

Ignition Interlock Program Standards for Canada

Final Report

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Ignition Interlock Program Standards for Canada:

Background

Since the first alcohol ignition interlock program was introduced in the United States in the mid 1980s, interlock programs have become an increasingly common approach for dealing with convicted impaired drivers. Backed by evaluation studies demonstrating strong positive effects (Beirness and Marques 2004; Coben and Larkin 1999; Willis et al. 2004), interlock programs spread throughout the United States, Canada, Sweden, and Australia.

The first alcohol ignition interlock program in Canada was introduced in Alberta in 1990. The program was primarily voluntary and involved relatively small numbers of drivers who had been convicted of an impaired driving offence. Offenders were offered a reduction in the length of their licence suspension if they participated in the interlock program. An evaluation of the program showed a substantial reduction in the number of subsequent impaired driving offences among those who participated in the interlock program (Beirness et al. 1997; Voas et al. 1999).

In July 1999, the *Criminal Code of Canada* was amended to allow the court to reduce the mandatory period of driving prohibition for a first impaired driving offence from twelve months to three months provided the offender participated in an alcohol interlock program for the remainder of the original period of prohibition. Subsequent amendments allowed second offenders a reduction in the length of the driving prohibition if they participated in an interlock program. This legislation gave implicit federal approval to interlock programs and provided the impetus for provinces to renew interest in the development and/or expansion of such programs. Today, most provinces and territories have either implemented an ignition interlock program or have announced the intention to do so in the near future.

Among the numerous interlock programs that have been implemented throughout the world, there are wide variations in the how they are structured and operated. Clearly, interlock programs require more than just the installation of an interlock device in the vehicle of a convicted impaired driver for a set period of time. They require rules and regulations pertaining to the eligibility and/or requirements for program participation, the length of participation, the extent of monitoring and reporting, the agency responsible for monitoring, the consequences of repeated high BAC readings and/or non-compliance. All these factors may play a role in determining the success of the program.

Interlock programs in Canada vary widely in terms of program parameters. In the absence of definitive research demonstrating a clear superiority of one type of

program over another, there is a need to review the existing programs and determine which types of programs and which features of programs are most conducive to participation and overall success. A set of program standards or “guidelines for best practices” based on existing research findings would enhance the success of interlock programs and facilitate harmonization of interlock programs across Canada.

Purpose of the Project

The primary purpose of this project is:

- ♦ To develop a set of guidelines or standards for “best practices” in the implementation and operation of interlock programs.

Approach

The first step involved a review of the interlock programs in jurisdictions across Canada to document the range of parameters that define the various interlock programs -- e.g., eligibility for the program, length of hard suspension, cost, sanctions for non-compliance and attempted circumvention, required length of program participation, frequency of reporting, responsibility for monitoring, availability of emergency override, integration with rehabilitation.

This review served as a starting point for a comparison with international practices, findings documented in the research literature, and expert opinion concerning “best practices”.

In developing program standards, it is acknowledged that the technical features and standards for interlock devices are an important consideration. This is to ensure that the technical capabilities and features of interlock devices are available and capable of supporting the program elements. A review and update of existing technical standards was conducted in a concurrent project (Patton 2007).

The result of this project is a set of operational standards or “best practices” for interlock programs in Canada. This document will serve as a guide for the provinces and territories in the refinement, modification, improvement and development of high quality ignition interlock programs. This document, in combination with the technical standards for ignition interlock devices, will enhance the quality and effectiveness of interlock programs in Canada such that these programs can play a meaningful and substantive role in reducing impaired driving recidivism and contribute to an overall reduction in the burden of alcohol-related crashes in Canada.

Interlock Programs in Canada

Section 259(1.1) of the *Criminal Code of Canada* allows the courts to authorize a convicted impaired driver to operate a vehicle during the period of driving prohibition provided the offender participates in an alcohol ignition interlock program established under the laws of the province in which the offender resides. The offender must serve a minimum period of prohibition before the authorization takes effect. This period is at least 3 months for a first offence, 6 months for a second offence, and 12 months for each subsequent offence. This statute is significant in that it implicitly acknowledges the value of interlock programs and provides provinces with the impetus to implement an interlock program.

Through a reduction in the period of prohibition, Section 259(1.1) also provides an incentive for offenders to participate in an interlock program. Some may be of the opinion that it is ill-advised to reduce the period of prohibition because it amounts to a reduction in the sanctions for an impaired driving offence. Nevertheless, it has been repeatedly demonstrated that interlock programs significantly reduce the proportion of offenders who commit a subsequent impaired driving offence when compared to those who remain under full suspension (e.g., Voas et al. 1999). Even though suspended drivers are not supposed to drive at all, they commit more repeat offences during the period of suspension than do interlock program participants who are permitted to drive an interlock-equipped vehicle. Hence, the interlock program provides a more effective form of incapacitation than suspension.

