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Report No. 14-14

Ignition Interlock Devices and DUI Recidivism Rates

at a glance

Individuals who are arrested for driving under the influence (DUI) typically have their driver licenses suspended for six months to one year, and revoked for six months or more upon conviction. In 2013, 50,377 drivers were arrested for DUI in Florida.

Laws in Florida and many other states require certain convicted drivers to have an ignition interlock device (IID). IIDs require drivers to perform an alcohol detection test in order to operate their motor vehicles. In Florida, only half of required offenders install court-ordered IIDs.

Research has found that ignition interlock devices are effective at reducing re-arrests for driving under the influence as long as they are installed. However, after the devices are removed recidivism rates increase. Our analysis found that requiring first-time DUI offenders to install an IID, as several states have done, may result in a reduction in recidivism. Two states have expanded IID use to allow offenders to drive during administrative suspension and earn credit against future sanctions through a day-for-day provision. Our analysis found DUI recidivism was lower for IID users when compared to drivers with an administratively suspended license; however, there are inherent differences between these two groups that limit comparability.

Scope

As directed by Chapter 2014-216, *Laws of Florida*, OPPAGA studied the effectiveness of ignition interlock device use as an

alternative to driver license suspension for drivers who are arrested for driving under the influence (DUI).¹

Background

Under Florida law, drivers can be arrested for driving under the influence of alcoholic beverages, chemical substances, or controlled substances if their blood- or breath-alcohol level is .08 or higher or their ability to operate a vehicle is impaired by these substances.² In 2013, 50,377 drivers in Florida were arrested for DUI.

Driving under the influence is a criminal offense and arrested drivers face criminal sanctions if convicted. However, since it takes time for criminal charges to progress through the judicial system, Florida law helps protect the public from unsafe drivers by authorizing the immediate imposition of administrative sanctions on all drivers arrested for DUI or for refusal to submit to a blood- or breath-alcohol test.³ (See Appendix A.)

¹ Chapter 2014-216, *Laws of Florida*.

² Section 316.193, *F.S.*

³ Florida is an implied consent state, meaning that all drivers holding valid Florida driver licenses agree to submit to a test when suspected of DUI. Per s. 316.1932, *F.S.*, drivers who refuse to submit to a blood, urine, or breath test have their driving privileges immediately administratively suspended for one year for the first offense and eighteen months for subsequent offenses and are required to attend courses provided by DUI programs.

An administrative suspension of a driver license takes effect upon arrest. When a driver is arrested for DUI, the law enforcement officer takes possession of the driver's license and issues a notice of suspension of driving privileges and a 10-day temporary driving permit on behalf of the Department of Highway Safety and Motor Vehicles.

The department imposes an administrative license suspension that removes a person's driving privileges for a set period of time. The administrative suspension lasts for six months for first-time offenders and one year for repeat offenders or until the case is disposed by the court.

Arrested drivers must enroll in an education course at a DUI program. These programs, operated by department-approved nonprofit organizations, provide driver education, substance abuse assessments, and treatment referrals, as well as monitoring and case management for drivers convicted of DUI.⁴

First-time offenders can obtain restricted driving privileges to legally drive during this administrative suspension period. Following enrollment in a DUI program, first-time offenders can obtain permission to drive during the suspension in two ways.⁵ First, in the 10-day period after arrest, drivers can waive their right to appeal the department's imposition of a suspension through an administrative hearing.⁶ After

showing proof of enrollment in a DUI program, drivers can apply to the department for a restricted license, thus avoiding any period of suspension. Second, after the suspension has been in effect for thirty days, first-time offenders can apply for a restricted license.

In addition to administrative sanctions, arrested drivers also face criminal sanctions. Arrests for driving under the influence are criminal charges that must be processed through the judicial system. If the court convicts the driver of DUI, the driver license will be revoked from the conviction date for a specified period of time.⁷ The length of the revocation and the severity of other sanctions depend on the type of DUI offense and the number of previous DUIs. All offenders pay fines; other sanctions can include probation or incarceration, ignition interlock device (IID) requirements, community service, and additional DUI program requirements. If the court acquits the driver, the Department of Highway Safety and Motor Vehicles restores driving privileges, ending the administrative suspension if it is still active.

As part of both administrative and criminal processes, offenders are required to pay numerous administrative and programmatic fees. They may also experience additional personal costs such as higher insurance rates. (See Appendix B for further detail on the costs associated with DUIs.)

⁴ There are 26 licensed DUI programs in Florida.

⁵ Drivers whose driving privileges are administratively suspended for DUI may be eligible for one of two types of restricted driver licenses: business purposes only and employment purposes only. Both of these restrictions allow the offender to drive for work-related purposes; however, a business-purposes-only restriction also allows driving for educational, medical, or church purposes. When the Department of Highway Safety and Motor Vehicles grants one of these restrictions, the offender's license is reinstated, and the restriction is noted on the license.

⁶ Drivers can appeal the Department of Highway Safety and Motor Vehicles' imposition of a driver license suspension through a formal or informal hearing. In a formal hearing, a department hearing officer administers oaths, examines witnesses, takes testimony, and receives relevant evidence. In addition, a driver may request the issuance of subpoenas to law enforcement officers and witnesses. In an informal

review, there is not actually a hearing; the hearing officer conducts a desk review, examining materials submitted by the law enforcement officer and the person whose license was suspended. Drivers may appeal the hearing outcome in circuit court.

