



Oregon

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Governor's Advisory Committee on DUII

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DATE: March 12, 2015

TO: Senate Judiciary Committee

FROM: Teresa Douglas, Governor's Advisory Committee on DUII
Alcohol and Drug Evaluation Specialist

SUBJECT: Senate Bill 396

Introduction:

Senate Bill 396 clarifies procedure for use and reporting procedure of Ignition Interlock Devices for those under a DUII Diversion or DUII Conviction. This Bill also allows for the use of cameras with the Ignition Interlock Device.

Background:

The requirement for Ignition Interlock Devices was added to the Diversion program in the 2011 Legislative session. Ignition Interlock Devices have been required for DUII convictions for many years. Clarification of the procedures with regards to monitoring and installation of the devices is needed to assure that the program is producing the best outcomes.

What the Bill Does:

This bill clarifies reporting procedures for Ignition Interlock Device installers to the monitoring entity, which in most cases is either the Alcohol and Drug Evaluation Specialist or the Court's designee. Each jurisdiction has agreements with the Alcohol and Drug Evaluation Specialist as to how DUII cases are to be handled. This bill will insure that the Ignition Interlock Device information is downloaded and transmitted to the monitoring agency in a timely manner. This bill also allows the Courts to require the most current technology available to address any Ignition Interlock Device violations. It has become increasingly clear that there must be a way to identify who is actually introducing the air into the machine at the time of any violation. Clients are manipulating the outcome of the Ignition Interlock Device by allowing others to blow into the machine. Clients are appearing in court with someone willing to testify that it was someone other than the client who provided the positive breath test in question. Cameras allow the positive identification of the person who blew into the machine at the time of the violation. Many Courts are not able to take action on violations as positive identification of the client is not available.

Summary:

While Alcohol and Drug Evaluation Specialists are required to monitor all Diversion clients, they also monitor DUII convictions that are not placed on supervised probation. The Alcohol and Drug Evaluation Specialist is the conduit through which information flows between the Courts, the offender, the treatment provider and the community. The Alcohol and Drug Evaluation Specialist is able to provide valuable information to all parties involved. While the information gathered from the Ignition Interlock Device is essential to monitoring abstinence

during supervision on DUII Diversion or Conviction, timeliness of the information has been an issue. Also, lacking the ability to confirm the identity of who is blowing in the Ignition Interlock Device has been a problem. The addition of the cameras via administrative rule will largely correct this issue.

As an Alcohol and Drug Evaluation Specialist, I have been monitoring the Ignition Interlock Device on my clients since the requirement went into effect. While it has been difficult as the information has not been available in real time, it has provided an opportunity for intervention. The treatment programs have appreciated the Ignition Interlock Device as an additional means to monitor abstinence and address relapse. The Courts have also used the Ignition Interlock Device information as a tool to monitor required abstinence. Many clients sent back to court for Ignition Interlock Device violations admit drinking alcohol after finishing treatment. This creates the option to return clients to treatment for re-evaluation and additional treatment.

While the Ignition Interlock Device has become a valuable tool in the DUII field, there is always room for improvement with the devices themselves, timeliness of reports and the ability to identify the person who is blowing into the device. The GAC on DUII believes this bill will address some of these issues. As the Ignition Interlock Device industry continues to evolve, modern technology will no doubt continue to improve. Therefore, on behalf of the Governor's Advisory Committee on DUII and as a Alcohol and Drug Evaluation Specialist, I would ask that SB 396 be sent to the Senate floor with a do pass recommendation.