



NATIONAL IGNITION INTERLOCK SUMMIT

SUMMARY REPORT



Executive Summary

On November 4, 2010, the Governors Highway Safety Association (GHSA), the National Highway Traffic Safety Administration (NHTSA) and the Centers for Disease Control and Prevention (CDC) hosted the National Ignition Interlock Summit in Arlington, VA. Attendees invited to this meeting included state and territorial highway safety office representatives, DMV representatives and interlock program administrators from 50 states. Ignition interlock manufacturers, interlock researchers, MADD and other national organizational representatives also joined GHSA, NHTSA and CDC staff at the day-long Summit convened to support states in the successful implementation of ignition interlock programs.

With a focus on practical panel presentations and smaller group discussions, Summit participants had the opportunity to hear from states with significant experience implementing interlock programs, share their own interlock experiences, and network with other state officials and interlock experts around the following topics:

- **“What We Need to Know About Interlocks, Interlock Programs and Legislation - State Perspectives”**
- **“Successes and Challenges Associated With Enacting Legislation”**
- **“Unintended Consequences of Ignition Interlocks - Potential Impacts on Unlicensed Drivers”**
- **“Program Design and Implementation Issues - State Perspectives”**
- **“Supervision Issues”**
- **“Other Implementation Issues”**

Summit participants were provided with the latest information about and resources related to ignition interlock implementation trends, NHTSA research and projects related to interlocks, as well as practical guidance for increasing the use of ignition interlocks as a sanction for impaired driving. Attendees also discussed the direction and needs for future interlock research.

This report summarizes presentations made by invited National Ignition Interlock Summit speakers. It also captures the discussion highlights of the six small participant groups asked to discuss and develop recommendations related to several current interlock issues.

Introduction

Representatives of the three organizations sponsoring the National Ignition Interlock Summit welcomed approximately 150 invited attendees from 42 states and 1 territory as well as national safety organizations, ignition interlock experts and representatives of ignition interlock manufacturing companies to a day-long meeting focused on the successful implementation of state ignition interlock strategies.

National Ignition Interlock Summit attendees were greeted by **NHTSA Senior Associate Administrator Brian McLaughlin**, who reminded the audience of NHTSA's strong record of supporting ignition interlock programs. NHTSA led a national ignition interlock meeting in 2007 calling for increased use of interlock technology as a sanction for impaired driving offenders. This effort was bolstered by the efforts of MADD and other national organizations to encourage states to authorize the use of ignition interlocks for impaired driving offenders. **McLaughlin** noted that while tremendous progress has been made with an estimated 212,300 interlocks in use across the country, much work remains to be done. The primary purpose of the Summit is to provide a forum for states to share implementation successes, challenges and other experiences encountered with ignition interlock programs. He urged State Highway Safety Offices to take a lead role in the development and implementation of these programs.

McLaughlin introduced a videotaped welcome by **NHTSA Administrator David Strickland**, whose remarks reinforced the enthusiastic support of NHTSA for interlock programs. **Administrator Strickland** suggested that while more work needs to be done to improve the implementation of ignition interlock programs, NHTSA strongly supports ignition interlock technology as a part of a comprehensive DWI sanctioning system.

GHSA Chairman Vern Betkey of Maryland reiterated GHSA's strong support of ignition interlock sanctions, and as a co-sponsor of MADD's Campaign to Eliminate Drunk Driving, made it clear that GHSA supports interlock laws aimed at first offenders. These positions are underscored by GHSA's support of the national Toward Zero Deaths effort which provides states with additional tools to reduce highway death and injury. **Chairman Betkey** urged state highway safety representatives to give strong support to ignition interlock programs and to be actively involved in implementing these important state programs, forming strong partnerships to increase the likelihood of interlock program success. **Betkey** outlined the dual goals of the National Ignition Interlock Summit as increasing understanding at the state level of how effective ignition interlock programs work and are implemented and identifying the needs and gaps in the current body of ignition interlock research.

