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Model Guideline for State Ignition Interlock Programs

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Introduction

There is strong scientific evidence from several countries that show alcohol ignition interlocks, while in use, are effective tools to reduce drunk driving among both first and repeat offenders.^{1 2} For this reason, the development and implementation of a breath alcohol ignition interlock program is an essential component of a comprehensive highway safety impaired driving program in each State.

Each State has its own impaired driving laws which influence the delivery of impaired driving programs and policies. While almost all States have an ignition interlock program, they are each unique and at different stages of development. States vary in terms of the agencies involved in the delivery of interlock programs, their structures, authority, and operational practices.

Throughout this guideline, the term ignition interlock refers to breath alcohol ignition interlock devices. Ignition interlock manufacturer refers to the business entity that produces ignition interlock devices. An ignition interlock vendor refers to the business entity which distributes ignition interlocks in a State or jurisdiction. The ignition interlock service center refers to the physical structure where interlocks are installed, serviced, and removed. A technician refers to the individual who performs the installation, servicing, and removal of the ignition interlock. Driving while impaired (DWI) offenders refer to individuals who have been convicted of DWI and are required to have an ignition interlock installed in their vehicle.

Model Guidelines

An ignition interlock device is a tool that separates drinking from driving and allows impaired driving offenders to maintain conditional driving privileges and/or participate in various court programs.³ The purpose of an alcohol ignition interlock device is to prevent drivers, who have consumed alcohol, from operating a motor vehicle if their breath alcohol concentration (BrAC) exceeds a set point (typically .020). Drivers must provide a breath sample by blowing into the ignition interlock device and if the driver's BrAC is over the set point, the vehicle will not start.

¹EMT Group 1990; Popkin et al., 1992; Morse & Elliot, 1992; Jones, 1993; Tippetts & Voas, 1997; Weinrath, 1997; Beirness et al., 1998; Coben & Larkin, 1999; Vezina, 2002; Voas & Marques, 2003; Tashima & Masten, 2004; Willis et al., 2005.

² EMT Group, 1990; Morse & Elliot, 1992; Tippetts & Voas, 1998; Voas et al., 1999; Voas et al., 2005; Marques et al., 2010; McCartt et al., 2012.

³For the purposes of this publication the terms DUI (driving under the influence), DWI (driving while intoxicated or impaired) and OUI (operating under the influence) are considered interchangeable.

State ignition interlock programs include partners in law enforcement, State highway safety offices, prosecutors, judiciary, driver licensing agencies, probation, manufacturers, and treatment. Ignition interlock programs can be delivered in three different ways: through the judiciary within the criminal justice system, administratively within the driver licensing system, or using a hybrid approach that incorporates both judicial and administrative driver licensing elements. Regardless of the approach to ignition interlock program delivery that is used in each State, there are some key program features that are essential to strengthen program delivery and that should be pursued in every jurisdiction.

The criminal justice community is well-positioned to use ignition interlocks to monitor the driving behavior of DWI offenders as a condition of pre-trial release, sentencing, or probation supervision. State driver licensing agencies can also use ignition interlocks as a condition of driving privileges during a period of license suspension or as a condition of license reinstatement. A hybrid approach involves the use of ignition interlocks under a range of conditions such as those identified above and the specific use in each case is typically based on the status of the DWI offender.

Regardless of the approach to ignition interlock program delivery that is utilized in each State, there are several key program features that are essential to strengthen ignition interlock program delivery. Jurisdictions should integrate into their existing State structures and practices, program features to maximize effectiveness. These include legislation, education, program administration, and criminal and administrative sanctions. Practical strategies to help improve new or existing ignition interlock programs in each of these areas are described below and should be considered by all jurisdictions.

Legislation

To strengthen State alcohol ignition interlock programs and help ensure that all eligible DWI offenders who are mandated or have the option to participate in the State ignition interlock program become participants in a program, States should consider the following legislative actions:

Designate an agency with clear authority and responsibility for management of the ignition interlock program, including establishing program regulations and administrative procedures and oversight of ignition interlock vendors and service centers.

Require ignition interlocks for all individuals convicted of or having their driving privileges suspended for alcohol-impaired driving including first time DWI offenders as a condition of license reinstatement.

Eliminate or minimize eligibility requirements that prevent DWI offenders from being able to participate in the ignition interlock program.

Eliminate options that allow offenders to avoid participation in the ignition interlock program.

