

Utah Justice Research Brief

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Ignition Interlock and DUI Offenses: A Survey of Utah Judges

Julie Christenson & Mike Haddon

Repeat offenders constitute a large portion of the drinking and driving problem. Even those offenders who have had their license suspended or revoked as the result of a DUI may continue to drive without a license. The use of ignition interlock devices (IIDs) is one method of preventing offenders who have alcohol in their system from operating a vehicle. Once an ignition interlock has been installed, a driver must breathe into the device prior to starting the car, in order to measure blood alcohol concentration (BAC). If a predetermined threshold amount of alcohol is found in the blood, the vehicle will not start. Offenders are also required to blow into the device periodically while driving.

Background

According to Utah's DUI laws, the court MAY order an ignition interlock be installed for any offender convicted of DUI who is sentenced to probation. In addition, the court SHALL order the installation of an ignition interlock device for: (1) any offender convicted of DUI who is under the age of 21 when the offense occurred; or (2) any offender convicted of a second or subsequent DUI

within 10 years of a prior conviction. Further, the court SHALL order an ignition interlock be installed for any offender convicted of a third or subsequent offense within 10 years. An ignition interlock is to be ordered for a period of three years under the circumstances described above.¹

In response to a recommendation from the Governor's Council on Driving Under the Influence, Utah's DUI Best Sentencing Practices Guidebook was developed. It is intended to provide "the best information available concerning sanctions and interventions for DUI offenders."² The Guidebook is meant to serve as a tool which works in conjunction with the experience and knowledge of professionals in the criminal justice field. It offers valuable insight for judges, prosecutors, probation officers and law enforcement, regarding effective practices for use with DUI offenders based upon current research, .

The DUI Guidebook states that the ignition interlock can be an effective control mechanism for use with DUI offenders while other interventions, such as education and treatment, are taking place. Research indicates that the devices do interrupt drinking and driving behavior, but do not change the behavior in the long term once the devices have been removed. So, in order to be most effective in reducing DUI-related recidivism, the interlock should be used in combination with other sanc-

¹ DUI Guidebook, p. IV-4.

² *DUI Best Sentencing Practices Guidebook*. Utah Commission on Criminal and Juvenile Justice, 2002. Introduction. http://www.sentencing.utah.gov/DUI/DUI_BEST_PRACTICES.pdf

tions and interventions that can help effect more permanent change. Research also indicates the beneficial effect of the interlock device does not seem to be any different between first-time, low-risk and repeat, high risk DUI offenders (Coben & Larkin, 1999; Beck and Rauch, 1999; Voas et al., 1999; Voas et al., 2002; Marques, et al., 1999).³ The behavior control function that the ignition interlock provides while an offender is undergoing treatment is crucial to successful recidivism reduction. It is important that this control be maintained during the full six to 18 month period required to treat a DUI offender (Addiction, 2001; Deyoung, 1997).⁴

The Guidebook also notes that taking measures to address interlock failures can help prevent additional DUI offenses from occurring. Data recorders, used in tandem with ignition interlocks, provide information regarding the dates and times when ignition interlock failures occur. According to research, combining the variables of multiple-prior DUIs and a high number of interlock warnings and failures during the first five months of installation can predict more than 60% of repeat DUI offenses (Marques et al., 2001).⁵ Consequently, an interlock failure should serve as a warning sign to probation officers of the need for heightened supervision or additional intervention.

Current Research

This research is the result of a request by the DUI Subcommittee of the Utah Substance Abuse and Anti-Violence Coordinating Council (USAAV). The survey was developed in an attempt to better understand judges' perceptions regarding ignition interlock devices, as well as the circumstances surrounding their use. The input con-

tained herein from District Court, as well as Justice Court judges, is a critical factor to future policy development with regards to ignition interlock devices.

The survey was originally mailed out to 173 judges, practicing in all jurisdictions in Utah. This included 115 judges in urban areas and 58 judges in rural areas of the state. Seventy surveys were returned from the first set of mailings. A follow-up survey was then mailed as a reminder to those judges who had not responded. An additional 71 surveys were returned as a result of the reminder mailings. In total, there were 141 surveys returned, or 81%, providing a very good response rate. The final sample included responses from 90 judges in urban areas of the state, as well as 49 judges in rural areas. For the purposes of this report, urban counties included Cache, Davis, Salt Lake, Utah, Washington, and Weber county. Looking at court type, 49 of the responding judges were District Court judges, and 90 were Justice Court judges.

Frequency of Ignition Interlock Use

Nearly all of the judges surveyed, 98.6%, reported that they do sentence misdemeanor DUI offenders in their court. Whereas, less than one-third (30.9%) currently sentence felony DUI offenders. This can be explained by the fact that only 35.3% of the survey respondents were District Court judges. Justice Court judges do not sentence felony DUI offenders.

The survey asked judges how frequently they impose an ignition interlock as a condition of probation for misdemeanor and felony offenders. Overall, 79.4% of judges responded that they sentenced misdemeanor DUI offenders to an ignition interlock either some of the time or regularly. Fourteen percent of judges surveyed reported they never sentence misdemeanor offenders to an interlock, while only 6.6% reported they always do so.

