

Michigan's Ignition Interlock Law

*Presented by:
Kenneth Stecker*





Governors Highway Safety Association

“GHSA supports enhanced penalties for first time offenders with high BAC levels (e.g., .15 and above... The penalties should include ... license revocations, ... ignition interlocks, ... professional evaluation and treatment.”

– Governor’s Highway Safety Association’s “Policies and Priorities”



UMTRI

- “All sanction combinations that included ignition interlocks had the lowest drunk driving recidivism rates, while people with sanctions involving only driver license suspension/revocation had the highest rates of recidivism.”
- “...Michigan should redouble its efforts to increase the frequency with which ignition interlocks are ordered...”
- Report UMTRI-2002-23a, An Evaluation of Michigan's Repeat Alcohol Offender Laws: Executive Summary

MADD: Campaign to Eliminate Drunk Driving

Four initiatives of the Campaign:

1. Full support for high-visibility law enforcement
2. Full implementation of current alcohol ignition interlocks
3. Encourage advanced technology research initiatives
4. Mobilization of grassroots efforts



www.madd.org

Michigan's Ignition Interlock Law



Interlock Status-Nationwide

- September 2007- 135,00 interlocks in service in the U.S.
- 35% increase from June 2005
- According to FBI- 1.4 million OWI arrests each year
- Interlock penetration approximately 10% nationwide
- Still far too low to yield a substantial alcohol-related crash reduction benefit nationwide.



Interlock Status-Michigan

- Approximately 55,000 drunk driving arrests each year
- About 28,000 involve a driver with a 0.15 BAC, while 21,000 involve repeat offenders
- Only 1 in 8 repeat drunk drivers currently use an ignition interlock device
- Someone is killed by a drunken driver every 24 hours!



Drunk Driving Concerns in Michigan

- Overall fatalities in Michigan in 2007 was 1,084, and the deaths that were alcohol related were 382. (35%)
- In addition to the numbers of people killed by drunk drivers, many more people were injured, some who will be affected for the rest of their lives.



What is an Interlock?

- An electronic device wired into the ignition system of a vehicle which requires the user to pass a breath alcohol test in order to start the vehicle.
- AKA: Breathalyzer, Interlock, Baid
- Requires a breath sample below .025 (BrAC) breath alcohol content to pass.



Where is the device located?

The device is located inside the vehicle, near the driver's seat, and is connected to the engine's ignition system.



Michigan's Ignition Interlock Law



Why an Ignition Interlock Device?

- Prevents intoxicated drivers from endangering innocent citizens, and themselves, by separating drinking and driving
- When properly monitored controls drinking and driving behaviors
- Modify offenders drinking habits and overall alcohol consumption over time
- Significantly reduces recidivism while the devices are installed



Separate Drinking From Driving

- Breath alcohol ignition interlock devices are the only available technology that separates drinking from driving.
- Other technologies (PBTs, ankle bracelets) measure drinking behavior. They do not prevent a vehicle from being started if alcohol is detected.



Michigan's Ignition Interlock Law

The law amends various sections of the Michigan Vehicle Code pertaining to:

- Drunk Driving Offenses
- License Sanctions for Drunk Driving Offenses
- Use of An Interlock Device
- The law takes effect October 31, 2010.



“Extreme Drunk Driving” Package in Michigan

- HB 4289 (PA 461 of 2008)
 - Improved standards for interlock program
 - Tougher anti-circumvention measures
- SB 1134 (PA 462 of 2008)
 - creates “High-BAC” offense @ 0.17 BAC
 - 45-day hard suspension, balance of year on restricted license with a certified ignition interlock device
 - Mandatory treatment; 8-month clean to remove device



High BAC Category

- Will create a high BAC or “superdrunk” category of “operating while intoxicated” for individuals having a BAC of 0.17 grams or more. (BAC refers to the alcohol content in a person’s blood, breath, or urine.)



Criminal Penalties

- Will provide enhanced penalties for a high BAC offense. A first offense high BAC will be a misdemeanor punishable by a maximum of 180 days (increased from 93 days) and/or a fine of at least \$200 but not more than \$700 (increased from not less than \$100 but not more than \$500).
- The maximum community service that will be imposed would remain at no more than 360 hours. The penalties for a subsequent high BAC offense will be the same as for any repeat drunk driving offense.



