

**Alcohol Interlock Program
Technical Assistance and
Training:
Oregon**



BACKGROUND

The Traffic Injury Research Foundation (TIRF) has a cooperative agreement with the National Highway Traffic Safety Administration (NHTSA) to provide training and technical assistance to jurisdictions to help them strengthen and improve the delivery of their alcohol interlock programs. The nature of the training and technical assistance provided in each jurisdiction varies according to key factors:

- > the maturity of the program;
- > the types of challenges encountered in each jurisdiction;
- > the number of agencies involved in program delivery; and,
- > the level of interest and support of agencies involved in delivery.

An initiative to review Oregon's alcohol interlock program began in September 2012. The primary goal of technical assistance in Oregon was to identify ways to improve the delivery of interlock devices and increase program participation. This was accomplished through an examination of the state's existing program structure, and the identification of priority issues and challenges that impede the growth of the program. Upon completion of the preliminary review, a meeting was organized and held on August 13-14th, 2013 in Salem, Oregon. Relevant stakeholders from the Governor's Advisory Committee (GAC) on DUII participated in the day and a half meeting. The following report is based on the review of Oregon's program and discussions that occurred during the August 2013 meeting.



PURPOSE AND STRUCTURE

An initiative to review Oregon's alcohol interlock program began in September 2012. The objective of the program review was to identify program strengths, to determine where and how gaps in Oregon's current program can occur, and to develop practical solutions to address these issues through either the driver licensing system or the criminal justice system. A secondary goal was to explore opportunities to increase program participation using both short and long-term strategies. A final area of focus was the identification of areas for legislative change to improve the effectiveness of the existing program.

The first step in the process was to gather all relevant interlock program information (including DUII legislation, administrative rules, interlock reports, various interlock forms, program statistics, agency responsibilities, and so forth) and develop a workflow chart that illustrates the processing of offenders through Oregon's interlock program (refer to [Appendix A](#)). The chart describes the steps involved in the interlock program from the point of conviction to program exit. This workflow chart clearly outlines the roles and responsibilities of the various agencies involved in the delivery of the interlock program and can be used to identify where potential gaps in the process occur.

Following the completion of the workflow chart, conference calls were organized with key stakeholders representing various agencies in order to gain additional insight into the operational practices of Oregon's interlock program. The following agencies and practitioners were consulted:

- > Oregon Transportation Safety Division;
- > Driver Control Unit, Driver and Motor Vehicle Services (DMV);
- > Oregon Judicial Department (OJD);
- > Additions and Mental Health Division, Oregon Health Authority; and,
- > Traffic Safety Resource Prosecutor (TSRP).

These practitioners shared their experiences with the interlock program and discussed current practices while also highlighting areas where improvements were needed and/or could be achieved. For example, there was general consensus that the lack of active monitoring of offenders in the interlock program is a major issue.

Based on the document review and practitioner conference calls, key issues (such as monitoring) were identified and informed the development of a meeting agenda. The agenda addressed a variety of specific issues that were cited as concerns by practitioners, or limitations of the current program. Topics included the following:

- > An overview of program features of interlock programs that can improve delivery as well as common program strengths and challenges across jurisdictions.



- > A discussion of important device certification processes, field testing procedures, and program documentation; identification of key features that should be included in approval protocols as well as device requirements and options to consider during the development of certification and technical standards.
- > An overview of monitoring practices utilized in various jurisdictions and discussion to gauge the feasibility of designating potential monitoring authorities. There was also consideration of opportunities to develop a supervision structure and steps to create a monitoring framework (e.g., amendments to administrative rules, legislative changes, designation of a monitoring authority, and so forth).
- > Identification of common violation definitions and discussion of potential language that could be used in Oregon to outline violations in administrative rules.
- > An overview of the components of a vendor oversight plan and the steps Oregon can take to develop a protocol.
- > A discussion of the importance of the standardization of reporting and how to transition from a paper-based system to an automated data management system. This also included the identification of strategies to enhance communication between the licensing authority, courts, probation, and treatment agencies.
- > Identification of strategies to develop informal reciprocal arrangements with neighboring jurisdictions and discussion of how to address common challenges associated with out-of-state offenders. In addition, time was also devoted to a presentation of approaches currently utilized to better accommodate offenders who live in rural areas and how to overcome judicial reluctance to order devices on account of this issue.
- > A discussion of specific short and long-term strategies to increase program participation and determination of the most viable options for Oregon's interlock program. Meeting attendees identified which of these options were achievable in Oregon (see [Appendix B](#)). Recommendations to strengthen Oregon's program as a whole were distributed and reviewed prior to the meeting and also helped inform this roundtable.
- > Identification of potential opportunities to provide education and training about the effectiveness of interlocks and Oregon's interlock program to various facets of the DUI system including law enforcement, prosecutors, the judiciary, probation officers, treatment practitioners, policymakers, and the general public.
- > Identification and prioritization of issues and development of strategies to address challenges prior to upcoming legislative sessions.
- > Identification of next steps to implement strategies and initiatives discussed at the meeting, and discussion of how TIRF can be leveraged to provide ongoing assistance as needed.

The overall goal of the meeting was to identify and prioritize issues and to develop strategies to address these barriers. The meeting provided an opportunity for stakeholders from the

Governor's Advisory Committee on DUII to share their experiences and provide feedback on Oregon's program to inform the development of future initiatives and legislative amendments. As such, both the strengths and challenges of Oregon's interlock program are discussed in detail within this report. The recommendations offered relate to potential areas of legislative change as well as strategies for increasing program participation rates and enhancing the overall quality and integrity of Oregon's interlock program.



PROGRAM STRENGTHS IN OREGON

Oregon has had an alcohol interlock program in place since pilot programs were implemented in the late 1980s. Today, the program is administered by the DMV and has provisions for both first and repeat offenders and a framework in place that could pursue the support of a hybrid program model. Currently, first time DUII offenders are mandated to participate in the interlock program if they enter into a diversion agreement with the courts. Repeat offenders (i.e., first, second and subsequent *convictions*)¹ are also required to install the device for a period of one or two years from the end date of their suspension unless they choose to remain unlicensed during this timeframe. One positive development is that the number of interlock devices installed has steadily increased since 2003. In 2011, there were in excess of 3,400 devices installed.

The review of Oregon’s program and discussions with stakeholders revealed a number of program strengths and opportunities to facilitate program growth. These strengths include:

- > stakeholder engagement;
- > hybrid framework;
- > diversion program for first time DUII offenders;
- > treatment for DUII offenders;
- > Intoxicated Driver Program Fund (indigency provisions);
- > retention of offenders in program; and,
- > device de-certification process.

Stakeholder engagement. The GAC DUII is an active body comprised of committed stakeholders who are actively engaged in reducing the number of DUIIs in Oregon. The committee, which meets monthly, represents the Legislative Assembly, public and private organizations involved in DUII countermeasures, victims, and the general public. It has been charged with the mission of persuading “communities to attack the drunk driving problem in a more organized and systematic manner, including plans to eliminate bottlenecks in the arrest, trial and sentencing process that impair the effectiveness of many drunk driving laws.” The committee has demonstrated leadership in the area of impaired driving and is an important forum for discussion of policy, interventions, and solutions to address DUII.

These stakeholders lent insight to this project and expressed interest in continuing to work towards improving the existing interlock program. Moving forward, the GAC DUII could play an integral role in proposing legislative amendments and recommendations for the enhancement of interlock delivery in the state. At a minimum, the committee has the potential to keep the issue of interlocks present on the DUII agenda and form a working group to begin to examine some of

¹ A first offense within a 15 year period typically results in diversion. A first conviction is actually a second DUII offense (within 15 years) and a second conviction is a third DUII offense (within 15 years).



the challenges that were identified through this technical assistance initiative. During the technical assistance meeting, many participants expressed interest in continuing to have constructive dialogue and to work collaboratively to implement recommendations for interlock program improvement.

Hybrid framework. Another strength of Oregon’s interlock program is that it has a hybrid framework in place which has the potential to take advantage of both the judicial and administrative systems to facilitate program entry. The current limitation is that the program lacks any mandatory provisions that would make the program truly hybrid (i.e., participation in the interlock program is currently not a condition of license reinstatement). The program is administered by the DMV but the courts are involved through first offender diversion. If a legislative change was made such that repeat offenders could not wait out the interlock period and instead were obligated to install the device as a condition of license reinstatement or judges were required to order the interlock for repeat offenders, there is the potential to leverage the strengths of both interlock program models and increase participation rates.

Diversion program for first offenders. An additional strength of Oregon’s interlock program is that first offenders have the ability to participate. Many interlock programs do not have mandatory or voluntary provisions for all first offenders (particularly those who have a BAC below .15). Oregon has had a first offender DUII diversion program in place for many years. Participation in diversion means that the first DUII offense is not counted as a conviction on the driving record permitted that the offender successfully completes the program. However, it is never removed from the record and the offender is required to plead guilty. Offenders are eligible for diversion only once every 15 years.

In 2011, HB 3075 was passed which required all offenders who elected to participate in the diversion program to install an interlock as a condition of their diversion agreement. As of January 1, 2012, in order to successfully complete diversion, offenders must remain compliant with the Uniform DUII Diversion Petition and Agreement which requires the following, including an interlock requirement:

- > pay all required diversion fees;
- > successfully complete an alcohol and drug abuse assessment as directed by the court;
- > successfully complete the recommended treatment program;
- > attend a victim impact panel and pay the participation fee;
- > comply with state laws that prohibit the use of intoxicants;
- > abstain from using any alcohol or other intoxicant during the term of the diversion agreement;
- > keep the court advised at all times of current mailing and residential addresses; and,
- > install an approved interlock device in all vehicles operated during the term of the diversion agreement when driving privileges are available.