3 DUI Guidebook, p. VI-5.

4 DUI Guidebook, p. VI-9.

5 DUI Guidebook, p. VI-5.

Respondents in urban areas of the state and in District Courts were much more likely to order an interlock for misdemeanor DUI offenders. More than twice as many urban judges responded as ordering an interlock always or regularly when compared with rural judges, 56.8% versus 26.1% respectively. Conversely, 26.1% of rural judges never sentence misdemeanor DUI offenders to an ignition interlock compared to just 6.8% of urban

How often do you sentence MISDEMEANOR DUI offenders to an ignition interlock as a condition of probation?

	Always/ Regularly	Sometimes	Never
Total	46.3%	39.7%	14.0%
Geography			
Urban ¹	56.8	36.4	6.8
Rural	26.1	47.8	26.1
Court			
District	59.6	38.3	2.1
Justice	39.1	41.4	19.5

¹Urban counties included: Cache, Davis, Salt Lake, Utah, Washington, and Weber

judges. When comparing court types, sixty percent of District Court judges reported sentencing misdemeanor offenders to an ignition interlock always or regularly, compared to 39.1% of Justice Court judges. A mere 2.1% of District Court judges reported never sentencing offenders to an interlock device, while 19.5% of Justice Court judges reported likewise.

Overall, ignition interlocks are being imposed more often for felony DUI offenders than for misdemeanor DUI offenders. Looking at responses for District Court judges only, felony DUI offenders are sentenced to an ignition interlock regularly to always, on average. Only seven percent of District Court judges surveyed reported they never sentence felony offenders to an interlock, compared to 20.0% that do so sometimes, and 73.3% that do

How often do you sentence FELONY DUI offenders to an ignition interlock as a condition of probation?

	Always/ Regularly	Sometimes	Never
Total	34.0%	9.0%	57.0%
Geography			
Urban ¹	40.9	10.6	48.5
Rural	20.6	5.9	73.5
Court			
District	73.3	20.0	6.7

¹Urban counties included: Cache, Davis, Salt Lake, Utah, Washington, and Weber

so regularly or always. In order to be following the law, the percentage of judges who always order an interlock when faced with a felony offender should be one-hundred percent.

Although only a slight difference, urban District Court judges were more likely than rural District Court judges to impose interlocks for felony DUI offenders. Twice as many District Court judges in urban areas, 44.4%, responded as always sentencing felony DUI offenders to an interlock device compared to 22.2% of responses from District Court judges in rural areas. Interestingly, 8.3% of urban District Court judges responded as never sentencing this type of offender to an interlock, while none of the rural District Court judges responded in this manner. A comparison of court types was not drawn, as Justice Court judges do not sentence felony DUI offenders.

Why Are Judges Not Imposing Ignition Interlocks?

Survey respondents were asked to indicate, in cases where an interlock was not ordered, their reasons for not imposing an ignition interlock as a condition of probation. Frequently, judges noted they declined to impose an interlock when one was not recommended by the prosecution (37.2%). Also common, were the responses that an offender's license was suspended or revoked (25.6%), inter-

In cases where you DO NOT impose an ignition interlock as a condition of probation, please indicate why.

Total		
Other		54.5%
Not recommended by prosecution		37.2
Offender's license suspended/revoked		25.6
Interlocks not available in my area		24.0
Lack mechanism to ensure compliance		20.7
Interlocks too costly to offender		16.5
Inadequate clarity in DUI statutes		6.6
Unfamiliar with interlocks & how they work		4.1
Low compliance rates with interlock orders		4.1
Geography		
	Urban	Rural
Other	54.4%	32.7%
Not recommended by prosecution	36.7	24.5
Offender's license suspended/revoked	22.2	22.4
Interlocks not available in my area	5.6	46.9
Lack mechanism to ensure compliance	10.0	34.7
Interlocks too costly to offender	13.3	16.3
Inadequate clarity in DUI statutes	4.4	10.2
Unfamiliar with interlocks & how they work	3.3	4.1
Low compliance rates with interlock orders	3.3	4.1
Court		
	District	Justice
Other	49.0%	45.6%
Not recommended by prosecution	38.8	28.9
Offender's license suspended/revoked	20.4	23.3
Interlocks not available in my area	0.0	31.1
Lack mechanism to ensure compliance	16.3	20.0
Interlocks too costly to offender	16.3	13.3
Inadequate clarity in DUI statutes	4.1	7.8
Unfamiliar with interlocks & how they work	0.0	5.6
Low compliance rates with interlock orders	0.0	5.6

*Percentages will not total to 100% because respondents were allowed to select more than one option.

locks are not available in their area (24.0%), or they lack a mechanism to ensure compliance with the order (20.7%). Less often, judges cited an overly high cost to the offender (16.5%), inadequate clarity in the DUI statutes (6.6%), unfamiliarity with interlock devices (4.1%), or low compliance rates with ignition interlock orders (4.1%) as reasons for not imposing an interlock.

Some judges also provided additional reasons for not ordering an interlock as a condition of

probation. A reason offered by approximately half of the judges was when not required to do so by statute, including when it is an offender's first DUI, or the offender's blood alcohol content is under 0.16. A small percentage of judges also noted they decline to impose an interlock when the offender has no vehicle, the offender will be going to jail or prison, or when the offender is indigent and cannot afford to pay for such a device.

