

2013

Annual Judicial
Education
Conference

September 3-6, 2013
JW Marriott Hill Country
San Antonio, TX



Ignition Interlock Trends



Thursday, September 5, 2013
4:00 p.m. – 5:00 p.m.

Course Description:




Paul Hofmann and Judge Weiser will lead a discussion of ignition interlock trends and up-to-date practices from the national and statewide perspectives.

Faculty:

Mr. Paul Hofmann and Hon. Laura Weiser

IGNITION INTERLOCK

Presented by Judge Laura A. Weiser and Paul Hoffman-APPA NHTSA Probation Fellow

Interlocks

CIRCA?



Crankling It Up... Texas County Criminal Court...
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Ignition Interlock Device (IID) Cover

You got a DUI. A court mandates that you install an IID.
Now you need to go Stealth.

AVOID PUBLIC SHAME
FITS SECURELY IN A CAR CUP HOLDER

UNIVERSAL FIT FOR ALL DEVICES



Purpose of Interlock

- Alternative to jail
- Keeps offender licensed and insured
- Allows offender to work, support family, pay court fees, attorney
- Participate in treatment
- Remain productive member of community and family
- Separates drinking from driving

Why use interlock?

- **Federal Highway Funds Require it**
- **State Law Requires it**
 - ▣ **Transp. Code Section 521.246**
 - ▣ **Penal Code 49.09 h**
 - ▣ **CCP 42.12 Section 13 (i)**

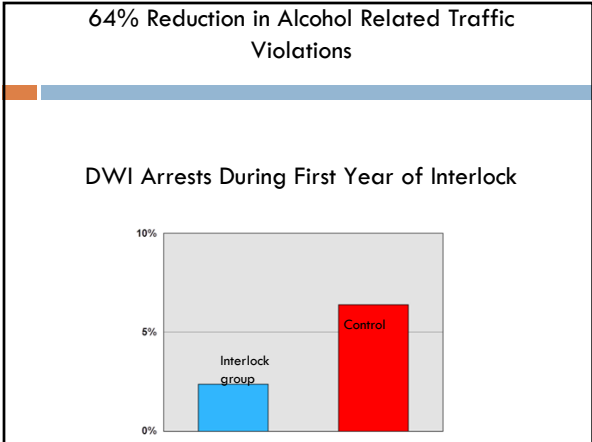
It Works!

- **50-90% reduction in recidivism with interlock**
- **Studies show offenders return to old behavior once off interlock**

- 70% of hard core offenders believe interlock is an effective deterrent
- 74% of Americans believe in the use of ignition interlock
- Information obtained from the Century Council (centurycouncil.org)

MADD Calls on States to Pass Lifesaving Ignition Interlock Laws and Reverse Trend of Increasing Fatalities

- **“There is no longer a debate on interlock effectiveness. The Centers for Disease Control and Prevention, and 15 other peer-reviewed studies, have confirmed that interlocks reduce repeat drunk driving offenses by two-thirds.” 10/4/2012**



First Offenders

- About 1 in every 139 licensed drivers is arrested for DWI per year. 70% of these are “first offenders”.





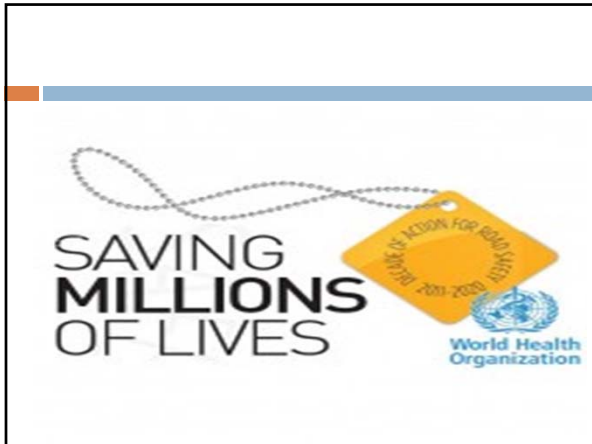
- Intoxicated drivers can drive intoxicated **more than 80 to 200 times** before being detected and apprehended.
- Many 1st offenders have some degree of alcohol abuse or addiction. One study showed **82%** of first offenders were assessed as alcoholics or problem drinkers; only 18% were social drinkers.

The Data Collected is Useful

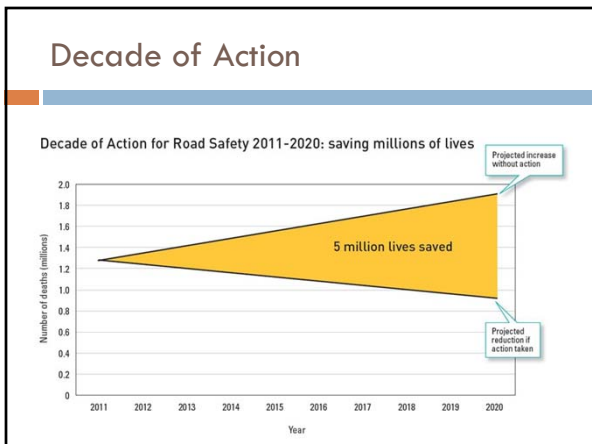
- **A high rate of breath test warnings/failures, particularly in the early morning, is a good predictor of DWI recidivism**

□ (Marques et al., 2003; Beirness & Marques, 2004).





