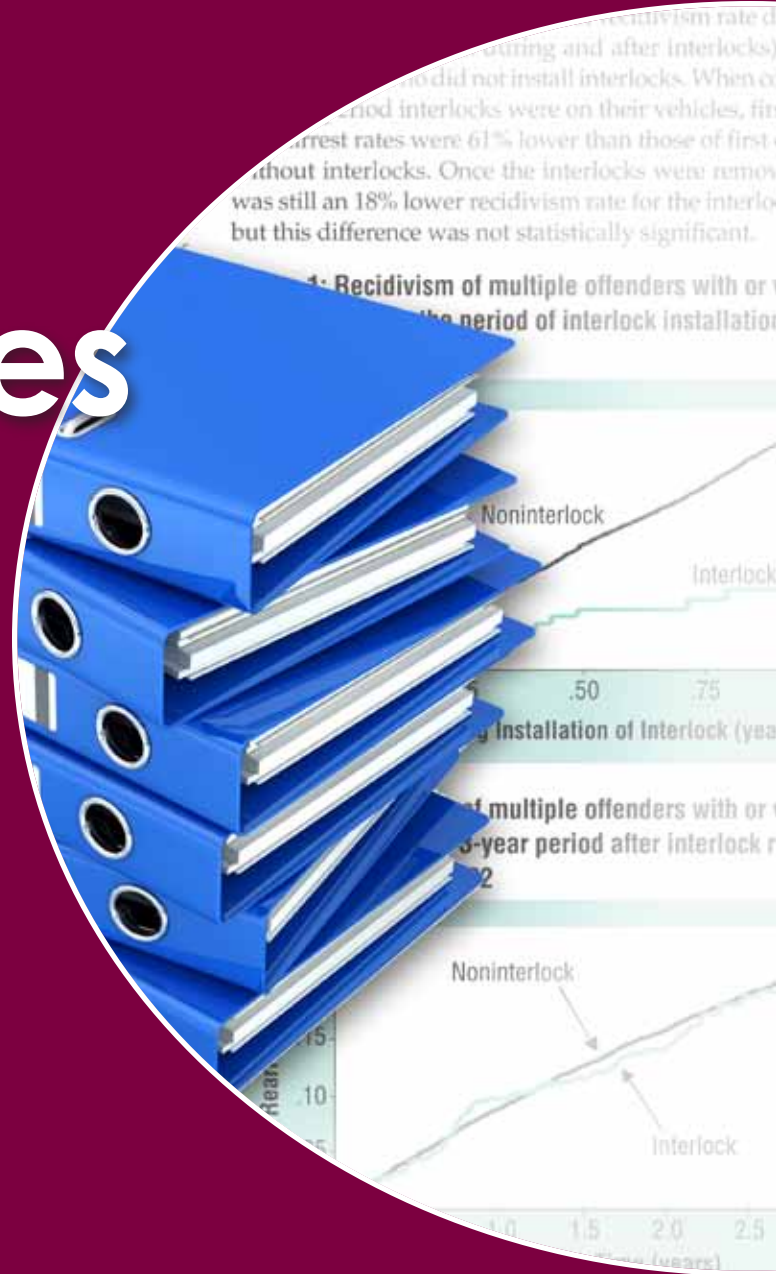


Case Studies Of Ignition Interlock Programs



April 2012

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Letter from NHTSA

Alcohol-impaired-driving sanctions have generally focused on punishing, rehabilitating, or incapacitating the drinking driver. Recently, the use of ignition interlock devices has emerged as part of a comprehensive strategy to address driving while impaired (DWI). An ignition interlock program can serve as a deterrent to impaired driving and protect public safety while allowing DWI offenders to maintain their responsibilities, such as driving to and from work. NHTSA recognizes that ignition interlock devices must be part of a comprehensive program that includes, but is not limited to, sound legislation, enforcement, treatment for alcohol misuse, monitoring, and reporting.

Modern interlocks are sophisticated devices that are difficult to circumvent without detection. Research shows that interlock programs are effective at preventing drivers from reoffending while interlocks are installed. Moreover, there is emerging evidence that the data collected from interlocks can be used as a part of alcohol treatment programs to instill long-term behavior change.

Laws, programs, and the use of the ignition interlock devices vary from State to State. While there are studies on the effectiveness of interlock use and discussions of the latest interlock technology, there is little written guidance on implementing and developing successful ignition interlock programs. This program guide of case studies has been developed to help fill this gap. The guide highlights the work of six States' ignition interlock programs, and discusses in detail each State's efforts to improve and enhance its program and to respond to common programmatic issues. It also includes sample materials used by each State, including forms, permits, letters, and flow charts.

The guide is intended for use by State highway safety office representatives, program managers, program practitioners, court administrators, probation officers, department of motor vehicle representatives, policymakers, or others who are interested in developing or enhancing ignition interlock programs.

We hope you will find this guide informative and helpful in your efforts to reduce crashes and to save lives.

Sincerely,
Michael L. Brown
Director, Office of Impaired Driving and Occupant Protection
National Highway Traffic Safety Administration
1200 New Jersey Avenue SE.
Washington, DC 20590



I. Executive Summary

Alcohol-impaired driving kills more than 10,000 people in the United States each year (National Highway Traffic Safety Administration, 2010), making driving while intoxicated (DWI)¹ one of our Nation's most important highway safety issues. Increasingly, States are using ignition interlocks as a key part of their overall strategy to reduce the incidence of DWI and to save lives.

For the purposes of this report, the abbreviation "DWI" (driving while impaired) is interchangeable with the term "DUI" (driving under the influence). States vary in the use of these terms. Some have used both terms to designate different levels of drinking and driving. NHTSA defines impaired driving as operating a motor vehicle while affected by alcohol at or above a blood alcohol concentration (BAC) of .08 grams per deciliter and/or other drugs, including prescriptions, over-the-counter medicines or illicit substances. "Impaired driving" includes, but is not limited to, impairment as defined by individual States' statutes.

Interlocks have been in use to prevent alcohol-impaired driving for more than two decades. These devices have become increasingly sophisticated in this period; numerous studies have shown that interlock programs reduce recidivism during the time the devices are installed. Today, almost all U.S. States have ignition interlock laws (National Highway Traffic Safety Administration, 2009). Moreover, many States are requiring the use of an interlock as a condition for the restoration of driving privileges, including for first-time DWI offenders.

As the use of these devices increases, so too does the need to share information and promising practices related to how best to use interlocks. To assist in this information sharing, the National Highway Traffic Safety Administration (NHTSA) contracted Acclaro Research Solutions, Inc. to prepare this program guide of case studies. The guide profiles the work of six States and their use of ignition interlocks as part of an overall strategy to combat alcohol-impaired driving. The purpose of this report is to provide information on the different types of ignition interlock programs that have been successfully implemented. This report was not intended to evaluate the impact of the use of ignition interlock devices.

This guide is the result of a multi-phased effort involving a scan of relevant literature, informal discussions with interlock experts and program administrators, a case study selection process, and site visits to each selected program. The six States profiled in this document are Colorado, Florida, Illinois, New Mexico, New York, and Oklahoma. Each State demonstrates unique approaches and innovations in the use of interlocks.

Findings are organized around five main topical areas: legislation, funding, program administration, program issues, and evaluation. Broad findings are summarized here. The guide contains detailed information on how these issues are handled by selected programs, including sample forms and program materials, which appear in Appendix B.

Interlock Legislation

States featured in this guide have found that one of the most effective ways to create new legislation and to enact legislative changes is to ensure that all affected parties are involved in the process as early as possible. This includes public safety officials, judicial staff, prosecutors, defense attorneys, probation officers, treatment providers, law enforcement officials, driver licensing authorities, vendors, advocacy groups and even potential opponents. Workgroups and conferences are a frequent way States engage in this early consensus building, starting with legislation

¹ Different jurisdictions refer to alcohol-impaired-driving offenses using varying terminology, including driving while intoxicated and driving while impaired.

and continuing through the development of regulations and the implementation phase. This collaboration often continues once the program is established, with positive carryovers into the final programs.

Another critical area for legislative success is ensuring that violations, terms, and standards are clearly defined. If legislative terms are not easily operationalized, it can create negative consequences for the program later on. For example, one State featured in this guide has struggled to effectively implement legislation that requires interlocks for every vehicle offenders have “access to.” Likewise, program standards for what does and does not constitute a violation, infraction, or fail should be well defined to promote more efficient programs.

Inclusiveness is the strategy States most often use to address organized opposition to interlocks. If all parties are included in initial and subsequent discussions, it helps to overcome possible objections to the expansion of interlock programs (or at least prepares planners to address later objections). Additionally, many States are finding that the creation of a fund for indigents is a crucial element in addressing the objection that expanded interlock programs place too great of a financial burden on offenders.

Funding Interlock Programs

The administrative costs associated with interlock programs pose a consistent challenge for the States featured in this guide. Most programs do not receive dedicated funding streams to offset personnel or other costs associated with the program (e.g., call centers or databases). Instead, these costs are either absorbed by general program budgets or partially offset through the collection of fees. Many States are automating their systems (when funding to create such systems is available) to reduce administrative costs, especially as interlock programs expand.

In most States profiled in this guide, interlocks are paid for by offenders, and each vendor within the State sets its own pricing. Pricing tends to be competitive, and States expect that price competition will keep costs to program participants low. The exception among States profiled is Florida, where only two vendors operate, and each has a designated geographic area that it serves. In Florida, device costs are set by the State.

The use of indigent funds is becoming more common now and often required for program implementation. Many States have created these funds to address a common criticism associated with the expansion of interlock programs that the devices are not affordable (although critics of these programs note that interlocks are typically less costly than daily alcohol consumption). Fund eligibility is determined in many ways by profiled States, from a completely automated system in Illinois to an extensive judicial review process in New York. Likewise, the distribution of these funds happens in many diverse ways. The funds have been utilized at a higher rate than planners originally intended in several States profiled in this guide (partly due to the discretionary nature of fund eligibility in most States).

Interlock Program Administration

The States profiled in this document have found that the successful administration of an interlock program requires the cooperation of numerous agencies. Some States, such as Illinois, devote substantial staff resources to education and outreach on interlocks. They strongly believe that such efforts are critical to ensuring program success. Other States engage in these activities to a lesser degree, while noting that the efforts are nevertheless critical.

Courts and probation officers play a large role in judicial and hybrid interlock programs, such as those in New York and New Mexico. These programs have found that the close involvement of

a probation officer in supervising program participants can minimize common problems (e.g., officers can ensure that participants better understand what is required of them and immediately address violations). Such programs often struggle, however, with how best to devote program resources to focus the probation officer's time on the offenders most likely to need attention.

Programs that are run largely by a department of motor vehicles or a motor vehicle authority often have a larger emphasis on automating procedures. In such States (e.g., Florida, Colorado, or Illinois), data systems may generate letters and notices to program participants automatically, alerting them of requirements or requesting a response to a reported fail that could be a program violation. Some of these States profiled here are investing heavily in their data systems in the hopes of seeing increased data quality and enhanced productivity, even in the face of program expansions.

The law enforcement community is involved in interlock programs, although it tends to focus on the initial identification of DWI offenses, and the enforcement of interlock programs once created (e.g., identifying drivers who are driving without an interlock or identifying instances of tampering). However, not all law enforcement officers are familiar with interlocks.

Treatment providers play a large role in Florida's interlock program, and are increasing their role in the programs of other States, such as Colorado. In Florida, program participants undergo treatment on a progressive scale, such that as offenses increase, so too do treatment requirements. Counselors meet with program participants experiencing interlock violations and lockouts to address underlying issues related to alcohol use, and to develop approaches to incorporate feedback from the devices to change behavior. Likewise, Colorado recently created guidance for counselors on how to use data gathered from interlocks as a part of behavioral motivation therapy.

All States communicate with numerous other agencies about their interlock programs. The nature of the communications depends partly on the structure of the program, with some agencies engaged in more frequent communication than others. Almost all programs find that they need to create structures to communicate between State driver's licensing authorities and the judicial system, even if one system tends to handle day-to-day administration of the program.

In contrast, some States engage in interstate communication more than others. Oklahoma has created a list of several critical interstate communication issues, and is beginning the process of addressing these issues by creating agreements with border States on issues related to installation standards, etc. However, it is quick to note that interstate issues remain largely unaddressed. Other States profiled here such as New Mexico and New York also report issues related to interstate communications, and report that this is a growing concern as interlock programs expand and as each State develops its own program standards.

Interlock Vendor, Data and Device Issues

One of the issues States face is working with the vendors who distribute interlocks within their borders to ensure that program standards are met. Several States have made substantial progress in this area. For example, Oklahoma has worked extensively with its vendors to ensure that all devices sold within the State are calibrated and perform to the same standards. Likewise, Illinois has worked with vendors to collect raw data in a standardized fashion so that the State can determine what does and does not constitute a violation.

Another area where the States profiled here are constantly working for improvement relates to data monitoring and evaluation. Each State has its own system to collect data from vendors and to review data for violations. Florida has created a system using only two vendors to streamline

information collection. Colorado has created an online data system into which vendors enter information in the hopes of improving data timeliness and data quality.

Circumvention is another critical issue that States are addressing. For example, Oklahoma has created tampering seals that it places on devices, and also does not allow customers to observe installations in the hopes of reducing tampering. Other States in this guide are training officers on what tampering looks like and are collecting information in the hopes of having a highly visible court case related to tampering to serve as a further deterrent.

Evaluation of Interlock Programs

The profiled States agree that evaluation is a critical component of interlock programs, and that data from evaluations will be important for legislators and program advocates to consider as interlock programs continue to expand. Up until this point, many programs have had little formal evaluation (two exceptions are Florida and New Mexico). However, many States will be able to conduct more detailed evaluations in the future through forward-thinking designs of their data collection systems. For example, Florida can use its interlock database to quickly generate reports on recidivism.

II. Introduction

Alcohol-impaired driving is a significant national problem. More than 10,000 people are killed annually in crashes that involve a driver who is impaired, which represents about a third of all fatal crashes (National Highway Traffic Safety Administration, 2010). The National Highway Traffic Safety Administration (NHTSA), together with its many partners, is working to reduce the number of traffic injuries and fatalities that occur as a result of impaired driving.

Reducing alcohol-impaired-driving injuries and fatalities is not an easy task. Alcohol ignition interlock devices (interlocks) are one tool to help address this problem, and NHTSA supports their use as a part of an overall program to address impaired driving. Interlocks require a breath sample for the analysis of alcohol prior to vehicle startup and will interrupt the starter circuit when alcohol is detected in concentrations above a preset limit. Interlocks thus prevent drivers from driving while intoxicated. Interlocks may be ordered as a condition of license reinstatement or otherwise required for drivers convicted of driving while intoxicated (DWI)² (interlocks may also be ordered pre-trial in some States and in some circumstances). About one-third of impaired driving offenders are arrested for a subsequent offense (National Highway Traffic Safety Administration, 2008). Interlocks can prevent these drivers from reoffending while the devices are installed.

Under contract with NHTSA, Acclaro Research Solutions prepared this program guide of case studies to highlight six ignition interlock programs. Its intention is to encourage States and municipalities to improve and expand their use of interlocks. While no one program can serve as a perfect model, these programs collectively demonstrate unique approaches to common issues faced by such programs. The document is intended for ignition interlock administrators, State highway safety office representatives, program managers, court administrators, Department of Motor Vehicle representatives, policy makers, and others who are interested in developing, implementing, or enhancing ignition interlock programs. The purpose of this report is to provide information on the different types of ignition interlock programs that have been successfully implemented. This report was not intended to evaluate the impact of the use of ignition interlock devices. The document is organized topically to make it easier to locate relevant examples.

Purpose and history of interlocks

Interlocks have been in use to prevent alcohol-impaired driving for more than two decades. Today, almost all U.S. States have ignition interlock laws (National Highway Traffic Safety Administration, 2009). Interlocks have become increasingly sophisticated and include numerous anti-circumvention features and data protection systems (Traffic Injury Research Foundation, 2009). These features include temperature and pressure sensors, customized breath patterns (to prevent an untrained person from providing a breath sample), data recorders, and running retest requirements (Marques, 2009). All of these features make the modern interlock an effective tool to combat alcohol-impaired driving.

Historically, license suspension has been the preferred way to prohibit DWI offenders from driving. However, a high proportion of suspended drivers simply drive without a license (McCartt, Geary, and Berning, 2003). Interlocks can provide a viable option to license suspension. A participant in an interlock program can still drive, but he or she is far less likely to drive a vehicle with an interlock while impaired by alcohol. In contrast, many offenders who are not required

² For the sake of consistency, the term Driving While Intoxicated, or DWI, is used throughout the guide, even though the States discussed here may use other terms (e.g., Driving Under the Influence, or DUI, or Driving While Impaired, or DWI). These other terms are retained, however, when they appear in program titles or State forms.

to install an interlock and instead receive a license suspension may quickly learn that they are unlikely to be caught driving without a license. Indeed, there is evidence that offenders who are suspended (versus receiving an interlock) recidivate (or reoffend) more often (Roth, Voas, and Marques, 2007).

The use of interlocks is increasing, yet the devices are still used somewhat sparingly. A recent survey of manufacturers showed that there were about 212,000 interlocks in use in the United States, which represents only about 15 percent of the 1.4 million drunk drivers who are arrested each year (Roth, 2010). Among the reasons that ignition interlocks are not used more frequently is that many professionals working in this area (judges, prosecutors, legislators, administrators, and others) are not sufficiently familiar with interlocks, nor are there systems in place to help them require or enforce the use of an interlock device (Robertson, Vanlaar, and Simpson, 2006). For example, prosecutors may not have the information they need to request a device in a manner that is consistent with existing sentencing standards. Additionally, misperceptions about interlocks are common, as many professionals (e.g., legislators, judges, and prosecutors) are not aware of the significant technological advances that have occurred in recent years (Robertson et al., 2006). Mandatory interlock laws may also conflict with mandatory suspension laws, forcing courts to decide whether to honor one or the other or both (Voas, Roth, and Marques, 2005). This further limits the use of these devices.

The effectiveness of interlocks

Ignition interlocks reduce recidivism during the time period the devices are installed. Drivers who have interlocks installed are 35 to 75 percent less likely to acquire a repeat drunk-driving offense than convicted drunk drivers who do not have a device installed (Marques and Voas, 2009). Moreover, interlocks are as effective for first offenders as they are for repeat offenders (Marques and Voas, 2009). This reduction in recidivism provides a “significant safety benefit” (Marques, 2009).

Less is known about the influence of the devices on reducing alcohol-impaired driving crashes. Primarily, this is because interlocks are installed infrequently and crashes are less common than drunk driving arrests, which limits the available data pool from which to draw conclusions. However, initial evidence from New Mexico is promising in this regard, as alcohol-impaired driving crashes are decreasing as interlock use increases (Marques, Voas, Roth, and Tippetts, 2009). While not conclusive, this evidence suggests that interlocks reduce alcohol-impaired driving crashes. The Insurance Institute for Highway Safety estimates that, if interlocks were used for all repeat offenders, almost 800 lives could be saved per year as a result of reduced alcohol-impaired-driving crashes (Lund, McCartt, and Farmer, 2007).

Preliminary research on the costs and benefits of interlocks suggests that interlocks are cost effective. For example, one study found that the benefits of requiring interlocks for first offenders exceed the costs by a factor of three; that is, more than \$3 in benefits accrue for every \$1 in cost in a program for first offenders (Roth, Voas, and Marques, 2007). Another study estimated the benefits at \$7 for every \$1 in program cost (Miller and Levy, 2000).

Types of interlock programs

U.S.-based ignition interlock programs³ have evolved without any uniform Federal guidance or direction. In addition, impaired driving laws and systems differ from State to State. As a result,

³ Ignition interlock devices, in themselves, do not achieve results or change behaviors. To be effective, they must be a part of a larger set of well-coordinated activities. Many States have developed separate operational functions focused entirely on the deployment of interlock devices and the related support and monitoring activities. This larger set of activities is referred to as “interlock programs.”

no two programs are the same. However, U.S.-based ignition interlock programs divide primarily into three categories: 1) those that are administrative in nature and managed by a State licensing authority, 2) those that are judicial in nature and managed by a court system, and 3) those that employ a hybrid approach, using both administrative and judicial approaches to a substantial degree. Each type of program has advantages and disadvantages (Marques and Voas, 2009; National Highway Traffic Safety Administration, 2009; Robertson et al., 2006; Traffic Injury Research Foundation, 2009; Voas and Marques, 2003). While considering the need to explore all three types of programs, the best programs to consider as models came forward as recommendations from experts most knowledgeable of ignition interlocks. Four administrative programs, one court-based program, and one hybrid program are profiled in this document.

Advantages of administrative programs:

- ◆ **Installation rates:** Administrative programs are more likely to require the use of interlocks and may achieve higher installation rates.
- ◆ **Consistency of use:** Administrative programs are more consistent in their approach to interlocks; judicial programs allow judicial discretion, leading to vast discrepancies in how interlock programs are managed.
- ◆ **Management challenges:** Administrative programs tend to be easier and more cost-effective to manage, since fewer officials and agencies are involved. Judicial programs require substantial coordination, especially relating to educating judges, probation officers, and other members of the judicial system. Judicial programs also tend not to be managed centrally.

Advantages of judicial programs:

- ◆ **Ability to impose sanctions for noncompliance:** Judicial programs can require harsher sanctions for noncompliance and also are able to offer less appealing options (e.g., electronic monitoring) as an alternative to interlocks.
- ◆ **Ability to monitor and follow up:** Judicial programs often have additional resources and mechanisms in place to conduct monitoring, such as probation programs (although this may be limited in rural areas), as well as existing systems to engage in such activities. However, probation staff in most jurisdictions have heavy caseloads; this workload limits the amount of follow-up that can be devoted to interlocks.
- ◆ **Links to treatment:** Judicial programs are better able to require offenders to undergo treatment in addition to requiring the installation of an interlock. This is because of their established follow-up procedures.

Increasingly, hybrid programs are emerging. These programs offer the combined strengths of administrative and judicial programs. However, they also have the additional expense and coordination challenge of a dual approach.

Profiled programs

Six States were selected to be profiled in this document based on a multi-phased effort (see Appendix A for additional information on the selection process). States were selected to achieve diversity with respect to program organization as well as geography, with an emphasis on selecting established programs.

The six State programs selected for this guide:

- ◆ Colorado: a primarily administrative program in the West
- ◆ Florida: an administrative program in the South
- ◆ Illinois: an administrative program in the Midwest
- ◆ New Mexico: a hybrid program in the West
- ◆ New York: a judicial program in the East
- ◆ Oklahoma: an administrative program in the South

Information for the guide was obtained from each State via telephone and electronic contacts, as well as two-day site visits.

How to use this guide

Each State's program is reviewed briefly in Section III, Brief Profiles of Selected States. However, the bulk of the case study material is organized into five main topical areas, each of which contains additional subtopics. The five main areas and their subtopics:

- ◆ Section IV. Interlock Legislation: bringing all interested parties together; defining terms and violations and setting standards; addressing opposition
- ◆ Section V. Funding Interlock Programs: administrative funding and administration; costs of devices; indigent funds
- ◆ Section VI. Interlock Program Administration: coordination and education; courts and probation; DMVs/MVAs; law enforcement; treatment providers; interagency coordination; interstate cooperation and coordination
- ◆ Section VII. Interlock Vendor, Data and Device Issues: working with vendors to meet State requirements; managing data monitoring; addressing circumvention issues
- ◆ Section VIII. Evaluation of Interlock Programs: internal and external evaluations

The information is organized topically to make it easier for interested program officials to gather information about a particular topic quickly. Not all programs are covered in all subtopics; each subtopic includes information from selected States. States were selected for subtopic emphasis with the aim of creating a comprehensive discussion of features found across the six States profiled in this guide. While occasionally all six States are discussed under a specific subtopic, generally two to three States are discussed under each topic to provide the reader with information on how issues are addressed in multiple settings.

The chart below summarizes the States highlighted in each area of this guide.

Topic	Colorado	Florida	Illinois	New Mexico	New York	Oklahoma
Interlock Legislation	•		•	•	•	
Administrative Funding	•	•				•
Cost of Devices	•	•	•	•	•	•
Indigent Funds			•	•	•	
Coordination and Educ. of Related Agencies		•	•			
The Role of Courts and Probation				•	•	
The Role of DMVs/MVAs	•	•	•			
The Role of Law Enforcement	•		•			•
The Role of Treatment Providers	•	•				
Ongoing Interagency Coordination	•	•	•	•	•	•
Interstate Cooperation and Coordination				•	•	•
Working With Vendors to Meet Requirements			•			•
Managing Data Monitoring and Evaluation	•	•			•	
Addressing Circumvention Issues	•			•		•
Evaluation of Interlock Programs		•	•	•		

Sample materials from each program (including forms, letters, and notices) appear in Appendix B. Participating States have granted permission for these forms to be used by others. Helpful links to resources on interlocks such as an alcohol interlock curriculum for practitioners appear in Appendix C.

The document is designed to be a reference resource. It is not necessary for the document to be read in topical order, and the reader may find it helpful to focus on specific topics of interest. However, all the topics interrelate and developments or changes within one area often have ripple effects. For example, when New Mexico’s indigent fund participation exceeded expected usage rates, it became necessary for new legislation to be formulated and passed; the fund parameters, qualifications, and operations had to be revised; and many discussions with agencies and vendors were necessary to plan and implement the sweeping changes.

This guide is a snapshot of various components of ignition interlock programs during the summer of 2010. These programs are not static and are continuously evolving, thus some of the information within this guide does not reflect the most current program operations. However, these snapshots provide insights for program planners to consider as they develop and refine programs.

As an example of a program’s changes since the case studies were conducted, the discussion here about Illinois captures how the program established systematic operations, identified processes and sought to promote improvements as information became available. Legislative changes in Illinois in the fall of 2010 led to the transition of the program from one where offenders chose to opt in when appearing before a judge to one under which offenders no longer appear before a judge and enrolled in the program unless they notify the administrative agency that they choose

to opt out. Additionally, the determination of indigent fund qualification previously made by judges was shifted to the purview of the administering agency.

Other programs have undergone changes since the case study period. Readers are encouraged to learn more about each of the States via visits to their Web sites and/or by contacting the program managers. Contact information for each program is presented in Section III.

III. Brief Profiles of Selected States

Each State program is briefly highlighted in this section of the guide. This section is intended to provide overview information and is not intended to be comprehensive. Additional details on each program appear throughout the document. Some State crash and census data have been provided to give the reader a picture of the potential magnitude of the problem. While DUI arrest and conviction data may more accurately reflect the States' DUI problems, this information is not easily obtained or formatted for making reliable conclusions. This report was not intended to impact the use of ignition interlock devices. It is suggested where information is listed on ignition interlock program requirements, readers should refer to the individual States' legislative code for information on conditions and any further requirements.

Colorado

Program type: Administrative

Year interlock legislation first passed: 1995

Year of most recent legislative update: 2010

Interlocks required for first-time offenders: 8-month requirement on all vehicles owned, co-owned, or with access to operate; 2-year requirement with a BAC of .17 or greater

Interlocks for second-time within 5 years or third-time in lifetime offenders: 2-year requirement

Interlocks for designated habitual offenders: 4-year requirement after serving 1 year and approved for early reinstatement

Number of interlocks currently installed (Roth, 2010): 17,056

Number of interlocks per million residents (Roth, 2010): 3,394

Number of interlocks per fatal alcohol-impaired driving crash (Roth, 2010): 115

Contact

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Highlights

Colorado's Department of Motor Vehicles (DMV) oversees the State's ignition interlock program. The DMV has two primary functions: conducting interlock case hearings and managing and coordinating offenders, vendors, and treatment providers. The program has undergone significant growth in recent years (up to 2,000 to 3,000 additional interlocks per year) due to a major overhaul of the legislation that became effective in January 2009.

The legislation requires first-time offenders with a blood alcohol concentration (BAC) of .08 or greater to have their licenses revoked for nine months. However, the license may be reinstated after a period of 30 days with the installation of an ignition interlock. Offenders with an arrest BAC under .17, after four consecutive months on the interlock with no violations or

circumventions, may be allowed to remove the device. However, if any violations have occurred, the device must stay in place for at least the original eight months. For first-time offenders with a BAC of .17 or above, an interlock is required for two years.

To streamline workflow and respond to this higher volume, the DMV has launched an online interlock system. This system helps to automate many functions. For example, a letter is automatically generated to inform first-time offenders with no violations that they may have the interlock removed after four months; the letter provides instructions on how to do so.

Colorado has also implemented an indigent fund. Funding of up to \$400 is available to first-time offenders whose Federal adjusted gross income does not exceed 200 percent of the Federal poverty guidelines. Offenders seeking this funding can make a request to the installer to check their eligibility; information is pulled from prior year tax files and a yes/no determination is provided to the vendor, maintaining privacy while providing instant feedback.

Florida

Program type: Administrative

Year interlock legislation first passed: 2002

Year of most recent legislative update: 2009

Interlocks required for first-time offenders: only if court ordered or 6-month requirement if BAC was .15 or above or if a minor was in the vehicle, on all vehicles the customer owns and routinely operates

Interlocks required for second-time offenders: at least 1 year or at least 2 years if BAC was .15 or above or minor in car

Interlocks required for third-time offenders: at least 2 years

Interlocks required for four or more convictions with condition of hardship license: at least 5 years

Number of interlocks currently installed (Roth, 2010): 8,335

Number of interlocks per million residents (Roth, 2010): 450

Number of interlocks per fatal alcohol-impaired driving crash (Roth, 2010): 12

Contact

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www.flhsmv.gov/ddl/IID.html

Highlights

Use of interlocks in Florida has been increasing rapidly: There has been a double-digit percentage increase in interlock installations in each of the past five years. The Department of Highway Safety and Motor Vehicles (DHSMV) Division of Driver Licenses runs Florida's interlock program. Interlocks are required for first offenses in Florida when the BAC is .15 or higher or when a minor is in the car at the time of a DWI offense.

Florida law requires license revocation for 2 convictions within 5 years, or for 3 convictions within 10 years. However, drivers with 5- and 10-year revocations are allowed to earn back their driving privileges under the Special Supervision Services program. The program requires detailed cooperation between the Division of Driver Licenses, DWI treatment programs, and the vendor-run service centers. Program requirements include interlock use, treatment, and verifiable abstinence from alcohol or other drugs.

The ignition interlock program receives no specific funding but is supported from the budgets of the various divisions of the DHSMV. DHSMV has a call center with trained staff to provide customer service via telephone to interlock participants. The call center uses an automated call tracker system to document all calls. As of June 2010, the program handles between 4,000-8,000 interlock-related calls per month. Some of these calls can be quite extensive. This volume is expected to continue to grow, creating workload issues.

To address these issues, DHSMV is automating many processes. For example, reports are issued automatically when fails are identified in the monthly or bi-monthly service center calibration visits. Vendors also report electronically to improve efficiency.

Illinois

Program type: Administrative

Year interlock legislation first passed: 1994

Year of most recent legislative update: 2007

Interlocks required for first-time offenders: 6- to 12-month requirement during statutory suspension period if driver wants a driving permit during that time.

Interlocks required for second or third-time offenders (with or without a restricted driving permit) 12-consecutive-month requirement on all vehicles bearing their name on the vehicle registration as a condition of full reinstatement of their driver's license.

Number of interlocks currently installed (Roth, 2010): 10,088

Number of interlocks per million residents (Roth, 2010): 781

Number of interlocks per fatal alcohol-impaired driving crash (Roth, 2010): 36

Contact

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Highlights

Illinois' interlock program is administered by the BAIID (Breath Alcohol Ignition Interlock Device) Division, part of the Illinois Secretary of State. The BAIID Division is in the process of implementing a first-time offender law that became effective in 2009. The law has resulted in an increase in the number of devices being used in the State.

As part of the implementation process for this new law, the BAIID Division developed a detailed process flow chart. This flow chart provides an opportunity to evaluate how well the program is functioning, where it would benefit from more attention and resources, and what is and is not working as planned. In preparation for implementing the new law, BAIID staff provided training to law enforcement officers across the State.

Under the new law, first-time offenders may apply for a Monitoring Device Driving Permit (MDDP) after a 31-day statutory suspension. The permit enables the participant to drive during the suspension period, and installing an interlock is a condition of the permit. When processing a permit request, BAIID Division staff members check the driver's licensing database to ensure that the offender is eligible for the program. This check includes a review of the arrest records among other criteria. Offenders eligible for an MDDP are then sent a letter that itemizes the procedures. Offenders who do not wish to participate in MDDP do not have to, but they are not eligible to drive for the remainder of their suspension.

The program is designed on the assumption that drivers can absorb the cost of the interlock; however, there is funding for drivers who cannot pay. The establishment of an indigent fund was a key factor in getting the legislation passed. Indigent funds are provided from a surcharge added to paying customer's installation and rental fees.

New Mexico

Program type: Hybrid

Year interlock legislation first passed: 1999

Year of most recent legislative update: 2010

Interlocks required for first-time offenders: 12-month requirement on all vehicles driven by the offender.

Interlocks required for second-time offenders: 2 years

Interlocks required for third-time offenders: 3 years

Interlocks required for fourth-time offenders: lifetime requirement but may be appealed to remove after five years.

Number of interlocks currently installed (Roth, 2010): 12,064

Number of interlocks per million residents (Roth, 2010): 6,003

Number of interlocks per fatal alcohol-impaired driving crash (Roth, 2010): 123

Contact

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www.dps.nm.org/lawEnforcement/dwi/dwiIgnitionInterlock.php

Highlights

New Mexico was the first State to require interlocks for first-time offenders and has the highest per capita and per alcohol-impaired driving crash use of interlocks in the U.S. New Mexico's Traffic Safety Bureau (TSB) administers the program. TSB processes new and renewal ignition interlock provider license applications; monitors, investigates, and resolves complaints; responds to calls for information about program requirements; educates county compliance officers and interlock service providers about the proper use of interlocks; and manages the indigent fund.

Because the State has a hybrid program, New Mexico DWI offenders come into the program from one of two pathways: administrative suspension (e.g., for first-time offenders, out-of-State drivers, or anyone who refuses to submit to testing) and the judicial process. New Mexico is currently implementing a streamlined statewide court database system for offenders who enter via the judicial system. Eventually, court records will be accessible by all courts and pertinent agencies. This is expected to dramatically improve the ease of data management and enable more rapid reporting.

Offenders seeking financial assistance must apply for support. If granted, a letter is issued by TSB declaring eligibility for the subsidy. Service centers then seek reimbursement from the State. The fund has experienced some issues with overuse and is not currently sufficient to meet demand.

New Mexico's ignition interlock program faces challenges similar to many Western States: It has a large land area with a dispersed population. This makes it difficult to locate installers within a short driving distance of all offenders.

New York

Program type: Judicial

Year interlock legislation first passed: 1992

Year of most recent legislative update: 2009

Interlocks required for first-time and repeat offenders: Mandatory on all vehicles owned or operated by persons convicted of misdemeanor and felony DWI offenses for a minimum of six months.

Number of interlocks currently installed (Roth, 2010): 2,500

Number of interlocks per million residents (Roth, 2010): 128

Number of interlocks per fatal alcohol-impaired driving crash (Roth, 2010): 9

Contact

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dpca.state.ny.us/ignition.htm

Highlights

New York has a judicial program that is overseen by the New York State Division of Criminal Justice Services—Office of Probation and Corrections Alternatives (OPCA) and administered at the county level. Each county submits a plan to OPCA describing how interlocks will be handled, including required coordination between judiciary, offender, and vendor service units, as well as reporting to OPCA.

The State is preparing for a large influx of new installations due to a law that went into effect in 2010. The law specifies that all offenders sentenced for DWI must have an interlock installed on any vehicle they own or operate and that they must have an ignition interlock restriction added to their license. OPCA is currently training judges on the new program and on the use of the Financial Disclosure Report as it affects the unaffordability waiver mechanism. Judges review these reports and make decisions on a case-by-case basis. Offenders must provide documentation of their inability to pay; an overall review of assets, income and expenses is used to make eligibility determinations. Vendors in New York are required to provide up to 10 percent of their business at a reduced payment schedule or free of charge directly to the offender where court ordered.

New York has designed its program to be revenue neutral. Offenders are generally expected to pay the cost of devices (competition among device vendors is designed to keep offender costs low). The program receives no statewide funding; however, OPCA has secured funding for localities from the Governor's Traffic Safety Committee in the amount of \$3,000,000 to help offset the impact of additional monitoring work during the first year of implementation. OPCA has also received a grant from the Governors Traffic Safety Committee to support one administrative position to assist with the program oversight and monitoring.

New York has taken the position that device manufacturers cannot monitor interlocks due to the judicial nature of the program. A probation department staff person or other designated monitor on the case must monitor each ignition interlock case. This adds to the administrative burden of counties.

Oklahoma

Program type: Administrative

Year interlock legislation first passed: 1995

Year of most recent legislative update: 2011

Interlocks required for first-time offenders, failure to submit test(s), or BAC of .15 or more: After a license revocation period of 180 days with no violations, required on every motor vehicle operated by a DWI offender with a Modified Driver License, including employer's vehicles (unless the employer declines to install an interlock) or until driving privilege are reinstated, whichever is longer, a period of one and one-half years.

Interlocks required for second-time offenders: four years following mandatory period of revocation or until driving privileges are reinstated

Interlocks required for third or subsequent revocation: five years following mandatory period of revocation or reinstatement

Number of interlocks currently installed (Roth, 2010): 6,000

Number of interlocks per million residents (Roth, 2010): 1,627

Number of interlocks per fatal alcohol-impaired driving crash (Roth, 2010): 28

Contact

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Highlights

Oklahoma's ignition interlock program is focused on ensuring that devices are installed at a properly licensed service center by a trained installer and that, once the device is installed, it is calibrated correctly and data are captured in an appropriate fashion. The program actively works with vendors to road-test devices to ensure that they perform as intended.

The program is intended to be revenue neutral. Program personnel are funded as a pass-through, independent of the Department of Public Safety. Staff members oversee interlock device certification and installation processes, as well as assist with various legal and administrative functions.

The primary source of funding for the program comes from a \$10 device certification fee paid by offenders. This certification establishes that the installation was performed according to State rules.

Under Oklahoma implied consent laws, the act of driving or of being in physical control of a motor vehicle means that the driver has agreed to submit to one or more tests to determine BAC. Consistent with the State's emphasis on technical accuracy, law enforcement officers are trained to use the latest BAC testing equipment and to correctly administer field tests for driver impairment.

Oklahoma has an active interlock association that works with the State to improve and enhance the interlock program. For example, the association lobbied successfully to defeat proposed legislation in 2005 that would have eliminated all interlock requirements for DWI offenders in Oklahoma.

IV. Interlock Legislation

To best address the challenges posed by DWI, the States featured in this guide have shaped and reshaped their ignition interlock legislation, including the penalties enacted to change the behaviors of the offenders. This section of the program guide explores the experiences of three States (Colorado, Illinois, and New York) and includes a sidebar of another State (New Mexico) related to ignition interlock legislation. It highlights the similarities and contrasts the differences in each State related to:

- ◆ bringing all interested parties together;
- ◆ defining violations and setting standards for sentencing; and
- ◆ addressing organized opposition to interlocks.

Each State had its own unique needs and foundations to build upon that enabled or shaped the DWI legislative process. While each State had its own approach, most shared a cultural climate of a resistance to restricting individual freedoms, especially as related to first-time offenders, which posed a challenge in passing or amending interlock legislation.

Despite this challenge, interlock legislation has been increasing in the U.S. since the 1986 passage of the Farr-Davis Driver Safety Act in California, the first U.S. legislation:

[The Farr-Davis] law provided for a pilot test in a few California counties. Soon after, other States began to write legislation that supported use of this technology. As legislation began to grow through the late 1980s, the National Highway Traffic Safety Administration (NHTSA) became engaged with an effort to assist the States by publishing certification guidelines for the devices that were coming into the marketplace. Those Model Specifications for Breath Alcohol Ignition Interlock Devices (aka Model Specifications) were restricted to giving advice to States on how to evaluate the adequacy of the interlock hardware available for installation ... not how to create or manage a program. The Model Specifications served to organize the development of State laws, but other than a companion document that was published under the same NHTSA contract, there was too little known to give authoritative recommendations about how the interlock laws and programs should be developed (Marques and Voas, 2009).

The technical specifications for interlock devices that NHTSA developed became industry standards, and device technologies have continuously improved since that time. Since initial interlock legislation was put into place, many States have continued to improve and expand upon their existing statutes. In order to draft and pass legislative changes, the States featured in this guide needed to cooperate with multiple agencies. Typically one or more legislative sponsors might work with public safety officials, judicial staff, prosecutors, defense attorneys, probation officers, treatment providers, law enforcement officials, driver licensing authorities, vendors, and advocacy groups to create legislation. Often, program planners can best find compromises early in the legislative process.

Modifying existing DWI laws can be an extensive process. DWI offenders come into contact with multiple agencies and many parts of State government. Legislation thus should be drafted carefully to consider how best to coordinate among the multiple agencies and organizations involved.