Establish the minimum length of time which offenders convicted of DWI must use an ignition interlock device.

Ensure compliance with Federal statute at 23 U.S.C. § 164 (Repeat Intoxicated Driver Law) and implementing regulation at 23 CFR Part 1275. Section 164 encourages States to enact and enforce repeat intoxicated driver laws that meet minimum Federal standards. In order to avoid a transfer of highway funds, State repeat intoxicated driver laws must meet certain criteria and minimum penalties. The mandatory license suspension criterion that State laws must meet requires that all repeat intoxicated drivers shall either use an ignition interlock for not less than one year or require a one-year hard license suspension to be compliant.

Education

All members of driver licensing agencies and the criminal justice community, including law enforcement, prosecutors, judiciary, probation and those involved in treatment, should be provided with ongoing educational opportunities to increase knowledge and awareness about the requirements of the ignition interlock law and associated regulations. Educational strategies should include:

An introduction to ignition interlock devices and the State program that describes State laws and regulations, licensing restrictions, how ignition interlocks function, the benefits of ignition interlocks, the relevant ways that interlocks can be applied (e.g., as a condition of bond and probation, as a condition of reinstatement), administrative rules of the ignition interlock program, specific data to be collected and reported for the purposes of offender monitoring and program management, and consequences for failure to participate in the ignition interlock program as well as violations of the ignition interlock program.

Tailoring educational activities to the needs of the professionals in attendance.

Considering, as a condition of ignition interlock device certification, requiring manufacturers to provide this type of training on an as needed basis and at no cost to the State.

All ignition interlock users should be provided training about the ignition interlock program and use of the ignition interlock device.

Establish procedures to ensure vendors train users of their ignition interlock devices in the following:

- How the ignition interlock device works,
- Program violations and sanctions,
- Reporting and service requirements, and
- Who to contact for further information.

Program Administration

Administrative rules and regulations are an essential component of ignition interlock programs to ensure the integrity of the program and protect the State from liability. States should develop program rules and regulations that clarify important administrative and technical features, procedures and practices associated with the ignition interlock program and that designate responsibility for its various operations. Adequate resources are essential to ensure that administrative rules and regulations are properly implemented. The ignition interlock program authority in the State should:

Establish administrative rules and regulations in cooperation with stakeholders and other agencies involved in the delivery and use of ignition interlocks governing the State ignition interlock program.

Ensure that there is access to ignition interlock devices and services to all residents of the State including those in rural areas.

Establish objective criteria that incorporate multiple measures to be used to determine a DWI offender's financial status and ability to pay the fees associated with the use of an ignition interlock device.

Create strategies to ensure the program is self-sustaining and does not rely on State funds in the long-term. Costs, where possible, should be supported by fees collected from DWI offenders, ignition interlock vendors, and other non-State sources who conduct business in the State.

Establish procedures to ensure program participants receive a restricted driving license as early as possible and that the license clearly indicates the driver is restricted to driving only vehicles with ignition interlocks.

Establish procedures for monitoring of offenders. They may include procedures to ensure that the vehicle with the installed ignition interlock is being driven (e.g., tracking vehicle mileage and number of attempted starts) and requirements for reporting to a service center for device maintenance, inspection of the device and/or download of data to be forwarded to the program authority for review.

Define program violations (e.g., high-BAC tests, missed retests) and/or specify events (unauthorized removal) each reporting entity must report. Specify the form and format of the report, identify to whom the reports should be sent and establish a time frame for reporting

Violations of the ignition interlock program may include:

- failure to install an ignition interlock device;
- tampering with the device;
- circumventing the device;
- failure to bring the ignition interlock in for required service;
- failure to take or pass a re-test;
- failing a breath test;
- use of emergency override feature without justification; and
- unauthorized removal.

Establish the States response to reported violations. Response might include extending the time an interlock is required, more frequent visits to a service center or others.

Specify the options settings to be utilized in the ignition interlock devices installed in the State. Clearly define the parameters for these options settings. Examples include: alcohol set point values (both at startup and re-tests), re-test time intervals, free restart time, and others.

Determine how ignition interlock devices should respond to violation(s).

Apply appropriate consequences and graduated sanctions when offenders do not comply with program requirements. Sanctions may include: increased monitoring such as having a camera installed, more frequent service center

visits, or an extension of time required to drive a vehicle with an ignition interlock.

Use positive reinforcements when offenders do demonstrate compliance. Reinforcements may include a letter of acknowledgement noting the offender's success in the ignition interlock program.

