

Closing the “No Car” Loophole In Ignition Interlock Legislation

Research and Recommendations

Richard Roth, PhD.
Executive Director, Impact DWI

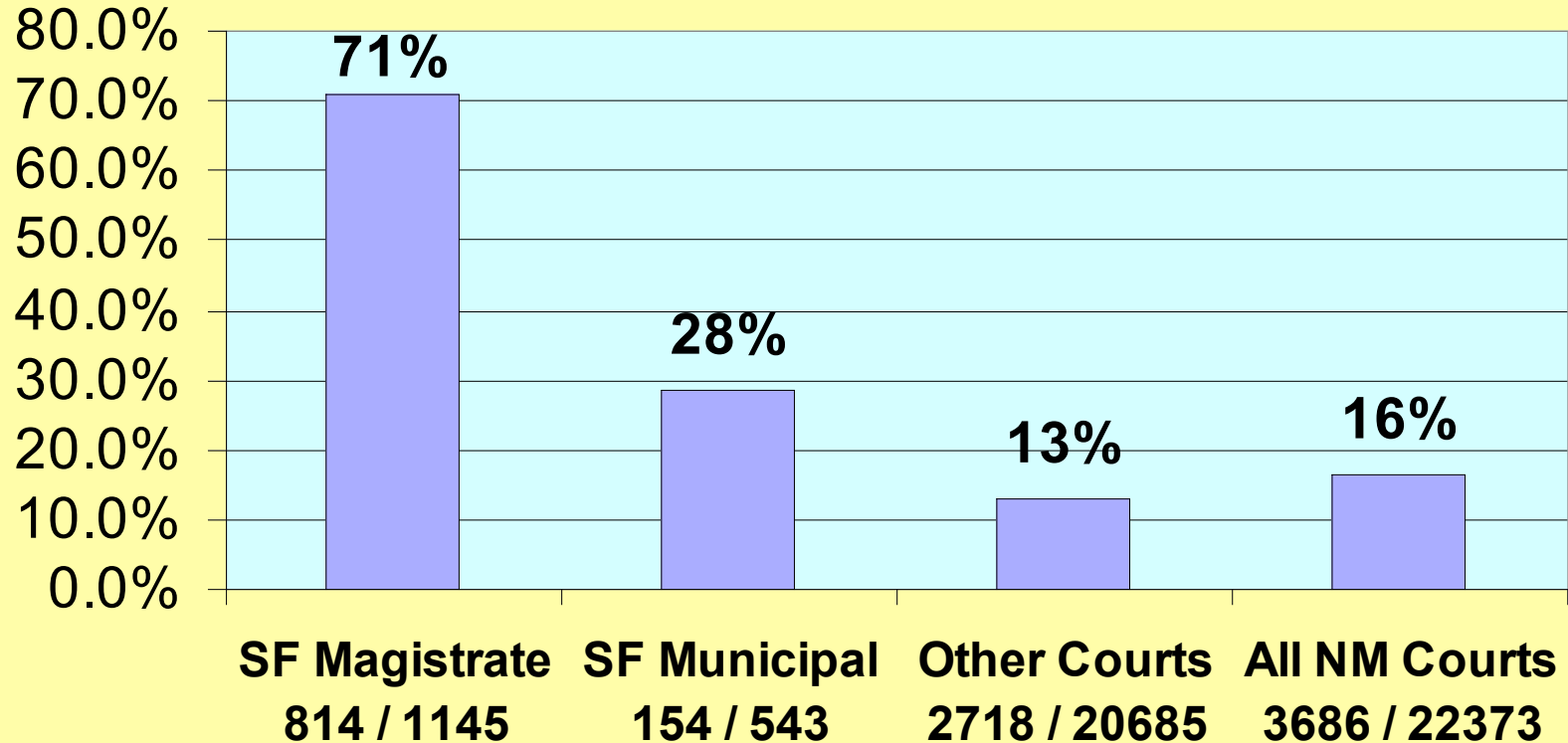
Research Supported By
NM TSB, PIRE, NHTSA, and RWJ

The Santa Fe Pilot Program

- In Santa Fe, NM between 2003 and 2005, Interlocks were mandatory for 1st Aggravated and above, but not for Firsts with BAC<.16
- Three Magistrate Judges and one Municipal Judge agreed to mandate interlocks for all convicted offenders, and
- To require house arrest as an alternative to interlock for those who claimed “no car”.
- The NM TSB funded evaluation of the Program.