One of the most striking differences between responses from rural and urban areas, and court types was in the availability of ignition interlocks and the influence that had on decisions to order the device. Nearly fifty percent (46.9%) of rural judges reported they do not impose interlocks because they are unavailable, compared to just 5.6% of urban judges. Looking at court types, none of the District Court judges cited the unavailability of interlocks as a factor for them, versus 31.1% of Justice Court judges who reported it is a factor.

Further, significantly more rural judges noted that the lack of a mechanism to ensure compliance with ignition interlock orders was a factor, 34.7% versus 10.0%. Another marked difference was found with regards to recommendations from prosecution. Urban judges considered the lack of a recommendation by prosecution a factor more often, 36.7% versus 24.5%. Similarly, more District Court judges felt this was a factor, 38.8%, compared to 28.9% of Justice Court judges.

Under What Conditions Are Judges Ordering Interlocks?

Judges were asked to indicate under what circumstances they do impose an ignition interlock as a condition of probation. The most frequently cited reason was when required by law (96.0%), followed by when an offender is a repeat DUI offender (75.0%), when an offender has a high blood alcohol content (64.5%), and when it is recommended by prosecution (53.2%). Less than half of all judges surveyed reported imposing an interlock when it is recommended by a probation officer or a treatment provider (47.6%), when the offender is a problem drinker (39.5%), when there is a prior non-DUI arrest history (7.3%), and when it facilitates employment of the offender (6.5%).

A very significant difference was found between the type of court and the degree of influence a recommendation from a probation officer or treatment provider has. Nearly sixty percent (57.1%) of District Court judges reported that this type of recommendation influences their decision to order an ignition interlock, while only one-third of Justice Court judges reported this to be a factor. An offender with a drinking problem was also considered a more highly motivating factor by District Court judges, 46.9% versus 28.9%. In addition, District Court judges were more likely to impose an interlock device for repeat DUI offenders, 77.6% versus 60.0%. Judges in urban jurisdictions, and District Court judges, were both significantly more likely to regard high blood alcohol content as a factor. Forty-three percent (42.9%) of rural judges reported this was a factor compared to 64.4% of urban judges, and 71.4% of District Court

judges compared to 48.9% of Justice Court judges. Lastly, urban and District Court judges were more likely to impose ignition interlock devices when specifically required by law. Seventy-six percent (75.5%) of rural judges noted they order an interlock when required by law, while 90.0% of urban judges reported likewise. Most District Court judges, 93.9%, also reported they order an interlock when required by law compared to 80.0% of Justice Court judges.

Judges were also asked specifically how often they order an ignition interlock when an offender is young, when there is high blood alcohol

Please indicate under what circumstances you DO impose an ignition interlock as a condition of probation.

Total	
When required by law	96.0%
Repeat DUI offender	75.0
High blood alcohol content	64.5
Recommended by prosecution	53.2
Recommended by PO or Tx provider	47.6
Problem drinker	39.5
Prior non-DUI arrest history	7.3
Facilitates employment of offender	6.5

Geography	Urban	Rural
When required by law	90.0%	75.5%
Repeat DUI offender	68.9	61.2
High blood alcohol content	64.4	42.9
Recommended by prosecution	46.7	46.9
Recommended by PO or Tx provider	45.6	34.7
Problem drinker	40.0	26.5
Prior non-DUI arrest history	6.7	6.1
Facilitates employment of offender	3.3	10.2

Court	District	Justice
When required by law	93.9%	80.0%
Repeat DUI offender	77.6	60.0
High blood alcohol content	71.4	48.9
Recommended by prosecution	49.0	45.6
Recommended by PO or Tx provider	57.1	33.3
Problem drinker	46.9	28.9
Prior non-DUI arrest history	8.2	5.6
Facilitates employment of offender	4.1	6.7

*Percentages will not total to 100%. Respondents were allowed to select more than one option.

content involved, or when it is an offender's second or subsequent conviction. Judges reported most frequently ordering an interlock when a DUI conviction is the second or subsequent conviction, with 81.6% of all judges doing so always or regularly in this type of case. Less than twenty percent of judges (18.5%) never, or only sometimes, order an interlock device on a second or subsequent conviction.

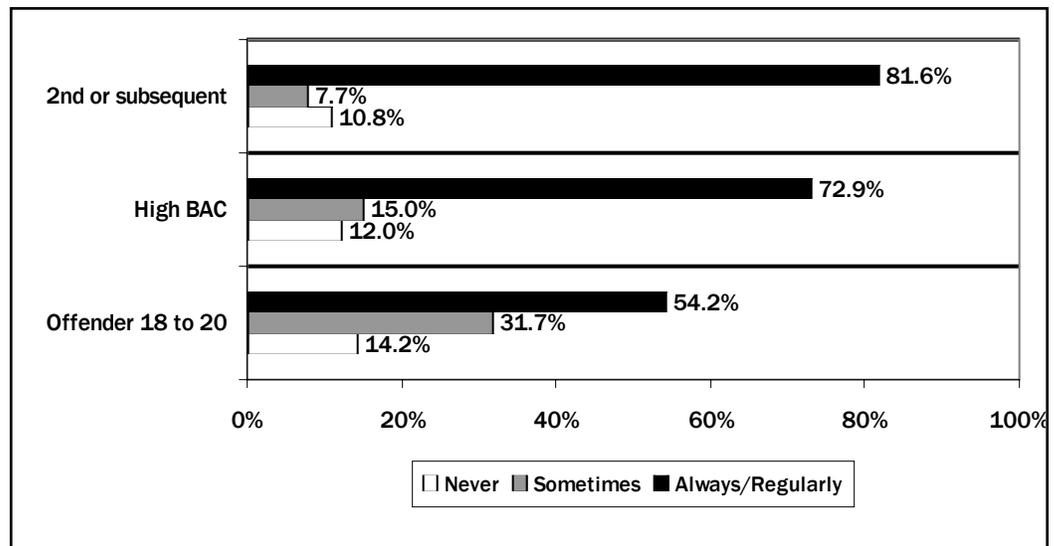
Differences were seen in responses from rural areas versus urban areas of the state, as well as from District Courts compared to Justice Courts. Urban judges were more likely than rural judges to report ordering an interlock for a second or subsequent conviction, 87.2% versus 70.8% doing so regularly or always. Twenty percent of rural respondents (19.5%) never order an interlock under these conditions, compared to only 5.8% of urban respondents. Additionally, for a second or subsequent conviction, 91.1% of District Court judges always or regularly order an interlock device compared to 76.8% of Justice Court judges. None of the District Court judges reported never ordering an interlock, while 15.9% of Justice Court judges responded this way.