There are currently nine jurisdictions in Canada that operate an alcohol ignition interlock program. Each program is unique. However, there are commonalities. For example, all interlock programs in Canada have a provincial/territorial government body serve as the administrative authority for the program. It is this administrative licensing authority that determines who is eligible for participation in the program, the duration of participation, the conditions of participation, and when an individual can be released from the program. This differs from the United States where, in most cases, the courts exercise authority over interlock programs. In these types of programs, the presiding judge determines who should and should not participate in an interlock program. In Canada, the courts play a relatively minor role in interlock programs. They must provide authorization for the offender to drive an interlock-equipped vehicle during the period of prohibition but play no role in the operation or administration of the interlock program. Participation is at the discretion of the individual or is a condition of licence reinstatement.

At present, all persons convicted of an impaired driving offence must serve a period of time during which they are not allowed to drive. This is often referred to as a period of “hard” licence suspension. Although the courts have no jurisdiction over driving licensing, the *Criminal Code* imposes a mandatory minimum term of driving prohibition on all convicted impaired drivers. Driver licensing is a provincial

responsibility and the provinces/territories can impose periods of licence suspension that run concurrently with the federal prohibition on driving but may exceed the length of the court-ordered prohibition. As stated previously, section 259(1.1) of the *Criminal Code* allows the court to reduce the period of prohibition if the person participates in a interlock program and the provinces have the discretion to reduce the term of suspension (or allow conditional licensing) to match the reduction in the federal prohibition to allow the offender to drive an interlock-equipped vehicle. The bottom line is that all convicted impaired drivers in Canada serve a minimum 3-month period of hard suspension following an impaired driving conviction before entering an interlock program. Sweden and New Mexico are currently the only jurisdictions that allow for immediate entry into an interlock program without a mandatory period of hard suspension.

Participation in interlock programs in Canada can be discretionary or mandatory, depending the province and the number of prior convictions. For example, Quebec allows first-time offenders to voluntarily participate in exchange for a reduction in the period of hard licence suspension but most repeat offenders are required to participate. Ontario has a mandatory interlock licence restriction program¹, whereby upon licence reinstatement, all convicted impaired drivers have an interlock restriction placed on their driver's licence that allows them to drive only vehicles equipped with an ignition interlock. The duration of the restriction is for a period of time equal to the provincial suspension – one year for a first offence and 3 years for a second offence. After 10 years of suspension, third-time offenders can apply for a permanent interlock restriction. Should offenders choose not to have an interlock installed, they are unable to drive legally. Some provinces (e.g., Alberta) operate primarily discretionary programs but allow the licensing authority to require participation as a condition of licence reinstatement in some cases.

Eligibility for interlock programs also varies by jurisdiction. Currently, British Columbia is the only province that does not consider first-time offenders a target group. In Ontario, multiple offenders (i.e., 4+) will never be re-licensed and therefore are not eligible. Manitoba requires participation by offenders convicted of impaired driving causing bodily harm or causing death; some provinces appear to exclude this group. Most interlock programs in Canada allow for program extensions but the rules differ and at times appear somewhat arbitrary.

All provinces have implemented some type of remedial program for convicted impaired drivers. These programs vary considerably and may involve a few classroom hours, a brief alcohol screening or a more intensive weekend assessment program. Many provinces require that remedial programs be completed prior to entry into the interlock program. It is rare for a province to require continuing rehabilitation program involvement or follow-up during or after interlock program participation. This is in contrast to the Swedish interlock program where participants must follow a

¹ Changes to the Ontario interlock program are scheduled to occur in 2008.

strict regime of abstinence with periodic medical checks (including alcohol biomarkers – i.e., liver enzyme tests) to ensure they adhere to a “sober lifestyle”. Although the Swedish model may seem a bit extreme for Canada, it represents an integration of the health care system with road safety to benefit everyone. This approach also illustrates the opportunity provided during interlock program participation for further involvement with remedial, rehabilitation and/or treatment programs.

In Canada, provinces have implemented interlock programs in a manner that was deemed appropriate for their particular political and socio-cultural environment. Oftentimes, there was little research evidence to guide the development of a program that might work best. Consequently, interlock programs across Canada vary considerably in terms of their operational features.

Participation rates interlock programs also vary considerably. Overall, it is estimated that less than 15% of all convicted impaired drivers in Canada participate in an interlock program. Quebec has one of the larger programs and enrolls approximately 30% of those convicted of a first impaired driving offence. Until such time as the majority of convicted impaired drivers participate in an interlock program, there can be little expectation that they will have a demonstrable impact on overall road safety. Higher participation rates are a priority.

Table 1 provides a summary of the key operational features of interlock programs in Canada. Details on each program are described more fully in Appendix A.

Interlock Program Standards for Canada

Preamble

The term “standards” as used in this document should not be taken to imply “requirements”. Rather, it should be interpreted in the context of “benchmark” – a set of recommended guidelines for “best practices” for successful and effective interlock programs.

The recommended practices are founded on the best advice available from research and practice in interlock programs around the world. It should be noted, however, that the collective knowledge of interlock programs continues to expand as more is learned about the technology and how people respond to various elements within interlock programs. Hence, any set of standards or guidelines for best practices must be flexible and responsive to new information and technological developments that will enhance the operation and effectiveness of interlock programs.

