

Working With the Benefit of Hindsight: A Perspective on Alcohol Interlocks

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Biography

Melanie Hands is a consultant with the Injury Research Center at the University of Western Australia. She is currently working with a specialist working group reviewing the issue of drink driving in Western Australia and developing a proposal for a comprehensive drink driver program, including an alcohol interlock scheme. Melanie's background is in the field of alcohol and other drugs where she has worked for 15 years in the public and private sectors, primarily in the areas of research, policy and program development.

Abstract

Alcohol ignition interlocks hold much promise as a strategy to reduce drink driving recidivism. However, there are a number of issues that need to be considered if their effectiveness is to be maximized. In order to optimize outcomes, interlock programs need to be well integrated and coordinated with other drink driving countermeasures. The collective measures need to provide significant incentives for eligible offenders to participate as well as powerful disincentives to unlawful driving.

This paper outlines some of the issues currently being considered by a specialist working group to combat drink driving in Western Australia, particularly those related to alcohol interlocks. It explores the complexities associated with designing an integrated program that aims to reduce the harm associated with drink driving through the use of legal sanctions, remedial interventions and supporting legislation, and wherever possible to keep offenders operating within a system of legal control.

1. INTRODUCTION

The Repeat Drink Driving Working Group was established in Western Australia (WA) in February 2003. The group will prepare a discussion paper for the WA Road Safety Council and propose a comprehensive program based on best practice and research evidence to counter drink driving in WA. The Working Group is considering alcohol ignition interlocks within an integrated model to address drink driving.

Alcohol ignition interlock devices have been shown to significantly reduce drink driving recidivism while fitted to the driver's vehicle. International studies consistently report that participants involved in alcohol interlock programs exhibit a significantly reduced rate of drink driving recidivism. However, it is clear that alcohol interlocks are not a panacea. Universally interlock programs report very low participation rates and studies indicate that, while interlocks effectively prevent impaired driving while installed in a vehicle, there is very little residual effect once the device is removed (Beirness, 2001).

A major problem with interlock programs in all jurisdictions is the fact that only a very small proportion of eligible drink driving offenders are willing to install them in order to drive legally. There appears to be a number of reasons for the low participation rates including cost,

inconvenience and social stigma (Beirness, 2001). The fact that driving without a valid licence may appear to be a more attractive option is possibly one of the critical factors related to participation rates in interlock programs.

Another problem relates to the longer term outcomes once interlocks are removed from offender's vehicles. Drink driving is not an isolated behaviour and tends to occur amongst a constellation of other social and psychological problems. This is particularly true where recidivist drink drivers are concerned. A significant number of repeat drink drivers qualify for a clinical diagnosis for alcohol dependence, in addition to exhibiting a range of other social and psychological problems (Fetherston et al, 2002). Alcohol ignition interlock devices do not change these situations and if the factors that underlie the drink driving behaviour are not addressed successfully, it is likely that outcomes will be compromised.

Interlocks are not intended to replace existing sanctions, but to provide additional options for preventing drink driving and as an adjunct to other drink driving measures. Increasingly, researchers are concluding that improved results will be obtained from interlock programs when they are supported by unambiguous legislation and integrated with legal sanctions and remedial programs (Beirness, 2001).

This paper will outline the issues currently being considered in Western Australia to combat drink driving. In particular it will explore some of the complexities associated with designing an integrated drink driver program that includes an alcohol interlock scheme.

2. THE BENEFITS OF WORKING WITH HINDSIGHT

The work being undertaken in Western Australia has benefited from the extensive experience gained in other jurisdictions. There is a significant amount of international research focused on drink driving countermeasures including alcohol interlocks. There is also a wealth of information on the practical experience gained by jurisdictions that have established alcohol interlock programs and a willingness to share the lessons learned and the wisdom of experience.