One key issue in establishing legislation is setting program standards. Interlock research has not established the ideal length of time for an interlock to be installed (Marques and Voas, 2009). However, there is substantial evidence that the data collected by interlock devices can be used to

predict future recidivism and therefore used to estimate an appropriate length of installation. For example, the percentage of all BAC tests recorded in excess of .02 is an indicator of the likelihood of repeat offenses, as is the presence of high BAC in the early morning hours (Beirness and Marques, 2004). Interlock data could be used to create criteria-based or performance-based programs in which the length of time participants are required to use interlocks is linked to their ability to demonstrate that they no longer need the device (Marques, Voas, Roth, and Tippetts, 2009). Interlock experts increasingly agree that such an approach is appropriate (Marques and Voas, 2009). Interlock programs have not yet come to a consensus on issues such as length of time on the device. This is reflected in the diverse approaches taken by States in this regard.

The States profiled here have enacted diverse approaches to revising and expanding their legislation. As interlock programs grow in size and respond to changes in technology, legislation needs to be updated. In particular, the States profiled here cited a need to update legislation related to indigent funding, first-time offenders, and establishing clearer roles for involved agencies. Hence, these topics are the focal points of this section.

The recent experiences in Colorado, Illinois, and New York are summarized here, along with a brief look at New Mexico's process of implementing new legislation to address substantial program growth challenges.

Colorado

Colorado's ignition interlock program began as a statewide pilot in 1995. A study of the program conducted by the University of Colorado's Health Sciences Center in 2000 found that the program's design was discouraging participation. As a result of that research, significant statutory and program changes were made in 2001; further statutory changes were made in 2007. As the barriers to program participation were lowered, installations rose. The State dramatically expanded the program in 2009 with legislation requiring first offender participation and providing indigent funds to encourage maximum penetration.

Colorado's emphasis on evidence-based program design and broad collaboration in legislative drafting and program development provide a perspective on the overall legislative development process. The information presented here focuses on the development of the most recent ignition interlock law and related program changes that took effect in January of 2009.

A. Bringing all interested parties together

In 2007, after two high-visibility DWI cases occurred in his district, Colorado Rep. Joel Judd introduced new legislation that expanded the State's interlock program to include all first-time offenders. When this legislation did not receive strong initial support, Judd teamed with Colorado's DUI Interagency Task Force to address various issues and to build a stronger coalition. The diverse task force included representatives from the law enforcement community, probation officers, treatment providers, advocacy groups, State agencies, judges, prosecutors, and defense attorneys. The task force was successful in working out revised language for the bill, which allowed it to pass.

The Department of Revenue's Division of Motor Vehicles (DMV), which implements the interlock regulations, tasked its Office of Research and Analysis (ORA) to take the lead in implementing the bill. With their experience in fiscal analysis, audit, accounting, and contracts, ORA brought all the relevant stakeholders to the table and created a highly detailed process flow chart. This approach allowed a view of the entire program and its interconnected components. (Planners stated that it would have been helpful to have some input from the interlock vendors

during this phase. However, a “silence period” was in effect due to the timeframe coinciding with the vendors’ contract renewal process.)

From the start, the ORA team recognized that the legislation would create a dramatic increase in the number of interlock installations. The existing program relied upon many manual and paper-based processes that were labor intensive and had associated lag times between administrative actions. For the new legislation’s program implementation, the ORA team discussed one option of developing a new electronic system to manage first-time offenders. After further consideration, the ORA team envisioned a complete redesign of all current systems that connected the DMV with the vendors. The key element of the ORA team’s redesign was an easy-to-use Web site for vendors to post interlock installations, calibrations/data uploads, and de-installations. The system would be supported by online user training videos, online frequently asked questions (FAQs), and revised customer service mechanisms necessary to support the program elements.

ORA used its budgeting expertise to carefully plan funding for the new system. Expenses were determined for development, staffing, processing, training, and enforcement, and forecasted over several years of implementation.

Colorado created an interlock program that is incentive-based with interlock sentences that encourage compliance. The program operations were envisioned to allow accurate data management via online data processes. The revised system provides for more timely and accurate data capture. This helps with program budgeting and analysis. Much of this work was supported by the effort Colorado invested in bringing together interested parties to create, fund, and implement the legislation.

B. Defining terms and violations and setting standards for sentencing

There were two core components of Colorado’s violations and sentencing approaches: expanding to first-time offenders and adding an evidence-based sentencing component.

The new law creates strong incentives for first-time Colorado DWI offenders to participate in the interlock program. Previous laws required interlocks only for second or subsequent DWI arrests (according to Colorado’s Department of Revenue, this is less than a quarter percent of all DWI arrests in Colorado). Thus, the law created a substantially larger program in terms of both types of offenders using the device, and the need for administrative support.

The incentive for first-offender participation is a reduction of the nine-month hard revocation to one month, followed by eight months of interlock-restricted driving for those offenders who participate voluntarily in the interlock program. Recognizing that not all first-time DWI arrests have the same likelihood of leading to re-arrests, the revised program also included an evidence-based sentencing component. Accordingly, first-time, non-high-BAC offender interlock program participants with four consecutive months without any interlock violations or circumventions are permitted to return to an unrestricted license. First offenders with an arrest BAC of .17 or greater are ineligible for this early release and must serve two full years on the interlock.

C. Addressing organized opposition to interlocks

Colorado’s 2008 interlock legislation revision process offers an example of how bills evolve to reconcile differences. As noted, Rep. Judd had prepared the initial draft legislation after two high-profile DWI cases occurred in his district. The first draft of the bill was not well received and faced widespread objection from other lawmakers. Regrouping, Rep. Judd worked with the legislative subcommittees and the Colorado DUI Task Force to identify and resolve various issues. Key among the contentious issues was a belief that the proposed law’s stiff restrictions

would over-penalize too many drivers, and that the law's application to all first offenders would impose high costs on the indigent.

To address these concerns, the early release clause was introduced to allay concerns about the law being overly punitive. Interlock program data showed that most of the problems with participants occurred initially (in the first few months as they learned how the device works) or at the end (when they were more likely to revert to pre-interlock habits). The compromise early release clause established a new minimum frame of compliance (four consecutive months). In essence, the clause is a way to focus available resources: If the offender quickly changes his/her behavior, the State devotes fewer resources to long-term tracking; however, if the offender continues to have interlock issues after a few months of adjusting to the device, the State invests more heavily in long-term monitoring. The revised interlock program with the early release clause is incentive-based, focusing on compliance behaviors in which first-time offenders can "earn" their way off the device. The early release program component helped to gain more support for the bill's passage.

The other key objection to the draft bill was to the costs of the interlock devices posing an undue burden on the offender. The expansion of the DWI laws to include all first-time offenders also raised the issue of some offenders' potential inability or unwillingness to pay for interlock installations and monitoring. There were some misperceptions about how costly interlock installations are. To address these objections and to ensure that the program retained the first-time offender component, a decision was made to create an indigent fund.

While the task force worked out the language of the bill, the legislature addressed the funding issue, including the provision for the indigent fund. The House Judiciary and the Senate Finance committees developed several funding measures and appropriations. A year of subcommittee meetings redeveloped the legislation to incorporate these large programmatic changes and to align the new law with the existing law to ensure a smooth administrative transition.

By adding program components to address concerns and objections, and by including a diverse task force in the development process, opposition was successfully converted in Colorado to widespread support.

Illinois

Illinois had experienced success with an interlock program for multiple-DWI offenders. Building on this success, supportive legislators began to scope out new laws to dramatically increase interlock participation. Their intention was to see sharp reductions in DWI arrests, crashes, deaths, and injuries. These efforts led to strong first-time DWI offender laws and to a supporting indigent fund component, making Illinois one of the first large-population States to implement a first-time offender interlock program.

A. Bringing all interested parties together

In 2007, new legislation passed to substantially expand the Illinois interlock program by adding a first-time offender program. Prior to this legislation going into effect, approximately 3,000 ignition interlock devices were in active use. These devices were installed on DWI arrests for second or subsequent offenses (within a specific time period) with a court order. Repeat offenders would have their licenses revoked and drivers could, after appearing at an administrative hearing, receive a Restricted Driver Permit that required the installation of an interlock. However, the program permitted driving only for the purposes of employment, education, child support, and attending support groups.

Illinois' Office of the Secretary of State (including State counsel and the Driver Services Department) worked actively with legislators to draft the new DWI legislation. The local chapter of MADD (Mothers Against Drunk Driving) and other advocacy groups worked to build broad support for the new measure, helping to counter cultural resistance to interlocks for first-time offenders.

State Sen. John Cullerton, who was widely regarded as a leader on the subject of traffic safety topics, championed the bill. His motivation for the first-time-offender DWI bill was seen as in the interest of public safety. This underscores the importance of legislative advocates. The bill also had the active support of the law enforcement community. Advocacy groups arranged for public demonstrations of support, including having DWI victims present when the vote on the bill was taking place.

The Secretary of State's legal counsel was brought into the drafting process before the bill was presented to the committees. Given the significant responsibilities Driver Services would have in overseeing the bill's implementation, it was critical for it to be directly involved. The assistant general counsel to the Secretary of State led the development of the draft text for the legislation, further ensuring that the language was enforceable and compatible with existing legislation.

One pressure the lawmakers faced was that the advocacy community sought to have the bill take effect sooner—within six months after its passage—rather than later. However, the Secretary of State strongly urged for a longer time frame to develop fair and effective program rules, systems, tools, and staffing to manage the greatly expanded program. This effort was successful. The final bill included an 18-month planning and implementation period, during which the existing Judicial Driver Permit (JDP) program would continue while the new Monitoring Device Driver Permit (MDDP) program was designed, regulations were drafted, and systems were developed, installed, and tested. Maintaining the “old” program provided just enough program components (staff, systems, and processes) to develop and implement the new MDDP program in 18 months.

The MDDP program was designed to replace the old JDP program that restricted interlock installations to first-time offenders to drive for employment and education purposes only, and only at a judge's discretion, and without an interlock. The law essentially removed the judge's discretion from the program and also permitted driving for any purpose.

The bill first needed passage by the Senate Transportation Committee, followed by passage within both the House and the Senate. The House and Senate sponsors of the bill were both strong supporters of tougher DWI legislation; it passed easily.

B. Defining violations and setting standards for sentencing

With laws and programs already established to place interlocks on the vehicles of DWI offenders with two or more DWI arrests, the focus of the new legislation was interlock provisions for first-time offenders. The core issue for the new law was developing acceptable mechanisms that would reduce the barriers to participation. The existing interlock program relied upon judicial discretion and provided the offenders with an ability to opt out by not seeking driving privileges. With the revisions to the program to include first-time offenders, the lawmakers and program designers worked to make participation mandatory, not dependent on judicial discretion. However, to gain sufficient support, the law contained an opt-in component in which the judge must present the first-time offender with the choice of interlock participation or forfeiture of all driving privileges. This led to the development of a separate yet tandem program for all first-time offenders with shorter sentencing terms than for offenders with two or more convictions, but with similar sanctions and procedures for program violations.

C. Addressing organized opposition to interlocks

The legislative drafters had to struggle with a general climate among the public that widely tolerates social drinking. This common stance creates a challenge to drafting and passing legislation that opponents find too restrictive.

From the very beginning, legislative drafters considered potential opposition to the legislation and worked to address objections and increase support. The Illinois Bar Association presented the only organized opposition to stricter DWI legislation. To overcome these objections, there was a need to recognize and address antiquated ideas about interlock devices and build more trust in the newer interlock technology. For example, there was widespread misinformation circulating about how devices generate false-positive readings or are easily circumvented. Mere hearsay about false readings and easy circumvention had become a barrier for the Illinois Bar Association and a number of legislators. The Illinois chapter of MADD orchestrated approximately six meetings that brought together all of the concerned parties to discuss the program's potential benefits, to describe how the Secretary of State's Office could manage the program efficiently, and to directly address the device's functionality, consistency and resistance to circumvention attempts.

New York

The interlock program in New York grew dramatically and swiftly from a relatively small, multi-county repeat DWI offender pilot into a statewide first-time mandatory DWI offender program. A tragic, high-profile DWI crash leading to the death of an 11-year-old child in the fall of 2009 following another impaired driving crash that occurred in the summer of the same year led to the nearly unanimous support of sweeping legislation to upgrade the charges and penalties associated with Driving While Intoxicated (DWI) with a child passenger under 16 years of age in the vehicle—now a Class E Felony. This provided the opportunity to dramatically expand the interlock program by incorporating a mandatory first-time offender interlock component to underscore the State's tough stance on DWI offenses. The new law also increased penalties for aggravated vehicular assault and homicide, increasing the terms of incarceration to 15 and 25 years, respectively.

A. Bringing all interested parties together

In 2007, the State of New York expanded a statewide multi-year pilot interlock program involving seven counties with post-revocation interlock installations. In July of 2009, a crash occurred involving an intoxicated motorist that led to the death of eight individuals, including four children. In October 2009, another crash involving an intoxicated motorist led to the death of an 11-year-old girl, Leandra Rosado. In response to these highly visible incidents, the Child Passenger Protection Act was drafted to make it a Class E felony offense to drive while intoxicated with a passenger under the age of 16. The bill also imposed mandatory installations of ignition interlocks on all first-time DWI offenders. It was signed into law by the Governor in November 2009. The Department of Probation and Correctional Alternatives (DPCA) was tasked with formulating and implementing new regulations to implement the legislation, referred to as “Leandra’s Law” in memory of the young girl killed by the DWI driver. (In June 2010, DPCA was merged into the State’s Division of Criminal Justice Services to become the Office of Probation and Correctional Alternatives [OPCA].)

The first component of the law—Driving While Intoxicated with a Child under 16 Years of Age—went into effect on December 18, 2009. The provision of the new law requiring the installation of an ignition interlock device went into effect August 15, 2010, and affected people arrested on or after the day of enactment—November 18, 2009—and sentenced on or after

August 15, 2010. The law requires installation and maintenance of an interlock device for at least six months, in addition to other penalties, resulting from any DWI conviction. From the date of enactment, OPCA was allotted just nine months to develop and promulgate statewide comprehensive regulations to implement the new law.

OPCA found that few States had comparable legislation or regulations. OPCA's desire was to ensure that New York State's regulations were clear, complete, and enforceable from the first day the rule went into effect. To meet this challenge, OPCA worked to bring together stakeholders to forge the new regulations.

To assist with this process, funds were provided by NHTSA that paid the costs for the Traffic Injury Research Foundation (TIRF) to conduct a complete review of other States' legislation and to advise New York and the members of its statewide workgroup. Throughout the process, the members of the workgroup spoke with many other States regarding their interlock-related statutes.

OPCA chose a regulatory approach that sets strict minimum standards but provides local implementation flexibility. To identify and respond to dozens of needs and issues for the array of agencies responsible for the law's implementation, OPCA convened a workgroup of stakeholders to develop the regulations and generate widespread public and advocacy support. This process spanned 5 months and involved a series of more than 10 meetings. OPCA led the statewide workgroup with numerous agencies participating, including the Governor's Office, the Division of Motor Vehicles, the Division of Criminal Justice Services, the Traffic Safety Prosecutor for NHTSA and other prosecution representatives, the Chief of Policy and Planning for the New York State Court system and a New York Superior Court judge, the Governor's Traffic Safety Committee, the New York Department of Health, the New York State Police, the Council of Probation Administrators, the Institute for Traffic Safety Management and Research, and the STOP-DWI and Drinking Drivers' Programs for New York State. During this period, various program concepts were developed and components considered.

OPCA staff members also met with interlock vendors in an open meeting in early March 2010 to discuss interlock requests for information and to gather operational requirements and considerations. Examples of input from various stakeholders that were considered by the OPCA staff included the vendors' suggestion of using mobile units to address various distance and service issues, and the suggestion that the State's 1,600 inspection stations (gas stations and vehicle repair shops throughout the State) might also serve as installation facilities, though this idea later proved to be impractical.

Afterward, numerous iterations of regulation drafts were circulated for feedback. The statewide regulations were issued originally as emergency regulations in April of 2010 to meet the August implementation date; they were promulgated subsequently in November of 2010 through formal rulemaking.

B. Defining violations and setting standards for sentencing

New York created a mandatory first-time DWI offense interlock program with widespread legislative support that resulted in clear and well-defined requirements for sentencing. OPCA and other planners developed strict accountability and monitoring measures, defining six instances when program violations must be reported to the District Attorney and Sentencing Court. These include the failure of the operator to install an ignition interlock device, failure to make a required service visit, any attempt at tampering or circumvention of the ignition interlock device, any failed or missed restart test, any failed or missed running retest, or any lock-out or test where the BAC is measured to be .05 or higher.

C. Addressing organized opposition to interlocks

Drafted and passed within months of tragic, deadly and highly visible crashes, the mandatory first-time DWI offender interlock sentence in New York faced no significant or organized opposition to passage of the legislation. Subsequently, some localities expressed concern over the impact of required monitoring of convicted operators sentenced to conditional discharge or probation supervision; however, OPCA was able to secure resources through the State's Governors Traffic Safety Committee to assist localities and offset the costs associated with enacting the Child Passenger Protection Act. Legislatively, New York was able to act quickly during a window of opportunity to champion a position that traditionally would mount challenges, thus producing legislation with fewer compromises. Lenny Rosado, the father of the 11-year-old Leandra Rosado, was a strong advocate for legislative change.

SIDEBAR

New Mexico

Drafting and implementing legislation to correct functional challenges

In New Mexico, revised DWI interlock legislation was enacted in 2002. While improving previous legislation by closing some loopholes and barriers to installations, the new law resulted in two challenges. First, many offenders claimed indigent status, which was all-too-frequently granted by judges, leading to the fund's insolvency. Second, many pleas to lesser offenses and the use of the "I have no car" loophole meant that implementation rates were extremely low. Within six months of the bill's implementation, it was clear that the law was not producing the desired results.

In 2005, a bipartisan legislative team formed to revise and improve the interlock laws. Additionally, the Governor appointed a "DWI czar" to take on the challenges of a range of DWI matters in the State, including the interlock program. Results of this organized effort to improve the interlock program have been significant:

- Revisions to the law have occurred every year since 2005, most recently to address the indigent fund insolvency issue.
- These revisions have increased the number of monitored convicted drivers; however, the rate of interlock installations continues to be 50 percent of those ordered into the interlock program, lower than what program managers and stakeholders were aiming to achieve.
- With the involvement of the czar, more stakeholders have joined the process.

The czar noted that the threat of an installation is a strong deterrent to DWI. Program managers and advocates state that expanding public awareness of interlocks and how they work can be more critical than the interlock device installations themselves.

By establishing an indigent fund, the initial New Mexico interlock legislation both enabled the program's acceptance and created rapid growth. Later, as additional changes we made, insolvency became an issue. New legislation was enacted in 2010 to realign the fees and systems to address the higher-than-initially-anticipated indigent demand.

When the language of the legislation became subject to interpretation and unsupportive judicial implementation, the program managers initiated a pilot program in the largest metropolitan area, Albuquerque, to establish stricter implementation and monitoring. This involved more communication and coordination of judges, judicial staff, prosecutors, and defense attorneys. This process is implemented in the metropolitan area where a significant majority of the State's population resides and has dramatically improved installation rates and realized stricter monitoring procedures. Program managers have begun to coordinate the implementation of key elements of this program in other metropolitan areas in the State, including Santa Fe and Las Cruces.

New Mexico's interlock program demonstrates how intensely interconnected program components are, and how they must work together and evolve to achieve success.

V. Funding Interlock Programs

When considering the costs associated with interlock programs, there are two broad areas to consider: the costs of administering the interlock programs and the costs of the interlock devices themselves (including the creation and use of indigent funds, as interlock costs are often perceived as a barrier to more uniform and wider implementation among lower-income populations). This section explores each of these funding issues.

The States profiled in this guide typically absorb the costs of most administrative functions into the operating budgets of the agencies charged with interlock implementation, although many States collect some specific administration fees from vendors that are ultimately passed on to the offenders. Most States permit and encourage open competition among vendors to set prices for device installation costs and related fees, such as routine device calibration/data collection services (typically included as part of a device lease contract), device fail lockout reset fees, device de-installation fees, etc. One State profiled in this guide (Florida) has fixed the interlock device and service rate structure, since there is no competition among vendors in the State. Florida has two vendors, each exclusively serving geographically separate regions that evenly divide the State into northern and southern territories (see Figure 1: Florida Interlock Vendor Territories, below).

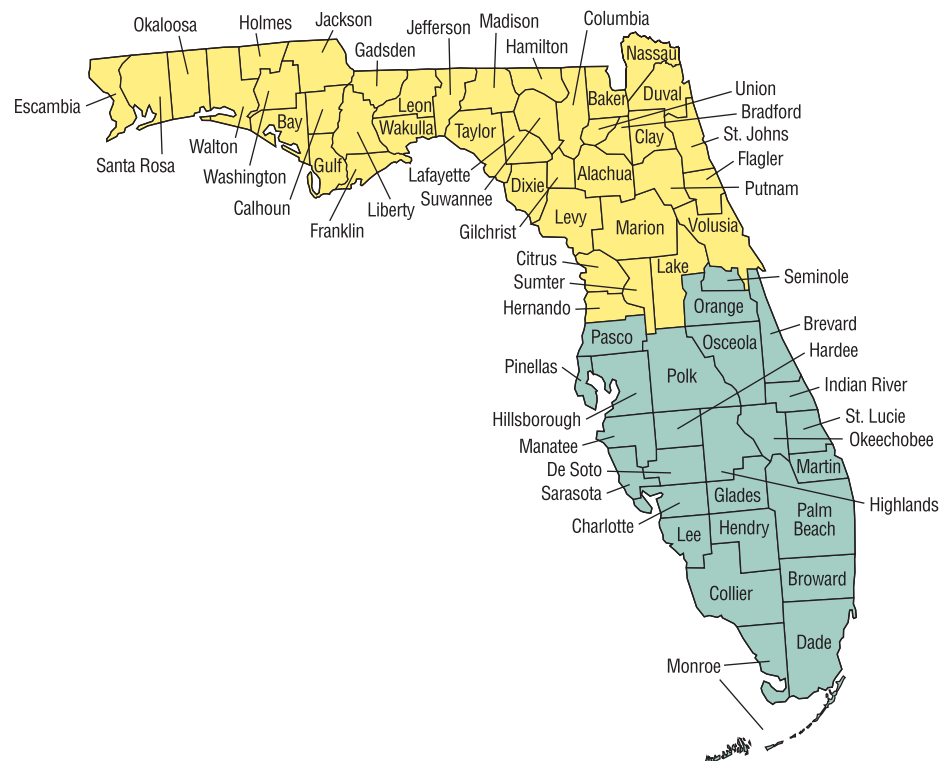


Figure 1: Florida Interlock Vendor Territories

Several States profiled in this guide have indigent funds⁴ designed to cover part or all of the device installation and service fees for program participants who qualify for the subsidy. These programs typically are established such that those who do not qualify for the fund provide the funds that pay for others to use it. Indigent funds have become an increasingly important topic

⁴ The phrase “indigent fund” refers to an interlock program component that reduces the costs of program participation for qualifying offenders. While other phrases are used in some States, “indigent fund” is used for consistency throughout this document.

as States move to expand programs to include first-time DWI offenders. This move to inclusion has coincided with a perceived need by many States to provide such a fund.

A. Administrative Funding

Covering the ongoing costs of interlock program operations has been a challenge for States, most of which have implemented small fees for each individual interlock program participant to help cover costs. Interlock programs, whether operating somewhat autonomously or more integrated within a larger administrative structure, incur administrative staffing costs from front-line staff conducting customer service functions as well as program oversight and management staff. Frequently, interlock programs also share resources and staff with related agencies to assist with routine program functions and to collaborate on overall program implementation and process improvements.

States in this guide did not receive targeted funds from their legislatures for routine operations for interlock programs, and instead rely mostly upon the operating budgets of their parent agencies, and to a much lesser extent the fees collected from interlock participants and vendors. To gain insights on how different States have addressed these costs, the examples of Colorado, Florida, and Oklahoma are explored here.

Colorado

In Colorado, the Department of Revenue, Division of Motor Vehicles administers the interlock program. Since its inception, the program has been required to remain revenue neutral. The most recent large-scale changes to the program offer insights into how States address both ongoing operations and operational improvements.

In 2009, the modernization of the interlock program included expanding to include first-time offenders and initiating coverage for the indigent population. Planners recognized that there were three key costs associated with these changes. First, a much higher workload was anticipated, as the interlock installations were expected to increase exponentially. Second, additional workload would result from the creation, maintenance, and oversight of the indigent fund. And, third, with a dramatically expanded program, new operational systems would be needed to handle the higher volume of case management infrastructure—essentially the “paperwork” of each program participant.

During the formulation of the legislation to expand the program, these additional cost issues were identified and explored by the Department of Revenue’s Office of Research and Analysis (ORA)—a team that typically engages in activities such as program audits. ORA coordinated the new interlock program’s design and brought relevant stakeholders to the table. Through this process, the ORA team determined that the best solution for modernizing and streamlining the interlock program to meet the anticipated higher volume was a Web-based system. This online system, while requiring an initial investment, would dramatically reduce the program’s overall workload and would provide a unified platform to manage interlock installations as well as indigent fund participation, thus efficiently addressing all three key costs associated with the program’s expansion. Using their expertise in analysis and finance, ORA also worked to build in fee structures to offset the increased costs of the more comprehensive and modernized program.

The Web-based Online Information System was designed, and is managed, by the Colorado Statewide Internet Portal Authority, operated by a vendor under contract. The cost for the design and maintenance of OIS is covered by a \$40 interlock installation fee collected by the interlock vendors from the participants and paid to the contracted portal operation vendor. This

installation fee is not collected again even if the driver switches a device from one vehicle to another, nor is it collected from those who qualify for the indigent fund.

The second source of program administration funding is a \$35 increase in the reinstatement fee. All drivers who restore driving privileges following a license restraint⁵ pay this fee. A license restraint may be a temporary suspension or mandatory revocation. Under a suspension, a valid license may be issued upon reinstatement. A revocation renders the license invalid and requires reinstatement of driving privilege and written and road skills testing for a new license. This fund offsets the administrative expenses of covering the new population of first-time offenders, supports the indigent fund, and provides funding for high-visibility DWI enforcement activities conducted throughout the Colorado Department of Transportation Impaired Driving Program.

Florida

The ignition interlock program in the State of Florida is an unfunded mandate. The program receives no earmarked funds from the Legislature for program administration, but is supported from the general operating budgets of the various divisions of the Department of Highway Safety and Motor Vehicles (DHSMV) that bear responsibility for implementing it. There are four full-time and two part-time staff members dedicated to working solely on the interlock program. Additional staff assist in the administration of the program; however, ignition interlock program support is not a part of their permanent job descriptions. These are employees of the various divisions of DHSMV, including the Florida Highway Patrol, the Division of Driver Licenses, and the Division of Motor Vehicles, as well as the IT (Information Technology) and administration divisions supporting the Department.

As of June 2010, the Florida interlock program DHSMV-trained call center staff handled 4,000 to 8,000 interlock-related calls per month. The volume is expected to continue to grow, especially because of legislative changes that took effect in October 2010. This new law permits those with four or more DWI convictions who currently have permanently revoked licenses to apply for a restricted license with an interlock, assuming that they meet certain standards. The new law will make approximately 38,000 additional drivers eligible for an interlock, a potentially dramatic increase in workload for the interlock staff, although additional operational funds have not been provided with the legislation.

The current legislative environment suggests that State financial support is unlikely, so any changes will be funded by participants. Currently, the State collects \$12 per initial interlock installation. This one-time fee is collected by the vendor, and covers only a small portion of the administrative expenses required per program participant. Additional funding could be obtained also by increasing the portion of the monthly monitoring fees that return to State coffers.

Oklahoma

Under statute, Oklahoma's interlock program is operated by the Board of Tests for Alcohol and Drug Influence (BOT) as an independent entity of the Department of Public Safety's (DPS) general operating budget. The interlock program is intended to be revenue neutral. In essence, the primary focus of the Oklahoma interlock program is ensuring that the devices are configured correctly, installed properly and calibrated accurately, and that standardized fails are reported consistently. Hence, the program's administrative scope and scale is comparatively smaller than

⁵ According to Colorado's Department of Revenue, Division of Motor Vehicles, a license restraint may be a temporary suspension or mandatory revocation. Under a suspension, a valid license may be issued upon reinstatement. A revocation renders the license invalid and requires reinstatement of driving privilege and written and road skills test for new license.

the other States included in this guide. The interlock staff consists of one dedicated position, that of program administrator, responsible for overseeing interlock device certification and installation processes. Various other staff members who are involved primarily with other, non-interlock programs, assist the program administrator with various legal and administrative functions.



Figure 2: Oklahoma Installation Decal

The decals (see Figure 2: Oklahoma Installation Decal), which certify that the installation was performed according to State rules, are affixed to an installation consent and rules document signed by the driver. A copy of the form is given to the driver as proof of installation, and the original is retained at the installation facility. These facilities submit a monthly log to the program administrator identifying spent, spoiled or lost decals, and providing basic demographic information regarding drivers. This physical decal process is a reliable way to register and track installations. A new system will soon replace the physical decals with an electronic installation consent form.

A second source of program funding comes from the initial certification and annual recertification of interlock devices, paid by the manufacturers. The fee is \$1,000 per device per year.

A third source of funding is the initial licensure and annual license renewal paid by each of the installation facilities. The fee is \$100 per year for each facility.

A fourth source of funding in Oklahoma is the initial licensure of new interlock installation technicians and the annual renewal of the technician's license. Technicians must pay for, and pass, initial and annual written examinations covering Oklahoma's Ignition Interlock Program. Fees are \$35 the first year and \$25 for each renewal year.

While the program participants pay directly and indirectly for these fees, Oklahoma believes that participants benefit greatly from this State agency oversight, as the devices are ensured to be configured consistently and installed properly statewide. This oversight is intended to greatly reduce the likelihood of false device readings, which can be a costly problem for program participants.

In Oklahoma, convicted DWI offenders must pay all costs for the interlock device and associated service fees in order to participate in the program; there is no provision for an indigent fund.

B. Costs of Devices

There are various costs associated with the installation, servicing, and de-installation of interlock devices. These categories do not vary from State to State, as the hardware is the same. However, some vendors make additional features available (such as cameras to record a photo of the device operator at each sample collection) that may be required for some program participants. These features tend to be priced separately, and increase the cost of the initial installation of a device.

The States featured in this guide have documented that interlocks are a small percentage of the overall costs of a DWI for the offender (as illustrated in Figure 3: Oklahoma Estimate of DUI Total Costs and Figure 4: Illinois Estimate of DUI Conviction Costs). Other costs include court fees, attorney fees, lost wages, and higher insurance costs. These costs may dwarf the cost of the device itself and its associated maintenance. However, since the interlock is typically one of the “last” costs to be incurred in the DWI process, many still view the interlock as expensive.

MONETARY COST OF FIRST DUI	
Fines	\$500.00 to \$1,000.00
Court costs	\$500.00 or \$1,500.00
Bail bond	\$150.00 to \$250.00
Other tickets	\$500.00 to \$1,000.00
Alcohol evaluation	\$175.00
DUI school	\$175.00
Victims impact fund	\$50.00
Attorney fees	\$500.00 to \$5,000.00 (depending on attorney and complexity of case)
Filing fees	\$150.00
Jail booking fees	\$117.00
Probation fees	\$40.00/month, 24 to 36 months = \$960.00 to \$1,440.00
Ignition interlock	\$600.00
Court bond	\$250.00
DL reinstatement	\$300.00
Records & subpoena	\$50.00 to \$150.00
TOTAL	\$4,977.00 TO \$12,157.00
Insurance increase	\$7,002.00 teen, \$2,628.00 adult (over a three-year period)
Including insurance	\$11,979.00 to \$19,159.00 teen, \$7,605.00 to \$14,785.00 adult
For a teen, the interlock is 3% to 5% of the cost of a first DUI.	
For an adult, the interlock is 4% to 7.8% of the cost of a first DUI.	
For a teen, insurance is 36.5% to 58.4% of the cost of a DUI.	
For an adult, insurance is 17.7% to 34.5% of the cost of a DUI.	

Figure 3: Oklahoma Estimate of DUI Total Costs

Average Cost of a DUI Conviction in Illinois

Item	Costs	Final Cost
Insurance	High-risk insurance (Additional \$1,500 per year, required for 3 years.)	\$4,500
		+
Legal Fees	Uncontested plea and hardship driving permit.	\$2,000
		+
Court Costs	Fine of up to \$2,500. Court costs — \$500. Reimbursements to law enforcement, towing and storage fees — \$250. Trauma center fund — \$100.	\$3,350
		+
Income Loss	Loss of 4 weeks income due to jail or community service, evaluations and remedial education classes. (Loss based on average yearly income of \$40,000.)	\$4,000
		+
Rehabilitation	Remedial substance abuse class — \$50. Counseling fees — \$200.	\$250
		+
Driver's License Reinstatement	\$500 plus \$30 for new license; \$500 — multiple DUI offenders; \$50 — formal hearing fee.	\$580
		+
BAIID	Installation — \$100; rental fee — \$80 per month/\$960 per year; monitoring fee — \$30 per month/\$360 per year.	\$1,420
		+
	Total Average Cost	= \$16,100

Figure 4: Illinois Estimate of DUI Conviction Costs

Colorado, Illinois, New Mexico, New York, Oklahoma

All but one State (Florida) featured in this guide allow the interlock vendors to set their own fees, which States view as fostering fair and open competition that benefits the participants and expands the affordability of program participation, further encouraging enrollment and enhancing public safety.

In each of these five States, the vendors collect participant fees at the time of the device's installation and/or service. During installations, participants sign documents declaring the terms and conditions of the device's installation and use, as well as specifying the fees that are or may be charged.

Where there is open competition among vendors, many States permit the vendors to reduce or waive the installation fees. For example, while developing their first-offender program, New York anticipated that with over 25,000 DWI convictions annually, competition from vendors would ensure device affordability. Indeed, one manufacturer is already offering its New York customers free device installation. Such price competition is expected to benefit interlock participants. The New York program also permits mobile service units, which are seen as a way to keep the costs of the program lower for the manufacturers, and thus the participants.

While the mix of fees (and their specific names) varies among programs and vendors, the following fees are most often collected from program participants:

- ◆ program enrollment fee (typically collected by the monitoring agency)
- ◆ device installation fee (collected by the interlock vendors)
- ◆ device monitoring fee
- ◆ device transfer to new vehicle fee
- ◆ device reset fee (device lockout due to high BAC reading, running retest refusal, or device tampering)
- ◆ device removal fee
- ◆ missed appointment fee
- ◆ program reinstatement fee
- ◆ roadside service call fee

Florida

Compared with the other States featured in this guide, Florida offers a very different participant fee model. There is no competition among interlock vendors in Florida; fees are set and fixed by the State. This approach was designed to simplify and standardize the program's oversight, and to increase the fairness of the program. First, an open bidding process was conducted to select one interlock provider to serve the entire State. Multiple vendors submitted program proposals and prices. Next, all bids were reviewed by the State and a winning vendor was selected.⁶ Finally, operating contracts were negotiated and put into place.

The fees collected by the interlock vendors in Florida are as follows (see Figure 5: Florida Interlock Costs):

⁶ Note that a court challenge to this bidding process led to an agreement whereby the State was divided into two equal-population territories (see Figure 1). The winning bidder and a second bidder received exclusive operating privileges in one territory, each for an initial period of five years, with an option to renew (since executed) for an additional five years.

Primary Costs	
Interlock fee (collected once, forwarded to the State)	\$12.00 each
Price per installation	\$70.00 each
Price per monthly program check	\$76.50 each
Price per de-installation	No charge
Secondary Costs	
Price for repairs due to tampering with device	\$ 50.00 each
Price for re-engagement following lockout	\$ 35.00 each
Price for Early Recall reset	\$ 35.00 each
Price for monthly Loss Protection Plan (\$100 deductible per incident)	\$ 5.00 each
Price for refundable deposit (optional, vendor's choice)	\$100.00 each
Other Costs	
Reinstall	\$ 70.00 each
Installation surcharge for heavy trucks, special vehicles	\$ 50.00 each
Tamper Inspection	\$ 25.00 each
Canceled/Missed Appointment	
Installation	\$ 50.00 each
Program check or other service	\$ 25.00 each
Early Termination	\$150.00 each
Temporary Disconnect/Reconnect	\$ 50.00 each
Service Call—Hourly Rate	\$ 50.00 each
Replacement of stolen FC100 device not covered by Loss Protection Plan	\$750.00 each

Figure 5: Florida Interlock Costs

Florida's fees, even without competition among vendors, are not drastically different from the fees charged in other States where there is competition.

C. Indigent Funds

The cost of interlock devices has often been considered a barrier to program participation. Installation costs and monthly fees typically add up to more than \$1,000 in a year. Many offenders can readily absorb this expense. However, these costs can be burdensome for lower-income offenders who struggle on a daily basis to have sufficient money for basics such as food, clothing, housing, medicine, and child care.

To better meet the needs of these low-income offenders, States are increasingly adding or expanding an indigent fund to their interlock programs. The intent of such a fund is to subsidize, in part or in whole, the costs of interlocks, so that low-income offenders are able to pay the costs to be monitored by interlock devices. Indigent funds place an additional responsibility on the State to design and administer these resources. Some States with indigent funds have discovered that fully funding and fairly enrolling participants has been an ongoing and increasing challenge. For example, New Mexico found that the demand for this fund so exceeded expectations that the State had to reevaluate and redesign the fund and implement a revised program with new legislation. (Other States, however, have seen the funds underutilized.)

While indigent funds are becoming more common, there are many who oppose the creation of such funds. These opponents argue that offenders have demonstrated that they have sufficient

resources to pay for alcohol, and that interlock devices cost less per day than alcohol. Opponents also argue that it is unfair for other program participants to have to shoulder the costs of the indigent fund (such funds are typically derived from costs passed on to other offenders).

As interlock legislation and programs increasingly mandate interlocks for first-time offenders, indigent funds are an increasingly important consideration. States are learning from their indigent fund histories, and are sharing experiences when developing and revising fund program components.

In developing indigent funds, there are two key matters:

- ◆ Establishing program components: What fees are covered, and how is the fund administered?
- ◆ Establishing standards for ability to pay: What methods are used to determine eligibility? And, should eligibility be reassessed if participant circumstances change?

The recent indigent fund experiences of New Mexico, Illinois, and New York are reviewed here as examples of how States have addressed this topic.

New Mexico

New Mexico's experience provides an example of how a State responded to an indigent fund's unexpected popularity. The initial indigent fund arose from a belief that many low-income offenders simply could not or would not pay for an interlock device, but would still continue to drive without a valid license or an interlock device, thus posing a threat to society. The fund's participation rate greatly exceeded initial estimates due to large variances in judicial interpretations of indigence, and funds began to run short. In response to these developments, New Mexico's interlock program managers temporarily suspended the interlock fund's reimbursements and drafted revisions to the legislation to reformulate the indigent fund and to reassign the authority to declare indigent status.

Program components

Opponents to the 2002 interlock bill were concerned about the interlock's affordability and feared that these additional costs would jeopardize low-income offenders' ability to support their families. The indigent fund arose as a stopgap amendment, offered at the eleventh hour just before final Senate votes. While the amendment ultimately enabled the bill to pass, the fund lacked adequate planning, design, and resources, setting the stage for necessary revisions at a later date.

The Traffic Safety Bureau administers the fund. A fee, established by law to be "not more than \$100 but not less than \$50," is imposed on all offenders convicted of DWI and distributed to the interlock device fund. An offender must apply to the fund and, after meeting the qualifications, is issued an award letter. The offender then submits the award letter to the service center at the time of installation; the service center reduces the offender's bill as specified in the award letter.

The average subsidy to an indigent program participant in New Mexico is approximately \$500 per year, and fund administration costs run about 10 percent. Indigent fund money comes from two sources: a \$300,000 annual appropriation from the State's liquor excise tax and a \$100-per-year fee collected by the Motor Vehicle Department at the time of licensure.

Service centers seek reimbursement from the State each month (or quarter) for indigent funds by way of a standard reimbursement submission form that itemizes the claims for which centers are seeking reimbursement. The fund managers also require a management report from the

manufacturers for each installation facility that is used to verify that service to the indigent fund participant's vehicle was indeed provided. In the event of a discrepancy between the management report and the request for reimbursement, no reimbursement is issued, and the service provider may appeal.

Establishing standards

New Mexico's original indigent fund left the responsibility of determining indigence to each court. The statute did not provide a standard. Individual court requirements ranged from merely qualifying for a public defender, requiring simple affidavits claiming indigency, or requiring applicants to submit a detailed affidavit and to itemize sources of income, assets and extraordinary expenses (such as Medicaid expenses, court ordered child support/alimony payments or child care payments). These forms were submitted to the judge on the case for a ruling (see Appendix B-1 for a sample of the form).