In developing a set of guidelines or standards for interlock programs, it is necessary to have a clear sense of purpose and direction. There must be a reason for standards and a rationale supporting the development of standards. Hence, prior to a discussion of specific interlock standards, this section begins with a statement of purpose as well as a set of guiding principles.

Purpose

The overall goal of interlock program standards is to maximize the beneficial impact of interlock programs on road safety by helping to ensure that all persons arrested for, or convicted of, a drinking-driving violation participate in an alcohol ignition interlock program that adheres to a recognized set of standards and operating principles.

The purposes of program standards are to assist in the harmonization of interlock programs across Canada and to ensure the consistency and quality of interlock programs such that participants and road users in general are able to derive the maximum value from these programs. The successful universal adoption of these standards and principles will be realized with the demonstration of an overall reduction in alcohol-impaired driving and alcohol-related road crashes.

Guiding Principles

The development of program standards should not be a random, haphazard process of rule-making. Rather, program standards should be guided by evidenced-informed practices and be consistent with the broader goals and objectives of interlock

programs. Hence, the following guiding principles were created to reflect the goals and objectives of interlock programs and to facilitate the development of program standards:

- ♦ Participation in an ignition interlock program is primarily intended as a form of incapacitation – i.e., to prevent repeat occurrences of alcohol-impaired driving. Although there are undoubtedly punitive aspects of interlock programs (e.g., cost, inconvenience), participation in an interlock program should not be viewed as yet another way to punish impaired drivers;
- ♦ Interlock programs should not be viewed as a form of treatment for alcohol problems;
- ♦ All persons arrested for, and/or convicted of, an alcohol-impaired driving (DWI) offence, regardless of the number of prior such arrests or convictions, should be required to participate in an ignition interlock program as a condition of continued driving privileges and/or licence reinstatement;
- ♦ The program authority should reside within the agency responsible for driver licensing, not the criminal justice system. Although the courts have the power to impose harsh sanctions on those who fail to comply with or wilfully violate the conditions of the interlock program, they are ill-equipped to deal with the ongoing monitoring of offenders. Interlock programs should be considered a driver licensing issue and handled by those responsible for driver licensing;
- ♦ Participation in an ignition interlock program should commence as soon as possible following the offence;
- ♦ Interlock programs should be viewed as an element in the overall system of options for dealing with drink-driving offenders. Interlock programs should not be viewed as a stand-alone element in this system but be integrated with other programs and sanctions;
- ♦ Participation in an interlock program should be coordinated with participation in an appropriate alcohol rehabilitation or treatment program. The data collected by the interlock recorder provide a unique and valuable record of vehicle use behaviour and its proximity to drinking behaviour. Data sharing protocols between interlock programs and rehabilitation service providers can prove most beneficial;
- ♦ The duration of participation in the interlock should be determined by individual success in the program such that release from the program would require participants to demonstrate they no longer require the interlock device to prevent driving after drinking. Rather than the traditional system that requires a set period of interlock program participation, a system of “criterion-based” removal requires the participant to have a period of time during which no positive breath tests are recorded on the interlock device. They must also show that the vehicle has been driven regularly;

- ♦ Positive breath tests that prevent the vehicle from being started are not unusual occurrences, particularly among those struggling with an alcohol problem. Such events should not necessarily be viewed as program violations nor should they result in the participant being dismissed from the program. The interlock device was never intended as a means to monitor sobriety among offenders and should not be used for this purpose;
- ♦ Program participation should not be dependent upon ownership of a vehicle. Those who claim not to own a vehicle should still be issued a license that restricts them to a vehicle equipped with an alcohol ignition interlock device;
- ♦ Interlock program participation should not depend on the ability of the individual to pay for the program. A special fund should be established to provide financial assistance for those with demonstrated need. All participants should pay at least a portion of the program cost;
- ♦ Program participants must be monitored on a regular basis to check the calibration and function of the interlock device, to ensure compliance with program requirements, and to assist participants with any issues that may compromise their success in the program; and,
- ♦ Service providers must adhere to and demonstrate compliance with recognized standards of service.

Program Standards Part I: Core Elements

It is recognized that not all interlock programs will operate in exactly the same manner. Regional variations are necessary and desirable to take account of particular circumstances and situations. The standards are not intended as a set of rules to which there must be strict adherence. Rather, they are intended as guidelines for best practices. It is expected that the standards will evolve over time as new research identifies practices and procedures that enhance the operation and outcome of interlock programs. Hence, programs must be sufficiently flexible to allow for, and embrace, enhancements and changes that will serve to increase the beneficial impact of programs. With this in mind, the following are presented as the core elements – or essential features – for all interlock programs. The subsequent section outlines optional features for programs.

Legislation. Interlock programs require strong, clear legislation. The legislation must state conditions for program entry and the sanctions for non-compliance. It must also create offences and indicate the sanctions for tampering with, circumventing, attempting to circumvent the interlock, as well as assisting with tampering or circumvention. In addition, soliciting or providing a breath sample to assist a driver start the vehicle should be an offence.

