between a DWI arrest and conviction contribute to reporting delays and make it difficult to match interlock use to specific offenses.
- DWI arrests occurring in one year may not be adjudicated until the next calendar year or later.
- Interlocks associated with an arrest may be installed within weeks of the arrest or may not be installed until years later.



Program Obstacles: Design

Requirements and Penalties: Lack of Consequences for Violations

- Several states' laws do not include sanctions for violations.
- Vendors in some states are instructed only to send installation and removal reports, not violations.



Program Obstacles: Management-Offender Monitoring

- Many states do not have clear procedures for monitoring offenders.
- Many states do not monitor violations.
- Agencies are rarely alerted if an offender does not install an ignition interlock when ordered.
- If the administrative agency is alerted by the vendor of a violation, there is little they can do other than suspend the offender's license or extend the interlock period.
- Most courts and probation services do not have sufficient staff to chase down offenders who do not install interlocks or who violate their interlock requirement.

Program Obstacles: Management-Vender Oversight

- Some states do not require vendors to be licensed or certified.
- Some states have no vendor oversight-each vendor proposes their specific interlock equipment to the certifying agency. If the interlock meets the criteria required by the state and is approved, any vendor who provides one may do business in that state.
- In most States, vendors are left to provide oversight of their own garages and technicians.

Program Obstacles: Management-Uniformity and Coordination

- Reporting agencies within a state sometimes report different totals for the same events or other data discrepancies.
- Judicial programs:
 - County based where each county may report interlock actions differently to the licensing agency.
 - County based interlock program policies and procedures may vary by county-creates difficulty in data recording and applying statewide administrative actions.



Program Obstacles: Education

- Funding for multi-agency staffing, including resources for training and education, is limited.
- Many agencies have staff who are knowledgeable about the interlock requirements of their agency but are not familiar with other agencies' interlock involvement or procedures.
- A good understanding of the state's entire interlock program and of how interlocks work is crucial, especially in states where interlocks may be elected by offenders or ordered at the discretion of the court.



Program Obstacles: Support-Resources

Indigent Offenders

- Resources for indigent funding are difficult to find.
- Uniform indigence requirements are difficult to establish and maintain.
- Most states use federal income tax records as a guide. This may not adequately represent offenders who are truly indigent.
- Those who don't qualify for indigence may still not be able to afford all the fees and fines associated with a DWI arrest.
- The need for an established indigence fund is often questioned-responsibility to lower offender costs is left to the vendors or courts.
- Several states reported that inadequate funding hindered effective implementation of their interlock programs.

Program Obstacles: Support-Resources

Staffing Resources for agency programs

- Often states are forced to “borrow” funds from other state programs.
- Some states do not have appointed staff for interlock purposes only- interlock duties are a small portion of a person’s daily responsibilities.
- Staff members are doing the work of more than one person.
- Several agencies were incapable of providing interlock data simply because they do not have the personnel or time to answer requests.
- Several staff members who are familiar with state databases have retired or will be retiring and their positions have not been filled or will not be filled due to budget cuts within the state.

Program Obstacles - Support

State Data

- Most states do not have a central repository.
- Many state record systems use outdated software/hardware and/or incompatible with other agencies.
- Several agency database programs are written in a language that few programmers now understand.
- Most state agencies are overwhelmed with data reports and understaffed which delays record reporting.
- Citations, arrests, or convictions not reported, reported late, or inconsistent reporting rules or practices.
- Databases have several data entry errors or coding differences.



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