Final introductory remarks were offered by **Grant T. Baldwin, the Director at the CDC's Division of Unintentional Injury Prevention**. **Dr. Baldwin** informed attendees of the commitment of the CDC to preventing impaired driving and of the CDC's numerous publications related to this goal, including impaired driving research syntheses and community guidebooks. Focusing on the need for additional research and inquiry in this area, **Dr. Baldwin** suggested Summit participants stay mindful about the gap between what is already known about ignition interlocks and what needs to be known about this technology. Additional research investments must be made to answer these questions so that the answers can inform the implementation of ignition interlock programs. According to **Baldwin**, this Summit will effectively continue the conversation and help identify critical research questions. To address some of the research gaps, CDC has committed significant resources to examine the efficacy of different interlock program components.

General Session 1

What We Need to Know About Interlocks, Interlock Programs and Legislation – State Perspectives

Successful interlock programs rarely spring fully formed from the initial legislation that creates them. Significant periods of planning, trial and error, and ongoing modification of laws and regulations are often required. Much can be learned by understanding the processes followed by states experienced in implementing ignition interlock laws. All three speakers from the Summit's first General Session panel represent states with considerable experience in putting ignition interlock laws into practice.

Shamim (Mimi) Kahn, Deputy Director, CA DMV *Ignition Interlock Legislation*

Utilizing lessons learned from other states was a key message presented by Mimi **Kahn** as she began the panel on what ignition interlock program implementers need to know. By tapping into other states' experiences even before a state passes its own interlock law, state planners can be proactive in heading off potential challenges and concerns. **Kahn** recommended forming an inclusive committee of stakeholders to plot the course of a state's interlock program: including the state highway safety office, the DMV, interlock vendors and even other representatives from states with interlock experience. She advised ensuring that all departments within a single agency are "on the same page" with regard to interlocks and cautioned attendees to respect and examine the many interlock program complexities.

Kahn recommended forming an inclusive committee of stakeholders to plot the course of a state's interlock program: including the state highway safety office, the DMV, interlock vendors and even other representatives from states with interlock experience.

Clean up legislation is often required to resolve conflicts in ignition interlock laws, according to **Kahn** and stakeholders must prepare for compromises. Determining the kind of program a state wants and identifying its purpose up front (punitive to the offender vs. protective of public safety) is important to creating a program that meets the needs of interlock stakeholders. **Kahn** recommended that interlock planners not underestimate the need for financial resources because funding is necessary to successfully create an effective interlock system; in **Kahn's** opinion, costs for this process should not be absorbed by current DMV or other state agency operating budgets. Alternatively, creative funding sources such as grants can be explored to cover these expenditures.

Susan McKinney, Administrator, Illinois BAID Division *Ignition Interlock Regulations*

Regulations are usually where the detail describing how ignition interlock laws will work are set forth, according to Susan **McKinney**. In Illinois,

an interlock law that lacked detail gave broad rule-making authority to the Secretary of State's Office to create the regulations necessary to construct and run an ignition interlock program. In **McKinney's** opinion, detail about an interlock program should be written into whatever part of the legal guidance – law or regulation/rule – that is easiest to change. These regulations can vary greatly, depending on whether the interlock program is administratively or judicially based. Regulations may carry more weight with administrative programs but may be less enforceable when interlock sanctions are ordered by the judiciary. For these reasons, **McKinney** believed states should keep ignition interlock programs as “pure” as possible to reduce confusion, discouraging programs that combine administrative and judicial interlock application.

In McKinney's opinion, detail about an interlock program should be written into whatever part of the legal guidance – law or regulation/rule – that is easiest to change.

McKinney advised states to focus regulations on issues such as the terms and conditions of the interlock program, what actions constitute a violation and how will the offender know this, how an offender is monitored and by whom, what and how often data will be reported to monitoring authority, the consequences of violations and how the offender will know this, will the imposers of consequences have the authority to impose the consequences, vendors and their installation sites, monitoring vendors, certification and decertification of vendors, rural program coverage, and the possibility of alternative service delivery methods such as mail-in programs. Overall, **McKinney** advised Summit attendees to craft regulations and rules that:

1. Are consistent with the state's ignition interlock law
2. Do not overstep the legal authority of the state's ignition interlock law
3. Close loopholes in the state's ignition interlock law and
4. Create clear program rules that are easy for offenders to navigate and are clear about what offenders need to do to be successful, but also contain general language to address offenders who try to subvert the program.