Following an offense being a second or subsequent conviction, respondents were most likely to order an ignition interlock device for blood alcohol content (BAC) of .16 or higher. Nearly three-fourths of judges (72.9%) do so regularly or always, followed by 15.0% that do so some of the time, and 12.0% that never do so.

Urban and District Court judges appear much more likely to order an interlock device for an offender with a high BAC. Eighty-one percent (80.7%) of urban judges always or regularly order an interlock for this type of offender compared to 58.1% of rural judges. While three times as many rural judges never order an interlock for this type of offender, 20.9% versus 6.8%. Most District Court judges order an interlock when there is a high BAC involved, 91.3%, as compared to Justice Court judges, 63.5%. None of the District Court judges responded as never sentencing an offender with a high BAC to an interlock device, compared to 17.6% of Justice Court judges.

Looking at responses for the last type of situation, an offender between the ages of 18 to 20, 54.2% of judges always or regularly order an interlock, 31.7% sometimes order an interlock, and 14.2% never order an interlock. Age of the offender played much more of a role in urban and District Court judges' decisions to order an ignition interlock device when compared to rural and Justice Court judges. Nearly twice as many urban judges always or regularly order an interlock when an offender is 18 to 20, 62.5% compared to 37.8% of

How often do you order an ignition interlock when it is a 2nd or subsequent conviction, there is a high BAC, or the offender is between 18 to 20 years old?



rural judges. Also, more than three times as many rural judges never order an ignition interlock under these circumstances, 27.0% versus 7.5%. Sixty-five percent of District Court judges reported always or regularly ordering an interlock when an offender is 18 to 20, compared to 48.6% of Justice Court judges. Conversely, 21.6% of Justice Court judges responded as never ordering an 18 to 20 year old offender to an interlock device, while none of the District Court judges responded in the same manner.

Offender Information Being Received At Sentencing

When asked how often they receive a criminal history for DUI offenders, the overwhelming majority of judges, 81.8%, reported that they always or regularly receive one, with another 15.3% receiving one some of the time. A meager 2.9% of judges noted that they never receive a criminal history.

Urban judges were more likely to report always receiving a criminal history when compared to rural judges, 55.2% versus 35.4%. Alternatively, rural judges were more likely to report never receiving a criminal history, 6.3% compared to 1.1%. Fewer District Court judges, 27.7%, responded as always receiving a criminal history for DUI offenders compared to 59.1% of Justice Court judges.

A higher percentage of all respondents, 88.4%, reported always or regularly receiving blood alcohol content (BAC) for DUI offenders. Another eleven percent (10.9%) responded as sometimes receiving a BAC, while less than one percent reported never receiving one.

Rural judges were slightly less likely to receive a BAC for offenders as compared to urban judges, 81.3% versus 93.2% receiving one always or regularly. No substantial differences were found between responses for District Court judges and Justice Court judges.

Ignition Interlock Feedback

Judges were asked whether or not they are receiving feedback regarding the performance of the ignition interlock devices. By and large, judges are not receiving feedback, which was identified as feedback on offender compliance, enforcement problems, ignition interlock functioning, or recidivism. Only 40.2% of respondents reported receiving any of these types of feedback.

Judges in urban areas of the state were more likely to receive ignition interlock feedback, 47.5% compared to those judges in rural areas of the state where less than one-quarter of the judges received feedback. Not quite as large of a difference was reported between District Court judges and Justice Court judges. One-third of District Court judges received ignition interlock feedback compared to 42.3% of Justice Court judges.