Driving while suspended has been recognized as a problem of substantial proportions, particularly among those subject to long periods of suspension. Every effort needs to be made to prevent impairing driving offenders from perceiving driving while suspended as a viable alternative to participating in an interlock program. Many jurisdictions already have strong sanctions, including vehicle impoundment programs, to discourage driving while suspended or prohibited. Efforts should be made to enhance enforcement of driving while suspended laws and to make this legislation and the resultant consequences known to all convicted impaired drivers.

Driving a vehicle not equipped with an interlock device when required should have sanctions equivalent to those for driving while suspended.

Program authority. The program authority should reside within the provincial/territorial agency responsible for driver licensing. The agency responsible for the interlock program should establish a full-time office to deal with all matters pertaining to the interlock program. This office should have the authority to impose program extensions, order participation in a rehabilitation or treatment program, deal with client concerns, and terminate program participation.

Technical Standards. Interlock programs must only use devices that have been certified to meet or exceed the most recent version of technical standards. A concurrent project is in the process of developing a set of technical standards for interlock devices for Canada (Patton 2007). The use of devices that meet or exceed these standards is essential for several reasons:

- ◆ Governments require assurance that interlock devices will operate as expected to keep drivers from operating the vehicle after consuming too much alcohol. This is especially critical in light of the fact that most users will be persons who have a history of impaired driving.
- ◆ The public -- and governments -- need assurance that if convicted impaired drivers are going to be allowed to drive prior to the end of their driving prohibition that they are only able to do so when not under the influence of alcohol.
- ◆ Users need to be assured that the device will prevent them from committing a subsequent impaired driving offence but also allow them to operate the vehicle legitimately with as little inconvenience as possible. Other family members and/or vehicle users should not be inconvenienced any more than necessary. The greater the inconvenience or frustration, the greater the likelihood of driving another vehicle not fitted with an interlock.
- ◆ There is a need to ensure that all interlock devices are equipped with features that render them extremely difficult to bypass or circumvent.

Circumvention protection. It is essential that interlock devices selected for use incorporate features to limit the possibility of wilful circumvention. Features should include:

- temperature and pressure sensors to prevent alcohol-free air samples from other sources being introduced;
- sample protection such as a blow-hum, blow-suck, or breath pulse to help prevent samples being provided by untrained third parties;
- a requirement for the driver to provide further breath samples after the vehicle has been started (running retests) at random intervals to prevent drinking while driving, rising BACs after the vehicle has been started, and prolonged idling while drinking occurs;
- a data recorder to log all engine starts, stops, breath samples provided, BAC of samples, start violations, retests, missed retests, and BAC of retests;
- immediate (i.e., 5-day) recall for start violations (bypassing the interlock to start the vehicle), high BAC on retests, missed retests, use of the emergency override (if available);
- outside warning – e.g., four-way flashers activated, intermittent horn – when a re-test is either missed or registers an elevated BAC; and,
- protective wrapping around the wiring to discourage tampering.

BAC threshold. The threshold BAC at which the vehicle will not start should be set as close to zero as possible within the limits of measurement accuracy. Generally, this is considered to be 20 mg/100 ml. The rationale for such a low BAC limit is to reinforce the complete separation of driving from drinking. A higher limit encourages participants to guess about how much they can drink and still be able to start the vehicle.

Program eligibility. All persons convicted of an impaired driving offence should be required to participate in an ignition interlock program. Offenders should be issued a licence restricted to the operation of a vehicle equipped with an alcohol ignition device. This restriction should not be removed until the offender provides evidence of having successfully completed all the requirements of the interlock program. Simply waiting for the interlock restriction to expire should not be an option.

Some jurisdictions prohibit participation in an interlock program by those convicted of impaired driving causing death or injury. Regardless of the length of prohibition imposed by the court, these offenders should also be required to participate in an interlock program upon re-licensing to reduce the likelihood of a repeat offence. Exceptions should be rare and alternative measures should be available – e.g., home confinement, electronic monitoring.

Early entry to program. Offenders should be given the opportunity to enter the interlock program at the earliest possible opportunity. At present, the *Criminal Code* requires offenders to serve at least the minimum period of prohibition before being able to enter an interlock program. Early entry into the interlock program – i.e., prior to end of the period of full suspension – provides an incentive to participate in the interlock program and has demonstrated road safety benefits.

Emphasizing interlock programs over licence suspension – possibly even replacing suspension with interlock programs – requires a fundamental paradigm shift. Licence suspension has long been viewed as an appropriate sanction for an impaired driving offence. It has also been widely viewed as an effective form of incapacitation. However, driving while suspended has become a problem of immense proportions. The probability of driving while suspended increases with the length of suspension as offenders realize that the likelihood of being detected is extremely low. Research on interlock programs clearly demonstrates that interlock programs are superior to suspension in preventing repeat impaired driving offences (e.g., Voas et al. 1999). The sooner the entry into an interlock program following an impaired driving offence, the lower the probability of a repeat impaired driving incident and the greater degree of protection to the public. To this end, an amendment to the *Criminal Code* should be considered that would allow provinces the opportunity to have offenders enter an interlock program immediately upon conviction.

