



## 2016 Proposal

Requires all persons convicted of Driving Under the Influence (DUI) to install and maintain an Ignition Interlock Device (IID). Would expand the current 4-county pilot program statewide.

Indicators of success for the IID Pilot Program:

- How many incidents of drinking and driving were prevented by IIDs as a result of CA's pilot program since July 2010?
- Did a participant in the pilot program drive while intoxicated and hurt or kill anyone?
- Did a participant in the pilot program drive while intoxicated and get pulled over for a subsequent DUI?

### OVERVIEW

Over the last 30 years, over 50,000 people have died in California because of drunk drivers and over 1 million have been injured.

Each year in this state over 1,000 people die and more than 20,000 are injured from drunk drivers.

Repeat DUI offenders account for about 1/3 of annual DUI convictions. California needs to do a better job of reducing repeat DUI offenses and preventing first time DUI offenses which will save lives.

Under current law, installation of IIDs is optional for DUI offenders. A four county pilot program is currently underway in Alameda, Los Angeles, Sacramento, and Tulare counties which requires IIDs for any convicted drunk driver (AB 91 of 2009). SB 61 (Hill, 2015) temporarily continued the 4-county pilot program so the legislature has time to review the DMV report in 2016 and determine the best way to move forward.

According to the DMV's initial report, "IID installation rates among all DUI offenders increased dramatically in the pilot counties from 2.1% during the pre-pilot period to 42.4% during the pilot period."

- Alameda: 37.8% installation rate
- Los Angeles: 45% installation rate
- Sacramento: 40.2% installation rate
- Tulare: 28.4% installation rate

Currently, 25 states have laws requiring ignition interlocks for all convicted drunk drivers. In states with well implemented programs, a successful ignition interlock program has at least 30 percent of eligible offenders installing an interlock. California is already well beyond the nationwide average.

According to the Centers for Disease Control and Prevention (CDC), requiring or highly incentivizing interlocks for all convicted drunk drivers reduces drunk driving recidivism by 67 percent.

"First-time" offenders are rarely first-time drunk drivers. Conservative estimates show that a first-time convicted DUI offender has driven drunk at least 80 times prior to being arrested.

According to the National Highway Traffic Safety Administration's Traffic Safety Facts 2009: Alcohol-Impaired Driving, drivers with previous driving while impaired (DWI) convictions pose a substantial risk of offending again. Data show that legally impaired drivers involved in fatal crashes were eight times more likely to have a prior DWI conviction than drivers who had not been drinking.

### OTHER STATES

Since New Mexico's interlock law was implemented in 2005, drunk driving fatalities are down by 38 percent. Since Arizona and Louisiana implemented their interlock law in 2007, drunk driving deaths have decreased by 43 and 35 percent, respectively. In Oregon, as a result of 2008 interlock law, DUI deaths are down 42 percent.

New Mexico currently has the highest rate of interlock installations per capita in the nation. The National Highway Traffic Safety Administration funded a study from 1999-2002 comparing recidivism of multiple offenders with and without interlocks. The study compared multiple offenders who were ordered by the courts to install interlocks to multiple offenders who were similarly prohibited from driving but not required to install interlocks. Multiple offender rearrest rates were 66% lower than the rearrest rates of those without interlock devices. However, after the interlocks were removed, there was no appreciable difference between the group who had used the interlocks and those who

did not use them. During the full study period, including both the time on interlock and after interlock, the rearrest rate for those who installed the interlock was 22% less than the rearrest rate for those without the interlock.

Another study of New Mexico's IID program found that recidivism rates were reduced by 75 percent for offenders in the program compared to non-participating offenders. The same study found that alcohol-involved crashes declined 31 percent between 2002 and 2007, according to statistics compiled by Richard Roth, executive director of Impact DWI.

#### DMV REPORT

In January of 2015 the DMV released a report titled, "General Deterrent Evaluation of the Ignition Interlock Pilot Program in California." The report examined the AB 91 pilot program in Alameda, Los Angeles, Sacramento, and Tulare counties. The report found that "IID installation rates among all DUI offenders increased dramatically in the pilot counties from 2.1% during the pre-pilot period to 42.4% during the pilot period."

The report only looked at "general deterrence" which determines whether or not the existence of an IID law impacts the decision of whether someone drinks and drives. In other words, if someone is drinking at a bar, are they more or less likely to drive drunk if there's an IID law in effect that they probably don't even know exists. The report concluded, "no evidence was found that the pilot program has a general deterrence effect." Meaning that the existence of a state law didn't impact someone's decision to drink and drive.

In our opinion, general deterrence is meaningless. What matters is "specific deterrence" - whether or not a participant in the pilot program who installs an IID reoffends or hurts or kills someone. The DMV needs to determine if pilot program participants who installed an IID were involved in accidents resulting in injuries or death. What also matters is how many instances of drunk driving were stopped by the IID device for program participants.

#### DRIVING ON A SUSPENDED LICENSE

Over half of DUI offenders drive illegally after their arrest and choose not to participate in treatment or IID programs. One of the impediments is the amount of time they have to wait to drive after their arrest.