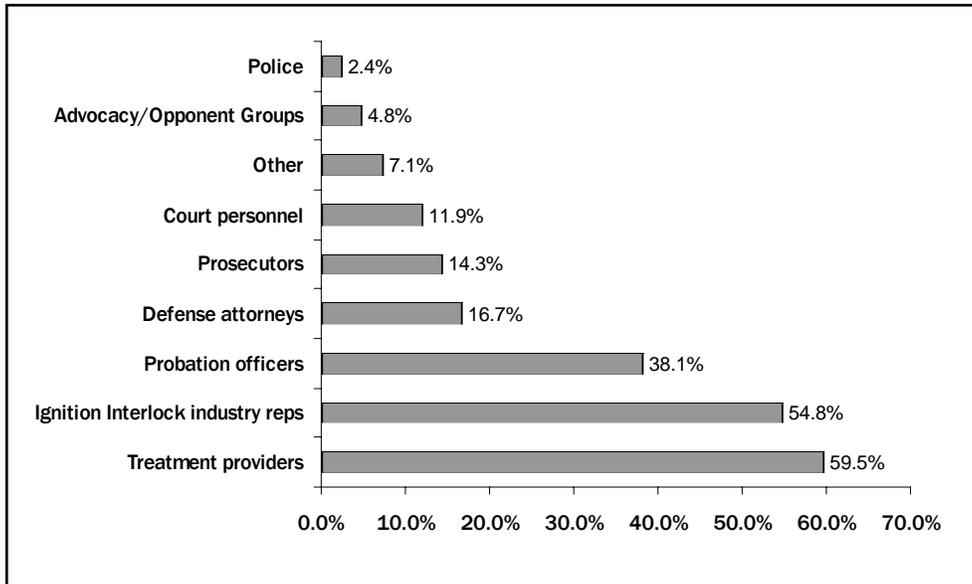
For the judges who reported receiving feedback regarding ignition interlock performance, respondents most commonly identified treatment providers as the group providing the feedback. Additionally, a large percentage of judges reported receiving feedback from ignition interlock representatives, as well as probation officers. Less common is feedback from either defense or prosecuting

Are you receiving feedback regarding ignition interlock performance?

	Yes	No
Total	40.2%	59.8%
Geographic		
Urban ¹	47.8	52.2
Rural	24.3	75.7
Court		
District	33.3	66.7
Justice	42.3	57.7

¹Urban counties included: Cache, Davis, Salt Lake, Utah, Washington, and Weber

Source of Feedback on Ignition Interlock Devices



attorneys. Least common sources of feedback regarding ignition interlock performance came from police officers and advocacy groups, such as Mothers Against Drunk Driving (MADD).

Differences were found between urban and rural courts regarding where they received feedback. Both urban and rural judges reported receiving feedback from ignition interlock representatives. Judges in urban areas of the state also reported commonly receiving feedback from treatment providers. This feedback was not common in rural areas of the state. More common in rural areas of the state was receiving feedback from probation staff. This type of feedback was also quite common in urban areas of the state. District Court judges reported most commonly receiving feedback from ignition interlock providers, while Justice Court judges reported most commonly receiving feedback from treatment providers. Justice Court judges also reported frequently receiving feedback from probation staff. This feedback was received less frequently among the District Court judges.

Compliance Tracking With Ignition Interlock

When asked who is tracking compliance with ignition interlock orders, there was a fairly even response between probation officers (43.2%) and ignition interlock device (IID) providers (41.7%). Just over one-quarter (28.8%) of judges noted court personnel provide compliance tracking, while nearly the same percentage

of judges, 27.3%, reported that no one provided any feedback regarding compliance with ignition interlock orders.

Who is tracking compliance with your ignition interlock orders?

Total		
Probation officers		43.2%
IID providers		41.7
Court personnel		28.8
No one		27.3
Other		8.3
Prosecutors		4.5
Geographic		
	Urban	Rural
Probation officers	52.2%	20.4%
IID providers	47.8	20.4
Court personnel	28.9	22.4
No one	16.7	40.8
Other	8.9	6.1
Prosecutors	5.6	2.0
Court		
	District	Justice
Probation officers	63.3%	28.9%
IID providers	36.7	38.9
Court personnel	16.3	32.2
No one	22.4	26.7
Other	12.2	5.6
Prosecutors	2.0	5.6

*Percentages will not total to 100% because respondents were allowed to select more than one option.

Clear differences exist in tracking ignition interlock order compliance between urban and rural areas of Utah. Judges in rural Utah most frequently reported that no one (40.8%) tracks ignition interlock order compliance. When order compliance information is provided to the judge, the source of tracking is fairly evenly split between court personnel (22.4%), ignition interlock providers (20.4%), and probation officers (20.4%).

In contrast, very few of the urban judges, 16.7%, reported that no one was tracking compliance with ignition interlock orders. The most common response from urban judges was that probation officers provide compliance tracking at 52.2%, which was closely followed by ignition interlock device providers at 47.8%. Over one-quarter of the urban judges reported that court personnel also provide ignition interlock compliance tracking.

Differences were also found between District Court judges and Justice Court judges concerning who provides ignition interlock device order tracking. District Court judges most frequently reported probation officers as providing compliance tracking. Among Justice Court judges, there was a fairly even split in compliance order tracking between ignition interlock providers at 38.9% and court personnel at 32.2%. For both District Court judges and Justice Court judges, approximately one-quarter of the respondents reported no one provides them with ignition interlock compliance tracking.

Interlock Availability

Most judges, 69.9% reported that ignition interlock devices are available in their area. Just over one-quarter, 26.5%, reported the devices are not available in their area, while a meager 3.7% reported they didn't know if they were available.

There was a very significant difference in availability of these devices in urban and rural areas of Utah. Most judges in urban areas of Utah,

92.0% reported the devices are available in their area, compared to just 28.3% of the judges in rural areas of Utah. Over two-thirds, 67.4%, of rural judges reported the devices are not available in their area.