Program duration. The period of participation in an interlock program should be a minimum of 9 months or to the end of the usual period of prohibition or suspension, whichever is longer. For first-time offenders, this corresponds to the reduction in the period of prohibition imposed under the *Criminal Code* from 12 months to 3 months. Essentially, the offenders would participate in an interlock program for the period of time for which they would normally be prohibited or suspended had they not entered the interlock program. Should the offender enter the interlock program with less than 9 months remaining in the period of prohibition or suspension, the minimum period of participation in the interlock program would still be 9 months. Longer periods of participation are appropriate for repeat offenders.

Notation on driver's licence. The driver licensing agency should ensure that all persons participating in an interlock program have a special note or clear marking on their driver's licence indicating that they are restricted to the operation of an interlock-equipped vehicle. This is for the benefit of enforcement agencies but also for car rental agencies, employers, and others who may be in a position to lend a vehicle. Operating a vehicle not equipped with a functioning interlock device when required would be an offence equivalent to operating while suspended or without a valid licence.

Responsibility for cost. It is expected that offenders will pay for the costs associated with the installation, maintenance, lease, and removal of the interlock device. An indigent offender fund should be established to assist those who can demonstrate that they are truly unable to bear the full cost of the interlock program. This fund can be established with an initial contribution from government and maintained through an allocation of a portion of the fees paid by other program participants. In no case should an offender be relieved of the obligation to participate in an interlock program because they can not afford the cost. In addition, this fund should not be used to pay for the entire cost of the interlock program. Offenders must bear at least a portion of the cost of the program.

Monitoring. All persons participating in an ignition interlock program must report to the interlock service centre on a regular basis. Typically, participants report back to the interlock service centre within 30 days of installation. Thereafter, device calibration stability is sufficient to allow at least 60 days between service appointments. The program authority has the option of requiring more frequent reporting where deemed appropriate. In addition, certain key events – e.g., running retest failures, starting the vehicle without a breath test, use of the emergency override – should trigger an immediate 5-day recall, whereby the user must return to the service centre within 5 days or the device will prevent all use of the vehicle.

At each service visit, the calibration of the interlock device will be checked and the data from the recorder will be downloaded for review. Any key events noted on the data record from the interlock should be brought to the participant's attention to determine the circumstances of the event. The purpose is to discuss the event and initiate corrective measures to avoid such events in the future. Certain events such as start violations and circumvention should be reported to the appropriated authority responsible for the interlock program for further action.

Sanctions for violations. There must be a very clear policy regarding the consequences for program violations. Violations can include attempts to circumvent or tamper with the equipment, starting the vehicle without providing a breath sample, and failed retests. An appropriate consequence for violations is an extension of the period of program participation. Removal from the program and reinstating the suspension is strongly discouraged.

Elevated BACs should not be considered program violations. Rather, these should be viewed as evidence that the interlock device is working as expected to prevent driving after drinking. However, repeated high BACs, particularly in the later months of participation, should be viewed as evidence that the participant has not changed his or her behaviour and should be dealt with as an indicator of the need for further rehabilitation.

Criterion-based removal. It is highly recommended that the offender only be released from the interlock program when they can demonstrate they no longer need the device to prevent driving after drinking. Typically, this involves an interlock record with several months with no positive BAC readings and no violations. The

offender must also demonstrate that the vehicle has been driven regularly over that period of time (as determined by the number of starts, running time, and odometer readings). Repeated failed breath tests are an indicator of a high probability of subsequent impaired driving convictions (Marques et al. 1999; 2000). To reduce the risk, it is in the interests of road safety to extend the period of interlock program participation.

Program completion. Once the offender has met the criteria for program completion, the interlock should be removed and the participant should be issued a full, unrestricted licence without delay.

Service providers. The operational success of an interlock program depends on service providers and those who deal directly with interlock program clients. To ensure quality of service, interlock service providers should:

- be committed to customer service;
- employ knowledgeable and highly qualified technicians;
- provide 24/7 support via toll-free phone;
- provide clean, attractive, and easily accessible service facilities;
- provide a private area within the service facility to discuss confidential matters with clients, including a review of the data from the interlock recorder;
- employ staff who are personable and knowledgeable about all aspects of program requirements and equipment operation, able to interpret data logger reports, have an understanding of the client population and the typical problems they experience;
- engage in an ongoing program of staff/professional development;
- have procedures in place to protect the privacy of information collected from clients, including the data from the interlock recorder;
- maintain service facilities or arrangements to provide for service within a two-hour drive for at least 90% of clients.

Reporting. Procedures must be established for the efficient and secure transfer of information between the service provider and the program authority. This includes the transfer of confidential information about clients' eligibility and status, reporting of violations, and interlock data reports. Data logger reports should be issued in a standard format to ease interpretation by program monitors.

Reciprocity. Jurisdictions should establish reciprocity agreements to allow transfers of interlock program participants between provinces to accommodate, for example, those who re-locate or live in a jurisdiction other than the one in which they were convicted.

Program Standards Part II: Optional Features

Beyond the elements, there are a number of optional features that can be added to interlock programs to enhance the impact or simply to make them more palatable to users.