Offenders who successfully complete their diversion agreement will have their DUII charge dismissed at the end of the one year program. If the court finds that they violated the terms of their agreement it will be terminated and they will be sentenced without a trial.

For the interlock component of the program, the courts receive reports from vendors although this is limited to information about installation and tampering. The contact that diversion offenders have with the courts is also limited to the point of agreement, if any extensions are needed, the close of the case, or if they do not meet criteria. There are opportunities to provide the courts with data reports as a tool to monitor abstinence. If the courts are not in a position to monitor first offenders, these reports could also be sent to the Alcohol and Drug Evaluation Screening Specialists (ADES) who have frequent contact with offenders and the courts.

In order to maximize the effectiveness of the diversion program, more education could be provided to judges about interlock technology and how it can be utilized as a supervision tool. This might encourage judges to consistently order the device and to use the data reports to monitor abstinence. Given that approximately 11,000 offenders enter the diversion program annually, if judges impose and enforce the interlock requirement, this has the potential to greatly increase the number of offenders in Oregon's interlock program.

Treatment framework. The availability of treatment as part of the re-licensing process in Oregon provides another opportunity to strengthen the interlock program. All DUII offenders (first and repeat) are ordered to make an appointment with an ADES. The role of the ADES is to screen for an appropriate referral to a state approved DUII alcohol and drug treatment program and to subsequently monitor offender compliance and report to the court. During the screening phase, the ADES will determine if an offender should be referred to an information (education) or treatment program by taking into consideration BAC level, driving record, and risks/needs. The information program consists of four sessions that are delivered over a four week period. Treatment is individualized based upon a thorough assessment of substance use.

All individuals whose driving privileges are suspended as a result of a DUII conviction are required to provide proof of treatment completion² to the DMV in order to have their license reinstated. The majority of offenders (approximately 80%) are referred to treatment as opposed to the information program.

The completion of treatment as a requirement of license reinstatement ensures that all offenders in the interlock program have an opportunity to address any underlying alcohol issues that may be present. It is preferable to have treatment provided concurrently with participation in the interlock program; however, the use of treatment as a requirement of license reinstatement at a minimum guarantees that all program participants will have been exposed to treatment interventions at some juncture. Moreover, for first offenders who participate in the diversion program, there are more opportunities to engage in treatment while the interlock is installed.

² The most common form of proof is a DUII Treatment Completion Certificate which is only issued by treatment providers approved by the Oregon Addictions and Mental Health Division.



The ADES are also uniquely positioned to benefit from access to interlock reports as they have the most contact with DUUI offenders and can use the data to inform their decision-making.

Research shows that in order to reduce the likelihood of recidivism once the interlock has been removed, there is a need to incorporate interlocks into a more comprehensive rehabilitation program that deals effectively with the problems that underlie DUI behavior (Beirness et al. 1998). At present, Oregon has the beginnings of this framework which affords program administrators with the opportunity to explore options for the integration of treatment in the interlock program.

Intoxicated Driver Program Fund (IDPF). The costs associated with screening, assessment, and treatment can be onerous (in excess of \$2,500). Recognition of this burden led to the passage of legislation and creation of the IDPF which ensures that offenders cannot be deemed ineligible from interlock program participation due to indigency. The IDPF is administered by the Department of Human Services (DHS) and provides assistance to offenders who cannot afford to pay the costs associated with the interlock device (installation and servicing) and/or treatment. The eligibility criterion for funding is the possession of a current Food Stamp Identification Card issued by DHS. For the interlock program, in order to request a fee waiver, offenders must provide proof of indigence to a vendor who has contracted with the Addictions and Mental Health Division to obtain reimbursement of the device fees. DHS reimburses the approved vendor for fees waived for any person meeting indigency standards. The IDPF is regulated and monitored closely by DHS and the Office of Economic Analysis which safeguards against abuse and depletion of funds. At present, there are approximately 500 DUUI offenders who receive subsidized funding for the interlock program or treatment.

Retention of offenders in program. Another important aspect of Oregon's interlock program is that offenders are not removed from the program for non-compliance (e.g., repeated failed breath tests, failed/missed running re-tests). These offenders pose the greatest risk of recidivism and should be retained in the program until they can demonstrate that they are able to separate drinking behavior from driving. Currently, offenders are only removed from the program for tampering or early removal of the interlock device. Although extensions of program participation are not utilized at present, the retention of those offenders who have multiple failed breath tests in the program for the full term of their required participation is a positive step toward the development of performance-based exit and ensures that high-risk offenders at least have the opportunity to learn to separate drinking from driving.

De-certification process. From a program integrity and quality standpoint, a final strength of Oregon's program is that the DMV has the authority to remove an interlock from the list of approved devices. This ensures that devices which fail to meet program requirements or standards can be removed from the market. The current criteria for removal include:

- > repeated device failure due to gross defects in design, materials, or workmanship during manufacture;
- > notices of cancellation of the manufacturer's liability insurance;
- > notification that the manufacturer or provider is no longer in business;

- > voluntary request from the manufacturer to remove the device from the approved list; or,
- > any other reasonable causes to believe the device was inaccurately represented to meet the performance standards.

When a device is removed from the list of approved devices it can no longer be used for new installations. Program participants who have the device installed are permitted to continue using it until the end of their interlock period to avoid undue inconvenience. The de-certification process is an important aspect of quality control and provides a starting point to develop and implement additional vendor oversight measures.



PROGRAM CHALLENGES IN OREGON

Many challenges that impede the ability to deliver the interlock program in Oregon were identified through discussions with stakeholders. These challenges, while numerous, can be overcome through increased education efforts and legislative amendments. A piecemeal approach to address issues in a manageable fashion can be utilized by building upon the existing program foundation and being cognizant of resource and staffing limitations. Some challenges will be easier to address than others given legislative constraints. This should not, however, be a deterrent to the development and implementation of strategies to achieve long-term goals. The majority of program challenges relate to the current set of interlock laws. Legislative amendments could add 'teeth' to these laws and establish supervision provisions that would lead to greater offender accountability.

It is important to note that many of these issues are not uncommon to interlock programs generally. The identified challenges associated with the delivery of the alcohol interlock program in Oregon include:

- > lack of mandatory participation provisions;
- > long hard suspension periods;
- > low program participation rates;
- > lack of monitoring/no designated authority;
- > no standardized violation definitions;
- > lack of graduated responses to violations;
- > lack of performance-based exit criteria;
- > 60-day calibration cycle;
- > lack of communication between DMV and courts;
- > lack of data automation;
- > use of semiconductor devices;
- > limited device certification criteria;
- > excessive number of vendors;
- > no vendor oversight protocol;
- > limited education and training opportunities for practitioners;
- > limited accommodation of rural offenders;
- > lack of jurisdictional reciprocity; and,
- > Intoxicated Driver Program Fund issues.

Lack of mandatory provisions. A significant barrier to program participation in Oregon is the lack of mandatory provisions contained within interlock legislation. Participation in the interlock program is described as mandatory for all first offenders in the diversion program as well as those convicted of a first or second and subsequent DUUI. This however, is not the reality in practice. Repeat offenders who are required to install an interlock have the option to wait out this period. In other words, they can decide to not drive during the one or two year interlock condition and receive their license at the end of this timeframe regardless of whether they ever installed the device. In this sense, the Oregon interlock law lacks teeth and there is little incentive for offenders to enter into the program and limited authority available to program administrators to require participation.

There is a similar loophole contained within the diversion program. Technically, installation of an interlock is required as a condition of the diversion agreement pursuant to HB 3075. However, the interlock is *not* required if the offender does not have a valid license which allows them to delay installation or effectively opt out. Practitioners noted that not every offender will acquire driving privileges at the outset of diversion and because the program is only one year in duration, they may not have these privileges for the majority of that time. In these instances, judges sometimes exercise discretion and allow participation in diversion without the interlock.

In order to strengthen Oregon's interlock program, the completion of the interlock program must be made a condition of re-licensing for repeat offenders, effectively eliminating their ability to 'opt out' of device installation. Moreover, the installation of an interlock for purposes of diversion should become a standard requirement and those offenders who do not meet this eligibility criteria be denied participation in diversion.

Lengthy hard suspensions. Another feature that creates barriers to interlock program entry in Oregon is the long hard suspension period that repeat offenders are required to serve (one or three years) before being eligible to have the interlock installed. Research has shown that between 25-75% of suspended or revoked drivers continue to drive (Griffin III and De La Zerda 2000; McCartt et al. 2002). It has also been estimated, albeit with some methodological limitations, that driving while suspended and driving while revoked offenders are 3.7 times more likely to be involved in a fatal crash than drivers with a valid license (DeYoung et al. 1997). More recently, Blows et al. (2005) found that unlicensed drivers are 11 times more likely to be involved in a serious injury crash when compared to drivers who have a valid license.

Interlock studies suggest that offenders should have an interlock installed as soon as possible following the imposition of pre-trial conditions or upon conviction (McCartt et al. 2002). The immediate installation of the alcohol interlock reduces opportunities for convicted offenders to 'learn' to drive undetected without a license. As evidence of this, in jurisdictions where the hard suspension period (e.g., period during which a driver is not eligible for any type of driving privilege) is one year, it is clear that these offenders not only continue driving (see e.g., Voas and DeYoung 2002), but they also continue to be arrested for impaired driving offenses. Research also demonstrates that those drivers who are subject to a long period of hard suspension are less likely to re-license (Tashima and Helander 2002). In other words, offenders who are required to wait any lengthy amount of time before being eligible to participate in an

interlock program will drive on their revoked or suspended license and are more likely to never install the device and/or become re-licensed.