License Sanctions

It will require the Secretary of State (SOS) to suspend the driver's license of an individual for a high BAC offense for one year if he or she had no prior convictions within the previous seven years or not more than two convictions within ten years. A restricted license would have to be issued, but not during the first 45 days of suspension.



Allowed to Operate a Vehicle

Properly Installed Device:

- It will require a person convicted of a high BAC offense from operating a vehicle under a restricted license unless the vehicle was equipped with an approved and properly installed ignition interlock device.
- It will include devices calibrated so that the vehicle could not be started if the BAC level of the operator reached 0.025.
- It will require, before an ignition interlock device was removed, verification that the person had operated the vehicle with no instances of reaching or exceeding a BAC of 0.025.



Violations of the Restrictions

- It will require the SOS to impose an additional period of license suspension and restriction if the person violated the conditions of the restricted license or attempted to operate a vehicle with a BAC of 0.025.
- This provision will not apply to a start-up test failure within the first two months after the device had been installed.
- It will prohibit a person issued a restricted license requiring an ignition interlock device from removing the device or causing it to be removed unless the SOS issued an order authorizing its removal.



Rehabilitative Programs

- It will require a court to order a person convicted of a high BAC offense to participate and complete one or more rehabilitative programs as part of the sentence. Currently, this requirement only applies to repeat drunk driving offenses.
- The law will also specify that appropriate rehabilitative programs would include, but not be limited to, an alcohol treatment program or a self-help program for a period of not less than one year.
- In addition, the treatment plan will have to be devised from an assessment performed by an appropriately licensed alcohol assessor and approved by the court.



Manufacturers of the Device

- It will revise the criteria for a manufacturer of a device to be on a list that the SOS provides to persons ordered to have one installed in their vehicles;
- It will require law enforcement officers to immediately impound any vehicle not containing a device if the driver is required to have one;
- It will require the SOS to review the ignition interlock program every 5 years.

Michigan would join 45 other states that have enacted "a High-BAC Law."





Benefits: The Defendant

- Keep working and earning wages
 - ❖ Pay Legal Expenses
 - ❖ Court Costs
- Reduce DWI recidivism
- Successful Interlock programs allow clients to earn their way off
- Behavior modification



Benefits:

The Judicial and Licensing Process

- Objective evaluation of behavior modification
- Greater confidence in actions by the offender
- Greater ability to fulfill responsibility to insure public safety



Benefits: The Community

- Improved potential for restoration of offender to contributing status rather than being a drain on the community
- Financial resources can be focused on other areas of need
- Improved traffic safety

Photo ID Interlock

Photo Identification

- Records every test for accurate positive identification
- Answers the question...
Who took the test?





Photo ID Interlock

This new technology will provide the Courts with a dual purpose:

1. Separates the offender from their vehicle.
2. Allows you to monitor alcohol consumption through daily monitored PBTs. The offender can go out to their vehicle and provide PBTs multiple times per day.

Photo ID client

May 2nd, 2008 09:05:37 AM

9:05:37 AM Picture Requested Test Started

9:05:50 AM Initial Test-Pass 0.000

9:05:54 AM Engine Start

9:05:55 AM Picture Requested Vehicle Started





When Does the device take a picture?

- When the offender is providing the breath sample to start the vehicle.
- When the vehicle is actually started.
- When the offender is taking the rolling retests.
- If the offender is about to miss the rolling retest.
- If the offender tampers with the device.



Restricted Drive Times

- The device is programmable to only allow use of the vehicle during specified times.
- The court would use this tool if you did not want an offender to have access to the vehicle during high-risk times like late evenings or weekends.
- The company can lock the vehicle's ignition system up to 3 times in any given day.



Records the Number of Engine Starts

- The device keeps track of the number of times a vehicle is started.
- Puts a “Caution” on the report for anyone with a low number.
- “Red Flag” that an offender may be driving another vehicle.



Daily PBTs

- The offender will have the convenience of walking outside to their vehicle to provide their PBT.
- The court could order as many daily tests as it would like.
- Cost effective. Cheaper than providing PBTs elsewhere and offenders save on gas & time.



Temporary Lockout Feature

- The device can be programmed to temporarily lock an offender from providing a breath sample.
- The device can be used after one failed breath test or a session of failed tests.
- This feature allows mouth alcohol time to dissipate so next breath test is clean if not consumed alcohol.



What happens if the device goes into the locked state?