Although not as strong, there were also differences in availability between District and Justice Courts. Most District Court judges, 93.3%, reported the devices are available as compared to 58.0% of Justice Court judges.

Most judges were not aware whether or not ignition interlock vendors were equipped with mobile vans in their area. Nearly two-thirds, 61.8% responded this way. Very few judges, 5.5% reported that the vendors were equipped with mobile vans in their area. There was minimal difference in mobile van availability between urban and rural jurisdictions. However, more rural judges, 48.5% reported the vans were not available compared to 10.0% of urban judges. Urban judges were more likely to respond that they did not know if mobile vans were available when compared to rural judges, 85.0% versus 45.5% respectively. None of the District Court judges reported they knew mobile vans were available compared to 7.0% of Justice Court judges who knew mobile vans were available. Nearly all, 90.0% of District Court judges didn't know if mobile vans were available while 53.5% of Justice Court judges didn't know if mobile vans were available.

Knowledge of Laws Surrounding Ignition Interlock

Most judges felt they have a relatively high understanding of the laws surrounding ignition interlock devices. When looking at all respondents, nearly two-thirds, 61.4%, reported they knew the law surrounding ignition interlock either extremely or very well, 27.1% reported a moderate under

How knowledgeable do you feel regarding the laws surrounding ignition interlock devices?

	Extremely Very	Moderately	A Little Not At All
Total	61.4%	27.1%	11.5%
Geography			
Urban ¹	64.0	27.0	9.0
Rural	56.3	29.2	14.6
Court			
District	60.4	33.3	6.3
Justice	61.8	24.7	13.5

¹Urban counties included: Cache, Davis, Salt Lake, Utah, Washington, and Weber

standing of these laws, and only 11.5% reported they either knew a little about the law or didn't know the law at all.

Urban judges were slightly more likely to report knowing ignition interlock laws when compared to rural judges, 64.0% versus 56.3% being extremely or very knowledgeable. Conversely, rural judges were more likely to report not knowing ignition interlock laws well, 14.6% versus 9.0%. Looking at the comparison of court types, a similar proportion of District and Justice Court judges reported knowing the law every well, 60.4% versus 61.8%. However, 13.5% of Justice Court judges reported not knowing the law very well, compared to only 6.3% of the District Court judges.

Understanding of How Ignition Interlock Works

In total, judges did not report an overwhelming understanding of how ignition interlock devices work. Only 33.6% of all respondents reported that they knew either extremely or very well how the devices work. Nearly half, 47.9% reported they had a moderate understanding of how the devices work, while 18.5% reported they had little or no understanding of how the devices work.

Large differences were not found when comparing ignition interlock knowledge of urban and rural judges. The only difference to note was that rural judges were a little more likely (22.9%) to report not knowing how the devices work when compared to judges in urban areas of Utah, 16.9%. When comparing District Court judges with Justice Court judges, the judges from the Justice Courts appear more knowledgeable of how ignition interlock devices work. Of the Justice Court judges, 38.2% reported they have an extremely or very good understanding of how the devices work, compared to 27.1% of District Court judges who responded similarly.

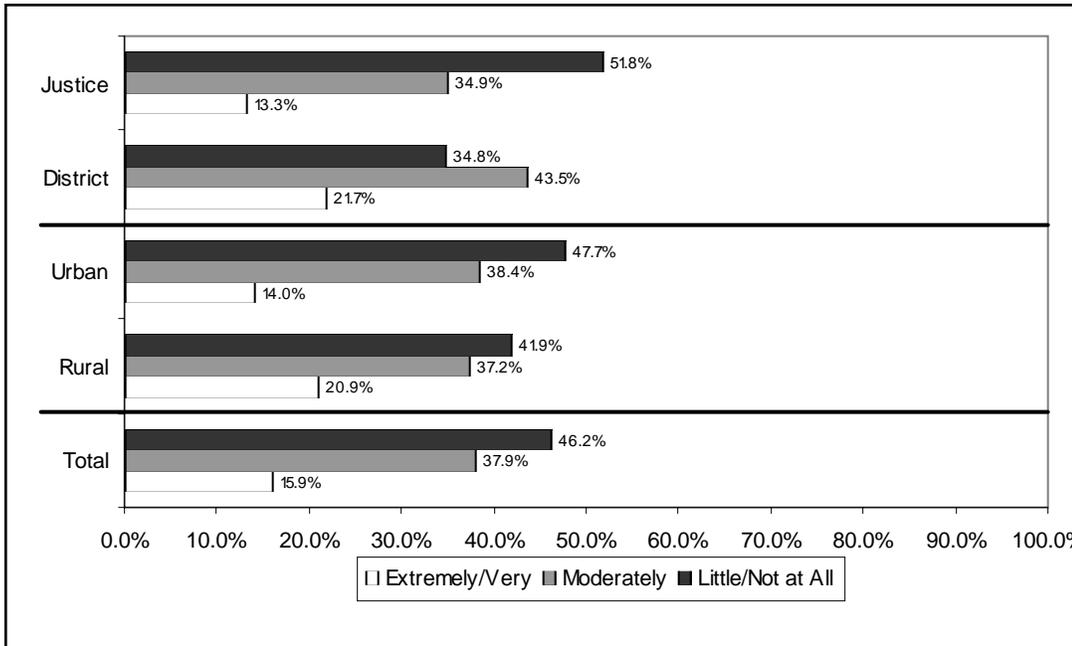
Perception of Ignition Interlock Effectiveness

Responses from all judges reveal little faith in the effectiveness of ignition interlock devices for DUI offenders. Looking at all types of judges in all areas of Utah, nearly half, 46.2% responded that the devices were only a little effective or not effective at all. Conversely, only 15.9% responded that ignition interlock devices were extremely or very effective.

