



**Lois Windhorst  
MADD Kentucky  
Testimony in Support of Ignition Interlocks for Drunk Drivers  
Interim Judiciary Committee  
September 7, 2018**

Thank you Chairman Westerfield, Chairman Fischer and Members of the Interim Judiciary Committee for allowing me to testify in support of ignition interlocks for all drunk drivers. My name is Lois Windhorst, volunteer and founder of MADD Kentucky.

MADD believes lawmakers must take action in 2019 to save lives by significantly strengthening Kentucky's drunk driving law. The most effective way to do this is becoming the next state to enact an all-offender ignition interlock law. Today, 32 states plus Washington, DC have such laws in place.

Ignition interlocks are the only technology proven to protect the public and the driver because a driver impaired by alcohol cannot start the car. Interlock devices have strong anti-circumvention features and require a deep lung sample. The offender is trained how to use the device to prevent circumvention attempts such as having a child blow into the device. The interlock acts as a virtual probation officer, checking the driver's breath before starting the vehicle and conducting "rolling retests," which require the driver to provide periodic tests at random intervals. Interlocks can come with cameras, GPS, and cellular real-time reporting.

Recent studies on ignition interlock laws show that all-offender ignition interlock laws will save lives and reduce drunk driving deaths by 16 percent. States, like West Virginia, which enacted a law requiring these devices as a condition of driving privileges following a DUI arrest, witnessed drunk driving death reductions by 52 percent.

Even with Kentucky's limited ignition interlock law, these devices have stopped 1,496 attempts to drive drunk in Kentucky in 2017 alone. This means, people who had an interlock installed, tried to start the car with an illegal blood alcohol concentration of .08 or greater nearly 1,500 times in a 12 month period. **It is certain that many more thousands of attempts to drive drunk will be stopped by requiring interlocks for all convicted drunk drivers.**

**Here are five steps to improve Kentucky's drunk driving law so that we will witness a day of no more drunk driving and no more victims:**

1. Strengthen the law so that interlocks are required for all drunk driving offenders who seek driving privileges during a license suspension period.
2. Add a compliance-based removal component to the law (a user must prove a certain period of sober driving before exiting the interlock program).

3. Require interlocks in all plea agreements or reductions in DUI charges.
4. Make \$100 application fee to Transportation Cabinet refundable. Currently, offenders wishing to use an interlock must pay \$100 just to apply. If the Cabinet refuses to grant an interlock license, the offender should receive a refund. This would remove a barrier to many offenders applying for an interlock license.
5. The Transportation Cabinet should have more authority to only relicense drunk drivers if they prove at least six months of ignition interlock use following any drunk driving conviction, regardless of whether the judge ordered the person to use an ignition interlock.

According to the CDC, a first-time offender has driven drunk at least 80 times before being arrested. Therefore, it is a myth that the first time a person is caught for drunk driving is the first time he or she drove drunk.