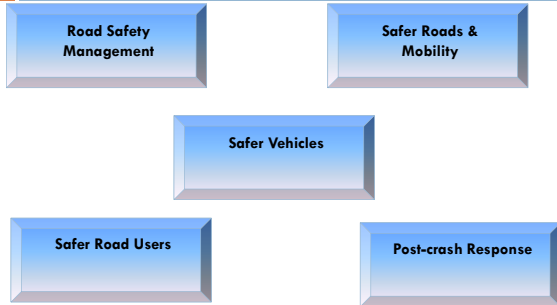




Before the Decade Began

- Every year around our world, road crashes:
 - ▣ killed 1.3 million people
 - ▣ injured 20 – 50 million people
 - ▣ 8th leading cause of death
 - ▣ main cause of death for 15 – 29 yr olds
- 90% of road deaths & injuries occur in low-income & middle-income countries
- Yet these countries only have 48% of registered vehicles

5 Pillars of Action



WHAT DOES THIS ALL
MEAN FOR US?

Focus Areas

- Seat Belt Use
- Car Seat Use
- Helmet Use
- Pedestrian Safety
- Young Drivers
- Older Drivers
- Distracted Drivers
- Speed Reduction
- Work Zone Safety
- Aggressive Drivers
- Reckless Drivers
- Impaired Drivers



For Impaired Drivers


- Sanctions**
- Jail
- Community Supervision
- ED / Treatment Service
- Driver License
- Vehicle
- Adjuncts**
- Breath Testing
- UA Testing
- Community Service
- Impact Panels
- Ignition Interlock Devices

National Trends in Interlock Laws

- All 50 states and the District of Columbia have some type of ignition interlock laws.
- The trend is to require all drivers convicted of impaired driving to install an ignition interlock




- The trend is backing away from “hard” suspension periods and allowing convicted drivers to drive with an ignition interlock
- Those states that are reducing their hard suspension periods are requiring interlock for longer periods and drivers must have at least 90 days full compliance before removal is allowed




In Texas When Can We Order Ignition Interlock?

- Mandatory
- Discretionary




Mandatory as a condition of Bail

- Art. 17.441 CCP “shall”
 - ▣ Subsequent offense
 - ▣ Intoxication Assault
 - ▣ Intoxication Manslaughter
- May find “interests of justice”
- Proof of installation not later than 30 days



Verification and Monitoring

- Art. 17.441(d)
- Designate an appropriate agency to verify installation and monitor compliance
- \$10 fee for verification
- \$10 per month for monitoring




Mandatory As a Condition of Community Supervision

- Art.42.12 Section 13 (i)
 - Subsequent Offense
 - Intoxication Assault
 - Intoxication Manslaughter
 - >0.15 BAC
 - Under 21 YOA
 - For at least 50% of term of supervision
 - Installation verified not more than 30 days after order


Who Monitors?

- Easy-CSCD



Mandatory as a Condition of an Occupational Driver's License

- TX Transp. Code 521.246
 - Judge **"Shall"** restrict for subsequent offense
 - **unless** the court finds that to do so is not in the best interest of justice **and** enters that finding in the record.

Who Monitors? 

Chapter 521 of TTC Authorizes the court granting ODL:

- To require an IID, and periodic testing for alcohol and controlled substances
- To order person receiving ODL to submit to supervision by CSCD
- To order a monthly administration fee of not less than \$25, nor more than \$60

- To order supervision to continue until the end of the period of suspension of the person's driver's license, including any extensions of that period
- To modify or terminate supervision before the end of the license period for good cause

After a Jail Sentence

- Following conviction of a 2nd or subsequent DWI within 5 years, **even if defendant is no longer on community supervision**
- Sec. 49.09 (h) TPC
- 2nd or subsequent **committed** within 5 years of the date of the most recent DWI conviction
- Installed on **EACH** vehicle owned or operated
- Installation Period: 1 yr beginning **after** DL suspension **completed**
- This section controls over Art. 42.12, Sec. 13 (i)

Order included in Felony Judgment Forms

□ DWI Ignition Motor Interlock.
 The defendant shall install, on each motor vehicle owned or operated by defendant, a device that uses a deep-lung breath analysis mechanism to make impractical the operation of the motor vehicle if ethyl alcohol is detected in the breath of the operator. This order shall be in effect from the date of this judgment until the date of the first anniversary after the ending of the period of drivers license suspension imposed under Section 521.344, Transportation Code.

□ Defendant shall obtain the device(s) at the defendant's own cost on or before that ending date. Defendant **shall provide evidence to the Court on or before that ending date that the device has been installed on each appropriate vehicle**, and the devices shall remain on each appropriate vehicle until the first anniversary after the ending of the period of such driver's license suspension. Defendant shall not operate any motor vehicle that is not equipped with that device

Who Monitors?

- Govt. Code 76.11: CSCD may operate programs for persons who are:
 - Released on bail;
 - Ordered to use an ignition interlock device;
 - Subject to occupational drivers license; or
 - Otherwise ordered by a court to submit to the CSCD's supervision or services


The Importance of Monitoring

- Research shows more than 40% of convicted offenders fail to complete the terms and conditions of sentencing.

- ❖ Interlocks are only effective if installed – many offenders avoid installation (2/3).
- ❖ A lack of monitoring means sanctions are not imposed for non-compliance; compliance is not reinforced
- ❖ Detracts from public support for interlocks and their faith in the justice system to protect the public


Discretionary Orders

- Any time you feel risk to the community is high
- Any occupational license



Why Order it When Their License is Suspended?

- Research shows that between 25% and 75% of suspended or revoked drivers continue to drive anyway.
- Unlicensed drivers have a higher crash risk and pose a significant threat to public safety



Resources



http://www.nhtsa.gov/staticfiles/ni/impair ed_driving/pdf/811246.pdf

http://www.nhtsa.gov/staticfiles/ni/impaired_driving/pdf/811262.pdf
