

MINNESOTA DEPARTMENT OF PUBLIC SAFETY



08 - 0176

OF MINNE

Alcohol
and Gambling
Enforcement

ARMER/911
Program

Bureau of
Criminal
Apprehension

Driver
and Vehicle
Services

Homeland
Security and
Emergency
Management

Minnesota
State Patrol

Office of
Communications

Office of
Justice Programs

Office of
Traffic Safety

State Fire
Marshal and
Pipeline Safety

Office of the Commissioner

445 Minnesota Street • Suite 1000 • Saint Paul, Minnesota 55101-5100
: 651.201.7160 • Fax: 651.297.5728 • TTY: 651.282.6555
dps.state.mn.us

February 6, 2008

Governor Tim Pawlenty
State of Minnesota

The Honorable Linda Higgins, Chair
The Honorable Bill Ingebrigtsen
Senate Public Safety Budget Division

The Honorable Mee Moua
The Honorable Warren Limmer
Senate Judiciary Committee

The Honorable Leo Foley, Chair
The Honorable Warren Limmer
Senate Judiciary Budget Committee

Chief Justice Russell Anderson
Minnesota Supreme Court

The Honorable Michael Paymar, Chairman
The Honorable Steve Smith
House Public Safety Finance Committee

The Honorable Joe Mullery
The Honorable Paul Kohls
House Public Safety and Civil Justice Committee

Dear Colleagues:

Pursuant to Minnesota Statute 171.306 Subd. 1 the Department of Public Safety shall conduct a two-year ignition interlock device pilot project with participation from one metropolitan county and one rural county. This pilot project began on July 1, 2007, and will continue until June 30, 2009.

Preliminary reports are due to the chairs and ranking minority members of the senate and house committees having jurisdiction over criminal justice policy and funding by February 1, 2008, and December 1, 2008, with the final report due by September 1, 2009.

These reports must evaluate the successes and failures of the pilot project, provide information on participation rates, and make recommendations regarding the continuation of the project.

Enclosed, please find the first preliminary report developed by the Office of Traffic Safety. The Department views this correspondence as satisfying the reporting requirements as provided in Minnesota Statute 171.306, Subd. 1.

If you need further information, please do not hesitate to contact me or Cheri Marti of the Office of Traffic Safety at 651-201-7070.

Sincerely,

Michael Campion, Commissioner

cc: Legislative Reference Library

Minnesota Department of Public Safety Ignition Interlock Preliminary Report

**Required By MS171.306
February 1, 2008**

Executive Summary

During the 2007 session the legislature mandated the Department of Public Safety to conduct a two year pilot program using ignition interlock devices with repeat DWI offenders. The purpose of this pilot is two pronged: (1) to determine whether ignition interlock devices reduce repeat DWI offenses; and (2) to determine how best to implement an ignition interlock program in Minnesota. The program is to be piloted in two counties, one metropolitan and one rural. This report documents progress for the first six months of this two year project.

Performance standards were written for certification of the devices to be used in Minnesota. In addition, as required by statute, program guidelines were written establishing the procedures for the pilot program and for use ultimately on a statewide basis. Hennepin and Beltrami Counties were selected to pilot the ignition interlock device. Hennepin County implemented the program on August 1, 2007 and Beltrami County began offering the program on October 1, 2007. Currently, there are 19 participants in the program, all of whom reside in Hennepin County. Beltrami has had difficulty getting people to participate in the program. Some of this difficulty stems from the high costs for the participants such as car insurance, re-licensing fees and the costs associated with the ignition interlock program. It is anticipated that as the program becomes more well known participation will increase. During the remaining 18 months of the project, the Department, in conjunction with Hennepin and Beltrami counties, will more fully identify implementation problems and recommend resolutions.

Background

An ignition interlock device is a system installed on a vehicle that is designed to prevent an impaired driver from operating a motor vehicle. To start a vehicle, a driver is required to blow into a tube that will measure the driver's alcohol concentration. If the device detects alcohol at or above a set level, the vehicle will not start. Minnesota has determined the set level to be 0.02. A 0.02 set level restricts impaired driving, but still allows for a margin of error for the device and minimizes system violations. The device also requires random retests as the person continues to drive in order to detect violations. The participant is required to take the vehicle to a service provider monthly to have the information recorded in the system downloaded. Reports from the download are sent to the court's monitoring authority. The vehicle may be recalled to the service provider earlier if violations are detected. If the device registers violations outside of Minnesota's standards, the device sends a message to the participant to bring the vehicle in for service and the information contained in the device is downloaded from the machine and sent to the monitoring authority.