Charles Stephen (Steve) Hooper, Director of Operations, CO DMV
Interlock Resources

In today's lean economic climate, many state agencies are already expected to do more than ever before. Adding the responsibility for creating an ignition interlock program to a full plate of responsibilities can rarely be accomplished without additional resources and funding.

Steve Hooper advised Summit attendees to be realistic about the resources needed to fund the costs of interlock programs early on in the planning phases of the program. If no resources are available, **Hooper** suggested that partnerships be considered to explore other funding possibilities. Echoing earlier comments, **Hooper** recommended that early in the planning process, states establish a task force of stakeholders

to represent all aspects of the interlock program: law enforcement, alcohol enforcement, probation, treatment, policymakers, administration representatives who will be responsible for writing the regulations, alcohol industry, and legislators. Stressing that with communication as the foundation, program responsibility should be shared between state agencies, non-profits and the interlock industry.

Hooper touched on the idea that each state interlock program will be different and that no one size will fit all situations. Interlock planners must research the direction in which the state wants its program to go and plan accordingly for the costs of interlock program administration, deciding what elements of an interlock program a state can afford. Due process hearings, probation-based monitoring, offender and provider compliance, auditing and other program features must be prioritized and planned for as it is unlikely a state can incorporate all of these elements from the start. Those responsible for interlock programs must also understand that over time, ignition interlock programs will require growth. In order to adequately fund program elements and future growth, a state must determine how much of the financial burden of the interlock program can be shifted to the offender or other drivers and how much will be required from other sources.

Hooper also made an important observation about states' tendencies to plan for program failure rather than for program success. By focusing inordinate planning time and resources on what may go wrong or how a small number of offenders may subvert the system, states may shortchange efforts to create the interlock program that works for the majority of offenders. Greater interlock program success may be achieved by changing the message from one of moral outrage and "interlocks as punishment" to one of social change and how interlocks positively affect the lives of offenders.

Hooper also made an important observation about states' tendencies to plan for program failure rather than for program success. By focusing inordinate planning time and resources on what may go wrong or how a small number of offenders may subvert the system, states may shortchange efforts to create the interlock program that works for the majority of offenders.

Work Session 1

Successes and Challenges Associated with Enacting Legislation

At three points during the day-long National Ignition Interlock Summit, attendees convened in six pre-assigned small groups to discuss interlock-related topics of interest and to develop state level recommendations to address these issues. The groups were composed of a mix of state, national and Federal representatives, researchers and interlock manufacturers; discussions were led and facilitated by state highway safety office leaders.

Ignition Interlock Laws

Groups 1, 4

Laws form the backbone of all state interlock programs, granting legal permission for the sanction to be used and giving structure to the means by which it is employed. Summit attendees agreed that creating solid interlock laws requires a strategic approach. Forming a cohesive ignition interlock steering committee to research and assemble interlock best practices as well as to craft enabling legislation is critical in achieving workable and effective interlock laws. By assembling a set of diverse stakeholders to participate in the interlock planning process, understanding can be increased and challenges can be addressed, increasing the probability of both legislative and programmatic success.

Ignition interlock laws must be broad in concept to allow for changes and amendments and should be contained in one area of a state's code to ensure consistency. Practically speaking, an interlock law must accomplish many things. The law must determine how a state applies its interlock sanction: judicially, administratively or some combination of the two. It must also specify what level of offender is eligible for the sanction; Summit participants recommended the law should be as inclusive of as many offenders as possible, rather than limiting or excluding certain offenders. Interlock laws should consider automated systems and include recommendations to address non-compliance with interlock restrictions, reinforcing good behavior while supporting risk reduction. Interlock laws should also consider the link between treatment and interlock use, unlicensed drivers, shortened suspension periods, and education and training of judges, law enforcement and others charged with carrying out the ignition interlock law. Interlock laws must also consider the costs of interlock program administration and related activities, finding resources to meet these needs through traditional and creative funding mechanisms.