The benefits of alcohol interlocks are clear and have been endorsed by the majority of researchers in the field. Interlocks are viewed as one of the more promising strategies to prevent subsequent offending amongst drink drivers and they have been widely evaluated. There is an accumulating body of evidence to show the beneficial impact on recidivism rates, at least as long as the device is installed, and some evidence to show that interlock programs may also reduce alcohol related crashes (Dussault and Gendreau, 2000). It has been suggested that the fact that many studies report an increase in re-arrest rates after interlocks are removed should not discredit or discount the significant beneficial effects of interlock programs (Beirness 2001).

The work being undertaken in Western Australia is being guided by some broad objectives that have been developed by the Working Group following a review of the literature and considerable consultation with other jurisdictions in Australia and overseas. These include that the program be:

- evidenced based and informed by best practice principles;
- able to provide graduated sanctions and remedial options appropriate to individual offenders circumstances and need;
- inclusive and aim to engage all those deemed eligible to participate;
- able to keep offenders operating within the system of formal controls wherever possible and reduce the number who choose to drive without a valid licence;

- non discriminatory and consider the specific needs of those who are socially or economically disadvantaged;
- structured in such a way that maximises voluntary participation wherever possible;
- accessible in regional and remote areas; and
- subject to ongoing monitor and review.

Assessing the drink driving countermeasures being considered by the Working Group against each of these guiding principles has proved a challenging exercise. The effectiveness of each initiative has been measured against each principle to guard against unintended consequences and maintain the integrity of the overall program. The guiding principles that have proved the most challenging have been the ones requiring the program to be inclusive, non-discriminatory and limit unlicensed driving. These issues are particularly challenging when related to the target group, which in WA is predominantly young male drink driving offenders, many of whom are socially and economically disadvantaged and also includes a high proportion of Aboriginal people who live in rural and remote areas.

3. PROBLEMS RELATED TO INTERLOCK PROGRAMS

There are a number of difficulties associated with interlock programs outlined in the literature. Some relate to the devices themselves, some concern participant compliance and some are program and operational issues. However, two important issues are consistently identified as problematic. One relates to participation rates and the other to maintaining the reduction in drink driving recidivism once the interlock device is removed from the vehicle.

Coming up with solutions to these problems is a challenge. The potential road safety benefits associated with interlocks would suggest that authorities should aim to engage as many drink driving offenders in interlock programs as possible. The fact that interlocks appear not to deliver a sustainable reduction in drink driving behaviour once they are removed suggests that offenders also need to be engaged in remedial programs and have their progress well monitored. Addressing these issues is likely to require a practical and pragmatic response that takes into account the many factors that mediate drink driving behaviour and considers the best mix of available countermeasures. Importantly, consideration needs to be given to how drink driving measures can be applied collectively in order to optimize outcomes.

The problem of participation

North America and Canada have more alcohol interlock programs than any other jurisdictions. However, studies consistently report very low participation rates in both these countries. In the 43 states in the US with interlock enabling legislation, the installation rate rarely exceeds 10% of eligible drink driving offenders, with 2-3% being the most common (ICADTS, 2001).

Significant increases in interlock participation rates only appear to eventuate in circumstances where interlocks are offered as an alternative to more severe punishment, such as house arrest or imprisonment. After such a policy was introduced in Indiana, 62% of eligible offenders installed an interlock and the entire county's DUI rates were reduced by 40% for first offenders and 22% for repeat offenders (ICADTS, 2001). The jurisdictions that report higher participation rates in interlock programs attribute the success to supporting legislation that provides serious penalties for unlicensed driving and severe alternative sentencing options.

An evaluation of the interlock program operating in Quebec (Canada) reported that 26% of first time drink drive offenders installed an interlock device after introduction of a voluntary interlock program (Dussault and Gendreau, 2000). At the time, the Quebec government actively

promoted the interlock program and disseminated information through mass media. Interlock installation services were also established across the Province. Concurrent with the introduction of the interlock program, Quebec also introduced legislation with provision for vehicle impoundment for those who drove without a valid licence. Hence, it is difficult to determine the effects of individual measures such as the interlock program from those of other drink driving initiatives. Nevertheless, it seems probable that the vehicle-based sanctions may have helped decrease the attractiveness of driving without a valid licence and made an interlock appear a more desirable alternative.