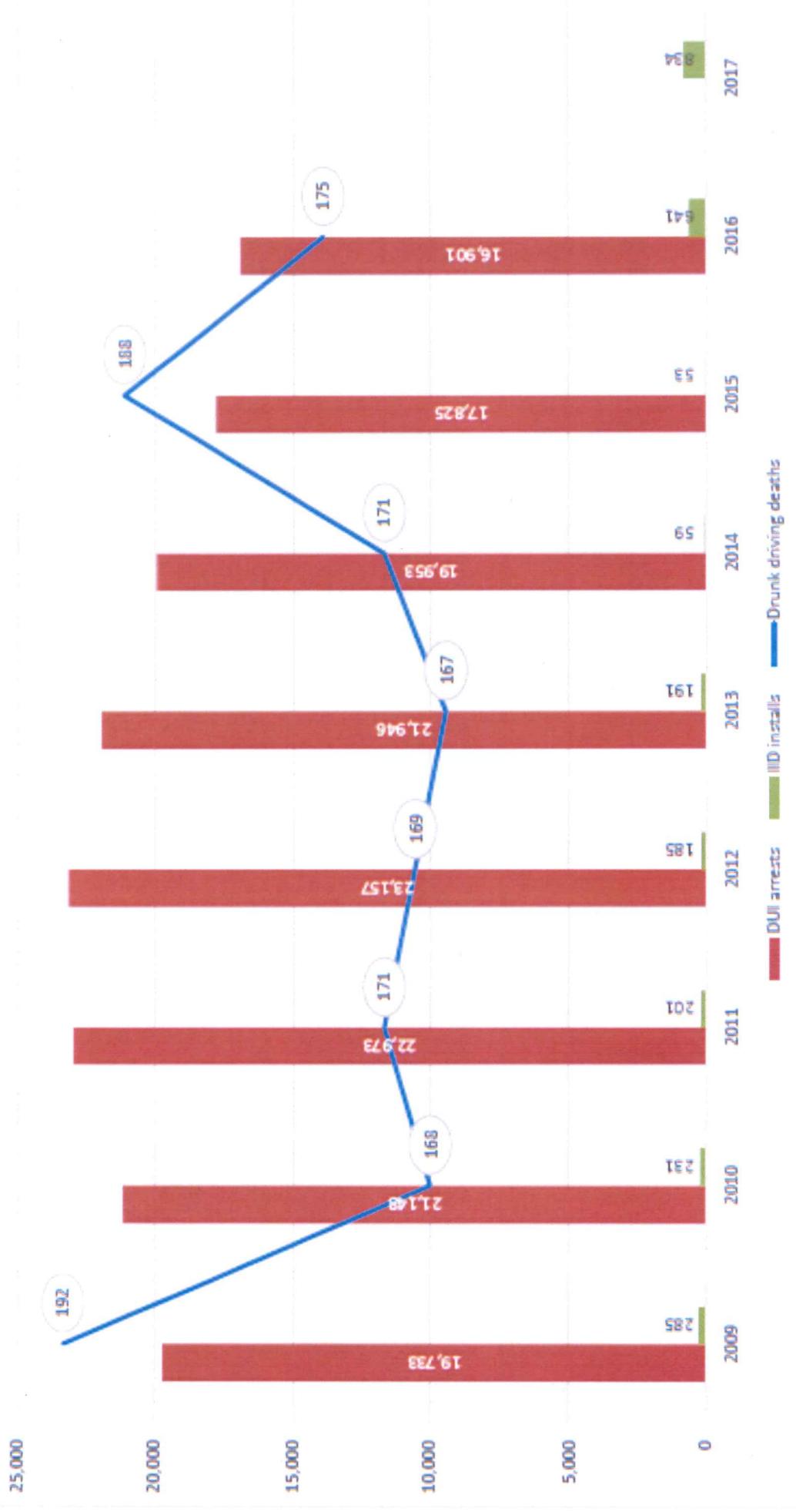
MADD supports ignition interlocks because driver's license suspension alone is no longer effective. Fifty to 75 percent of all convicted drunk drivers will continue to drive even on a suspended license. Since we know drunk drivers continue to drive, ignition interlocks ensure that they are driving sober and the public is protected. License suspensions alone cannot do this and prevent drunk driving crashes.

Research and data prove that a strong ignition interlock law, and not license suspension, is the best way to prevent drunk driving during the interlock period and also after removal. The Centers for Disease Control and Prevention have determined that ignition interlocks reduce DUI recidivism by 67 percent compared to license suspension alone. A 2010 study showed that interlocks reduce repeat offenses by 39 percent even after the device removed.

Widespread use of these in-car devices, which are about the size of a cell phone and prevent vehicles from starting if alcohol is detected on a driver's breath, is recommended by the Centers for Disease Control and Prevention, the National Highway Transportation Safety Administration and nearly every traffic safety organization, including AAA and the Governors Highway Safety Association. Enacting ignition interlocks for all drunk drivers would be a major step toward saving lives and reducing repeat offenses.

Thank you for allowing me to speak today on behalf of MADD Kentucky in support of ignition interlocks. Enclosed with my written testimony is more information on ignition interlocks. I welcome any questions you might have. Thank you.

# Kentucky Drunk Driving Deaths, Arrests, and Interlock Installs from 2009 to 2017



Source: Drunk driving deaths from NHTSA, DUI arrests collected by the FBI. Interlock installs come from data gathered by Dr. Richard Roth and TIRF USA.

2017 DUI arrest and NHTSA drunk driving death information not available.



## Ignition Interlocks Save Lives

Ignition interlocks are effective in reducing repeat drunk driving offenses by 67 percent while the device is installed compared to license suspension alone. (CDC)

Interlocks help reduce repeat offenses even after the device is removed by 39 percent compared to offenders who never installed an interlock. (Marques, 2010)

First-time offenders are serious offenders. Research from the CDC indicates that first time offenders have driven drunk at least 80 times before they are arrested.