Ignition Interlock Regulations

Groups 2, 5

Regulations or rules often explain the "how" in response to the "what" of an ignition interlock law. For ignition interlock laws, regulations are most critical in states where the application of interlock sanctions is administrative, as regulations will not govern the judicial imposition of interlocks. This can lead to some confusion and significant differences in interlock application in states where interlock imposition is both administrative and judicial. As a result, it was suggested that states may be best served by creating administrative rules at the state level where licensing and interlock sanctions coincide to be consistent and cover all uses of interlock technology.

In states where regulations provide guidance for administrative interlock imposition, Summit attendees recommended that interlock regulations address ignition interlock device specifications; criteria for offender indigency; offender monitoring; consequences for offender violation; interlock data reporting content and format; the management of interlock installers, including criteria for certification and decertification; and a quality assurance program for ignition interlock service centers.

Ignition Interlock Resources

Group 3, 6

Summit attendees agreed that due to the current economic climate, creativity was required to adequately fund ignition interlock programs. Legislative appropriations, while a traditional means of funding similar state programs, are not a likely scenario for funding ignition interlock programs in

most states given cash-strapped state budgets. Some legislative bodies may consider assessing fees on impaired driving offenders to be an appropriate method for funding interlock programs. Such fees could include interlock installation fees, driver license reinstatement fees or violation reset fees or the like. It should be noted, however, that some state legislatures are limiting all fee assessments in response to the sluggish economy and the reduced incomes of their citizens.

Creative agreements with interlock manufacturers may also represent an opportunity to secure funding for interlock programs. This can be accomplished in a variety of ways: requiring manufacturers to contribute directly to state interlock program operating costs; having manufacturers create offender fees that fund state program costs; requiring manufacturers to establish an indigency fund; or by requiring interlock manufacturers to provide services at different price points for certain offenders. States are encouraged to pursue several options for manufacturer-provided resources to help fund state ignition interlock programs. Attendees also urged states to consider grant support from various sources to assist with interlock program funding needs, including operating costs, such as vendor certification and oversight and supervision of offender compliance. Interlock program planners should consider many funding options and will likely need to employ a combination of options to adequately sustain an effective ignition interlock program.

Lunch

Unintended Consequences of Ignition Interlocks – Potential Impacts on Unlicensed Drivers

Jeff Michael, NHTSA Associate Administrator

As a part of a working lunch, **Jeff Michael, NHTSA Associate Administrator** urged Summit attendees to be mindful of the effects ignition interlock sanctions have on the incidence of impaired offender driving without a valid license. When offenders are supposed to install an interlock and fail to do so, choose to “sit out” an interlock sanction period and not drive, or claim to lack access to a motor vehicle upon which to install an ignition interlock, they often continue to drive illegally and contribute to the burgeoning problem of unlicensed driving. This unintended consequence of a well-intentioned sanction must be taken into account when structuring ignition interlock programs.

Jeff Michael, NHTSA Associate Administrator urged Summit attendees to be mindful of the effects ignition interlock sanctions have on the incidence of impaired offender driving without a valid license.

General Session 2

Program Design and Implementation Issues – State Perspectives

Once a state has the enabling legislation and regulations in place for ignition interlock sanctions, the work has just begun. State interlock program stakeholders must create a program structure and operational protocols that make the program reasonable for administrators and offenders to navigate and effective in keeping drinking drivers from operating motor vehicles. The following three panel speakers work in states where these efforts have paid off.

Steve Luce, Coordinator, Ignition Interlock Program, WA State Patrol

- *Training and Education on Ignition Interlocks*
- *Increasing Ignition Interlock Use Rates*

According to **Steve Luce, Coordinator** of the WA state ignition interlock program, education and training on interlock technology is critical for various professional groups involved in interlock programs. By better understanding the benefits ignition interlock technology can provide, **Luce** believes stakeholders charged with carrying out interlock sanctions will have a greater commitment to successful implementation. Educating legislators about interlocks will help dispel myths about the technology and improve their appreciation for the complexity of the device and its capabilities. This will inform legislators' efforts to craft legislation that gives sufficient direction while maintaining enough flexibility to adapt to technology and program improvements. The courts provide another opportunity for improving interlock implementation through education. As judges, prosecutors, Traffic Safety Resource Prosecutors (TSRPs), defense attorneys and probation professionals become aware of the interlock law and its benefits both for public safety and offenders, the sanction will be applied more consistently. This is also true for DMV professionals in states that apply ignition interlock sanctions administratively.