Emergency Override. Several interlock programs in Canada already include an emergency override feature that allows the vehicle to be started in the absence of an alcohol-free breath sample. The rationale for an override is to allow the vehicle to be started in cases of real emergency to prevent serious adverse consequences. Although such situations may be rare, especially in urban areas, numerous examples can be brought forward to illustrate how an override could be beneficial. These situations do not necessarily involve a driver having had too much alcohol but could involve the inability of another person not familiar with the interlock to start the vehicle.

The strong and obvious rationale supporting an emergency override feature is, however, often overshadowed by fears of abuse. To quell such fears, a number of constraints must be imposed on its use. For example, the user might be required to call the 24-hour support number for a code to activate the override. Upon activation, the lights might flash or the horn honk intermittently. The override should provide for one time use only and cause the interlock to go into immediate recall mode, which requires the offender to bring the vehicle to the service centre within a fixed number of days to have it reset or face total lockout.

Pre-conviction participation. All provinces impose an administrative suspension at the time, or within a few days, of being charged with driving with a BAC over 80 mg/100 ml or refusing to provide a breath sample. In most cases the suspension is for 90 days. Consideration could be given to allowing offenders to participate in an interlock program as soon as possible to allow them to drive during this period.

Multiple short-term suspensions. With the exception of Quebec, all other provinces impose a short-term licence suspension (12 or 24 hours) on drivers found with positive BACs below 80 mg/100 ml – most often at 50 mg/100ml – or who are deemed to be affected by alcohol. Drivers who accumulate several of these short-term suspensions should be considered for participation in an interlock program.

Early program release. Occasionally, between the time an impaired driving offender is charged and convicted, he or she may seek treatment and/or discontinue drinking. In cases where total abstinence can be documented or confirmed by a physician or other health care practitioner, liver tests, affidavits, or other means, the individual could be released from the interlock program after only 6 months of participation without compromising road safety. The interlock record would, of course, have to show no alcohol positive breath tests.

With further research, it might also be demonstrated that interlock participants who have no failed breath tests over the first six months of participation are at very low

risk of recidivism. These individuals might also be released from the interlock program early with a zero BAC restriction on their licence.

Future Program Options

Interlock technology and the laws on impaired driving are constantly evolving. Hence, it is essential that interlock programs remains sufficiently flexible to allow for improvements that will enhance their efficiency and effectiveness.

Positive driver identification. A lingering issue surrounds the identity of the person providing the breath sample to start the vehicle. Because family members often must drive the vehicle equipped with an interlock, they too must provide breath samples free of alcohol to start the vehicle. Despite the fact that participants are told they are responsible for all positive breath tests recorded, the participant can always claim the another family member was responsible for the failed breath tests, leaving doubt as to who provided the alcohol positive sample. Alternatively, although some training and practice is necessary to be able to provide a proper breath sample, it is possible for a participant to have someone else provide a breath sample. Coercing a spouse or other family member to provide an alcohol-free breath sample is not common but can occur. The solution to these situations is to implement a system that allows positive identification of the person providing the breath sample. Systems involving the use of small camera have been demonstrated and may soon be available. Such a system would eliminate the “family member” excuse for positive breath samples and provide a strong deterrent to all attempts to have others provide an alcohol-free samples.

Individualized programs. As the ability to adapt technology into interlock systems develops, it may be possible to create individualized interlock programs that change with the level of success of the individual in the program. For example, a highly restrictive program might only allow the vehicle to be operated during certain hours on specific days of the week. Less restrictive programs might reduce the requirement for rolling retests or only require breath tests at start-up at random. The range of options is vast but may provide the opportunity to tailor program to individual needs and thereby enhance effectiveness.

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Appendix A

Summaries of Canadian Interlock Programs

British Columbia

Eligibility and Duration

The program is primarily intended as a mandatory program for repeat offenders who are required to participate at the discretion of the Superintendent of Motor Vehicles. Program duration is 6 to 12 months.

It is possibly for first-time offenders and those with multiple 24-hour suspensions to be required to participate at the discretion of the Superintendent of Motor Vehicles.

Early Reinstatement

No. Participants must serve the full period of suspension before becoming eligible for the interlock program.

Minimum Period of Participation

6 months

Can Program be Extended?

Yes, at the discretion of the Superintendent of Motor Vehicles.

Additional Fees

Application fee \$150

Remedial Program

Participants must have completed the Responsible Driver Program prior to the interlock program. Cost: \$880

Emergency Override

Yes. Participant must call service centre for code to activate. It is a one-time use code to allow the vehicle to be started without a breath sample. The participant is not allowed to drive the vehicle. In emergency override mode, the alarm horn sounds and the vehicle must be brought to the service centre within 5 days.

Monitoring Agency

Superintendent of Motor Vehicles

Additional Information

www.pssg.gov.bc.ca/osmv/publications/factsheets/ignition_interlock.pdf

Alberta

Eligibility and Duration

Both first-time and repeat offenders can participate in the interlock program after serving the minimum period of court-ordered driving prohibition. All participants must be approved by the Alberta Transportation Safety Board (the Board). The period of participation is a minimum of six months or to the end of the mandatory period of prohibition/suspension, whichever is longer.