Highest Recorded Installation Rate Was Achieved

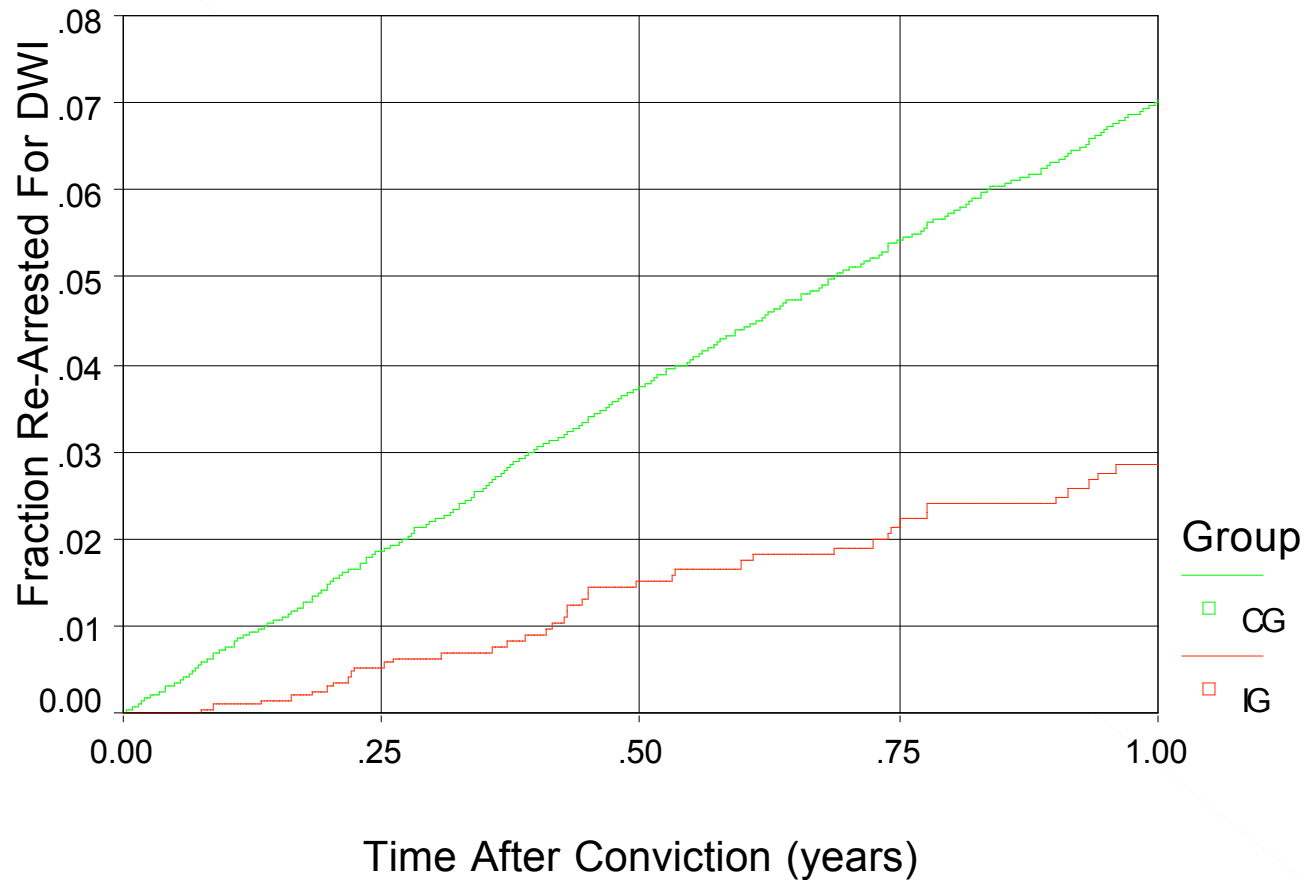
**Percent of Convicted Offenders that Installed Interlocks
Between their Arrest and One Year after their Conviction
For Santa Fe and Other New Mexico Courts**



