



Ignition Interlock: An Investigation Into Rural Arizona Judges' Perceptions

This study sought to answer several questions regarding 2007 Arizona legislation requiring ignition interlock for all offenders convicted of driving under the influence (DUI), including first-time DUI offenders. At the time the law was passed, Arizona was only one of two States (New Mexico being the other) to require ignition interlock for first-time offenders. Of particular focus in the study were the implications of the legislation for rural areas. The project staff interviewed judges from rural jurisdictions in Arizona who routinely hear DUI cases to gauge their perceptions of the legislation.

Administration of the Arizona Ignition Interlock Requirement

Because interlock usage is administered entirely by the Motor Vehicle Division (MVD) of the Arizona Department of Transportation, neither the courts nor the county probation departments are involved in monitoring or enforcing interlock usage. The MVD is responsible for certifying ignition interlock devices and installers and monitoring compliance with the interlock requirement. It has statutory authority to promulgate regulations necessary to the accomplishment of these tasks. When a defendant is convicted of DUI, the court notifies the MVD. The MVD then automatically imposes the appropriate interlock requirement. In cases of noncompliance, the MVD, not the sentencing court, is responsible for enforcement of appropriate penalties.

When it is notified by the court of a DUI conviction, the MVD mails written notice of the interlock requirement to the offender. The offender must have an approved ignition interlock device installed by a certified installer on every vehicle he or she operates before the offender's driving privilege may be reinstated following any period of license suspension or revocation. The offender bears the costs of installation and maintenance. Employer-owned vehicles driven in the course of the offender's employment are exempt from the interlock requirement, provided that the offender has notified his or her employer of the limitations or restrictions on his or her driving privileges.

When the interlock device is installed, the installer provides the offender with training and written instructions on how to use and care for the device. Within 24 hours after instal-

lation, the installer or manufacturer electronically submits confirmation of installation to the MVD. Once confirmation is received and all other requirements for reinstatement are met, the MVD reinstates the offender's driving privilege. The MVD is required by statute to note the interlock requirement on an offender's driving record; it also issues the offender a replacement driver's license labeled "Ignition Interlock."

The offender must have the installer perform an accuracy and compliance check every 30 days during the first three months of the interlock period and every 60 days thereafter. During the accuracy and compliance check, the installer downloads the records from the device and inspects the device for signs of tampering or circumvention. If the device has experienced an interruption in service or has been completely disconnected, the installer also performs a calibration test. Within 24 hours after the compliance check, the installer transmits confirmation of the compliance check, along with information about noncompliance, tampering or circumvention, and BAC violations to the MVD.

Rural Judges' Perceptions

To obtain a ground-level perspective on the impact of the interlock requirements in rural jurisdictions, the project staff conducted structured interviews with one judge from each of nine rural Arizona counties.

Overall, ignition interlock, as a DUI sanction, was viewed favorably by the interviewed judges. One judge noted that "I think it is the safest way of trying to get someone to comply with not drinking and driving, especially people that habitually have problems. If they have a device that prevents the car from starting up if they have alcohol on their breath, then I am all for it." Other judges suggested that ignition interlock is an effective way to keep defendants accountable and potentially acts as a deterrent. Despite the generally favorable perception of ignition interlock, the judges expressed concerns about issues of access for rural defendants, both in the form of the availability of service providers and the high monetary costs associated with interlock and other DUI sanctions.

Many of the judges indicated that it is difficult for DUI offenders to have ignition interlock devices installed in their

vehicles. Most of the rural jurisdictions do not have a vendor that services their localities. Instead, offenders are forced to drive 50 to 150 miles, each way, to providers who are in the nearest “large” town or city. The judges pointed out that this is a challenge for many rural defendants who may have cars that are operationally unreliable. The end result is that some defendants are not obtaining the interlock devices and are being arrested for driving with suspended licenses. One judge suggested that a potential solution was to require interlock services providers to provide service for rural areas as a prerequisite for obtaining a contract with the State.

DUI is a serious offense that carries with it a bundle of sanctions that can be costly for rural defendants. For first-time offenders, the aggregate financial penalty can exceed \$4,000. Several judges expressed their concern that the monetary expense of the sanctions makes it difficult for rural defendants to comply. “We are a very poor rural county and I think the requirement is good, but there are definitely financial and logistical barriers.”

Arizona judges have established avenues for obtaining information about DUI legislation and new laws. Yet despite the availability of information and extant training opportunities, several of the judges pointed to information gaps where they would like additional information about ignition interlock programs. They were interested in knowing more about:

- The costs involved for installation and the monthly rates.
- How the ignition interlock device works and functions in practice.
- What the efficacy of the device is and how easy or hard it is to tamper with the device.
- What the availability of local providers is and how challenging it is for defendants to obtain the ignition interlock device in their jurisdictions.
- The effectiveness of the ignition interlock device as a deterrent and the studies available that document the effectiveness in reducing recidivism.
- The rates of compliance. (Since the sanction is an administrative matter of the MVD, judges would like to know how the interlock ignition requirements are being monitored and enforced.)
- If there are other areas where the technology could be used (e.g., underage drinking).

Conclusions

It is clear that ready access to ignition interlock service providers is a major problem for most rural jurisdictions in Arizona. It appeared the designers of the legislation expected market forces to act to provide statewide access to ignition interlock services. The indication, however, was that these forces do not operate efficiently in low-density rural jurisdictions. It simply is not profitable for service providers to operate in such jurisdictions.

The study team found Arizona judges desiring additional information about ignition interlocks. This not only was expressed in the interviews with the judges, but also was observed at an educational session included in a Governor’s Office of Highway Safety Judicial DUI Conference attended by the study team. They found participants particularly appreciative of the opportunity to see ignition interlock devices installed on vehicles and to ask questions of the service providers.

Judges in Arizona sentence but the MVD is responsible for executing and enforcing orders to install ignition interlock and monitor its use. This bifurcation makes it easier for offenders to simply not get ignition interlocks installed on their vehicles and to continue to drive with suspended licenses. Continued judicial involvement (e.g., in the form of periodic “status” checks) would go a long way to remedy this situation. Several of the interviewed judges expressed a desire for additional involvement. Research from problem-solving courts suggests that such involvement could lead to better outcomes.

How to Order

For a copy of *Ignition Interlock: An Investigation into Rural Arizona Judges’ Perceptions* prepared by the National Center for State Courts write to the Office of Behavioral Safety Research, NHTSA, NTI-130, 1200 New Jersey Ave., SE., Washington, DC 20590, or send a fax to 202-366-7394, or download from www.nhtsa.gov. Alan Block was the project manager for this study.



U.S. Department of Transportation
**National Highway Traffic Safety
Administration**

1200 New Jersey Avenue SE., NTI-132
Washington, DC 20590

TRAFFIC TECH is a publication to disseminate information about traffic safety programs, including evaluations, innovative programs, and new publications. Feel free to copy it as you wish. If you would like to be added to an e-mail list, contact TrafficTech@dot.gov.