**All-offender ignition interlock laws stop drunk drivers with a blood alcohol concentration (BAC) .08 or greater from reoffending.**

### The FACTS

- An interlock is more effective than license suspension alone, as 50 to 75 percent of convicted drunk drivers continue to drive on a suspended license.
- All-offender interlock laws are widespread. Thirty-two states, DC plus a California pilot program (covering a population of over 13 million) have laws requiring ignition interlocks for all first-time convicted drunk drivers.
- As of December 2017, there are approximately 349,030 interlocks in use in the United States.

**Ignition interlock laws saves lives.** Due in part to laws requiring interlocks for all convicted drunk drivers, drunk driving deaths have declined dramatically and at a better pace compared to the national average decline:

- |                                    |                                |                                 |
|------------------------------------|--------------------------------|---------------------------------|
| ✓ <b>West Virginia:</b> 52 percent | ✓ <b>Louisiana:</b> 39 percent | ✓ <b>New Mexico:</b> 24 percent |
| ✓ <b>Arizona:</b> 41 percent       | ✓ <b>Kansas:</b> 29 percent    | ✓ <b>Hawaii:</b> 23 percent     |
| ✓ <b>Mississippi:</b> 39 percent   | ✓ <b>Delaware:</b> 28 percent  | ✓ <b>Tennessee:</b> 22 percent  |

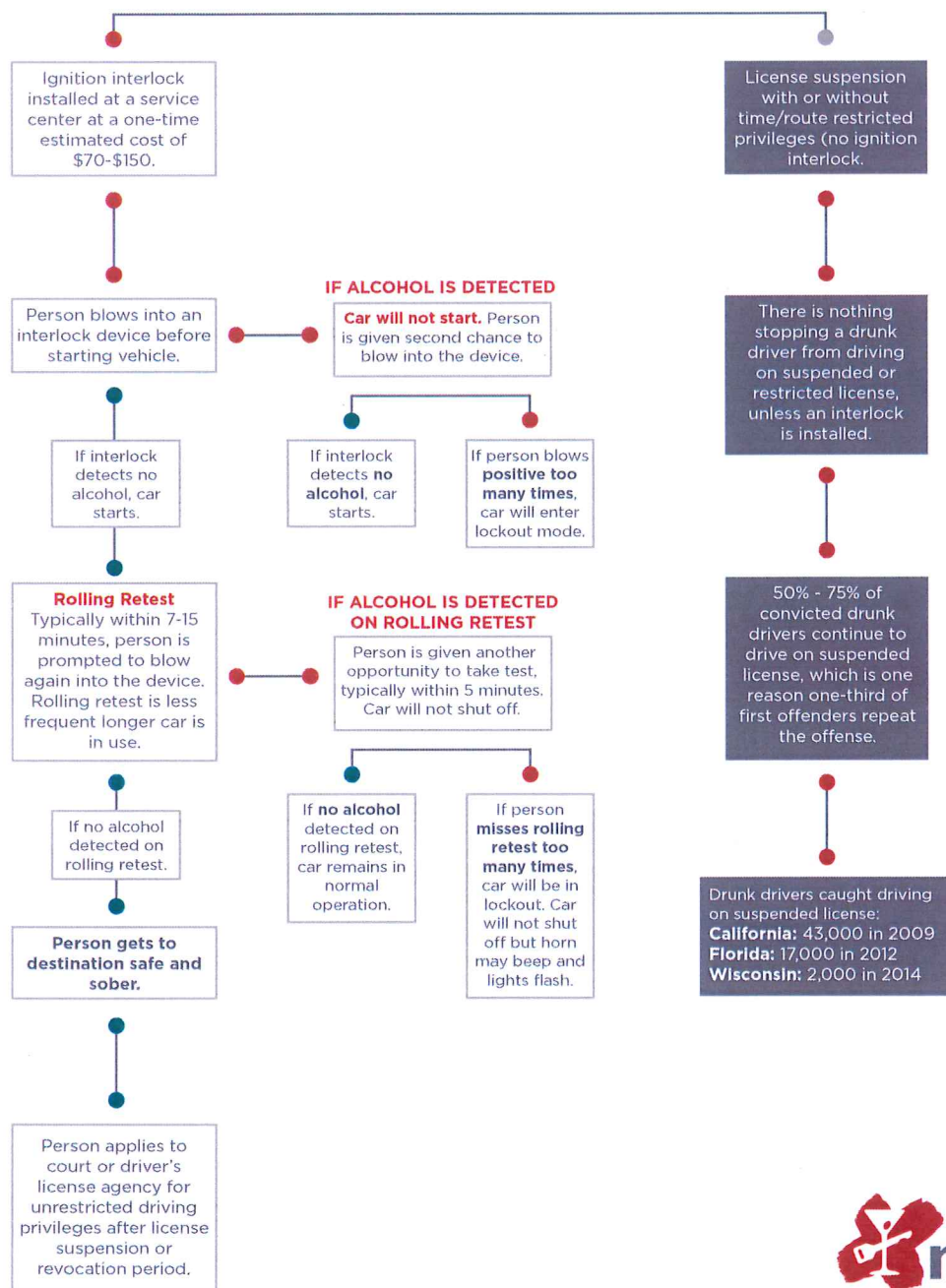
**Public supports Interlocks for all convicted drunk drivers.** Three surveys indicate strong public support of ignition interlocks for all convicted drunk drivers.

