



FINDINGS FROM CRIMINAL JUSTICE
STAKEHOLDER INTERVIEWS IN SELECT
TEXAS COUNTIES
AN IGNITION INTERLOCK UTILIZATION ANALYSIS

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Introduction

While the percentage of motor vehicle fatalities that result from impaired driving has declined over the last ten years, Texas still ranks in the top 10 states nationally for alcohol-related fatalities per 100 million vehicle miles traveled (VMT) (Texas Impaired Driving Task Force [TxIDTF], 2021). Therefore, Texas must continue to seek innovative solutions that reduce incidences of impaired driving. One such way the criminal justice system intervenes is by ordering ignition interlock devices (IIDs). IIDs are specifically designed technology installed into the vehicle of the offender to detect Breath Alcohol Concentration (BrAC) and prevent drivers from starting the motor vehicle if their BAC exceeds an identified threshold (Centers for Disease Control and Prevention [CDC], 2020). An abundance of evidence supports using these devices as an effective countermeasure for reducing alcohol-impaired driving fatalities and injuries (Robertson et al., 2018). Moreover, there is emerging research that the data collected from IIDs can be used as a part of alcohol treatment programs to encourage long-term behavior change and reduce recidivism (Fieldler, Brittle & Stafford, 2012).

Currently, Texas law requires an IID to be ordered as a condition of bond for all second and subsequent offenses and for all Intoxication Assault and Manslaughter offenses (Texas Code of Criminal Procedure [CCP] 17.441). In addition, Texas law mandates an IID be installed as a condition of probation for all second and subsequent offenders, first offenders with a blood alcohol concentration (BAC) of 0.15 or higher, and first offenders under the age of 21 (CCP 42A.408). If convicted of Intoxication Assault or Manslaughter, an IID must be ordered as a condition of probation for first offenders with a blood alcohol concentration (BAC) of 0.15 or higher and all subsequent offenses (CCP 42A.408). Moreover, Texas law requires installing an IID as a condition for the issuance of an occupation license, including first-time DWI offenders with a BAC below 0.15 (Texas Transportation Code [TCC] 521.246).

In a 2015 Texas-specific penetration study conducted by the National Injury Prevention Council, researchers sought to determine the rate of IID compliance in repeat offender cases (Manser & Shipp, 2019). Researchers found that only about 25 percent of the cases had ordered ignition interlocks for second offenders as a condition of bond (Manser & Shipp, 2019). When an IID was required by statute as a condition of probation, about 75% of the cases were ordered to install an IID, leaving 25% of the cases uncompliant (Manser & Shipp, 2019). Today, it is likely that IID compliance has improved across Texas, as criminal justice professionals have a better understanding of interlock laws, technology, research, and applications. As the use of interlocks increases across Texas, the need to share information on best practices related to interlock use and potential barriers to utilization also increases.

Criminal justice professionals share responsibility in ensuring that IIDs are ordered, installed, and monitored accordingly. This means that prosecutors, judges, and probation officers all play an essential role in the effective use of interlocks. Therefore, the inclusion of criminal justice professionals is an essential part of any plan to enhance the application of interlocks and increase utilization rates. The National Highway Transportation Safety Administration (NHTSA) has identified a need for practitioners representing all phases of the justice system to share their experiences and insights in an effort to identify and overcome obstacles to IID utilization and compliance (Fieldler, Brittle, & Stafford, 2012).

Texas A&M Transportation Institute (TTI) project staff interviewed a range of professional groups, including prosecutors, judges, and probation officers, in order to better understand how IIDs are used, as well as barriers stakeholders face in successfully implementing an interlock program in their counties.

An additional goal was to better understand how effective ignition interlocks are as a treatment option that reduces recidivism.

Methods

The project team developed three interview protocols for each criminal justice profession – prosecutors, judges, and probation officers. The interview protocols are included in Appendix A.

Recruitment

Participants were recruited from two Texas counties – Montgomery County and Collin County. All prosecutors, judges, and community supervision personnel were contacted via email and follow-up phone calls. In Collin County, 18 prosecutors, 20 judges, and three community supervision personnel were recruited. Table 1 shows the invited prosecutor offices, courts, and agencies in Collin County.