The lack of mandatory provisions for the completion of the interlock program in Oregon further compounds this problem. If offenders learned to drive unlicensed and undetected during the original hard suspension period they might opt to sit out the interlock period and continue to drive in order to avoid perceived inconvenience, embarrassment, and costs associated with the device.

A reduction in the hard suspension period could incentivize repeat offenders to enter into the interlock program. Several states such as Minnesota, New Mexico, and Washington have eliminated the hard suspension period to enable offenders to be immediately eligible for an alcohol interlock-restricted license. The goal of this practice is to retain offenders within the driver licensing system. Essentially, these jurisdictions have created opportunities to enable offenders to be part of the licensing system while ensuring that they are driving safely (i.e., the alcohol interlock prevents them from driving while impaired). This strategy has the advantage of keeping offenders in the licensing system as opposed to becoming part of the population of unlicensed drivers, who pose a considerable threat to the public.

Low participation rates. Low program participation rates are consistently identified as the greatest challenge that interlock programs encounter. As noted above, it is common for eligible offenders to either wait out the hard suspension period or choose to drive unlicensed instead of installing an interlock. Current estimates place participation rates at 30% in Oregon which is relatively high in comparison to other jurisdictions. In 2011, there were 3,410 interlocks installed while there were 9,547 interlocks required (although the number of suspensions requiring an interlock must take into account that some drivers had more than one suspension). Clearly many eligible offenders (either those who enter through diversion or those with a first or second and subsequent conviction) elect not to enter into the interlock program. Stakeholders identified several explanations for the low participation rates in Oregon which included:

- > judges failing to order the device as a condition of diversion;
- > offenders choosing to drive unlicensed or opting to sit out the interlock period to avoid the cost and/or inconvenience of the device;
- > lack of follow-up/monitoring to ensure that offenders are installing the device and are compliant with program requirements;
- > lack of information about interlock eligibility provided to offenders; and,
- > lack of availability of services for offenders outside of metropolitan areas.

With respect to the first barrier, historically, judges have been reluctant to impose alcohol interlocks as a sanction, often as a result of their familiarity with the limitations of early devices and a lack of knowledge about current technological advances and device effectiveness. Other concerns may relate to the ability of offenders to circumvent earlier versions of devices, the impact of devices on single-vehicle families, and program costs. Given that the introduction of the new diversion program requirement is a recent development, not all judges have begun the



practice of routinely ordering the devices as well as following-up to ensure that offenders satisfy this requirement. An additional caveat that further complicates the use of interlocks in diversion and frustrates judges is that offenders are only eligible to install the device when driving privileges are reinstated.

The remaining barriers are discussed in greater detail within this section. Corresponding recommendations to address these program participation barriers are contained within the following section and in Appendix B.

Lack of monitoring. The most significant challenge that was identified in Oregon is the lack of effective monitoring of offenders in the interlock program. The monitoring component of any alcohol interlock program is a key to success because, in the absence of proper monitoring, offenders are not held accountable for non-compliance and subsequently, are unlikely to alter their behavior. Unfortunately, offenders in Oregon are not monitored for non-compliance. In fact, there is no single agency designated with the authority to monitor interlock offenders. Most DUII offenders are not actively supervised by probation officers and there is no guarantee that the courts or a designated authority receives, reviews, and acts upon violation reports. A single agency should either have the ability to take action when offenders are non-compliant, or a clear understanding of which agency will be responsible for sanctioning. If there are multiple agencies involved in the delivery of the interlock program, each agency should be aware of their individual roles and responsibilities relative to the other agencies particularly with regards to monitoring. In Oregon, the hybrid nature of the program could be used to create a monitoring framework but it would require either the courts or the DMV to take the lead in the supervision of offenders.

While the benefits of using a hybrid model were highlighted in the preceding section, it is necessary to state that this type of interlock program model can also present challenges from an accountability standpoint if no agency takes action on violations. The DMV currently lacks the authority to apply meaningful sanctions to those offenders who are not actively supervised. At best, the licensing authority can revoke the driving privileges and reinstate the original suspension. Probation plays a limited role as many DUII offenders are subject to 'bench supervision.' Those in the diversion program appear infrequently and have limited to no contact with the court. If the court authority does not receive information, does not know how to interpret interlock data, or the period of supervision lapses prior to the completion of the interlock requirement then there is no accountability and offenders are unlikely to change their behavior.

Without the inclusion of monitoring provisions and the creation of violation definitions as well as graduated responses and performance-based exit criteria (each of which are discussed in greater detail below) there is concern that the program is not being used to its optimal benefit due to a lack of offender accountability.

No standardized violation definitions. A lack of standardized violation definitions, particularly alcohol-related violations, misses an opportunity to increase offender accountability and to identify those offenders who are unable to separate drinking from driving. Specific definitions of violations and associated consequences are important for two reasons: 1) they are necessary to ensure the quality of monitoring/reporting of data, and, 2) they ensure that offenders understand

what behaviors are unacceptable, what behaviors will be reported, and the consequences for these behaviors.

At present, the only violations of Oregon's interlock program are failure to install/use the interlock, tampering, furnishing a vehicle without an interlock to a person required to have an interlock, soliciting another person to blow into the interlock, and, blowing into the interlock to assist a person required to use the device. Failed breath tests and missed and/or failed running re-tests are not reported and no actions are taken as a result. Violation reports may be made available to the court or an appointed designee such as a treatment official upon request, but there is no prescribed or formalized set of actions in place to take in response to alcohol-related violations. In essence, there are no consequences for failed breath tests. The only possible sanction offenders face is a lockout unless a court authority decides to pursue action for violation of abstinence requirements which is done infrequently.

Lack of graduated responses and performance-based exit criteria. Another major challenge that relates to the lack of monitoring provisions in Oregon is the absence of graduated responses and performance-based exit criteria to address offender non-compliance. These are two important additions to any interlock program framework that administrators may consider when drafting new legislation or revising administrative rules. The absence of these provisions misses out on 'teachable moments.' Consistent observation and follow-up after drinking events is more likely to deter offenders from persisting in their drinking and driving behavior, especially if they feel as though there is a good probability that they will be caught and sanctioned accordingly, which again, speaks to the importance of close supervision.

A system of graduated responses and a strategy to apply it is, therefore, needed to create accountability among offenders and encourage their compliance with requirements of the interlock program. Also, if graduated responses are included in the interlock program, it is worthwhile to consider the use of both sanctions and reinforcements.

Compliance-based removal from an interlock program is equally, if not more, important than graduated responses. While offenders are not removed from the interlock program in Oregon per se, the DMV and the courts do have the discretion to cancel or revoke driving privileges as a result of violations (e.g., tampering). There are also no provisions to extend program participation for offenders who are non-compliant, even though the courts technically have the authority to do so. Performance-based exit criteria can ensure that offenders who pose the greatest risk (based on their demonstrated inability to separate drinking from driving) stay in the interlock program until they come into compliance with program requirements – i.e., no longer have violations. If the interlock is removed, these high-risk offenders are likely to continue driving after consuming alcohol. The inclusion of such criteria should be considered during the revision of administrative rules. However, the only way to utilize performance-based exit criteria effectively is to designate probation or another agency to actively monitor offender participation in the interlock program, particularly for alcohol-related violations. States such as Washington and Virginia can serve as examples of how to successfully implement performance-based exit criteria.

60-day calibration cycle. An additional challenge that compounds supervision issues is that even if data downloads are provided to a monitoring authority, the 60-day calibration cycle greatly hinders the ability of a case manager or supervision official to hold an offender accountable in a timely manner. Currently, offenders in Oregon's interlock program are required to return to the service center every 60 days to have the device calibrated and data downloaded. The lapse between violations and the receipt of reports (i.e., in excess of two months) means that offenders would not face swift and meaningful consequences for their non-compliance, and subsequently, would be less likely to change their behavior. Most jurisdictions require offenders to have data downloaded every 30 days; such a transition in Oregon, from a 60-day to a 30-day reporting cycle, would better facilitate monitoring and allow for timely responses to program violations.

Lack of communication. The limited communication among agencies involved in the delivery of Oregon's interlock program makes it challenging to implement effective monitoring of offenders. To date, there has been a lack of communication between the DMV and the courts/probation. The courts notify the DMV of the order to install the interlock but there is limited contact beyond this initial provision of information. For example, the DMV does not notify the court if an offender fails to comply with an order to install. This is not uncommon as communication between administrative and judicial agencies is historically limited, fraught with challenges, and inconsistent. There are however, opportunities to open channels of dialogue and establish information-sharing strategies. Licensing and criminal justice agencies have a common goal of preventing impaired driving recidivism and the use of alcohol interlocks is a proven strategy to combat this type of offense. Perhaps greater collaboration is needed between these parties to identify opportunities to work together to close gaps in the system that result in offenders either failing to install the interlock or opting not to satisfy their program participation requirements. The creation of a committee or working group with members from the DMV and the courts could be a starting point to address the concerns of each.

Lack of data automation. Another challenge that impedes both monitoring and communication as well as increases workload is Oregon's reliance on a paper-based reporting system (i.e., communication via mail and fax). An automated system serves to automate routine tasks related to the management of interlock program participants. With any paper-based reporting system, agencies run the risk of offenders slipping through gaps in the system or being overlooked which can typically be tied to a lack of staff, weak communication channels, and untimely exchange of information between various agencies. Jurisdictions can benefit from an automated system, particularly if a potentially large number of offenders will eventually participate in the interlock program. With the introduction of the diversion provisions in 2012, Oregon's interlock program stands to increase rapidly which makes it an optimal time to consider transitioning to an automated system. Given that Oregon's interlock program is also delivered by a number of agencies and there are multiple vendors approved to do business in the state, automating the process of notifications, reporting, and communication could improve information-sharing overall.