A number of factors led to the initial fund's rapid depletion. New Mexico's population has a disproportionate number of low-income residents. Additionally, as word of the indigent fund spread, more and more offenders were enrolled. Furthermore, the subjective nature of the approval process led to a process that favored fund approval over denial. The over-enrollment in the indigent fund led program managers to suspend benefits temporarily while the entire program was reviewed and a revised program was designed, funded, and administered. Once the new standards and procedures were finalized, new applications were accepted. However, benefits were delayed until there were sufficient funds available for distribution. While the fund distributions were suspended, indigent clients did not have to pay the \$100 fee to MVD when they applied for their ignition interlock license.

As part of the process to modify the fund, the key gaps and inadequacies for the original fund were reviewed carefully and options for redress were explored. Two main problems were identified. First, the eligibility standards were too loose and subjective, with dozens of judges making their own rulings, creating an unfair approval process. Second, the fund subsidy levels were too high, and the offenders were not paying a sufficient amount to hold them more accountable.

Traffic Safety Bureau managers worked on the development of the new fund over a period of approximately nine months. They understood that many offenders truly wanted to comply with the law but were simply unable to afford the device's full cost. Weighing this, along with their mission to protect the public, managers designed a revised fund. While the fund still does not pay for itself, program managers view DWIs as being far more costly. Up to 10 percent of the dollars in the revised fund can be tapped annually for management costs, addressing a previous oversight.

The new fund became law in 2010 and shifted the fund enrollment approval process from the judges to the Traffic Safety Bureau (see Appendix B-2 for the form used to assess eligibility), a change judges have appreciated. Applicants must provide a proof of enrollment in one of the following public assistance programs to qualify:

- ◆ TANF: Temporary Assistance for Needy Families
- ◆ GA: General Assistance
- ◆ SNAP: Supplemental Nutritional Assistance Program (food stamps)
- ◆ SSI: Supplemental Security Income
- ◆ FDPIR: Food Distribution Program on Indian Reservations

Upon enrollment, the following subsidies are reimbursed, providing indigent funds are available (only one vehicle per offender):

- ◆ Up to \$50.00 for the cost of installation
- ◆ Up to \$30.00 monthly for verified active usage of the interlock device
- ◆ Up to \$50.00 for the cost of removal

The indigent fund participant is responsible for all other charges associated with the installation, servicing, and removal of the interlock device. Completed applications (available in Spanish as well) must be accompanied by supporting materials. Applicants are notified if they are accepted, and then provided with a final approval notice to present to the vendor. The vendor collects the remaining fees and then seeks reimbursement from the State. However, if the indigent fund does not have funds, the participant is responsible for the full amount of the fees. Vendors are notified at least 30 days in advance of a change in fund status.

Compared with the original system, the fund managers anticipate a 33-percent decrease in the percentage of interlock installations subsidized.

Illinois

Program components

In 2007, Illinois passed legislation providing access to the ignition interlock program for first offenders. The law established an indigent fund to encourage lower-income offenders' participation; program managers and bill supporters believe that the addition of the indigent fund was key to achieving passage of the legislation.

In Illinois, interlock program costs are based on the premise that most offenders can absorb the cost of the interlock. A Monitoring Device Driving Permit (MDDP) license fee of \$30 per month is assessed at the time of enrollment and is paid upfront for the full suspension period to the Secretary of State's office prior to installation. These fees defray the Secretary of State's BAID program costs.

The bill, which took effect in January of 2009, established a new "Indigent BAID (breath alcohol ignition interlock device) Fund," a special fund in the State Treasury to assist those offenders who want an MDDP but cannot afford the interlock device. The fund pays for the interlock's installation costs and monthly use fees. The interlock vendors offset these costs by collecting an additional 5-percent fee, based on the total gross revenue, received from each of their paying interlock customers, and forwarding these funds to the State's Indigent BAID Fund. The vendors are required to clearly itemize this additional charge on each invoice issued to their interlock customers.

The law also permits the Secretary of State to conduct annual reviews of the fund's activity to assess whether sufficient funds are being collected, and permits the Secretary of State to adjust this surcharge as deemed necessary.

Each quarter, interlock vendors send a bill to the State for payment of the installation and monthly fees for their indigent installations. The State distributes all the monies in the fund available at that time. The law also stipulates that if there are insufficient funds to cover vendor payment requests, all funds are distributed equitably among the vendors and that quarter's bills are then considered paid in full; any deficiencies are not carried forward for later payment. This approach was designed to prevent program losses from incurring charges to the public, and shifts the burden to the vendors.

Those granted indigent status do not pay for the cost of the installation, any monthly fees, or de-installations. However, indigent fund participants pay the \$30-per-month monitoring fee assessed to all interlock installations and collected by the State (paid in full before installation for the term of the sentence). Indigent fund participants also must pay for vendor services related to device “fails,” such as resets from device lockouts caused by high BAC readings.

Establishing standards

In the Illinois interlock program, indigent funds are available only to first offenders. Judges assess and declare indigent status, utilizing the process already in place to determine indigent status for other matters, based primarily on whether the offender receives a public defender.

The law states:

If the court determines that the person seeking the MDDP is indigent, the court shall provide the person with a written document, in a form prescribed by the Secretary of State, as evidence of that determination, and the person shall provide that written document to an ignition interlock device provider. The provider shall install an ignition interlock device on that person’s vehicle without charge to the person, and seek reimbursement from the Indigent BAIID Fund.

Currently, 9 percent of participants are being declared indigent. The program funding estimated a 5-percent participation rate.

There remains the challenge of knowing whether judges are declaring indigence properly, as the law does not provide any criteria. BAIID Division field staff members have been working with judges across the State to encourage them to perform a more thorough assessment of each offender’s ability to pay. They have recommended that judges ask the offender about the amount they spend on such nonessential, “expendable expense” items such as cable television and cellular phone services.

With no criteria, judges have no parameters for consistently basing rulings on indigent fund qualification. Program managers have identified three means to correct this significant shortage of indigent funds:

- ◆ Amend the legislation to provide judges with clear guidelines for enrollment in the indigent fund;
- ◆ Adjust funding budgets to anticipate a 10 percent indigent fund participation rate (resulting in higher costs to paying interlock participants); or
- ◆ Shift the responsibility of determining fund eligibility to the Office of the Secretary of State (note: this change was implemented in November 2010).

Even with the fiscal challenges currently posed by the structure of the fund, interlock program managers and stakeholders universally agree that there have been many interlock installations that would not have occurred without the fund. Thus, with an opt-in interlock program (offenders can choose to not have a license at all vs. getting an interlock installed), it is especially important to maintain such a fund.

New York

Program components

New York State has designed its ignition interlock program to be strictly revenue neutral with the goal that drunk drivers pay the costs associated with the use of ignition interlocks. By design, the program received no funding, due to a political climate that prevents the raising of any new fees or taxes. Only the costs of the devices were considered, and all such costs are passed on to the offenders. Competition among device vendors keeps costs low.

New York's interlock program is administered either through a county's probation department (in cases where the offender is sentenced to a period of probation), or a designated monitoring agency such as a probation department, a STOP-DWI program, the District Attorney's Office, the Sheriff's Office, or another agency (in cases where the offender is sentenced to a conditional discharge). Each county has the authority and the responsibility to monitor interlock users.

To assist localities with the implementation of the new law and to offset the costs associated with monitoring, OPCA applied for and received a \$3 million grant through the New York State Governor's Traffic Safety Committee. The State is distributing these funds to localities based on the number of DWI convictions and conditions imposed for installation of ignition interlocks.

New York State has categorized ignition interlock devices into three distinct classes, based on their features. New York encourages monitors to match offenders with an appropriate device. Offenders who are more likely to recidivate (e.g., repeat offenders or offenders with high BAC's at the time of arrest) may be assigned a more advanced device with features such as cameras, real-time reporting, GPS, and 911 linkage.

In addressing the provision of New York State's law concerning unaffordability and a cost waiver mechanism, New York's interlock program planners considered experiences in such States as Illinois and New Mexico where the indigent funds had run into deficits. The intent of New York's unaffordability waiver mechanism is to not further burden taxpayers. Thus the cost of providing service to those who cannot afford to install and maintain an interlock essentially is borne by the other interlock participants. Manufacturers qualified to provide ignition interlock services in New York State are required through regulation and contract to provide up to 10 percent of their business at a reduced payment schedule or free of charge directly to the offender where court ordered, essentially underwriting this cost. Prior to submitting an application to provide interlocks in the State, vendors are fully informed about the 10 percent rate of unaffordability, enabling the vendors to develop business models and program plans that incorporate these costs. New York State regulations provide that OPCA will regularly review the number of ignition interlock devices where the cost is reduced or waived; if it exceeds 10% of the units ordered and installed, OPCA will review manufacturer contracts and consider adjustments in cost schedules.

Establishing standards

The sentencing court determines whether the offender is to pay the full cost, a partial cost (payment plan) or no cost, thus the program has been designed to provide judges with accurate and complete information about the offender's ability to afford the ignition interlock. In cooperation with the State's Office of Court Administration, OPCA developed a detailed Financial Disclosure Report Form required of all operators requesting consideration for a payment plan or waiver of the cost. The Financial Disclosure Report captures the reported income, assets and monthly expenditures of operators, including expenditures for tobacco, alcohol, cell phone and paid television service so as to provide the best possible information to judges in determining if the operator is unable to afford the ignition interlock device. The application is available

online and is available in English and Spanish. Applicants are required to complete the form and submit three copies to the court for use by the sentencing judge, prosecutor and defense counsel. Each county must establish and maintain a procedure for the equitable distribution of ignition interlock cases among manufacturers conducting business in the county where the court has made a finding of unaffordability. In cases where a court waives part or all of the costs, the monitor, rather than the operator, chooses the vendor in order to ensure that the waived cases are shared equally among the vendors conducting business in the county.

VI. Interlock Program Administration

Legislation enabling or mandating interlock installations requires a number of interconnected activities. While the details vary from State to State, the overall objectives are consistent: the smooth and responsive daily operations of the interlock program components.

Many of the key differences among the States in their routine operations stem from whether the program is judicial or administrative in nature. These different approaches establish different lead agencies. This, in turn, determines the various roles and responsibilities for each of the staffs involved with program implementation.

The degree to which program managers have had resources to establish and maintain links among a range of related agencies varies. Each program featured in this guide has a lead agency that coordinates with several other agencies for daily operations and programmatic reviews. States in this guide have had varying need for, and success in, orchestrating interagency cooperation. The interlock program managers agree that the involvement of other agencies is essential to achieving maximum program success.

An emerging issue for States with significant interlock programs is that of interstate cooperation and coordination. As interlock programs expand, there is a growing need for coordination among the States to streamline systems to handle various issues.

For the States in this guide, the issues cited most often as areas of focus for program administration are:

- ◆ Ensuring that systems are in place for smooth operations of routine processes;
- ◆ Anticipating outlier situations and cases;
- ◆ Keeping tabs on emerging trends and challenges; and
- ◆ Fostering supportive relationships with related agencies.

This section explores the routine program operational experiences of the six States in this guide to highlight the similarities and differences in the various administrative processes. These processes are presented here in seven separate subjects:

- A. Coordination and Education of Related Agencies
- B. The Role of Courts and Probation
- C. The Role of DMVs/MVAs
- D. The Role of Law Enforcement
- E. The Role of Treatment Providers
- F. Ongoing Interagency Coordination
- G. Interstate Cooperation and Coordination

A. Coordination and Education of Related Agencies

States featured in this guide have found that, as an interlock law is planned or a program is designed or redesigned, it is essential to include stakeholders as early as possible. The various perspectives, capabilities, and needs of all those that will primarily or tangentially implement the interlock program must be taken into consideration to formulate realistic and consistent program operational plans.

Programs that have successfully brought together interested parties to support the implementation of interlock programs offer several tips for success (Marques and Voas, 2009):

- ◆ Be sure to include experts who can address medical and vendor issues.
- ◆ Engage key stakeholders in each community, including the alcohol/drug treatment community, and the judiciary (even for an administrative program).
- ◆ Include potential opponents in the planning process.
- ◆ Ensure that everyone who monitors vendors or reads reports is trained.

The activities of Illinois and Florida in this regard are reviewed here.

Illinois

In the summer of 2007, soon after the new first-time DWI offender law was enacted, the Driver Services Department of the Illinois Secretary of State began developing a new restricted license to be named the Monitored Devices Driving Permit (MDDP). The program was to be developed and administered by an existing interlock program management group (governing multiple DWI-conviction interlock installations) within the Secretary of State's Office—the Breath Alcohol Ignition Interlock Device (BAIID) Program.

Prior to the development of the MDDP program, the BAIID Program staff had been implementing two related interlock programs for offenders with two or more DWI convictions. The operations of these programs had established substantial working relationships with the courts, law enforcement, and highway safety departments. Lessons from these interactions enabled the BAIID Program planners to build upon existing available channels of communication.

The Secretary of State's legal counsel staff and the BAIID Program managers were largely responsible for developing the new program's regulations. In fact, the MDDP program is almost entirely operated by the BAIID Program. However, as all cases are brought to the program by way of a court order and substantiated by a law enforcement arrest, the processes of these agencies were included in the overall program design, and plans were developed to ensure that court staff and law enforcement officers were provided with sufficient training on the new MDDP program.

Accordingly, while every interlock installation in Illinois for first offenders is first processed through the judicial system, all interlock installations are managed and monitored by an office within the executive branch. Thus, the Illinois program is essentially administrative in nature.

While performing the new MDDP program development activities, the BAIID Program staff and the Department of Transportation began formulating efforts to launch the new program among the impacted judicial and law enforcement communities. The key sponsor and supporter of the bill, State Sen. John Cullerton, and the Executive Director of MADD, encouraged the Illinois Department of Transportation and the Driver Services Department to develop a symposium to educate the law enforcement and judicial communities about the new law and program components. A critical focus of the symposium was to explain the science of the interlock devices and to help the audiences understand their use in the fight against drunk driving.

In June of 2008, nationally prominent speakers on the topics of drunk driving and interlocks, along with representatives from the BAIID Program and the Illinois Department of Transportation offices, delivered presentations to more than 300 attendees from across the State, many of whom were law enforcement professionals.

Additionally, a series of conferences were conducted around the State for judges and court staff. The intent of the conferences was to inform courts and attorneys about the enhanced role of the interlock as a monitoring tool under the new program and to detail the effects of the new program on the prosecutorial phases of DWI cases. These four-hour sessions were attended by hundreds of law enforcement and judicial system personnel, who responded enthusiastically to the outreach and training. Attendees were provided with electronic files of all the new forms for the program.

Throughout these early education and outreach activities, the program outreach staff were challenged by the prevailing viewpoints of the participants, many of whom viewed the interlock device and the new program as “no silver bullet.” However, the training events and materials helped the participants arrive at a consensus that the new law would be a powerful tool against drunk driving in Illinois.

Media stories about the symposium and conferences spread the word further, generating more interest among various affected parties. From September 2008 through July 2009, the director of the BAIID Program traveled extensively throughout the State to address various venues and respond to a variety of requests for presentations from law enforcement and judicial organizations to assist them in becoming more familiar with the new program. These visits and presentations helped to create widespread buy-in from the judicial and law enforcement communities.

This educational outreach continues on an as-requested basis. BAIID Program staff members continue to speak across the State at seminars and in response to invitations from courts, bar associations, and other groups. Additionally, the four full-time BAIID installation facility inspectors conduct some outreach with local judges, who often are not familiar with interlock laws or interlock devices. Installation field inspection staff members also serve as an ongoing point of contact for program questions and agency coordination. Roughly 30 percent of each field inspector’s time is invested in contacts with the court system and law enforcement. These in-person visits can explore the program’s intent and allow for discussions about the effectiveness of the devices.

A valuable aspect of this outreach and education process is increased support among some who were not supportive initially. The initial and ongoing outreach includes defense attorneys and judges, and builds their trust in the interlocks’ ability to perform accurately and consistently. However, there remains a need for ongoing training of new judges, court staff, and law enforcement professionals.

The Secretary of State’s Office employs two Traffic Safety Resource Prosecutors (TSRPs) who provide advice and technical assistance to prosecutors throughout the State who handle DWI cases. These TSRPs have become very familiar with the BAIID Program leadership and program operations. Additional training of other prosecutors is conducted at the annual new prosecutors training.

Additionally, the BAIID Program participates in the annual traffic and DWI meeting conducted in the State.

These many efforts by Illinois’ BAIID Program managers and staff to educate and include all stakeholders in program implementation have produced good results. Staff members have worked to gain the interest, trust, and support of the many professionals across State government who play a role in reducing DWIs. Program managers are working to identify means to increase these fruitful efforts.

The BAID Program managers offered the following suggestions to other States on the matter of agency coordination and education:

- ◆ Ensure that stakeholders are on board. Include the overall director of the program, senior staff, judges, state’s attorneys, and representatives from the general public.
- ◆ Make public understanding of the program a part of its duties. Promote the program at public venues. For example, Illinois conducts a variety of public outreach, including at the Illinois State Fair, where materials are distributed and interlocks are demonstrated.
- ◆ Coordinate with advocacy groups to conduct press conferences to announce program changes and accomplishments.

Florida

At the time this report was written, the interlock program in Florida was administered by the Bureau of Driver Education and DUI Programs of the Florida Department of Highway Safety and Motor Vehicles (DHSMV). It is currently administered by the Bureau of Motorist Compliance. As such, it can be characterized as an administrative interlock program. However, courts can also order ignition interlock devices at times when Florida Statute does not authorize the Department to do so. The program’s success depends upon the inclusion of several other key agencies and organizations, including law enforcement and the alcohol addiction treatment community. These professionals benefit from various outreach and coordination efforts made by the DHSMV staff.

The bureau has cooperated with the Institute of Police Technology and Management (IPTM) at the University of North Florida in Jacksonville to bring interlock device and program training to the State’s law enforcement community. The program discusses the operation of interlock devices, license restrictions, and how the State’s driver license and vehicle registration system records and displays data. The information is delivered in the form of workshops and in-service training.

Additionally, per program rules, the bureau licenses DWI programs that provide education and evaluation components, including instructor certification and training, investigating complaints, processing client appeals, conducting site visits, maintaining quality assurance, and evaluating program effectiveness. Coordination and interactions with these agencies and organizations is covered in detail in “E: The Role of Treatment Providers,” later in this section of the guide.

While these outreach, education, and coordination efforts have produced significant and positive results, bureau staff members interviewed for this guide continue to consider other means to improve their work in this area. They stressed the crucial importance of additional interlock education before and during a driver’s DWI intervention. More public education on interlocks could serve as an additional DWI deterrent. Since the interlock program provides both prevention and education, bureau staff members suggested that driver license education programs could teach new drivers about the consequences of DWI, including interlocks.

B. The Role of Courts and Probation

All the States profiled in this guide involve courts in their interlock program in some fashion. In some States, judges are involved directly in setting interlock sentences, while in other States, judges have far less or no such discretion. Even in States where interlock programs are largely administrative in nature, drug or DWI (treatment) courts may oversee program participation.

The two States in this guide with the largest judicial character to their interlock programs (New York and New Mexico) both rely intensively on probation officers and staff to interact with and monitor judicially mandated interlock participation.

As noted earlier, in the Funding section, courts in some States also determine eligibility for participation in indigent funds. These findings on this topic are not repeated here.

New York

The interlock program in New York can be characterized as judicial in nature. All program participation is determined by judges and monitoring is performed by county probation, prosecutors, and sheriffs, as well as monitors who work for STOP-DWI and Drinking Driver Programs. A multi-county pilot program on the use of interlocks as a condition of probation was essentially expanded across the State and applied to all first-time DWI convictions. Enacted as part of “Leandra’s Law,” the provision concerning the mandated ignition interlock provision went into effect August 15, 2010.

The law (New York Child Passenger Protection Act, 2009) requires anyone sentenced for DWI to have an ignition interlock installed on any vehicle they own or operate. Offenders also have an ignition interlock restriction added to their driver’s license.

The New York State interlock program was designed by the State’s Division of Criminal Justice Services—Office of Probation and Correctional Alternatives (OPCA) and operates primarily at the county level. OPCA requires each county to develop and submit an Ignition Interlock Program Plan and provides instructions to help each county and its local agencies to develop the plans (see excerpts from such a plan in Appendix B-4). This process was seen as an essential part of implementation, and was well-received by counties because it ensured the involvement of necessary stakeholders and provided structure.

Each county plan must identify who will supervise and monitor the program that installs the interlocks, and how these individuals will be selected to serve this function. Each county also must develop plans for program operations, including the tracking of convictions and the selection and oversight of interlock devices and vendors. This helps to ensure that the manufacturer audit provisions in the law are conducted and the program is functioning as intended.

New York State has a two-tiered local judicial system: the local town/city/village courts, and the county courts. Prior to Leandra’s Law, courts imposed the ignition interlock condition on offenders who had previous license revocations. While judges had the ability to mandate an interlock installation on first-time offenders, this was uncommon, and interlocks were assigned chiefly to those offenders with prior convictions or high BAC’s. Repeat offender and felony (BAC of .08 or greater) cases were sentenced in the county courts to a hard license revocation that the judge could waive. These offenders were monitored by the probation departments in each county.

Prior to the implementation of Leandra’s Law, 9,000 of the state’s 25,000 annual DWI convictions were sentenced to probation—or about 40 percent of convictions. The remainder of persons convicted paid fines and received other sentences, including local and state imprisonment. With the implementation of Leandra’s Law, there is expected to be a dramatic increase in one alternative to judicial disposition for an offending DWI driver: the conditional discharge (CD). CDs now may carry an interlock provision. CDs are managed by different agencies from county to county. Some counties charge probation officers with this task; others rely on the local district attorney, the local STOP-DWI Program, the DMV’s Drinking Driver Program (DDP), or the county sheriff.

The new first-offender program has required OPCA and related agencies to reexamine the Drinking Driver Program of the DMV. Those with DWI convictions must participate in the DDP in order to earn or maintain a license. The program was designed for multiple DWI offenders. At the time of the drafting of the first-offender regulations, the DDP program rules stipulated that a driver may not go through this program more than twice in a five-year period, which could become a complication with some first offenders should they reoffend in less than five years. While repeat participation in the DDP may treat first offenders with an aggressive approach, early education, prevention, and treatment may be preferable to allowing first offenders to progress to more serious infractions that endanger them and the public. At the time of this writing, New York State was still considering DDP program impacts resulting from Leandra's Law.

As many DWI convictions are handled through the county probation departments, probation officers and staff play a crucial role in the implementation of New York's interlock program. The role of the DWI Probation Supervision Program is to ensure that DWI offenders obtain the monitoring necessary to ensure public safety. DWI offenders are required to report to their probation officer more frequently and to participate in education and treatment programs. Leandra's Law also requires that certain offenders be evaluated for alcohol treatment.

One of the challenges New York's interlock program faced prior to Leandra's Law was inconsistency with sentencing. Often, judges decided not to require installation of the device, deeming it an unreasonable imposition or unaffordable. This pattern may have arisen from insufficient outreach with judges to allay concerns regarding the devices' accuracy or misperceptions about their invasiveness. Because judges were not routinely ordering the ignition interlock device, the demand was inconsistent and manufacturers did not serve all areas of the State. With Leandra's Law removing most judicial discretion regarding interlock sentencing, these limitations to interlock program impact are expected to be overcome. Prior to Leandra's Law, 10 percent of DWI convictions were receiving interlocks. With the new law, interlocks will be a mandated condition of sentencing.

Prior to the new law, a probation officer in one of the interlock pilot counties typically oversaw approximately 140 strictly interlock cases, nearly double the caseload of other probation officers who handled a wide range of case types. During this pilot phase, it was often possible for the probation officer to be present at all interlock installations to ensure a proper installation and to provide participant education about the device and program operations. Officers also were able to be present at service center recalls for fail resets, which enabled officers to intervene in developing situations early. At the time these case studies were being conducted, one of New York's county probation departments was developing plans to address the increased workloads to continue as many of these routines as possible. One idea being considered was to divide case management in a manner that some officers or office-based staff could handle as much of the routine and administrative duties as possible to free up probation officer time to be in the field, face to face with their probationers at interlock installation/service facilities and at home visits.

One of the challenges New York was addressing before the new law took effect was in training probation officers in the device's operations as well as the process of interpreting interlock fail reports and appropriate responses. These efforts are expected to increase to fully implement the new law.

By being on the front lines, probation officers in New York are able to readily identify some gaps in the program's operations. For example, probation officers participating in the pilot program could identify a pattern of frequent fail readings early in the sentence period. Officers surmised that this stemmed from the fact that each interlock manufacturer had separate checklists of

approximately 30 items that the participants were required to be notified about at the time of the installation. The intent of the checklist is for these details to be reviewed with the participant, by the installer, item by item. Most manufacturers required the installer and the participant to sign a document at installation to verify that all operational instructions had been provided. However, in most cases, the participant simply initialed next to each item without receiving training or instructions. Thus, for example, a new participant might not understand what to do when they first get a blow-fail (e.g., they were unaware that if they suspect they have a contaminant, as opposed to a true high BAC, they are better off retesting). Failure to understand these issues increases the workload of the probation officers.

To compensate for this irregularity in training at the time of installation, the probation officer supervising the pilot interlock programs in one county prepared a standard checklist (see Appendix B-5). All probation officers in the county used this checklist with each new interlock participant in the probation office before the installation. The checklist includes how to provide an acceptable breath sample as well as all the actions and behaviors the probationer must take in the case of a fail, including whom to contact if there is a fail reading.

With Leandra's Law, probation supervisors anticipate that their interlock caseload could effectively double. Probation officers will also make the determination of which class of device the offender will receive if sentenced to probation (see Appendix B-6 for a description of New York's device classes). Class 1 interlock devices meet all New York State Department of Health and the National Highway Traffic Safety Administration BAIID (breath alcohol ignition interlock device) Model Specifications, while Class 2 devices have all Class 1 features plus a camera to take photos of the individual providing each breath sample, and Class 3 devices have all the Class 1 and 2 features plus an additional feature such as real-time reporting, GPS location or 911 linkage. The challenge for the probation officers and other monitors will be to determine which participants will need the higher levels of scrutiny. Violations in the interlock program may result in graduated sanctions such as installation of devices of a higher class, additional alcohol treatment, and/or an increase in the length of time the device must remain installed. Violations also may result in a revocation of the original sentence with a new sentence being imposed, such as probation or incarceration.

Probation officers also assist their interlock participants with all their DMV issues, aided by good working relationships between the DMV DDP staff and the probation officers. In some cases, there is a need to address technical issues, such as what infractions and restrictions are to be included or removed from the license.

New York State recognized early on the importance of providing training to judges. New York State has produced a Webinar on the new law and the interlock sentencing process designed to be helpful to judges and clerks. The Office of Court Administration opened courthouses throughout the State, and 1,200 judges participated. OPCA also worked with the Chief Administrative Judge for Strategic Planning in conducting a 90-minute live and taped videocast training. Additional trainings were conducted at magistrate conferences during the summer and fall of 2010.

The State has also produced and distributed packets of forms and templates to be used in DWI cases that have been distributed to the county committees responsible for creating and implementing each county's Ignition Interlock Program Plan. These educational efforts are designed to ensure a working knowledge of the new law and its attendant regulations and to prevent knowledge gaps.

New York program managers offer the following suggestions to other States regarding courts and probation:

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- ◆ Spending more time with the participant discussing the device and the program leads to smoother program operation, making it easier for the device to be embraced by the participant and increasing the possibility of changing behavior.
 - ◆ Front-line staff and case managers should be trained carefully on interlock fail report interpretations to ensure smooth program operations.
 - ◆ Programs may benefit by focusing interlock caseloads among interlock-dedicated probation officers.

New Mexico

In New Mexico, the Department of Transportation’s Traffic Safety Bureau is the agency responsible for overall operation of the State’s interlock program. Chief duties include the licensing and oversight of ignition interlock vendors, the development and administration of the indigent device fund, coordination of various State and local agencies on interlock matters (such as with the Division of Motor Vehicles and various courts), and promulgation of rules for ignition interlock devices in New Mexico.

New Mexico DWI offenders may enter the interlock program in one of two ways: First, an interlock may be mandated as part of court sentencing. These program activities can be characterized as a judicial interlock program. Second, under New Mexico’s implied consent law, an administrative revocation for a DWI can be issued without trial or sentencing. While the State offers a hearing process for appeals, this process is restricted to the most basic of issues related to the officer’s proper actions to secure and document the arrest. An administrative suspension applies to all drivers who test at or above .08, including first offenders and out-of-State drivers, and any driver who refuses to submit to testing. This pathway essentially mandates the installation of interlocks as a condition of licensing in all cases where the offender wishes to maintain driving privileges. These program activities can be characterized as an administrative interlock program.

As such, the interlock program in New Mexico can best be characterized as a true hybrid program, with equal measures of administrative and judicial functions. The focus of this section is on some of the key components of the judicial portion of the New Mexico interlock program, as well as how the court-related program activities compare to the administrative functions.

In the first few years of its existence, the New Mexico interlock program managers noted that the number of interlocks installed was falling short of what had been anticipated. Laws were formulated and enacted to strengthen court sentencing for DWIs, including mandated interlock sentences for all second and subsequent DWI convictions. The courts serving the most populous metropolitan area in the State (Bernalillo County Metropolitan Court, serving the Albuquerque metropolitan area, and referred to as “Metro”) soon recognized that it needed to formulate a response, since the court would be affected greatly by the large volume of cases that would arise from this change. The resulting Metro program⁷ included funds for two full-time probation officers and one supporting clerk dedicated to interlock case supervision.

⁷ The Metro program serves Bernalillo County and includes the State’s largest metropolitan area, centered on Albuquerque and home to a large majority of the State’s residents. This program was developed as a pilot to demonstrate functionality and results that could be brought to other parts of the State. The Metro program is explored in depth in this guide to illustrate how an intensively monitored interlock program has been developed. Some of these processes have been implemented in other metropolitan areas in New Mexico, though program planners recognize that the program needs to be altered to fit local needs. A range of different processes are in place across the State.

A profile of the characteristics of first-time DWI offenders most likely to be rearrested for DWI was developed based on a statistical analysis of the State's database of DWI offenders. Based on this profile, criteria to determine "high-risk" offenders were established and adopted by the court's judges. Those offenders meeting the high-risk criteria were placed in a program of intensive supervision requiring increased monitoring, face-to-face and telephonic probation contacts, alcohol and other drug screening, counseling as appropriate, and rapid response to fails and noncompliance with court orders. Trained probation personnel were dedicated to the project.

To establish Metro's daily interlock program operations, a number of matters needed to be addressed. For example, many among the court staff had very little information initially about interlocks in terms of how the devices work and how to deal with them in the courts. The staff began by setting up basic systems to refer offenders to the vendors and to exchange information via faxes with the vendors. Further, procedures were established to monitor for device fails.

When the law was revised further to add mandatory interlock sentences for all first offenders, the court received additional money from the Traffic Safety Bureau to handle the additional workload and to expand the staff. The DWI First Offender Enhanced Supervision Program was developed in collaboration with the Metro Court, the New Mexico Department of Health, and the Office of the Governor to increase compliance with court-ordered sanctions and interventions and to decrease recidivism of first offenders. The program staff expanded to include seven probation officers and two clerks dedicated to the interlock supervision program.

The program staff has worked continuously to simplify the program process by adding standardized forms and affidavits that streamline court proceedings. The staff also has worked closely with vendors and the MVD on the court's processes and is continuously seeking improvements from all involved parties. Since 2006, an interagency team—including the court's program staff, the Traffic Safety Bureau, interlock vendors, and the MVD—has met in person approximately every six months and on additional occasions as necessary. Numerous other stakeholders have been involved in working out the processes. Law enforcement, attorneys, staff from the courts, and judges all have been involved in the process development.

The primary focus of the interlock supervisory staff is on enforcing the zero-tolerance policy on high BAC readings that are reported as fails. Because a fail reported by the interlock device could be a violation of a court directive, the vendors and the probation supervision staff must report each and every fail. Penalties can include jail time or additional community service, or the judge may order stricter supervision, which can include the installation of an interlock with a camera. Currently, there are approximately 50 such fails to manage each month within the true first-offender program. The participant and his/her attorney are notified and required to appear in court for a full hearing. The interlock company is required to send in an affidavit stating that the equipment is in proper working order and a representative of the company must appear in court as well.

The zero-tolerance policy is designed to address program violations swiftly and to provide rapid feedback and consequences for attempts to drive while under the influence of alcohol. Participants are trained at the beginning of their enrollment in the program on how the interlock device is used properly, and the "do's and don'ts" of the device's operation. Offenders are thoroughly informed that any fail reading is their responsibility, no matter who blows the reading (see Appendix B-7 for a sample letter describing the policy). As cameras are not included in most interlock installations, in most cases, there is no hard evidence to prove who produced the high reading. At such hearings, a vast majority of the participants have a sanction imposed, such as additional community service or a term of 48 hours in custody. The sentence depends on how much proof is provided to the court. Every fail is heard in court before a judge, and

vendors always provide all the data needed. In many cases, judges subpoena the interlock vendor to court, since without a camera, there is no way to prove who blew the fail reading, but there are ways to substantiate the reading. Hearings can last 10 to 30 minutes, in which all evidence is presented and answers to judge's questions are provided. The Metro Court includes 16 criminal judges, so there is access to immediate sanctions for interlock violations. For walk-in cases, the matter can be in front of a judge within 10 minutes. Interlock cases are heard just about every day of court operations. The court staff has committed to this process to strengthen interlock supervision while recognizing that it creates extra caseload and burden.

The Metro Court's interlock supervision staff noted that the current law's language has made it challenging to hold offenders completely accountable. Specifically, the law states that an interlock must be installed on all motor vehicles driven by the participant. To enable enforcement of this component of the law, the staff has coordinated with the Governor's Office to develop a "reverse lookup" database with MVA files that identifies drivers with multiple vehicle titles, or vehicles within the household, enabling interlock program enforcement on these additional vehicles. The bill's language also has led a number of interlock probationers to claim that they do not own any vehicles in their name. Until this database process was developed, it was very difficult to hold these offenders accountable to the letter of the law.

Additional interagency coordination for the Metro Court supervision program is supported through the DWI leadership meetings that are held once a month through the coordination of the Governor's Office. Such meetings are held all around the State in an effort to support the many different local initiatives that are designed to combat DWI, such as drug and DWI (treatment) courts and liquor licensing issues. The Metro Court attends all the local monthly meetings to offer the perspective of the courts.

The seven probation officers and two clerks designated to the Metro interlock program currently oversee approximately 2,500 true first-offender cases. The overall Metro drug court program currently supervises approximately 5,000 parolees; thus, about 50 percent have interlocks. The program supervisor advises that it is important to plan for a significant program development phase, because it takes a fair amount of time to build a program. The program leaders would benefit particularly from an understanding of the dynamics of starting programs and how to initiate positive collaborations with other agencies and entities so that the staff can follow through on implementation.

The New Mexico probation supervisor identified a need for immediate program improvement in collecting and storing data for easy access. There is a need for a universally accessible database that incorporates all functions and records consistently. The database being developed for this purpose is envisioned to include a risk and needs assessment function that will enable probation officers to place probationers in the most appropriate treatment and education programs. In addition to managing active cases, the database ideally will be able to identify broader, long-term results of the program's activities.

Based on experiences thus far with the supervisory program, the Metro Court's probation supervisor suggests that one critical factor in supporting program success is the specific language included within the law. Great care must be exercised when crafting the language, as it is often very difficult to make changes. Drafters should consider how the words may be interpreted, and ensure that the law can be enforced realistically. New Mexico currently is working to ensure the proper enforcement of language that requires that interlocks be installed on any vehicle driven by the offender, which has been a challenging condition to enforce on all probationers due to the potentially different interpretations of this language.

The Metro Court's probation supervisor responsible for interlock cases also suggests that States and municipalities developing interlock programs collaborate with all the involved agencies. It is important to bring the many players together early in the process so that everyone is familiar with all the resources and contacts available to help implement the program. New Mexico offered an example to demonstrate the value of this collaboration: A reporting process that used to require the faxing of multiple-page logger files (often in excess of 30 pages) was replaced with a process in which a 1-page logger file was e-mailed, making a huge difference in the work flow for the probation officers. The New Mexico interagency and stakeholder collaborations have helped to design better program forms and affidavits that help to further smooth information flow (see a sample affidavit in Appendix B-8). Most program improvements have derived from lessons learned regarding functions that are not working well or were cumbersome. The collaborations have enabled a highly productive dialogue for each of the players to better assist one another.

The Metro Court supervision pilot project has raised awareness of what is possible and is credited with the training of many judges and probation staff across New Mexico. Re-arrest for DWI among program members was reduced 50 percent from the prior year's first-offender group. Metro program staff members provide information and training throughout the State, as well as nationally, regarding implementation, obstacles, and solutions to ignition interlock programs.

Building upon the successes of the Metro Court's supervisory program, the Traffic Safety Bureau contracts with the Institute of Public Law's Judicial Education Center (JEC) to provide education to all court personnel. JEC is required by State law to train judges and staff in every municipal, county and state court, thereby enhancing judicial competence and the fair administration of justice. Courses range from new judge orientation to professional development through a variety of media, including in-person trainings, seminars, conferences and resource materials. The goal is to reduce unsafe driving by becoming more consistent in the application of penalties, encouraging more active and progressive use of interlocks, and enabling more focused supervision.

C. The Role of DMVs/MVAs

Administrative ignition interlock programs reside largely within the State executive branch agency that houses the motor vehicle licensing authority. Historically, the standard response to repeated DWI convictions involved the revocation of driver's licenses. Thus, these motor vehicle licensing agencies built infrastructure (such as forms, database fields, staff capabilities, driver communication protocols, etc.) to readily update the changing status of these drivers' records and licenses. As interlock programs began to emerge and require modifications of these driver licensing processes, these agencies often became the de facto managers for overall administratively based interlock program management.

The processes established by Florida, Colorado, and Illinois are presented here for insights on developing comprehensive DMV-focused programs.

Florida

The State of Florida's Department of Highway Safety and Motor Vehicles (DHSMV) Division of Driver Licenses is the principal authority for the ignition interlock program. Florida law requires license revocation for 2 convictions within 5 years, or for 3 convictions within 10 years. The initial length of time that an interlock device is installed for depends upon the number of DWI convictions, the BAC level, and the presence of a minor in the vehicle. Monthly extensions are added when training or other requirements are not completed.

The overall Florida interlock program is service-intensive. Effective management of offenders requires interagency liaisons, program monitors, extensive staff training and customer service

personnel. To manage these processes, Florida has created a series of detailed flowcharts that describe what happens from the time of DWI arrest through interlock use and treatment (see Appendix B-9 for an example). Florida also has flowcharts for special situations, such as how to handle a request for a medical waiver (see Appendix B-10 for the flowchart and Appendix B-11 for the waiver form).

At one end of Florida's intensity spectrum is the Special Supervision Services Program, the State's most comprehensive interlock program, designed to allow offenders with 5- and 10-year revocations to earn driving privileges. The program requires detailed cooperation between the Division of Driver Licenses, authorized treatment programs, and the vendor-run service centers. The program requirements are challenging and very specific. (For more detail about the interactions with treatment agencies and service centers in Florida, see "E: The Role of Treatment Providers," later in this section of the guide.)

At the other end of the spectrum is the interlock licensing and monitoring of drivers with fewer DWI convictions. Should these interlock participants obtain additional DWI convictions or repeated interlock violations, they are methodically moved along the spectrum for more intense oversight and additional alcohol dependency treatment.

The Florida interlock program is almost purely administrative in nature.⁸ However, DHSMV has a close working relationship with the judiciary, as the judges do not want the interlock clients back in the courts. To ensure ongoing support of judges in DWI cases, one member of the DHSMV staff serves as a judicial liaison, and judges often call directly upon this resource to confer on cases. DHSMV staff also train new judges every year on the interlock program.

Many of DHSMV's interlock program activities are focused upon delivering customer service via telephone to interlock participants and to service facilities. The program staff uses an automated call tracker system to document all calls. This reduces some challenges. For example, one common caller strategy is to ask to "talk to a supervisor" in order to attempt to get a different response. However, the department procedures supported by the call tracking system prevent this, as all staff can review every call from every participant in detail.

DHSMV call center staff members are trained to handle difficult interactions, sometimes with agitated program participants, and on occasion with distressed relatives. As an example, a participant with several recent interlock fail reports called the center dozens of times with explanations ranging from cleaning chemicals to asthma to car theft. This driver's spouse also called repeatedly, distressed about the consequences of her husband's situation. At times, these calls ran longer than 30 minutes. This couple also repeatedly called the vendor service center and demanded to be connected to the director of the DHSMV. Altogether, more than 50 calls were logged for this single case. While these situations are rare, developing the systems and staff training to anticipate, identify, and effectively manage them is a vital component to developing a successful interlock program.