Use performance-based exit requirements which require offenders to remain in the program with the ignition interlock device installed until they are able to complete a specified amount of time without a violation.

Ignition Interlock Devices

There are many models of ignition interlocks that are available for use in State programs. To ensure the use of accurate and reliable devices and to minimize the presence of false positive alcohol readings, States should:

Establish a process to approve ignition interlock devices for use in the State.

Require all ignition interlock devices in use in the State meet or exceed the current National Highway Traffic Safety Administration Model Specifications for Breath Alcohol Ignition Interlock Devices (Model Specifications).

Require ignition interlock manufacturers to provide written verification that the ignition interlock device model for which certification is being sought complies with all applicable State standards, including written documentation, current within 5 years, from either a certified testing laboratory or NHTSA's testing lab that the ignition interlock model for which certification is sought meets or exceeds the current NHTSA model specifications.

Create procedures to track and evaluate the use of new technological features of ignition interlock devices (e.g., camera, real-time reporting, global positioning systems) to determine their acceptability for use in the State.

Require that any proposed modifications to approved/certified ignition interlock devices are reported to the State in writing. The modified ignition interlock devices should be tested if the modification could affect the devices performance and approved by the State before they are made available for use.

Vendors and Service Providers

Ignition interlock vendors and service providers play a key role in the success of a State ignition interlock program. To ensure that ignition interlock vendors provide program users with a high quality program, States should:

Create a vendor oversight plan that specifies a State agency that has the authority and resources to implement the plan including approval, monitoring, de-certification, site inspections and quality assurance, and training of ignition interlock vendors.

Establish a process through which vendor violations of administrative rules or regulations are tracked, reported, monitored and handled as appropriate.

Create clear and specific operational definitions such as violation and lock-out related to the ignition interlock program for all vendors to use.

Establish and enforce standards for annual licensing and operation of ignition interlock providers operating in each State. These should include:

- provision of coverage,
- installation technician training,
- installation technician criminal history and driver license checks,
- collection, retention, use and release of collected data,
- training of interlock user,
- vendor administered oversight system,
- compliance inspection program (annual and unannounced),
- Quality Assurance Plan submitted by the manufacturer outlining the device calibration process, procedures, equipment and standards, and
- sanctions and/or remediation protocol for non-compliance by manufacturers, vendors, service centers or technicians.

Ignition Interlock Data

Data collected by ignition interlock devices can provide valuable information to all agencies involved in the State program ranging from those assigned to monitoring offenders to those responsible for evaluating the program. Working with other agencies involved in the ignition interlock program, the program administrator should:

Evaluate your State's open records laws and clearly establish data ownership. Identify and specify data that must be collected and reported, the

reporting format, and terminology to be used. Ensure redundant data storage and establish a time frame for data retention.

Define the roles and responsibilities of all agencies involved in the ignition interlock program that use or store data produced from the devices.

Link the ignition interlock data system to other State data systems such as arrest, driver license agencies, court, probation, and treatment systems, to allow the seamless tracking of offenders ordered to use ignition interlocks.

Create a data management plan to handle privacy concerns.

Require that manufacturers provide training and login credentials to designated State officials to access their online database and/or reporting system.

Establish procedures to provide driver's license agents, probation officers and treatment professionals with data on ignition interlock use that will assist them in monitoring an offender's performance.

Specify procedures for ignition interlock vendors to notify the State if changes in data collection software may affect linkage to State data systems.

Analyze data to evaluate and improve program implementation and delivery.

Driver Licensing

Driver licensing authorities play a crucial role in the delivery of ignition interlock programs. DWI offenders required to install an ignition interlock whether through an administrative or judicial program are restricted to only drive vehicles with an ignition interlock installed. States should consider the following actions related to driver licensing and interlocks:

Record ignition interlock restrictions on the driving record and track the progress of the DWI offender.

Clearly mark the ignition interlock restriction on the driver's license so it is easily recognized.

Establish procedures to notify offenders of their need to obtain a restricted driver's license, and the process to apply for such a license. Upon completion States should also notify offenders that they are eligible to obtain an unrestricted license and the process to do so.

Communicate with courts, offenders, and the ignition interlock provider, as appropriate, in relation to any extensions to the ignition interlock period to ensure all parties are aware of revised program completion dates.

Establish reciprocity with other States to ensure that DWI offenders are able to complete the requirements of the ignition interlock program regardless of their State of residence.

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