Use of semiconductor devices. The vast majority of jurisdictions have eliminated the use of semiconductor interlock devices as the presence of this antiquated technology is a threat to

program integrity. Oregon has yet to include such a provision in administrative rules. While semiconductor sensor technology was common in earlier interlock devices, modern devices have since replaced these older sensors with more advanced methods of alcohol detection (e.g., electrochemical or fuel cell sensors). The two primary limitations of semiconductor devices are that they are not ethyl alcohol-specific (which means that substances such as perfume, cigarette smoke, or other hydrocarbons may result in an alcohol-positive reading and a lockout of the vehicle), and they require frequent recalibration to maintain the accuracy and reliability of the alcohol measurement. In addition, semiconductor technology is more susceptible to changes in the atmosphere such as pressure and elevation or altitude (e.g., shipping the device via aircraft would disrupt the calibration), which makes the device inherently unreliable. These older sensors also dry out unless regularly exposed to alcohol; in other words, the more the sensor is exposed to alcohol, the better it works. This is problematic if the alcohol interlock is not used or does not detect alcohol on a regular basis, which is not a desired outcome from a behavioral perspective when the goal is to separate drinking from driving.

A potential solution to this problem is to only approve fuel cell devices for use in Oregon and to include provisions in administrative rules that prevent the certification and use of semiconductor devices. The NHTSA 2013 model specifications (available online: <http://aiipa.org/Resources/Documents/2013-BAIID%20Model%20Specifications.pdf>) should serve as a baseline standard and all devices should be required to meet these standards for certification purposes at the state level.

Limited device certification criteria. The absence of test protocols for devices to be certified is an issue that can affect interlock program integrity. In order for an interlock device to be approved for use in Oregon, it must meet certain criteria outlined in administrative rules. The devices have to be certified by the manufacturer to meet the requirements contained in ORS 813.600(2) which include:

- > do not impede the safe operation of the vehicle;
- > have the fewest opportunities to be bypassed;
- > correlate well with established measures of alcohol impairment;
- > work accurately and reliably in an unsupervised environment;
- > require a deep lung breath sample;
- > resist tampering and give evidence if tampering is attempted;
- > are difficult to circumvent;
- > minimize inconvenience to a sober user;
- > operate reliably over the range of automobile environments or manufacturing standards;
- > are manufactured by a party who is adequately insured for product liability; and,
- > have a label affixed in a prominent location warning that any person tampering with, circumventing, or otherwise misusing the device is subject to civil penalty.



These criteria form the beginning of a more stringent testing protocol, but specific requirements common to other interlock programs are not needed to be approved for business in Oregon. One requirement that is absent but is standard practice in almost all states is that devices be required to meet NHTSA model specifications, particularly the most recent standards (released in 2013). Any vendor that seeks device approval should be required to meet this criterion above all others.

It is important to formalize a relationship between the state and interlock vendors to ensure that protocols exist that prohibit vendors from doing business in a jurisdiction if the quality of services or devices is not acceptable. Each jurisdiction may manage their relationship with approved alcohol interlock vendors and devices using different strategies - a jurisdiction may require certification of only the interlock device (as is the case in Oregon), while others also require certification of the vendor/manufacturer.

Some jurisdictions utilize a request for certification (RFC) which includes a list of interlock standards, requirements, and settings that each device is required to meet in order to be considered for certification. In these instances, the agency responsible for certification will require proof from an independent laboratory or state testing authority that attests that the device met the requirements of the RFC. In addition, other requirements related to device delivery and calibration methods/procedures might also need to be met in order to obtain certification.

Oregon might consider transitioning to this type of RFC process as it will allow program administrators to eliminate vendors who do not maintain a certain standard of service. If possible, it is beneficial to review RFCs from other jurisdictions. An example of a list of state vendor specifications can be found at: <http://aiipa.org/Default.aspx?pagelid=1320420>

Excessive number of vendors. The failure to establish strict and comprehensive requirements for certification creates an environment that could potentially leave an interlock program open to liability. Program administrators should only want vendors who provide the highest quality services approved to do business in their state. At present, Oregon has more than 15 different interlock manufacturers with approved devices, many of which are not approved in any other jurisdiction. The reason why this has occurred is due to the continued allowance of the use of semiconductor devices and the limited certification criteria that were previously discussed. If Oregon transitioned to an RFC process, for example, several of these vendors would likely fail to meet the necessary standards to do business.

The approval of multiple vendors within a state is common practice as this creates a healthy, competitive market which typically drives down costs for program participants. However, it is important to find a middle ground between a vendor monopoly and more vendors than the market can support. There are also practical considerations from a program management perspective. In the absence of automated and standardized reporting, the presence of multiple vendors can increase workload for practitioners who review violation reports as each vendor reports in different formats. A large number of vendors also make it challenging to have adequate oversight to maintain program integrity.

Vendor oversight. Another challenge in Oregon is that the state currently does not have a vendor oversight protocol, although there are plans to explore this issue further. Vendor oversight is a process for auditing service centers and assessing the quality of installers. An oversight plan should address the continuum of interlock service delivery from the development of administrative rules, to the approval of vendors and devices, and through to the ongoing delivery of devices and services to program participants. More specifically, the protocol should describe how vendor practices and services will be monitored to ensure that operations are consistent with device and service delivery requirements outlined in the administrative rules or specified in any request for certification or contract that permits the vendor to conduct business in the state. Vendor oversight is a valuable tool to ensure uniform and quality service delivery, but, to date, few jurisdictions have these protocols in place or the resources to undertake oversight.

An agency with capacity to undertake this role will have to be designated to oversee these efforts and given the authority to take action when needed. At present, DMV handles device approval and de-certification so it may, by extension, be the logical choice to be in charge of any oversight activities.

Limited education and training opportunities for practitioners. The limited educational and training opportunities for Oregon court, probation, treatment, and law enforcement officials are another challenge that stakeholders identified. All agencies and practitioners involved in the delivery of the interlock program (those directly involved as well as agencies on the periphery) require up-to-date information about interlock technology and research. For example:

- > Law enforcement should have a working knowledge of the device (e.g., what the device looks like, how it operates, and what to look for during a traffic stop).
- > Judges and prosecutors should receive education regarding the effectiveness of devices and associated benefits.
- > Probation officers and treatment officials should be trained on how to review violation reports and data downloads.

Some outreach has been done as of the writing of this report however, stakeholders were in agreement that more training is needed for the various facets of the DUII system. The judiciary, in particular, was identified as a group that would benefit from more information about interlocks. Judicial education to address misconceptions about effectiveness could contribute to an increase in usage by the courts among diversion program participants.

There was consensus that interlocks need to be made a part of the broader DUII issue for every facet of the DUII system in Oregon and more information should be provided to practitioners and policymakers whenever feasible.

Limited accommodation of rural offenders. The provision of services in rural jurisdictions was identified as an issue faced in Oregon however, there was a lack of consensus as to the magnitude of this problem and the priority it should be given in light of other barriers. Oregon is the ninth largest state by land mass and has a population density of only 39.9/sq mile; there are



also many rural counties in the state. Generally speaking, practitioners in rural jurisdictions encounter distinct challenges when dealing with impaired driving. These include lack of available funding and resources, higher levels of indigency, lack of alternative sanctions, lack of appropriate treatment services, limited transportation options (e.g., public transportation), and an inability to implement best practices and programming. In areas with small populations or areas that are far removed from urban centers, the presence of services (including interlock vendors, probation, and treatment) is likely to be sparse without a minimum level of demand for cost reasons.

With regard to interlocks, the limited availability of device installation and service for offenders is a primary cause for concern. Some judges have expressed reluctance to order interlocks for offenders who would be forced to travel long distances for installation and servicing, particularly in the eastern and coastal regions. Lack of access may mean that offenders find it necessary to commute to urban areas for regular servicing which can take time away from employment and family obligations as well as obligations to the court (e.g., participation in treatment, reporting to a probation or court officer).

Statewide coverage (e.g., 50 or 65-mile radius) to accommodate these offenders has not been included as part of Oregon's administrative rules or vendor requirements. A requirement such as this or some feasible variation such as shared territories among vendors, ensures that all offenders have access to service and that data downloads and maintenance is not overly onerous.

Rural jurisdictions also lack other services such as treatment which poses problems, particularly if completion of treatment becomes a criterion for interlock eligibility or program completion.

Lack of jurisdictional reciprocity. Similar to the provision of services in rural jurisdictions, the issue of jurisdictional reciprocity was identified as a challenge of lesser priority in Oregon. Jurisdictional reciprocity refers to the effective management of offenders who are required to serve a period of interlock supervision by a jurisdiction where an impaired driving offense was committed but the offender resides in a different jurisdiction. The problem is not as pronounced in Oregon as it is in landlocked states with multiple borders but it remains a source of frustration for program administrators when encountered due to a lack of formal protocols. While the exact magnitude of the problem is not known, program administrators are aware that not an insignificant number of offenders avoid program participation by re-locating.

At present, a good working relationship has been established with Washington. However, the programs in other border states such as California, Nevada, and Idaho are quite different which makes it challenging to accommodate transient or out-of-state offenders. As such, these situations tend to be handled on a case-by-case basis. The creation of informal arrangements with these border states would be an important step towards developing practical and feasible solutions to ensure that offenders are not able to avoid interlock conditions through re-location.