Treatment professionals are often the next professional group to interact with offenders after their court appearances. A greater understanding of interlock technology can lead to increased advocacy by treatment officials for the use of these devices, helping offenders to reach treatment goals. Law enforcement officers are another group who need to understand both the ignition interlock law and the workings of the devices themselves. They need to know how to deal with offenders driving interlock installed vehicles as well as those who have been ordered to install an interlock but have not done so. **Luce's** office has produced a nine minute roll call video used in Washington to provide this information to law enforcement officers. As a result of providing education and training to stakeholders about the laws, benefits

By better understanding the benefits ignition interlock technology can provide, Luce believes stakeholders charged with carrying out interlock sanctions will have a greater commitment to successful implementation.

and workings of ignition interlocks, **Luce** predicted that offender compliance with orders to install the interlock devices will improve.

The state of Washington has developed a number of unique approaches to improving interlock use rates that go beyond traditional training and education. **Luce** described a pilot program where Washington law enforcement officials make random home visits to impaired driving offenders ordered to install ignition interlocks to determine if installation has occurred. “Hot sheets” of offenders under order to install an interlock device have been created and distributed to law enforcement agencies so installation status can be verified. Public service announcements about the Washington ignition interlock program have been created in English and Spanish, along with newspaper and radio outreach and informational posters. Interlock program officials have also reached out to the offender community by creating educational materials about the interlock program designed for Alcoholics Anonymous (AA) meeting participants.

Toby Taylor, Administrator, OK Ignition Interlock Program

- *Certifying and Monitoring Ignition Interlock Providers*
- *Reciprocity for Interlock Sanctioned Offenders*

The world of ignition interlocks has changed significantly since the late 1980's when only one or two manufacturers existed. Today, more than fourteen manufacturers do business in the U.S. market, with increasingly sophisticated technology options available to state interlock programs. According to Toby **Taylor**, these changes have occurred alongside the evolution of state ignition interlock programs that have operated independently of one another and in response to unique state preferences and needs, without any central guidance or direction. Although each state is different, many face similar challenges. **Taylor** sees a need to share information and promising practices related to how interlocks are used and how interlock programs are managed.

States face several challenges related to devices and manufacturer certifications. Additional challenges are related to making certain interlock providers service interlock clients in a way that meets state expectations. **Taylor** raised several specific questions state interlock administrators should consider with regard to ignition interlock devices: does your state certify ignition interlock devices? How often? What is the process? Are these lab certifications? Are they bench or field tests? What is the process? What is the ignition interlock device configuration? How are violations defined? Does the manufacturer have product liability insurance? **Taylor** had several additional questions related to monitoring interlock providers: how are ignition interlock providers monitored? Do you know

Although each state is different, many face similar challenges. Taylor sees a need to share information and promising practices related to how interlocks are used and how interlock programs are managed.

how many or where providers are? Do you allow mobile service centers? Do you license service centers and technicians? How often? What is the process? Do you inspect service centers? How often? What does it entail? Have you considered device calibration issues? Wet bath vs. gas? Do you monitor violation reporting? Who filters violations? How do you sanction a service center or provider?

Reciprocity is another issue some states find challenging. It generally refers to situations where an interlock-sanctioned offender relocates to another state or when the interlock-sanctioned offender does not live in the state where the originating violation occurred (i.e., s/he was visiting or passing through at the time of the offense). **Taylor** cautioned that states must recognize that because of differences in state interlock laws and requirements, the installation and monitoring of foreign/relocated offenders or transient violators may be a challenge for the originating state to reconcile and manage.