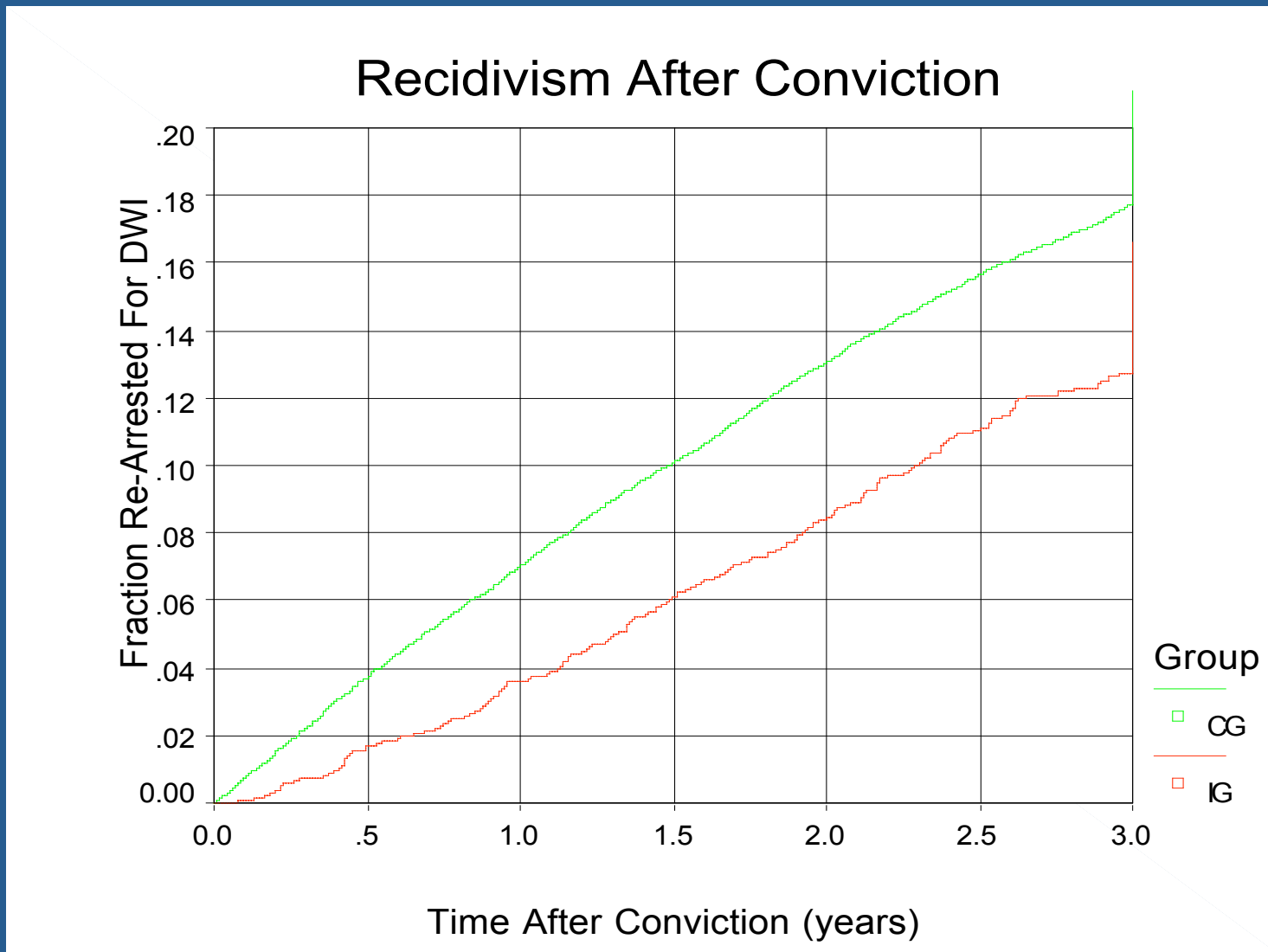
Statewide Interlocked Offenders had 62% less Recidivism
Cox Multivariate P.H. Regression: HR 0.38 95%CI 0.28-0.52