History

A report on a previously conducted ignition interlock program was submitted to the legislature on January 2002. Nine people participated in that pilot program. Limited information was obtained from the pilot due to the low number of participants. Since that time, Minnesota has had an ignition interlock law; however, there has been no program implementation (MS171.305).

Effectiveness

Research demonstrates that interlock devices are associated with a reduction in recidivism ranging from 50% to 90% (Voss and Marques, 2003). Since statutes governing impaired driving vary from state to state each state's ignition interlock program is unique. Therefore program results vary greatly. However, studies indicate that once the device is removed, the recidivism rate returns to the rate of DWI offenders that did not participate in the program.

Other State Programs

Forty five states have an ignition interlock law. However, a 2006 report of installed systems indicated that only 25 states had an active program. Some programs are administered through the judicial system, others through the driver licensing agency and some are a combination of both. Since all states have unique impaired driving laws, it is extremely difficult to take one state's program and duplicate it in Minnesota. Minnesota's program will utilize the lessons learned from other states and will incorporate strategies that are best suited to address impaired driving within our state.

Minnesota Pilot Program

Minnesota passed MS171.306, during the 2007 legislative session that required the Department of Public Safety to conduct a pilot ignition interlock project in two counties, one rural and one metropolitan. The pilot focuses on repeat DWI offenders. Minnesota statutes allow a person that is cancelled as inimical to public safety to receive a limited ignition interlock license to drive to work, school and AA, if they have completed treatment and half of their required sobriety time period (MS171.305). A person's driver license is cancelled as inimical to public safety due to impaired driving if the person has three impaired driving arrests in ten years or four impaired driving arrests in a life time. MS171.306 requires the Department of Public Safety to develop performance standards for certification of ignition interlock devices and program standards for implementation of both the pilot program (MS171.306) and the statewide program (MS171.305). Preliminary reports are due on the pilot February 1, 2008 and December 1, 2008. A final report is due on September 1, 2009.

Device Performance Standards

Performance Standards were developed for ignition interlock devices installed in Minnesota. The performance standards were signed by the Commissioner of Public Safety on June 14, 2007 and published in the state register. An ignition interlock provider must certify that their device(s) meets these standards before operating within the pilot program. The performance standards include the following:

- the procedure for the approval, suspension and/or revocation of devices
- the process for installation, support and removal of ignition interlock devices in Minnesota.

A complete copy of these performance standards are documented in Exhibit A.

Certified Devices

Three ignition interlock devices have been certified for use by the Department of Public Safety. Those devices include:

Smart Start BAID model SSI 20/20
Smart Start BAID model SSI-1000
Draeger Interlock® XT

Only one provider is actively installing ignition interlock devices at this date. The devices currently installed on vehicles in Minnesota are Smart Start model SSI 20/20 and Smart Start model SSI-1000.

Costs

Below is a table detailing the current costs for participation in the ignition interlock program. These costs are determined by the service provider.

Service	Cost
Installation	\$90.00
Monthly Fee	\$125.00
Lockout Fee	\$50.00
Removal	\$50.00

Program Guidelines

Program guidelines were developed by the Department of Public Safety for use of ignition interlock devices for the pilot and the statewide program. The goal is to develop program guidelines to provide the ability for DWI offenders to obtain a limited license to drive to work and treatment utilizing ignition interlock while ensuring public safety. The guidelines are documented in Exhibit B. Critical issues considered and decided by the Department of Public Safety are described below.

Provide the ability for a DWI offender to be productive in society without jeopardizing public safety

It is important to provide the ability for a person to be productive in society. Some DWI offenders believe that they have no alternative but to drive illegally if

they want to work and attend treatment. Yet they have demonstrated extremely poor judgment when making decisions to drink and drive. The program guidelines were developed with an attempt to create a balance between the interest of public safety and the need for an offender to maintain or create a productive life. People that participate in the program are required to comply with the requirements to reinstate their driver license and maintain insurance on their vehicle.