SB 61 initially sought to reduce the number of DUI offenders who drive illegally and bring them into the system so they can receive treatment and legally reinstate their driving privileges. The bill accomplishes this by allowing DUI offenders to install an IID immediately after their arrest and begin driving right away without having to wait months for the court and DMV process. They will receive credit for time served if they end up being convicted which will count towards their ultimate IID time requirement. Immediate driving privileges with an IID allow offenders to continue work and family responsibilities while making it more likely that they drive legally.

According to the DMV's 2012 report, "Identifying Barriers to Driving Privilege Reinstatement Among California DUI Offenders":

- Only about 54% of the eligible 1st offenders and 36% of the eligible 2nd offenders had fully reinstated their driving privileges 3.8 to 4.8 years after their arrest.

- There was strong agreement across the surveyed offenders and DUI professionals that the second most important factor associated with failing to reinstate or even trying to comply with the requirements results from offenders' confusion about what is actually required of them. This is followed closely by failures to complete DUI Program requirements, ... followed by lack of available alternate transportation to attend classes.

In 2006, Mothers Against Drunk Driving (MADD) launched A Campaign to Eliminate Drunk Driving which calls for all states to pass interlocks for all convicted drunk drivers because 50 to 75 percent of convicted drunk drivers continue to drive without a license. Therefore, license suspension is not the most effective way to protect the public from convicted drunk drivers, or to rehabilitate the offender. According to the DMV, in 2009, 43,598 Californians there were convicted for operating a vehicle without a valid license due to their license being suspended as a result of a previous DUI. Ignition interlocks allow a convicted drunk driver to continue driving, but in a way that will protect Californians.

#### ASSISTANCE FOR LOW INCOME OFFENDERS

SB 61 continues the successful financial assistance program contained in the current 4-county pilot program:

- A person at 100% of the federal poverty level (\$23K annually family of 4) is responsible for 10% of the IID cost. The IID provider absorbs the rest.
- A person at 101 to 200% of the federal poverty level (\$47K annually family of 4) is responsible for 25% of the IID cost. The IID provider absorbs the rest.
- A person at 201 to 300% of the federal poverty level (\$70K annually family of 4) is responsible for 50% of the IID cost. The IID provider absorbs the rest.
- All other offenders are responsible for 100 percent of the cost of the ignition interlock device.

#### IIDs for All DUI Offenders

The National Transportation Safety Board (NTSB) recently recommended that all people convicted of drunk driving should have ignition interlock devices installed in their cars. NTSB supports SB 61 saying, "Research evaluation of ignition interlock programs over the last two decades has found that ignition interlock devices are effective in reducing recidivism among DWI offenders, sometimes by as much as 62 to 75 percent." "SB 61 significantly upgrades California's ignition interlock law by mandating devices for all offenders...providing your state another excellent step toward reducing crashes, injuries, and deaths involving alcohol-impaired drivers."

The U.S. Centers for Disease and Prevention reviewed fifteen studies on the effectiveness of ignition interlock devices at reducing DUI recidivism, concluding: "re-arrest rates for alcohol-impaired driving decreased by a median of 67 percent relative to comparison groups."

In February of 2014 the National Highway Traffic Safety Administration released their report, "Ignition Interlocks –What You Need To Know." It found that "ignition interlocks, when appropriately used, prevent alcohol-impaired driving by DWI offenders, resulting in increased safety for all roadway users."

"Research has shown that, while installed on an offender's vehicle, ignition interlocks reduce recidivism among both first-time and repeat DWI offenders."

"Ignition interlocks permit offenders to retain or regain legal driving status, thus enabling them to maintain employment and manage familial and court-ordered responsibilities that require driving. This is a particularly relevant benefit, as many offenders without interlocks drive illegally on a suspended/revoked license, often after drinking. The installation of an interlock on the offender's vehicle

reduces the probability of this occurring, thereby improving public safety."

"A majority of offenders surveyed believe ignition interlock sanctions to be fair and reduce driving after drinking. Family members believed that ignition interlocks provided a level of reassurance that an offender was not driving while impaired and reported a generally positive experience and impact on the offender's drinking habits."

"As with any sanction, there are costs. Costs associated with the devices themselves, including installation, maintenance, monitoring, estimated at approximately \$3 to \$4 per day, are borne by the offender. Research has estimated a cost/benefit of an ignition interlock sanction at \$3 for a first time offender, and \$4 to \$7 for other offenders accruing for each dollar spent on an interlock program. The cost of an interlock sanction is less than incarceration, vehicle impoundment, or other monitoring devices such as alcohol monitoring bracelets, with the costs accruing to the offender through a series of fees rather than the State."

#### SUPPORT

Advocates for Highway and Auto Safety  
 Alameda County District Attorney Nancy O'Malley and Sheriff Gregory Ahorn  
 American Nurses Association of California  
 CA Association of Highway Patrolmen  
 Crime Victims United of CA  
 Emergency Nurses Association of CA  
 Los Angeles County District Attorney's Office  
 Mothers Against Drunk Driving  
 National Football League  
 National Safety Council  
 National Transportation Safety Board  
 Peace Officers Research Association of California  
 San Diego County

#### **FOR MORE INFORMATION**

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