⁷ Driver license suspensions and revocations are functionally similar in that both take away the arrested driver's driving privilege, and both can eventually be resolved by reinstatement of the license. For DUI offenses, the administrative action is a suspension, and the action taken by the court upon conviction is commonly called a revocation.

Findings

Ignition interlock devices aim to prevent DUI recidivism, but allow offenders to legally drive

Many states, including Florida, require ignition interlock devices to test DUI offenders' breath alcohol levels before operating motor vehicles. These devices are dashboard-mounted breathalyzers that require drivers to perform an alcohol detection test in order to operate their motor vehicle. The device prevents a vehicle from starting if the driver's breath-alcohol level is above a predefined limit. IIDs used in Florida collect and record several data elements, including the time, date, and results of all tests as well as a photograph of the IID user during testing. The devices also conduct random "rolling" retests of drivers while the motor is running at least once every 45 minutes.

All 50 states and the District of Columbia have enacted legislation requiring or permitting the use of IIDs as a sanction for DUI offenders. According to Mothers Against Drunk Driving (MADD), almost one-half, 24 states, require IIDs for all offenders. Florida and thirteen other states require IIDs for first-time offenders with high alcohol levels. In addition, seven states that do not require IIDs for first-time offenders require them for second or subsequent offenders; three states use court discretion; one state and the District of Columbia allow an offender to decide whether to use the device; and one state incorporates the IID into a 24/7 sobriety program.⁸

⁸ A 24/7 sobriety program requires DUI offenders to submit to daily breath-alcohol testing, either through continuous alcohol monitoring with an electronic monitoring device or appearing at a testing site, most often a law enforcement office. Failure to pass a test is often accompanied with an immediate sanction, such as jail confinement.

In Florida, only certain DUI offenders are required to install an IID. As of November 2014, 9,401 DUI offenders in Florida had IIDs installed. As shown in Exhibit 1, all repeat DUI offenders are required to install an IID, with the time requirement depending upon the severity of offense or number of prior convictions, as a condition of license reinstatement. Offenders convicted of DUI for the first time are only required to install an IID if they had an alcohol level at or over .15 or had a minor in the car at the time of the arrest. Florida law gives the court the discretion to require IID installation for first-time DUI offenders with alcohol levels of less than .15.

Exhibit 1 Florida Requires Ignition Interlock Devices for Certain DUI Offenders

| DUI Conviction | Ignition Interlock Device Requirement |
|----------------|---|
| First | <ul style="list-style-type: none"> – At discretion of the court – If breath- or blood-alcohol level is at or above .15 or minor in vehicle, six continuous months |
| Second | <ul style="list-style-type: none"> – One continuous year – If breath- or blood-alcohol level is at or above .15 or minor in vehicle, two continuous years |
| Third | <ul style="list-style-type: none"> – Two continuous years |

Note: The court may also extend the IID time requirements. If the court does not order an IID for a required offender, then the Department of Highway Safety and Motor Vehicles automatically imposes the IID requirement.

Source: Sections 316.193 and 322.2715, *F.S.*

The Department of Highway Safety and Motor Vehicles works with ignition interlock device vendors and DUI programs to monitor the use of the devices. The department contracts with three vendors to provide ignition interlock devices to offenders throughout the state.⁹ The contracts ensure that the devices meet certain requirements,

⁹ The department contracts with ALCOLOCK/Interlock System of Florida, Guardian Interlock, and Smart Start. Section 316.1938, *F.S.*, requires vendors to have locations in each judicial circuit.

but the department does not regulate device prices nor pay the vendors for services.¹⁰ Offenders choose a vendor to install an IID in their vehicle and receive training on its use. Generally, ignition interlock costs range from \$90 to \$100 per month. In addition, users may be required to pay installation, de-installation, and other ancillary fees.

The department monitors the use of IIDs through reports from the three vendors and the 26 licensed DUI programs located throughout the state. Drivers who have IID violations, such as a breath test above the .025 breath alcohol level or tampering with the IID equipment, are required to receive services at a DUI program. The DUI program reviews IID data with the offender and develops a case management plan, which may include monthly monitoring appointments or requirements to attend treatment sessions. All IID users with three or more violations are referred by the DUI program to treatment with an approved substance abuse treatment provider. In addition, Department of Highway Safety and Motor Vehicles staff answer calls from IID users and provide information on a variety of topics, including IID requirements and issues related to the operation and functioning of the devices. The department receives an average of 907 IID-related calls per month.

While most ignition interlock device costs are paid by the user directly to IID vendors, the state incurs some of the cost of program administration. The Department of Highway Safety and Motor Vehicles estimated that it cost \$420,000 to administer

the IID program in Fiscal Year 2013-14.¹¹ These costs include salaries and benefits for department staff who work directly with IID vendors, the DUI programs, and IID users, and indirect costs such as computer system costs. The department receives a \$12 interlock fee for each IID installation.¹² This fee is collected by the vendors and in Fiscal Year 2013-14 the department received \$187,596 in IID fees.