A more typical example of lower-intensity calls are cases in which the participant does not comply with the program's basic rules, such as failing to report to treatment or canceling appointments. In each of these situations, a DHSMV interlock staff member must contact the participant and reschedule appointments. These cases still require a fair amount of coordination and attention to detail, all supported by the call tracking system and a series of standard letters and forms used

⁸ Originally developed and implemented as a judicially based interlock program, with related driver licensing support managed by DHSMV, the Florida interlock program transitioned to an administrative program after legislators determined that the courts were not obtaining the interlock participation rates thought to be necessary to achieve the desired level of impact on highway safety.

to communicate with the participants by mail. These letters and forms cover a range of situations, from specific notices about what to do about fails (see Appendix B-12 for an example) to notices when the mileage driven on offender vehicles appears low (see Appendix B-13 for an example).

In addition to managing clients, the DHSMV interlock staff receives about 600 to 700 contacts from the treatment programs each month.

Colorado

In Colorado, the Driver Control (DC) unit of the Division of Motor Vehicles (housed within the Department of Revenue) has established and maintains the State's interlock program. All interlock functions and responsibilities are performed by this DMV agency, with no court involvement. Thus, this program can be characterized as administrative.⁹ The 30,000 drivers arrested for DWI each year (of the State's 3.5 million drivers) require nearly half of the Department's labor hours, which creates a thread of activity that weaves through nearly all DC functions, including assembling hearing case packets, managing the various licensing issues, and supporting crash reporting requirements.

In 2009 (as discussed in the Interlock Legislation section), a new law expanded Colorado's interlock program to include first-time offenders and added an indigent fund. These changes were expected to increase the number of program participants as well as staff hours devoted to DWI dramatically. At the time of the Colorado case study, there were 15,000 to 17,000 active interlock installations in the program. Installations were expected to increase by 2,000 to 3,000 in 2011.

⁹ A clause in the 2009 law included language that may eventually lead the program to include judicial components. Judges now "may" include interlocks in DWI sentencing.

SIDEBAR

Colorado

Interlock Program Enrollment Process Synopsis¹⁰

Enrollment in Colorado's interlock program involves the following key steps to comply with DMV regulations (details on the criminal proceedings and any related drug-treatment requirements are not included in this process review):

- DWI arrest, license revocation, optional DMV hearing
- Determination of eligibility for interlock based on DWI arrest history
- Installation of an interlock device
- Application to DMV for an Interlock Restricted License

The following is a brief review of these DMV-related procedures.

DWI arrest, license revocation, optional DMV hearing

Colorado is an implied-consent State. The State's express consent law requires any driver to consent to a chemical test if a police officer has reasonable grounds to believe that he or she is driving under the influence or impaired because of alcohol, drugs, or both. In most cases, a breath test is conducted to ascertain the BAC; in some instances, a blood test is conducted.

The result of the test determines whether a DWI arrest is made. Upon arrest, the officer issues a notice of revocation, and the driver's license is surrendered. The driver then has seven days to request a hearing

¹⁰ The specifics of the process a DWI offender follows to enroll in an interlock program vary from State to State. The process in Colorado is presented as an example.

and receive a temporary permit to drive until the date of the hearing before the Hearings Division of the Department of Revenue. At the hearing, positions are presented and a ruling is made on the status of the arrest.

Determine eligibility for interlock based on DWI arrest history

Under current Colorado law, adult drivers arrested for DWI install interlocks based on their DWI arrest record according to the following schedule:

DUI Arrest	BAC Level	Hard Revocation	Interlock Requirement	Early Release
1st Per Se or 1st DUI conviction	.08-.17	30 days	8 months	Eligible after 4 months on interlock
1st Per Se	>.17	30 days	2 years	Not eligible
2nd Per Se (lifetime) or 2nd+ DUI conviction within 5 years	>.08	1 year	2 years	Not eligible
3rd+ Per Se or DUI in lifetime	>.08	1 year	2 years	Not eligible
Designated a "habitual traffic offender" with one alcohol-related driving offense	N/A	1 year	4 years, if approved	Not eligible
2nd offense	Refused test	1 year	1 year if approved	Not eligible
3rd offense	Refused test	1 year	2 years if approved	Not eligible

Source: www.colorado.gov/cs/Satellite/Revenue-MV/RMV/1188338057330 (Dec. 2010)

Install an interlock device

Eligible interlock program participants can research approved vendors (up-to-date information is made available on the DMV Web site). The DMV encourages the offenders to compare pricing and service center locations to select the vendor that best meets their needs.

The offender must present his or her temporary license or State-issued identification card to the interlock installer, along with a copy of interlock-related correspondence received from the DMV or the motor vehicle record to enable the installer to match the information in the Online Information System (OIS) to determine the validity of the interlock installation. The device then is installed, and an Installation Certificate is submitted automatically, via the OIS, from the installation facility to the Driver Control (DC) unit.

Apply to DMV for an Interlock Restricted License

Once the interlock is installed, the participant must prepare and mail a package of information with the following materials to DMV DC for processing (the forms are available for download at the DMV Web site and some samples appear in the Appendix):

- Restricted License Ignition Interlock Agreement Affidavit (Form DR2058, see Appendix B-14);
- Application form (Form DR2870, see Appendix B-15);
- Payment of \$95 (check or money order made payable to Department of Revenue);
- SR22 from the insurance company;
- Required Alcohol and Drug Education document; and
- Certificate (Form DR 2598, see Appendix B-16) or Discharge Referral Summary (DRS) for a Level II Education and Therapy program (consisting of 24 hours of education and 24-86 hours of counseling) showing completion of courses or an Affidavit of Enrollment (form DR 2643, see Appendix B-17), if applicable. The certificate or DRS requirement is determined by the associated BAC or

the number of alcohol violations on the driver's record (multiple offenses or arrest BAC of 0.17 and above requires Level II DRS or Affidavit of Enrollment).

As processing the typical interlock reinstatement involves several activities (record analysis, document verification, and payment processing), it is most efficient with limited resources to process these complicated reinstatement applications centrally, thus these applications are processed only by mail. Processing time typically is under one week from receipt of a complete application package. A successful application will result in an issuance of a letter from the DMV confirming the reinstatement instructing the driver to contact a Driver's License office to schedule a written and driving test in the ignition interlock equipped vehicle.

Once the written and skill tests are passed, the interlock participant is issued an Interlock Restricted License, a standard-format laminate license card, the front of which includes the word "restricted" in large blue letters to alert and inform law enforcement and DMV staff.

The Colorado DMV has three primary functions regarding the interlock program: establishing and maintaining data systems and procedures to track program participants; managing and coordinating interactions between offenders, vendors and treatment providers; and conducting interlock case hearings to troubleshoot offender issues and evaluate release from the program. The DC unit includes two full-time staff members dedicated to keep track of and manage the vendors. The objective of these activities is to ensure that all interlock participant records are kept as accurate and up to date as possible. As part of these efforts, these staff members work with the vendors to address any data inconsistency issues. In some situations, the staff will have the vendors call participants to schedule a visit to the facility to address device-related issues.

The DMV Service Center of the DC unit handles driver calls for information on a wide range of licensing issues. The manager of the Service Center oversees a group dedicated entirely to the ignition interlock program. Many callers with recent DWIs are seeking information on how to get their licenses reinstated and interlocks installed. When such a driver first calls in, the representative will review his or her record to confirm the interlock requirement. These drivers are informed about the process of finding an approved interlock vendor and are directed to the State's Web site for vendor information and forms (see Sidebar for more detail). These first-time callers typically have questions about how long they will have to keep the device and how much it will cost.

The Colorado interlock program recently incorporated a new Online Information System (OIS) to streamline the interlock installation process. To initiate the installation, the service center technician enters the driver's license number into the OIS. The system checks the driver's license record to verify the validity of the installation.¹¹ Once the device is installed, the OIS produces an electronically submitted installation certificate and automatically sets a date for the duration of the interlock requirement.

The OIS provides the State with a real-time signed lease and certificate of installation, eliminating the need for the client to bring or send these documents to DMV in paper form, reducing costs related to paperwork handling. The system also reduces errors, nearly eliminating typographical errors, which reduces the burden on the vendors as well. A further benefit of the OIS is the ability for routine service and calibration data to be gathered and rapidly transmitted to the DC unit. For each calibration check-in appointment and service visit, the technician logs into the OIS, certifies that a logger download has been completed, and looks for any notifications from

¹¹ The OIS also automatically provides the option for the driver to request indigent fund participation. If the driver wishes to apply, the OIS immediately checks the central indigent fund database and provides an instant accepted or denied response. For more on Colorado's indigent fund, see the Colorado portion of the Interlock Legislation section.

the DC unit on items to discuss with the participant or other service-related instructions based on previous logger file date interpretations.

Each service center is provided with a unique, password-protected sign-in to access the database and manually add data to the system. The OIS process has streamlined Colorado's paperwork and data management processes dramatically, and it provides a real-time account of installations. Previously, participants were required to collect interlock installation certification paperwork from the provider and include these paper documents with their Interlock Restricted License application packages, an item often overlooked or misunderstood, delaying the relicensing process and overburdening staff. Now, with the OIS, this paperwork is delivered to the DC unit electronically and immediately. Additional routine physical paperwork operations have been replaced by the OIS, greatly streamlining the entire system and enabling more participants to be tracked without significant increases in workload.

The DMV Service Center can monitor the data and communicate with the vendor through the online system. For example, the OIS can instruct the technician to inform the driver to call the DC unit. This enables midstream communication with the drivers through the vendor so that issues can be addressed more rapidly. The OIS also enables the DMV to clarify information with the vendor, e.g., regarding a participant's change of address.

Prior to the OIS, application packages were complete approximately 33 percent of the time. Within the first month of the online system's operation, application packages were complete approximately 40 percent of the time. Program managers anticipate that this number will increase to 75 percent after 3 months of OIS use. The OIS is expected to improve efficiency and overall customer service.

Colorado's DC unit includes a dedicated team responsible for monitoring interlock program violations, as well as interfacing with a unit within DMV's Hearings Section. For more on this process, see "Managing Data Monitoring and Evaluation" in Section VII of this guide.

Illinois

Integral to the current Illinois interlock program is the new Monitoring Device Driving Permit (MDDP), designed to greatly expand the installation of interlock devices for first-time DWI offenders. Under the previous first-time DWI offender interlock program, offenders were permitted to use vehicles only for employment and educational purposes. The MDDP program enables most first-time DWI offenders to obtain a license that permits them to drive an interlock-equipped vehicle to any location at any time.

A staff of 17 full-time employees manages Illinois' interlock program, referred to as the Breath Alcohol Ignition Interlock Device (BAIID) Program. Additionally, legal counsel staff and the information technology staff of the parent agency, the Office of the Secretary of State, regularly provide additional support to the group.

Secretary of State staff and a wide range of supporting agencies and stakeholders collaborated to formulate the MDDP program. The BAIID Division staff also operates the Restricted Driving Permit (RDP), a long-established program serving multiple-DWI offender interlock participants. As the MDDP has significantly more participants, and illustrates many of the daily operations of the Illinois BAIID Program, it is the focus of this review.

At the time of a first arrest for a DWI, an offender's driver's license is suspended immediately for a period of 6 months (12 months if the offender refused the officer's request to take a breath test). The first month of the suspension is a hard revocation of the license. After the hard revocation, the only way to obtain a license is to be monitored with an interlock. The offender may opt out

of the BAIID Program (it is thus voluntary), but he or she will not be eligible for any other driving privileges during the suspension period. Offenders who opt out and are subsequently caught driving are guilty of a Class 4 felony.

Applicants for an MDDP must meet the following eligibility requirements:

- ◆ Must have had a valid driver's license at time of arrest.
- ◆ Must not be otherwise suspended or revoked since arrest.
- ◆ Must be age 18 or older.
- ◆ Must be a first-time offender (defined as any person who has not had a previous conviction or court assigned supervision within five years of the current arrest date).
- ◆ Must not have been previously convicted of reckless homicide or aggravated DWI that resulted in a death.
- ◆ Death or great bodily harm cannot have resulted from the offense.

Once the BAIID Division office receives the court order, a staff member does the following:

- ◆ Searches the driver's license database to ensure that the offender has a valid license, has not been cited with additional violations, and has never been at-fault for a DWI-related crash that resulted in a death or serious harm.
- ◆ Searches a database for the sworn report completed by the officer at the time of arrest. If this report is not on record, the application is put on hold until it is received. This report is checked weekly for 60 days, after which a denial letter is sent to the court and the offender.
- ◆ Sends the offender a Confirmation of Statutory Summary Supervision Letter, along with information about the program that reviews the implied opt-in nature of the program. The packet includes a set of instructions on what to do next, how to opt out of the program, a Terms and Conditions letter and the MDDP payment form. The Terms and Conditions letter and payment forms must be completed, signed, and returned with payment in full (an \$8 permit fee, plus a \$30 per month monitoring fee, due up front for the full length of the permit).

Upon receipt of the signed Terms and Conditions form and payment in full, the offender is sent an MDDP, along with a list of interlock installers and additional program instructions (see Appendixes B-19 and B-20 for an example of the transmittal letter and driving permit; the MDDP is a paper permit, not a physical license). Upon receipt, offenders are required to have an interlock device installed within 14 days. Should the offender fail to complete an installation within 14 days, a letter is issued automatically by the BAIID database system warning of the failure to comply with the program's terms and conditions, and prompts the offender for a response.

Program applicants occasionally request work exemptions if they must drive another vehicle for their work. The following are the rules for participating in the employer exception program:

- ◆ Participants are not permitted to drive the employer's vehicle home and to work, and are not permitted to use the vehicle for any personal use.
- ◆ Mechanics on an MDDP are not permitted to test customers' vehicles, although there is some consideration of altering this rule in the future.

-
- ◆ The participant cannot be self-employed or work for a business owned by his or her family and receive an employee exemption.

The process to apply for a worker exemption is as follows:

- ◆ The offender requests a worker exemption on the court order.
- ◆ Upon receipt of the worker exemption court order, the BAIID Division staff sends:
 - A cover letter and an employment verification form to the employer (see Appendix B-21); and
 - A cover letter and worker exemption program requirements to the participant.
- ◆ The worker exemption MDDP is then held for up to 21 days to receive a response from the employer.
- ◆ If there is no response within 21 days, the participant is notified that the employer has not responded and is given the option to proceed without an employer exemption or to wait longer for a response.

The Illinois BAIID Program maintains a hotline for offenders to call for information and instructions on what actions they need to take in order to continue the application or maintenance of their MDDP. BAIID also keeps track of those offenders who opt out of the MDDP, to ensure that no violations appear on their driving record during their summary suspension.

Many staff members are cross-trained, and many positions have at least two staff members trained for those functions. All members of the BAIID Division staff have had training to understand exactly how interlocks work and how alcohol is dissipated in the mouth and the body.

Illinois' current interlock database system has been designed and adjusted to permit thorough and timely tracking and monitoring of all interlock installations. (Vendors officially notify the BAIID Division staff of installations and de-installations via fax.) The system identifies program violations and initiates correspondence automatically with participants to address many types of program issues. BAIID Division staff members then are able to manage program compliance issues, such as missed calibration/reporting appointments and missing paperwork. To expand this success, interlock program leaders now are considering adding procedures to have the system acknowledge participants' full compliance automatically to provide positive reinforcement and encourage desired behaviors.

The database system is also integral to the overall monitoring of the devices. The interlocks are set to prevent vehicles from starting if the BAC reading is .025 or higher, but this is not considered to be a program violation (.05 or higher is considered a violation). All BAC readings are recorded and retained by the device in the logger file. Every 60 days, the interlock-equipped vehicle must be brought (or, with some device models, mailed) to a service center for calibration and data downloading. This entire logger file, without data filtering, is sent to the BAIID database system for recording and analysis by specially designed computer programs to ensure timely calibrations and search for fails that are considered violations.

To facilitate this process, Illinois requires all seven of its interlock vendors to submit data in a standard format. Facilitating this data transmission and analysis process was challenging, as each vendor has different processes and codes for recording fails. For more on how States manage the monitoring of the interlock devices, see "Managing Data Monitoring and Evaluation" in Section VII. The data system will send a letter automatically to the participant about any infraction, and the offender must provide a written explanation within 14 days. The State either rejects

the explanation (which generates another letter, see Appendix B-22) or notifies the offender that the explanation has been accepted (see Appendix B-23). However, once the State has accepted an explanation, the participant is not allowed to use the same explanation again (e.g., he or she can claim mouthwash usage only once).

Violations require the MDDP to be extended for three months. The number of extensions is infinite, although there is a limit of two per reporting period. Participants can contest a ruling via a hearing, for which they pay a \$50 fee. The BAIID staff prepares approximately 80 hearing files each week for MDDP and RDP cases. A majority of the violations are upheld.

While most situations are managed by the automated systems and routine staff procedures, there is an occasional need for a special letter for a special case. Prior to the MDDP program, a staff of 5 managed approximately 3,200 interlock installations across the State. Currently, with nearly three times as many installations, a staff of 12 manages the program, thanks in part to the automation procedures. The high degree of automation for routine procedures has enabled program staff to facilitate the installation of interlock devices swiftly. It also permits program managers to identify emerging trends and to attend to cases requiring special attention.

D. The Role of Law Enforcement

Law enforcement officers and agencies have an essential role in interlock programs. Aside from submitting DWI arrest records that trigger the use of all interlocks, law enforcement officers must be familiar with interlock licenses and the devices that they will come across in the field. Thus far, interlock programs have varying degrees of interactions with law enforcement officers. These interactions may need to increase as interlock installations substantially grow in volume. The experiences of Oklahoma, Colorado, and Illinois are reviewed here to provide some insights.

Oklahoma

Law enforcement officers in Oklahoma are trained to use the latest BAC testing equipment and to administer field tests properly for driver impairment. In the event of a traffic stop for a suspected DWI, the officer reads the Implied Consent Test Request (see Appendix B-24) to the driver. The driver then is asked to submit to the BAC test.

Under Oklahoma law, the act of driving or being in actual physical control of a motor vehicle means that the driver has agreed to take one or more tests to determine his or her BAC. This law applies to everyone, residents and nonresidents alike. If a driver refuses the State's test, then the officer is required to seize the license. However, in cases where a blood test is used, the license is not seized immediately, as the BAC is not yet known.

Refusal to submit to the test upon request by a law enforcement officer results in automatic revocation of driving privileges, regardless of BAC level. At the scene, the officer issues a paper temporary license that grants full driving privileges for 30 days. If the BAC level is .08 or more (or of any measurable amount if the driver is under 21 years of age), then the driver's license will be revoked—even without a court conviction—for driving under the influence.

To facilitate the education of law enforcement officers about the interlock device and the State's overall interlock program, a video will be distributed through Oklahoma's Council on Law Enforcement Education and Training (which reviews and approves all education and training provided to law enforcement officers). The training video will qualify toward the annual continuing education requirement for the officers.

The principal authority for the interlock program in Oklahoma resides with the Board of Tests for Alcohol and Drug Influence (BOT). The Board sends suggested rule changes to the

Governor and the Legislature for approval. Conveniently, the Board's interlock staff works within facilities shared with the Department of Public Safety, which includes the Oklahoma Highway Patrol. This co-location also helps to foster interactions among the interlock program managers and the Highway Patrol staff.

Colorado

Under Colorado's express consent law, a driver must consent to a chemical test if a law enforcement officer has reasonable grounds to believe he or she is driving under the influence or that his or her ability to operate a motor vehicle is impaired because of alcohol, drugs, or both.

The Department of Motor Vehicles maintains a 24-hour call center to assist officers on a range of licensing issues, including situations that involve an interlock license or device. Conveniently, this call center is housed within the same facility as the interlock staff of the Driver Control unit, where program representatives are available for consultation around the clock.

Colorado's DMV also maintains a productive partnership with the Colorado State Police to provide licensing-related officer education to highway safety officers throughout Colorado, including the distribution of a training video on the subject of interlocks.¹² Colorado law enforcement officers are asked to file paperwork with the DMV when they issue a citation for a driver who is required to use an interlock yet driving a non-interlock vehicle (see Appendix B-25).

Illinois

The Illinois BAID Program is dedicated to supporting law enforcement. The director of the program and three specially trained BAID Division staff members field all calls from law enforcement concerning interlocks and interlock licensing.

As discussed in "Coordination and Education of Related Agencies" in Section A, BAID Division staff provided extensive training to law enforcement officers across the State prior to the implementation of the new law. In the summer of 2007, the interlock department participated with Illinois' DOT in formulating activities to launch the new program. Activities included the development of an ignition interlock symposium in October 2008, in which approximately 300 law enforcement professionals learned about the science and use of interlocks. Speakers included nationally prominent figures and representatives from State government. Attendees were provided with electronic files of all the new forms related to the program.

From September 2008 through July 2009, the director of the BAID Program also traveled extensively throughout the State to meet with law enforcement and judicial offices and organizations. These personal visits and presentations helped the judicial and law enforcement communities become more accepting of the change.

This outreach continues on an as-requested basis. Approximately 30 percent of a field inspector's time is invested in contacts with the court system and law enforcement. The BAID Division's approach is to talk to circuit court clerks, judges, police chiefs and officers, state's attorneys, and essentially anyone who has professional dealings with the court system or law enforcement. Some of these professionals have not yet become familiar with how interlock devices function. These in-person visits can explore the program's intent and operations.

Underscoring the importance of law enforcement in Illinois, an arresting officer's report (see Appendix B-26) is required to process a Monitoring Device Driving Permit (MDDP). As the official arrest record, the sworn report documents the offender's blood alcohol level and initiates the statutory suspension of the driver's license. This sworn report must be on file in order for an MDDP to be processed. If the arresting officer's sworn report is missing, the suspension remains in effect and the driver's license remains invalid. However, in cases in which the sworn report

¹² The Washington State Patrol produced the video informing officers about interlocks. Communications between Colorado and Washington State about interlocks led to the sharing of this resource.

remains missing, the offender can go through a hearing process to request a Restricted Driving Permit (RDP), a program that also mandates the installation and monitoring of an interlock.

E. The Role of Treatment Providers

States typically integrate addiction education and treatment into court proceedings of DWI arrests; some cases also include interlock sentencing. However, several States have gone beyond that to develop approaches that integrate treatment and interlocks.

Interlock data can be used to predict repeat impaired driving offenses (Beirness and Marques, 2004). Data from interlocks also can be used as a part of alcohol-treatment programs. The median interlock records seven to eight breath samples a day (Marques and Voas, 2009); data from these samples can be used in treatment. In addition, pairing interlock programs with treatment programs promotes efficiencies. For example, offenders may be required to have periodic monitoring, so pairing this monitoring with treatment may result in cost savings.

The approaches related to ignition interlocks and treatment taken in Florida, and recent developments in Colorado, are discussed here.

Florida

Florida has one of the most integrated programs in the Nation, pairing information gathered from ignition interlock devices with substance abuse treatment. The program incorporates data collected from interlocks into increasing levels of dependency treatment-based interventions. The various program components strive to instill long-term behavior change in program participants. DWI program providers work closely with the State to meet goals for safe driver behavior and compliance necessary to prevent recidivism. Providers take on the challenge of helping the client achieve long-term behavior change.

The Florida Department of Highway Safety and Motor Vehicles (DHSMV) uses an approach to treatment that includes four increasing levels of intervention:

- ◆ DUI School attendance;
- ◆ Ignition Interlock device monitoring sessions;
- ◆ Case management plans for regular, more intensive counseling; and
- ◆ Addiction treatment.

The DWI arrest record and/or interlock program violations determine the level of intervention, and the level of intervention required can increase as needed.

Anyone with a DWI arrest must attend a DHSMV-approved DUI School in order to restore any degree of driving privileges. Attendance at DUI School is typically the first step to acquiring a restricted license. Two levels of DUI School are offered:

- ◆ Level I is designed for first-time offenders. This course is a minimum of 12 hours of classroom instruction and incorporates didactic and interactive educational techniques.
- ◆ Level II is designed for repeat offenders. The course is a minimum of 21 hours of classroom time using primarily interactive educational techniques in a group setting. The average class size is not to exceed 15 students. The course focuses on the problems of repeat offender and treatment readiness, as the majority of students are referred to treatment. The Level II course is not to be used as a substitute for treatment, but as a complement to it.

A 1986 law created the Special Supervision Services (SSS) program to permit qualifying multiple offenders with a 5- or 10-year driver license revocation to drive on a restricted basis. This high supervision program was designed to

provide a pathway for offenders with permanent revocations to earn a restricted driving license using ignition interlocks as an integral part of intensive addiction treatment. In order to satisfy judicial and driver licensing requirements, DWI offenders in the SSS program must attend prescribed DWI education programs.

The Florida interlock program manages two groups of participants:

- ◆ SSS program participants, a smaller portion of all interlock installations requiring more intense monitoring for multiple offenders; and
- ◆ Non-SSS program participants, who may experience graduated monitoring requirements.

Treatment for each group is discussed separately.

The SSS program for license reinstatement demands high standards and absolute compliance: This includes complete and verifiable abstinence from alcohol or other drugs. The interlock device is a key element in monitoring compliance and therefore the success of this high-supervision program. The SSS program was designed for those offenders who have demonstrated willingness to make a change. Due to the intensive nature, the application process takes approximately two to four months. Applicants must pay a \$200 to \$300 filing fee and provide all medical records, DWI records, treatment records, psychiatric records, and DWI class attendance records. Those in the 5-year revocation program must show no drinking for 1 year; those in the 10-year revocation program must show no drinking for 2 years.

Offenders are evaluated and supervised by an authorized independent treatment center that serves the county in which the offender resides, is employed, or attends school. A two-hour face-to-face assessment is conducted after the evaluator reviews all submitted documents. An individualized case management plan is created for each offender. The findings are presented to a committee of two or more individuals (three is common) for approval. Offenders with approved plans then go to evaluations once a month for the first year of the program, and an annual review is conducted. In the second year, if the participant makes sufficient progress and is in compliance with the program, evaluations then may be conducted every other month. With continued progress and full program compliance in the third year, evaluations may be conducted quarterly. Treatment centers are permitted to charge interlock clients fees for appointments, missed appointments, or transfers to other treatment providers.

For non-SSS participants, program violations can lead to additional treatment requirements beyond DUI School. The following violations may trigger treatment:

- ◆ Any breath test above the .05 BAC level upon initial startup of the vehicle
- ◆ Any retest above the .05 BAC level
- ◆ Any evidence of equipment tampering that is determined to be the result of alcohol use
- ◆ Any refusal to submit to a required running retest

A stair-step of increasing sanctions incorporates supervision and treatment requirements. Sanctions for these violations are as follows:

Program Violation	Requirement	Device Service/ Monitoring Intervals	Additional Notes
First	Ignition interlock device monitoring session with client	Remains at two months	
Second	Develop case management plan	Increases to monthly for rest of interlock requirement	Treatment can only be <i>recommended</i> .
Third	Treatment	Monthly	Interlock requirement extended for at least one month and until treatment is complete.
Subsequent	Treatment	Monthly	Interlock requirement extended for at least one month and until treatment is complete.

As noted in the table, drivers with a second interlock violation are required to have an assessment. If they do not get an additional violation, the program encourages and recognizes this good behavior. However, if they receive a third violation, an offender must receive more intensive treatment. See sidebar for more information on these treatment sessions.

Bureau of Driver Education and DUI Programs staff members closely monitored the centers where these assessments occurred via unannounced, three-day site visits. Since the completion of this report, the Bureau of Motorist Compliance assumed this responsibility. The inspection team consists of one bureau staff member and at least two volunteers, such as county level judges, clinical psychologists, attorneys, or CPAs. The team follows a detailed process guide (see excerpts in Appendix B27), the focus of which is on the arrangements for treatment, including some specific questions related to the use of the ignition interlock devices in the treatment process. The aim is not to issue penalties for poor performance, but to help the centers improve operations.

The team looks at all aspects of each center's operations, from paperwork to accounting systems to how their ignition interlock participant clients are welcomed and registered at the front desk. Thorough file reviews are conducted, inspecting for completeness as well as assessing whether the treatment program is addressing the clients' needs sufficiently. The centers also must demonstrate that they can create a custom plan for each client's risk factors. The centers are encouraged to talk about progress, not just penalties.

The incorporation of technical experts in the review is an essential element in enabling the centers to address lingering inefficiencies or low performance and to become more capable. For example, a judge who can better understand these issues from the perspective of both parties may inspect centers struggling with a non-supportive judge. The inspecting judge then can call the local judge to intervene on the center's behalf. This helps to create buy-in.

There can be significant delays between the occurrence of an interlock violation and the reporting of that violation—up to two months. The program's goal is to intervene and change behavior, and this delay can diminish the effects of the behavior modification. While this delay is not optimal, interlocks provide a concrete record of behavior that can provide insight into what the

client is experiencing and give providers an opportunity to intervene and work to reveal the patterns of behavior. These data are especially useful when working with repeat offenders.

Treatment providers report that, while the devices are not definitive proof of drinking, they do provide a set of objective data to discuss with offenders, creating an opening to talk about behavior and choices. One advantage of combining treatment with an interlock is that when offenders are prevented from driving their vehicles when they are intoxicated, they become more aware of what they are doing. The potential for education and behavior change thus is greatly increased. Treatment providers' data show that the approach is effective. For example, in a Tallahassee-area program, only three of 150 participants returned to repeat the program.

Florida is committed to treatment supported by the ignition interlock program. The intent is to provide treatment, and interlocks are viewed as a form of help, not as punishment. The interlock is a tool to recognize what is going on in the lives of the drivers in a timely way and to take action on what needs to be addressed for the benefit of the participant and for all highway users in the State.

SIDEBAR

Florida

Incorporating interlocks with treatment counseling

In Florida, vendors notify the State of any issues with interlock devices, such as a two-breath tests above .05, a refusal to submit to a running retest, or any evidence of tampering with the device. The State then generates letters to the participants (see Appendix B-28) to notify them to contact a licensed DUI program within 10 days to schedule an appointment to review these results.

At the appointment, the evaluator reviews data collected from the device, including the highest BAC reading recorded, the number of lockouts, and the number of violations. The evaluator discusses these data with the participant and provides notes on a standard form (see Appendix B-29). Here are partial notes for one such review; the intention is to document and to describe the behavior:

First violation: 9/11/09, Consecutive BAC fail, 0.111 @ 4:55 am & 0.111 @ 5:00 am. Client stated that this is the time she goes to work. Client stated that she had been drinking that night at a friend's house. She slept 6 hours and thought it would be out of her system. Second violation: 9/13/09, consecutive BAC fail, 0.125 @ 7:37 am & 0.112 @ 7:51 am. Client stated she was celebrating her birthday the night before and was going to get an egg sandwich.

The evaluator also makes recommendations on ways to avoid future lockouts. The recommendations are specific to each client. Here is a summary of one such set of recommendations:

Client agrees to: 1) purchase a breathalyzer at Walgreens when he can afford it, and use it to prevent positive readings; 2) read all labels and not take any more OTC medicines containing alcohol before driving; 3) attend AA, he hasn't been lately due to work schedule, but he says he will return to AA and use his sponsor; 4) inform sponsor of the slip and take a white chip and bring it to evaluator; 5) go over all interlock device readings and discuss any that are above .05; 6) take all tests and retests, will wait 5 minutes and then take retest without turning off car; and 7) not take his cousin to pool hall where alcohol is served as that may cause him to drink. Client says he doesn't have any desire to drink; he feels 110 percent better not drinking. Client reports his mother is a recovering alcoholic. Client is aware that a third letter would require him to go to treatment.

The evaluator and the client both sign the form that reviews the interlock status and recommendations. If a third violation occurs, then treatment is mandatory.

By connecting interlock data with his or her behaviors and actions, the participant and the evaluator can work together to formulate sustainable behavior changes.

Colorado

Colorado's laws have included mandatory drug evaluation and treatment of all DWI convictions since 1979. The State's extensive treatment approach includes two levels of education and an array of treatment programs, as depicted in the following table:

COLORADO EDUCATION AND TREATMENT PATHS (For persons arrested on or after January 1, 2007)				
Program Education and/or Treatment	Priors/Criteria BAC (at arrest)	Length of Education	Length of Treatment	Combined Length of Education and Treatment
Level I Education	No priors / Less than .12	12 hours 1-6 weeks	12 hours 1-6 weeks	
Level II Education	No priors / .12-.169 with no other clinical indicator or less than .12 with clinical justification	24 hours 12 weeks	24 hours 12 weeks	
Treatment Track A	No priors / .12 – .169 with 1 or more clinical indicators or less than .12 with clinical justification	24 hours 12 weeks	42 hours 21 weeks	66 hours 8 months
Treatment Track B	No priors / .17 or more, or less than .17 with clinical justification	24 hours 12 weeks	52 hours 26 weeks	76 hours 9 months
Treatment Track C	1 or more priors / Less than .17	24 hours 12 weeks	68 hours 34 weeks	92 hours 11 months
Treatment Track D	1 or more priors / .17 or more, or less than .17 with clinical justification	24 hours 12 weeks	86 hours 43 weeks	110 hours 13 months
<ul style="list-style-type: none"> • Education or track level may be raised with clinical justification. • Education or track level should not be reduced; it is not appropriate clinically or in terms of DMV requirements. • If no BAC is available, placement will be based on clinical justification. 				

Source: Driving with Care, www.drivingwithcare.com/index.html

While the Colorado interlock program currently does not integrate any education treatment program components, program managers are looking at possible mechanisms to work more closely with the treatment process. A number of possible program changes being considered by Colorado result from the work of two organizations based in Colorado: the Center for Impaired Driving Research and Evaluation and the Center for Change. These organizations often collaborate with each other and with a range of organizations and DWI-related professionals around the country to develop new means to address DWI and alcohol addiction.

One of the models being explored is a new motivational treatment program incorporating ignition interlocks that was developed by Colorado's Driving With Care staff and the Pacific Institute for Research and Evaluation (PIRE). Preliminary results encouraged Colorado's Center for Impaired Driving Research and Evaluation and the Center for Change to implement a version of the model in Colorado. The two centers developed training materials (see sidebar) to instruct treatment counselors on how to include interlocks as an enhancement to education and treatment.

Initial counselor training began in June 2010. The counselors are taught a structured approach to incorporating interlocks in treatment. The curriculum, delivered in a classroom setting with manuals, integrates three core theories:

- ◆ Cognitive behavioral approach;
- ◆ Motivational interviewing; and
- ◆ Harm reduction.

Treatment providers attending the one-day training must be experienced certified addiction counselors (CACs), have been working with DWI clients for at least one year, be working with a State-approved program, and go through motivational interview and cognitive behavior approach training.

The tenet behind this approach is research that showed a “regression to the mean” with interlocks—once interlocks are removed, drivers return to their pre-interlock behaviors.

Participants in the initial study had fewer failed starts, particularly in the morning, after the interlock was removed. The interlock device, while installed, reduced the quantity and frequency of alcohol use. Interlocked drivers learned from their own experiences.

The curriculum trains treatment providers in the use of the model and about interlocks themselves, as many treatment centers do not know much about the devices. Using referrals from

SIDEBAR

Colorado

Interlock enhancement counseling

Interlocks have proven to be highly successful at reducing recidivism rates when installed, but alone, they are not designed to create long-term behavior change. However, the data collected from interlocks, paired with motivational counseling techniques, may be successful in helping drivers to refrain from driving while intoxicated once their interlocks are removed.

In 2010, the Colorado Center for Impaired Driving Research and Evaluation released a series of materials designed to address alcohol use while using an interlock (Timken, Nandi, et al. 2010). These Interlock Enhancement Counseling materials build and expand upon the Support Interlock Planning materials previously developed by the Pacific Institute for Research and Evaluation.

The materials focus on a motivational interviewing approach, with an emphasis on nonconfrontational responses to resistance. The providers guide describes interlocks, recommends assessment instruments, and suggests behavioral techniques. It also details 10 hours of counseling sessions over a period of 5 months (four 2-hour group sessions and four 30-minute individual sessions).

Topics include the following:

- Interlocks and Impaired Drivers
- Theoretical Foundations of the Program
- Program Design and Guidelines
- Session Guidelines
- Introduction to Group Sessions
- Session 1: Being Successful While on the Interlock
- Session 2: Learning and Change
- Session 3: Managing High Risk Situations
- Session 4: Maintaining Success While Off the Interlock

Additional information is available in the guide.

probation officers and DMVs, treatment providers can apply the process to those clients who have continuing difficulties with their interlocks.

Treatment providers report that many of their clients have a limited understanding of interlocks. Some clients have concerns about interlock costs, consider the devices too inconvenient, or fear that interlocks are dangerous to use and may cause crashes if they are required to provide breath samples while driving. However, even with these objections, some clients have been asking for the kind of support offered by interlocks, such as identifying ways to understand when they are most at risk for the undesirable behavior.

The program aims to transition the interlock from a brief intervention into a significant component of an overall education and treatment program. As such, interlocks will be viewed by the participants less as a punitive sanction and more as part of desirable behavior change. Treatment providers note that once more judges order interlocks, this treatment program can become more integrated into sentencing. They also note that probation officers are using interlock monitoring reports instead of urinalysis and breathalyzers to monitor offenders.

To evaluate this treatment model, the Colorado Division of Behavioral Health is capturing data to track results over the short and long term.

F. Ongoing Interagency Coordination

Interlock program success is dependent upon the active participation and full support of a range of agencies within each State. In particular, hybrid interlock programs necessitate a great deal of coordination among the various administrative and judicial operations. This cooperation is increasingly facilitated by electronic communications and data sharing, although program managers often cite the importance of regular, in-person meetings.

Integral to the development, implementation, and enhancement of interlock programs, many of these interactions are highlighted throughout this guide. Government structures and interlock programs vary significantly from State to State. This section of the guide briefly describes the range of agencies that have contributed to successful interlock programs in profiled States, followed by a more detailed look at an interagency coordination effort in Florida.

Legislatures: All of the lead interlock agencies featured in this guide worked with various representatives and staff of legislatures to draft language, work on funding mechanisms, implement interlock legislation and provide support for stronger interlock laws.

DMV/MVAs: When not the lead interlock agency, DMVs provide critical interpretive support on complicated licensing matters. The DMV in one State in this guide (New York) coordinated a public media campaign directed at educating the public about a new interlock law—both as a preventive and enforcement strategy.

Courts: From Drug and DWI (treatment) Courts to State/County/Municipal and local courts, interlock program managers help coordinate various interactions with courts, including conferring on cases and providing support on device operation and capabilities. Some administrative programs profiled here include a judicial liaison (Florida and Illinois). To facilitate the education of judges and judicial staff, interlock program managers coordinate a variety of techniques, from live videocasts (New York) to presentations at judicial training institutes and programs (Illinois and New York). One State in this guide developed and conducted a training program specifically to educate prosecutors about ignition interlocks (New York).

Probation Offices: Interlock program managers and probation staff coordinate ongoing case management as well as the transfer and monitoring of Interstate interlock participants.

Law Enforcement: Several interlock programs profiled here have frequent interactions with law enforcement officers across the State (Colorado, Florida, Illinois, Oklahoma), and provide classroom training of officers on the use of interlock devices (Florida, Oklahoma). One interlock program manager distributes an interlock license and device training video for law enforcement across the State (Colorado).

Information Technology Staff: Some interlock program managers rely upon regular, dedicated support from data management staff to design and produce reports on program status used in monitoring and program evaluation functions (Florida, Illinois).

Hearing Units: Some interlock programs have dedicated hearing staff to provide rulings on interlock fails (Colorado, Illinois).

Legal Counsel: To ensure enforceability, one State relies upon legal counsel for the drafting of legislation and regulations and ongoing support on case management (Illinois).

State's Attorneys: Some interlock staff also provide ongoing support to State's attorneys and special prosecutors on DWI cases involving interlocks (Illinois and New Mexico).

Department of Transportation: One State, as part of an outreach program to inform law enforcement and judicial staff about program revisions, collaborated with the DOT and maintains regular contact on highway safety matters related to DWIs and interlocks (Illinois).

Governor's Office: Two States in this guide had extensive interactions with the Governor's Office to establish program objectives and facilitate statewide communication and support of anti-DWI programs (New Mexico and New York).

Department of Health: Two States in this guide use their Department of Health for interlock device standards and certifications (Colorado and New York).

Office of Research and Analysis: One State's interlock agency worked with their research office to develop concepts and procedures for interlock program revisions, as well as funding analysis to support revisions to the interlock legislation and program (Colorado).

State Web Portal Agency: One State's interlock program managers contracted for the design and implementation of a Web-based interlock installations database (Colorado).

SIDEBAR

Florida

Impaired-driving coalition brings agencies together to reduce DWIs

The interagency cooperation and communication in Florida contributes to a coordinated effort to improve the State's response to DWIs. To enhance these efforts, a coalition was formed to strategize and work together on a broad range of needs. The coalition is currently developing a five-year strategic plan to identify goals, performance measures, strategies, and action steps for key program areas.

The coalition may choose to address some of the following topics.

Data collection, analysis, and evaluation

- Establish a central data collection system to link databases.
- Improve data collection (timeliness, accuracy, completeness, uniformity, and accessibility).
- Preserve case files.
- Develop an evaluation plan to quantify the effects of system improvements.