Legislating for vehicle sanctions in conjunction with increasing the detection of unlicensed drivers has the potential to provide a general deterrent against unlicensed driving and also to act as an incentive for offenders to engage in drink driving programs. Vehicle sanctions are extreme measures that have the potential to discriminate adversely against innocent people including the families of offenders. However, such sanctions may provide an option for habitual and high risk drink drive offenders and could be viewed as less punitive, and possibly more effective, than a custodial sentence in these circumstances. They may also provide a useful sentencing option for Magistrates in order to motivate offenders to participate in interlock programs and comply with interlock program requirements.

Voluntary versus mandatory participation

There is widespread agreement among researchers that participation in interlock schemes should be maximized in order to reduce drink driving recidivism. It is tempting to deduce that the best way to achieve this is to make interlocks mandatory for all drink driving offenders.

Mandated interlock programs generally require a drink driving offender to drive with an interlock as a condition of re-licence following a period of licence disqualification. Mandated programs assume that drink driving offenders place a high value on a valid driver's licence and generally do not make provision to respond to the significant issue of unlicensed driving among disqualified drink drivers. The success of the model relies to a large part on offenders not driving during periods of licence disqualification and then uniformly applying for a new licence.

Evidence suggests that this is often not the case and it would appear that a significant number of disqualified drivers do not hold such values and continue to drive, as well as drink and drive, during periods of licence disqualification (Williams *et al*, 1984; Ross and Gonzales, 1988; Smith and Masey, 1990; Mirrlees-Black, 1993). In addition, many offenders also fail to apply for a new licence at the end of their disqualification periods, preferring instead to continue to drive without a valid licence, presumably because they perceive the chance of detection as low and the alternative as too onerous.

Another issue related to mandated programs is that the prescribed interventions (i.e. rehabilitation and interlocks) are generally provided as conditions for re-licencing. In effect this can mean that effective and proven interventions are not instituted for many months or even years after the drink driving offence. There could be an argument from a road safety perspective that drink driving offenders should be involved in interventions with proven efficacy in reducing drink driving recidivism as soon as possible after their drink driving offence. The best way to achieve this may be to institute drink driving countermeasures as sentencing options rather than providing them as conditions prior to re-licencing.

Many of the voluntary interlock programs go some of the way toward this. Such programs generally offer incentives for the drink driving offender to participate in interlock programs, usually by offering opportunities for plea bargaining. An offender may volunteer to fit an alcohol

interlock device as a means to more rapid licence reinstatement. In this instance, the drink driving offender chooses to install an interlock in exchange for a shorter suspension period. Commonly, the licence disqualification period is halved in exchange for an agreed period of interlock driving, which usually equates to at least the original disqualification period.

However, the evidence indicates that the majority of mandated and voluntary programs are associated with similarly low participation rates. It would therefore appear that these measures may not be sufficient to motivate participation when weighed up against the inconvenience, cost and stigma associated with interlock driving (Beirness, 2001). Greater incentives for participation need to be explored and disincentives to driving without a valid licence correspondingly need to be boosted.

4. SOME POSSIBLE SOLUTIONS TO THESE PROBLEMS

There is consensus in the literature that alcohol interlock schemes should be developed in such a way that maximizes participation from all eligible offenders. However, it is difficult to determine how best to achieve such an outcome. Participation rates may be increased if a range of flexible options were available to Magistrates, so as to motivate offenders to opt for an alcohol interlock. In order to maximize outcomes, alcohol interlock schemes may also benefit from being better integrated with other drink driving measures such as rehabilitation programs. Likewise, they should be supported by unambiguous legislation and policies that address and limit unlicensed driving.

Participation in alcohol interlock schemes may be maximized by providing offenders with the opportunity to significantly reduce their licence disqualification periods and off-set the associated costs by deferring fines. Fines should not be waived until successful completion of the program in order to increase the incentive to comply with interlock program requirements. Where non-compliance is demonstrated, offenders should be returned to Court and the full fine and disqualification period reinstated.