- The device has a unlock code that temporarily takes the device out of the locked state.
- The offender must still provide clean breath tests to start and run vehicle.
- The unlock code saves the offender time and money by saving them the cost of towing the vehicle in.



Event Logs

- Device Records All Events with a Date/Time Stamp:
 - Breath Samples
 - Engine Starts and Stops
 - Rolling Retests
 - Missed Rolling Retests
 - Tampering Events
 - Picture of Offender if using Photo Device



Downloads

- Downloads usually every 30 days
- Early Recall feature will call your defendants in early for violations
- Reports sent to proper authority next day
- We can download more often, some courts download every 2 weeks.



Cost

Without Camera

- Installation- \$75.00
- Daily- \$2.50

Photo ID Device

- Installation- \$100.00
- Daily- \$3-4 (depending on program PBT requirements)



Will Ignition Interlock Devices be effective in Michigan?

- Evidence for interlock effectiveness is very consistent across jurisdictions with multiple studies showing an average of about 65% reductions in repeat DWI while the devices are installed;
- According to Hamilton County, Ohio, study, recidivism in DWI offenders is reduced by 65% when the ignition interlock is used on offenders' vehicles;
- New Mexico, the first state to pass legislation requiring ignition interlock devices for all drunk drivers, experienced a 20% reduction in alcohol-related injury crashes in their first year of implementation.



Ignition Interlock Device Manufacturers

- Smart Start, Inc.; LifeSafer Interlock; SOS; Ignition Interlock Systems, Intoxalock, and Monitech.
- Smart Start, Inc. has come out with a camera equipped interlock device that photographs the person who provides the breath sample. Smart Start's ignition interlock system effectively separates drinking from driving.



Why Interlocks?

- Ignition interlocks have considerable potential to reduce drunk driving recidivism and protect the public from high risk offenders;
- Interlocks represent an opportunity to reduce the burden imposed on the justice system by drunk driving offenders;
- Coordinated approach involving policy-makers, criminal justice practitioners, treatment professionals, and government agencies is critical to success.



What are the obstacles?

While common in most states, and despite its proven effectiveness and the existence of legislation and regulation:

- Lack of information
- Misinformation
- Urban myths and legends associated with failings of the device, although false, they become widely disseminated and never adequately addressed.



Interlocks Saving Lives

The benefits are clear... You are your communities best defense in making sure our roads are safe. Everyone benefits from efforts to *separate drinking from driving*®.



Michigan's Ignition Interlock Law



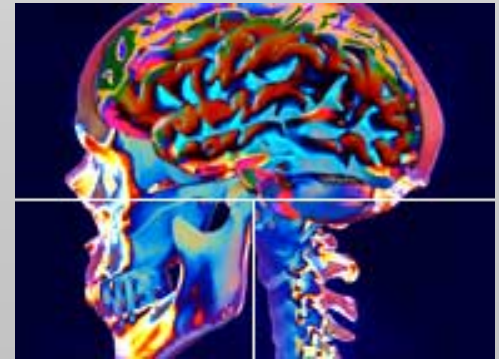
Conclusion

Changes to the drunk driving laws will:

- Effectively target the population responsible for causing the most alcohol-related injuries and fatalities;
- Ensure that the population most likely to have a substance abuse problem will get appropriate treatment at an earlier stage in the disease;
- Ensure that the population most likely to repeatedly drive drunk will have an ignition interlock device on their vehicles;
- Provide first time high BAC offenders with a longer period of restricted driving privileges and use of ignition interlock devices whereby a pattern of responsibility can be established.



Eliminating Drunk Driving



Michigan's Ignition Interlock Law

GETTING TOUGH ON DWI

I SENTENCE YOU TO
30 DAYS IN JAIL
AND FINE EVERYBODY
ELSE \$1000!

IGNITION
INTERLOCK
MANDATE
FOR ALL
VEHICLES

LEGISLATURE





Michigan's Ignition Interlock Law

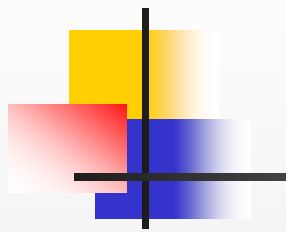
Ken Stecker
Traffic Safety Resource Prosecutor
Prosecuting Attorneys Association of Michigan

116 West Ottawa
Lansing MI 48913

(517) 334-6060 x 827



SteckerK@Michigan.gov



Michigan's Ignition Interlock Law