Enforcement and prosecution

- Reduce the time to complete a DWI arrest.
- Simplify the DWI arrest process.
- Establish specialized DWI law enforcement units.
- Establish DWI special prosecutors (DWI prosecutors tend to be inexperienced; soon after prosecutors gain experience, they typically move to higher-profile cases).
- Increase resources to prosecutors.
- Reduce the lag time between blood draw, test results, and submission of results to the State.

Education/messaging/marketing

- Enhance training courses and/or expand training availability for law enforcement, prosecutors, administrative hearing officers, alcohol servers, and judges.
- Educate officers on the role of the State prosecutors in DWI cases.
- Train alcohol service establishments/vendors on the liquor liability laws.
- Coordinate State underage drinking prevention program efforts.
- Develop appropriate messages and methods to reach segments of the population with a high incidence of impaired-driving arrests.
- Brand impaired driving messages and materials to provide a consistent message and coordinated appearance.
- Expand dissemination of information regarding DWI system/processes, etc.
- Develop educational messages in multiple languages.

Sanctions and treatment

- Streamline the administrative hearings process, and reduce officer attendance time to 30 minutes.
- Reduce the frequency with which DWI charges are reduced to careless driving charges (which allow individuals to avoid being tracked in the DWI system).
- Enhance treatment provider qualification requirements.
- Study the relationship between driving schools and treatment providers.

Legislation

- Remove loopholes so that ignition interlock devices are admissible in court.
- Allow license reinstatement after an individual has received four or more DWIs with installation of an ignition interlock in their vehicle to keep them in the system.
- Tighten penalties and sanctions for DWI offenses and treatment.
- Establish a funding mechanism to support efforts to abolish alcohol-impaired driving.
- Adequately fund State's attorneys' offices to seek alternative sources of funding such as court fees.

G. Interstate Cooperation and Coordination

As the number of interlocks in use continues to grow, so too does the number of interlock cases that cross State lines. Offenders may be arrested for DWI in a State other than the one in which they reside. Likewise, program participants may travel for business or leisure or relocate

to another State. Situations like this pose an increasing challenge for all States. Here, the experiences of New York, Oklahoma, and New Mexico are discussed.

New York

New York has two key areas of concern related to interstate matters:

- ◆ The relocation of interlocked probationers; and
- ◆ The significant number of drivers who commute across State lines.

An important issue facing many States is the orderly transfer and supervision of probationers sentenced for DWI-related offenses and ordered to install ignition interlock devices as a condition of their community supervision. To ensure continuous and uninterrupted supervision of probationers, New York State participates in the Interstate Commission for Adult Offender Supervision (ICAOS) to manage probation cases into and out of the State. The OPCA Interstate Unit coordinates with ICOAS and adheres to the terms of the commission's Interstate Compact that guides interstate matters. OPCA's Interstate Compact Unit processes the transfer of probation supervision requests and related correspondence, monitors transfer activities as necessary, provides technical assistance to local probation staff, and serves as the liaison between local jurisdictions and other State Compact offices. The compact covers first-time DWIs; there has yet to be a major interstate case involving interlocks.

While the ICAOS clearly addresses the eligibility for transfer of felony probationers, it currently excludes first time misdemeanor offenders. Ten states, including New York, now have laws in place that require first-time DWI criminal offenders to install ignition interlock devices. New York State has raised this issue with the national ICAOS Office as States struggle to address offender accountability and supervision. There are minor issues associated with interlock interstate transfer cases. One of the factors creating this challenge is that not all interlock vendors conduct business in every State. Considerable coordination is required to ensure that interlock devices are installed in vehicles prior to leaving the sending State where feasible, and that monitoring reports are provided to the appropriate supervising entities.

OPCA suggests that since States share similar problems and issues with DWIs, there could be a great deal more collective work to formulate legislation and programs that provide for more effective supervision and monitoring across State lines. New York has found that a small portion of the population is creating a vast majority of the problems. New York drew a random sample of 100 probationers, 85 of whom had driver licenses. Altogether, this group had 125 revocations and 325 suspensions, and some drivers had more than 20 suspensions. This suggests that a focused effort on the most criminal subpopulation could greatly increase highway safety. Furthermore, approximately 13 percent of crashes involve drivers known to probation authorities, underscoring that these drivers behave differently. Focused interstate efforts on these drivers could yield substantial gains in highway safety.

Oklahoma

Oklahoma has worked to identify four key interstate issues related to interlocks:

1. Oklahoma residents installing in neighboring States: Previously, participants had been permitted to have interlocks installed and serviced at any location, including out of State. For convenience, many participants go to the nearest installation facility, which for some are in neighboring States in such places as Paris, Texas, and Liberal, Kansas. In the past, interlocks installed at these facilities contained the device settings determined by Texas or Kansas laws, standards different than those in Oklahoma. Program

rules were revised to require Oklahoma participants to use a device approved for use in Oklahoma, and installers were required to load the Oklahoma installation configuration profile and tell the driver what constitutes a violation in the State of Oklahoma. To further address these cross-border installations, an inclusion zone has been established. The BOT worked closely with the Oklahoma Ignition Interlock Association to determine that centers located outside the State of Oklahoma, but within 25 miles of the State border, would only be eligible to perform Oklahoma-certified installations if they acquired the same license currently required by service centers and technicians doing business within the State of Oklahoma. To ensure that out-of-State installations performed within the Inclusion Zone are accomplished in accordance with Oklahoma rules and regulations, the Oklahoma licensed ignition interlock technician who installs the device must provide the participant with an acknowledgement form affixed with an installation decal (see Figure 2). Only technicians duly licensed by the BOT can purchase these decals for \$10 each.

2. Foreign offenders: Drivers from another State arrested for a DWI in Oklahoma have their driving privileges in Oklahoma revoked and must comply with Oklahoma's interlock laws. Furthermore, pursuant to State reciprocity agreements, the home State may revoke the license. In these situations, Oklahoma serves as the installation authority for the interlock monitoring device. To ensure the installation of an Oklahoma certified ignition interlock device is accomplished in accordance with State rules and regulations, upon completion of the installation outside the Inclusion Zone, the technician forwards to the interlock program administrator a completed "Application for Foreign Installation Verification" form (see Appendix B-31) with the fee of \$10. With approval of the application, the Board affixes an Installation Decal and forwards the installation verification to the monitoring agency in the State where the license is held. The applicant pays for any costs of mailing this application to the Board. The interlock program manager can review the databases to ensure configurations of every installation and to look at data reports to ensure monitoring by Oklahoma rules. This process also prevents Oklahoma residents from going to other States for an interlock installation that is not in compliance with Oklahoma regulations.
3. Relocated participants: An Oklahoma resident participating in the interlock program who moves out of State poses a monitoring challenge for Oklahoma. At the participant's next visit to a service center in their new state of residence, the device settings may be reset automatically to conform to the new State's laws (whether the settings are reset depends on the manufacturer's settings). Thus, another State's laws are governing a driver with an ignition interlock device required by an Oklahoma statute or order. In some cases, if the vendor maintains interlock operations in both States, the vendors may be able to allow the devices to continue to follow the Oklahoma regulations. However, in many cases this currently is not an option.
4. Transient violators: While traveling in other States, device fail or equipment issues may require an out-of-state service center visit for a device reset. However, by doing so, the service facility may reconfigure the settings and produce a loss of the logger data. This is an issue that regulations and manufacturers need to address. Ideally, the vendors would not change out-of-State configuration profiles or lose the logger data.

Interlock program managers in Oklahoma suggest that there is a need for more interaction among States to share best practices and to work together to resolve issues such as these. Oklahoma program managers recognize that currently the burden is upon the participants, who cannot be expected to understand all the interstate issues, but who are subject to the consequences of

a system that does not yet work well. The variations in State laws complicate the servicing and monitoring of these devices. Resolution of these matters may require an interstate compact or other cooperation.

New Mexico

New Mexico faces challenges similar to many Western States: large geographic areas with a scattered population. This means that service centers may be located far from offenders. New Mexico stresses the need for reciprocity agreements with neighboring States. Challenges also arise when an offender moves out of State. New Mexico's goal is to prevent violators from evading their obligations. For example, an out-of-State truck driver convicted of a DWI in New Mexico is subject to New Mexico DWI penalties but is monitored by his or her home State. New Mexico works to communicate with vendors and the courts on a case-by-case basis to methodically track for proper monitoring. New Mexico's interlock program managers work with vendors to make it not only possible, but also routine to transfer the monitoring of such cases.

New Mexico suggests that more focused and consistent coordination among States can help reduce the opportunities for offenders to evade penalties. States would benefit greatly by establishing common practices and simplified communication procedures to address these issues by working with interlock manufacturers at the national level and leveraging the Interstate Compact.

VII. Interlock Vendor, Data and Device Issues

Ignition interlocks are reliable devices that, when installed properly, can prevent vehicles from being operated by a driver with a BAC above a preset limit. Interlocks are sophisticated pieces of equipment, and proper installation and monitoring of the device is crucial to interlock program success. Interlock programs must coordinate carefully with device manufacturers and installers to ensure smooth program operation. States, vendors, and installers must work together to address individual and programmatic issues related to devices as they arise.

This section includes the insights of several States on the following three topics:

- ◆ Working with Vendors to Meet State Requirements
- ◆ Managing Data Monitoring and Evaluation
- ◆ Addressing Circumvention Issues

A. Working with Vendors to Meet State Requirements

Once State laws provide for the use of interlocks, regulations must be crafted to specify a wide range of technical factors, from whether the device must use a fuel-cell sensor, to what BAC levels will trigger ignition lockouts and program violations.

Interlock program managers work with vendors and installers to ensure that all devices within the State meet each program's specifications. Accordingly, States focus on two key matters:

- ◆ Ensuring that devices operate consistent with the State's regulations—e.g., the settings for lockouts on high BACs, time settings for requesting running retests, etc.; and
- ◆ Ensuring that devices are installed and serviced properly.

The recent experiences of Oklahoma and Illinois are provided here as examples of how States address issues related to ensuring that devices are operating according to program regulations.

Oklahoma

Oklahoma has established a comprehensive and rigorous program to ensure that all interlock devices installed in the State conform to State regulations, and is a national leader in this regard. The regulatory agency for the ignition interlock industry, the Board of Tests for Alcohol and Drug Influence, has implemented a series of certification procedures to govern all interlocks installed in Oklahoma required by statute or order. The Board is an oversight committee which, by statutory code, is composed of PhD's, scientists, forensic toxicologists, and law enforcement officers.

As a legislatively sanctioned rulemaking body, the Board can declare the standards and monitoring rules for interlocks. The Board specifies that all manufacturers must abide by the same rules and comply with the same device specifications. The ignition interlock program administrator's office sets the specific device standards.

The Board staff and program administrator's office maintain active communication and certifications with vendors, ensuring that equipment and service are of high quality. To ensure that the devices meet State specifications:

- ◆ All vendors must submit devices for initial certification and annual recertification;

-
- ◆ The program administrator's office is empowered to decline device certification and to decertify vendors, if necessary; and
 - ◆ Vendors must notify Oklahoma if the device that was certified has been modified in any way. Also, vendors must notify Oklahoma if the device fails in another State's certification process.

To ensure all devices are installed properly, the administrator conducts the following oversight of device installation and service:

- ◆ Initial certification and annual recertification for each installation facility by way of an application and site inspection (see Appendix B-33);
- ◆ Initial certification and annual renewal of installation/service technicians by way of an online testing procedure; and
- ◆ Random site inspections utilizing a formal checklist of operational requirements (see Appendix B-34).

All technicians are required to pass an online certification exam; background checks must report no criminal activity within the past five years.

During service appointments, devices must be calibrated precisely. Installers must demonstrate proper procedures for such technical matters as the appropriate handling of the calibration device and equipment. Examples of mishandling include:

- ◆ Installing incorrect version/model, thus unapproved interlock devices;
- ◆ Improper test equipment handling, such as inappropriate storage of simulator solutions or connector tubing;
- ◆ Failure to adjust test referencing samples according to altitude (on certain equipment);
- ◆ Use of tubing too long in length; and
- ◆ Failure to fully inspect wiring of installation.

A technician with sufficient procedural errors may lose his or her technician certification and will be prevented from accessing the installation and service online system; individual logins can be deactivated.

The State also field tests devices to ensure that they work in the proper manner (see Appendix B-35 for the field test checklist).

Installation facilities may be sanctioned for operations not conforming to regulations. If a center is sanctioned, Installation Decals are confiscated and, therefore, the facility must stop performing new installations. As new installations are the key source of revenue for the centers, there is a strong incentive to comply with the administrator's requirements. This is a significant penalty for the vendor, and rarely necessary. Since drivers rely upon service centers to meet program obligations, it is not preferable for centers to be shut down entirely.

The Office also ensures that installation takes place as required. Calibration and physical inspection of the installation is required every 60 days. The logger file data is captured at these visits and reportable fails are sent to the monitor.

Oklahoma has not established requirements for a maximum distance that a participant may travel to an installation facility. However, vendors that close a facility and do not establish or

maintain another facility within 25 miles of the closed facility are required to cover the costs incurred for the de-installation of their interlock devices and the installation of new interlock devices provided by another vendor.

Oklahoma requires separate waiting areas for each client. This keeps the participants physically separated from the vehicle during installation so that the process cannot be observed, preventing participants from gaining knowledge that could lead them to attempt circumventions. This approach also provides privacy from other customers in the facility.

In Oklahoma, mobile units are permitted to conduct only certain service procedures, as the environments in which they operate are not conducive to ensuring proper installations and training of new users. Mobile units may perform device and wiring inspections, install replacement handsets that have been pre-calibrated, and perform de-installations.

Oklahoma now requires interlocks to use fuel-cell sensors. Switching from the T-cell to the fuel cell sensors has increased device accuracy and reliability greatly.

Device vendors have embraced Oklahoma's strict device certification and installation procedures. Since its founding in 2004, the Oklahoma Ignition Interlock Association (OIIA) has worked closely with the Board of Tests to improve the State's ignition interlock program. The association lobbied successfully to defeat proposed legislation in 2005 that would have eliminated all interlock requirements for DWI offenders. The OIIA is working to gather more public support for interlocks and anti-DWI programs by participating in various community events that focus on DWI prevention measures, such as underage drinking. The expressed intent is to enlarge OIIA's perceived role from mere device installers to leaders in the process of social change to reduce DWIs.

The OIIA recognizes that much of the current interlock-related legislation has resulted from strong member advocacy, and that vendor-driven legislation lacks buy-in. The OIIA is currently working to tighten the other DWI-related laws. There is a plan under development to file legislation next year tightening penalties for choosing to drive under suspension or for evading the DWI/interlock laws, and to work with the courts on discretion when it comes to enforcement of DWI laws.

Illinois

Illinois' interlock program regulations specify a range of requirements that vendors must meet to offer their services in Illinois. To illustrate how Illinois established parameters for the interlocks, and how they shape the program's routine operations, four of these key requirements are reviewed here:

- ◆ Device specifications
- ◆ Data transmittal
- ◆ Service area requirements
- ◆ Installation/service site inspections

Device specifications

Currently, vendors interested in providing service in the State are referred to the Administrative Code for more information. The code specifies the process for a vendor and its interlock device(s) to become certified. After 18 months of the new first-time offender program being in place, program managers began revising the vendor application process.

Data transmittal

Illinois has a standard format that defines the arrangement of data that all vendors must use when sending the State data files. Each night, the vendors send the logger files via FTP (file transfer protocol) to the BAIID Division. The vendor also maintains a copy of these records.

The entire electronic and paper system of tracking installations has been designed to anticipate potential glitches, including missing records or data. BAIID Division staff members have the authority to contact vendors and to conduct any necessary research on installation and monitoring issues. Indeed, technical issues involving incomplete or missing data are a common challenge. In one instance, a vendor called the BAIID manager to report a missing running retest in an offender's logger file. Further research discovered many incidents of missing running retest records. Incorrect or incomplete data create major difficulties for program staff as they attempt to govern the interlock program fairly. BAIID continues to work with vendors to ensure that the data transfer system is functioning as designed.

Service area requirements

Vendors are required to provide statewide service sites. The regulations permit the Secretary of State to require the vendor to create a site in a rural area if it is deemed necessary. Vendors also must provide sufficient service facility coverage such that no customer would need to drive more than 75 miles for an installation or service. Vendor mobile units are permitted to satisfy this geographic coverage requirement. Each year, the program managers examine the map of the service centers to ensure that each city/town is within 75 miles of a site. All of the vendor contracts contain a clause that requires them, if randomly chosen, to establish a service center site at the State's direction to provide for such coverage, though thus far, this has not been necessary.

Keeping track of these facilities poses an additional challenge as new facilities open and others move or close. To deal with this issue, a new database was developed to track facilities and to produce updated reports that are sent to new users and posted online to assist offenders in locating an installation facility.

Installation/service site inspections

Illinois' BAIID Program has three staff members who work exclusively with vendors. There are frequent communications regarding management issues such as quality and completeness of data, managing difficult offenders, and technical matters on individual installations.

Each BAIID Division installation facility inspector has a territory of approximately 23 contiguous counties. At each site visit, inspectors follow a standard list of questions that determine if the facility is performing to code (see Appendix B-36 for initial visit questions and Appendix B-37 for sample follow-up questions). The question list is used as a guideline, and not all questions are asked of all facilities at every visit. Visits typically last 10 to 45 minutes, and inspectors make approximately 5 visits per day, all of which are unannounced. Inspectors may also, from time to time, conduct telephone discussions with facility managers to learn about any developing issues.

One common problem identified in the site visits is improper connecting of wires. Inspectors emphasize the importance of performing hardwired and soldered installations. One common shortcut is to use "Posi-Taps" (connectors that tap wires without cutting) instead of soldering. These types of connectors save time and money for installers. However, they are temporary and invite tampering by clever offenders. Inspectors also ensure that calibrations are routinely and properly performed. These field inspection visits are mostly well received by the installers; field inspectors work to develop a rapport and to build trust. The open and positive relationship

between vendors and the BAIID Division has promoted rapid response to issues that affect the program.

B. Managing Data Monitoring and Evaluation

The process of acquiring interlock data, processing it to accurately identify fails, and responding to these potential violations, is a major component of most interlock programs included in this guide. Through these processes, the programs are able to impose appropriate sanctions, which typically intensify with repeated fails or with high BAC levels. A thorough data review process also may identify attempted device circumventions, a discussion of which follows in “C: Addressing Circumvention Issues.”

Some States have conducted thorough process reviews to document these systems in order to ensure complete coverage, as exemplified by the flow charts produced by Illinois (see Figure 6: Illinois Monitoring Flow Chart Sample Page).

This section explores the data monitoring and evaluation procedures in Florida, Colorado, and New York.

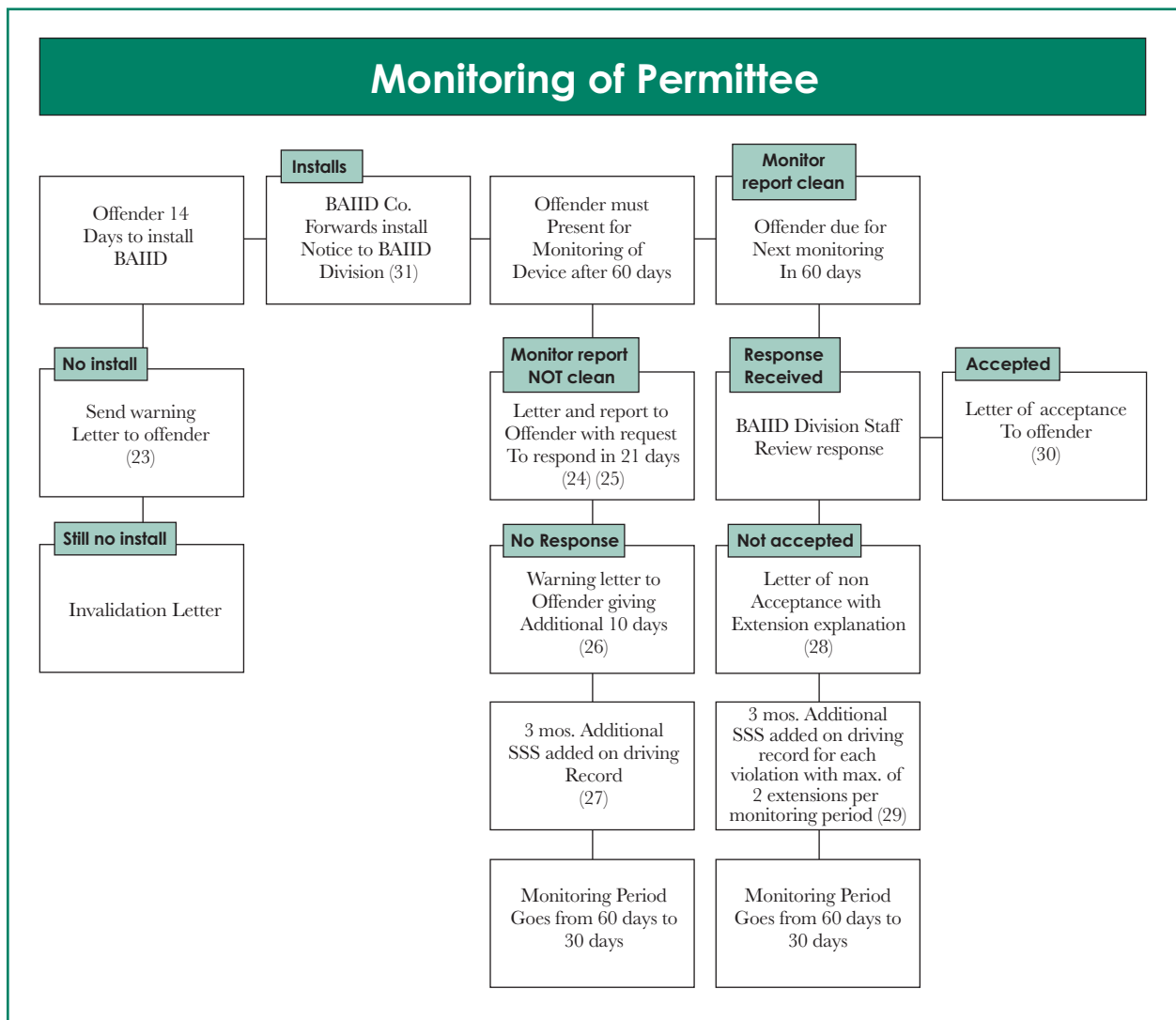


Figure 6: Illinois Monitoring Flow Chart Sample Page

Florida

Program managers in Florida process interlock data with a combination of automation and direct staff involvement. The aim of the approach is to ensure that resources are available to intervene in those situations requiring extra attention. The process can be summarized in three steps:

- ◆ Data acquisition;
- ◆ Data review; and
- ◆ Sanctions issued.

Data acquisition

The process begins with the monthly (or bimonthly) service appointments of each interlock vehicle, during which all the logger data is uploaded from a vehicle's interlock device into the vendor's data systems. Every week, the vendors submit this logger data to the Department of Highway Safety and Motor Vehicles (DHSMV). While the current vendor reporting system is largely in an electronic format via a dedicated Internet database system, first-time violations and some second violations are still reported manually.

Florida's overall approach to the interlock program aimed for simplicity in design and routine operations. One tactic taken in pursuit of this goal was to eliminate the complexities of managing many interlock vendors. Florida works with only two interlock vendors. This results in a number of operational efficiencies, including that program staff are not required to reconcile many different data systems and logger files. Moreover, the data transmitted to the DHSMV are "filtered" by the vendor to include only those incidents that may qualify as program violations.

Data review

Once received by the staff, data are reviewed to ensure that each reported fail qualifies as a program violation. The participant's case file is reviewed to determine what sanction and response is appropriate. In any case where matters deviate from typical situations, staff members confer to determine what options are available and the best course of action. As an example of the thoroughness of this review process, interviewed staff cited a situation in which a law enforcement officer was contacted to provide more information.

Sanctions issued

Participants are notified by way of letter of the fail incidents and the sanction(s) that result. The staff uses a series of situation-specific form letters (example letters are included in Appendix B-12 and B-28 and were discussed previously in this guide) that merge with the case-tracking database. This approach streamlines operations. All correspondence is tracked in the database and linked to information regarding all telephone contact with participants and vendors.

The overall approach was developed, and continues to benefit, from a complete process review that produced a flow chart that identified ways to minimize steps, reduce possibilities for exceptions, and eliminate gaps in communication (this flow chart was discussed previously; see Appendix B-9 to view portions). The DHSMV IT section is continuing to work on automating the processing of data and sanctions letters.

Managers conduct frequent meetings with staff to ensure fairness in handling every case and to identify ways to increase the program's effectiveness.

Colorado

Colorado's approach to data monitoring leverages data systems while relying on situation-specific judgment. The benefits of recent automation are discussed in this review. The overall process closely parallels that of Florida and can be summarized in four key steps:

- ◆ Data acquisition
- ◆ Data review
- ◆ Sanctions issued
- ◆ Hearings scheduled/conducted (by request)

Data acquisition

Colorado's vendor data acquisition process has evolved continuously to incorporate data automation. Between 1995 and 2000, all data from the logger files was delivered on disks, and the DMV Driver Control unit had to contact each interlock vendor and go through the reports line by line to look for device fails, an intense, time-consuming process. Now the process is handled with FTP (file transfer protocol) uploads.

Additionally, all installation certification forms and contracts were paper-based and required scanning to be accessible electronically by staff, a labor-intensive process that created a delay in information availability. Now the Online Information System (OIS) makes this installation-related information available instantly.

A vendor representative reported that while there was not a lot of time to learn the new OIS, there was excellent communication and training on its use provided by the State, including an online learning module, conference and Web calls, and a full day of onsite training. Materials included numbered screenshots of the online system to illustrate the system's use. This training prepared the vendor representative to visit several dozen installation facilities across the State to provide training to facility staff.

Installation facilities were, at first, hesitant about having to use the system. However, after a 90-minute PowerPoint presentation, review of all the help screens available on the system, and responses to all questions, the installation personnel were more receptive. Prior to real-time launch, vendors were provided with practice accounts that were helpful to determine how long it would take to use the system while performing installations, check-in monitoring, and de-installations, and how to execute various operations.

The system requires about two to three additional minutes for the installers to enter a new install. During monitoring visits, the data can be uploaded in less than a minute. Recording de-installations takes about two to three minutes, and there is minimal data entry for this process. Based on their experiences with installers in the field, one vendor considers the system very user-friendly.

Combined, these digitized systems of logger files and installations allow Driver Control staff to handle the increasing volume of interlock clients.

Data review

With current data readily available, the Driver Control unit staff is able to execute set procedures to update data to ensure accuracy and to inspect the data for possible program violations.

A typical data review week starts on Thursday to process the new weekly batch of electronic transmissions from the vendors that arrived Wednesday night. The reports are reviewed carefully for

various matters, including spotting and initiating the correction of data errors. Each Wednesday night, the file transfer of the previous week's data from each of the vendors' computers to the State's mainframe is facilitated by another State agency at a downtown Denver location. The mainframe updates the State's database with the vendor-supplied data and prints reports that are driven to the Department of Revenue's office in nearby Lakewood, Colorado.

The four reports include the following:

- ◆ Errors: Shows records with discrepancies between what the vendor reports and what is in the State's database. Issues typically involve date of birth, name spelling, VIN or plate numbers, etc. and frequently are typographical errors.
- ◆ Fails: Potential violations.
- ◆ De-installs: Must be inspected, as some offenders de-install early, and the legitimacy of this must be verified or action taken.
- ◆ 75-day reports: Participants who have not had a vendor monitoring check-in within the past 75 days (some participants must report for monitoring every 30 days, most every 60 days).

Even with this pre-sorting of data, it is a challenge for staff members to prioritize those cases that need the most immediate attention. Interlock staff members require knowledge and discernment to make the best use of the reports they receive. The most important offenders to address are those with three fails, as they need to be contacted in a timely manner.

The automation of the data has made overall program analysis easier. One report revealed 60 percent of program participants are qualifying for early reinstatement and are eligible for de-installation after just four consecutive months without violations, while approximately 40 percent of the first offenders are getting interlock requirements extended due to violations.

When reviewing the fail reports, many are second- and third-time fails for the participant. In these cases, staff members look back through the previous records to try to detect patterns. Sometimes, vendors erroneously report the same false fails over and over. While this is time-consuming for the staff, it is more efficient to have identified such situations rather than to forward them on to a hearings unit.

Sanctions issued

Driver Control unit employees analyze the logger files carefully to see if they contain sufficient information for a fail. One frequent challenge arises from different perceptions that the State and vendors have regarding the definition of a fail. Driver Control staff members inspect the logger file data carefully to ascertain the nature of reported fails before deeming them program violations.

Once a set of three fails has been deemed a program violation, the participant is sent a violation notice informing him or her of the incidents. Participants are provided with two options:

- ◆ Admit to the fails, thus extending the interlock license for one year; or
- ◆ Challenge the fails and request a hearing officer review and ruling.

The task of determining which cases are eligible for a hearing is currently performed by Driver Control staff (previously, the Hearings Division staff did this work). The process involves specialized skills to review 50 to 75 pages of logger files to find and carefully analyze the three fails. With insufficient workload capacity to handle this labor-intensive task adequately, the Hearings

Division was setting 100 to 200 hearings a week; an unmanageable number. The revised system sends to the Hearings Division only cases that are likely to need a hearing.

Requests for hearings are received via mail and telephone and are forwarded to the Hearings Division for scheduling. A copy of the participant's logger file is sent to the participant if requested.

Approximately 50 percent of offenders admit to the fails and extend their interlock leases for an additional year. For many, this is an easier solution, requiring no time off work and no other related costs; the other 50 percent ask for hearings.

If the participant does not respond to the violation notice letter within 30 days, his or her interlock requirement is extended by one year.

Hearings scheduled/conducted (by request)

Hearings are scheduled approximately one month in advance. The hearing scheduling staff is provided with periodic customer service support training to help manage frequent issues presented by the participants, ranging from lengthy explanations of what caused the fails, to requests to be excused from the requirement to calling back searching for a "better answer" from a different staff member.

Approximately 40 hearings are held each week; some in person and some via telephone. Hearing officers receive a copy of the logger file data before the hearing and discuss the content of the report with the participant. At the end of the hearing, the participant is informed of the final ruling on each of the three fails.

SIDEBAR

New York

A 'front-lines' approach to interlock monitoring

New York has taken a decentralized approach to participant monitoring and vendor reporting. The Office of Probation and Correctional Alternatives (OPCA) requires all interlock vendors to report all device failures directly to the monitoring agency, and OPCA has implemented a uniform monitoring report for that purpose. This report provides a common format for manufacturers that is recognizable to courts, prosecutors and probation monitors. The report is designed to highlight and emphasize regulation compliance. Monitors are able to review the logger records of all their cases to ascertain the nature of the fail and the potential violation.

In one county, a probation officer is present at all calibration/service appointments and inspects the logger file as it is uploaded from the vehicle. The officer then can immediately discuss the data with the participant. Additionally, as a condition of their probation, participants are required to report to their probation officers all device lockouts. This approach enables the probation officer to work with the probationer at the time of the incident, rather than waiting for monthly logger files to report these incidents.

New York has taken the position that vendors cannot be the monitors of the interlocks and interlock data, as these are criminal justice and public safety decisions that should be made by the Court and carried out by probation and community and local program representatives that are authorized by the Court and State regulation.

OPCA also has developed a uniform New York State Ignition Interlock Report that manufacturers use to report aggregate data to the State. This information serves to monitor the number of ignition interlock devices ordered by the Courts with a reduced or waived cost, and this report provides the State Office with an important monitoring tool.

The results of the hearing, including all notations about each individual fail ruling, are noted in the database. The Hearing Division staff notifies the Driver Control Unit staff about completed hearings via email, which then are reviewed by the Driver Control staff to determine what actions are to be taken.

C. Addressing Circumvention Issues

Interlock program managers interviewed for this guide all cited the reliability and accuracy of current interlock devices as contributing significantly to gaining legislative support for interlocks and in smoothing interlock program operations. With technological advances, it is becoming increasingly difficult for participants to operate the vehicle without providing a valid breath sample.

However, even with numerous design, installation, and monitoring improvements, some participants still attempt to circumvent the device in order to operate the vehicle while intoxicated. The three main methods of circumvention are:

- ◆ Disabling or bypassing of the interlock's electronic control of the ignition (such as by cutting the connecting wires, among other means);
- ◆ Providing a breath sample from another person; and
- ◆ Driving an un-interlocked vehicle.

To confront the first method, vendors have worked to make the devices and all related wiring tamper-resist, including such measures as hardwiring the devices, placing tamper-proof seals over key electronic connections, and instructing installers to not permit the participants to witness any of the installation or wiring.

To confront the second method, vendors have designed the devices to require a learned breathing pattern to produce a valid breath sample. This breathing pattern is taught at the time of the installation and is difficult for an inexperienced person to replicate, and must be provided at a certain temperature and sometimes with an accompanying tone as a further check against circumvention. Vendors have also brought to market interlock devices with cameras that record a photo of the person providing the breath sample, further proving the source of the sample.

Some interlock program managers reiterated the importance of comprehensively and swiftly addressing suspected circumventions in order to protect the veracity of the entire interlock program. The challenge remains to identify attempts to circumvent, and to instill a belief among offenders that circumventions will be discovered and that the penalties will be severe.

Some of the efforts that Colorado, New Mexico, and Oklahoma have taken to address these issues are presented here.

Colorado

Vendors in Colorado are required to conduct a comprehensive physical inspection of the installation at each monitoring visit to look for any evidence of tampering. The new Online Information System (OIS) has enabled substantial improvements to the effort to monitor for circumvention. Tampering/circumvention is to be reported within 72 hours, but often in practice would take a week or more before it was in the system, since previously reports were delivered by fax. With the OIS, this information is available the day after the servicing of the interlock.

The Driver Control Unit staff receives reports from the vendors flagging suspicious circumstances (see Figure 7 for an example of a suspicious logger file) that indicate circumvention

attempts. After reviewing the tampering comments section posted by the vendor and speaking with the vendor for any necessary clarifications, the State can initiate the restraint process immediately. There are approximately 35 to 40 circumvention cases each month.

VIOLATION: There was a failed retest while the engine was running and a passing test was not provided before the engine was turned off. This indicates alcohol was present on the user's breath while the vehicle was running.

Oct 4, 2008	Sat 02:05:16 PM	Engine Start	
Oct 4, 2008	Sat 02:06:42 PM	Initial Test-Warn	0.023
Oct 4, 2008	Sat 02:10:16 PM	Rolling Retest Requested	
Oct 4, 2008	Sat 02:10:59 PM	Rolling Retest Requested	
Oct 4, 2008	Sat 02:11:40 PM	Rolling Retest-Fail	0.029
Oct 4, 2008	Sat 02:11:47 PM	Rolling Retest Requested	
Oct 4, 2008	Sat 02:14:09 PM	Rolling Retest-Fail	0.025
Oct 4, 2008	Sat 02:14:16 PM	Rolling Retest Requested	
Oct 4, 2008	Sat 02:16:19 PM	Skipped Rolling Retest	
Oct 4, 2008	Sat 02:16:25 PM	Rolling Retest Requested	
Oct 4, 2008	Sat 02:16:56 PM	Rolling Retest-Warn	0.023
Oct 4, 2008	Sat 02:21:29 PM	Rolling Retest Requested	
Oct 4, 2008	Sat 02:22:06 PM	Rolling Retest-Fail	0.029
Oct 4, 2008	Sat 02:25:26 PM	Engine Stop	
Oct 4, 2008	Sat 02:25:27 PM	Temporary Lockout	
Oct 4, 2008	Sat 02:40:26 PM	Temporary Lockout Ended	

CAUTION: Power to the device was disconnected for the length of time and dates shown below. These disconnects may indicate tampering unless they were done while the vehicle was in for repair. The monitoring authority may want to request a copy of any vehicle service receipt from the client on disconnects of several hours or more before determining if a violation occurred.

Sep 30, 2008	Tue 04:50:26 PM	Power Fail	
Oct 4, 2008	Sat 02:05:16 PM	Engine Start	Hours:Minutes - 93:14
Oct 8, 2008	Wed 08:16:20 AM	Power Fail	
Oct 8, 2008	Wed 02:16:03 PM	Engine Start	Hours:Minutes - 5:59

There were 32 engine starts during the reporting period which indicates normal usage of the vehicle.

Figure 7: Suspected tampering identified in a logger file.

Participants are given three days to reply to a notification of a tampering/ circumvention. The participant's license is revoked until a request for a hearing or renewal (which is an admission of guilt and an agreement to have the interlock extended) is received.

Repair shop documents proving why the device was removed or circumvented must be presented at the hearing in order for the circumvention event not to be considered a program violation. If the participant fails to appear at a scheduled hearing, he or she is permitted to call and reschedule.

Any attempts to circumvent the device on an indigent installation results in the removal of the device by the vendor and hard revocation for one year followed by a new interlock requirement.

New Mexico

New Mexico interlock vendors are required to inspect for and report any signs of tampering or circumvention. While these cases are few, they are a critical concern for the interlock program managers, as an intoxicated driver is very likely operating vehicles when there has been an attempt at circumvention.

In 2008, New Mexico program regulations were expanded to declare tampering or circumvention a criminal offense equivalent to that of driving while under revocation for a DWI. However, such activities are difficult to document.

One initiative New Mexico program managers are exploring is initiating a court case to serve as a highly visible example to deter other circumventions, and to establish precedence. This effort will require significant interagency collaboration among the Traffic Safety Bureau, the Motor Vehicles Division, the Governor's Office, and State prosecutors, all of which have been working together to consider possible cases to pursue. The program managers recognize that with the visibility the case is likely to garner, it is essential that the case's ruling be the result of incontrovertible evidence. Thus, they are selecting their case to pursue with the utmost care.

Oklahoma

In Oklahoma, per State Statute §47-11-902a., allowing use of a motor vehicle without an ignition interlock device or attempts to tamper or circumvent interlock devices are possible criminal offenses:

- A. No person shall knowingly authorize or permit a motor vehicle owned or under the control of that person which is equipped with an ignition interlock device to be driven upon any street or highway of this state by any person who is required to have an ignition interlock device installed upon the vehicle of that person.
- B. No person shall make an overt or conspicuous attempt to physically disable, disconnect, or wire around an ignition interlock device, unless pursuant to the rule or Oklahoma Statutes, or intentionally fails to return an ignition interlock device when it is no longer required in the vehicle or upon request by the owner of the device.
- C. A violation of this section shall be a misdemeanor and shall be punishable by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the country jail for not more than six (6) months, or by both such fine and imprisonment

Enforcement of this regulation is the main purpose for requiring a physical inspection of the devices and wiring every 60 days on each installation. Part of the installation procedure includes the application of a tamper/warning label on critical device components that, if tampered with, will show evidence of the attempt to circumvent the device during inspections. This label must read:

“Any person attempting to physically disable, disconnect or wire around this device or who intentionally fails to return the device upon request by the owner may be guilty of a misdemeanor under Oklahoma law (47 O.S. § 11-902a).”

Furthermore, logger files are inspected for attempts at circumventions, which are often identifiable by a string of “aborts,” from repeated attempts to circumvent device failures in order to disable the interlock.

PROGRAM VIOLATION IF
TAMPER SEAL
REMOVED OR BROKEN

PROGRAM VIOLATION IF
TAMPER SEAL
REMOVED OR BROKEN

PROGRAM VIOLATION IF
TAMPER SEAL
REMOVED OR BROKEN

Figure 8: Tamper Seal

Oklahoma recognizes that law enforcement officers often are the first to encounter attempts at tampering or circumvention. The interlock program administrator is developing materials to train law enforcement officers to look for and document potential tampering or circumventions. To produce this material, photos of documented circumventions and tampering are being acquired and will be incorporated in an officer training video. Officers across the State are encouraged to submit photos of suspected tampering.

Once additional officers are trained to perform such inspections, and more cases are discovered, it will become possible to prosecute a solid case. The program administrator is working with district attorneys to formulate potential cases that may act as further deterrence.

Oklahoma program managers also recognize that repeated tampering incidents are a strong indication that the participant is not well suited for the interlock device, and he/she is most likely in need of stronger treatment and supervision methods. Regardless, interlocks are a means to identify these individuals who may require additional monitoring.

VIII. Evaluation of Interlock Programs

The primary goal of all interlock programs is to reduce the number of crashes caused by intoxicated drivers. Program evaluations aim to measure progress toward achieving this goal.

A key evaluation challenge is what to measure. Evaluation can focus on installation rates, recidivism rates, alcohol-impaired driving crash rates, or other factors. Even for an issue as seemingly straightforward as installation rates, there remains the denominator question. A recurring question is whether installation rates should be based on the total number of DWI offenders, the number of eligible offenders, the number of offenders required to install a device or some other number? The installation rate can vary by as many as 60 percentage points based on which of these numbers are used (Marques, 2009). There is a need for better consistency in this area to enable cross-program comparisons.

Various data were considered by interlock program managers interviewed for this guide to be relevant and desirable to track the progress of programs. There were five measures most often cited by interlock program managers:

- ◆ Total number of installations;
- ◆ Percentage of DWI arrests resulting in interlock installations;
- ◆ Number of lockouts preventing driving under the influence;
- ◆ Reduced recidivism; and
- ◆ Reductions in DWI crashes, deaths, and injuries.

