

ALCOHOL IGNITION INTERLOCKS AND THE CRIMINAL JUSTICE SYSTEM



Both police agencies and courts play an important role in the delivery of ignition interlock programs in many jurisdictions. Police officers enforce ignition interlock laws and ensure drivers required to have an interlock installed do so, and the device is working properly. Judges impose the interlock device in accordance with legislation and may also monitor offenders and apply sanctions for non-compliance or program violations. As such, appropriate education for practitioners in the criminal justice system involved in interlock program delivery can help strengthen program operations. A variety of opportunities for education and training and examples from different agencies were presented at the 2019 AIIPA Annual Conference.

IGNITION INTERLOCK TRAINING FOR LAW ENFORCEMENT AND OTHER STATE PARTNERSHIPS

Prior to creating and delivering interlock program training, it is important to identify key state agencies and partners who could benefit from educational opportunities. Stakeholders may include law enforcement, prosecutors, courts, judges and probation officers. Once the agencies are selected training topics, appropriate and tailored materials, and resources should be identified.

Law enforcement training opportunities

Important topics to include in educational opportunities for law enforcement include:

- the purpose and objectives of interlock devices and programs;
- features and functionality of interlock devices;

- interlock state laws and program requirements; and,
- steps to verify an interlock device is working properly.

Training law enforcement is a component of successful interlock programs for a variety of reasons. Training can inform law enforcement what they should do when they encounter an interlock program participant. Law enforcement may encounter interlock program participants during a traffic crash investigation, while conducting a traffic stop for another law violation, when the license plate reader detects a driver with an interlock restricted license, or while responding to a call for assistance from

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a motorist. Police officers should be prepared to encounter interlock participants with and without the device installed. It is important police officers are knowledgeable about actions to deal with those who have failed to install a device or who have tampered with or circumvented the device. In the absence of training, law enforcement may not know what a device looks like or may not be familiar with indicated interlock restrictions on a driver's license.

Resources

Law enforcement training resources:

- [American Association of Motor Vehicle Administrators \(AAMVA\)](#)
- [Video: Ignition Interlock Training for Law Enforcement 2019](#)
- [Ignition Interlock Course for Law Enforcement](#)
- [TIRF Alcohol Interlock Curriculum](#)

Tennessee Highway Patrol, Trooper Joseph T. Massengill

MENTAL HEALTH DISORDERS AMONG DWI OFFENDERS

Substance use disorders and mental health disorders are common among impaired driving offenders. Approximately two-thirds of convicted impaired driving offenders are alcohol dependent. The majority of male (91%) and female (83%) impaired driving offenders have met the criteria for alcohol abuse or dependence.¹ Impaired drivers may experience a variety of mental health issues, but common issues include depression, bipolar disorder, anxiety, conduct disorder, anti-social personality disorder, and post-traumatic stress disorder. Research has shown that among repeat impaired driving offenders, 45% had a lifetime major mental disorder.² Furthermore, 50% of female impaired drivers and 33% of male impaired drivers have at least one psychiatric disorder.

Mental health issues are often linked to recidivism and much of the treatment received by impaired drivers is rooted in alcohol education or interventions solely focusing on

alcohol or substance abuse. These interventions typically do not address mental health issues, and screening or assessment for mental health issues is not always available or performed. As such, mental health issues among impaired drivers may be left unaddressed. Similarly, treatment providers rarely have the training and experience to identify these issues among clients, as their primary responsibility is to identify substance abuse. This is unfortunate as the presence of a substance use disorder increases the likelihood of an individual having other psychiatric disorders.



Impaired drivers

Impaired drivers are unique offenders as they often lack an extensive criminal history. Further, there is a high degree of denial and separation between impaired driving offenders and their crimes. For example, alcohol is legal, highly available, and use can be encouraged by existing societal norms. Alcohol is often consumed to enhance sociability, escape problems, to get drunk for enjoyment, or for ritualistic reasons. Hence, many impaired driving offenders simply do not perceive their crime to be as serious compared to others.

¹ Lapham, S. C., Skipper, B. J., Hunt, W. C., & Chang, I. (2000). Do risk factors for re-arrest differ for female and male drunk-driving offenders?. *Alcoholism: Clinical and Experimental Research*, 24(11), 1647-1655.

² Dickson, M. F., Wasarhaley, N. E., & Webster, J. M. (2013). A comparison of first-time and repeat rural DUI offenders. *Journal of offender rehabilitation*, 52(6), 421-437.

Furthermore, unlike other offender groups, impaired drivers tend to have some level of employment, have stable social networks, repeatedly engage in dangerous behavior, and do not consider themselves as criminals. It is for these reasons using validated screening and assessment tools are critical in determining the level of intervention for impaired driving offenders.

Screening and assessment

Screening and assessment for substance abuse and mental health issues should occur early in the interaction between impaired drivers and the criminal justice system. Results of these tools should be used to guide their interactions within the justice system.

Validated assessments are helpful to inform sentencing decisions, case management plans, supervision levels, and treatment referrals and case planning. Selecting interventions suited to the needs of individual offenders are more likely to be effective and reduce future recidivism.

The Risk-Need-Responsivity model is useful to determine the most appropriate interventions for offenders. This model determines the who, what, and how when deciding how to best treat and offender as described below.