Some hard revocation should be maintained

Hard revocation is a time period in which a driver is not able to obtain driving privileges for any reason. It is a swift, certain action imposed on a driver for driving impaired. Research has demonstrated it to be effective in reducing impaired driving both as a general deterrence and as a sanction for those who drive while impaired. Since 64% of those in fatal alcohol-related motor vehicle crashes have never had a DWI, it is in the interest of public safety to maintain a general deterrence to help reduce impaired driving.

Minimum of one year ignition interlock installation

An effective ignition interlock program can be used as a tool to modify the behavior of DWI offenders. The device can also help detect impaired driving in those more likely to recidivate. To achieve these objectives, a program should be a minimum of one year in length. Further, researchers who have studied interlock program outcomes recommend a minimum of one year of participation in the program for repeat DWI offenders.

No test failures for the last three to six months

The ignition interlock device should be used as a tool to help detect the likelihood of recidivism. The device is able to detect if the participant is trying to start the car after consuming alcohol and the alcohol content (AC) level of the person at the time of the attempt. Reports regarding this detection can be reviewed by the monitoring authority. If the participant continues to attempt to start their car after drinking, the device should not be removed from the vehicle. Participants that are at a higher risk to re-offend (high AC level at time of arrest or multiple DWI offenses) are required to have a longer period of no failed tests.

Cancelled-as-inimical participants must be in intensive supervision programs

Research demonstrates that ignition interlock devices are effective in reducing impaired driving during the period of time the device is installed on the offender's vehicle. However, once the device is removed the recidivism rate returns to the rate of DWI offenders that did not have an ignition interlock installed. To have a long term effect on changing behavior, the person's drinking behavior must be addressed as well. Many courts and probation services require these offenders to be in an intensive supervision program/DWI court. Since these people are at extremely high risk for re-offending, it is in the best interest of public safety to ensure that they are addressing their drinking behavior.

Implementation and Results of the Pilot Programs

Both Hennepin and Beltrami County received grant funding from the Department of Public Safety to create a position to implement and monitor an ignition interlock program. An indigent fund was included as part of the grant program to allow participation for those who could not afford the program costs. Eligibility for access to the fund followed current guidelines under MS563.01, Forma Pauperis. Hennepin County started accepting participants on August 1, 2007 and Beltrami started their program on October 1, 2007.

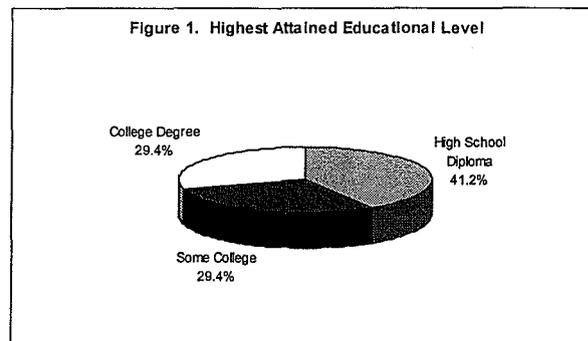
Hennepin County Experience

Participants in Hennepin County

Hennepin County started receiving referrals on August 1, 2007. As of January 28, 2007 Hennepin County has 19 participants enrolled in the Ignition Interlock Program. These participants fall into four categories:

1. Participants whose license have been revoked, but not canceled and denied as inimical to public safety (IPS), because of a second or third DWI conviction.
2. Participants who are on felony DWI probation.
3. Participants in the DWI Court.
4. Participants whose license has been canceled and denied IPS, who have successfully completed treatment, who have maintained the appropriate period of abstinence, who are on administrative probation, and who agree to meet with the probation agent to provide verification of weekly AA attendance and submit to random testing.

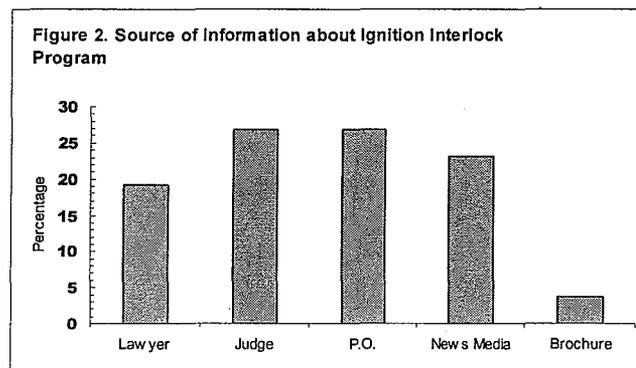
All of the participants are white and non-Hispanic. Five of the participants (26.3 percent) are female, which is slightly greater than that observed in the overall Hennepin Country probation population. The average age is 36 and females on average are older (mean age=40) than are male (mean age=35) participants. Most of the participants in the program (61.1 percent) are single. Only 22.2 percent are married. Most of the participants did not have any children (70.6 percent). Participants in the program were well educated (see Figure 1); 29.4 percent had a college degree.