Repeat offenders who volunteer for the program must attend a hearing with the Board. The Board can order offenders to participate in the interlock program.

Early Reinstatement

Yes. As per Criminal Code.

Minimum Period of Participation

6 months.

Can Program be Extended?

Yes, for repeated violations at the discretion of the Alberta Transportation Safety Board. The last 3 months of the program must show a record of no alcohol positive test results to be approved to exit from the program.

Additional Fees

Application fee \$63 plus tax plus Registry agency fee

Remedial Program

First offenders must complete the Planning Ahead program (\$150); repeat offenders must complete the IMPACT program (\$375).

Emergency Override

No.

Monitoring Agency

Alberta Transportation Safety Board

Additional Features

Participants in the interlock program are still considered to be under suspension. They are issued a restricted operator's licence which allows them to drive an interlock equipped vehicle.

The Board requires participants to complete the final three months of the program without any unexplained warns or fails. An unexplained warn or fail is one where there is no subsequent pass within ten minutes. The Board also requires proof that the vehicle has been driven during the monitoring period.

Additional Information

www.infratrans.gov.ab.ca/INFTRA_Content/docType532/Production/iiprogram.htm

Saskatchewan

Eligibility and Duration

First-time and repeat offenders are eligible to participate in the interlock program after serving the court-ordered prohibition and provincial minimum suspension. There is no need to apply for the program as all eligible offenders will be notified. Participants must have completed the required addiction screening and the prescribed recovery or education program.

The duration of participation in the interlock programs is one year for a first offence; two years for a second offence; and three years for a third or subsequent offence. For all offenders, the length of court-ordered or provincial suspension is subtracted from the total interlock period.

Early Reinstatement

Yes. The minimum periods of suspension are 3 months for a first offence; 6 months for a second; 12 months for third and subsequent offences.

Minimum Period of Participation

There is no minimum required period of participation.

Can Program be Extended?

Yes. The last 3 months must be free of any alcohol infractions or program violations or the duration of the program will be extended by three months. In addition, SGI can order an extension of the interlock period at any time for program violations such as start violations, high BACs, tampering, using the emergency override.

Additional Fees

There is no application fee but participants must purchase a ignition interlock special restricted driver's licence and pay a \$30 administrative fee.

Remedial Program

Participants must complete addiction screening with a Drug & Alcohol Counsellor and complete either an education program, which the Drive Without Impairment program (\$150) or an individualized recovery program.

Emergency Override

Yes

Monitoring Agency

SGI. Interlock service provided by CAA.

Additional Features

The program was updated in February 2007 to include repeat offenders.

Additional Information

www.sgi.sk.ca/sgi_pub/road_safety/drinking_and_driving/ignition_interlock_prog

Manitoba

Eligibility and Duration

Persons convicted of an impaired driving offence can apply in court, at the time of sentencing, to have the period of driving prohibition reduced and to be granted permission to participate in the interlock program. The minimum period of driving prohibition must be served and an alcohol assessment from the Addictions Foundation of Manitoba must be filed for approval by Driver and Vehicle Licensing. Application must then be made to the Licence Suspension Appeal Board for a conditional licence on the grounds of exceptional hardship.

Repeat offenders and those convicted of impaired driving causing bodily harm or death, or impaired offences involving passengers under the age of 16 will be required by the Registrar of Motor Vehicles to participate in the interlock program for a specified period (1 yr, 3 yrs, lifetime) following the court-imposed period of prohibition and/or provincial suspension.

Early Reinstatement

Yes. The Licence Suspension Appeal Board may grant a conditional licence on the grounds of exceptional hardship following the minimum period of court-ordered prohibition.

Minimum Period of Participation

No minimum.

Can Program be Extended?

Yes, for non-compliance with program rules.

Additional Fees

\$50 ignition interlock administrative fee. A Licence Suspension Appeal Board Hearing costs \$130.

Remedial Program

The Addictions Foundation of Manitoba provides offender assessments and three levels of programs – education, a high-risk program, and treatment. The cost is \$400. (\$525 effective April 1, 2007)

Emergency Override

Yes.

Monitoring Agency

DVL (Alcohol and Drug Section of Driver and Vehicle Licensing)

Additional Information

www.mpi.gov.mb.ca/PDFs/DVL_PDFs/DVLIgnitioninterlock.pdf

Ontario

Eligibility and Duration

Ontario has a mandatory ignition interlock licence restriction program that applies to all persons convicted of an impaired driving offence. After serving the current provincial sanctions, including licence suspensions and a mandatory remedial program, those eligible to have their driver's licence reinstated will have an ignition interlock condition placed on their Ontario driver's licence for at least one year. This condition allows the individual to operate only vehicles equipped with an interlock device. Drivers who choose not to install a device must not drive until the condition is removed from their licence.

First time offenders will have an ignition interlock condition on their licence for a minimum of one year. Second time offenders will have the condition for a minimum of three years. Third time offenders will have a lifetime ignition interlock condition placed on their licence, if it is reinstated after a minimum of 10-year suspension. This program does not apply to fourth time offenders, as their licence will never be reinstated.

