

Enhanced Court Supervision of Alcohol Monitoring and the General Deterrent Effect of Mandatory Alcohol Ignition Interlock Laws

**By
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Administrators Conference**



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Association for Comprehensive, Collaborative and Equitable Supervision and Service (ACCESS)

ACCESS is designed to provide education, training and monitoring that fills a gap in court involvement for high risk, repeat DUI offenders who do not have high treatment needs



Identifying All High-Risk DUI Offenders

- Most DUI offenders do not re-offend
- Repeat DUI offenders have already done so
- Groups over-represented in crashes
 - BAC of .15% or greater
 - Repeat DUI offenders



The Under-Recognized Group

- **High-Risk for re-offense but low substance use disorder (SUD) needs**
 - Very different
 - Issues generally cognitive behavioral
 - Need to be handled differently

Monitoring & Accountability

■ The ACCESS model:

- **ONE YEAR** of alcohol (and drug) monitoring with installation verified
- **FOUR TO FIVE** times daily
- **NO REVERSION** to norm upon removal
- **REDUCTION IN RECIDIVISM** increases every year for the six years of measurement



Monitoring & Accountability

■ The ACCESS model monitoring:

- Ignition Interlock Device – 100%
ACCESS participation vs 25-30% norm
- Portable Breath Testing
- Transdermal
- Urine or Oral Fluid




The ACCESS Model Works

- Serves a greater number of repeat offenders
- Lower cost model
 - 71% less overall
 - 85% less to taxpayer
- Lower recidivism
 - Fewer total crashes
 - Fewer HBD crashes
 - **LIVES ARE SAVED**



Alcohol Monitoring of DUI Offenders Does Work



The Effectiveness of Alcohol Monitoring as a Treatment for Driving-While-Intoxicated (DWI) Offenders: A Literature Review and Synthesis

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BACKGROUND

Impaired Driving Problem in the United States

- Past 10 years: **10,000** people killed in crashes each year involving an intoxicated driver (BAC \geq .08 g/dL)
- **1,000,000** drivers arrested each year for DWI
- About 1/3 of DWI offenders arrested each year are either **repeat offenders, alcohol abusers, or alcoholics**
- Most DWI offenders need some form of treatment and sanction

APPROACH TO IMPAIRED DRIVING PROBLEM

Public Health Approach Under Three Headings

- 1) **Primary prevention**: Reducing/preventing risky drinking and risky driving
- 2) **Secondary prevention**: Reducing/Preventing people from combining drinking and driving
- 3) **Tertiary prevention**: Reducing/Preventing convicted impaired drivers from drinking and driving again



TERTIARY PREVENTION OBJECTIVES

- Change convicted DWI offender's risky behavior via education, treatment, sanctions and monitoring.
- Protect the public from the risk presented by DWI offenders while their behavior is being modified.



EFFECTIVE STRATEGIES PROVIDING ALTERNATIVES TO JAIL

- **House Arrest**
- **DUI courts**
- **Transdermal BAC Monitoring**
- **South Dakota 24/7 Sobriety Program**
- **Alcohol Ignition Interlocks**

OBJECTIVES OF THE LITERATURE REVIEW

Conduct a comprehensive literature review and synthesis of the effectiveness of alcohol monitoring as a treatment for DWI offenders in reducing recidivism

Emphasis on:

- *Strategies*
- *Obstacles to implementation*
- *Effectiveness in reducing recidivism and/or problem drinking*

INCLUSION / EXCLUSION CRITERIA

Inclusion

- Published between 2000 and 2020 (English)
- Usage and effects of some form of alcohol monitoring on DWI offenders

Exclusion

- *Questionable study design, sample size, power, missing data*
- *Articles discussing opinions rather than science*

SYNTHESIS

Articles/Reports were assessed as:

- “Promising”
- “Moderate”
- “Strong”

Criteria:

- Study design
- Size of effects
- Statistical significance

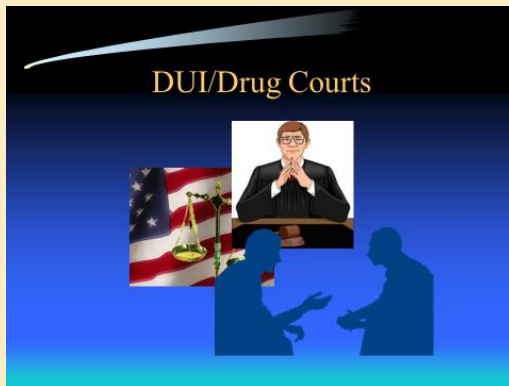
RESULTS

Using key words such as alcohol monitoring, DWI, BAC, breath tests, alcohol ignition interlocks, abstinence, repeat offenders, treatment, biomarkers, etc.