- 88 percent (Center for Excellence in Rural Safety, 2010)
- 84 percent (Insurance Institute for Highway Safety, 2009)
- 76 percent (American Automobile Association, 2012)

**In addition to MADD, other traffic safety groups support ignition interlocks for all convicted drunk drivers, including all first offenders with an illegal blood alcohol concentration (BAC) of .08 or greater.**

- |  |  |
|--|--|
| ○ Advocates for Auto and Highway Safety            | ○ International Association of Chiefs of Police (IACP) |
| ○ American Automobile Association (AAA)            | ○ National Safety Council                              |
| ○ Auto Alliance                                    | ○ National Transportation Safety Board (NTSB)          |
| ○ Centers for Disease Control and Prevention (CDC) |  |
| ○ Insurance Institute for Highway Safety (IIHS)    |  |

# Ignition Interlock vs. License Suspension After DUI



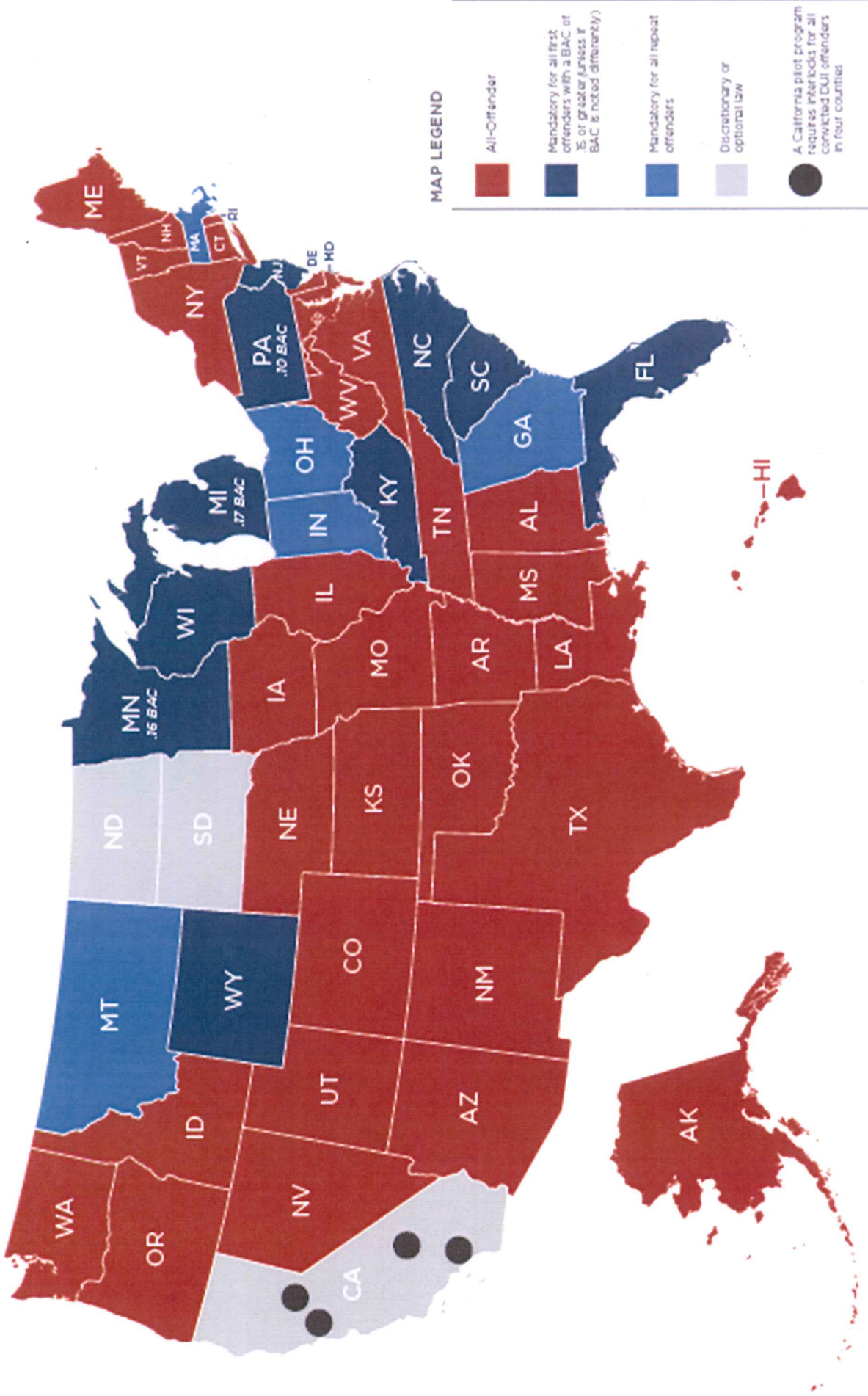
People who use an interlock are less likely to reoffend. Compared to license suspension alone, interlocks reduce repeat offenses by 67% while the device is installed and 39% after the device is removed. Compliance Based Removal could help decrease repeat offenses even more.