Recidivism Within One Year Of Conviction

While Interlocks Are Installed

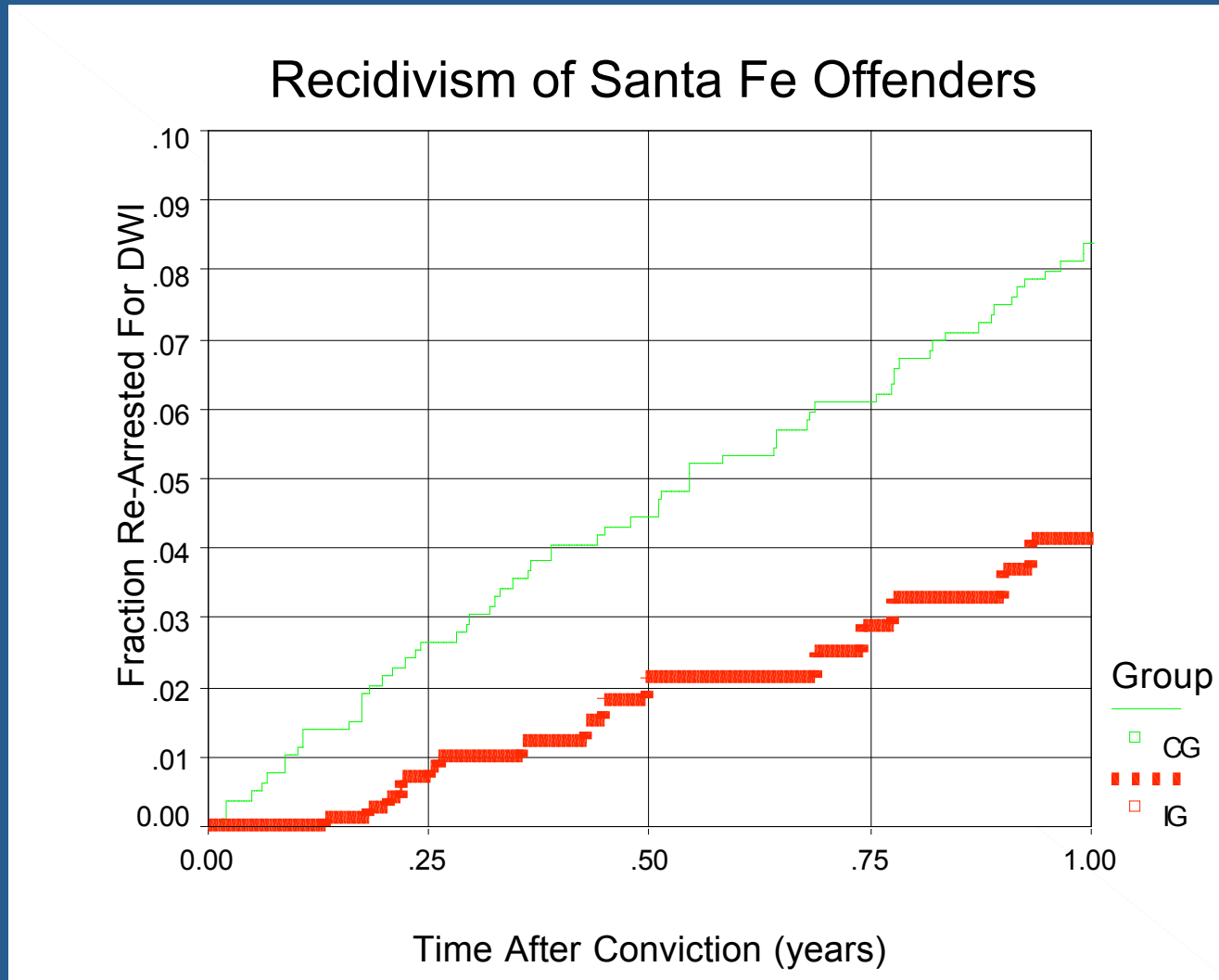


Statewide Interlocked Offenders had 39% Less Recidivism over 3 years
Cox Multivariate P.H. Regression: HR 0.71 95%CI 0.63-0.81