Many DUI offenders in Florida do not comply with the requirement to install an ignition interlock device

While it is mandatory for many DUI offenders to install ignition interlock devices, the installation rate is low. A 2013 Florida study found that only 49% of DUI offenders installed an IID, as required, after completing their period of court-imposed license revocation.^{13, 14} Failure to install the device means that a driver's license remains in revocation status and a person cannot reinstate his or her driver license to legally drive. However, prior research indicates that over half of suspended or revoked DUI offenders continue to drive to some extent.

Requirements related to an offender's DUI may create barriers to IID installation. For example, financial obligations such as fines, legal fees, increased insurance costs, or the cost of the IID installation and monitoring may inhibit or delay the installation of an IID. (See Appendix B for costs associated with a DUI.)

¹⁰ Section 316.1938(2), *F.S.*, requires ignition interlock devices used in Florida to meet certain standards. Specifically, statute requires IIDs to meet or exceed current National Highway Traffic Safety Administration model specification standards, which specify acceptable error rates and other technical elements of the device, such as a tamper-proof feature that detects when an offender detaches the IID from the ignition.

¹¹ The Department of Highway Safety and Motor Vehicles reported that these costs may include direct costs, such as salaries and benefits, as well as indirect costs, such as administrative, services, computer, and infrastructure costs.

¹² Section 322.2715(5), *F.S.* requires vendors to collect and remit \$12 for each installation to the department, which is deposited into the Highway Safety Operating Trust Fund to administer the IID program.

¹³ The study included 90,760 offenders required to install an ignition interlock from 2002 to 2011.

¹⁴ Voas, Robert B., Anthony S. Tippetts, and Milton Grosz. "Administrative Reinstatement Interlock Programs: Florida, A 10-Year Study." *Alcoholism: Clinical and Experimental Research* 37(7) (2013): 1243-1251.

In addition, failure to complete other requirements, such as a DUI program education course, may prevent IID installation.

Ignition interlock installation rates also may be affected by other requirements offenders must complete before becoming eligible to install an IID. For example, drivers convicted of DUI may concurrently have their license suspended because of traffic tickets or non-driving related reasons such as outstanding court fines. While these suspensions may not be related to DUI offenses, a driver must resolve any suspension and its associated fees and fines before they can regain driving privileges.

As mentioned above, the cost of IID use may also be another barrier to installation. In Florida, if the court determines an offender is unable to pay, it may order that a portion of the fine imposed for driving under the influence be used to defray the costs of the installation of an IID.¹⁵ Several other states have established indigent funds to subsidize, in part or in whole, the costs of IID installation and use. Mothers Against Drunk Driving (MADD) has advocated for an administrative fee of \$50 to be assessed by the IID vendors at the time of installation to go towards an IID indigent support fund.

Research shows ignition interlock devices lower DUI recidivism while in use; limited information about the effect on costly DUI crashes

Research has shown that ignition interlock devices, while installed, reduce recidivism; DUI rearrest rates go up after the devices are removed. A 2011 meta-analysis of 15 studies on DUI offenders showed that ignition interlock devices, while installed, were more effective at reducing re-arrest rates for alcohol-impaired driving when compared to other sanctions, such as license

suspensions.¹⁶ However, the study findings indicate that after the device was removed, re-arrest rates reverted to levels similar to drivers who had not installed IIDs. For example, a study of repeat offenders in New Mexico found that while the devices were installed, the risk of recidivism was 65% lower than a random sample of offenders without the device installed. After the devices were removed, there were no statistically significant long-term recidivism reductions.¹⁷

A 2013 study that compared drivers under court-imposed license revocation to IID users in Florida found similar results.¹⁸ The study examined Florida DUI offenders from 2002 to 2011. Results show that offenders with IIDs installed had a lower one-year recidivism rate (1.2%) compared to drivers under a one-year license revocation (4.4%). However, after the device was removed, the one-year recidivism rate increased (3.6%).

Alcohol-related crashes are costly, but research is limited on the effectiveness of ignition interlock devices at reducing crashes. Another measure of IID effectiveness is its effect on the frequency and severity of crashes. Alcohol-related crashes are costly, both in terms of the human loss and the economic impact on victims, offenders, and the state. In an analysis of the economic and societal impact of motor vehicle crashes, the National Highway Traffic Safety Administration (NHTSA) estimated the costs of an alcohol-related crash to be \$3,862 per

¹⁵ Section 316.1937(2)(d), F.S.

¹⁶ Elder, Randy W., Robert Voas, Doug Beirness, Ruth A. Shults, David A. Sleet, James L. Nichols, Richard Compton. "Effectiveness of Ignition Interlocks for Preventing Alcohol-Impaired Driving and Alcohol-Related Crashes: A Community Guide Systematic Review." *American Journal of Preventive Medicine* 40(3) (2011): 362-376.

¹⁷ Roth, Richard, Robert Voas, and Paul Marques. "Mandating Interlocks for Fully Revoked Offenders: The New Mexico Experience." *Traffic Injury Prevention* 8(1) (2007): 20-25.