MADD supports ignition interlocks for ALL apprehended drunk drivers. Interlocks accomplish what license suspension and other monitoring technologies do not — separate drinking from driving.

- **Interlock Service Center:** Person must get interlock serviced every 30 days.
- **Lockout Mode:** If person blows positive for alcohol too many times or misses a rolling test, device may need to be taken to get serviced sooner than 30 days.
- **Extra time on interlock possible.** The interlock service center may report any violations, too many positive blows or missed rolling retests to a monitoring agency which may result in extra time on interlock if the state has a **Compliance Based Removal** aspect to the interlock law. Many states require offenders to show proof of installation and/or compliance with the interlock order to the court/driver's license agency in order to have device removed.



# Status of Ignition Interlock Laws





## Studies on the Effectiveness of Ignition

**Interlocks** Visit [madd.org/interlock](http://madd.org/interlock) for more information

**Teoh et al, Insurance Institute for Highway Safety, "State Ignition Interlock Laws and Fatal Crashes," March 2018.**

- The number of impaired driving crashes falls 16 percent when states enacts all-offender ignition interlock laws.
- If all states mandated interlocks for all DUI offenders, more than 500 of those deaths would have been avoided.

**McGinty, Emma E. American Journal of Preventative Medicine, "Ignition Interlock Laws: Effects on Fatal Motor Vehicle Crashes, 1982–2013," January, 2017**

- Ignition interlock laws reduce alcohol-involved fatal crashes. Increasing the spread of interlock laws that are mandatory for all offenders would have significant public health benefit.
- Laws requiring interlocks for all drunk driving offenders with a blood alcohol concentration (BAC) of .08 or greater were associated with a seven percent decrease in the rate of drunk driving fatal crashes.
- Laws requiring interlocks for first-time offenders with a BAC of .15 or greater were associated with an eight percent decrease in the rate of drunk driving fatal crashes.
- Laws requiring interlocks for segments of high-risk drunk driving offenders, such as repeat offenders, may reduce alcohol-involved fatal crashes after 2 years of implementation.

