

OREGON ANTI-CRIME ALLIANCE

From: Doug Harclerod

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HB 2116

OPPOSITION TO DASH 2 AMENDMENT

Dear Members of the House Judiciary Committee:

I am advised that you will have a work session tomorrow, February 28th, 2013 on HB 2116 providing a medical exemption to person otherwise required to install an IID device as part of a diversion agreement. The Oregon anti-Crime Alliance has no objection to the bill itself but has a **STRONG OBJECTION TO THE DASH 2 AMENDMENT**.

The current law (HB 3075 in 2011) passed the House unanimously (60 to 0) in the 2011 session and passed the Senate 27 to 0 with three members excused. This law requires all DUII diversion individuals to install and use an IID. The dash 2 amendments to HB 2116 would make this requirement discretionary with the judge and thereby water down the effectiveness of the law by having fewer IIDs installed. Simply put, installed IIDs lower the recidivism rate of drunk drivers.

In 2011 I wrote a memo to the Ways and Means Committee outlining the research demonstrating the reduced drunk driving recidivism from installed IIDs and I have copied it below. Please do not take a step backward in the fight against drunk driving. Vote against the dash 2 amendment.

Dear members of the committee.

1. There is extensive research showing that during the time IID's are installed there is reduced recidivism and some research from New Mexico that provides some evidence

that when the interlock device is removed the offenders have lower cumulative recidivism for six years after installation.

The National Highway Traffic Safety Administration (NHTSA) prepared a 36 page report in November, 2009 covering many topics including recidivism research with IIDs. The link is:

http://www.nhtsa.gov/staticfiles/nti/impaired_driving/pdf/811246.pdf if you want to view the entire report. Here is a portion of the report dealing specifically with reduced recidivism with the use of ignition interlock devices.

"Ignition Interlocks and First-Time DWI Offenders

Four studies (EMT Group 1990; Morse & Elliot 1992; Tippets & Voas, 1998; Voas et al., 1999) with unique offender populations, different measures of recidivism, and varying evaluation periods concluded that ignition interlock devices are effective in reducing recidivism in first-time DWI offenders. Findings include:

A 2004 study of New Mexico's interlock program (Voas et al., 2005) compared a

◆◆ group of 862 offenders court-ordered to install interlocks with a group of 11,973 non-interlocked offenders. The study found interlocked offenders had a recidivism rate of 3.51 percent per year, compared to the non-interlocked group's rate of 7.09 percent, **a 50-percent reduction in recidivism while the interlock was installed on the vehicle.**

An Alberta, Canada (Voas et al., 1999), study compared interlocked first offenders to

◆◆ control groups of reinstated and non-interlocked drivers. Measured against reinstated drivers, recidivism by interlocked first offenders was reduced by 89 percent; when compared to non-interlocked drivers, **recidivism was reduced by 95 percent while the interlock was installed on the vehicle.**

Ignition Interlocks and Repeat Offenders

Five studies involving repeat DWI offenders (EMT Group, 1990; Popkin et al., 1992; Morse & Elliot, 1992; Jones, 1993; Weinrath, 1997) have found that ignition interlocks are one of the most promising strategies available to prevent subsequent DWI behavior by these offenders. Research findings include:

A study in Maryland (Beck et al., 1999) examined 1,387 repeat offenders who were

◆◆eligible for license reinstatement. Half of the offenders were randomly assigned to receive an ignition interlock, the other half received no intervention. Participation in the interlock program reduced the risk of recidivism by almost 65 percent in the first year of the program, with an interlocked offender recidivism rate of 2.4 percent, compared to a non-interlocked offender rate of 6.7 percent while the interlock was installed on the vehicle.

An Illinois study (Raub et al., 2003) looked at two similarly sized groups of repeat

◆◆offenders who received restricted driving permits. One group was required to install ignition interlock devices, the second was not. After one year, interlocked offenders had a recidivism rate of 1.3 percent, compared to the non-interlocked recidivism rate of 8.7 percent—a reduction of 85 percent. Study authors also noted once interlocks were removed from the vehicles of the repeat offenders, there was a rapid return to pre-device recidivism rates.

Numerous studies (Beirness, 2001; Beirness et al., 1998; Jones 1993; Popkin et al.,

◆◆1993; Coben & Larkin, 1999; Marques et al., 2001; DeYoung, 2002; Raub et al., 2003) demonstrate ignition interlocks have a beneficial impact on recidivism *for as long as the device is installed in the vehicle*. Because of increased recidivism rates following removal of the device, several studies have reported that employing interlocks may be necessary as a long-term or permanent condition of driving for repeat offenders."

Dr. Richard Roth, an expert in Ignition Interlock evaluation, prepared a power point presentation in 2010 showing research that interlocked DWI offenders in New Mexico have lower cumulative recidivism for six years after being interlocked. He also cautioned that unmeasured correlates, such as self-selection or judicial discretion, could enhance, reduce, or eliminate the difference in recidivism rates after interlock removal. Here is the link to the complete power point presentation: <http://www.rothinterlock.org/presentations.htm>. Open the link and scroll down to the year 2010. Then click on "2010 RSA Conference." Slides 8 through 13 have the recidivism data.

2) Regarding Senator Winters question about Colorado ignition interlock laws, on page 20 of the NHTSA report(link provided above) begins a summary of all 50 states ignition interlock laws. Colorado passed their law in 2008 and ignition interlock devices a permissive for first time offenders and mandatory for repeat offenders. If you have time, you can review the chart in the report for all states in about 15 minutes.

Thank you for considering HB 3075. As the District Attorney who started the pilot interlock device program in Lane County in 2007, I believe ignition interlock devices are another valuable tool in the fight against injury and death by intoxicated drivers.

Sincerely,

Doug Harclerod