While Interlocked

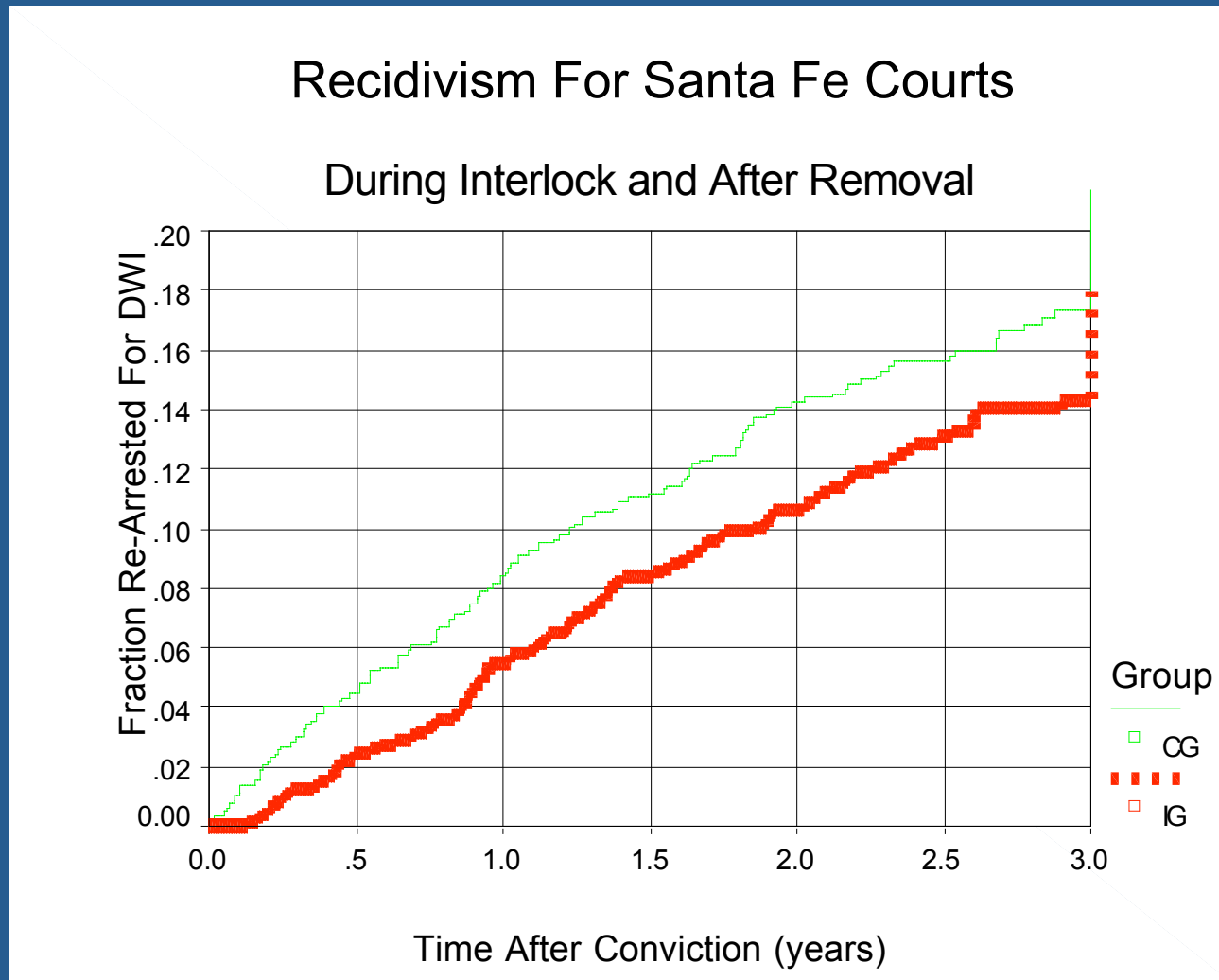
Santa Fe Interlocked Offenders Had 61% less Recidivism than non-interlocked offenders HR 0.39 95%CI 0.22-0.68



