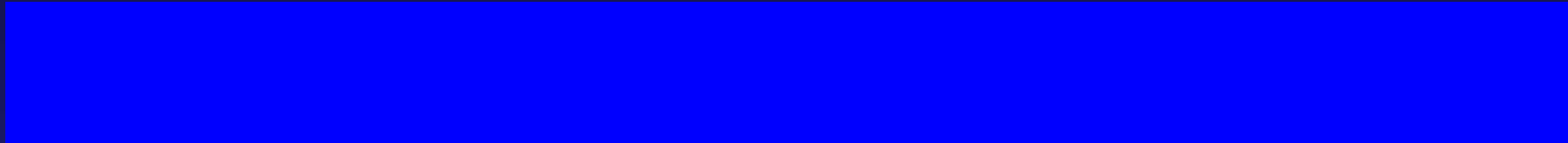


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A Perspective on “Judicial” Ignition Interlock Programs

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7th Annual Ignition Interlock Symposium

Beaver Creek, CO

October 23rd, 2006

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Introduction

- Issue of administrative/judicial interlock programs is not new.
- In the past 7 years the research and technology have advanced considerably.
- Programs have been implemented in almost all jurisdictions.
- Yet despite compelling research, and enabling legislation, interlocks are used irregularly – why?



Introduction

- Program implementation and delivery have received far less attention.
- This has hindered participation in and the expansion of interlock programs.
- Attention must now be focused on improving implementation and delivery of all programs.
- Front-line professionals are partners in this process, not adversaries.



Goals

- Provide insight into the roles of criminal justice professionals in a “judicial” interlock program.
- Identify challenges within the criminal justice system.
- Highlight issues that must be considered in order to improve the delivery of judicial interlock programs.



Background

- Research results and technological advances are not well-translated in the criminal justice literature.
- Training and education are inconsistent or largely unavailable to professionals.
- Professionals have been generally uninvolved in program setup.
- Myths and legends surrounding interlocks have never been adequately addressed outside of the research community.



Background

- Consequently, criminal justice professionals are unfamiliar with interlock devices or programs.
- Yet these professionals play a key role in program delivery in many jurisdictions, and are a linchpin to improving participation rates.



Role of law enforcement

- ➡ To determine at the roadside if driver is interlock-restricted – requires means of identification.
- ➡ To determine that the proper device is installed and functioning as it should – requires knowledge of the device.
- ➡ To file necessary charges – requires knowledge of legislation.



Role of prosecutor

- ➡ Make sentence recommendations and provide information to the judge – requires knowledge of devices and program.
- ➡ Handle probation violation and revocation hearings – requires availability and time in court.
- ➡ Handle evidentiary hearings and respond to motions – requires extensive knowledge of science.



Role of prosecutor

- ➡ Examine/cross-examine expert witnesses – requires availability of witness and knowledge of science.
- ➡ Prove defendant gave the breath sample – requires evidence.
- ➡ Prove the device was valid and operating properly – requires evidence that meets federal rules.
- ➡ Scientifically refute alternate explanations such as mouth alcohol, medical conditions, food.



Role of judge

- ➔ Sentence defendant:
 - ➔ according to principles of sentencing
 - ➔ according to facts of case
 - ➔ ensure that justice is served
 - ➔ ensure there are resources available for sentence
 - ➔ consider financial means of defendant
 - ➔ consider family situation



Role of judge

- Judges need knowledge at the time of sentencing to address the following issues:
 - claim that offender does not intend to drive
 - claim that offender does not own a vehicle
 - claim that offender is unable to provide a sufficient breath sample
 - offenders routinely fail to install interlock
 - offenders fail to drive the interlocked vehicle



Role of judge

- ➔ Ensure compliance with conditions of sentencing – requires multiple reports.
- ➔ Preside over violation/evidentiary hearings – requires time on docket and knowledge of science, availability of counsel.
- ➔ Evaluate evidence in motions, from expert witnesses; include/exclude – requires knowledge and evidentiary test.
- ➔ Rule on hearing and impose sentence – must have available sanctions, resources.



Role of probation

- ➡ Make sentence recommendations- requires knowledge of program.
- ➡ Supervise and enforce all conditions imposed – requires time and resources.
- ➡ Respond to non-compliance.
- ➡ Handle probation violation or revocation hearings – requires knowledge of law, science.
- ➡ Enforce any sanctions imposed – requires time and resources.



System challenges

- Inexperience of DWI professionals
- Misdemeanor cases vs. felony cases
- Mandatory minimums – no alternatives
- Indigent offenders and use of fines
- Caseload/workload – trends in probation
- Revocations and overcrowding in jails
- Short-term vs. long-term public safety



What is needed?

- ☑ Education and training within the criminal justice community.
- ☑ Translation of the research.
- ☑ Dialogue with the criminal justice community to address program delivery issues.
- ☑ Streamlined reporting.
- ☑ Linkages with treatment.





IGNITION INTERLOCKS

from Research
to Practice

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Primer for Judges

Conclusions

- Many states have criminal justice based interlock programs.
- To date, professionals have been largely uninvolved in programs.
- Program implementation has been inconsistent. Program guidelines are critical to ensure growth.
- More education is need to ensure broad acceptance.
- Dialogue with the criminal justice professionals is encouraged.



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