However, the gathering and analysis of these statistics is a time-consuming and technical challenge that few States have had the resources to address. Most program managers interviewed for this guide cited the conducting of formal program evaluations as the most important need for additional interlock success. Such information is considered essential to maintaining and building support for interlock-related legislation, and for expanding resources dedicated to reducing DWIs.

Only a few States in this guide have conducted evaluation-related activities. These efforts can be categorized into four areas:

- ◆ Conducting process reviews: Establishing work and case flows to streamline operations, enable data acquisition, and focus resources.
- ◆ Determining what to measure: Identifying what statistics will inform program operations and ascertain progress.
- ◆ Acquiring data: Extracting information from databases, possibly modifying databases to track additional data points.
- ◆ Performing evaluations: Analyzing data and reporting on findings.

The tasks of acquiring data and performing evaluations require specialized skills and access to databases and processing facilities. Most of the States profiled in this guide have access to these resources and frequently rely upon them for program operations design, daily operations, and quick data snapshots to inform agency reports, but few have conducted focused efforts to thoroughly establish objectives and to measure progress.

Each evaluation task may be internal, conducted by a State agency, or external, performed by an outside, independent organization. Ideally, external evaluations would be peer-reviewed and published.

Examples are discussed here of evaluations in Illinois, Florida, and New Mexico.

Illinois

The Illinois interlock program currently manages approximately 8,000 interlock installations per year. Program officials assert that additional program statistics and outcome evaluations would help with making legislative plans to expand the interlock program. With more than 30,000 offenders eligible each year, there are many drivers who could benefit from further application of the program.

Program managers suggest that some of the most desirable measurements of success would be to track:

- ◆ The number of fatalities and crashes involving alcohol;
- ◆ The number of DWI arrests;
- ◆ The number of drivers participating in the interlock program;
- ◆ The percentage of DWI arrests that have interlocks installed; and
- ◆ The number of instances in which the interlock device stopped participants from driving while intoxicated.

Illinois would like to develop a routine evaluation function that establishes baseline statistics and provides periodic snapshots of the program's outcomes.

With the new first-time offender program in place, routine and consistent data gathering has been initiated. These numbers track, on a monthly basis, the number of first offenders arrested, the number of Monitoring Device Driver Permit eligible offenders, and the number of interlock installations. However, program staff members have yet to analyze and report on these data.

Illinois is not yet tracking recidivism rates for interlock installations. One concern Illinois program managers have is that recidivism by itself is only one measure of the program's performance. Recidivism rates, while helpful, may overemphasize changing behaviors of the participants on a long-term basis, and thus not sufficiently capture the interlock's strength in preventing intoxicated driving on a day-to-day basis.

Program managers also would like to conduct a more thorough process evaluation. The existing process flow chart, prepared during the regulatory planning which created the new first offender program, has been particularly helpful in daily operations and in identifying areas for further streamlining. It provides an opportunity to evaluate how well the program is functioning, reveals processes that are not working as planned, and helps to put in perspective the cases with exceptions and special circumstances.

Florida

Among the States profiled, Florida has had the opportunity to dedicate the most resources to interlock program evaluations. Florida has recorded a double-digit percentage increase in interlock installations in each of the past five years, and the overall compliance percentage (the percentage of DWI arrests having interlocks installed) is increasing rapidly.

As an example of the types of data Florida tracks for program insights, the Department of Highway Safety and Motor Vehicles (DHSMV) conducted a study that tabulated the following for February 2004 through June 2010:

- ◆ 41,128 total installations
- ◆ 57,962 had an administrative requirement but have not yet installed an interlock
- ◆ 50,009 had a judicial requirement but have not yet installed an interlock

To ascertain the broad impact of interlocks, DHSMV conducts weekly evaluations of recidivism (see Figure 9: Measuring Recidivism in Florida). This report serves as a bellwether for the program's success.

Deinstall Reason		Overall Population N = 40,621			IID Ltr PW = 1770		
1 = Jurisdiction Removed		Start of Program = 2/2/04			Actual = 940		
2 = Client Quit Program		Current Date of Run = 6/7/10			Removed		
4 = Requirement Complete		Currently Installed = 8,335			* In Deinstall Reason 1		
Deinstall Reason	Clients	DUI During Interlock	DUI After Interlock	DUI Overall	Percent Recidivism During	Percent Recidivism After	Percent Recidivism Overall
1	2,150	45	195	240	2.09	9.07	11.16
2	2,311	93	164	257	4.02	7.10	11.12
4	27,825	169	1,747	1,916	0.61	6.28	6.89
Total	32,286	307	2,106	2,413	0.95	6.52	7.47

Figure 9: Measuring Recidivism in Florida

Program managers in Florida have considered analyzing crash data. However, they have concluded that additional variables beyond interlock use have too much influence on crash statistics to make such an effort effective. Since the interlock program's inception, alcohol-impaired driving crashes have declined significantly (about 50 percent) while overall crashes are constant. However, there was a pre-existing downward trend in alcohol-impaired driving collisions noted before the interlock program was in effect. The education system, treatment programs, and courts were already heavily involved in changing attitudes and behaviors related to alcohol and are likely to have had a measurable influence. Thus, Florida believes it is not possible to link the reductions in alcohol-involved crashes to the rise of interlocks directly.

Ideally, comparing the rate of DWI recidivism before interlocks, and then among interlock drivers, is a more valid analysis and may be attempted in the future. Data managers and interlock program managers in Florida also are exploring an analysis of non-DWI violations of interlock participants, to measure the impact of interlocks on overall driving behaviors and to better understand drivers with the highest risk-taking propensities. DHSMV staff members have permitted this type of analysis with careful database design but have yet to undertake such analytical activities.

A recent data analysis found that 76 percent of the eligible offenders have installed ignition interlocks. However, between February of 2004 and June of 2010, only 36 percent of all drivers

required to have an interlock have become eligible. DWI offenders are not eligible for interlocks if they owe fines or are behind on child support payments, among other infractions. Program planners would like to establish means by which more of these offenders could be eligible, and ultimately installed with interlocks.

The 2010 law recently has expanded the program to include more drivers with permanently revoked licenses and this will increase the number of installations.

Bureau researchers have conducted evaluations¹³ and had them verified independently by the Pacific Institute for Research and Evaluation (PIRE) to ensure accuracy and validity. (PIRE also has conducted eight independent evaluations of different aspects of the Florida program.) To perform the analysis, the researcher extracts data from the main DHSMV database to create a separate interlock evaluation database, which is updated annually. (The main DHSMV database has storage limitations and other operational requirements that require the elimination of certain kinds of data after specific periods of time.) The capture of data each year from the DHSMV database allows more robust longitudinal studies. For example, speeding violations are dropped from the DHSMV database after five years, but are preserved for analysis in the ignition interlock database.

Currently, the core products from this research are the weekly reports on recidivism and the annual reviews of program-related data. Florida's in-house DMVHS researcher, who is available to all DMVHS programs, spends an average of four hours each week working on interlock program analysis, producing these reports and conducting associated database maintenance. The audience for these reports includes:

- ◆ The Florida Impaired Driving Coalition;
- ◆ The public;
- ◆ The courts;
- ◆ The DWI service community; and
- ◆ Law enforcement.

Key lessons learned from those evaluations show the importance of clean database design. Bureau researchers recommend that the databases, wherever possible, include forced choices (e.g., choose from a list of city and/or county names, select proper labels such as "Street", "Road", "Boulevard", etc., and correctly formatted dates presented in drop-down menus) for data entry to reduce errors and to ensure proper matching of related records.

The research team needs to be involved as early as possible in database design to optimize this ability to shape output, as it is difficult to adjust database design after the fact. Baseline measures can be taken early on to align data and resources to meet the needs of the program. Sound data can become information that can produce explanations and recommendations.

One example of a challenging issue with data consistency involves driver license numbering. In Florida, when a person's name changes, so does his or her driver license number. Thus, it is possible for an offender to change names in order to avoid the history carried by a previous driver license number. Some of the most difficult offenders will attempt to evade their past and avoid consequences by using their old driver license number. While small in number, this group has a very high risk of being a threat to public safety. Forcing a connection with the previous driver record is a critical link in data analysis, as well as a means to ensure the proper monitoring of

¹³ Florida's methodology is documented and available from DHSMV.

clients with risky behaviors. Data systems handling of cross-referencing needs to be considered and data collection and processing may need to be modified to consider these types of potential events.

Program managers also suggested that an interlock program team include an in-house researcher with expertise in conducting evaluations whenever possible, and that this person has substantial computer expertise in database design and management, as well as program management experience.

Program managers also have conducted a thorough process analysis (for portions of the resulting flow charts, see Appendix B-9, cited previously) on interactions with clients and vendors. These flow charts allow the program to look for efficiencies and to develop process improvements that emphasize simplicity.

New Mexico

New Mexico's First Offender Enhanced Supervision Program (discussed in "The Role of Courts and Probation" in Section VI) provides an example of how programs are tracking and measuring results of focused program components. This "Metro" court program uses several different data systems to track interlock cases, including records within a drug court database and a DWI first offender database. Additionally, each probation officer updates individual spreadsheets to track details of cases. The State currently is implementing a streamlined statewide court database system (named Odyssey) where eventually all court records will be accessible by courts and pertinent agencies. This is expected to dramatically improve the ease of data management and to enable more rapid reporting of various factors such as caseloads, workloads, and the interrelations of various matters before the courts.

The more comprehensive database process being developed will enable a revision to the interlock case workflow of probation officers. Rather than a universal approach of seeing each parolee once a week, the new database will incorporate a needs assessment and risk evaluation program that will score each parolee on his or her supervision needs. Detailed data analysis will enable these program implementation changes.

The Metro Court's interlock probation case supervisor formally produces a monthly report of all cases to assess probation officer caseloads and workloads (see Figure 10 for an example), as well as monitoring the number of new interlock cases. Interim updates are often gathered two to three times a month, so the supervisor can ensure that probation officers are not overwhelmed. Probation officers need sufficient time to actively work each case—to identify parolee needs, to arrange for appropriate referrals, and to focus on the actions that will help change the behaviors of the probationer. As part of an overall program review, reports tally division-wide and individual probation officer case counts and are categorized by pre- and post-addiction treatment. The DWI First Offender Enhanced Supervision Program officially began accepting participants on September 5, 2006, so there are not yet long-term outcomes.

Officer's Initials	PO1	PO2	PO3	PO4	PO5	PO6	PO7	Total
Unsupervised (true first offenders DWI FOP enhanced who did not meet criteria for supervision)	#	#	#	#	#	#	#	=
Supervised (true first offenders DWI FOP enhanced who met criteria to be supervised)	#	#	#	#	#	#	#	=
II only (defendants who are pending trial on their DWIs—not yet convicted)	#	#	#	#	#	#	#	=
In custody (Defendants ordered to ignition interlock but who are still in custody)	#	#	#	#	#	#	#	=
Installed (Total number of ignition interlocks installed)	#	#	#	#	#	#	#	=
Total	=	=	=	=	=	=	=	

Each column represents a probation officer's caseload.

Figure 10: Tracking Caseload in the Metro Court.

According to data that have been reviewed, it appears that violation cases in which sanctions are imposed rarely reappear. Thus, at least among some probationers, the program appears to be stopping some vehicles from being started by a driver under the influence.

Ultimately, program managers are aiming to produce an interlock program database and reporting system that accurately demonstrates not only the status of the current program, but also a system that can measure overall program results, such as recidivism. The data tracking systems are not yet in place to readily enable such analysis. Furthermore, as changes to interlock-related laws have modified the program several times in the past six years, it is difficult to accurately and comparatively measure recidivism in a three-year period. Thus, the program has not yet been able to determine how its actions deter offenders from repeating DWI behaviors. Once the new database is in place and there is a sufficient period of time with no substantial changes to interlock-related laws, such analysis will be a high priority. Plans are already underway for this analysis, as the chief judge of the Metro Court wishes to produce a thorough review of the past six years of the program. This analysis will enable the recommendations needed to better serve the courts and the community and will provide options for further strengthening the program.

At a statewide level, the New Mexico ignition interlock program has been subject to a comprehensive evaluation, with reports published by NHTSA and in the peer-reviewed literature. Additional information is available in “Evaluation of the New Mexico Ignition Interlock Program” (Marques, Voas, Roth, and Tippetts, 2009).

IX. Conclusions

State program managers noted that their interlock programs have benefited significantly from major overhauls (e.g., new legislation) as well as incremental improvements (e.g., revising procedures). Program managers believe new technology, continued collaboration, and additional monitoring options will continue to improve interlock programs. While discussing their programs, program managers and staff identified several key points for consideration. These ideas are summarized in the following categories:

- ◆ Interlock Program Strengths
- ◆ Suggestions for Interlock Program Developers
- ◆ Interlock Program Areas for Improvement

Interlock Program Strengths

Program managers noted a number of factors that are particularly important in enabling successful interlock programs. The “climate” for these factors is currently positive. The following are the most often cited program strengths:

Increasing support for stronger legislation:

Interlock laws and legislation are gaining support across the United States. Laws have been expanded to require the devices for more offenders, including a movement toward first-offender interlocks in many States. Programs also have been updated to address developing issues such as indigent funds, and program loopholes have been identified and closed via changes to legislation.

Adoption of more efficient processes to monitor and supervise participants:

Programs have collaborated with various agencies and interlock vendors to develop and implement increasingly streamlined and more effective monitoring processes. This allows interlock programs to be more efficient.

Developing and nurturing stakeholders and increased external collaboration:

With increased understanding about the role of interlocks in addressing alcohol-impaired driving, stakeholders are more involved with shaping interlock legislation, regulations, and program implementation activities. This support and collaboration has helped to position interlocks for additional successes.

Suggestions for Interlock Program Developers

Drawing from their experiences, interlock program managers offered the following suggestions and insights to assist other States considering establishing or reshaping interlock programs. While presented here as several lists, many of these processes go hand in hand.

Developing legislation:

- ◆ Involve a strong legislative sponsor from the beginning in order for him or her to position the bill properly for its greatest opportunity for passage.
- ◆ Review and clean up statutory codes to reduce repetition and conflicting or confusing overlaps. This also encourages better communication with legislators.
- ◆ Work with legislators to understand the role of interlocks as a tool in addressing alcohol-impaired driving, not as an answer by itself.

-
- ◆ Inform legislators about the technology of interlocks; many incorrect perceptions persist from when interlocks were less sophisticated devices.
 - ◆ Include the driver license-issuing agency from the beginning so that legislation properly considers current rules, procedures, and capabilities.
 - ◆ Involve interlock program managers in the crafting of legislative language.
 - ◆ Include legal counsel in the development of legislative language.
 - ◆ Design the legislation to provide a minimum of one year for implementation. It is vital not to rush rulemaking and system design, as there are many issues and caveats that arise in the process.
 - ◆ Consider an incremental legislative approach. It may be advisable to make smaller legislative changes, allowing time to consider the effects of each change.

Designing programs:

- ◆ Allow for sufficient time to develop and execute a proper implementation plan.
- ◆ Involve stakeholders from the beginning of the implementation phase and collaborate with all key players throughout the process.
- ◆ Plan from the bottom up. Ask, “What would an ideal program look like?” Work backward from this goal and build systems to enable efficiencies.
- ◆ Make the program as simple and as straightforward as possible.
- ◆ Use a planning approach to program design; create process flow charts.
- ◆ Foster an environment of symbiosis between and among judicial and administrative program components wherever possible to ensure more complete coverage.
- ◆ Expect that the program will be resource intensive, and plan accordingly.
- ◆ Do not expand the program without ensuring quality; scale the program to a manageable size. Consider starting with a pilot program.

Implementing and managing programs:

- ◆ Develop clear and concise administrative code—these rules serve to establish procedures and enable program staff to have a solid reference point for emerging issues and unexpected situations. The codes determine where authority lies, what functions are to be performed (or not performed), and by whom. The codes should include such topics as how to work with vendors and what precisely the participants must do. Assemble a team to draft the code, with representatives from the administrative hearing department, legal counsel, program directors, and other specialists as needed. Vendors could be invited to provide comment on the draft code.
- ◆ Establish monitoring procedures to prevent delays between device fail events and program responses. Design monitoring processes to provide detailed reports to ensure crosschecks and to identify trends.
- ◆ Implement as many electronic/automated means of monitoring as possible to execute what takes too much time to perform by hand.
- ◆ Filter the logger data to look for fails/potential violations in-house to ensure consistency and fairness.

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- ◆ Make public understanding of the program a part of its duties. Promote the program at venues where interlocks can be demonstrated. Program materials also can be distributed at events such as fairs and sporting events.

Interlock Program Areas for Improvement

To continuously improve their programs, program managers often reflect upon their progress and consider unmet needs. During the case studies, a number of recurring themes were noted regarding enhancements to existing programs or broader issues for future discussion.

Provide for more interlock device oversight:

- ◆ Improve the process of reporting fails.
- ◆ Develop uniform reporting criteria for all vendors.
- ◆ Develop stricter vendor oversight procedures, particularly regarding device installations and servicing.
- ◆ Train program staff and vendors to identify and address circumventions more readily.
- ◆ Mandate the use of the latest interlock technology in all installations, as the newest technology is more reliable and more effective. For example, interlocks with real-time reporting features provide the best monitoring.

Perform routine and formal program evaluations:

- ◆ Develop more automation to program operations in order to better enable evaluations.
- ◆ Plan for evaluations and build-in funding for evaluations.
- ◆ Gather and analyze program statistics and outcome evaluations to make program process improvements. Findings may be used to support legislative plans to expand programs.
- ◆ Share evaluation results among States.
- ◆ Conduct external and peer-reviewed evaluations of programs.

Explore the role of interlocks within the broader context of highway safety:

- ◆ Examine data to determine higher-risk groups that would benefit from a focused interlock response. For example, a small portion of the population may be creating a vast majority of the problems. Focus resources on these offenders.

Develop programs to combine administrative and judicial strengths more effectively:

- ◆ Develop programs to fully leverage the efficiency and consistency of administrative programs with the strengths of judicial mandates.
- ◆ Reduce or eliminate judicial discretion.
- ◆ Encourage more enforcement of the laws already in place.
- ◆ Move programs away from a punishment model and toward behavior modification.

Enhance public education:

- ◆ Improve overall public awareness of interlocks, interlock programs, and interlock sentencing.
- ◆ Inform the public that preventing impaired driving saves lives and money.
- ◆ Educate the public on the effects of alcohol and correct misperceptions.
- ◆ Enhance driver license education programs to teach new drivers about the consequences of DWI and about interlocks.
- ◆ Attract major media exposure to increase visibility.

Address interstate issues:

- ◆ Bring States and vendors together to fully address interstate issues. These issues present many costly and complicated challenges to program managers, as well as to participants.

All State program managers interviewed for the guide were optimistic that the challenges to program improvements could be met, particularly with broader collaboration among States. As interlock programs progress, new opportunities for evaluations and improvements will emerge. These findings can best be leveraged if shared within the broader interlock community.

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XI. Appendices

Appendix A. Methodology and State Selection Process

This program guide of case studies is the result of a multi-phased effort involving a scan of relevant literature, informal discussions with ignition interlock experts and program administrators, a case study selection process, and site visits to each State program profiled in this document.

Existing literature on ignition interlocks was reviewed to provide context. Reviewed materials included recent program summaries, reports, journal articles, and presentations from relevant conferences. From these materials, key findings were abstracted for the introduction and other sections of the document, as appropriate. The literature scan also served as an evidence base from which to develop questions and discussion topics for the remainder of the project.

To further inform the development of the document and to enable the selection process, a series of discussions was conducted. Discussions first were held with recognized ignition interlock program experts, and then with potential end users of the program guide. The discussions focused broadly on interlocks, as well as on the specific needs of potential users of the guide.

Based on these discussions, 18 States were considered as possible cases. A selection process was designed to ensure a well-balanced set of States for in-depth case studies.

First, States were categorized by three program types that are used frequently within the interlock community: administrative, judicial, or hybrid. Administrative programs are those that place the authority for ignition interlock installation and monitoring predominately within an office or agency such as a Department of Motor Vehicles. In contrast, judicial programs place the installation and monitoring authority predominately within a court system. Interlock programs with large numbers of interlocks under both administrative and judicial authorities are considered hybrid programs. Each State has designed its program to follow one of these three models, although programs sometimes shift between these models. As the selected model greatly shapes the interlock program components, it was essential that each type of program be represented in this guide.

Next, States were classified by geographic region (Northeast, South, Midwest, and West). Geographic diversity was likewise an important consideration.

Selection criteria included at least one case from each program type, as well as representation from at least three geographic regions (and no more than three cases from any one region). Several States were eliminated from consideration because it was difficult to contact a representative from the program to obtain basic information. Among the remaining States, expert judgment (including that of a well-established researcher in this field as well as that of contractors working on the document) was used to select a final set of six States that met the selection criteria, with an emphasis on selecting more established programs.

Each selected State provided initial information about its program via telephone and electronic communications. A two-day site visit was conducted with each program to interview relevant officials and to obtain additional data. Interviewed personnel included program administrators, vendors, legal counsel, probation officers, judges, and department of motor vehicles personnel. Findings and materials from these site visits are presented in this guide.

This guide thus relies heavily on qualitative information gathered via the site visits, as opposed to a review of existing literature or evaluations of specific programs profiled.

Appendix B. Sample Program Materials

Excluding copyright material, the States whose forms and materials are included in this appendix have granted permission to copy. Those wishing to use these forms and materials should remove any state names and logos prior to reproducing.

B-1. New Mexico Indigent Form (Historical)

STATE OF NEW MEXICO

CITY OF SANTA FE

IN THE MUNICIPAL COURT

CITY OF SANTA FE

VS.

_____ CASE _____

ELIGIBILITY DETERMINATION FOR INDIGENT FUND

INTERLOCK SYSTEM

NAME: _____

D.O.B. _____ SEX: _____ SS# _____ PHONE: _____

Address: _____

NUMBER OF DEPENDANTS IN HOUSEHOLD _____

MARTIAL STAUS: SINGLE MARRIED DIVORCED SEPERATED LIVE IN PARTNER

I currently receive AFDC Food Stamps Medicaid DSI Public Housing in Santa Fe County

IF YOU HAVE CHECKED A BOX DO NOT FILL IN PART TWO

1. Federal adjusted gross income, most recent tax year (first line on the New Mexico Personal income tax form)

Tax year _____ Income Amount _____

2. Current Salary _____ Weekly _____ Bi-Weekly _____ Monthly _____

3. Total Assets: Cash on hand _____
 Bank Accounts _____
 Real Estate (loan value on equity) _____
 Vehicles (loan value on equity) _____
 Other _____
 Total assets _____
 Actual Resources _____
 Add totals from #1 and #2

4. Extraordinary Expenses: (only with Documentation) _____
 Medicaid (not covered by insurance) _____
 Court ordered child support / alimony _____
 Child care payments _____
 Other: _____
 Total exceptional expenses _____

Total available Funds (subtract #3 Total Exceptional Expenses
 from additional resources)

Household Size	1	2	3	4	5	6
	13,965	18,735	23,505	28,273	33,045	37,815

Order

_____The court considered the forgoing affidavit and application and the same is **GRANTED**. The applicant is permitted to receive a subsidy for the installation and collaboration of a breath ignition interlock device.

_____ The court has considered the forgoing affidavit and application and the same is **DENIED**.

Done this _____ day of _____, 20__ in _____ New Mexico

Judge Name

YOU MUST BRING A COPY OF YOUR MOST RECENT **TAX RETURN** OR **PAY CHECK STUB** TO VERIFY YOUR ELIGIBILITY. IF YOU ARE MARRIED OR LIVING WITH A PARTNER YOU MUST SUBMIT BOTH PARTIES TAX RETURN OR PAY CHECK STUB FOR ELIGIBILITY.

THIS IS MADE UNDER OATH. I HEREBY STATE THAT THE ABOVE INFORMATION REGARDING MY FINANCIAL CONDITION IS CORRECT TO THE BEST OF MY KNOWLEDGE. I AUTHORIZE THE COURT TO OBTAIN INFORMATION FROM FINANCIAL INSTITUTIONS, EMPLOYERS, RELATIVES, THE FEDERAL INTERNAL REVENUE SERVICE AND OTHER STATE AGENCIES.

SIGNATURE OF APPLICANT


DATE

NOTE: IF YOU CANNOT PROVIDE A **RECENT TAX RETURN** OR A **RECENT PAY CHECK STUB**, YOU WILL BE DEEMED INELIGIBLE FOR INDIGENT FUNDS.

YOU MUST RETURN THIS FORM TO THE MUNICIPAL COURT WITH TAX RETURN OR PAYCHECK STUB WITHIN

7 DAYS.

B-2. New Mexico Indigent Form (Current)

 State of New Mexico - Department of Transportation Traffic Safety Bureau APPLICATION FOR SUBSIDY IGNITION INTERLOCK INDIGENT DEVICE FUND Under Sec. 66-8-102.3 & 66-2-7.1 NMSA 1978 All information provided is protected under Motor Vehicle Code Confidentiality Please print clearly or type / all items must be completed	TSB USE ONLY	
	Date Received >>	
	Approval Date	
	Approved By	
	Entered to DB	
PART A: APPLICANT INFORMATION		
Applicant Name	Date of Birth	Social Security Number
	/ /	- -
Applicant Address	Driver License Number or NM State Identification Number	
Mailing Address (if different)	Telephone Number	
	() -	
City	State	Zip Code
PART B: QUALIFICATION PER SEC. 66-8-102.3 NMSA 1978		
Has your license been revoked by the Motor Vehicle Department? <input type="checkbox"/> Yes / <input type="checkbox"/> No		Date of Revocation: / /
Have you been convicted of Driving Under the Influence of Intoxicating Liquor or Drugs in New Mexico? <input type="checkbox"/> Yes / <input type="checkbox"/> No		
Court / City		Court Case Number
Date of Conviction	REQUIRED	
/ /	Please attach a copy of your Judgement & Sentence from court if applicable.	
PART C: PROGRAM INFORMATION		
Name of State or Federal Program	Effective Dates	
	From: / / To: / /	
Name on Approval Notice	REQUIRED	
	Please attach a copy of your Approval Notice from qualifying program.	
Have you been ordered as a condition of parole to drive with an interlock? <input type="checkbox"/> Yes / <input type="checkbox"/> No		
Name of Supervising Officer	REQUIRED	
	Please attach a copy of your Certificate of Parole if applicable.	
PART D: AGREEMENT, SIGNATURE AND NOTARIZATION		
Please initial each line to indicate your acceptance and understanding of each statement. Please note that the Department of Transportation will investigate and verify all statements below.		
_____ I understand that false and misleading statements in this application can be the basis for denial of this Application.		
_____ If this Application is approved, I understand that I must install and maintain the ignition interlock device according to Sec. 66-5-503 NMSA 2003 ignition interlock license requirements and Sec. 66-8-102.3 NMSA 2010 Interlock Device Fund. The Department may consider any deviation to be a breach of the agreement which could result in revocation of assistance from the Interlock Device Fund.		
_____ I agree to notify the Department within ten (10) business days of any change to any information in this application.		
I certify under penalties of perjury that all information in this Application is true, correct and complete to the best of my knowledge and belief.		
_____		_____
Applicant Signature		Date
The foregoing instrument was acknowledged before me this _____ day of _____ 20____ by _____.		
_____		My Commission Expires: _____
Notary Public		
PLEASE ATTACH RELEVANT DOCUMENTS - INCOMPLETE APPLICATIONS WILL BE RETURNED TO APPLICANT		

B-3. New York Indigent Form

NEW YORK STATE IGNITION INTERLOCK DEVICE PROGRAM - FINANCIAL DISCLOSURE REPORT CONFIDENTIAL

FINANCIAL DISCLOSURE INSTRUCTIONS

IN ORDER TO BE PROCESSED AS AN APPLICATION FOR JUDICIAL CONSIDERATION OF FINANCIAL AFFORDABILITY, ALL INFORMATION REQUESTED ON THIS REPORT MUST BE COMPLETELY, PROPERLY AND ACCURATELY PROVIDED. DATED SIGNATURE OF THE DEFENDANT IS ALSO REQUIRED.

QUALIFYING INFORMATION SECTION *

DEFENDANT'S NAME LAST, FIRST, MI (MIDDLE INITIAL): ENTER DEFENDANT'S NAME.

ADDRESS: ENTER DEFENDANT'S MAILING ADDRESS

DEFENDANT'S LICENSE NUMBER: ENTER DEFENDANT'S DRIVER LICENSE NUMBER.

DATE OF BIRTH: ENTER DEFENDANT'S BIRTHDATE

LIVING ARRANGEMENTS AND LENGTH OF TIME IN CURRENT ARRANGEMENT: DESCRIBE THE DEFENDANT'S PRESENT LIVING ARRANGEMENT AND THE LENGTH OF TIME IN THIS LIVING ARRANGEMENT (E.G. HOMELESS, MARRIED LIVING WITH SPOUSE AND/OR CHILD(REN), SINGLE/DIVORCED/WIDOWED LIVING ALONE, SINGLE/DIVORCED/WIDOWED LIVING WITH CHILD(REN), SINGLE/DIVORCED/WIDOWED LIVING WITH PARENTS WITH OR WITHOUT CHILD(REN), CO-HABITATING, LIVING WITH RELATIVE(S) OTHER THAN SPOUSE OR PARENT).

LIST OTHER PEOPLE IN HOUSEHOLD: LIST ANY OTHER PEOPLE WHO LIVE IN THE SAME HOUSEHOLD WITH THE DEFENDANT, INCLUDING SPOUSE AND ANY DEPENDENTS.

EMPLOYMENT STATUS: CHECK THE APPROPRIATE RESPONSE. IF EMPLOYED, PROVIDE ALL INFORMATION REQUESTED IN THE "EMPLOYED" SECTION ONLY AND PROCEED TO THE "FINANCIAL REPORTING SECTION". DOCUMENTS THAT CAN BE USED AS VERIFICATION OF EMPLOYMENT INCLUDE A RECENT PAY STUB OR A COMPANY OR EMPLOYER LETTER. IF UNEMPLOYED, PROVIDE ALL INFORMATION REQUESTED IN THE "UNEMPLOYED" SECTION AND PROCEED TO THE "FINANCIAL REPORTING SECTION". DOCUMENTS THAT CAN BE USED AS VERIFICATION OF UNEMPLOYMENT INCLUDE BENEFITS STATEMENT/CHECK STUB FOR UNEMPLOYMENT BENEFITS, EMPLOYER LETTER, OR DISABILITY VERIFICATION.

FINANCIAL REPORTING SECTION **

**DO NOT LEAVE ANY SPACES BLANK. PLACE A ZERO IN THE APPROPRIATE SPACE
IF THE DEFENDANT HAS NO SUCH INCOME OR EXPENSES.**

A - MONTHLY INCOME FROM WAGES: ENTER TOTAL GROSS FOR ALL WAGES. THE FOLLOWING DOCUMENTS CAN BE USED AS VERIFICATION: PAY CHECK STUB, W-2 FORM OR EMPLOYER STATEMENT.

B - MONTHLY INCOME FROM OTHER SOURCES: ENTER ALL INCOME RECEIVED FROM SOURCES OTHER THAN EMPLOYMENT. ("RENTAL INCOME" REFERS TO INCOME RECEIVED FROM RENTAL PROPERTY THAT IS OWNED BY THE DEFENDANT.) THE FOLLOWING DOCUMENTS CAN BE USED AS VERIFICATION: PAYMENT STUB, MOST RECENT STATE OR FEDERAL TAX RETURN, BANK STATEMENT, COURT RECORDS, LETTERS FROM THE BENEFIT OFFICE REGARDING MONTHLY BENEFIT AMOUNT, ETC.

C - MISCELLANEOUS INCOME DURING PAST 12 MONTHS: SPECIFY ALL OTHER INCOME, REGARDLESS OF SOURCE.

D - CURRENT BALANCES: SPECIFY ALL TYPES AND AMOUNTS.

E - PERSONAL PROPERTY: LIST THE MARKET VALUE OF ALL PERSONAL PROPERTY OWNED.

F - MONTHLY EXPENSES: ENTER ALL MONTHLY EXPENSES AS APPROPRIATE. THE FOLLOWING DOCUMENTS CAN BE USED AS VERIFICATION: EXPENSE RECEIPTS, PAYMENT BOOK, MOST RECENT BILL.

SUBMIT 3 COPIES OF THIS COMPLETED REPORT TO THE SENTENCING COURT

NEW YORK STATE
IGNITION INTERLOCK DEVICE PROGRAM - FINANCIAL DISCLOSURE REPORT
CONFIDENTIAL

QUALIFYING INFORMATION SECTION *

DEFENDANT'S LAST NAME _____ FIRST NAME _____ MI _____
 DEFENDANT'S LICENSE NUMBER _____ DATE OF BIRTH _____
 HOME ADDRESS _____
 CITY _____ STATE _____ ZIP _____
 MAILING ADDRESS _____
 IF DIFFERENT _____
 CITY _____ STATE _____ ZIP _____

	YEAR	MAKE	MODEL	VALUE
VEHICLE ONE				
VEHICLE TWO				
VEHICLE THREE				

PROVIDE INFORMATION FOR EACH VEHICLE OWNED
 *IF MORE THAN 3 VEHICLES PLEASE ATTACH ADDITIONAL SHEET WITH REQUIRED INFORMATION

DESCRIBE LIVING ARRANGEMENTS _____
 LENGTH OF TIME IN CURRENT ARRANGEMENT _____

OTHER PEOPLE LIVING IN HOUSEHOLD:

NAME	AGE	RELATIONSHIP	NAME	AGE	RELATIONSHIP

EMPLOYMENT STATUS (CHECK ONE)

EMPLOYED

UNEMPLOYED

PLACE OF EMPLOYMENT _____

LENGTH OF UNEMPLOYMENT _____

ADDRESS _____

LAST PLACE OF EMPLOYMENT _____

POSITION _____

LAST EMPLOYMENT FROM _____

LENGTH OF TIME _____

TO _____

VERIFICATION DOCUMENT (SPECIFY & ATTACH) _____

VERIFICATION DOCUMENT (SPECIFY & ATTACH) _____

NEW YORK STATE
IGNITION INTERLOCK DEVICE PROGRAM - FINANCIAL DISCLOSURE REPORT
CONFIDENTIAL

FINANCIAL REPORTING SECTION **

A: MONTHLY INCOME FROM WAGES

SELF \$ _____
 SPOUSE \$ _____
 OTHER HOUSEHOLD MEMBERS \$ _____
 \$ _____
 HOW OFTEN IS DEFENDANT PAID? _____
 (WKLY, BI-WKLY, MNTHLY, BI-MNTHLY)

B: MONTHLY INCOME FROM OTHER SOURCES

PENSION INCOME \$ _____
 RENTAL INCOME \$ _____
 CERTIFICATES OF DEPOSIT \$ _____
 TRUSTS/STOCKS/BONDS \$ _____
 CHILD SUPPORT \$ _____
 SPOUSAL MAINTENANCE/ALIMONY \$ _____
 LEGAL SETTLEMENTS/AWARD \$ _____
 AFDC/FOOD STAMPS/RENTAL ASSISTANCE \$ _____
 WORKERS COMP \$ _____
 UNEMPLOYMENT COMP \$ _____
 COUNTY/CITY WELFARE \$ _____
 OTHER: _____ \$ _____
 _____ \$ _____
 _____ \$ _____

C: MISCELLANEOUS INCOME DURING PAST 12 MONTHS

LOTTERY \$ _____
 SWEEPSTAKE(S) \$ _____
 DISABILITY INSURANCE \$ _____
 BONUS \$ _____

WAGERING \$ _____
 LEGAL SETTLEMENT/AWARD \$ _____
 ANNUITY \$ _____

OTHER	SPECIFY	AMOUNTS
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

D: CURRENT ACCOUNT BALANCES

SAVINGS ACCOUNT \$ _____
 CHECKING ACCOUNT \$ _____
 INDIVIDUAL RETIREMENT ACCOUNT \$ _____

DEFERRED COMPENSATION ACCOUNT \$ _____
 TRUST ACCOUNT \$ _____
 OTHER ACCOUNTS (SPECIFY & AMOUNT) \$ _____

NEW YORK STATE
IGNITION INTERLOCK DEVICE PROGRAM - FINANCIAL DISCLOSURE REPORT
CONFIDENTIAL

E: PERSONAL PROPERTY

DO YOU OWN:

REAL ESTATE

LOCATION _____ VALUE \$ _____

LOCATION _____ VALUE \$ _____

LOCATION _____ VALUE \$ _____

REC VEHICLE/CAMPER

MAKE _____ VALUE \$ _____

ATV 3/4 WHEEL

MAKE _____ VALUE \$ _____

MOTORCYCLE

MAKE _____ VALUE \$ _____

BOAT

MAKE _____ VALUE \$ _____

MAKE _____ VALUE \$ _____

PERSONAL PROPERTY (ELECTRONICS, ART, JEWELRY, FURNITURE, ETC.)

APPROXIMATE VALUE _____

F: MONTHLY EXPENSES

RENT/MORTGAGE \$ _____

WATER/SEWER \$ _____

HOME ELECTRIC/GAS \$ _____

FOOD \$ _____

TELEPHONE (LANDLINE) \$ _____

TELEPHONE (CELL) \$ _____

HEALTH/LIFE INSURANCE \$ _____

CHILD CARE \$ _____

AUTOMOBILE INSURANCE(S) \$ _____

AUTOMOBILE FUEL/GAS \$ _____

SPECIFY NUMBER _____

AUTOMOBILE LOAN(S) \$ _____

ALCOHOL \$ _____

SPECIFY NUMBER _____

CIGARETTES/OTHER

TOBACCO PRODUCTS \$ _____

SPOUSAL MAINTENANCE/ALIMONY \$ _____

CABLE TELEVISION \$ _____

INTERNET SERVICE \$ _____

SATELLITE TV/RADIO \$ _____

BEEPERS/PAGERS \$ _____

MEDICAL PRESCRIPTIONS \$ _____

SPECIFY NUMBER _____

NEW YORK STATE
IGNITION INTERLOCK DEVICE PROGRAM - FINANCIAL DISCLOSURE REPORT
CONFIDENTIAL

F: MONTHLY EXPENSES CONTINUED *

	<u>SPECIFY BELOW:</u>	<u>AMOUNTS</u>
CREDIT CARD CHARGE(S)/OTHER	_____	\$ _____
LOAN AMOUNT(S)	_____	\$ _____
	_____	\$ _____
	_____	\$ _____
	_____	\$ _____
WORK RELATED TRAVEL	_____	\$ _____
RECREATION	_____	\$ _____
	_____	\$ _____
	_____	\$ _____
OTHER EXPENSES	_____	\$ _____
	_____	\$ _____
	_____	\$ _____

* ATTACH ADDITIONAL SHEET WITH REQUIRED INFORMATION IF MORE SPACE IS NECESSARY.

THE INFORMATION PRESENTED HEREIN IS TRUTHFUL AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

_____	_____
DEFENDANT SIGNATURE	DATE

PRINT NAME	

B-4. New York Ignition Interlock Program Plan (Excerpt from Westchester County)

1. Every county/city shall develop a plan in consultation with the county/city's probation director, district attorney, and in New York City the district attorney from each of the five boroughs, sheriff or Police Commissioner where applicable, STOP-DWI Coordinator, a representative of its drinking driver program where applicable and where more than one program exists in the county, a representative designated by the county executive, a superior and local criminal court judge designated by the administrative judge for the county, and in New York City a superior and local criminal court judge designated by the deputy chief administrative judge, a representative of an agency providing legal services to those unable to afford counsel in criminal cases designated by the county executive. A county/city may consult with other persons or entities as the county executive deems appropriate with respect to development of its plan. Indicate those consulted in the preparation of this plan. Check all that apply:

- District Attorney and in NYC the District Attorney from each of the five boroughs
- Drinking Driver Program Representative
- Local Criminal Court Judge
- Police Commissioner (Specify Department Westchester County Department of Public Safety)
- Probation Director
- Representative of Legal Services for Indigent
- Sheriff
- STOP-DWI Coordinator
- Superior Court Judge
- Other (Specify _____)
- Other (Specify _____)

2. Every plan shall specify monitoring by the probation department where the operator is subject to a period of probation supervision.

- The Probation Department is designated as the monitor where the operator is subject to a period of probation.

3. Every plan shall specify the persons or entities responsible for monitoring where an ignition interlock device has been imposed pursuant to a conditional discharge. The following are designated to monitor conditional discharge cases:

- District Attorney
- Drinking Driver Program
- Police Commissioner (Specify Department _____)
- Probation
- Sheriff
- STOP-DWI Coordinator
- TASC
- Traffic Safety Board Representative
- Other Agency or Organization* (Specify: _____)

c. Describe the procedure the county/city will utilize to ensure the probation department and any other monitor will be notified no later than five (5) business days from the date an ignition interlock condition is imposed by the sentencing court of any intrastate transfer of probation or interstate transfer of any case which either has responsibility to monitor.