**Robert Maccarone, Deputy Commissioner and Director,
New York Office of Probation**

- *Reporting and Monitoring Interlock Sanctioned Offenders*
- *Indigency*

A crucial component in a state's interlock program must be offender accountability, according to **Robert Maccarone**. Interlock-sanctioned offenders must be accountable to someone or something with the authority to take action if an offender does not comply with ordered sanctions. New York's interlocked offender reporting and monitoring efforts started with the work of a statewide interlock workgroup that was broad-based and included manufacturers. In New York, interlock manufacturers choose to operate in one, two, three, or four of the state's four interlock regions and offer three escalating classes of ignition interlock technology: devices with basic interlock capabilities, devices with basic plus facial recognition capabilities, or devices with basic plus facial recognition plus GPS or real-time monitoring capabilities. The level of interlock capability is determined for each offender by the probation and monitoring agencies in response to an offender's previous record and individual circumstances. Manufacturers are viewed as interlock experts and partners in New York's interlock program; **Maccarone** said "if they make money, we succeed."

A crucial component in a state's interlock program must be offender accountability, according to Robert Maccarone.

Maccarone credits the New York philosophy of "laws compel behavior" in advocating tough sanctions for offenders who fail to install an interlock as directed, fail to service the interlock as required, tamper with an interlock device, fail an interlock retest, "lock out" a vehicle by repeatedly trying to start it after drinking, or record a breath test value on the interlock device of .05 or greater.

The ability of some offenders to pay for the installation, maintenance and removal of an interlock device is a concern in many states. Generally, the concept of indigency involves a person who is needy, poor or cannot afford the basic necessities of life. In some states, it may be based upon an individual's ability to afford legal representation or pay an imposed fine. In terms of ignition interlock programs, states have used several strategies to define indigency. In some states, this determination is made judicially or by some set of established criteria. In New York, a driver's license is not a constitutional right and the "unaffordability" of an interlock does not equal indigency. Rather, offenders are required to fill out a five page financial disclosure form that poses queries about an offender's income, assets and monthly expenditures, including cable television and cellular services. There is a presumption of offender affordability, but if an offender meets certain criteria, interlock costs may be scheduled on a payment plan or costs of an ignition interlock device may be waived.

Work Session 2

Supervision Issues

A spectrum of practice exists when state interlock supervision systems are examined. In the afternoon, Summit attendees returned to their small groups to discuss interlock implementation concerns and make recommendations to improve program success.

Higher Ignition Interlock Use Rates

Groups 1, 4

The 212,300 ignition interlocks installed in offender's vehicles nationwide in 2010 represent a small percentage of the 1.4 million impaired driving offenders arrested that year, many of whom are eligible for ignition interlocks. Interlock program administrators across the country understand that the most significant implementation concern for interlocks is the relatively small number of offenders who actually install the interlock device. Discussion by the group concluded that ignition interlock installation rates could be increased by incentivizing installation. These incentives could include: offering shorter license revocation periods or a reduction in other charges; providing serious sanctions for non-installation or non-participation in the interlock program (such as steep fees for non-installation, a choice of installing the interlock or going to jail, or house arrest for non-drivers); increasing the availability of interlock vendors to offenders through mobile service centers; or by instituting compliance checks of offenders who have been ordered to install an interlock and requiring a judicial review hearing for non-installation.

Summit attendees also believed that interlock usage rates could be improved by state adoption of good interlock implementation practices; by providing positive feedback to the legislature about the interlock program and by insurance companies offering incentives to offenders for interlock use.

Certifying and Monitoring Providers

Groups 2, 5

Representatives of interlock manufacturers made it clear that they prefer to operate in states that have well-structured programs that include oversight of manufacturer performance. Eager to participate in state regulatory processes, most manufacturers have experience in this area that can be helpful to state administrators. Small group members agreed that when at all possible, interlock provider certification processes should be outlined in rule or regulation rather than statute.

In terms of interlock vendor and installer certification and monitoring, the group recommended that a minimum set of criteria be established for vendor capabilities; standardized reporting formats across vendors are needed because they reduce the need for training and vendors prefer standardization. Less agreement was found on the issue of reporting offender interlock violations. Some states require vendors to do the filtering of data and reporting of violations while other states want the raw interlock data and prefer to use their own (but more expensive) automated systems to detect and sanction violators. It was noted that a technology gap often exists between the states and vendors, with vendors generally having more advanced systems and capabilities. The importance of having certification processes for interlock installers was also recognized. The group felt that without prescribed certification processes, corruption and tampering by installers of interlock devices would be likely. Although many states present lacked some or all of the oversight processes discussed, it was noted that it is never too late to institute vendor and installer performance standards.