¹⁸ Voas, Robert B., Anthony S. Tippetts, and Milton Grosz. "Administrative Reinstatement Interlock Programs: Florida, A 10-Year Study." *Alcoholism: Clinical and Experimental Research* 37(7) (2013): 1243-1251.

damaged vehicle in crashes involving property damage only and \$10.1 million per fatality resulting from a DUI crash.¹⁹

In 2013, 859 people died and 11,346 people were injured as a result of alcohol-suspected crashes in Florida. While alcohol-suspected crashes accounted for only 5.4% of total reported crashes in 2013, they accounted for 35.5% of crashes involving a fatality. From 2003 to 2013, there has been a 25% decrease in the number of alcohol-suspected crashes and a 22% decrease in the number of alcohol-suspected crash fatalities in Florida.

Prior research on the effectiveness of IID installation in reducing alcohol-related crashes has been limited. Studies of IID use in California and Quebec found that single-vehicle nighttime crashes (a proxy for alcohol-related crashes) were no different or higher among DUI offenders using IIDs relative to offenders under a period of standard license suspension.^{20, 21} One noted reason for the increase in crashes among IID users is that offenders that install IIDs drive more than offenders under driver license suspension. A study from Washington state found lower crash rates among IID users in Washington relative to DUI offenders in two nearby states.²² However, these differences seem to largely be explained by relative increases in crash rates in those states as opposed to a decreased crash rate in Washington.

Many states require ignition interlock devices for all first-time DUI offenders; may result in reduction in recidivism

Many states require ignition interlock devices for all DUI offenders, including all first-time offenders. In Florida, IIDs are required only for first-time DUI convictions involving drivers with an alcohol level at or over .15, or with a minor in the car.²³ However, 24 states have passed legislation requiring all first-time DUI offenders to use ignition interlock devices. Organizations such as Mothers Against Drunk Driving (MADD), the American Automobile Association (AAA), the Centers for Disease Control and Prevention (CDC), and the Insurance Institute for Highway Safety promote this policy, citing two primary reasons. First, survey results show strong public support for required IID use. According to the CDC, a national survey showed that 84% of respondents want to require IIDs for all DUI offenders. Respondents were in favor of IIDs because they thought the devices reduced fatalities, crashes, and impaired driving. Second, stakeholders assert that the typical first-time offender has driven under the influence before being detected by law enforcement and arrested for DUI. Therefore, requiring IIDs for first-time offenders would decrease the enforcement burden on law enforcement by using technology to curtail offenders from driving while impaired by alcohol.

Recent studies suggest that ignition interlock devices may not provide significant reductions in recidivism for first-time DUI offenders. A 2014 report by the U.S. Government Accountability Office (GAO) reviewed studies that analyzed relationships between ignition interlock devices and recidivism.²⁴ Some of the

¹⁹ These costs reflect an overall economic impact approach, which includes property damages, medical and insurance costs, traffic congestion, lost productivity, and legal costs.

²⁰ *An Evaluation of the Effectiveness of Ignition Interlock in California: Report to the Legislature of the State of California*, California Department of Motor Vehicles, 2004.

²¹ Vezina, L. "The Quebec Alcohol Ignition Interlock Program: Impact on Recidivism and Crashes." *Proceedings International Council on Alcohol, Drugs and Traffic Safety Conference 2002* (2002): 97-104.

²² McCartt, Anne T., William A. Leaf, Charles M. Farmer, and Angela H. Eichelberger. "Washington State's Alcohol Ignition Interlock Law: Effects on Recidivism Among First-time DUI Offenders." *Traffic Injury Prevention* 14(3) (2013): 215-229.

²³ Florida law also gives the court discretion to require IIDs for other offenders.

²⁴ *Alcohol Ignition Interlocks are Effective While Installed; Less is Known about How to Increase Installation Rates*, Government Accountability Office, 2014.

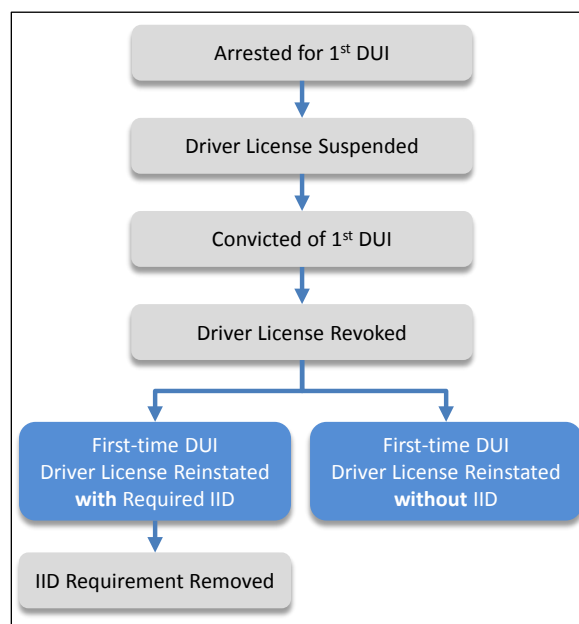
studies the GAO reviewed did not find significant results when determining if IIDs reduce recidivism among first-time offenders with low breath alcohol levels. However, the GAO acknowledged that the research studies had small sample sizes of first offenders that limited the generalizability of the findings. In addition, the number of studies available is limited because laws requiring first-time DUI offenders to have an IID are fairly new.