- First pass exceeded 2,000 hits

Exclusion/Inclusion Criteria filtered the articles down to 131 articles, government reports, conference papers, etc.

ALCOHOL MONITORING DEVICES FOUND



SUMMARY & SYNTHESIS

There is **PROMISING to STRONG** evidence that alcohol monitoring is an effective strategy in the treatment of DWI offenders and in reducing recidivism (numerous citations).

The **strengths of alcohol monitoring** (specifically transdermal alcohol monitoring) include:

- **Improvement in public safety** [enforces abstinence; helps in recovery; better than random breath or urine tests]
- **Cost efficient alternative to jail** [eliminates jail costs; reduces case worker time; reduces public costs (offender pays for monitoring)]



Alcohol Ignition Interlock Laws

Alcohol Ignition Interlocks



- **Reduces DWI recidivism by about 65%** for offenders with interlocks (who sometimes use alternative vehicles) compared to similar offenders who did not get the interlock.
- **Reduces recidivism by 70%** for first-time DWI offenders (on, then off).
- **Reduces recidivism by 55%** for multiple DWI offenders (on, then off).
- If installed on all vehicles of offenders, would probably prevent 95% of DWI behavior during installation period.



Insurance Institute for Highway Safety

Effects of All-Offender Alcohol Ignition Interlock Laws on Recidivism and Alcohol-Related Crashes [State of Washington]

McCartt, Eichelberger, Leaf (2013)

- ❖ ***Recidivism rates reduced by 12%*** for interlocked offenders
- ❖ ***Crash reductions*** associated with all-offender law suggests they can have a ***general deterrent effect***



States with Mandatory Interlock Laws for All Convicted DWI Offenders

34 STATES PLUS DC:

AL, AK, AR, AZ, CO, CT, DE, DC, HI, ID, IL, IA,
KS, KY, LA, ME, MD, MS, MO, NE, NV, NH, NJ,
NM, NY, OK, OR, RI, TN, TX, UT, VT, VA, WA,
WV



Interlock Issues

- Interlock penetration for convicted DWI offenders ranges from 10% in some states up to 50% in other states.
- Once the interlock is removed, recidivism returns to the same level as pre-interlock
- Except for two studies, there is a lack of evidence of a general deterrent effect.



State alcohol ignition interlock laws and fatal crashes

Evaluation of Alcohol Ignition Interlock Laws in the States

Sponsored by the Insurance Institute for Highway Safety

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Study goals

- ▶ **Evaluate fatal crash reduction of laws mandating alcohol ignition interlock devices for:**
 - Repeat offenders
 - High-BAC offenders
 - First offenders (as deployed, includes all offenders)
- ▶ **Used a national cross-sectional design that estimates effects across states,**

Interlock Laws and Study Period

- ▶ **Study period 2001-14, 49 states and DC**
 - Excludes California because some laws apply only to four counties
 - **Includes four combinations of laws**
 - None
 - Repeat offenders
 - Repeat offenders and high-BAC offenders
 - All offenders (i.e. repeat offenders and first offenders)
- ▶ **Law effects are coded in models as**
 - Repeat offenders vs. none
 - Repeat and high-BAC offenders vs. none
 - All offenders vs. none

Interlock Law Effects on Impaired Drivers in Fatal Crashes

Percent changes in number of impaired drivers, 49 states and DC, 2001-14

	0.01+ g/dL	0.08+ g/dL	0.15+ g/dL
All-offender vs none	-16.1*	-15.9*	-12.5*
High-BAC + repeat vs none	-8.2*	-8.0*	-7.7*
Repeat-only vs none	-2.7	-2.6	-3.2

* Statistically significant at 0.05 level

General and Specific Deterrence

- ▶ **General deterrence** – if people without interlocks improve on impaired driving
 - Measured as drivers without prior DUIs, those unlikely to have had an interlock
 - Presumably first offender laws would be a greater deterrent than repeat offender laws
- ▶ **Specific deterrence** – if people subjected to interlocks improve
 - Cannot be identified from fatal crash data
 - Drivers with prior DUIs taken as an overly-inclusive set
 - Likely includes people subjected to interlock requirements

General and Specific Deterrence

Percent changes in 0.08+ FARS drivers 49 states and DC, 2001-14

	Drivers with prior DUI	Drivers without prior DUI	All drivers
All-offender vs none	-32.4*	-13.8*	-16.1*
High-BAC + repeat vs none	-23.4*	-6.1*	-8.2*
Repeat-only vs none	-10.7*	-1.8	-2.7