Summit attendees also discussed the importance of ignition interlock device certification. It was noted that states use a variety of methods to certify interlock devices: manufacturer self-certification, state certification, independent certification and even a choice not to certify devices at all. The group agreed that if a state decides to undertake state certification, a technical expert or group is needed to certify interlock devices and that interlocks should be treated like evidential breath testing devices. It was further recommended that calibration standards be set for interlock devices, similar to those used for evidential breath testing standards.

Reporting and Monitoring Offenders

Groups 3, 6

States have several options for monitoring offenders subject to an interlock sanction. If interlock sanctions are imposed judicially, court services or probation officials may be responsible for monitoring offenders. Administrative agencies, such as state DMVs, might also be tasked with monitoring offender compliance with an interlock sanction, while other states may rely on the ignition interlock vendor to monitor offender performance and report back to a state agency. Some states choose not to monitor offender behavior at all while they are subject to an ignition interlock order.

The small group discussions on the topic of monitoring raised some key issues for states to consider: if vendors are collecting offender interlock data, to whom should it be sent and what should be done with the data? Will the data be used to determine offender compliance with interlock installation? Will it be used to document offender violations? What exactly constitutes a violation? Summit attendees noted that the violation issue itself is very complex and requires significant consideration both of definition and consequence. If interlock violations are considered as probation violations, more offenders may try to circumvent the sanction to escape the gravity of the punishment. If an interlock violation entitles an offender to an administrative hearing, significant resources may be required to meet the conditions of the policy.

The small group participants strongly agreed that automation of interlock data monitoring is encouraged and that the mileage of interlock-sanctioned offender should also be tracked to ensure use of an interlocked vehicle.

Work Session 3

Other Implementation Issues

States must consider a number of additional implementation concerns in the building of an effective ignition interlock program. Summit attendees were asked to discuss some of these issues and create guidance based upon their experience.

Training and Education

Groups 1, 4

When the group was asked who needed training or education about ignition interlocks, an extensive list of stakeholder candidates was created. It included offenders, judges, law enforcement, probation professionals, legislators, legislative staff, TSRPs, prosecutors, the defense community, treatment professionals, DMV staff, law enforcement liaisons (LELs), judicial outreach liaisons (JOLs), and the driver education community. While the group agreed different levels of training are appropriate to each stakeholder subgroup, it was noted that offering continuing legal education (CLE) or other credits may incentivize ignition interlock training within some professional communities.

Summit attendees also noted that education about ignition interlocks was necessary for the general public. Some people may believe that by giving offenders the ability to drive legally with ignition interlocks installed, authorities are becoming “soft” on impaired drivers. By explaining the public safety benefits of ignition interlock technology, the general public may come to realize that offenders using ignition interlocks are safer, are able to attend substance abuse treatment to deal with their problems, and can get to work and support their families. Attendees urged the development of a prospective message for ignition interlock programs that would mirror the success of NHTSA’s Click It or Ticket campaign for increasing seat belt use.

Ignition Interlock Reciprocity

Groups 2, 5

When asked to discuss ignition interlock reciprocity issues, Summit attendees disagreed on how much of a problem ignition interlock reciprocity presented. While some states had spent significant time and energy addressing reciprocity problems, other states had done little in this area. Attendees agreed that reciprocity was more likely to cause problems in smaller states where greater mobility occurred between states (e.g., New England states), states considered to be vacation destinations, or states with significant military installations. It was noted that reciprocity should not be an issue that overshadows the general goal of increasing overall interlock installations.

Questions about the nature of reciprocity led one group to conclude that the problematic relationship is that of state and interlock manufacturer rather than state and state because all vendors do not operate in all states. Attendees cautioned state program administrators to ensure that vendor certification requirements specifically address vendor servicing of transient or relocated offenders or else interlock officials may not be able to sanction these offenders. A designation of “elite vendor status” for interlock manufacturers able to service clients in a majority of states might solve some reciprocity issues. The other small group questioned whether interlock reciprocity concerns might be addressed through interlock inclusion in National Driver Register records or through the Drivers License Compact (even though at least four states do not participate in the Compact).