N(CG)=78
8

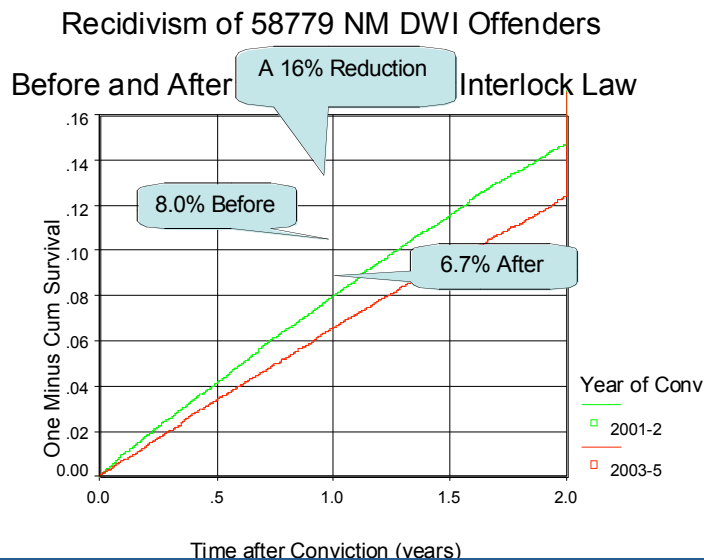
N(IG)=729

For Three Years After Conviction
SF Interlocked Offenders had 15% less recidivism than
Non-Interlocked offenders; HR = 0.85 95% CI 0.65-1.10

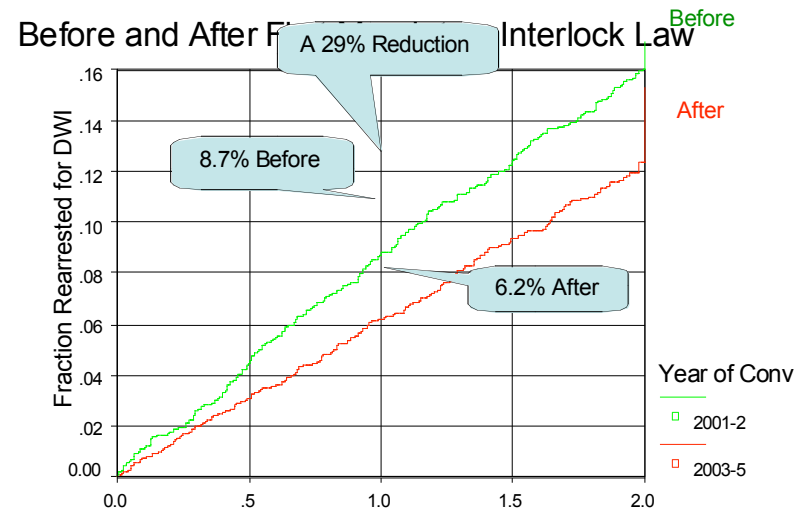


The High Installation Rate in Santa Fe County Reduced Overall Recidivism More Than the Lower Installation Rate in the State

Statewide recidivism decreased when Interlocks became mandatory.