When examining these results by urban and rural areas of Utah, the judges in rural areas of the state were more likely than urban judges to respond that the devices were extremely or very effective, 20.9% versus 14.0% respectively. Looking at the type of court, over half, 51.8%, of Justice Court judges responded that the devices were not effective, compared to 34.8% of District Court judges who responded similarly.

These findings may not be extremely surprising. Utah's DUI Best Sentencing Practices Guidebook, based on current research regarding DUI interventions, suggests that when used alone, ignition interlock devices are not very effective in curbing either future DUIs or alcohol related crashes. The Guidebook suggests ignition interlock

How effective do you feel an ignition interlock is when compared to the full range of sanctions available to you for use with drunk drivers?



Nearly two-thirds of the respondents, 64.4% agreed with the suggestion that ignition interlock devices do protect the public. Several of the judges, 12.6% disagreed or strongly disagreed with the suggestion that the devices served to protect the public. The judges also appear to agree that an advantage of ignition interlock is

devices be used to assist in controlling drinking and driving behavior while other interventions are taking place, such as treatment and/or education.

that it allows the offender to continue working, with 57.7% of the judges responding favorably to this suggestion.

Judge's Perception of the Advantages of Ignition Interlock Devices

Responses from the previous section regarding the effectiveness of ignition interlock devices are put into proper perspective when asking judges about the advantages of ignition interlock devices.

About half of the judges, 52.6%, responded favorably to the suggestion that ignition interlock devices are more fair to other family members because it keeps the car from being impounded or otherwise kept from use. Slightly less than half, 47.8% agreed with the comment that the device does reduce DUI recidivism while it is installed on the vehicle.

Over two-thirds of the judges either strongly agreed or agreed with the suggestion that ignition interlock is an effective sanction when it is combined with other sanctions. This is precisely what is suggested in the DUI Guidebook. Only 8.8% of the judges responding either disagreed or strongly disagreed with this suggestion.

How would you rate the following statements concerning possible advantages of ignition interlock use?

	Strongly Agree/Agree
Effective sanction combined with other sanctions	69.3%
Protects the public	64.4
Allows the offender to continue working	57.7
More fair to families since car is not removed	52.6
Reduces recidivism while ignition interlock is installed	47.8
More cost-effective than jail time	43.0
It is a good behavior modification tool	41.5

Judges were less likely to agree that ignition interlock is more cost-effective when compared to jail time. Only 43.0% of respondents strongly agreed or agreed with this suggestion. Finally, only 41.5% of judges agreed with the suggestion that an interlock device itself can serve as a good behavior modification tool.

Although not exceptionally significant, there were differences in opinions in many of these areas between District Court judges and Justice Court judges, as well as between judges in rural areas of Utah and judges in urban areas of the state.

Looking at the suggestion that ignition interlock devices are effective when combined with other sanctions, District Court judges were more likely to agree with this suggestion while Justice Court judges were more likely to disagree with this statement. Urban judges were also more likely to disagree with this statement. Similarly, both Justice Court judges and urban judges were more likely to disagree with the suggestion that the devices may help reduce DUI recidivism, while District Court judges and rural judges were more likely to agree with this suggestion.

District Court judges were more likely to agree that the interlock protects the public, while urban judges were more likely to disagree. Finally, overall, rural judges were more likely to agree with the statements that ignition interlock allows offenders to continue working, it is more fair to families because the car is not removed, and it is more cost-effective than jail time. These findings correspond with previous findings that District Court judges and rural judges were more likely to view ignition interlock devices as an effective tool.

Judge's Perception of the Disadvantages of Ignition Interlock Devices

Nearly three-quarters, 74.5%, of the judges agreed with the comment that interlock devices do not address the underlying problems associated with drinking and driving in the long run. This is consistent with research, as well as the suggestion in the DUI Guidebook that ignition interlock may be effective in controlling behavior in the short-term while other interventions are taking place.

Over two-thirds, 67.1%, of the judges appear to believe ignition interlock devices are too easy to circumvent. This circumvention would include tactics such as ignition bypasses or having someone else blow into the device. Half of the judges felt there was no mechanism in place to ensure compliance with ignition interlock orders. Slightly less than half, 48.5%, believe that ignition interlock is a disproportionate penalty for low-income offenders.

Judges were less likely to agree with the suggestion that there is low compliance with ignition interlock orders because of the distance and expense of traveling to service centers. Rural judges were much more likely to cite this as a disadvantage of the devices compared with urban judges. Finally, only 43.0% of judges agreed with the suggestion that a disadvantage of ignition interlock is the expense is an undue hardship on the offender. Rural judges were less likely to agree with

How would you rate the following possible disadvantages concerning ignition interlock use?