There is good evidence that fitting an alcohol interlock to a vehicle effectively separates the acts of drinking and driving. There is also evidence that alcohol interlocks are more effective in reducing drink driving recidivism than licence actions on their own (Beck, 1997). This would suggest that licence actions should be integrated with interlocks and that drink driving offenders should be encouraged to participate in interlock programs as soon as possible following a drink driving offence.

Unfortunately, there appears to be little research evidence to guide deliberations as to the optimum time required prior to a drink driving offender being eligible for an interlock licence. However, it could be argued that the wait time should be kept to a minimum and offenders rapidly brought under a system of control where their driving can be well monitored. When considering the optimum time required prior to an offender being eligible for an interlock licence, the value of licence disqualification needs to be balanced against the risk of driving without a valid licence and the benefits of early participation in an interlock scheme.

There is general agreement in the literature that interlock participants should be required to drive a vehicle fitted with an alcohol interlock for a minimum of six months and have the interlock condition displayed clearly on their conditional licence (e.g. Beirness, 2001). Magistrates could also have the discretion to apply further conditions to an interlock licence where appropriate (including restricted driving times). In these instances licence restrictions could be lifted progressively as drivers demonstrate compliance. In this way interlock driving

becomes a gradual and well monitored process where convicted drink driving offenders demonstrates through compliance their right to drive with full licence privileges.

To achieve this, supporting legislation with provision for compulsory carriage of licence should be in place, as well as mandatory identification of driving conditions on all drivers' licences. These initiatives need to be implemented in conjunction with a significant increase in the checking of driver's licences through broad-based, random licence checks during random breath test (RBT) and other police activities and well supported by public education.

To maximize longer term outcomes, interlock schemes could be better integrated with mandatory assessment for alcohol problems and facilitated referral to rehabilitation programs. Commencement of a drink driving education program could be a prerequisite to receiving an interlock licence. Likewise, for offenders assessed with serious alcohol-related problems, clinical assessment and commencement of any prescribed treatment could be an interlock program prerequisite.

5. THE PERVASIVE ISSUE OF UNLICENSED DRIVING

Unlicensed driving is a serious problem in the majority of jurisdictions. The level of illegal driving by suspended/disqualified/never licensed drivers in all jurisdictions is relatively high, estimated to be anywhere between 30 - 70% (Williams *et al*, 1984; Ross and Gonzales, 1988; Watson, 2003). Unlicensed driving represents a problem in a number of respects. Most importantly, it undermines the effectiveness of licence disqualification and other drink driving countermeasures by providing a viable alternative. It is also associated with other high risk driving behaviours, including drink driving and speeding (Watson, 2003). Unlicensed drivers in fatal crashes have been shown to be three times more likely to be alcohol impaired than licensed drivers (Road Traffic Authority, 2000). To this end, unlicensed driving clearly needs to be addressed within any drink driving strategy if the aim is to maintain the integrity and effectiveness of drink driving programs.

The detection and apprehension of unlicensed drivers is a significant problem in the majority of jurisdictions. A recent Queensland study reporting on the findings of a survey of 309 unlicensed driving offenders indicated that 113 offenders (37% of the total sample) reported one or more instance where police did not detect them when they could otherwise have been detected. The majority of these (31%) had been pulled over by a RBT operation at least once during the time they were driving unlicensed and not had their licence checked. Of these offenders, 58 (18% of the sample) failed to have their licence checked on two or more occasions (Watson, 2003).

It is important to find ways to reduce the perceived viability of unlicensed driving if alcohol interlock schemes are to be successfully implemented. If driving without a valid licence is perceived as a more attractive option, participation in, and compliance with, interlock schemes will continue to be affected and outcomes compromised.