- Risk – Who?
 - Match the intensity of the intervention of the individual to their risk of reoffending.
 - Deliver more intensive interventions to higher-risk offenders
- Need – What?
 - Target criminogenic needs such as antisocial behaviors and attitudes, substance use disorders, and criminogenic peers.
 - Targeting criminogenic needs can reduce the risk for recidivism.
- Responsivity – How?
 - Tailor intervention to learning style, motivation, culture, demographics, and abilities of the offender.
 - Address the issues that affect responsivity.

Interventions

Applying the wrong intervention can have undesirable effects. Many interventions exist and it is important to select the one best suiting the needs of each offender. These interventions can include treatment, intensive supervision, frequent testing, alcohol ignition interlocks, incarceration, or DWI courts.

James Eberspacher, National Center for DWI Courts

DWI COURT PARTNERSHIPS FOR INTERLOCK PROGRAMS

The mission of the Criminal Justice Coordination (CJC) Department in El Paso, Texas is to promote pretrial justice and provide quality justice services. The aim of pretrial justice is to enhance pretrial public safety, court appearance rates, and jail release rates.

The El Paso CJC Department was fully implemented in January 2016 and is an independent department under County Administration. The primary focus is on risk assessment implementation, indigent assessment, and strategic supervision. The CJC Department addresses the legal and evidence-based demands resulting from recent research and litigation.

From January-June 2018, a total of 6,788 risk assessments and 9,194 indigent assessments were completed of jail intakes for offenders with new criminal charges. Of these, 36.3% were low-risk, 20% were medium-risk, and 6.2% were high-risk.

The compliance metrics for the CJC from January-June 2018 are positive:

- Law-abiding rates: 94%
- Court appearance rates: 88%
- Compliance with conditions: 84%

Interlocks and the CJC Department

Interlocks can be ordered by the judge once the case reaches their court. The bond order from the magistrate may be reviewed or discussed with the magistrate in implementing conditions imposed on offenders. Defendants sentenced to a term of custody for a subsequent impaired driving offence within five years of the

most recent impaired driving offense have an interlock ordered before the ending date of the license suspension. The interlock is monitored by pre-trial officers, community supervision (i.e., post-conviction), and law enforcement officer within specialty courts.

Interlocks are often ordered although most offenders are subject to a license suspension period. This is because research shows between 25-75% of suspended or revoked drivers continue to drive regardless of the suspension. Unlicensed drivers have a higher crash risk and pose a significant threat to public safety. If



drivers with a suspended or revoked license are ordered to install an interlock, it allows monitoring of a high-risk population of drivers.

The benefits of ordering an interlock device pre-trial include its use to negotiate plea agreements when discussing the defendant's sentence if the offender on the unit has not been violating or testing positive. However, this can also work negatively if the offender consistently tests negative and consistently violates the terms of the interlock.

When considering an interlock program within the court system, there are many issues to be considered for prior to implementation. These issues include:

- Program design
 - program requirements;
 - penalties for violations;
 - costs; and,
 - service in rural areas.

- Program management:
 - monitoring;
 - offender compliance; and,
 - education and training.
- Program support:
 - data storage;
 - data reporting;
 - resources for offenders;
 - resources for administrators; and,
 - resources for court staff.

Since research strongly demonstrates the effectiveness of ignition interlocks as a method to decrease recidivism rates and impaired driving, it is beneficial to work with the court system to create an interlock program requiring installation of an interlock during the pre-trial period.

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Success of DWI Courts

Finally, ignition interlocks are well-suited to use in DWI Courts as this latter intervention for impaired drivers is also effective as demonstrated by the following studies:

- Georgia. Repeat offenders graduating from DWI court were 65% less likely to be rearrested for a new impaired driving offense, and between 47 and 112 repeat DWI arrests were prevented (2011).
- Maryland. DWI courts produce net cost-benefits to taxpayers of more than \$1,500 per participant and more than \$5,00 per graduate (2009).
- Michigan. An analysis of three counties in a two-year period found DWI court participants were 19 times less likely to be arrested for a DWI (2008).
- Minnesota. An evaluation of nine DWI courts found that high-risk individuals had better outcomes, including reducing

recidivism by up to 69%. Further, DWI courts saved taxpayers \$700,000 annually and produced an average of \$2.06 in benefits for every \$1.00 invested. This is a 200% return on investment (2014).

- San Joaquin County, California. DWI court participants were half as likely to be involved in an alcohol or drug-related crash over a period of 18 months.
- Campbell Collaboration. A meta-analysis of 28 evaluations found an average reduction of DWI and general criminal recidivism by 12%. The most effective DWI courts reduced recidivism by 50-60% (2012).

Honorable Robert S. Anchondo

ABOUT THE ASSOCIATION OF IGNITION INTERLOCK PROGRAM ADMINISTRATORS

The Association of Ignition Interlock Program Administrators (AIIPA) is an organization composed primarily of federal, state, county, parish, or municipal employees who provide specialized knowledge to an ignition interlock program. The organization was formed in November, 2011 as a result of the National Ignition Interlock Summit sponsored by the Governors Highway Safety Association (GHSA), the National Highway Traffic Safety Administration (NHTSA), and the Centers for Disease Control and Prevention (CDC).

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Employer Identification Number (EIN) 45-4734767.
Incorporated November 1st, 2011 in Oklahoma City, OK.

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