The typical male participant is 35 years of age, single and has no children. He has a high school diploma and works as a blue-collar worker with an annual income of \$36,000. In contrast, the typical female participant is slightly older at 40 years of age. She too is single and has no children. She has a college degree and works in a white collar job with an annual income of \$52,000.

Results of Participation Survey

Participants and non-participants were asked to complete a survey designed to measure reasons for participation in the program. Only 26 surveys were returned so caution should be applied when interpreting the results. Nine respondents (34.6 percent) did not qualify for the program and 2 (7.7 percent) opted to not participate in the program. Figure 2 shows how respondents learned about the Ignition Interlock Program.



Probation officers and judges are the primary sources of information regarding the program among the respondents to the survey. Almost 54 percent of the respondents learned of the program from either the judge or their probation officer. Approximately 23 percent learned of the program from the news media.

Among the 15 survey respondents who participated in the program, the top two reasons for participating were the opportunity to get their driver's license back more quickly and the need for transportation to work in order to keep their job. The most salient reasons for not participating in the program provided by the two respondents who opted not to participate in the Ignition Interlock Program were "I won't get my license back soon enough" and "This program lasts too long a period of time". Because surveys were available for so few respondents, these results should be interpreted with caution and it is recommended that surveys continue to be collected.

Beltrami Experience

The Beltrami experience with the Ignition Interlock Program provides a contrast to the Hennepin experience reported above. Referrals to the Beltrami program did not begin until October 1, 2007. Thus far there have been no referrals that are eligible for the program that have agreed to participate. There are offenders that have agreed to participate in the program when they become eligible.

Interviews were conducted with offenders referred to the program. Six of the offenders referred to the program declined the program. Two of these offenders did not have their own vehicle and did not want to install the device on an available family car. Two offenders found the program to be of interest but decided that obtaining alternative transportation was adequate to meet their needs. One person stated that he would be eligible soon for reinstatement of his license and therefore declined the program. The sixth offender who declined the offer cited a lengthy (6 year) cancellation period as being cost prohibitive to enrollment in the program. Two other offenders with lengthy cancellation periods and who will not be program eligible until later this year have not made a decision regarding participation.

To participate in the Ignition Interlock Program, an offender must pay a reinstatement fee, all outstanding fines, car insurance, ignition interlock fees and possibly purchase a car (many offenders forfeit their vehicle as a result of driving while impaired). Beltrami County's median income is \$35,547 compared to Hennepin County's median income level of \$54,471. Many times the average repeat DWI offender's income is at the lower median level. The level of participation in the program maybe reflective of the income level of offenders.

Ignition Interlock System Issues

Some issues have arisen related to the ignition interlock device and program guidelines. These are overall issues and not unique to the pilot counties. Issues that will be closely monitored throughout the rest of the pilot include the following:

1. Performance of the device in extremely cold weather (not working properly, many aborts).
2. Customer service at the installation center (long waits, unprofessional behavior).
3. Alcohol readings detected by the device that are not within the control of the participant.
4. Number of violations allowed by the participant.
5. Low participation with voluntary program.
6. Complicated procedure for license reinstatement with ignition interlock.
7. Vendors available and cost of the ignition interlock device.
8. Cost of licensing.
9. People that have their driving privileges cancelled, but are not being monitored by a probationary service. These people do not qualify for the program, but may have a desire to participate.

Preliminary Finding

Test Results

One test failure (detection of alcohol use) was reported by an ignition interlock device. The validity of the test failure is currently being reviewed by the court.

Participation

Preliminary findings indicate that a voluntary program will not gain a large number of participants. Minnesota does not have a long hard revocation time period for second time DWI offenders. The current hard revocation period is 90

to 180 days. As a result, there is not enough of an incentive to participate in the program. Licensing, insurance and program participation is very costly. The high cost to participate and low incentive appears to have resulted in low participation.