IDPF issues. One final challenge encountered in Oregon relates to the Intoxicated Driver Program Fund. As mentioned in the previous section, this fund is well-regulated and maintained by the Oregon Department of Human Services. At present, only one interlock vendor is tied to

this fund through a contracting process. DHS reimburses the approved vendor from the IDPF for fees waived for any person meeting indigence standards. Subsequently, all offenders who are declared indigent only have one choice of vendor to install and service the device. While this has yet to become a major point of contention, it does limit choice on the part of interlock program participants and could also create conflict downstream if the IDPF provides a single vendor with a larger client base.



RECOMMENDATIONS

The following list of recommendations is comprehensive and is meant to cover all aspects of alcohol interlock program implementation and delivery; they are also in line with NHTSA's recently released Model Guideline for State Ignition Interlock Programs. Some of the proposed strategies can be achieved in the short-term and may be more feasible to implement than others. The long-term recommendations are likely to require a more concerted effort and are goals that agencies can work towards in the future. As such, TIRF suggests that Oregon prioritize these recommendations to identify those that can be accomplished and what level of attention should be devoted to each based on existing staffing, resource, and logistical constraints.

Legislation

1. It is recommended that any new proposed legislation include mandatory provisions for ALL repeat DUUI offenders. It is also recommended that the administrative component of the interlock program be strengthened by requiring the successful completion of the program as a condition of full license reinstatement. Many repeat offenders currently 'opt out' of the interlock program by choosing to have their driving privileges suspended instead of installing the interlock device; in other words, these offenders wait out the period in which they should have an interlock installed on their vehicle. There is a high probability that many of these offenders drive unlicensed during this timeframe. Given that these offenders have multiple convictions, they have demonstrated that they are unable to separate drinking from driving and have not been deterred by their initial contact with the criminal justice system. They present a heightened risk to public safety and can benefit from mandated participation.
2. More research evidence regarding the consequences of long hard suspension periods and the lack of mandatory interlock participation on unlicensed driving should be shared with legislators to initiate a constructive discussion regarding the current interlock legislation in Oregon. A long hard suspension period or having the ability to 'sit out' a suspension/revocation period in lieu of installing an interlock often teaches offenders that they can drive unlicensed and undetected. As a result, they are unlikely to enroll in the interlock program when eligible to do so and there will be no safeguard against them continuing to drive after consuming alcohol.

Administrative rules

3. If revisions of administrative rules are undertaken, it is recommended that program administrators avoid the use of prescriptive language to provide administrators with flexibility and discretion to clarify by action as needed. If language is too prescriptive, program administrators lose the ability to utilize discretion when obstacles arise post-implementation.
4. It is recommended that an interlock committee be convened to review Oregon's administrative rules. This task could potentially be allocated to the Governor's Advisory Council on DUUI or a subcommittee composed of members from GAC DUUI. Issues that



should be prioritized for discussion (and are explored in further detail in subsequent recommendations) include:

- > absence of a designated monitoring authority;
- > lack of monitoring provisions (e.g., graduated responses and performance-based exit criteria);
- > length of time between service appointments (60 days);
- > lack of standardized violation definitions; and,
- > use of semiconductor devices.

During this process, the committee could also initiate a discussion to collectively identify the specific goals of Oregon's interlock program (e.g., deterrence, punishment, rehabilitation) prior to the pursuit of any legislative change.

5. A single agency should be designated to monitor compliance among offenders who participate in Oregon's interlock program. Currently, the monitoring of offenders is inconsistent and there is limited follow-up on or consequences for program violations. One agency should actively review violation reports and have the authority and a process in place to address instances of repeated non-compliance (such as failed breath tests or missed/failed running retests). Consistent monitoring can ensure that offenders are held accountable for their behavior and can encourage positive behavior change.
6. In conjunction with active monitoring, it may be beneficial to develop a set of graduated responses or performance-based exit criteria that both judges and administrative agencies can rely upon to manage offenders and consistently hold them accountable for non-compliance. The notion behind implementing a performance-based approach is quite simple. A basic system of reinforcements and punishments is put in place whereby fewer violations result in a less intensive or shorter period of supervision while more violations result in a more intensive or increased period of supervision and perhaps the inclusion of additional interventions such as treatment. This helps to ensure that those offenders who persist in non-compliance remain under supervision for extended periods or until they can demonstrate that they are able to separate drinking and driving. Probation officials would be well-positioned to administer graduated responses (as well as positive reinforcements) if given access to the interlock data and/or violation reports.

Agencies should identify a clear set of actions that can be taken in response to particular events or violations. Some examples of graduated responses include:

- > increase in the frequency of meetings with probation officials or case managers;
- > increase in the frequency of data downloads;
- > require the offender to have an interlock equipped with a camera unit;
- > extend participation in the interlock program;
- > refer for an assessment;

- > mandate treatment;
- > impose community service;
- > require transdermal alcohol monitoring or in-home monitoring;
- > reinstate hard suspension/revoke restricted license; and,
- > revoke probation.

Graduated responses most commonly take the form of program participation extensions. Examples of graduated responses can be found in Delaware, Maryland, Minnesota, and Virginia and can either involve the establishment of demerit point systems that are violation-driven or compliance-based exit criteria.

While it is necessary to hold offenders accountable for non-compliance through the use of swift, certain, and meaningful sanctions, it is equally important for courts, probation officers, and/or treatment professionals to also respond to and reinforce compliant behavior as research shows this can have a significant effect and promote continued compliance (Crime and Justice Institute 2004). These actions do not need to be substantial to be effective (Robertson et al. 2007) and could include:

- > giving verbal praise during regular meetings;
 - > decreasing the frequency of monitoring/reporting;
 - > providing a certificate to recognize compliance;
 - > reducing the period of supervision; or,
 - > offering small discounts on costs (in cooperation with vendor).
7. In an effort to deter offenders from violating program conditions, the designated monitoring authority should be afforded the ability to extend program participation for reasonable, set periods of time if an offender demonstrates persistent non-compliance.
 8. It is recommended that as part of a review of administrative rules that Oregon consider reducing the reporting timeframe from 60 to 30 days to facilitate monitoring of violations. The current 60-day calibration cycle greatly hinders the ability of a case manager or supervision authority to hold offenders accountable in an effective manner. The lapse in time between the commission of violations and the receipt of reports means that offenders do not face swift and meaningful consequences for their non-compliance, and subsequently, are less likely to change their behavior.
 9. It is recommended that Oregon develop standardized violation definitions that focus on alcohol-related violations. At present, the only information reported that constitutes a program violation is failure to install the device, early removal of the device, and tampering. Other offenses include driving a non-equipped vehicle, the provision of a breath test by a bystander, or the solicitation of a breath test. Program administrators might consider adding violations that take into account offenders' ability to separate drinking from driving as well – i.e., failed breath tests and missed/ failed running retests. These uniform definitions should



be clearly communicated to vendors to increase consistency in reporting and to offenders in an effort to limit their ability to argue that they were unaware of what constituted a violation.

If new violation definitions are to be created, they must be clearly defined at the state level. The definition should be fairly restrictive as it is not favorable to have a loose definition that is open to interpretation, as this can, and has, led to different reporting practices across vendors. This is not only problematic from the point of view of equality of the law but it can also make automation challenging, if not impossible. To facilitate this process, a data dictionary that contains a clear description of all events and violations should be drafted. The Association of Ignition Interlock Program Administrators (AIIPA)³ has begun to look at this issue and endeavors to create a set of standardized violation definitions.

Common violations include:

- > failed breath tests (BAC levels);
- > missed/failed running re-tests;
- > aborted start attempts;
- > bypass/circumvention/tampering attempts;
 - » e.g., power disconnections
- > handset disconnections and/or device removals;
- > state requirement that there be a follow-up breath test after some events;
- > use of emergency override feature (if applicable);
- > violation resets and early recalls;
- > device lockouts;
- > missed service appointments;
- > camera obstruction (for camera devices); and,
- > general catch-all for previously unidentified violations (e.g., not using device as required – Illinois has such a provision).

While clear and standardized violation definitions are necessary, program administrators should be afforded some flexibility in how they respond to violations. It is important to be able to take the context of violations (i.e., the events directly preceding and following the alleged violation) into consideration. Currently, some states do not permit the examination of context. However, it is preferable to take such contextual information into account in order to address issues such as false positives. If permitted by law, a process is needed to guide the

³ AIIPA is an organization composed primarily of federal, state, county, parish, or municipal employees who provide specialized knowledge to an ignition interlock program. AIIPA promotes best practices, enhancement of program management, and the provision of technical assistance to improve traffic safety by reducing impaired driving. For more information, please visit: www.aiipa.org

review of such contextual information. To best manage this process, definitions should be determined by the state authority in administrative rules and not written in legislation to allow for reasonable flexibility in decision-making. Program administrators have found that when such rules are written in legislation they often tend to be too rigid, leaving no flexibility to adapt or adjust them, for example when new situations arise that cannot be addressed within existing parameters.

The creation of new violation definitions can become the basis for an interlock monitoring framework that includes associated responses.

10. It is recommended that Oregon amend the administrative rules to explicitly state that semiconductor interlock devices are not permitted in the state and that only fuel cell devices will be approved.

Oregon should also develop test protocols for devices and designate a test agency (either a state lab or ISO certified lab that submits all test documentation). Devices should be field tested on a random and ongoing basis to ensure proper installation and configuration. Mail-in devices should also not be permitted as this can detract from the integrity of the program.