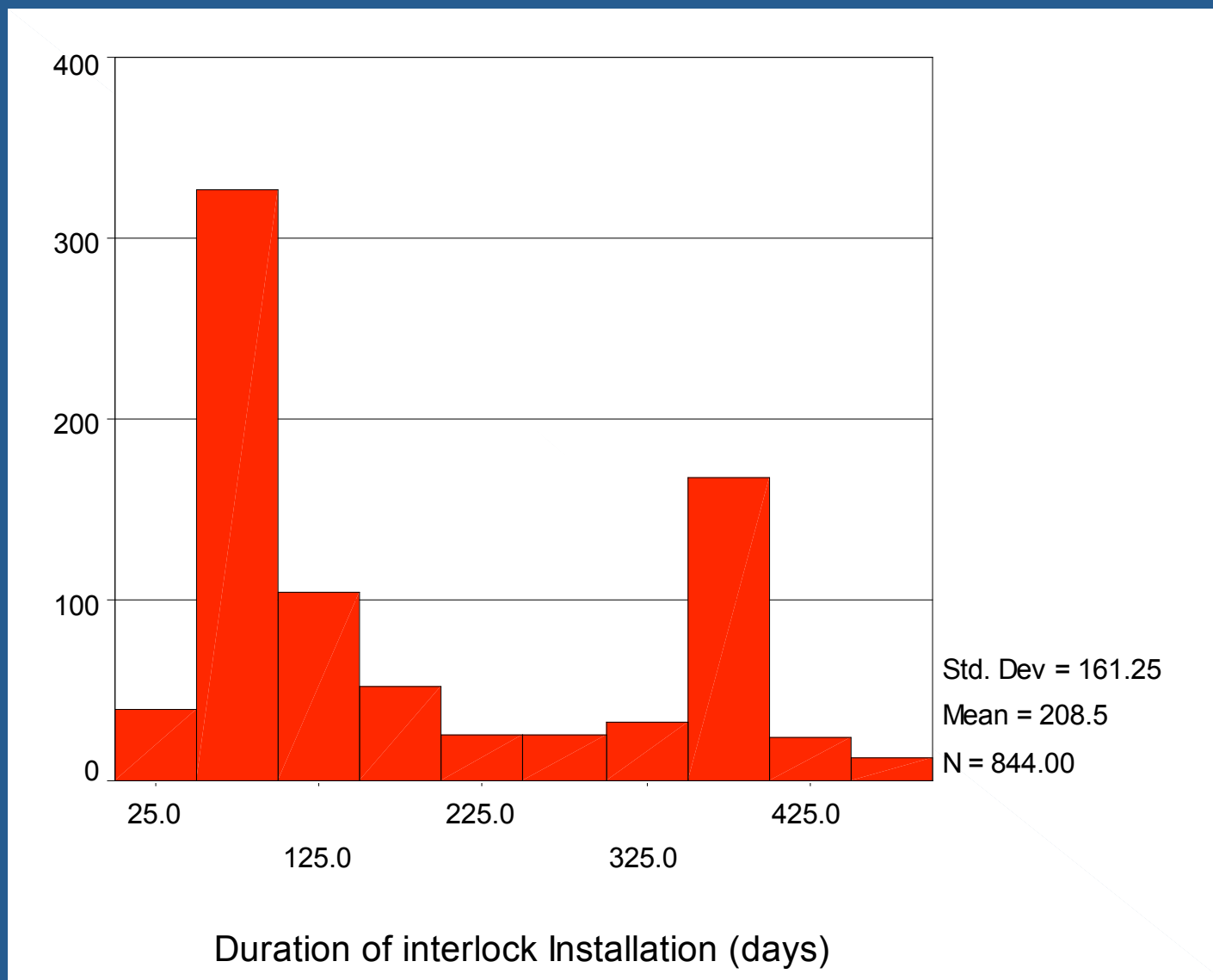


Recidivism of 4855 SF County DWI Offenders



Installation Durations were short.