A 2012 study in Washington state found reduced recidivism for some first-time offenders who had used IIDs.²⁵ In June 2004, Washington began requiring first-time DUI offenders with breath-alcohol levels below .15 to have an IID for one year. The study found that after the law change, the two-year DUI re-arrest rate for first-time offenders decreased by 1.3%. However, the recidivism rates did not significantly decrease for the same group of first-time offenders over time periods of six months, one year, and three years. While the Washington study found a significant decrease for the two-year DUI re-arrest rate, the results from the other periods suggest that IIDs may have limited effectiveness for first-time offenders with a low breath alcohol level.

First-time Florida DUI offenders with ignition interlock devices had lower recidivism rates than other first-time offenders; recidivism for all first-time offenders is infrequent. OPPAGA was directed to study the effectiveness of ignition interlock device use for all Florida DUI offenders. We found among relicensed first-time DUI offenders, drivers with ignition interlock devices installed had a lower DUI re-arrest rate compared to relicensed offenders with no IID requirement. We analyzed a sample of records on 88,948 first-time DUI offenders

who were charged between January 2006 and February 2014. We compared DUI recidivism during the first six months after a reinstatement from a court-imposed driver license revocation.²⁶ Some of these offenders, 33,109, were required to install an IID for at least six months before regaining an unrestricted driver license due to being found guilty of a DUI with an alcohol level of over .15 or with a minor in the car, or by judicial order.²⁷ The remaining 55,839 first-time DUI offenders were not required to install an ignition interlock device. (See Exhibit 2.)

Exhibit 2
OPPAGA Recidivism Analysis of First-Time DUI Offenders Compared Those Required to Have IID to Those Who Were Not



Note: Boxes highlighted in blue are the groups used for the first-time offender comparison and results in Exhibit 3.

Source: Department of Highway Safety and Motor Vehicles.

²⁵ McCartt, Anne T., William A. Leaf, Charles M. Farmer, and Angela H. Eichelberger. "Washington State's Alcohol ignition interlock law: Effects on recidivism among first-time DUI offenders." *Traffic Injury Prevention* 14(3) (2013): 215-229.

²⁶ The first six-month period of post revocation was selected because it corresponds with a six-month period of required IID installation for first-time offenders. This limited time-frame has resulted in lower recidivism rates relative to other studies that have looked at longer periods of IID use.

²⁷ The installation rate for first-time offenders required to install an IID to regain driving privileges was 54.5%.

As shown in Exhibit 3, we found that the six month recidivism rate for first-time DUI offenders that were not required to install an IID was higher at 1.74%, compared to the six month recidivism rate of 0.34% for first-time offenders required to use an ignition interlock device.

**Exhibit 3
Recidivism Was Lower for First-Time DUI Offenders Using Ignition Interlock Devices Relative to Other First-Time Offenders**

| First-time Offenders Driver License Status Post-Revocation | Six Month Recidivism Rate |
|--|---------------------------|
| Valid Driver License with IID Installed | 0.34% |
| Valid Driver License with no IID requirement | 1.74% |

Source: OPPAGA analysis of data from the Department of Highway Safety and Motor Vehicles.

The first-time offenders using IIDs had recidivism rates 81% lower than those without IIDs. If the difference in recidivism were applied to first-time DUI offenders without an IID requirement during the first six months of driver license restoration, the estimated impact equates to 216 fewer DUI arrests in Florida annually. This would represent less than 1% of the total 50,377 DUI arrests in Florida in 2013.

Two states allow drivers to use IIDs prior to conviction in lieu of administrative suspension

Two states allow DUI offenders to install ignition interlock devices and drive during the administrative suspension, earning day-for-day credit for future sanctions. Allowing DUI offenders to drive legally during their administrative suspension period, but requiring them to install an ignition interlock device, may provide additional accountability prior to the court resolving their case. OPPAGA was directed to study a provision that credits drivers for using an IID as an alternative to administrative suspension of the driver’s license. Such a provision would allow the driver to earn a day-for-day credit for IID

use, with the credit applied to subsequent criminal sanctions.

In Nebraska and Washington, in addition to being able to drive legally during suspension, drivers who install an IID have the benefit of having that time counted as day-for-day credit toward a subsequent post-conviction sanction, such as an IID requirement or license revocation. As a part of their campaign to eliminate drunk driving, Mothers Against Drunk Driving (MADD) advocates for day-for-day credit. MADD states that the policy gives offenders an option to drive legally instead of driving while suspended and encourages drivers to learn sober driving behavior throughout the DUI process as opposed to waiting to install an IID post-conviction.

Washington and Nebraska have implemented their day-for-day credit provisions differently. While both states require the DUI offender to waive the right to an appeal a driver license suspension or revocation, the implementation of the provision differs in two key areas; the length of the waiting period before applying for an ignition interlock license or permit and the sanction that the credit is applied against.

- ***Waiting period.*** In Washington, there is no waiting period to apply for an ignition interlock license and offenders can apply anytime following DUI arrest. In Nebraska, offenders must wait at least 15 days before they can apply for an ignition interlock permit. Repeat offenders are prohibited from driving for 45 days before they can apply and drivers who refuse a breath test are prohibited for driving for 90 days.
- ***Sanction credit is applied against.*** Washington courts typically impose a requirement for persons convicted of a first DUI to drive with an IID for one year. Time accumulated with an IID prior to conviction is applied against this post-conviction IID time requirement. Washington does not limit the amount of credit a driver can accumulate under the day-for-day model. Drivers in Nebraska

typically have their licenses revoked upon conviction. Up to one year spent using an IID prior to conviction can be counted as a credit against this court-imposed revocation.