Provision of program information

11. It is recommended that Oregon explore opportunities to provide more information about the interlock program to eligible offenders. This can be accomplished through the development of a one-pager that describes the re-licensing process and the requirements for entering into and completing the interlock program. These one-pagers could be made available at a number of locations including DMV offices (and online in PDF format on the DMV website), probation departments, and ADES offices. The ADES in particular are well-positioned to disseminate this information. The defense bar should also have access to this information. The benefit of developing the one-pager is that all agencies could refer offenders to the same document and subsequently reduce workload associated with responding to repeated requests for information about the process. This will also increase the consistency and accuracy of the information provided to offenders which could serve to alleviate confusion and frustration.

Treatment

12. It is recommended that Oregon strengthen the existing linkages between the interlock program and treatment. All DUII offenders in Oregon are required to complete an alcohol assessment and either an information/education or treatment program. The completion of this program is required as a condition of reinstatement of driving privileges but it is separate from participation in the interlock program.

Program administrators might consider creating stronger ties between treatment and the interlock program so that the two can be delivered in tandem as appropriate in an effort to maximize the benefit of the interlock. Given that the Alcohol and Drug Evaluation Screening Specialists serve as case managers of court-ordered interlock offenders to a certain degree, they might be in the best position to review data reports and monitor offender progress while on the device (e.g., failed breath tests). Ideally, some form of follow-up or maintenance



programming would continue once offenders receive their driving privileges and are on the interlock. Training and education opportunities for the ADES should be explored; vendors could be leveraged to provide these practitioners with training about the devices and how to interpret data reports.

A good example of the use of treatment in an interlock program is Virginia. Oregon program administrators might consider networking with Virginia Alcohol Safety Action Program (VASAP) administrators to learn more about strategies to further incorporate treatment into the interlock program.

Agency communication

13. It is recommended that state agencies strengthen lines of communication with the courts in an effort to better track offenders in the interlock program and to address issues as they arise. The judicial and administrative components of the hybrid program currently have limited communication. Increased communication and collaboration can serve to balance the weaknesses inherent in each element of the program. While the DMV does not have the authority to sanction a non-compliant offender with anything other than license suspension, the courts can impose a variety of sanctions. Also, by strengthening communication between the courts and the DMV, there could be a reduction in the lag time between court rulings/dispositions and the provision of this information to licensing agencies for the purposes of updating the driver status of offenders.

In order to facilitate communication, it is suggested that a list of key contacts from each agency involved in the delivery of the interlock program (both directly and peripherally) be created. This will allow practitioners to identify knowledgeable points of contact in each agency that they can submit inquiries to as issues arise.

Data automation

14. It is recommended that Oregon consider transitioning from a paper-based to a fully automated interlock reporting system. While the development of an automated system can be a costly venture, it has many benefits including the streamlining of activities, reduction of staff and workload, improved communication, and enhancement of offender tracking.

Oregon is a state with multiple interlock vendors and several agencies involved in the delivery of the interlock program. This has the potential to make automation more difficult as different agencies have varying interface capabilities. However, if an automated system was to be put in place, it could vastly improve communication among these interlock entities and the vendors. These benefits can lead to increased efficiency and savings in the long-term.

If looking to implement an automated reporting system, Oregon might consider the following:

- > identify the information that will be collected and how this will be accomplished;
- > determine whether sufficient funds are available;
- > select a staff person knowledgeable in database design and management to be actively involved in the development process;

- > discuss governance policies related to data ownership, access, and sharing;
- > investigate the structure and accessibility of court and correctional data systems to facilitate information sharing and communication;
- > update the existing driver records system to accommodate for any new classes of offenders;
- > include vendors in the development of the system to determine what interface capabilities exist;
- > agree upon the information that will be included in the system and shared across agencies and localities;
- > develop standardized violation definitions and reporting procedures; and,
- > identify opportunities for program evaluation and potential research questions that could be asked based on the data that will be collected.

Jurisdictions such as Colorado, Illinois, Maryland, New Mexico, and South Carolina have strong examples of automated data management systems that can serve as models should Oregon be interested in pursuing automation.

The system that is used in South Carolina is likely to be the most appropriate for Oregon as it is a sophisticated database and software program run by the Department of Probation, Parole, and Pardon Services (PPP) to manage offender case files. This system also facilitates data-sharing across agencies such as the DMV and the Department of Alcohol and Other Drug Abuse Services (DAODAS). A similar system in Oregon might have the ability to create linkages between the DMV, the courts, ADES officials, probation, and treatment providers. Program administrators may consider looking at available interface opportunities if data system automation is to occur. A report on data system management implementation that was released by TIRF in early 2013 can offer some additional guidance in this regard (available online: http://tirf.ca/publications/PDF_publications/NHTSA_Tech_Assistance_DataManagement_9.pdf).

The automation of reporting is also extremely beneficial because it facilitates the collection of data that can be utilized by program administrators. It is not uncommon for interlock programs to be unaware of the number of offenders who are eligible to participate and choose not to (instead opting to drive unlicensed or wait out their interlock period), the number of offenders who fail to install the interlock, and the number of offenders who may be classified as unable to afford the device. Solid data can help to identify where and why weaknesses in an interlock program are occurring and what strategies can be used to address these problems. While Oregon program administrators already collect and track much of this data, as program participation numbers increase, the use of an automated system would make this process easier. The creation of an automated reporting system could facilitate future interlock program evaluation efforts.



Vendors and oversight

15. It is recommended that Oregon limit the number of vendors approved to do business in the state. While competition among vendors is good in the sense that it drives down installation and servicing costs for offenders, it also creates problems for administrators who must be familiar with the different report formats and who are responsible for quality control.

16. It is recommended that the DMV create a vendor certification protocol as opposed to only relying on a certification process for devices. Some issues that can be addressed in a vendor request for certification (RFC) may include the establishment of criteria for devices, standards for the lab that provides testing of the interlock device, service center standards, standardized reporting of data and violations, requirements for service center staff (e.g., background checks for technicians), required format of reports, and statewide coverage. The following should be considered for inclusion in an RFC or when certifying interlock devices:

- > all devices should be required to meet the current NHTSA standards for certification purposes;
- > attestation from the manufacturer that they will comply with the requirements for configuration and operation found in state administrative rules or law;
- > instrumental specifications;
- > lab certification from an independent and ISO-certified lab and specification as to how recent the device testing must be in order to be considered valid;
- > field testing of devices as determined by the oversight agency;
- > requirement of notification of modifications including a definition of what constitutes a device modification;
- > business plans; and,
- > current list of contact staff and notice of new employees. The list should identify which staff member would be contacted about testifying in court proceedings or administrative hearings, to whom a subpoena should be sent, and a requirement of the manufacturer to comply with legal proceedings.

An RFC can also include stipulations such as a requirement that vendors must deliver a requisite number of training sessions to those practitioners who review violation reports. Such a certification process provides state agencies with additional elements to strengthen program integrity and manage vendor relationships. A re-certification process can also be required on an annual or bi-annual basis.

17. It is recommended that ODOT or the DMV create a vendor oversight plan and service center audit procedures in Oregon. Several different aspects of service delivery may require periodic examination to ensure quality operations in all areas of program delivery. These include:

- > field testing of a random selection of devices to ensure that they are properly programmed;
- > review of calibration protocols;
- > inspection of service centers;
- > observation of device installation and training;
- > download and encryption of interlock data; and,
- > monitoring service complaints.

While many vendors have internal quality assurance protocols, a vendor oversight plan can monitor the extent to which these protocols are consistently applied and also demonstrate due diligence. A vendor oversight protocol can help strengthen the integrity of the interlock program and protect the state from liability. It is necessary to note that the development and implementation of vendor oversight protocols take time and effort. Ultimately, the plan should be both feasible and achievable and the execution of it will be a function of the availability of resources. As such, the creation of such a protocol should be approached in an incremental and manageable fashion over a reasonable timeframe.

To accomplish this, it is suggested that program administrators consult with other jurisdictions and review existing protocols. Oklahoma has well-established and comprehensive vendor oversight practices that can serve as a model; Washington, Virginia, and Florida also have good examples to consider. These jurisdictions were able to identify and, ultimately, resolve problems that, if gone undetected, could have jeopardized both the integrity and safety of their respective programs.

Of importance, it will be necessary for an agency to be granted authority to oversee the development and implementation of the oversight protocol, and this should be pursued in consultation with other program partners. TIRF has produced a guide for the development of vendor oversight plans that may be helpful in this process. It is available online:

http://www.tirf.ca/publications/PDF_publications/NHTSA_Tech_Assistance_VendorReport_4_web.pdf.

Education and training

18. Judicial education is important to increase interlock program participation in Oregon especially since the passage of HB 3075. Judges must be made aware of their obligation to order the interlock device and the benefits associated with its use. Stakeholders noted that there has been a lack of training and education offered to the judiciary and, as such, this is a critical area of outreach. Administrators are encouraged to reach out to judicial colleges and state judicial educators/liaisons (JOLs) to seek the inclusion of interlock panels and/or presentations in educational programs and on conference agendas. Sessions should focus on providing judges with an opportunity to learn about the research on device effectiveness, dispelling myths/misconceptions about interlocks, improving understanding of device technology, and highlighting ways that these devices are best applied.



Greater awareness among judges about the availability and the importance of the interlock condition as an effective tool to prevent drunk driving may increase judicial support and encourage more consistent usage of these devices. It would also be beneficial to educate judges about which types of offenders should be ordered to install an interlock (other than first offenders in the diversion program).

One strategy to provide education is through the use of materials that are available such as TIRF's Alcohol Interlock Curriculum for Practitioners and also interlock materials available through NHTSA. The interlock curriculum was designed by practitioners to permit agencies to train their own staff as needed with the flexibility of tailoring materials to meet specific needs. The curriculum is available at no cost from www.aic.tirf.ca and could be utilized by the state judicial educator and other legal professionals.