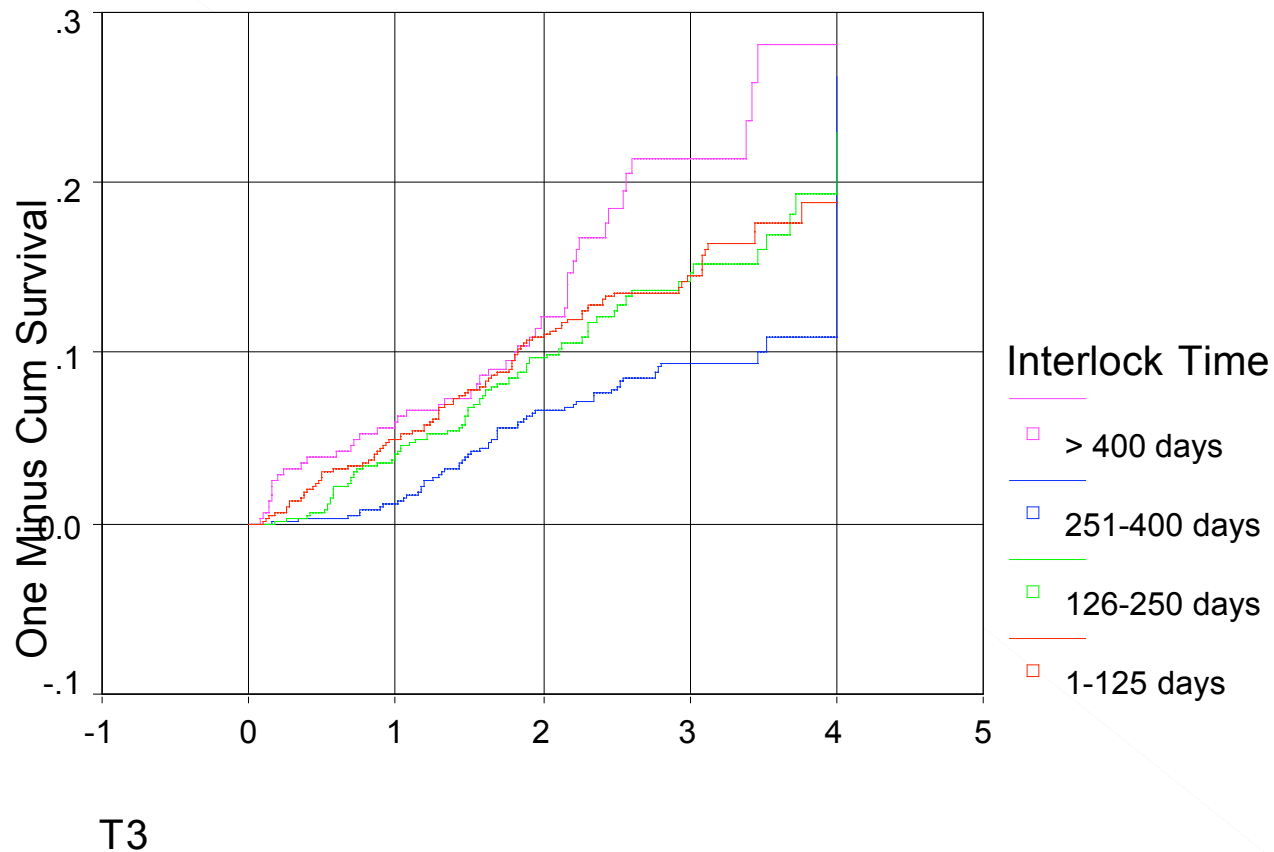
Average of 181 days for first offenders; 365 days for subsequent offenders.



Longer Installation Times Are More Effective At Reducing Recidivism

One Minus Survival Function

C_GP = First



Conclusions

- Mandating an alternative sanction of house arrest for those who claimed not to be driving led to a record high installation rate of interlocks in Santa Fe Magistrate Court.
- The effectiveness and cost-effectiveness of interlocks was supported by data from Santa Fe Courts and from the entire state.

Postscript

- In 2005, NM District Court ruled that judges could not substitute a “General Sanction”, ie house arrest, for a sanction specified in the law, ie Interlock.
- Attempts to put alternatives such as House Arrest, Sobrieter, or SCRAM into the law have been unsuccessful so far.
- New Proposals will be introduced in Jan, 2009

Model Ignition Interlock Program

by Dick Roth October 27, 2008

1. Mandatory Interlocks as a **condition of probation** for all convicted offenders. 1 yr for 1st, 2 yrs for second, 3 yrs for 3rd, and 5 yrs for 4 or more.
2. **Mandatory Home Photo-Id Breathalyzer** for convicted offenders who claim “no vehicle” or “not driving..... with a mandate of daily morning and evening alcohol-free breath tests as a **condition of probation**.
3. An ignition interlock license available to all persons revoked for DWI with no other restrictions. Allow MVD to set fee to cover cost.

Model Ignition Interlock Program

by Dick Roth October 27, 2008 continued

4. An Indigent Fund with objective standards such as eligibility for income support or food stamps.
5. Vehicle immobilization or interlock between arrest and adjudication.
6. Vehicle forfeiture for driving a non-interlocked vehicle while revoked for DWI.
7. No end to revocation period before satisfaction of at least one year of alcohol-free driving with an IID. (eg. ≥ 5000 miles and ≥ 1 year with no BAC >0.05 by any driver)
8. Criminal sanction for circumvention of IID.