Indigent Offenders

Groups 3, 6

The offender’s ability to pay for an ignition interlock device is a consideration in the imposition of the sanction in many states. Some states have indigency programs that reduce or eliminate the cost of the interlock sanction for certain offenders, while other states expect offenders to bear the full cost of the interlock device. Most Summit attendees agreed that it is advisable to have offenders bear at least some part of the financial burden of the interlock sanction to increase personal accountability.

For states that do have indigency programs, many operational models exist. Summit attendees suggested that states with indigency programs clearly define the criteria for determining indigency status and limit indigency decision-making to a small number of people. Discretion in the decision-making should be controlled. When states offer greater latitude in making indigency designations, many programs have found that insufficient funding exists for all of the offenders designated as indigent.

The funding of indigency programs is another issue where significant variation exists between states. In some states, indigent offender funding is provided by a surcharge on other impaired driving offenders. In other states, interlock manufacturers fund indigent programs through a variety of means: through direct contribution, through reduced costs to designated offenders, or by providing some services without cost. In yet other states, state-funded appropriations fund interlock services for offenders deemed indigent.

Summary and Wrap Up

Brian McLaughlin, NHTSA

McLaughlin thanked Summit attendees for their time and attention during a very productive meeting that made clear the complexities of ignition interlock programs. He thanked them also, in advance, for the additional effort they will surely engage in to implement and strengthen their programs. Each of the 48 state interlock laws is unique. These laws were crafted to address specific legislative concerns and they reflect other aspects of each State's unique criminal justice and/or administrative licensing system. NHTSA has clearly heard an interest expressed for national guidelines covering selected aspects of ignition interlock systems. However, in light of our experience in some other areas, such as model traffic records programs, which have proven to be difficult to implement, NHTSA plans to approach such an undertaking cautiously to make sure that, if we create resources, they will be helpful.

In the current fiscal climate, it is at least uncertain whether any additional financial resources will be directed specifically at ignition interlock programs, but states may be able to find ways to use currently available funding, such as grant funds under Section 408 or 410, to aid in program development. **McLaughlin** urged states to partner with other stakeholders and to be creative in the search for funding. Strong leadership and partnership collaborations can build synergy and may yield additional resources, as well. NHTSA will work with other stakeholders at the National level in an effort to address issues that have been identified as potential challenges or barriers, such as with the American Association of Motor Vehicle Administrators (AAMVA) in connection with the driver license compact to assist in efforts to address state ignition interlock reciprocity issues. Finally, states should avail themselves of the technical assistance and program support that NHTSA offers. States are encouraged to contact NHTSA Regional Administrators and their staffs if they need information or technical assistance. The NHTSA regional staff stand ready to provide states with information or help connect states with experts, who can help them build stronger interlock programs.

Ignition interlock technology offers tremendous untapped potential to improve the quality of life in our communities. We are convinced that State efforts focused on increasing use of interlocks and improving ignition interlock programs will help States to save lives.

Grant T. Baldwin, CDC

Dr. Baldwin also thanked attendees and announced that the National Ignition Interlock Summit was a great success for three reasons: state attendees were given the opportunity to engage in conversations with other state representatives who experienced similar challenges; new ideas were generated in today's interactions; and participants were able to network with colleagues and make new associations with professionals who may be useful in each of our efforts to strengthen ignition interlock programs.

Vernon Betkey, GHSA

In the final remarks of the day, **Betkey** reminded Summit attendees that improving traffic safety is a winnable battle if all adopt the mindset of Toward Zero Deaths. Issues of unaffordability and reciprocity are commonalities across interlock programs, but states must leverage resources to address these and other interlock concerns. Both offenders and vendors need better state management and monitoring; training and education is needed across a spectrum of stakeholders. Finally, those responsible for state ignition interlock programs must not only maintain, but should also grow the collaborative and partnership efforts that were critical in the formative stages of interlock program development. These continued efforts will lead to program success.