Early Reinstatement

No.

Minimum Period of Participation

One year for first-time offenders; three years for second-time offenders.

Can Program be Extended?

Yes. Drivers convicted of driving without an ignition interlock device or tampering with the device will have their ignition interlock period extended for a minimum of one year (1st time offenders).

Additional Fees

Remedial Program

Offenders must complete the Back on Track remedial measures program, including the 6-month follow-up, before applying for reinstatement (\$475).

Emergency Override

No.

Monitoring Agency

Ontario Ministry of Transportation

Installation provided by Guardian Interlock Systems

Additional Features

Offenders need not have the interlock installed if they choose not to drive for the duration the interlock restriction is in effect.

Quebec

Eligibility and Duration

First-time offenders may obtain a restricted licence and participate in the ignition interlock program after serving 3 months of the usual 12 month period of prohibition/suspension. The duration of program participation is 9 months.

If an alcohol assessment indicates a pattern of behaviour that is considered incompatible with the safe operation of a motor vehicle, the SAAQ can issue a condition I licence, which requires participation in the ignition interlock program.

Repeat offenders are required to participate in the ignition interlock program at the end of their prohibition/suspension period for a period of 2 to 3 years, depending on the number of DWI convictions. Repeat offenders may volunteer to participate in the program after serving the minimum period of prohibition/suspension.

Early Reinstatement

Yes.

Minimum Period of Participation

9 months.

Can Program be Extended?

Yes. Repeat offenders must be re-assessed prior to program termination.

Additional Fees

No.

Remedial Program

First offenders must attend the Alcofrein program as a condition of licence reinstatement.

First offenders must also undergo a mandatory summary assessment at a specialized centre for alcoholics and persons with substance abuse problems. If the assessment is unfavourable, the individual will be required to undergo a complete assessment.

Repeat offenders must undergo a comprehensive assessment to determine if their alcohol or drug consumption is consistent with the safe operation of a motor vehicle.

Emergency Override

Yes

Monitoring Agency

SAAQ

Service provided by Lebeau Vitres d'Autos

Additional Information

www.saaq.gouv.qc.ca/en/driver_licence/alcohol/index.html

Prince Edward Island

Eligibility and Duration

First-time and repeat offenders are eligible to apply for the voluntary ignition interlock program after serving the court-ordered minimum period of prohibition. The duration of participation is until the end of the original period of prohibition/suspension.

Early Reinstatement

Yes. Requires court authorization.

Minimum Period of Participation

As determined by the Registrar of Motor Vehicles

Can Program be Extended?

Yes, for program violations. Participant must apply for removal.

Additional Fees

None

Remedial Program

N/A

Emergency Override

Yes.

Monitoring Agency

Highway Safety Division

Additional Features

All participants must meet with strict requirements; all fines, fees, courses and conditions must be met prior to acceptance into the program.

[Additional Information](#)

www.gov.pe.ca

Newfoundland and Labrador

Eligibility and Duration

First and repeat offenders can apply for the voluntary ignition interlock program following completion of the minimum period of court-ordered prohibition; completion of required alcohol education program or alcohol dependency assessment and treatment program and payment of outstanding fines and reinstatement fee. The duration of participation is until the end of the original period of suspension unless extended by the registrar.

Early Reinstatement

Yes, Provided approval on Order of Prohibition issued from Courts.

Minimum Period of Participation

Participation until end of suspension period.

Can Program be Extended?

The registrar may upon review of a person's driving record and the records submitted in relation to the operation of ignition interlock devices installed by that person, extend the restriction on the person's driver's licence beyond the expiry of the suspension period.

Additional Fees

No

Remedial Program

First offenders must complete an alcohol education program. Repeat offenders must undergo an alcohol dependency assessment and complete the recommended course of rehabilitation.

Emergency Override

No

Monitoring Agency

Registrar of Motor Vehicles.

Driver Records Section, Motor Registration Division, Department of Government Services

Additional Information

<http://www.hoa.gov.nl.ca/hoa/regulations/rc980110.htm>

<http://www.gs.gov.nl.ca/gs/mr/idl-iip-detailed.stm>

Yukon

Eligibility and Duration

Both first-time and repeat offenders can participate in the interlock program after serving the minimum period of the driving prohibition. All participants must be approved by the Driver Control Board. The period of participation is at least one year from date of installation.

A judge can also direct the Driver Control Board to consider some convicted impaired drivers for the interlock program. The Board can require participation in the interlock program as a condition of licence reinstatement.

Early Reinstatement

Yes.

Minimum Period of Participation

At least one year from date of installation.

Can Program be Extended?

Participants must show six consecutive months without a program violation before leaving the program.

Additional Fees

There are no application fees..

Remedial Program

All conditions of Motor Vehicles must be met prior to enrolment in the program. A requirement may be successful completion of the Remedial Drivers Program and payment of any fines or outstanding reinstatement fees.

Emergency Override

No.

Monitoring Agency

Driver Control Board

Additional Information

www.gov.yk.ca/transportation/roadsafety/aiip.html

www.community.gov.yk.ca/dcb/aiip.html