Another suggestion is to consider the use of webinars which make training efficient and cost-effective. Judges have full schedules and there are many competing education priorities; as such, it is important to deliver training in a way that is efficient and cost effective. An interlock specific webinar could be offered to judges in a short period of time that provides an overview of the most pertinent and relevant information for them. An additional opportunity for education is the inclusion of an interlock session during the DUI training offered annually/bi-annually by the local public safety coordinating councils.

19. Education for prosecutors and probation officials is also recommended. Prosecutors should receive information about the benefits of interlocks and be encouraged to request the use of this device as a condition of sentencing. Prosecutors also have a valuable opportunity to reinforce the importance of this mandatory requirement and contribute to the increased usage of the device as part of sentencing. The Traffic Safety Resource Prosecutor (TSRP) is a good resource and should be leveraged to educate other prosecutors about the interlock program in Oregon. Similar to judges, prosecutors and the defense bar would likely be receptive to interlock training delivered through webinars for CLE credits.

Probation officers currently receive little training about interlocks. Given that they are likely to monitor some interlock offenders, they would benefit from more knowledge about how the device works, how to interpret data reports, and how to use interlocks to effectively enhance offender monitoring. Probation officers are also in a position to encourage offenders to install interlocks and comply with licensing requirements. The data from interlocks may be of interest to probation officials as it can help them in assessing risk level (i.e., if an offender is unable to comply with abstinence conditions). More outreach to probation is encouraged; it would be of benefit to determine how they could take a more active role in the supervision of interlock offenders on their caseloads.

20. It is recommended that education for law enforcement officers continue to be offered in Oregon. The DMV indicated that some training has already been provided and continued efforts are encouraged. Training can ensure that officers are familiar with the interlock device, what it looks like, how it operates, and what to look for when an interlock-restricted driver is pulled over during a traffic stop, including the interlock restriction on the driver's license. To reduce unlicensed driving and increase deterrence, officers can be encouraged

to target those who are driving vehicles that are not equipped with interlock devices as these individuals pose a significant risk on the road.

Information about the program can also ensure that officers are aware of appropriate charges that can be or should be filed against interlock-restricted drivers in a variety of situations. Due to the fact that law enforcement make initial contact with DUII offenders and interlock-restricted drivers, it is critical that they know what to do during traffic stops.

Oregon is encouraged to continue to support law enforcement training initiatives and to promote the use of resources such as Roll Call videos (Washington state has one video that is available for distribution) and leverage other training opportunities such as the inclusion of interlock education in academy training, SFST refresher training, and the annual multidisciplinary training conference. Some states have applied for grant funding to produce educational materials for law enforcement and it is recommended that Oregon pursue similar options. Law enforcement liaisons (LELs) can also be leveraged to provide training and disseminate information about the interlock program to various law enforcement agencies in the state.

Indigent fund

21. It is recommended that Oregon resolve the existing interlock fund issues to ensure that offenders who require indigent funding are not required to do business with a single vendor.

Rural issues

22. It is recommended that Oregon identify and develop strategies to accommodate offenders who live in rural areas. The limited availability of services was cited as a reason why judges may be reluctant to order the device. In an effort to address this issue, program administrators are encouraged to network with other jurisdictions to identify strategies that have proven successful. Networking should first be done with states that have large rural populations (such as New Mexico and New York) in order to identify what has and has not worked. Oregon is also encouraged to quantify the rural DUII issue in the state to determine the magnitude of the problem and then prioritize it accordingly.

There are several strategies program administrators can employ to ensure that there is statewide interlock coverage in Oregon:

- > **Share territories.** In New Mexico, service providers are available throughout the state and they share territories (i.e., each vendor may be designated to provide service in a particular rural area as opposed to each vendor having to cover each area) in order to minimize the burden that is placed upon vendors. Offenders therefore, are not required to travel extensively in order to report to a service provider thus minimizing inconvenience.
- > **50 or 65-mile radius.** In states such as Delaware, Virginia, West Virginia, and North Carolina, vendors are required to have at least one service center within a 50 or 65-mile radius from every resident, which guarantees statewide coverage.



- > **Mobile service centers.** The state of Maryland also has an effective way of addressing the problem of service delivery in rural areas. Mobile service centers (vans equipped with the necessary technology to download data) are utilized to allow offenders in less populated areas where permanent centers are not located to be monitored more effectively. Instead of having to travel to a service center, the service center travels to them. In the event of mobile service arrangements, quality control of service providers is paramount.

Networking

23. It is recommended that Oregon network with program administrators in neighboring jurisdictions to develop solutions or create reciprocal agreements to manage foreign, re-located, or transient offenders.
24. It is recommended that program administrators review strategies and protocols from other jurisdictions to avoid duplication or reinventing the wheel. The Association of Ignition Interlock Program Administrators (AIIPA) is a good resource for networking with other administrators. AIIPA also has links available to the interlock legislation and administrative rules of most American interlock programs on its website: www.aiipa.org



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RESOURCES

Association of Ignition Interlock Program Administrators

<http://aiipa.org/>

Alcohol Interlock Curriculum for Practitioners

<http://aic.tirf.ca/>

International Inventory of Ignition Interlock Programs

<http://iiip.tirf.ca/>

Model Guideline for State Ignition Interlock Programs (NHTSA)

www.nhtsa.gov/staticfiles/nti/pdf/811859.pdf

Key Features for Ignition Interlock Programs (NHTSA)

www.nhtsa.gov/staticfiles/nti/impaired_driving/pdf/811262.pdf

Ignition Interlocks: What You Need to Know (NHTSA)

www.nhtsa.gov/staticfiles/nti/impaired_driving/pdf/811246.pdf

Case Studies of Ignition Interlock Programs (NHTSA)

www.nhtsa.gov/staticfiles/nti/pdf/811594.pdf

Ignition Interlock Institutes: Promoting the Use of Interlocks and Improvements to Interlock Programs (NHTSA)

www.nhtsa.gov/staticfiles/nti/pdf/811815.pdf

The Implementation of Alcohol Interlocks for Offenders: A Roadmap (TIRF)

http://tirf.ca/publications/PDF_publications/CC_2010_Roadmap_2.pdf

Alcohol Interlock Programs: Vendor Oversight (TIRF)

http://www.tirf.ca/publications/PDF_publications/NHTSA_Tech_Assistance_VendorReport_4_web.pdf

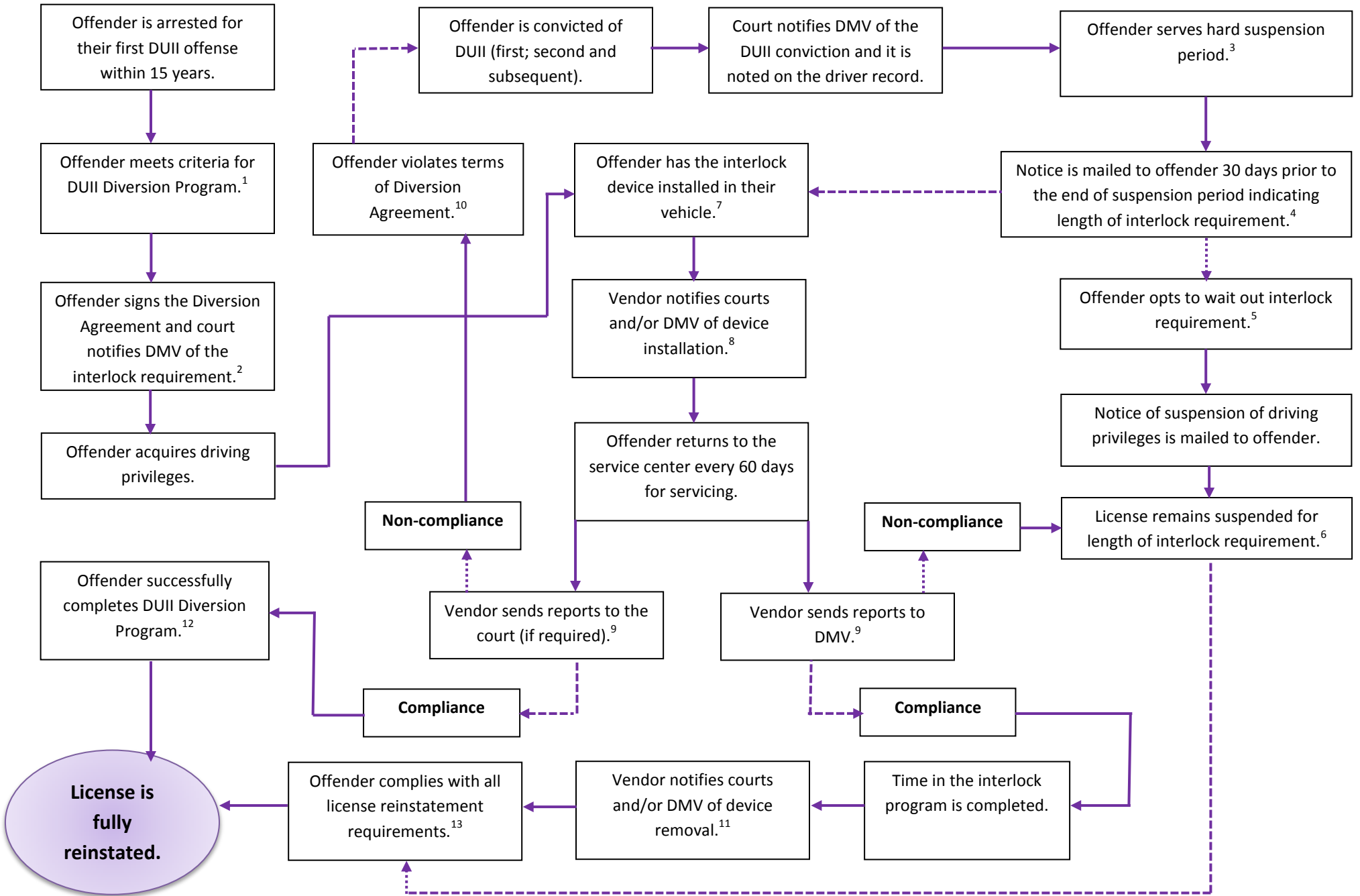
Alcohol Interlock Programs: Data Management System Implementation (TIRF)

http://tirf.ca/publications/PDF_publications/NHTSA_Tech_Assistance_DataManagement_9.pdf