Both states cite advantages to implementing a day-for-day credit model. Washington and Nebraska both report the day-for-day provision is one part of a larger effort to increase the effectiveness of the use of IIDs and increase installation rates of drivers required to use the device.

In addition, both states also report decreases in programmatic costs as a result of fewer administrative hearings. In order to receive an ignition interlock permit or license, offenders must waive their right to appeal their license suspension through an administrative hearing. In Nebraska, the number of administrative hearings decreased from over 125 per week before the implementation of the day-for-day provision in January 2012 to about 4 per week. As a result of this decrease, the number of employees in the administrative hearings division was reduced from 14 to 7.

Stakeholders in Washington also reported a decrease in administrative hearings. From 2011, when the provision was implemented, to 2014 the number of hearings declined by 34%. Stakeholders attributed this decline to several factors, which included the implementation of the day-for-day credit provision, an increase in administrative hearing fees from \$200 to \$375, and a decrease in the number of DUI reports from law enforcement. Washington reported eliminating a hearing officer position due to the decline.

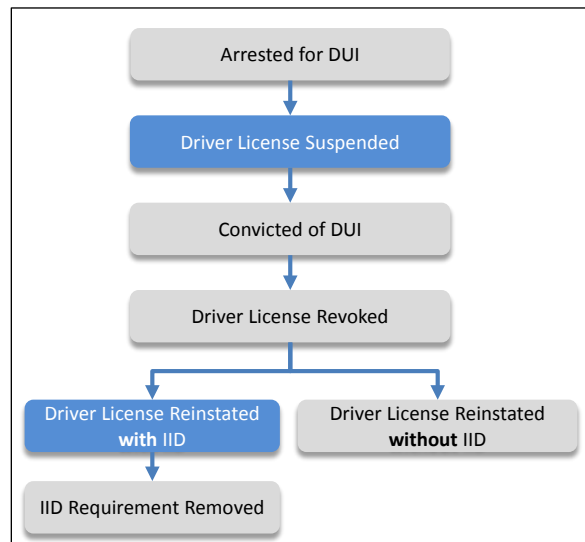
Florida does not currently allow for IID use during the suspension period, but the Department of Highway Safety and Motor Vehicles does allow certain offenders to drive immediately after arrest. As described earlier, first-time DUI offenders may begin driving immediately after arrest by waiving their right to an administrative hearing. However,

unlike the day-for-day credit provision in Washington and Nebraska, offenders are not required to have an IID and do not earn time credit against future license revocation or IID time levied by the court. The waiver provision went into effect on July 1, 2013, and 9,297 drivers received waivers in the first year. The department reports that the number of administrative hearings decreased from 354 per week in Fiscal Year 2012-13 to 197 per week in Fiscal Year 2013-14.

Recidivism rates of drivers with ignition interlock devices are lower than suspended drivers

OPPAGA analysis found ignition interlock device users in Florida had lower recidivism rates when compared to drivers under administrative suspension. OPPAGA was directed to study ignition interlock device use as an alternative to driver license suspension as a means to reduce recidivism. Our analysis compared drivers under administrative license suspension to drivers with an ignition interlock installed after conviction. (See Exhibit 4.)

**Exhibit 4
OPPAGA Recidivism Analysis Compares Drivers with a Suspended License to Drivers Who Installed an IID Post-Conviction**



Note: Boxes highlighted in blue are the groups used for the comparison between suspended drivers and drivers with IIDs installed in Exhibit 5.

Source: Department of Highway Safety and Motor Vehicles.

We found that drivers with an ignition interlock installed after conviction had a lower recidivism rate than drivers under administrative license suspension. Using Department of Highway Safety and Motor Vehicles driver history records, we analyzed DUI recidivism rates for a sample of 253,261 Florida drivers convicted of a DUI offense that occurred between January 1, 2006 and August 15, 2014. The recidivism rate for administratively suspended drivers was significantly higher (1.9%) relative to convicted DUI offenders with IID (0.7%). (See Exhibit 5.)

**Exhibit 5
Recidivism Rates for Suspended Drivers Were Significantly Higher Than Drivers with Ignition Interlock Devices Installed**

| Driver License Status | Six Month Recidivism Rate |
|--|---------------------------|
| No Valid Driver License Administrative Suspension | 1.9% |
| Valid Driver License IID Installed | 0.7% |

Source: OPPAGA analysis of data from the Department of Highway Safety and Motor Vehicles.

While our analysis indicates that IID users have lower recidivism rates relative to suspended drivers, there are inherent

differences between IID users and suspended drivers that limit the comparability of these two groups and the applicability of our findings. For example, the two groups represent different time periods in the DUI process. Offenders under driver license suspension are in the beginning of the administrative sanction process. The IID users have been through both the administrative and criminal DUI processes and been able to complete and comply with all of the requirements necessary to install an IID, a process which takes over a year for half of the IID users. Offenders who install IIDs may have a lower risk of recidivating than offenders under license suspension. Thus, we cannot conclude that the use of IIDs during the administrative suspension period would have the same reduction on recidivism as our findings.