	Strongly Agree/ Agree
Doesn't address underlying problems in the long term	74.5%
The device is too easy to circumvent	67.1
No mechanism to ensure compliance	50.0
Disproportionate penalty on low-income offenders	48.5
Low compliance because of distance and expense	42.1
Expense is an undue hardship on offender	21.7

the suggestion that ignition interlock devices are easy to circumvent and that there are no mechanisms in place to ensure compliance with ignition interlock orders. Both District Court and urban judges were more likely to agree that ignition interlock does not address the underlying problems associated with drinking and driving in the long run. District Court and urban judges were less likely to agree with the suggestion that the devices are a disproportionate penalty for low-income offenders and that their expense is an undue hardship on the offender.

The survey suggested the cost of the devices is not an undue financial burden on these offenders because they probably spend at least the same amount or more on alcohol in a month. Only 19.6% of the judges agreed with this comment. Most, 60.9%, were neutral with regard to this suggestion. Rural and Justice Court judges were much more likely to agree, 28.3% and 26.4% respectively.

Finally, the survey suggested there needs to be more coordination between the courts, law enforcement, and people involved in providing services to drunk drivers. A strong 79.9% of the judges agreed with this comment, and only 2.9% of the judges disagreed. There were not any appreciable differences with regard to this suggestion among types of courts and geographic areas of Utah.

Conclusions

It is important to note that the views expressed by judges in this survey are only one piece of a mosaic. Further research would be needed to evaluate the attitudes and perceptions of prosecutors, law enforcement, ignition interlock industry representatives, and DUI offenders in order to gain a more complete picture of ignition interlock use. For instance, one factor found to heavily influence judges' decisions to order inter-

lock devices is a recommendation from prosecution. Thus, it would be beneficial to have some insight concerning the circumstances under which prosecutors recommend, or do not recommend interlocks for offenders.

Ignition interlock devices were designed to prevent drivers with elevated BACs from operating vehicles, thereby protecting the public. When the use of an ignition interlock is embedded in a comprehensive program of monitoring, recording, reporting, and concurrent treatment, it can lead to great reductions in the rate of repeat DUI offenses. Interlocks are not a panacea, but do offer significant benefits when used in conjunction with treatment programs that can help affect more permanent changes in offender behavior. It would appear that most judges agree with the ideas that ignition interlocks are effective when used in combination with other sanctions, and that they do serve a valuable public safety function.

Ignition interlocks not only serve to reduce recidivism while they are installed, but the data that is recorded by them can also assist in predicting future behaviors of DUI offenders. A recording device, connected to the ignition interlock, records an event log that tracks each BAC test and the time of the test. These data recorders can offer insight into offender behavior by detecting patterns of abuse that can lead to repeat offenses. One area that requires further research is whether judges are receiving the data that is being recorded by these devices. Only around half of all judges surveyed reported they are receiving feedback from ignition interlock industry representatives. Without additional questioning, it is unclear whether judges are including this recorded information in their definition of feedback. If it is the case that judges are not receiving this data, then it is a definite gap in the process that warrants attention.

Another key issue raised by the survey is that increased coordination is needed between the courts, law enforcement, and the professionals involved in providing services to drunk drivers. This issue is not limited to rural areas of the state, but instead is a concern for the overwhelming majority of judges in all jurisdictions. This is an area which also requires more in depth analysis to come to an understanding of what, specifically, is lacking in coordination between these groups currently. It is important, not only for the success of the DUI offender, but for the public in general, that we have effective coordination and information sharing between all of the parties involved in the punishment, supervision, and rehabilitation of drunk drivers.

While a small percentage of judges may not order ignition interlocks because they do not believe the devices are effective, more widespread reasons for not using them include unavailability, lack of knowledge regarding interlock laws or the devices themselves, and the lack of a means to ensure compliance. It is critical that interlock providers respond to this increased need for access to interlock devices for those convicted of DUI. Otherwise, judges in areas where the interlock is not available have expressed concern that they are setting offenders up for failure by ordering them to have an interlock installed on their vehicle.

Additional attention also needs to be focused on ways to improve the ability of judges to follow up on interlock orders. Some judges have noted that offenders who are not put on supervised probation are difficult to track, in an efficient or economical way. There also appears to be a disconnect between the length of probation for misdemeanor offenders— one year — and the term of three years dictated for the interlock device to be installed for some offenders. Currently, if a DUI offender is caught driving a vehicle without an ignition interlock installed during the time period one

was ordered for, and his or her probationary period has expired, the offender can only be cited with driving outside of restrictions. It would no longer be considered a probation violation for which the offender could be brought back before a judge. This inability of judges to enforce interlock orders once an offender is released from probation presents a serious problem.

Lastly, some training for judges should be concentrated on the ignition interlock laws, and how the devices work to prevent drinking and driving behavior. It is important to convey the message to judges that interlock devices must be ordered for all second or subsequent DUI offenses. Further research is needed to determine more clearly why some judges don't follow the law in the case of DUI offenders, and how we can help to correct this. Interlocks should be ordered regardless of whether offenders report owning a car or not, have a suspended or revoked license, or are going to jail or prison for any period of time. Some offenders will continue to take to the wheel while impaired, even after their license has been suspended or revoked. Plain and simple, an offender who is under the control of an interlock device is less dangerous than one who is under suspension yet continues to drive anyway. If our goal is to prevent DUI recidivism, and curb the progression of offenders toward the felony DUI level, then it is imperative that interlock orders are in place for all DUI offenders where required by law.