Probation Officer Central Intake identifies all Inter/Intra-State transferred probationers and offenders receiving ignition interlock and refers such cases to the DWI Program Supervising Probation Officers.

Probation Staff will identify those conditional discharge cases requiring transfer to other jurisdictions and commence the transfer process.

d. Describe the procedure the county/city will utilize for advance notification as to date of release where local or state imprisonment is imposed. Jurisdictions may wish to utilize the VINE network.

Probation Officer Central Intake verifies the release dates of all incarcerated probationers and offenders using the VINE network or local Correctional information. Those receiving ignition interlock will be referred to the DWI Program Supervising Probation Officers.

9. Every plan shall establish a procedure governing failure report recipients, including method and timeframe with respect to specific notification and circumstances. Failure report recipients are all persons or entities required to receive a report from the monitor of an operator's failed tasks or failed tests pursuant to a county/city's plan which may include, but is not limited to the sentencing court, district attorney, operator's alcohol treatment provider, and the drinking driver program, where applicable. At a minimum, the procedure shall be consistent with the provisions of DPCA Rules and Regulations Section 358.7(d) with respect to sentencing court and district attorney notification of specific failed tasks and failed tests reports.

Describe the county/city plan to report operator's failed tasks or failed tests to failure report recipients. Identify report recipients, method of reporting, events to be reported, and reporting time frames.

The responsibility of operating a vehicle that is equipped with the interlock device rests with the probationer or the offender receiving a Conditional Discharge. Failure to comply with any interlock system guidelines (i.e. BAC violations, circumventing or tampering with the device, etc.) could result in new charges being filed, a violation of probation submitted, revocation of the Conditional Discharge, temporary loss of his/her license or permanent surrender and/or revocation of driving privileges while on probation. Upon receipt, the Probation Department will forward non-compliance reports to the court. Please see the attached form, Ignition Interlock Court Report. This report was drafted by DPCA and modified by Westchester County Department of Probation and the District Attorney; and approved by the presiding Criminal Court judge of the 9th Judicial District.

B-5. New York Interlock Installation Probationer Checklist (Developed by Westchester County)

Westchester County Probation Department

Ignition Interlock Procedures and Guidelines

- _____ Interlock probationers are expected to obey all traffic rules and refrain from committing any traffic infractions or moving violations. Probationer must notify Probation Officer of any ticket received and should not plead guilty without Probation direction. Tickets can result in loss of driving privileges. Parking Tickets do not apply. Cell phone and seat belt tickets are moving violations.

- _____ Probationer is responsible for all activity associated with Interlock device.

- _____ Probationer may not operate a non Interlock vehicle unless said vehicle is required for employment and sanctioned by the employer and Probation Officer. Employer vehicle to be used during working hours and cannot be used to and from probationer's place of residence. Notarized employer letter mandatory.

- _____ Probationer is required to provide daily BAC samples through Interlock use. On those occasions when the probationer does not intend to use the Interlock vehicle for traveling purposes, the vehicle should still be started and a BAC sample submitted in the morning and the evening. Any gaps in Interlock monitoring can be considered relapse-related. Vacations and trips resulting in limited Interlock use must be cleared with Probation Officer.

- _____ Probationer is required to place safety as top priority when operating Interlock device. No running retest is to be submitted at the time of a request if it is not safe to do. Driver has three (3) minutes to rest and must use discretion. An individual can choose to provide sample while car is in motion or pull the vehicle off the road to a safe spot. A vehicle will not shut down for failing to retest. Failing to submit a passed retest within three (3) minutes of request results in horn/lights violation. Three (3) horn/lights violations result in a violation reset/early recall to service center and possible probation sanctions.

- _____ A temporary Lockout may occur due to an Interlock violation. A Probationer will be able to start vehicle within 15 minutes to 2 hours. Vehicle will then indicate whether a service call to the vendor is required within 3 days. Failure to produce vehicle within 72 hour window will result in a permanent lockout that requires a tow or service call. Probationer is responsible for contacting vendor and Probation Officer after any Lockout situation to receive direction.

- _____ Violation resets/early recalls must result in probationer contacting Probation Officer and probationer presence at the next scheduled monthly calibration date. In some instances, probationer may be directed to meet with Probation Officer on same day as violation servicing due to nature of violation. Interlock vendor will coordinate and assist in the interpretation of the data.

_____ Any failed startup sample or running retest sample must be followed by a Passed BAC test within 15 minutes. Failure to submit a retest is considered a relapse-related violation and can result in a treatment referral or more serious sanction.

_____ Probationer is required to notify vendor and Probation Officer in advance of any vehicle maintenance or servicing issues. Proof of vehicle service is to be presented at the next Interlock calibration appointment. Interlock tampering or removal is a serious violation.

_____ A vehicle designated for Interlock use can be registered and insured by someone other than a probationer. If an interlock vehicle becomes disabled for any reason, a probationer may not use or borrow a non Interlock vehicle. Interlocks can be transferred to another vehicle.

_____ At installation, probationers should not leave the Interlock vendor until they complete training and can operate the Interlock vehicle.

_____ Interlock monitoring is for the duration of the probation sentence unless otherwise indicated by the sentencing Court.

_____ Once approved for Interlock monitoring, licensing is left to the discretion of the Probation Officer.

_____ It is the responsibility of the probationer to make the Probation Officer aware that a probation sentence is ending and the necessary steps are taken to secure a full unrestricted license prior to the expiration of sentence. No Interlock will be removed from a vehicle if the individual cannot produce an unrestricted license.

I have read the Interlock guidelines and understand them.

Probationer Name Date

Probation Officer

B-6. New York Interlock Device Classification System

NEW YORK STATE IGNITION INTERLOCK CLASSIFICATION SYSTEM EFFECTIVE May 19, 2010

The New York State Division of Probation and Correctional Alternatives classifies all certified ignition interlock devices into categories based upon features of the devices. This classification system and subsequent device classification is subject to change by the Division as new information becomes available. The Division will classify ignition interlock devices utilizing the following system:

CLASS I: This CLASS contains the following features:

- Meets all New York State Department of Health and National Highway Traffic Safety Administration Regulations and Standards,
- Utilizes fuel cell technology,
- Reporting capabilities,
- Capabilities for storage of data,
- Programmable Re-Test Sequences,
- Data download, inspection and re-calibration service, and
- Anti-tampering and anti-circumvention features.

CLASS II: This CLASS has all the features of CLASS I and contains the following additional features:

- Photographic positive identification capability (camera or biometric facial recognition).

CLASS III: This CLASS has all the features of CLASSES I and II and contains one or more of the following additional features:

- GPS location of vehicle capability,
- Real time data reporting,
- Infra-red or other low-light camera capability for night use,
- Hum Tone Detection,
- Infra-red sensor that detects heat and proximity to verify human breath,
- Keys enabling service codes to be entered,
- Early recall system if a fuel cell fails-uses split cell technology,
- Restricted drive time capabilities,
- Unlock code to minimize towing due to lockouts,
- Voice instruction,
- Probation/Judicial Internet Access for Real-Time Monitoring 24/7,
- 911 Emergency Response Program for Interception of a Targeted Vehicle During a Rolling Re-test Failure, and
- Target Tracking, subject must be in photo to take test.

B-7. New Mexico Zero Tolerance Policy



BERNALILLO COUNTY METROPOLITAN COURT
PROBATION SUPERVISION DIVISION
P.O. Box 133
Albuquerque, NM 87103

ZERO TOLERANCE POLICY Case Number:

Defendant Name:

You are solely responsible and will be held accountable for all violations and usage of your ignition interlock device. Any violations that occur will be reported to the Court.

The Bernalillo County Metropolitan Court Probation Department has a "**Zero Tolerance Policy**." All ignition interlock violations indicating an alcohol reading are considered a violation of the Ignition Interlock program and may be subject to sanctions determined by the Judge.

All ignition interlock violations are reported regardless of whether the source of the violation might be food, perfume, aerosols, lending the car to others, etc. It is your responsibility to adhere to the training instructions in the use of your Vehicle Ignition Interlock.

If you blow into the Interlock and receive a lockout violation, make sure you retest at the end of the lockout period. Failure to provide a breath sample at any time as directed by the device could be construed as an attempt to mislead the Court and could result in sanctions.

I hereby acknowledge and understand that I am fully responsible for any and all usage or lack of usage on my ignition interlock device.

Monday, August 10, 2009

(Dated)

(Signature of Defendant)

(Signature of Probation Officer)

B-8. New Mexico Ignition Interlock Program Participant Sample Affidavit



BERNALILLO COUNTY METROPOLITAN COURT
PROBATION SUPERVISION DIVISION
P.O. Box 133
Albuquerque, NM 87103

STATE OF NEW MEXICO)
)
COUNTY OF BERNALILLO)

IGNITION INTERLOCK AFFIDAVIT
Case Number:

Defendant Name:
upon his/her oath being duly sworn, deposes and states as follows:

1. I am over the age of 18, of sound mind, and have personal knowledge of the matters contained in this affidavit.
2. I have been ordered by Judge to install an ignition interlock device on all motor vehicle(s) that I drive.
3. I understand that if I fail to obey the Judge's Order, I will be subject to sanctions by the Court including, but not limited to, possible incarceration.
4. I own and/or have registered to me in the State of New Mexico the following vehicle(s):
_____ (make/model/year)
_____ (make/model/year)
_____ (make/model/year)
5. I shall have an ignition interlock device installed on any motor vehicle that I drive.
6. _____ I do not own a motor vehicle. *(Initial if applicable.)*
7. _____ (Other)
(Initial if applicable.)

Monday, August 10, 2009
(Dated)

(Signature of Defendant)

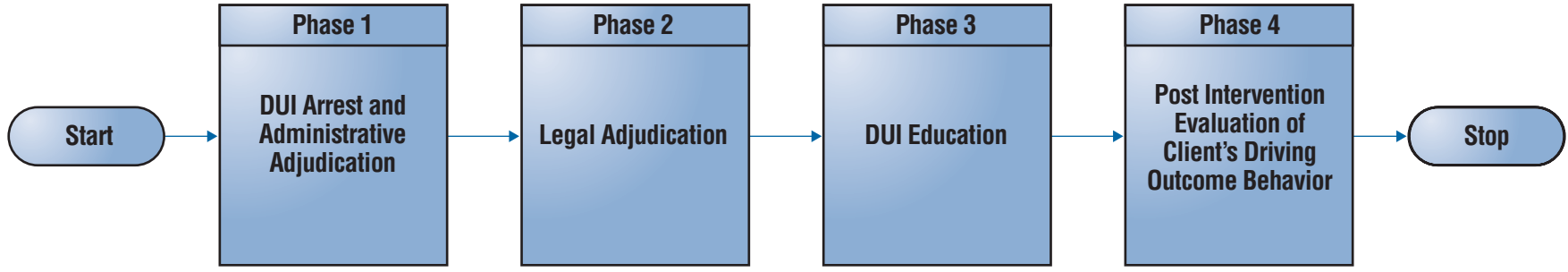
(Signature of Probation Officer)

Subscribed and sworn before me on this ____ day of _____, 20__ by _____.

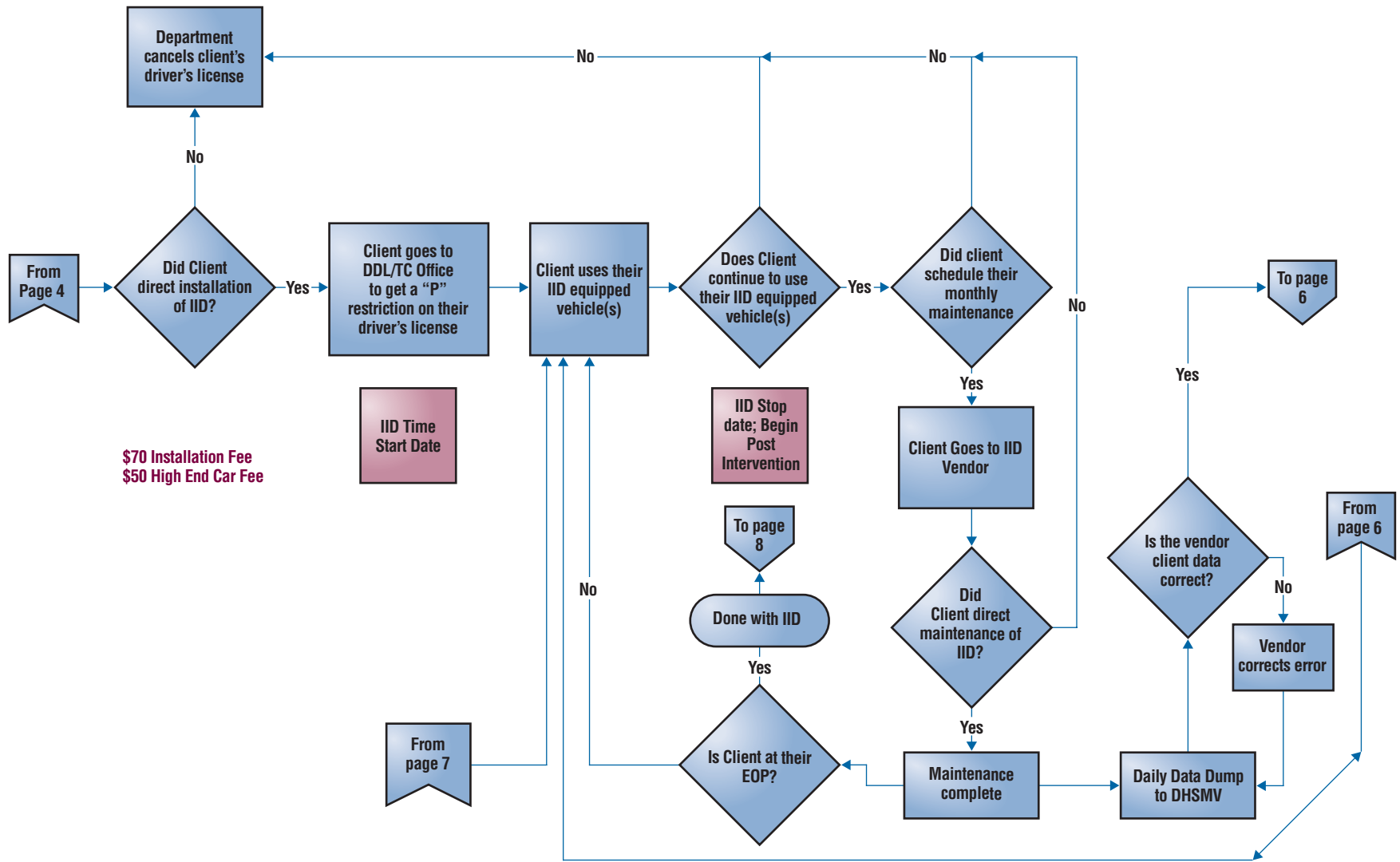
My commission expires: _____

Notary

B-9a. Florida Interlock Program Flowchart (High Level)

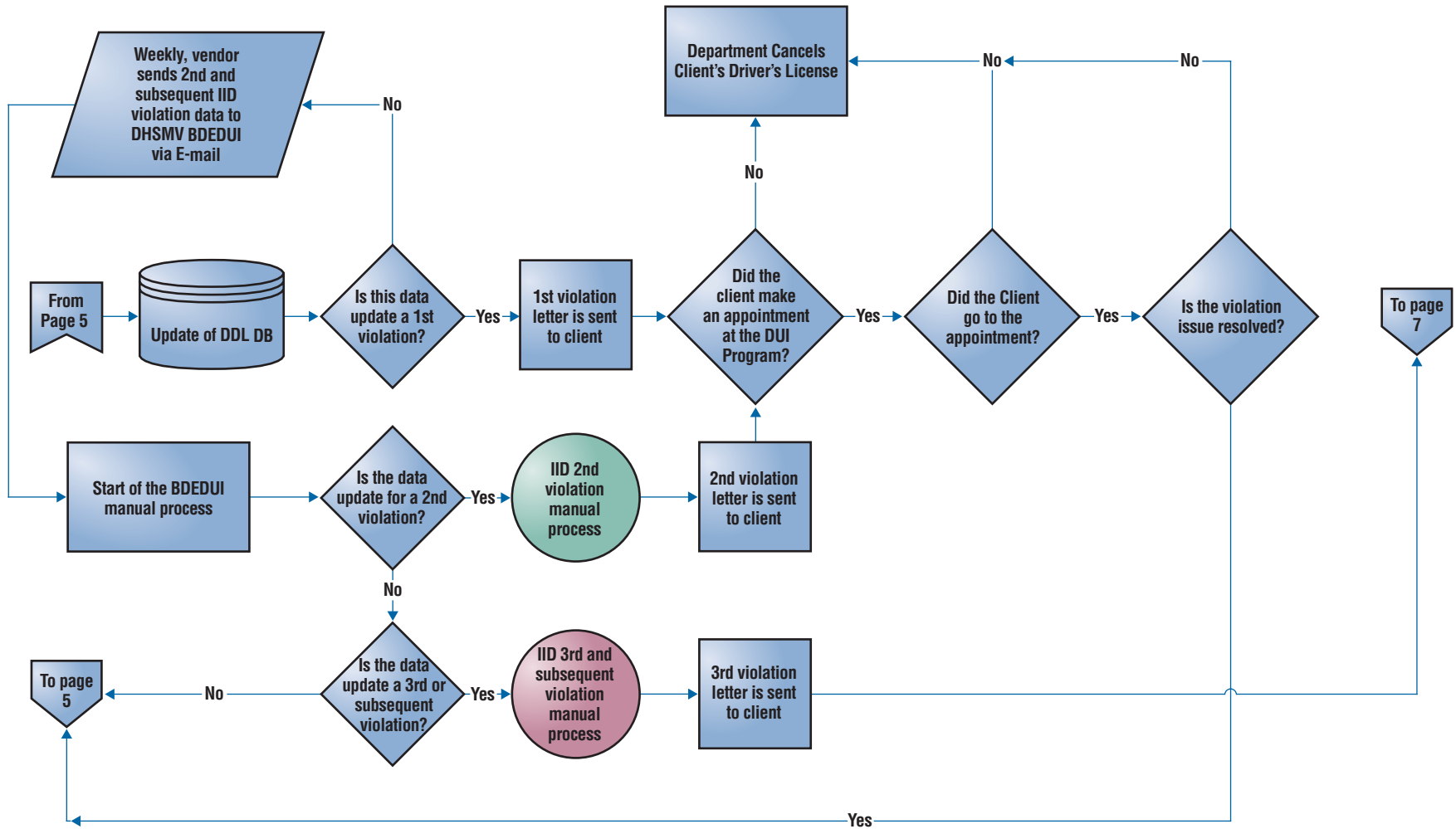


B-9b. Florida Interlock Program Flowchart (Detailed Example 1)



Note: Page numbers may reference other flowcharts which are not included as examples in this report.

B-9c. Florida Interlock Program Flowchart (Detailed Example 2)

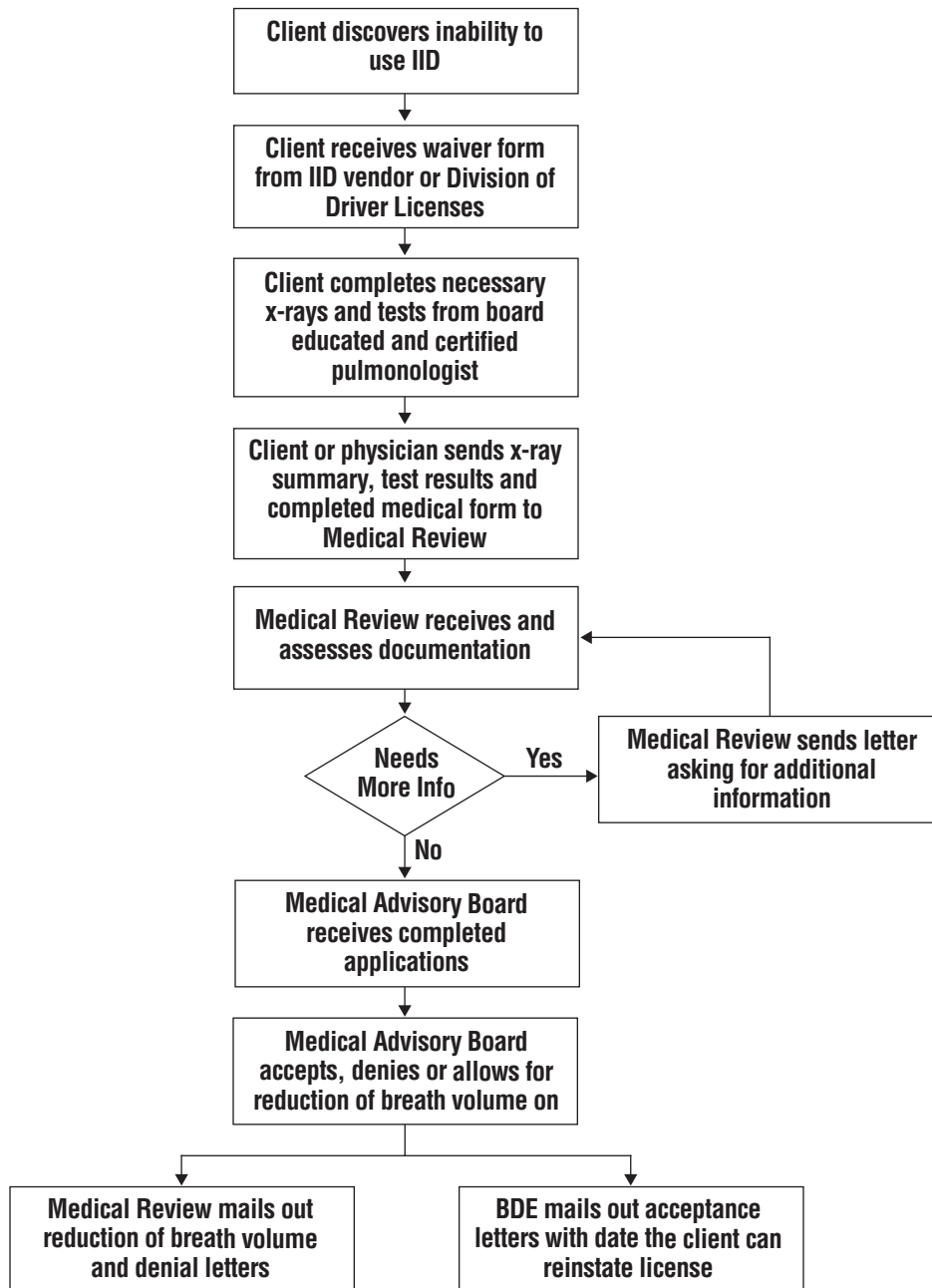


Note: Page numbers may reference other flowcharts which are not included as examples in this report.

B-10. Florida Medical Waiver Process Flowchart

6/29/2010

Ignition Interlock Medical Waiver Process



B-11. Florida Medical Waiver Form

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Special Note: This form must be completed by a board educated/board certified pulmonologist. (A copy of a recent chest x-ray and pulmonary function test must be attached). Mail to: Department of Highway Safety, Attn: Medical Review MS 86, 2900 Apalachee Parkway, Tallahassee, FL 32399

NAME: _____ DOB: _____ DATE: _____

DRIVER LICENSE#: _____ TELEPHONE: _____

Dear Doctor:

This patient has indicated that he/she has a medical condition that precludes his or her ability to use an ignition interlock device as required by law. Please provide the following information so that this patient may be considered for a waiver or a lowered air volume setting on the device.

1. Current Diagnosis:

2. Brief history of illness:

3. Current medications:

4. Date of last pulmonary function test: _____ (A copy of the test results must be attached.)

5. Based on your medical examination, and the results of the pulmonary function test, should the patient be capable of blowing into an ignition interlock device if the air volume setting is at 1.5 liters per breath?

Yes _____

No _____ If not, what is the minimum volume setting at which patient should be able to blow? _____

6. In your opinion, is this individual medically capable of operating a motor vehicle safely?

Yes _____ No _____ If no, please indicate reason: _____

Physician's Name: _____

Address: _____

Telephone#: _____

Date: _____

B-12. Florida Third Interlock Violation Letter



Julie L. Jones
Executive Director

2900 Apalachee Parkway
Tallahassee, Florida 32399-0500
www.flhsmv.gov

#Error

3RD DUI PROGRAM LETTER

#Error

The ignition interlock vendor has notified the Department about an issue with your use of the Ignition Interlock Device. The vendor is required to notify the Department if any of the following occurs:

- Any two breath tests above the 0.05 breath alcohol level upon initial startup of the vehicle.
- Any refusal to submit to a required rolling retest.
- Any retest above the 0.05 breath alcohol level.
- Any evidence of equipment tampering.

As you have had three violations, your ignition interlock time will be extended and you will be required to attend substance abuse treatment. The DUI Program that you are currently registered with will refer you to treatment at your next monthly monitoring appointment.

We appreciate your cooperation. If you need additional information please contact your DUI

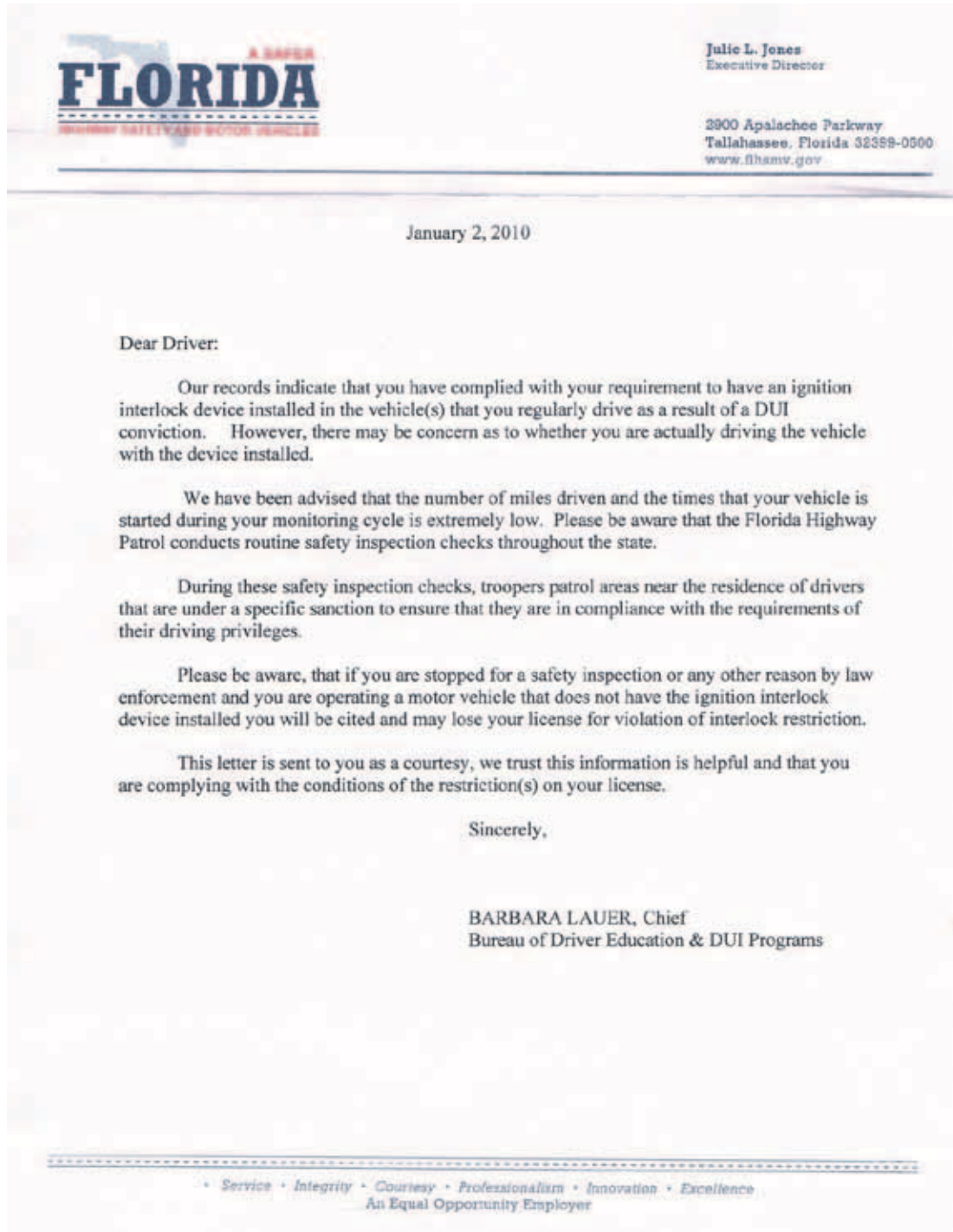
Sincerely,

BARBARA LAUER, Chief
Bureau of Driver Education and DUI Programs
Division of Driver Licenses

BL/faf

• Service • Integrity • Courtesy • Professionalism • Innovation • Excellence
An Equal Opportunity Employer

B-13. Florida Low Mileage on Interlock Vehicle Letter



B-14. Colorado Ignition Interlock Restricted License Affidavit

DR 2058 (05/27/10)
 COLORADO DEPARTMENT OF REVENUE
 DIVISION OF MOTOR VEHICLES
 DRIVER CONTROL SECTION

RESTRICTED LICENSE IGNITION INTERLOCK AGREEMENT AFFIDAVIT

Name	CO PIN	
Address		
City	State	ZIP
<p>As a condition of my reinstatement, pursuant to §42-2-132, C.R.S., I hereby certify that:</p> <ol style="list-style-type: none"> 1. I have obtained a signed lease agreement for the installation and use of an approved ignition interlock device as defined in section §42-2-132.5 (6), C.R.S. 2. I understand and agree that I must obtain and hold an Interlock Restricted driver license/permit for the entire period of the ignition interlock restriction. The Restricted license/permit must be issued within 20 days of reinstatement or I will be required to obtain a new lease agreement from the interlock provider and have the interlock device in my car for additional time. 3. I have obtained such an agreement for each vehicle on which my name appears as owner or co-owner and any other vehicle I may have access to drive during the restricted license period. 4. I understand that to do an early reinstatement with the ignition interlock device, I must be a Colorado resident and must remain a Colorado resident for the period of time I have a contract for the ignition interlock device. Should I become a resident of another state while I am still completing my early reinstatement obligations, I understand that a suspension may be taken against my driving privilege according to §42-2-132.5 (5), C.R.S. 5. I understand that there may be additional requirements, obligations, and restrictions imposed by the ignition interlock provider. 6. I have obtained the consent of any owner or co-owner of the ignition interlock vehicles. 7. I understand that I will be held responsible for and my driving privilege is dependent on the proper use of the ignition interlock device regardless of who may operate the ignition interlock equipped vehicle. (See reverse side) <p>I hereby certify that the above information given is true and correct and I understand that any false information given will be cause for cancellation of my driving privilege.</p>		
Signature	Date	
Subscribed and affirmed, or sworn to before me this _____ day of _____, 2_____ In the County of _____ State of _____		
Notary Signature		
Commission Expiration Date		

B-15. Colorado Reinstatement Application

DR 2870 (05/2010)
COLORADO DEPARTMENT OF REVENUE
 DRIVER CONTROL/REINSTATEMENTS
 P.O. BOX 173345
 DENVER, CO 80217-3345

Departmental Use Only

APPLICATION FOR REINSTATEMENT

(PLEASE PRINT OR TYPE)

Complete the required information below.*

If unsure of your specific reinstatement requirements call Customer Service at 303-205-5613.

Allow 20 business days for processing.

Once you have completed all the requirements, return this entire form with payment and all required documents to:

COLORADO DEPARTMENT OF REVENUE
DRIVER CONTROL REINSTATEMENT
 P.O. BOX 173345
 DENVER, CO 80217-3345

Reinstatement fee \$95.00. Make your check or money order payable to "Department of Revenue."
 Do not send any more or any less than \$95.00. Do not send cash.

*Required Information

*First Name (Printed)	*Middle Name	*Last Name	
*Date of Birth		Colorado License/ID Number (if known)	
*Mailing Address: The mailing address you provide will only be used for correspondence related to your reinstatement. Use Form 2286 for an official change of address with the Department.			
*City		*State	*ZIP
Daytime Phone Number () - -	Evening Phone Number () - -	Email Address	Date
If you had to get an ignition interlock device provide the name of the company:			
*Print name of person paying for reinstatement if other than yourself:			

The state may convert your check to a one time electronic banking transaction, your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department of Revenue may collect the payment amount directly from your bank account electronically.

Total	\$95.00
-------	---------

Did you do the following?

1. Find out your specific reinstatement requirements?
For help call Customer Service at 303-205-5613.
2. Include all documents needed to process your reinstatement?
3. Complete all required information on the application?
4. Include your check or money order for \$95?
5. Please include your Colorado license or ID number on your payment (if known).

A cancelled check does not mean your reinstatement is complete. We will mail you a Letter of Clearance when your reinstatement is complete. After reinstatement you may be required to apply for a new license. If a written and/or drive test is needed you must go to a full service Driver's License office. Check our web site for locations.

www.colorado.gov/revenue/dmv

Liability	6621	\$60.00	6622	\$35.00
-----------	------	---------	------	---------

B-16. Colorado Ignition Interlock Certificate of Understanding

DR 2588 (04/27/10)
COLORADO DEPARTMENT OF REVENUE
 DIVISION OF MOTOR VEHICLES
 DRIVER CONTROL SECTION ROOM 164
 (303) 205-6613

CERTIFICATION

(PLEASE PRINT)

Full Name	PIN Number (if known)
Date Of Birth	Case Number (if known)
Phone Number	Email Address

In order to qualify for restoration of my driving privileges following my revocation either for driving with too much alcohol in my system or for refusing to cooperate with the chemical testing process, I certify that I understand and agree to the following:

	INITIALS
By law, I can be considered to be driving even if the vehicle's engine is not running and the vehicle is stationary.	
Any alcohol, marijuana, drugs and many prescription medications can impair my ability to drive.	
If I drive while impaired by ANY substance, I violate the law.	
I cannot judge my level of impairment simply by the way I feel.	
I can still be impaired the morning following consumption.	
Alcoholic beverages vary in size and strength. I cannot judge my level of impairment simply by counting the number of drinks I've had.	
The first ability that is impaired by alcohol is the ability to make appropriate choices.	
My choices regarding driving after consuming alcohol or drugs have caused me to lose my driving privileges. I have taken steps to ensure that I will not put myself in the position to make this choice again.	
The best practice is to completely separate my consumption of alcohol and/or drugs from driving. I can ALWAYS make the choice not to drive.	
If I choose to drive impaired again, even if no one is harmed, I will: <ul style="list-style-type: none"> • Be deemed to be a Persistent Drunk Driver; • Have to complete an extensive and expensive course of alcohol and/or drug treatment; and • Have the ignition interlock restricted driving privilege for at least 2 years. 	
Signature	Date
Please note: In addition to your signature and date, you must initial all items above for this form to be accepted.	

B-17. Colorado Treatment Affidavit

DR 2643 (07/25/05)
 COLORADO DEPARTMENT OF REVENUE
 DIVISION OF MOTOR VEHICLES
 DRIVER CONTROL
 (303) 265-5813



AFFIDAVIT OF ENROLLMENT LEVEL II DRUG AND ALCOHOL EDUCATION AND TREATMENT

THIS SECTION TO BE COMPLETED AND RETURNED TO THE DMV DRIVER CONTROL SECTION		
Name	Date of Birth	Colorado PIN
Date of Admission	Agency Name	Agency ID
Track Assigned	Estimated Date of Completion	
Signature of Authorized Staff Member		Date
<p>1. As a condition for the reinstatement of driving privileges, I must complete a Level II alcohol and drug education and treatment program. I understand that the agency providing this service is required to report any noncompliance with the terms of such program and that a report of noncompliance may result in cancellation of my driver's license and denial to reapply until evidence of successful completion of a licensed education and treatment program is provided and any other reinstatement requirements are met.</p> <p>2. If notice of noncompliance is received by the Division of Motor Vehicles - Driver Control Section from the agency listed above, one of the following documents must also be received within 20 days.</p> <ul style="list-style-type: none"> • Notice from that agency that the terms and conditions of the program are now being met. • A discharge referral summary indicating successful completion of a Level II education and treatment program from the agency listed above. • A new Affidavit of Enrollment indicating admission to another licensed Level II program. <p>Failure to provide these documents will result in cancellation and denial of driving privilege.</p>		
Signature of Applicant		Date

THIS SECTION TO BE RETAINED IN THE RECORDS OF THE AGENCY PROVIDING LEVEL II EDUCATION AND TREATMENT PROGRAM		
Client Name	Date of Birth	
Track Assigned	Estimated Date of Completion	Colorado PIN
<p>Pursuant to §42-2-144, C.R.S. the following information must be forwarded to the Division of Motor Vehicles, Driver Control Section regarding this client.</p> <ul style="list-style-type: none"> • Report of noncompliance with the terms and conditions of this program - within 5 days of occurrence. • Report of completion of program with a discharge referral summary showing: admission date, discharge date, and indicating successful completion of track assigned - not more than 20 days following completion date. • Report of compliance with terms and conditions of program - quarterly. 		

B-18. Illinois Court Form Ordering the Issuance of the Monitoring Device Driving Permit

MONITORING DEVICE DRIVING PERMIT (MDDP)

4048 (NEW, 01/09)

STATE OF ILLINOIS

UNITED STATES OF AMERICA

COUNTY OF DU PAGE

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT

COURT ORDER DIRECTING THE SECRETARY OF STATE TO ISSUE A MONITORING DEVICE DRIVING PERMIT (MDDP)

CASE NUMBER: _____ ISSUED TO: _____

Last First MI

Street Address

City State Zip

Driver's License Number	State	Sex	HL	WL	Date of Birth	Hair	Eyes	Class	Restrictions

SECTION I

OPT OUT (If petitioner wishes to participate, please skip to Section II).

Pursuant to the criteria in Section 6-206.1 of the Illinois Vehicle Code, the petitioner:

Does not want to participate in the MDDP program

I agree that I was given the opportunity to participate in the MDDP program but have opted not to participate. I understand that by opting out of the MDDP program, I may not operate any vehicle during the period of my statutory summary suspension.

Petitioner Signature

Date

SECTION II

COURT FINDS THAT THE PETITIONER:

is is not indigent and therefore unable to pay for the cost of the BAIID device (installation and monthly rental)

has has not been previously convicted of reckless homicide or aggravated DUI involving death.

did did not cause great bodily harm or death in the event leading to this arrest

is is not a first offender as defined in Section 11-500 of the Illinois Vehicle Code.

is is not under the age of 18.

COURT FINDS THAT THE PETITIONER:

is is not requesting an employment exemption under this permit.

has has not read and understands the restrictions of the employment exemption.

EMPLOYER: (If requesting exemption)

COMPANY:

Last First MI

Address

City State Zip

Pursuant to Section 6-206.1 of the Illinois Vehicle Code offender is ordered to have a Breath Alcohol Ignition Interlock Device installed within 14 days of the date the Illinois Secretary of State issues the MDDP and is ordered to pay the Secretary of State an Administration Fee of \$30 per month for the length of the permit.

Therefore, pursuant to the criteria in Section 6-206.1 of the Illinois Vehicle Code, I order that an MDDP be issued.

DU PAGE - 18th Judicial

Date

Judge

County - District #

THIS COURT ORDER IS NOT AN AUTHORIZATION TO OPERATE A MOTOR VEHICLE.

PERMIT NOT VALID TO OPERATE A COMMERCIAL MOTOR
VEHICLE REQUIRING A COMMERCIAL DRIVER'S LICENSE

MAIL TO: SECRETARY OF STATE
BAIID DIVISION
211 HOWLETT BUILDING
SPRINGFIELD, IL 62756

DISTRIBUTION: White - Circuit Clerk - Yellow - Mail to Secretary of State - Pink - Offender

B-19. Illinois Monitoring Device Driving Permit Cover Letter



OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

April 23, 2009

To Permittee:

Enclosed is your Monitoring Device Driving Permit (MDDP). The MDDP is conditioned up the installation by an approved service provider and continued use of a **Breath Alcohol Ignition Interlock Device (BAIID)** in any vehicle you operate. Enclosed is a list of approved BAIID service providers. Please choose one and contact for installation.

The MDDP is valid in the state of Illinois. To determine validity in another state, you will need to contact that states licensing department.

You have 14 days from the MDDP effective date (shown on the permit) to take the vehicle to an approved service provider for installation of a BAIID. This is the only instance in which you may operate a vehicle without the BAIID. Failure to comply with this requirement will result in the denial of driving relief and the cancellation of the MDDP issued to you.