APPENDIX A: OREGON WORKFLOW CHART

Oregon Interlock Program







1. The eligibility criteria for the DUII Diversion Program are as follows:

- > never been convicted of a felony DUII offense in Oregon or any other place;
- > on the date of the signing of the petition for a DUII diversion agreement:
 - » there is no charge pending against the offender in Oregon or any other place, except for the DUII charge in this case, for an offense involving operation of a vehicle while under the influence of alcohol, a controlled substance, an inhalant, or any combination of the three; or, having a BAC above the allowable limit;
 - » the offender is not participating in a DUII diversion program or any similar alcohol/drug rehabilitation program in Oregon or any other place except the program they may have entered as a result of the charge for the present offense of DUII; and,
 - » there is no charge of an offense pending against the offender in Oregon or any other place for any degree of aggravated vehicular homicide, murder, manslaughter, criminally negligent homicide, or assault that resulted from the operation of a motor vehicle.
- > during the 15 years before the date of the presently alleged DUII offense and during the time between presently alleged DUII offense and the date of the signed petition:
 - » the offender has not been convicted in Oregon or any other place for an offense involving the operation of a vehicle under the influence of alcohol, a controlled substance, an inhalant, or any combination of the three; or, having a BAC above the allowable limit;
 - » the offender has not participated in a DUII diversion program or any similar alcohol/drug rehabilitation program in Oregon or any other place; and,
 - » the offender has not been convicted, in Oregon or any other place, on any charge of an offense in any degree for aggravated vehicular homicide, murder, manslaughter, criminally negligent homicide, or assault that resulted from the operation of a motor vehicle.
- > the DUII offense described in the petition for which the offender is charged did not involve any deaths or any physical injury to any other person;
- > at the time of the alleged offense, the offender did not have a commercial driver's license; and,
- > at the time of the alleged offense, the offender was not operating a commercial vehicle.

2. The conditions of the Uniform DUII Diversion Agreement are:

- > pay to the court the required diversion fees;
- > complete an alcohol and drug abuse assessment as directed by the court;
- > complete the recommended treatment program;



- > attend a victim impact panel and pay the participation fee as ordered by the court;
- > comply with state laws that prohibit the use of intoxicants;
- > do not use any alcohol or other intoxicant during the term of the diversion agreement, except for:
 - » sacramental wine given or provided as part of a religious rite or service;
 - » alcohol or a controlled substance taken as directed pursuant to a valid prescription; or
 - » a non-prescription drug that contains alcohol so long as taken in accordance with the directions for use that are printed on the label.
- > keep the court advised at all times of current mailing and residential addresses; and,
- > install an approved ignition interlock device in all the vehicles operated during the term of the diversion agreement when you have driving privileges.

3. Offenders convicted of their first or second and subsequent DUUI must serve a hard suspension period of one year (failure) or three years (refusal).

4. Anyone convicted of DUUI in Oregon is required to install and maintain an interlock. The requirement starts from the end of the suspension period and continues for one or two years (one year for a first conviction and two years for second and subsequent).

5. If an offender chooses not to install the interlock at the end of the hard suspension period, their driving privileges remain suspended (one or two years depending on driving history). They are not required to enter the interlock program as installation of the device is not a mandatory condition of full license reinstatement.

6. Offenders who opt out of interlock installation are eligible for full license reinstatement at the end of the interlock period permitted that they meet other re-licensing requirements. It is presumed that these offenders are not driving during the interlock period as their choice to forgo device installation denies them driving privileges.

7. Offenders select a vendor from an approved list maintained by the DMV.

Offenders who are required to install the device as a condition of diversion present the vendor with a copy of the Notice of Court Order to Install an Interlock.

Other important information related to device installation includes:

- > The preset limit of the device is .025.
- > DMV oversees employer and medical exemptions.
- > The average cost of installation is \$75 and the average cost of servicing is \$50.
- > If an offender cannot afford to pay the costs associated with the interlock, they may be eligible for financial assistance. To request a fee waiver, offenders must provide proof of indigence (Food Stamp Identification Card) to a vendor who is contracted with the

Addictions and Mental Health Division of DHS. The vendor is reimbursed through the IDPF.

8. The vendor submits a report to the DMV and the court (if required) to notify of the installation. All reports must include the offender's name, date of birth, license number, and installation date. All reports are submitted via mail or fix. In some instances, offenders will provide documentation in-person.

9. Reports can be provided to a monitoring authority by the vendor if requested. Otherwise, the only information that is reported is whether or not there are signs of tampering. In these instances, the vendor would submit a device tampered statement.

10. If an offender violates the terms of the Diversion Agreement, the court terminates said agreement. An offender can request a show case hearing to demonstrate why the diversion should not be terminated.

If the agreement is terminated or an offender does not fulfill the terms of the agreement within the one year diversion period, the court sentences them without a trial and the DUII will become a conviction on their record.

11. Offenders are responsible for tracking the exit date for the interlock requirement. Once they have completed the required time in the program, they have the device removed and the vendor submits a notification to the DMV and the court (if required).

12. Offenders who successfully complete the diversion program have their DUII charge dismissed at the end of the one year participation period.

If an offender is not able to complete their diversion within this timeframe, they can file a motion within the last 30 days and petition the court for an extension. The court may grant an extension only once for not more than 180 days if it is determined that the offender made a 'good faith' effort to complete the program and the remaining conditions can be completed within the extension period.

13. In order to be eligible for full license reinstatement, offenders must meet the following DMV criteria:

- > have a SR-22 Certificate of Liability Insurance on file with DMV for three years after the ending date of the DUII suspension;
- > submit a DUII Treatment Completion Certificate from a treatment program approved by the Oregon Addictions and Mental Health Division; and,
- > pay the \$75 reinstatement fee.



**APPENDIX B:
OPTIONS FOR INCREASING
PARTICIPATION**

Short-term Options	Completed	Achievable	Not Achievable	Not Applicable	Requires Legislative Change
Determine if recent changes to the interlock law have caught up with agencies and are having an effect (e.g., legislative changes may not have an effect for several months or years as offenders have to be processed through systems).	✓				
Meet with all agencies involved in the program to discuss ways that program drop outs may be occurring		✓			
Make program information directly available to offenders, and make it available earlier in the process (following arrest or conviction instead of toward the end of hard suspension period).		✓			
Create incentives to encourage offender participation.		✓			
Enhance training and education for prosecutors/defense counsel to recommend the device during sentencing; and among judges to ensure device is consistently applied to offenders. Engage traffic safety resource prosecutors and judicial outreach liaisons in training efforts.		✓			
Target law enforcement efforts towards the detection of unlicensed drivers – specifically those offenders that are suspended or revoked and that are eligible for an interlock but fail to install the device.		✓			
Enhance technician training of offenders to use the device to minimize problems using the device and reduce frustration and program drop-outs. This requirement may be included in vendor standards and can be considered as a factor during site visits.		✓			
Provide offenders with strong feedback on violations and consequences at the beginning of the program during the learning curve. Include positive reinforcement activities to encourage offender compliance.		✓			
Survey offenders to identify barriers to participation. This may be achieved through the use of a program exit survey completed when the device is de-installed.		✓			
The increased availability of interlock devices through access to multiple vendors can decrease waiting times to have the device installed.				✓	



Long-term Options	Completed	Achievable	Not Achievable	Not Applicable	Requires Legislative Change
Increase understanding among policymakers of the implications of long hard suspension periods/revocation periods and increase awareness of the availability of the reduced 45-day license suspension. A reduction in the long hard suspension period can get offenders into the program more quickly before they learn that they are able to drive unlicensed. This issue will require a fundamental shift in philosophy from an emphasis on license suspension to an emphasis on keeping offenders in the licensing system so that they can drive legally.					✓
Increase sanctions for vehicle owners who allow interlock-restricted drivers to drive their vehicle without an interlock. This should be heavily publicized to increase general deterrence.					✓
Develop a data process or system to track offenders who fail to install the device and target enforcement efforts towards unlicensed driving among this population.		✓			
Increase communication/coordination among agencies to follow up with offenders who fail to install the device and bring them into compliance.		✓			
Revise graduated responses to manage non-compliances and ensure that high-risk offenders are not removed or forced out of the program. Demerit point systems should provide program administrators with the flexibility to adjust demerits to reflect individual cases and to enable program administrators to make adjustments to program features that are not working well.					✓
Employ the use of well-managed/well-regulated mobile service centers to address issues in rural areas until business expands. Service centers should be used for downloads and not for installs/de-installs/resets.		✓			
Gather data to track the indigency issue and determine the magnitude and characteristics of the problem and whether it is a barrier to participation.	✓				
Increase public awareness of the program.		✓			
Make alternatives to the interlock program less attractive (e.g., in-home alcohol monitoring, vehicle impoundment).					✓
Link the renewal of the registration of the vehicle to the interlock proof of installation.				✓	
Reduce insurance premiums.			✓		