Agency Response

In accordance with the provisions of s.11.51(2), *Florida Statutes*, a draft of our report was submitted to the Executive Director of the Department of Highway Safety and Motor Vehicles. The department’s written response has been reproduced in Appendix C.







Appendix A

Administrative and Criminal Sanctions for Driving Under the Influence in Florida







1ST DUI OFFENSE

| Administrative | Criminal ¹ |
|--|---|
| Driver License Suspension  → 6 months; eligible for restricted license after enrolling in DUI school and applying for waiver or waiting 30 days | Length of Revocation  → 180 days to 1 year; receive restricted license by completing DUI school |
| DUI School  → Level 1 | Ignition Interlock Device²  → At the discretion of the court; <i>if aggravated DUI, 6 continuous months</i> |
| | Incarceration  → Up to 6 months; <i>if aggravated DUI, up to 9 months</i> |
| | Fine  → \$500 to \$1,000; <i>if aggravated DUI, \$1,000 to \$2,000</i> |

2ND DUI OFFENSE

| Administrative | Criminal ¹ |
|---|---|
| Driver License Suspension  → 1 year; eligible for restricted license after enrolling in DUI school and waiting 30 days | Length of Revocation  → <u>More than 5 Years Since Last Conviction:</u> 180 days to 1 year; not eligible for restricted license <u>Within 5 Years:</u> At least 5 years; Restricted license: wait 1 year, finish DUI school, maintain enrollment in Special Supervision Services for remainder of revocation and meet program requirements, install IID |
| DUI School  → Level 2 | Ignition Interlock Device²  → 1 continuous year; <i>if aggravated DUI, 2 continuous years</i> |
| | Incarceration  → <u>More than 5 Years Since Last Conviction:</u> Up to 9 months; <i>if aggravated DUI, up to 1 year</i> <u>Within 5 Years:</u> 10 days to 9 months; <i>if aggravated DUI, 10 days to 1 year</i> |
| | Fine  → \$1,000 to \$2,000; <i>if aggravated DUI, \$2,000 to \$4,000</i> |

3RD DUI OFFENSE

| Administrative | Criminal ¹ |
|---|---|
| Driver License Suspension  → 1 year; not eligible for restricted license | Length of Revocation  → <u>More than 10 Years Since Last Conviction:</u> 180 days to 1 year; not eligible for restricted license <u>Within 10 Years:</u> At least 10 years; restricted license: wait 2 years, finish DUI school, maintain enrollment in Special Supervision Services for remainder of revocation and meet program requirements, install IID |
| DUI School  → Level 2 | Ignition Interlock Device  → 2 continuous years |
| | Incarceration  → <u>More than 10 Years Since Last Conviction:</u> Up to 1 year <u>Within 10 Years:</u> 30 days to 5 years |
| | Fine  → <u>More than 10 Years Since Last Conviction:</u> \$2,000 to \$5,000; <i>if aggravated DUI, at least \$4,000</i> <u>Within 10 Years:</u> Up to \$5,000 |

Note: Section 316.1932, F.S. requires drivers who refuse to submit to a blood, urine, or breath test have their driving privileges immediately administratively suspended for one year for the first offense and eighteen months for subsequent offenses and are required to attend courses provided by DUI programs.

¹ Additional criminal sanctions may include community service, probation, and impoundment or immobilization.

² Aggravated offenses refer to a DUI with a blood alcohol level at or above .15 or with a minor in the vehicle at time of arrest.

Source: Department of Highway Safety and Motor Vehicles.

Appendix B

Offender Costs and Requirements Associated with a DUI in Florida

Exhibit B-1 provides costs and requirements that an offender typically incurs after being arrested for driving under the influence (DUI) in Florida. Costs depend on the severity of the DUI. For example, a first-time offender with a blood- or breath- alcohol level below .15 and no minor in the vehicle is not required to install an ignition interlock device. However, a first-time offender with an alcohol level at or above .15 or who had a minor in the vehicle is required to install an ignition interlock device for six continuous months, which costs \$90 to \$100 per month.

Exhibit B-1 Costs and Requirements Resulting from a First DUI in Florida

| Item | Cost/Requirement |
|-----------------------------|---|
| Administrative Fees | Department of Highway Safety and Motor Vehicles <ul style="list-style-type: none"> ▪ Administrative fee for drug and alcohol offenses – \$130 ▪ Class E driver license renewal – \$48 ▪ Replacement license – \$25 ▪ Revocation fee – \$75 ▪ Suspension fee – \$45 ▪ Restricted license hearing filing fee – \$12 ▪ Administrative review filing fee – \$25 ▪ Restricted license waiver filing fee – \$25¹ |
| DUI Program | <ul style="list-style-type: none"> ▪ Level 1 class registration – \$260 ▪ DUI program Department of Highway Safety and Motor Vehicles fee – \$15² ▪ Additional costs for rescheduling class, ancillary fees, evaluation, and treatment, if required |
| Court Fines | <ul style="list-style-type: none"> ▪ Fines between \$500 and \$1,000 ▪ If breath alcohol level at or above .15 or a minor in the vehicle, fines between \$1,000 and \$2,000 |
| Ignition Interlock | <ul style="list-style-type: none"> ▪ Monthly cost – \$90 to \$100 ▪ Ignition interlock device DHSMV fee – \$12³ ▪ First IID violation – \$25⁴ ▪ Second IID violation – \$55⁵ <ul style="list-style-type: none"> ○ Monthly meeting – \$25 |
| Community Service | <ul style="list-style-type: none"> ▪ At least 50 hours of community service; Fine of \$10 for each community service hour not completed |
| Insurance | <ul style="list-style-type: none"> ▪ Non-cancelable FR-44 insurance with liability limits⁶ |
| Probation and Incarceration | <ul style="list-style-type: none"> ▪ Total time of probation and incarceration up to one year⁷ |
| Impoundment | <ul style="list-style-type: none"> ▪ Costs associated with vehicle impoundment or immobilization⁸ |