**California DMV Study of Four-County Ignition Interlock Pilot Program, June 2016**

- Ignition interlocks are **74% more effective in reducing DUI recidivism** than license suspension alone for first offenders during first 182 days after conviction.
- **Interlocks are 45% more effective** in preventing a repeat DUI incidence when compared to license suspension alone during days 183 to 365 after conviction. (Many first-time offenders have the device removed after 182 days of use.)
- Ignition interlocks are **70% more effective than license suspension** alone in preventing repeat offenses for second-time offenders, compared to license suspension alone, for the first 364 days of use.
- Interlocks are **58% more effective in preventing a repeat DUI incidence during days 365 to 730** days of use for second-time offenders.
- **Third-time offenders who only had a suspended license were 3.4 times more likely to have a fourth DUI** conviction or incidence compared to the interlocked offender group.
- Because interlocked offenders are able to be part of society and provide for their family by driving to work, grocery stores, restaurants and any anywhere else, their crash risk is most likely similar to the general driving population in California, but higher than offenders whose licenses were suspended or revoked and not permitted to drive.

**Kaufman, University of Pennsylvania, "Impact of State Ignition Interlock Laws on Alcohol-Involved Crash Deaths in the United States," March 2016**

- DUI **deaths decreased by 15%** in states that enacted all-offender interlock laws.
- States with mandatory interlock laws saw a **0.8 decrease in deaths for every 100,000 people** each year – which is comparable to lives shown to have been saved from mandatory airbag laws (0.9 lives saved per 100,000 people).

**Mothers Against Drunk Driving, "How Technology Stopped 1.77 million Drunk Drivers," February 10, 2016**

- Ignition interlocks have **prevented more than 1.77 million would-be drunk drivers** with a blood alcohol concentration of .08 or greater in the U.S.

<http://www.talklikemadd.org/books/IgnitionInterlockReport2016/>

**Ullman, Darin F. International Review of Law and Economics 45, "Locked and not loaded: First time offenders and state ignition interlock programs," 2016, 1–13.**

- The interlock program **should be applied to first time offenders** who are not just high-BAC offenders.
- Additionally, the interlock program provides a low cost solution, paid for by off-enders, to a dangerous and often fatal activity that imposes large social and economic costs on society.
- To maximize public health, states with weak IID laws or states that currently have no interlock program which require mandatory participation for first time off-enders, **should adopt strong IID programs** to prevent future costly alcohol-related fatal crashes.
- Results indicate that the potential for interlock programs to prevent alcohol involved driving and alcohol-related crashes is **most significant when the program is applied to a broader cross-section of offenders** and a higher proportion of offenders have the interlock device installed.

**National Highway Traffic Safety Administration, Mayer, "Ignition Interlocks – What You Need to Know: A Toolkit for Policymakers, Highway Safety Professionals, and Advocates (2nd Edition)," 2014. DOT HS 811 883**

- The record of breath tests logged into an ignition interlock has been effective in predicting the future DWI recidivism risk.
- Offenders with higher rates of failed BAC tests have higher rates of post-ignition interlock recidivism.

**National Transportation Safety Board, "Safety Report Reaching Zero: Actions to Eliminate Alcohol-Impaired Driving," 2013.**

- Administrative license suspension or revocation laws are an effective means of reducing alcohol-impaired traffic fatalities, and such **laws could be strengthened by requiring that individuals arrested for driving while intoxicated (DWI) install an alcohol ignition interlock** as a condition of license reinstatement.

**McCartt, Leaf, Farmer, and Eichelberger, Traffic Injury Prevention, "Washington State's Alcohol Ignition Interlock Law: Effects on Recidivism Among First-Time DUI Offenders," 2013.**

- Mandating interlock orders for all first DUI convictions was associated with reductions in recidivism, even with low interlock use rates, and reductions in crashes.
- Additional gains are likely achievable with higher rates.
- Jurisdictions should seek to increase use rates and reconsider permitting reductions in DUI charges to other traffic offenses without interlock order requirements.



**Voas, Tippetts, and Grosz, Alcoholism Clinical Experimental Research, “Administrative Reinstatement Interlock Programs: Florida, A 10-Year Study.”**

- Recidivism Rates...it is not surprising that the recidivism rate rose with the number of years of revocation.
- The lower section of Table 5 presents the annual recidivism rates of offenders while the interlock was on their vehicles and after it had been removed. In keeping with past research, the recidivism rate while on the interlock was approximately two-thirds lower than after the units were removed.

