

## Ignition Interlock: How Effective Are Mechanical Police?

By Lauren Kerby

In recent years, the state of New Mexico has received a great deal of praise for passing strict new laws mandating ignition interlock systems for all convicted DWI offenders. However, it would be unwise to view the interlock as a panacea for the state's DWI issues. Even if the law were to be followed to the letter—and it certainly is not—the lack of data pertaining to the interlock system's long-term effect on offender behavior as well as death and injury rates should be cause for concern. Legislators need to look further for a more permanent way to change behavior, in case this quick fix proves to have little or no effect five years down the road.

It is unfortunate that data on recidivism is only available for the period when the interlock is installed, as it leads to undue optimism. According to New Mexico law, first-time offenders must keep the system installed for one year, second-time offenders for two years, and so forth. While recidivism may dramatically decrease during this period, the concern should be what happens when the device is removed. Does the offender learn the lesson and continue to drive sober, or does he return to his old ways when he no longer has the system policing his actions?

In the short term, ignition interlock systems have been shown to be effective. In a study conducted in Maryland, drivers were assigned interlock devices for one year, and monitored for two years to assess its efficacy in reducing drunk driving. According to the results of the study, the interlock was effective in reducing DWI offenders' re-arrest rate by 64 percent during the first year of use when they were installed on the vehicle. However, during the second year of the study when the interlock was removed from the offender's car, the study showed no significant difference in re-arrest rates between offenders who had used the interlock, and those who had not. In other words, the interlock provides a period of grace where an offender cannot drink and drive, but when that period ends, the risk of recidivism returns to normal ([dwidata.org](http://dwidata.org)).

Since New Mexico's mandatory interlock laws have only been in effect since 2005, there is not enough data to support a conclusion that an ignition interlock system either does or does not have a positive long-term effect on recidivism rates. However, judging from national and international trends, lawmakers should at the very least be considering the implementation of mandatory counseling programs to work in conjunction with the interlock system. An interlock does not instill the desire for sobriety behind—or beyond—the wheel. In order to make a permanent change in the offender, more than a mechanical policeman is needed.

The other concern related to interlock laws in New Mexico is the lack of compliance among offenders, regardless of what the courts mandate. In 2006, 18,347 drivers were arrested for DWI. Of those, 12,515 were convicted (NMDOT). One might expect that according to the interlock law, 12,515 ignition interlocks were installed, but the fact is, not all of those convicted actually follow through and install it. In 2006, approximately 6,000 ignition interlocks were installed.

How are offenders evading the system that would allow them to drive legally while sober? Through several loopholes in the law, loopholes that legislators and activists are working to close. For those convicted offenders who leave the courtroom and never install the system, the most common claim is that they do not have a car in which to install it or that they will not be driving at all.

It seems odd that almost a third of those arrested for DWI in New Mexico mysteriously no longer possess a car by the time of their conviction (Roth), and there is good evidence that this may not really be the case, despite their pleas. When threatened with alternative forms of sobriety monitoring in place of ignition interlock systems, convicted offenders in Hancock County, Indiana, managed to find vehicles rather than submit to more inconvenient forms of testing. Ignition interlock installation rates in Hancock

County increased from twenty percent to sixty percent thanks to this policy (MADD). The alternatives to ignition interlock systems include periodic random urine tests, electronic sobriety monitoring, or a device that detects driving. In 2007, New Mexico State Senator Griego proposed these measures as a requirement for convicted DWI offenders who claim not to own a vehicle, but no action was taken on this measure (SB 438).

Another means of avoiding the interlock is simply ignoring the court order to have it installed. Many offenders continue to drive without an ignition interlock system. An offender can also get around the system even if the interlock is installed in the vehicle he or she is driving by having someone sober blow into the device. Currently, there are few, if any, legal repercussions for a sober person who blows into the ignition interlock system which then allows the offender to drive.

Furthermore, current New Mexico policy allows a person to register a vehicle without presenting a valid driver's license. This enables a convicted offender to purchase a car and register it in his or her name without presenting the interlock driver's license that would indicate to the dealer that the ignition interlock needs to be installed. Or, in some areas, an offender can purchase a car from a dealer and, with the dealer's consent, continue using temporary license plates, which list the vehicle as registered in the dealer's name, again allowing the offender to escape the required ignition interlock.

Unfortunately, these are only the loopholes that pertain to convicted offenders, and only two-thirds of those arrested for DWI are actually convicted. The ignition interlock law itself does not apply to those who are arrested for DWI and either abscond or are acquitted on a technicality.

Research shows that these offenders have approximately the same re-arrest rate as convicted offenders; why, then, are they not subjected to the same treatment plan? Anyone arrested for DWI will benefit from an ignition interlock system, and the installation of one should be required for all who are arrested, not just convicted, according to another bill proposed by Griego that was also postponed indefinitely in 2007 (SB 770).

Lack of compliance is a serious issue in New Mexico, and steps need to be taken to address it. Penalties for avoiding or not installing the interlock, such as immediate impoundment or forfeiture of the vehicle, are needed, as are rewards for complying with the law, such as early license reinstatement.

Ignition interlock systems are an important technological advance in the battle against drunk driving, but on their own they will not win it. It's easy to look at the immediate success while the device is installed and relax efforts to fight drunk driving in other areas, but the unfortunate truth is that the problem is not solved yet. Addressing long-term recidivism and compliance will be a start, but we cannot say we have won until drunk-driving is in fact a thing of the past.

## ABOUT THE DWI RESOURCE CENTER

The DWI Resource Center is a tax-exempt 501(c)3 New Mexico organization formed to reduce the social and economic impact of DWI through public awareness, education, prevention programs and research. The Center also provides assistance to victims and serves as a central clearinghouse for information on DWI and victims' rights.

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