Table 1. Collin County Invited Participants

Probation Offices	Judges		Probation Departments
Collin Co. DAO	199th District	469th District	Collin CSCD
	219th District	470th District	
	296th District	471st District	
	296th District	County Court #1	
	380th District	County Court #2	
	401st District	County Court #3	
	416th District	County Court #4	
	417th District	County Court #5	
	429th District	County Court #6	
	468th District	County Court #7	

In Montgomery County, one prosecutor, 13 judges, and three community supervision personnel were invited to participate. Table 2 shows the invited prosecutor offices, courts, and agencies in Montgomery County.

Table 2. Montgomery County Invited Participants

Prosecutor Offices	Judges		Probation Departments
Montgomery Co. DAO	9th District	418th District	221 st District CSCD
	221st District	County Court #1	435 th District CSCD
	284th District	County Court #2	Montgomery CSCD
	359th District	County Court #3	
	410th District	County Court #4	
	435th District	County Court #5	
	457th District		

Participants

There were three interviews scheduled – one with three prosecutors from Montgomery County, one with a District Judge from Collin County, and one with three community supervision personnel from Collin County. In order to be eligible to participate, the criminal justice professional must be involved in DWI prosecution, adjudication, or supervision. In addition to the criminal justice professionals, three TTI staff were in attendance. One team member led the discussion, while the other two took notes and asked follow-up questions as needed. All interviews were held virtually via Webex and lasted no longer than 1.5 hours. Interview dates are listed in Table 3.

Table 3. Interview Dates

County	Profession	Date
Montgomery	Prosecutors	May 14 th , 2021
Collin	Judges	May 10 th , 2021
Collin	Probation	May 10 th , 2021

Limitations

Project staff acknowledges that there are limitations to feedback received from the criminal justice professionals interviewed. Limitations include:

- Participant opinions and experiences may be different from those who elected to not participate; participant opinions and experiences may not reflect or be generalizable to their overall profession
- Participant opinions and perceived challenges may be unique to their county or region
- Participants may not respond freely in group settings

Before each interview, TTI project staff emphasized that there are no right or wrong answers. Additionally, participants were informed that they did not need to answer any question that made them feel uncomfortable and that all responses would remain anonymous. Therefore, the results of the interviews should be interpreted with these recruitment approaches and limitations in mind.

Interview Findings

As the use of interlocks increases across Texas, the need to share information and promising practices related to how best to use interlocks also increases. The following sections summarize how various criminal justice professionals utilize interlock devices, potential barriers to interlock utilization and compliance, as well as perceptions of interlock effectiveness as a treatment tool. It is important to note that each Texas jurisdiction has its own policies and procedures related to ordering and supervising IIDs. However, in all counties in Texas, prosecutors, judges, and probation departments are involved in interlock programs.

Prosecution

Overall, prosecutors believe that IID utilization is very high and uniform across the State when IIDs are required by statute. There are additional circumstances when prosecutors will recommend an IID be installed as a condition of bond based on the facts of the arrest, even if not required by statute. For instance, based on the report taken by law enforcement, there may be reason to believe that, although the BAC of the defendant is not confirmed, the results will show a BAC greater than or equal to 0.15 based on a severely failed Standard Field Sobriety Test, a crash incident, or other behavioral factors. This

is important since judges may rely on prosecutors to provide this type of information to inform their decision-making for bond conditions.

If an IID violation occurs during bond, the judge who ordered the IID is informed and will decide what, if any, sanctions to impose. The process is similar to when an IID is ordered as a condition of probation, except the prosecutor has more authority and can file a motion to revoke or extend probation if necessary. If revoked, it is treated as a new case, subjecting the defendant to all the previously suspended punishments. However, probation will rarely be revoked for an interlock violation on its own.

Although IID utilization rates are generally high, the cost can be a significant barrier. In some cases, this barrier can influence the reasoning to not require an IID as a condition of bond or probation. Research shows that many offenders continue to drive on a suspended or revoked driver's license, including after consuming alcohol (Roth, Voas, & Marques, 2007). Therefore, a license suspension or revocation may not be as effective in preventing alcohol-impaired driving compared to an IID. Furthermore, prosecutors hypothesize that cost also deters offenders from electing pre-trial diversion, deferred adjudication, and probation, where an IID is required in conjunction with other sanctions (e.g., substance abuse treatment, DWI education). Research also indicates that IIDs are more effective when combined with substance abuse treatment (Mayer, 2019). Furthermore, when interlock use is combined with treatment, the data collected for the device provides objective data to inform counseling decisions and overall rehabilitation (Mayer, 2019). For example, individuals who have a high number of early morning violations are often still intoxicated from consuming alcohol the night before; this information could be used by a counselor to demonstrate consequences of heavy drinking (Mayer, 2019). Moreover, data indicating an individual's alcohol use through IID reports can counter any denials of drinking during the treatment process (Mayer, 2019).