	<b>Period</b>	<b>% Recidivating</b>	<b>Number of Subjects</b>
<b>Recidivism of all mandated to receive interlock during ‘hard’ suspension</b>	<b>1 year</b>	<b>4.38%</b>	<b>91,520</b>
	<b>2 Years</b>	<b>4.90%</b>	<b>60,709</b>
	<b>3 years</b>	<b>5.29%</b>	<b>42,464</b>
	<b>4 years</b>	<b>6.00%</b>	<b>29,282</b>
	<b>5 years</b>	<b>6.86%</b>	<b>18,600</b>
<b>Recidivism while interlock was installed</b>	<b>6 months</b>	<b>.55%</b>	<b>36,063</b>
	<b>1 year</b>	<b>1.20%</b>	<b>19,581</b>
<b>Recidivism after interlock was removed</b>	<b>1 year</b>	<b>3.55%</b>	<b>24,976</b>
	<b>2 years</b>	<b>6.76%</b>	<b>18,095</b>

**National Transportation Safety Board “Highway Special Investigation Report Wrong-Way Driving, 2012.**

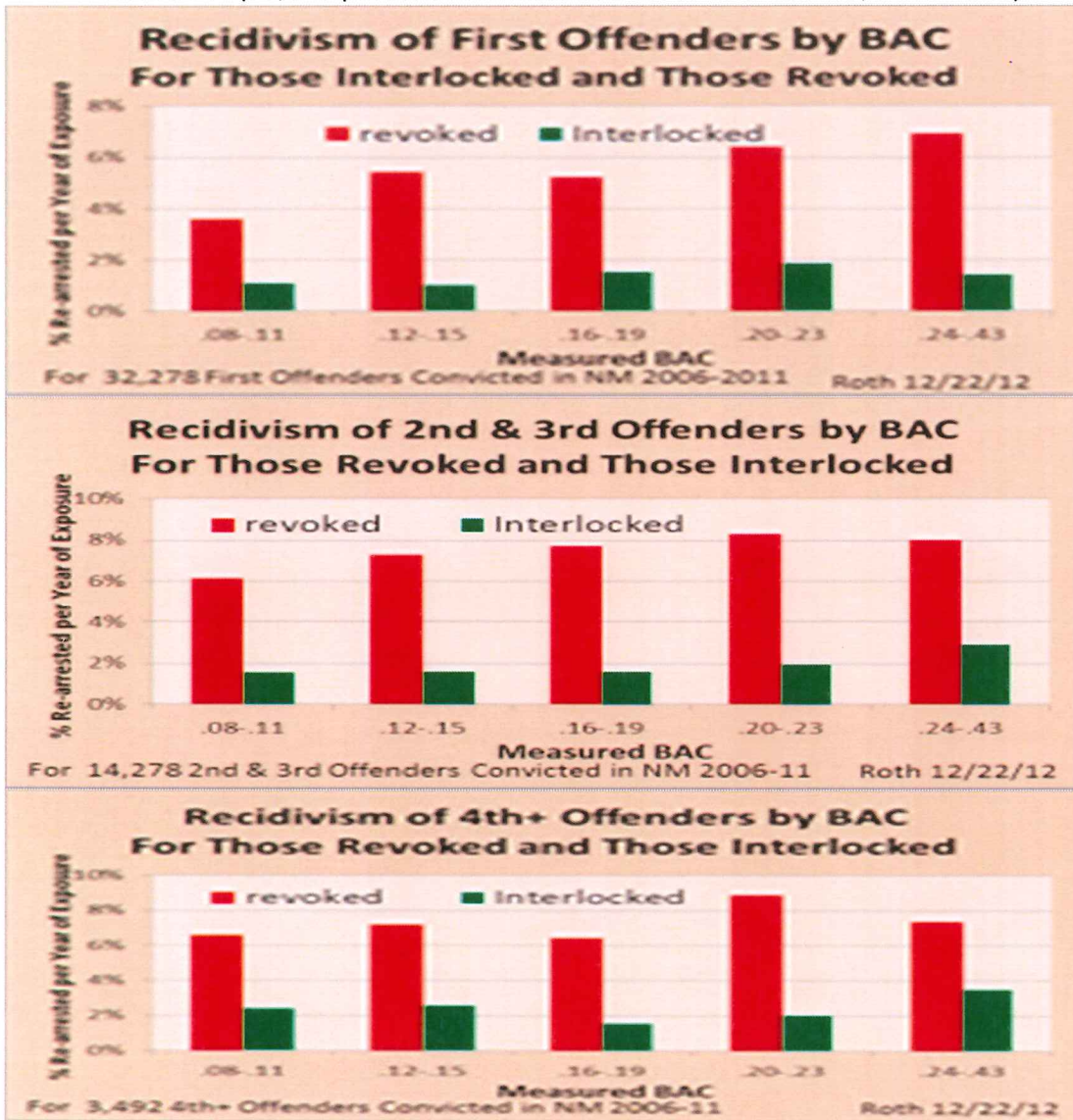
- Research evaluation of ignition interlock programs over the last two decades has found that ignition interlock devices are **effective in reducing recidivism among DWI offenders.**
- Most studies have not found continued reduced recidivism after the device has been removed; however, one study that randomly assigned offenders either to an interlock or to a control program found a **36% reduction in recidivism for the 2-year period after** the interlocks were removed.
- A recent study that examined the effectiveness of laws that require alcohol interlock installations for first-time offenders, as well as repeat or high-BAC offenders, found an **additional benefit in reducing repeat DWI offenses.**
- According to one estimate, if all drivers with at least one alcohol-impaired driving conviction within the 3 years prior to the accident used zero-BAC interlock devices, **approximately 1,100 deaths could have been prevented in 1 year.**
- The **NTSB concludes** that the installation of alcohol ignition interlocks on the vehicles of all DWI offenders **would reduce accidents** caused by alcohol-impaired drivers.

