

2021 Ignition Interlock Lessons Learned from **CRIMINAL JUSTICE PROFESSIONALS**



The Texas A&M Transportation Institute (TTI) conducted interviews with criminal justice professionals, including prosecutors, judges, and probation officers, that focused on addressing barriers that adversely affect ignition interlock device (IID) utilization and how stakeholders can improve IID utilization in Texas. The identified barriers are revealed below.



Cost

- Many Texas counties face the challenge of how to address the problem that **some offenders cannot afford the fees** associated with an interlock sanction. As a result, an IID may not be ordered.
- While the court may impose a payment schedule if it is determined that the **defendant cannot pay for the device**, often, this is not sufficient.
- Some entities have established indigent funds to help offset costs for those who otherwise cannot afford an interlock device. In one Texas county, the probation department has funds allocated for indigent offenders, and the fees imposed on DWI offenders are the primary funding source — **there are no county monies** that help pay for IIDs. Currently, there is **no State indigent offender fund**. As Texas IID laws have expanded, the National Highway Traffic Safety Administration recommends that indigent offender funds be developed statewide.¹

Effectiveness of IIDs as a Treatment Tool

- Although criminal justice professionals generally believe IIDs are effective in incapacitating, or separating, the impaired driver from the vehicle, and deterring impaired driving, **not all believe that IIDs effectively change behavior** (i.e., alcohol-impaired driving) once the device is removed.
- However, research suggests that **data collected from IIDs can be used as a part of alcohol treatment programs** to encourage long-term behavior change and reduce recidivism.⁴ Specifically, the data collected by the interlock device can provide treatment providers with current, objective information regarding the offender's behavior, which should result in a better treatment outcome.¹
- Interlocks should not only be utilized as a **deterrent** and incapacitation device, but as a tool in **substance abuse treatment** as well.

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Non-Compliance Response Time

- Criminal justice professionals reported a **gap in time** between when an IID violation occurs and when they are notified.
- Typically, IID violation reports from the vendor are received by probation officers monthly. Therefore, **a month can be between a violation and when a probation officer is informed** of the violation.
- The impact of responses to non-compliant behavior (e.g., increased counseling sessions) and rewards for positive behavior (e.g., zero failed alcohol tests in 3 months) are most significant when they are administered with regularity so that **positive behavior change becomes habituated over time**.²
- While more frequent violation reports are possible from some vendors, **each probation department must assess their officer's ability to handle the additional workload**. Depending on vendor it may be possible for judges to gain access to the interlock vendor portal to verify violations themselves, instead of waiting on probation officers who may have hundreds of other violations to verify at any given time.

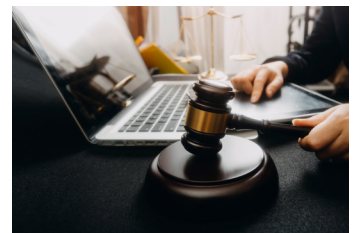
Texas Penal Code 49.09(h)

- Texas Penal Code 49.09(h) added a provision that mandates that a judge enter an order requiring the defendant to install a breath interlock device on each vehicle “owned or operated” by the defendant if the **person was convicted of a second or subsequent DWI offense within five years**.³
- Currently, criminal justice professionals believe **Texas Penal Code 49.09(h) is too convoluted and not well enforced**. Furthermore, the provision adds **extra costs to the offender and the criminal justice system**. It increases caseloads for criminal justice professionals without the benefits seen when interlocks are combined with other community supervision services (e.g., treatment).



Suggested IID Topics

- The Texas legislature should consider amending Texas Penal Code 49.09(h) to allow for more responses beyond the court holding the offender in contempt.
- Court staff, such as clerks, can gain access to interlock vendor portals to verify violations themselves, instead of waiting on probation officers who may have hundreds of other violations to verify at any given time. This access may reduce non-compliance response times. However, compared to probation officers, court staff are likely to have less experience with the devices and may not be able to verify violations as efficiently. However, IID trainings can help educate court staff on monitoring reports more effectively.



Training Opportunities in Texas

- TTI: <https://cades.tti.tamu.edu/trainings/>
- TJCTC: <https://www.tjctc.org/>

References

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2. Carter, M. M. (2015). Behavior Management of Justice-Involved Individuals: Contemporary Research and State-of-the-Art Policy and Practice. Washington, DC: National Institute of Corrections.
3. Texas Penal Code, Article 49.09. Enhanced Offenses and Penalties. Retrieved from <https://statutes.capitol.texas.gov/Docs/PE/htm/PE.49.htm>
4. Fieldler, K., Brittle, C. & Stafford, S. (2012). *Case Studies of Ignition Interlock Programs* (DOT HS 811 594). Washington, DC: National Highway Traffic Safety Administration.