¹ First-time offenders who are eligible for the business-purpose-only license may waive their right to a formal or informal review, thus the \$25 restricted license waiver filing fee essentially replaces the \$25 administrative review filing fee.

² Assessed by the DUI programs.

³ Assessed by the ignition interlock device vendor.

⁴ All offenders who have a first IID violation must schedule an appointment with a DUI program.

⁵ All offenders who have a second IID violation must create a case management plan with a DUI program and attend a monthly meeting for the remaining IID period.

⁶ FR-44 is bodily injury liability insurance that must cover \$100,000 per person, \$300,000 per occurrence, and \$50,000 property damage. Offenders must maintain continuous coverage for three years following license reinstatement.

⁷ Cost of supervision fees for misdemeanor probation are \$40 or more per month.

⁸ Fees are paid to the company impounding or immobilizing the vehicle.

Source: Department of Highway Safety and Motor Vehicles and Florida Statutes.

Exhibit B-2 provides additional costs which may be associated with a DUI in Florida. The type and amount of other costs a DUI offender incurs depends on many factors. Factors that influence the amount of costs include property damage, injury, or death due to a crash, the decision of the offender to hire a private attorney, law enforcement fees from investigations of an incident, and personal costs such as public transportation or income loss.

**Exhibit B-2
Other Costs Associated with a DUI**

| Item | Source of Cost |
|-----------------------------|---|
| Income Loss | Reduced or lost workforce participation and wages |
| Public/Other Transportation | Due to suspension or revocation of driving privileges |
| Restitution | Compensation to victims for injury or loss |
| Law Enforcement | Compensation to law enforcement for investigations |
| Legal | Compensation to private attorney |
| Medical | Due to personal injury |

Source: *Economic and Societal Impact of Motor Vehicle Crashes, 2010*, National Highway Traffic Safety Administration, May 2014; and OPPAGA analysis of interviews with DUI program stakeholders.

Appendix C



Terry L. Rhodes
Executive Director

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December 31, 2014

Mr. R. Philip Twogood
Coordinator, Office of Program Policy Analysis and Government Accountability
Claude Pepper Building
111 West Madison Street, Room 312
Tallahassee, Florida 32399-1475

Dear Mr. Twogood,

I appreciate the opportunity to formally respond to your draft report, as well as the opportunity to work collaboratively with the Office of Program Policy Analysis and Government Accountability (OPPAGA) in preparation of the study entitled: "Ignition Interlock Devices and DUI Recidivism Rates" as required by Chapter 2014, Laws of Florida. Driving Under the Influence (DUI) cases vary dramatically depending on the individual circumstances and I am grateful for the time you and your staff took to better understand the intricate nature of this issue.

As noted in previous conversations, the report's definition of an administrative suspension does not include persons who refuse to submit to a breath, urine, or blood test. It is possible that including this population of offenders, who may have been driving under the influence, could have impacted some statistics noted in the report. In particular, we do not know if including this group of individuals in the analysis would have materially affected the conclusion that recidivism rates for administratively suspended drivers was higher than convicted DUI offenders with an Ignition Interlock Device. This may be something OPPAGA would like to consider including in a future report on the issue.

Thank you again for the opportunity to review and provide comment. If you have any further questions or need additional information, please do not hesitate to contact Jennifer Langston at (850) 617-3195.

Respectfully,

A handwritten signature in blue ink, appearing to read "Terry L. Rhodes".

Terry L. Rhodes
Executive Director

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- [PolicyCasts](#), short narrated slide presentations, provide bottom-line briefings of findings and recommendations for select reports.
- Government Program Summaries (GPS), an online encyclopedia, www.oppaga.state.fl.us/government, provides descriptive, evaluative, and performance information on more than 200 Florida state government programs.
- [PolicyNotes](#), an electronic newsletter, delivers brief announcements of research reports, conferences, and other resources of interest for Florida's policy research and program evaluation community.
- Visit OPPAGA's website at www.oppaga.state.fl.us

OPPAGA supports the Florida Legislature by providing data, evaluative research, and objective analyses that assist legislative budget and policy deliberations. This project was conducted in accordance with applicable evaluation standards. Copies of this report in print or alternate accessible format may be obtained by telephone (850/488-0021), by FAX (850/487-3804), in person, or by mail (OPPAGA Report Production, Claude Pepper Building, Room 312, 111 W. Madison St., Tallahassee, FL 32399-1475). Cover photo by Mark Foley.

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