**Traffic Injury Prevention, Ferguson, “Alcohol-Impaired Driving in the United States: Contributors to the Problem and Effective Countermeasures,” 2012.**

- The available scientific evidence **clearly indicates** that offenders with ignition interlocks on their vehicles **are at a substantially lower risk of reoffending** compared to offenders who have had their licenses suspended.
- A review undertaken by the Cochrane Collaboration (Willis et al. 2004) reported that when these devices are used on the vehicles of convicted DWI offenders, they **reduce recidivism by about two thirds** (Willis et al. 2004).
- These effects were **similar for first time offenders** and repeat offenders alike.
- The additional studies examined by Elder et al. (2011) found similar effect sizes. Pooling the data from many of the studies, Elder (2011) estimated the **median effect as a reduction of 67 percent** (range -85 to -50%) in recidivism. Effect sizes were similar for first-time and repeat offenders.

Roth, Presentation to NHTSA Region 5, "Comparison of Recidivism Rates for NM DWI Offenders Obtaining Ignition Interlock Driving Privileges and Offenders with 'Hard' License Suspensions," Madison, WI, October, 2012.

- Recidivism per year of exposure by BAC group and conviction number for interlocked vs revoked offenders. (53,048 persons convicted of DWI in New Mexico, 2006-2011).



Centers for Disease Control and Prevention, 2011

- Re-arrest rates **decreased by a median of 67 percent** relative to comparison groups in a review of 15 studies

Marques, 2010

- Re-arrest rates **decreased by 39 percent** after the device is removed compared to offenders who never installed an interlock

**Rauch, Zador, Ahlin, Howard, Frissell, and Duncan. American Journal of Public Health, Vol 100, No. 5, "Risk of Alcohol-Impaired Driving Recidivism Among First Offenders And Multiple Offenders." May 2010.**

- The recidivism rate among first offenders more closely resembles that of second offenders than of non-offenders.
- Men and women are at equal risk of recidivating once they have had a first violation documented. Any alcohol-impaired driving violation, not just convictions, is a marker for future recidivism.

**Voas, Marques, Roth, 2008**

- **60 percent reduction** in DUI recidivism for first time offenders in New Mexico.

**Voas et al, 2005**

- **Decrease in recidivism by over half** in New Mexico

**Bjerre, 2003**

- Interlocks for first and multiple offenders found **recidivism dropped to nearly zero** in Sweden

**Vežina, 2002**

- **80 percent reduction in recidivism** among first offenders and **66 percent** among repeat offenders in Quebec.

**Voas et al, 1999**

**95 percent reduction in recidivism** among interlocked first offenders and **89 percent reduction** among repeat offenders in Alberta.

**Tippetts and Voas, 1998**

- **77 percent decrease in recidivism** among interlocked first offenders and **75 percent reduction** among repeat offenders in West Virginia.

**Elliott and Morse, 1992**

- **65 percent decrease in recidivism** for first-time offenders with a BAC of .20 or greater and repeat offenders in Cincinnati.