* Statistically significant at 0.05 level

Conclusions

- ▶ **All-offender laws** are beneficial, with **16 percent fewer** impaired drivers in fatal crashes compared to no law
- ▶ Repeat-offender laws are associated with a small benefit
- ▶ **Laws covering repeat and high-BAC** offenders are associated with an **8 percent benefit**, compared to no law
- ▶ Stronger results for drivers with prior DUIs, suggesting possible specific deterrence effect or stronger effect for drivers more experienced in the impaired driving justice system
- ▶ **States without all-offender interlock laws and have the goal of reducing alcohol-related fatal crashes should consider adopting these laws**

Alcohol-Impaired Driving Fatalities

- Alcohol-Impaired driving fatalities occur in crashes where at least one driver has a BAC equal to or greater than the illegal per se limit in every State (.08 g/dL). There were **10,142 (28%) people killed in 2019** in alcohol-impaired driving crashes out of a total of **36,096** traffic fatalities. In **2020**, there were **11,654 (30%)** people killed in alcohol impaired driving crashes out of **38,824** traffic fatalities. There is another increase in 2021.

Source: Overview of Motor Vehicle Crashes in 2020. NHTSA (March 2022). DOT HS 813-266



How Can We Resume Progress?

- Many countries around the world are committed to the vision of eliminating fatalities on their Nation's roads. The **Zero Deaths vision** is a way of describing how a combination of strategies is going to affect safety: Toward Zero Deaths.
- The goal was first adopted by Sweden in 1997
- The goal for most nations is Zero Traffic Fatalities by 2050.

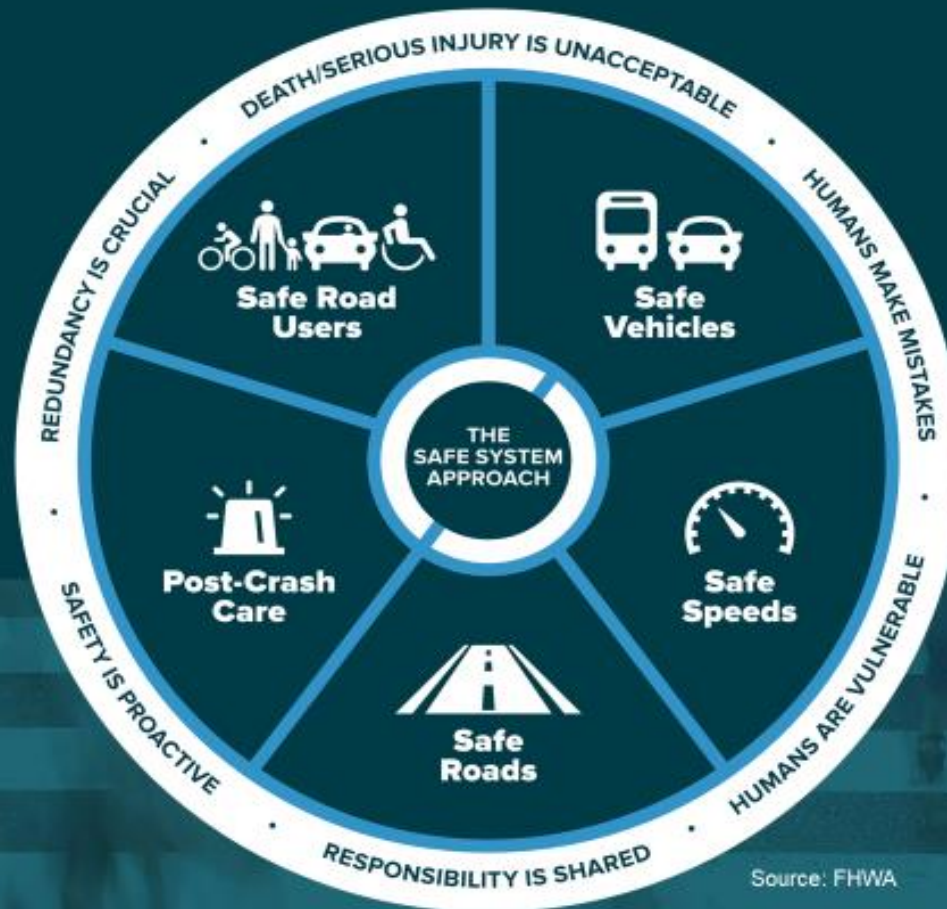


How Can We Resume Progress?

- Vision Zero” has evolved across the world and is supported by the **World Health Organization** and the **United Nations**.
- The approach uses a data-driven multidisciplinary approach involving highway design, vehicle safety features and the integration of education, enforcement, engineering and emergency medical services (**www.TowardZeroDeaths.org**).

How Can We Resume Progress?

THE SAFE SYSTEM APPROACH



Source: FHWA

Thank you.

 Research You Can Trust™

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QUESTIONS???

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