Strategies to reduce the incidence of unlicensed driving need to be multi-modal and include innovations that go well beyond increased penalties. Of utmost importance is the need to increase the real and perceived risk of detection in the community. Strategies could include:

- the integration of hardship licences with alcohol interlocks and rehabilitation to address the issue of unlicensed driving for work and family reasons and increase the opportunities for drivers to operate within the law;
- developing strategies to reduce driving for work-related reasons, such as encouraging employers to regularly check the licence status of their employees;
- the trailing of other sanctions for re-offending such as vehicle-based sanctions;

- significant improvements in the detection of unlicensed drivers through the adoption of compulsory carriage of licence, mandatory licence ID, and the widespread, random checking of drivers licences at RBT and other police activity; and
- the use of mass media and public education to increase the community's perceived risk of detection for unlicensed driving.

6. INTEGRATING OTHER DRINK DRIVING COUNTERMEASURES WITH INTERLOCK PROGRAMS

Fines

There are only a few studies related to the use of fines as a drink driving penalty and little evidence to suggest that fines have a general or specific deterrent effect on drink driving (Nichols and Ross, 1990). It is generally concluded that fines should correspond to the perceived severity of the offence and this has implications if the severity of the offence is to be portrayed to the community as a serious and unacceptable activity.

It is therefore appropriate that fines be incorporated into the mix of drink drive penalties at a level that has potential to support the general deterrent value of licence sanctions and to portray to the community that drink driving is viewed as a serious offence.

Fines provide the opportunity to off-set some of the costs related to specific drink driving countermeasures and this strategy has the potential to facilitate increased participation in rehabilitation and interlock programs, two interventions with proven efficacy in reducing drink driving recidivism.

Licence actions

A large body of research provides evidence that licence actions are a very effective road safety countermeasure. They generally concern action that either suspends or cancels the driver's licence for a period of time depending on the seriousness of the drink driving offence. They have been shown to reduce overall alcohol-related offence and crash rates among first and multiple drink driving offenders (Nichols and Ross 1990; Ross, 1991; Mc Knight and Voas, 1991). Studies suggest that the effectiveness of licence actions with drink driving offenders primarily results from their ability to restrict offenders from driving and to this end they are viewed as an effective exposure control measure that produces road safety benefits over and above their impact on drink driving (Peck, 1991; Siskind, 1996).

However, licence sanctions do not necessarily ensure total compliance and as discussed previously it has been well established that a sizeable proportion of disqualified drivers continue to drive, and drink and drive, during their disqualification period.

The effectiveness of licence sanctions with drink driving offenders is likely to be significantly enhanced through their integration with other measures such as interlocks, rehabilitation programs and improvements in the detection and better management of unlicensed drivers.

7. SUMMARY

Alcohol ignition interlocks hold much promise as a strategy to reduce drink driving recidivism. However, there are a number of issues that need to be considered if their effectiveness is to be maximized. In order to increase participation and optimize longer term outcomes, interlock programs need to be well integrated and coordinated with other drink driving countermeasures.

The collective measures need to provide significant incentives for eligible offenders to participate in interlock programs. Such incentives could include a substantial reduction in the period of licence disqualification and providing some opportunity to off-set the associated costs by deferring and waiving fines. Countermeasures also need to provide powerful disincentives to unlicensed driving as well as sentencing options to motivate drink driving offenders to participate in interlock schemes and comply with program requirements. These measures could include a multi-model strategy to reduce driving without a valid licence (including compulsory carriage of licence, mandatory identification of driving condition on drivers' licences and widespread random licence checks) in addition to legislating for vehicle-based sanctions that provide provisions for vehicle immobilization and forfeiture.

Importantly, if interlock programs are to be really successful they need to effectively engage and retain hard to reach offenders including multiple recidivist drink drivers. In doing so, they need to take into account the specific circumstances pertinent to many of these high risk offenders including social, demographic and economic factors. This group of offenders has presented a particular challenge to authorities in most jurisdictions. In response, new and pragmatic approaches are required that should be guided by principles that aim wherever possible to keep drivers operating within a system of legal control and guard against pushing offenders further out where their driving behaviour remains totally unmonitored until it results in a serious or fatal outcome.

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Keywords

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