After installation of the BAIID, if you decide to have the BAIID removed and/or no longer wish to use the MDDP, you must notify this Office immediately BEFORE the removal of the BAIID. Failure to abide by these instructions will result in CANCELLATION of your MDDP. *If your MDDP is cancelled you will not be eligible for reinstatement at the end of your suspension period, but instead, will only be eligible to obtain a Restricted Driving Permit through our Office. This permit will be for twice the original Statutory Summary Suspension period.*



NOTE: THE SECRETARY OF STATE HAS NO INVOLVEMENT IN THE CONTRACTUAL ARRANGEMENT BETWEEN YOU AND THE BAIID PROVIDER. IT IS YOUR RESPONSIBILITY AS THE BAIID MDDP HOLDER TO UNDERSTAND ALL OF THE TERMS OF ANY AGREEMENT BETWEEN YOU AND THE BAIID PROVIDER. SHOULD ANY CONFLICT ARISE BETWEEN INFORMATION PROVIDED BY THE BAIID PROVIDER AND THE INFORMATION CONTAINED HEREIN, THE LANGUAGE CONTAINED IN THIS DOCUMENT WILL PREVAIL.

If you have any questions regarding the information in this letter, please call 217-524-0660.

BAIID Division
211 Howlett
Springfield, IL 62756

211 Howlett Building, Springfield, Illinois 62756

B-20. Illinois Monitoring Device Driving Permit

	BAIID division	211 HOWLETT • SPRINGFIELD, IL 62756 • 217-524-0660							
MONITORING DEVICE DRIVING PERMIT (Only valid with use of a working Breath Alcohol Ignition Interlock Device (BAIID).)									
Issued To: CHICAGO IL 60606	MDDP#: 928	Effective Date: 05/08/2009 Expiration Date: 10/08/2009							
DL#	sex	ht	wt	DOB	Hair	Eyes	Class	Restriction	EDR
	M	5'08	170		BLK	BRN	D	NONE	
<hr/> <p>Permit holder is authorized to drive for any purpose and at any time subject to the operation of vehicles equipped with a working Breath Alcohol Ignition Interlock Device.</p> <p>WORK EXEMPTION: Permit holder may drive employer-owned vehicles not equipped with a BAIID for employment purposes only.</p> <p>Restrictions: WITHIN 50 MILE RADIUS FROM ADDRESS LISTED BELOW</p> <p>Employer: <input checked="" type="checkbox"/> CONSTRUCTION CO, INC</p> <p>Employer's Address: CHICAGO IL 60609</p> <p>Work Hours: MON-FRI 8:00 AM - 5:00 PM</p> <p>Work Days: MONDAY THROUGH FRIDAY</p> <hr/>									
<p>This permit is issued pursuant to the Monitoring Device Driving Permit Program rules promulgated by the Secretary of State, 92 Illinois Administrative Code, Section 1001.444, and is conditioned upon installation and continued use of an operating BAIID according to the restrictions contained herein.</p> <p>The MDDP also allows the holder to drive the vehicle to and from the manufacturer/installer for installation of a BAIID within 14 days of the MDDP issue date.</p>									
<hr/> <p>Signature of Motorist</p>					 <hr/> <p>Secretary of State</p>				
<p>Important Notice to Driver: You must have this MDDP in your possession at all times while operating a motor vehicle.</p> <p><small>♻️ Printed on recycled paper. Printed by authority of the State of Illinois. April 2009 — 1 — BAIID 6</small></p>									

B-21. Illinois Monitoring Device Driving Permit Employment Verification Form



SECRETARY OF STATE • 211 HOWLETT • SPRINGFIELD, IL 62756 • 217-524-0660

Monitoring Device Driving Permit (MDDP) Employment Verification

This form MUST be completed in its entirety. All blanks must be completed. Verification on letterhead stationery will NOT be accepted.

Driver's License Number: _____

Date: _____

Social Security Number: _____

I, the undersigned hereby affirm that the following information is true and correct:

1. _____ is employed by _____ and has been so employed for _____ year(s).

2. Employee's Work Schedule: (no more than 12 hours/day and 6 days/week)
Please circle a.m. or p.m. for each starting and ending time entered.

	Start Time	End Time
Sunday	_____ a.m./p.m.	_____ a.m./p.m.
Monday	_____ a.m./p.m.	_____ a.m./p.m.
Tuesday	_____ a.m./p.m.	_____ a.m./p.m.
Wednesday	_____ a.m./p.m.	_____ a.m./p.m.
Thursday	_____ a.m./p.m.	_____ a.m./p.m.
Friday	_____ a.m./p.m.	_____ a.m./p.m.
Saturday	_____ a.m./p.m.	_____ a.m./p.m.

3. If applicable, the above named employee is required to operate a motor vehicle for business purposes during business hours within _____ miles, for the following purposes(s):

4. Company owned by the permittee and/or the permittee's family? Yes No

5. Employee allowed to take work vehicles home or use them for personal time? Yes No

6. Employee will be issued a Monitoring Device Driving Permit for Class D vehicles.

7. The undersigned is required and hereby agrees to notify the Secretary of State's office on letterhead stationery of any changes in hours or area of employment for the applicant subsequent to the date of this verification of employment. Furthermore, your employee must contact an informal hearing officer with work changes on letterhead stationery in order to apply for a corrected MDDP.

8. The undersigned agrees to advise the Secretary of State's office in writing if employment is terminated by the undersigned or the applicant.

Name: _____ Title: _____

Company Name: _____

Company Address: _____

Work Location: _____

Business Telephone: (_____) _____ - _____ Date: _____

Please return form to: Office of Secretary of State
BAIID Division
211 Howlett Building
Springfield, IL 62756

B-22. Illinois Participant's Violation Explanation Rejection Letter



28

OFFICE OF THE SECRETARY OF STATE

JESSE WHITE * Secretary of State

April 29, 2009

MR.

DLN: E

Re: Monitor Report Period(s):
January 15, 2009 Thru February 15, 2009

MR.

This Office has received your letter of explanation regarding possible violations of the rules of this Office, which were listed in our letter to you dated 1/5/2009 .

It is in the opinion of this Office that your explanation fails to reasonably assure the Secretary that the rules governing the BAID program were not violated.

THIS LETTER WILL SERVE TO NOTIFY YOU THAT pursuant to the provisions of Section 206.1(j) of the Illinois Vehicle Code your STATUTORY SUMMARY SUSPENSION will be extended for <<3 months>>. * The monitoring period for your BAID device will now be every 30 days. *

Your are entitled to a formal hearing to contest this extension if you so choose. A formal hearing must be requested in writing through the U.S. mail. No facimiles or internet mail request will be accepted. Petitioners are eligible for a subsequent hearing 90 days following their most recent hearing.

PLEASE NOTE: Any request for a formal hearing must by law be accompanied by a filing fee of FIFTY DOLLARS (\$50.00). The fee may be submitted in the form of a check, money order, or by credit card. Payment shall be made payable to the Secretary of State. **CASH WILL NOT BE ACCEPTED.** If a request is received without the fee attached, the request will be returned and no hearing will be scheduled. This fee is **NON-REFUNDABLE.**

This is in accordance with Section 2-118 of the Illinois Vehicle Code and 92 Illinois Administrative Code 1001.70.

Formal hearings are held in four locations: Springfield, Chicago, Joliet, and Mt. Vernon.

If you have any questions regarding this matter, please call or write to the BAID Division at: Secretary of State, Howlett Building, Room 211, Springfield, IL 62756, telephone number 217/524-0660.

BAID Division
Room 211, Howlett Building
Springfield, IL 62756
(217)524-0660
Email address: baiid@ilsos.net

**B-23. Illinois Participant's Violation Explanation Acceptance Notice
(Mouthwash Example)**

BAIID Division

Mouthwash

We are accepting your response that mouthwash was the cause of a recent BAC reading on your BAIID device.

However, this is your notification that *Mouthwash usage* will no longer be an acceptable response to a BAC reading on your BAIID when a follow-up blow is not recorded.

Many mouthwashes do, in fact, contain alcohol that can trigger a positive BAC reading. After using mouthwash you should plan on waiting at least 10 minutes and drinking some water before blowing into your BAIID.

If you do have a positive blow due to mouthwash, rinse your mouth out with water, wait 10 minutes, then **blow into the device again**. This will allow for the alcohol to evaporate from your mouth.

Please take the necessary steps to prevent any further readings due to mouthwash.

B-24. Oklahoma Implied Consent Language Officer's Card

IMPLIED CONSENT TEST REQUEST

Nov 1, 2009

1. You have been arrested and the arresting officer has reasonable grounds to believe that you were driving or in actual physical control of a motor vehicle while under the influence of intoxicants.
2. You are requested to submit to a test or tests for the purpose of determining the presence and/or concentration of intoxicants in your body.
3. The test will be a (BREATH) (BLOOD) test and will be administered at no cost to you.
If a blood test is performed it, will be done by approved medical personnel under Oklahoma law.
4. In addition to this test you may, at your own expense, have an additional test of your choice provided that a sufficient quantity of any specimen obtained shall be available to the State for testing.
5. You are not entitled to consult with an attorney prior to making your decision on whether or not to submit to the State's test.
6. You may refuse the State's test, but as a consequence, your driver's license will be revoked or denied by the Department of Public Safety.
7. If you consent to testing, are 21 years of age or older, and the test result is 0.08 or more alcohol concentration, your driver's license will be revoked or denied by the Department of Public Safety.
If you are under the age of 21, consent to testing and the test result is 0.02 or more alcohol concentration, your driver's license will be revoked or denied by the Department of Public Safety.
8. Will you take the State's test?

B-26. Illinois Law Enforcement Sworn Report

LAW ENFORCEMENT SWORN REPORT

Circuit Court, _____ County, _____ Municipal District **A**

Case Number _____

DUI TRAFFIC CITATION NO. (11-501A1)	DUI TRAFFIC CITATION NO. (11-501A2)
DUI TRAFFIC CITATION NO. (OTHER)	

Name _____

Last	First	Middle
Driver's License Number		
		State

CDL

Street Address _____

City & State _____

Sex _____ Date of Birth _____

Notice of Summary Suspension Given On _____

Month / Day / Year

City and/or County of Arrest _____

Arrest Date _____ a.m. / p.m.

Month / Day / Year / Time

Place of Refusal or Location of Test(s) _____

Refusal or Test Date _____ a.m. / p.m.

Month / Day / Year / Time

The suspension shall take effect on the 46th day following issuance of this notice of summary suspension. Subsequent to an arrest for violating Section 11-501 of the Illinois Vehicle Code, or similar provision of a local ordinance, you are hereby notified that on the date shown above, you were asked to submit to a chemical test(s) to determine the alcohol, other drug(s), intoxicating compound(s), or any combination thereof, content of your breath, blood, or urine and warned of the consequences pursuant to Section 11-501.1 of the Illinois Vehicle Code. You have the right to a hearing to contest your suspension. You must file a petition to rescind your suspension within 90 days of this notice.

Because you refused to submit to or failed to complete testing, your driver's license and/or privileges will be suspended for a minimum of 12 months.*

Because you submitted to testing conducted pursuant to Section 11-501.2, which disclosed:

- an alcohol concentration of _____, which is .08 or more; or
- any amount of a drug, substance or intoxicating compound in your blood or urine resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act; a controlled substance as listed in the Illinois Controlled Substances Act; an intoxicating compound as listed in the Use of Intoxicating Compounds Act; or methamphetamine as listed in the Methamphetamine Control and Community Protection Act;

your driving privileges will be suspended for a minimum of 6 months.*

*NOTE: If it is determined that you are not a "first offender," as defined in Section 11-500 of the Illinois Vehicle Code, and:

- You refused to submit to or failed to complete all requested chemical tests, the period of suspension will be a minimum of 3 years; or
- You submitted to chemical testing that disclosed an alcohol concentration of .08 or more or any amount of a drug, substance or intoxicating compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act; a controlled substance as listed in the Illinois Controlled Substances Act; an intoxicating compound as listed in the Use of Intoxicating Compounds Act; or methamphetamine as listed in the Methamphetamine Control and Community Protection Act; the period of suspension will be a minimum of 1 year.

Driver's license surrendered? Yes No; Reason: _____

Driver's license valid at time of arrest? Yes (Sign receipt) No (Void receipt)

I have complied with Section 11-501.1 of the Illinois Vehicle Code by having reasonable grounds to believe the arrestee was in violation of Section 11-501 or a similar provision of a local ordinance. (Explain) _____

pursuant to Section 11-501.1 of the Illinois Vehicle Code I have:

Served immediate Notice of Summary Suspension of driving privileges on the above-named person.

Given Notice of Summary Suspension of driving privileges to the above-named person by depositing in the U.S. mail said notice in a prepaid postage envelope addressed to said person at the address as shown on the Uniform Traffic Ticket.

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct.

Signature of Arresting Officer _____ ID Number _____

Law Enforcement Agency _____ Date _____

Month / Day / Year

B-27. Florida Treatment Facility Site Visits Process Guide (Excerpts)

DUI Client Files

1) Does the program utilize Compliance Manager or some other computerized management software to store client file information? If so, does the computer program incorporate some method of tracking users as they enter client information? If an electronic medium is used for data collection and information storage, the electronic signature of the staff and, if not possible, the staff name and identification number should be part of the electronic record.

2) Check to ensure that the complete client file is maintained for a *minimum of six months* following completion of the educational services or conviction. Describe the process used to document the completion dates and the projected six-month deadline for maintenance of these files. (Compliance Review, page 8, number 5)

3) Identify and describe the program's Permanent Record system. Pull 5 permanent records to verify that they include name, address, date of birth, driver license number, status of completion, and summary of assessment which shall include critical factors as identified from the Assessment Guide within the Client Data Information and Interview, HSMV 77004, as well as ancillary data secured in the interview. The format of the permanent record may be a card system, the complete hard copy of the original documents, microfiche, magnetic media storage or CDS. (NOTE: The summary of the assessment does not need to be the original Assessment Guide but must include documentation of all factors indicated on the Guide.) (Compliance Review, page 8, no. 6)

4) Describe the location and security of all client files. Electronic files must meet the same level of security as paper files. Ask how electronic files are secured and note location and access to workstation, whether the computer or software is passcoded, and who has passwords. Identify the person responsible for security and maintenance of the client files to ensure it is the same person identified by the team under the Personnel Section. (Compliance Review, page 7, number 1) _____

_____ (name) _____ (position)

5) Review and describe the DUI Client Transfer process and verify client files are mailed certified. (Compliance Review, page 8, number 7) _____

6) Review 15 closed and 5 active Client Files. Closed files are those files that are less than 6 months old where the client has completed or failed to complete education/treatment. Complete a Client Record Review Sheet on each file. (Compliance Review, page 7, number 3) If 85% of the files are not in compliance, describe the reason here:

7) Ask how the program tracks DUI Clients who are referred to treatment. What is the procedure for following up with the treatment agencies to request feedback? Document the procedure. (Compliance Review, page 18, number 2)

8) Ask how client grievances are handled and document response. (Compliance Review, page 18, number 2) _____

9) Read the Rules and Regulations form and compare it to the requirements listed in Section 15A-10.018(2)(b), which includes

-
- a) the requirements for course completion, including administrative suspensions and pre-conviction; _____
 - b) breach of enrollment agreement, including all reasons for having to reassign and any reassignment fees; _____
 - c) transfer policy and fee; _____
 - d) all fees for all services; _____
 - e) statement on confidentiality; _____
 - f) psychosocial assessment process and objectives. _____
 - g) List any discrepancies. Ask for a copy of the form for our records. _____

10) Ask how the program communicates the completion or failure to complete with the court/Probation (via phone, lists, client status reports, responsibility of client, etc.).

11) Review the DUI program's web site. Check that the information is appropriate and accurate (fees, locations, general information).

Treatment Providers

1) Name, title, and organization of person interviewed

2) Who is the liaison from the DUI program who works with you?

3) How often do you have contact with the DUI program and through what means?

4) Do you attend quarterly meetings? What is typically discussed?

5) Who develops the treatment plan? How does the program ensure that each client treatment plan is individualized? Does the plan specifically address the distinct needs of each individual client? _____

6) How long can a client expect to remain in treatment? Duration and frequency of treatment are indicators of an individualized plan. If the length of treatment is standardized for DUI clients, in what other way(s) does the program ensure that the client's specific needs are being met? _____

7) Are DUI clients mainstreamed with other substance abuse clients or are they treated separately? In what ways do they differ from other substance abuse clients? If the clients are treated primarily through group therapy, how does the program ensure that each client's distinct needs are met? _____

8) Is participation in twelve step programs required?

9) Do you have copies of the DUI assessment at the time of intake?

10) How long do you wait before notifying the DUI program a client has:

- ✓ Not scheduled an intake appointment _____
 - ✓ Not kept the intake appointment _____
 - ✓ Drops out of treatment _____
 - ✓ Completes treatment _____
-

11) Do you ever disagree with a referral from a DUI program? If so, do you consult with the DUI program prior to making a final decision regarding treatment?

12) How would you describe the working relationship you have with the DUI program?

13) Are there any problems? Are there any issues we can help resolve?

14) Do you have any suggestions for improving services to the DUI offender at any level (state, local, laws, etc.)

15) Does your program offer any aftercare services or provide for any family involvement?

16) Do you have any questions? _____

B-28. Florida Requiring Offender to Meet with Licensed DUI Program Letter



Julie L. Jones
Executive Director

2900 Apalachee Parkway
Tallahassee, Florida 32399-0500
www.fhsmv.gov

#Error

2ND DUI PROGRAM LETTER

#Error

The ignition interlock vendor has notified the department of a problem with your use of the ignition interlock device. The vendor is required to notify the department of any two-breath test above the 0.05 breath alcohol level upon initial startup of the vehicle; any refusal to submit to a required rolling retest; any rolling retest above the 0.05 breath alcohol level; or any evidence of equipment tampering.

You must contact a licensed DUI program, which serves the county where you live, work, or attend school, within 10 days of this letter to schedule an appointment. The DUI program will review the use of the device with you and discuss with you the circumstances related to this notification.

If this is your second notice, you are required to report to that DUI program once a month for monitoring until the ignition interlock device is removed from your vehicle.

We appreciate your cooperation. If you need additional information, please contact the DUI program.

Sincerely,

BARBARA LAUER, Chief
Bureau of Driver Education and DUI Programs
Division of Driver Licenses

BL/faf

• Service • Integrity • Courtesy • Professionalism • Innovation • Excellence
An Equal Opportunity Employer

B-29. Florida DUI Program Evaluator Guide

Ignition Interlock Device Interview Report

Name: _____ Client# _____ Date _____

Date of DHSMV referral _____ D.O.B. _____ D.L.# _____

Address: _____ Tel. Number: _____

Date of last ignition interlock summary report: _____

Highest BAC reading: _____ # of lock-outs: _____ # of violations: _____

Summarize client's ignition interlock status including the areas of patterns of use of the device, lock-outs/violations, BAC readings, and tampering.

Any reported arrests or convictions? _____ Explain: _____

Any reported traffic tickets or citations? _____ Explain: _____

Any reported attendance at sessions for the purpose of:

Education _____ Self-improvement _____ Voc. Training _____
Alcohol therapy _____ Drug therapy _____ Mental health therapy _____
Other _____ Prescribing medicine _____

If any of the previous items are checked please describe below:

Summarize any questions the client has regarding how the ignition interlock device works.

Summarize the evaluator's recommendations and the client's plan for avoiding future lock-outs and other risky behaviors caused by substance use and his/her plan for living within the requirements of the program.

Evaluator _____ Certification#: _____ Date: _____

Client Signature _____ Date: _____

If the Evaluator holds a temporary certificate this form must be co-signed by the clinical supervisor.

Clinical Supervisor _____ Certification#: _____ Date: _____

HSMV 77136 (1/20/2004)

B-30. Oklahoma Foreign Installation Verification Cover Note



STATE OF OKLAHOMA
BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE
Post Office Box 36307
Oklahoma City, OK 73136-2307

FOREIGN INSTALLATION VERIFICATION

The purpose of this program is to ensure the installation of an Oklahoma certified ignition interlock device, required for compliance with an Oklahoma Installation Authority¹, is accomplished in accordance with the Oklahoma ignition interlock rules and regulations published in the Oklahoma Administrative Code, Title 40, Chapter 50, Section 1-1 *et seq.* (available online by clicking the "Administrative Rules" link at: <http://ignitioninterlock.ok.gov>).

The Board of Tests for Alcohol and Drug Influence (the "Board"), in an effort to ensure compliance with the Oklahoma ignition interlock rules and regulations, created an "Inclusion Zone". The Inclusion Zone means an area encompassing 25 driven miles from the Oklahoma state line as determined by the Board.

Inside the Inclusion Zone, upon completion of the installation of a certified ignition interlock device at a service center duly licensed by the Board, required for compliance with an Installation Authority, the Oklahoma licensed ignition interlock technician who installs the device shall provide the participant with an "Oklahoma Ignition Interlock Installation and Acknowledgement" affixed with an Installation Decal. Installation Decals are purchased from the Board, by Oklahoma licensed ignition interlock technicians, for a fee of \$10.00 each.

Upon completion of the installation of an Oklahoma certified ignition interlock device at a service center located **outside** the Inclusion Zone, required for compliance with an Installation Authority, the ignition interlock technician who installs the ignition interlock device shall forward to the Director a completed "Application for Foreign Installation Verification" with the appropriate fee of \$10.00. Upon approval of the application, the Board will affix an Installation Decal and forward the installation verification to the Monitor². It shall be the responsibility of the applicant to incur any costs of mailing this application to the Board. Incomplete submissions will not be considered.

If you have questions concerning this application or any forms, please contact the Board of Tests at (405) 425-2460.

¹ "Installation Authority" means the Oklahoma agency or entity by statute or order requiring or authorizing installation of a device.

² "Monitor" means the agency, organization and/or person(s) designated by the Installation Authority to receive reports regarding ignition interlock program participants.

B-31. Oklahoma Foreign Installation Verification Application

Application for Foreign Installation Verification

To make application for foreign installation verification, submit:

1. This **completed** application,
2. A **completed** "Oklahoma Ignition Interlock Foreign Installation and Acknowledgement", and
3. A business check or certified funds payable to "The Board of Tests" in the amount of \$10.00 to:

The Board of Tests
Foreign Installation Verification
P.O. Box 36307
Oklahoma City, OK 73136-2307

Full legal name of service center

Name of technician who installed the device

Physical address of the service center, city, state, zip code

()

Service center telephone number

()

Service center fax number

Service center e-mail address

Ignition interlock manufacturer represented

Monitor agency and contact name

()
Monitor telephone number

Initial

I have read, understand, and agree to comply with the Oklahoma ignition interlock rules and regulations published in the Oklahoma Administrative Code, Title 40, Chapter 50, Section 1-1 *et seq.* (available online by clicking the "Administrative Rules" link at: <http://ignitioninterlock.ok.gov>) with respect to the ignition interlock device installed for the

participant named: _____

Print participant's name as it appears on the "OKLAHOMA IGNITION INTERLOCK FOREIGN INSTALLATION AND ACKNOWLEDGEMENT".

Initial

I understand that failure to comply with the above listed Oklahoma ignition interlock rules and regulations could result in administrative action against the manufacturer listed above.

By my signature below, I certify that the information given in this application and all accompanying documents is true and correct to the best of my knowledge and ability.

Technician's signature

Date

Do not write below this line

Reviewed by _____

Date _____

Approved Installation Decal Number _____

Denied

B-32. Oklahoma Foreign Installation Verification Acknowledgement

OKLAHOMA IGNITION INTERLOCK FOREIGN INSTALLATION AND ACKNOWLEDGEMENT

Participant Name: _____ Date of Birth: ____/____/____
Address: _____ City: _____ State: _____ Zip: _____
DL State: _____ DL No.: _____ Telephone: (____) _____
Vehicle: Year: _____ Make: _____ Model: _____
VIN: _____ Tag State: _____ Tag Number: _____
Case Number: _____ Program Length: _____ Months Installation Date: ____/____/____

Reportable Violations, as defined in Title 40:50-1-1 of the Oklahoma Administrative Rules, are as follows:

- _____ (1) Three (3) Penalty Fails, at startup, within a 15 minute time frame. Under 21 21 or Over
- _____ (2) Any Illegal Start except when:
 - (a) Adequate proof, in the form of a Mechanics Affidavit provided by the Board, prepared and executed by the mechanic performing the repair work with a complete description of the work performed and that the illegal start was incidental to the work performed. Receipts of said mechanic shall accompany any Mechanic's Affidavit submitted, or
 - (b) Adequate proof, in the form of a Mechanics Affidavit provided by the Board, prepared and executed by the program participant, if the work was performed by him, under oath, with a complete description of the work performed and that the illegal start was incidental to the work performed. Receipts for parts or sublet labor shall accompany any Mechanic's Affidavit submitted.
- _____ (3) Two (2) Re-test failures in a Sixty (60) day period. Each Sixty (60) day period shall run from the date of installation,
- _____ (4) Three (3) Re-test refusals in a Sixty (60) day period, unless accompanied by a Mechanic's Affidavit as specified in 2(a) of this subsection. Each Sixty (60) day period shall run from the date of installation,
- _____ (5) Failure to return to the IID to a licensed service center within Eight (8) days from entering a lockout condition may result in a Reportable Violation except when:
 - (a) The vehicle is being repaired. In the event the vehicle is being repaired, the program participant must inform their licensed service center at least every Eight (8) days as to the location of the vehicle and the anticipated date of completion of the repairs, or
 - (b) The vehicle is being replaced. In the event the vehicle is being replaced by another vehicle, the reinstallation of the IID in the subsequent vehicle must be accomplished within Eight (8) days of original removal, and
- _____ (6) IID Removal except:
 - (a) Upon receipt of documentation from the Installation Authority or Monitor authorizing said removal, which shall only be performed by an Interlock Technician duly licensed by the Board.
 - (b) The vehicle is being repaired. In the event the vehicle is being repaired, the program participant must inform their licensed service center at least every Eight (8) days as to the location of the vehicle and the anticipated date of completion of the repairs. In the event the IID must be disconnected during any repairs, said work must be performed or authorized by an Interlock Technician duly licensed by the Board. The reinstallation request must be accompanied by the Mechanics Affidavit as described herein, or
 - (c) When the vehicle is being replaced. In the event the vehicle is being replaced by another vehicle, the removal and reinstallation of the IID in the subsequent vehicle must be accomplished within Eight (8) days of original removal and performed by an Interlock Technician duly licensed by the Board.
- _____ (7) Tampering (defined as an overt or conscious attempt to provide means whereby the operator may start the engine without taking and passing the requisite breath test).

I have read, or have had read to me, and understand the Reportable Violations listed above. Furthermore, I understand that I am responsible for any and all violations recorded by the Ignition Interlock or observed by an ignition interlock technician.

Ignition interlock model and version No.: _____ Serial No(s): _____
Service Center Name: _____ Physical Address: _____
City: _____ State: _____ Zip: _____ Phone: (____) _____
Technician's Signature: _____ Participant Signature: _____

B-33. Oklahoma Interlock Service Center Application



THE BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE APPLICATION FOR INITIAL CERTIFICATION AS AN IGNITION INTERLOCK DEVICE SERVICE CENTER

Instruction for completing this application

Before you begin working on this application, please review the enclosed copy of the rules regarding the ignition interlock program in Oklahoma. Retain the enclosed copy of the rules for reference purposes.

PLEASE:

- Complete this application by typing or printing legibly in black ink.
- Provide all information requested in Section 1 of this application.
- Initial each statement in Section 2 of this application.
- Sign and date the application in section 3 of this application.
- Make a copy of this completed application for your records.

SUBMIT:

- This completed application,
- A letter from the ignition interlock device manufacturer authorizing the service center making application to vend the ignition interlock device(s) described in this application, and
- A certified check or money order payable to "The Board of Tests" in the amount of \$100.00:

The Board of Tests

P.O. Box 36307

Oklahoma City, OK 73136-2307

It shall be the responsibility of the applicant to incur any costs of mailing, shipping or physically delivering this application to the Board. Incomplete submissions will not be considered. If you have not submitted all the requested items, the Board of Tests will contact you regarding the missing items. If the Board of Tests does not receive the missing items

within 20 days of the date requested, your application will be returned and certification denied.

Upon successful completion of the requirements for certification, the Board will issue a service center certificate valid for a period of time designated by the Board, unless certification is inactivated or suspended.

If you have questions concerning this application or any forms, please contact the Board of Tests at (405) 425-2460.

Section 1 – Service Center Information.

Full legal name of the service center requesting certification

Physical address of the service center requesting certification

Mailing address of the service center requesting certification

Service center telephone number

Service center fax number

Service center e-mail address

Employer Identification Number (EIN)

Brand and model of the ignition interlock device(s) to be merchandised

Brand and model of the reference sample device(s) to be used

Print the name(s) of person(s) employed at this service center who will be applying for certification as a Service Representative:

_____	_____
_____	_____
_____	_____

Section 2 - Certifications.

By my initials beside each statement, I, _____, certify

Preparer's printed name

on behalf of the service center requesting certification that:

_____ I understand an IID inspector or a designated representative of the Board may at any time make an inspection of the certified IID service center to ensure compliance with these rules.

_____ I understand that certification of the service center is contingent upon the applicant's agreement to conform and abide by any directives, orders or policies issued or to be issued by the Board regarding any aspect of the service center; this shall include, but not be limited to, the following:

- (1) program administration;
- (2) reports;
- (3) records and forms;
- (4) inspections;
- (5) methods of operation and testing techniques;
- (6) personnel training and qualifications;
- (7) criminal history considerations for service representative; and
- (8) records custodian.

_____ I agree to comply with 40:50-1-4 (d) which states: "The manufacturer of the device shall ensure responsibility for service within a maximum of 48 hours after notification of a reported malfunction. This support shall be in effect during the period the device is required to be installed in a motor vehicle or during such time as lease of the device shall be in effect."

_____ I agree to pay a fee for site inspection of \$100.00.

_____ I understand the service center must at all times be staffed with at least one certified service representative and services rendered by an IID service center must be performed by a properly trained and certified service representative.

Section 3 - Signature and Date.

By my signature below, I certify, under penalty of perjury, that the information given in this application and all accompanying documents is true and correct to the best of my knowledge and ability.

Preparer's printed name _____ Preparer's title _____

Preparer's signature _____ Date _____

Do not write below this line

Reviewed by _____ Date _____

Approved Denied Certification Number _____

Reviewer's comments:

B-34. Oklahoma Interlock Service Center Inspection Report



The Board of Tests for
Alcohol and Drug Influence
P.O. Box 36307
Oklahoma City, OK 73136-2307
(405) 425-2460

Inspection Report Ignition Interlock Service Center

Inspector	Report Date	Type of Inspection <input type="checkbox"/> Initial <input type="checkbox"/> Annual <input type="checkbox"/> Special
Service Center Name		Certification Number
Service Center Physical Address		Phone Number

A. Document Review: Yes No Comments:

B. Observation: Yes No Comments:

C. Site Visit <input type="checkbox"/> Yes <input type="checkbox"/> No	Service Representative(s) Present and Certification Number(s): <input type="checkbox"/> Yes <input type="checkbox"/> No	Non-Certified Employees Present? <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Simulator Manufacturer and Model	Serial Number	Temperature <small>Display</small> °C <small>Monitor</small> °C
		Seal Pressure Test <input type="checkbox"/> Good <input type="checkbox"/> Leaks
		Calibration Log <input type="checkbox"/> Yes <input type="checkbox"/> No
		Reference Solution Storage
Reference Solution Manufacturer	Lot Number	Expiration Date
		Predicted Value
		P&T Result (x3)
<input type="checkbox"/> Gas / Manufacturer	Tank Pressure	Expiration Date
		Predicted Value
		P&T Result (x3)
Preparatory Documentation / Description <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		Configuration Verified <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Comments:

D. Based on the inspection(s) listed above, the following deficiencies were noted:

E. This form is official notice that the deficiencies noted in Section D must be corrected as follows:

I have received a copy of this inspection report. If deficiencies were noted in Section D, this report constitutes a written warning. I understand that failure to make any correction(s) noted in Section E may result in enforcement action by the Board.

Received By:

Certification Number:

B-35. Oklahoma Interlock Field Test Form



BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE Ignition Interlock Certification Field Test

Manufacturer Name: _____ Device Model No.: _____

1. Call Manufacturer Representative and schedule an appointment for installation of the device.
Installation information: _____
2. Record the serial number & version of the installed components:
Component: _____ Serial number/Version: _____
Component: _____ Serial number/Version: _____
3. Observe the installation of the device and participate in the normal training process. *Make sure the device is configured for a person 21 years or older with 30+ days programmed in the device.* Note the color and location of the starter wires. _____
4. Describe the anticircumvention method(s) employed by the manufacturer: _____

5. When you have completed the installation process and are prepared to leave, attempt to start the vehicle without blowing a breath sample _____ (date / time). Did the vehicle start? YES NO
Note what you heard and/or saw: _____

6. Blow a sample in the device and *do not* comply with the ant circumvention method(s) employed by the manufacturer _____ (time). Attempt to start the vehicle. Did the vehicle start? YES NO Note what you heard and/or saw: _____

7. Follow the normal operating procedure and start the vehicle _____ (time). Upon a retest request, pull over and comply with any retest(s) and note the time of the retest(s): _____ (prompt) _____ (delivered) Note what you heard and/or saw related to the retest request: _____

8. When you reach your destination, turn the vehicle off: _____ (time) Wait approximately 20 seconds and attempt to restart the vehicle without blowing a breath sample _____ (time). Did the vehicle start? YES NO Note what you heard and/or saw: _____

9. Attach copies of all installation paperwork received. Make any additional notes regarding the installation: _____

10. **Penalty Fail**

Power the device on. Deliver a high alcohol sample into the device: _____ (time). Attempt to start the vehicle. Did the vehicle start? YES NO Note what you heard and/or saw: _____

Did the service counter reset? YES NO Note what you heard and/or saw: _____

11. **Illegal Start**

With the device powered OFF, use the prescribed method to bypass the device and start the vehicle: _____ (time). Allow the vehicle to run for at least 4 minutes and note what you heard and/or saw: _____

Did the service counter reset? YES NO Note what you heard and/or saw: _____ (car stopped)

12. **Retest Refusal**

Follow the normal operating procedure and start the vehicle: _____ (time). Upon the first retest request _____ (prompt) pull over and refuse the retest by leaving the vehicle running until you see an indication of the retest refusal: _____ (time). Note what you heard and/or saw: _____

Turn the vehicle off: _____ (time). Wait approximately 20 seconds after the retest refusal indication and attempt to restart the vehicle without blowing a breath sample: _____ (time). The free restart should not be enabled and the vehicle should not start. Did the vehicle start? YES NO Note what you heard and/or saw: _____

13. **Retest Failure**

Follow the normal operating procedure and start the vehicle: _____ (time). Upon a retest request _____ (prompt) pull over and deliver an alcohol sample into the device: _____ (time). Note what you heard and/or saw: _____

Turn the vehicle off: _____ (time)

14. **Retest Refusal - Turning the vehicle "off" while a retest is in progress.**

Follow the normal operating procedure and start the vehicle: _____ (time). Upon the first retest request _____ (prompt) pull over and turn the vehicle "off" while the retest is in progress: _____ (time). Note what you heard and/or saw: _____

Wait approximately 20 seconds after the retest refusal indication and attempt to restart the vehicle without blowing a breath sample: _____ (time). The free restart should not be enabled and the vehicle should not start. Did the vehicle start? YES NO Note what you heard and/or saw: _____

15. Retest Refusal – If possible, unplugging the handset while a retest is in progress. If not, skip this step.

Follow the normal operating procedure and start the vehicle: _____ (time). Upon the first retest request _____ (prompt) pull over and with the vehicle running disconnect the handset from the base unit: _____ (time). Note what you heard and/or saw: _____

Turn the vehicle "off" after 7 minutes _____ (time). Reconnect the handset _____ (time). Note what you heard and/or saw: _____

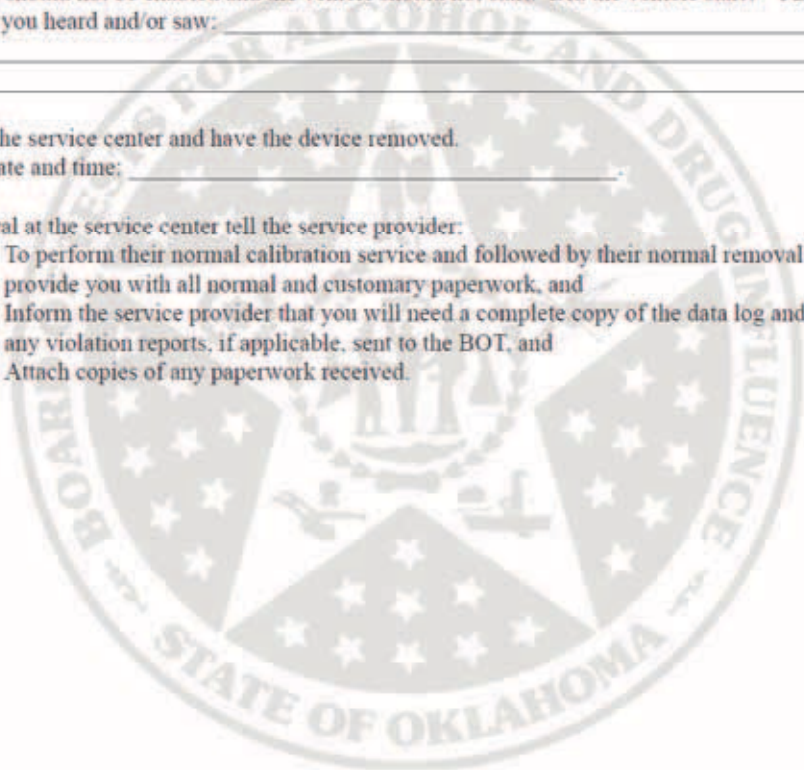
Wait approximately 20 seconds and attempt to restart the vehicle without blowing a breath sample. The free restart should not be enabled and the vehicle should not start. Did the vehicle start? YES NO
Note what you heard and/or saw: _____

16. Return to the service center and have the device removed.

Note the date and time: _____

17. Upon arrival at the service center tell the service provider:

1. To perform their normal calibration service and followed by their normal removal service and provide you with all normal and customary paperwork, and
2. Inform the service provider that you will need a complete copy of the data log and a copy of any violation reports, if applicable, sent to the BOT, and
3. Attach copies of any paperwork received.



B-36. Illinois Interlock Installer Inspection Form

BAIID Division



FIRST/Date:

Mail/Monitor

211 HOWLETT – SPRINGFIELD, IL 62756 – (217) 524-0660

Name of Installer:

Address:

Circle the Vendor(s):

- How are your relations with your vendors?
- How are your relations with your customers?
- How many devices would you say you install on an average month?
- Are there instruction manuals and training information available for clients to read during the installs?
(DVDs/Verbal Instructions/Manuals)
- Do you make the offender use the device successfully before leaving the facility? (# of successful blows?)
- When installing the device, do you solder the connections or use connectors? (What type of connector?)
 - If connectors are used, does the vendor supply various sizes for proper installs on different vehicles?
 - Once the device is installed, is connection protected with heat shrink tape or vendor issued stickers?
- How often do clients come in to have the device removed early? (Your Procedure)
- Were there any clients that had to have malfunctioning devices serviced?
 - Were all issues resolved within 48 hours of occurrence?
- During any of your de-installs/recalibrations did you find/make note of any attempts to circumvent the device?
- Did you uninstall/service any devices that another installer initially installed?
 - How was their work? (If unsatisfactory, please list installer if known)
- Is your recalibration device a Dry Gas or Wet Bath machine? (warm-up time? pump/blow? Up-to-date solution?)
- Are there any questions or comments you have for me?

B-37. Illinois Follow-Up Interlock Installer Inspection Form

BAIID Division  Round: _____ Date: _____

Name of Installer: _____
Address: _____
Circle the Vendor(s): _____
Monitor or Mail-in _____

- Has anything changed in the past month that was an issue?
- Any problematic situations that have come during scheduled installs, or with customers?
- Any new issues with the vendor?
- Have malfunctioning devices been serviced within 48 hrs?
- Anyone new installing the units? Have they been trained in the use of the devices?
- What is your procedure for connections? (What is being connected and how?)
- Have you worked on vehicles that came from another installation site with problem installs?
- What type of calibration method do you use? (if not asked from first visit or if not mail in)
 - For wet bath: who supply's solution, how often is it replaced, and how do you keep track of replacement time.
 - Whether the air is pumped in by machine or is it blow in by the installer.
- Have you encountered any evidence of tampering to the devices since my last visit?
- When customers come in to have their device removed what is the procedure?
- Are there any new questions that you have for me

Notes:

Jesse White Illinois Secretary of State
502 S 2nd St. Room 211 Springfield, IL 62703

C. Additional Sources of Information

Additional information on ignition interlocks is available from the following sources:

- ◆ Alcohol Interlock Curriculum for Practitioners: aic.tirf.ca/section1/index.php
- ◆ International Alcohol Interlock Symposium: www.interlocksymposium.com/
- ◆ International Counsel on Alcohol, Drugs, and Traffic Safety: www.icadts.org/
- ◆ National Highway Traffic Safety Administration, Impaired Driving Information: www.nhtsa.gov/Impaired
- ◆ Pacific Institute for Research and Evaluation: www.pire.org/
- ◆ Traffic Injury Research Foundation: tirf.ca/main.php