Overall, prosecutors believe that interlocks are effective in preventing alcohol-impaired driving. Depending on the person, the IID – including the cost and public embarrassment that come with it – may change offenders' behavior to avoid the interlock sanction in the future. However, prosecutors mainly view the device as a good deterrent but not necessarily as a treatment tool. The prosecutors interviewed think Texas can increase interlock utilization by making the devices more affordable, providing legal incentives to install a device (e.g., nondisclosure agreements), and making the devices more discrete to reduce the social stigma of having one installed.

Judges

For an offender to be placed on an IID, it must come as an order from the court (Texas Department of Public Safety [DPS], 2021). Furthermore, the device can only be removed upon receipt of a court order or vendor removal form signed by a judge or county clerk (DPS, 2021). Therefore, judges play a critical role in ensuring the IID is utilized accordingly.

When an IID is ordered as a condition of bond, it must be installed at the expense of the defendant and before the 30th day after the defendant is released on bond (CCP 17.441). The judge may designate an appropriate agency to verify the device's installation and monitor the device, such as the probation department, County Attorney's Office, District Attorney's Office, County Sheriff's Office, or court with jurisdiction over the defendant (CCP 17.441). It is important to note that the monitoring agency for bond conditions differs by jurisdiction. If the IID bond condition is violated, a bond revocation hearing may be held.

When an IID is ordered as a condition of probation, the defendant must provide proof of installation within 30 days of conviction (CCP 42A.408). Additionally, the probation department may be able to help the defendant pay for the device through indigent funds. After sentencing, judges have the responsibility for hearings involving IID violations. Knowledge of interlock technology is essential since the role of the judge is to consider claims by the defendant, such as if the elevated BrAC reading was due to a source other than alcohol (e.g., mouth wash). Of note, a judge may not require an IID if it is not in the “best interest of justice” (CCP, 17.441). In practice, this exemption may be used in circumstances such as the impaired driving offense was drug-related and there was no alcohol in their system, if they cannot install an IID on a company car necessary for their occupation, or if they claim to not own a vehicle. In these cases, an alternative alcohol monitoring device may be ordered (e.g., SCRAM device, In-Home Alcohol Monitoring Device). While these devices are effective in monitoring alcohol consumption, they do not prevent an individual from drinking and driving.

While overall IID utilization and compliance are believed to be high, there are some challenges faced by judges. One challenge is the lag in time between an IID violation and sanctioning. If there is an IID violation, the judge must be notified by the probation officer. Then, the judge must be available and have time on the court calendar to schedule a violation hearing. In some cases, this process can take over a month. This gap in time can make it difficult for judges to apply appropriate sanctions. Additionally, the gap in time between when a defendant is released on bond or convicted and when proof of IID installation is required can lead to non-compliance. Therefore, the defendant can be driving unsupervised for 30 days without an IID installed. Secondly, in some Texas counties, there is confusion about what agency is responsible for the follow-up with the defendant, verifying an IID is installed, and holding the defendant accountable if an IID is not installed. If no party verifies that the defendant installed an IID, then that person may fall through the cracks

Overall, the judge interviewed believes that IIDs are effective in reducing the crime of alcohol-impaired driving while the device is installed. However, it is believed that it does not actually reduce alcohol consumption or reduce the alcohol-impaired driving post-removal. However, the safety benefits while the device is installed are significant and more than justify its use.

Probation

In order for an interlock to be effective, IID installation and reports should be monitored. Many of the supervision aspects are regulated by probation departments. Therefore, probation officers are the backbone of a successful IID program.

A judge may designate an appropriate agency to verify the interlock installation and monitor the device after the defendant is released on bond. Oftentimes, this agency is a probation department. Oftentimes, a judge or magistrate setting bond conditions will have to have a pre-arranged agreement as they may not have jurisdiction over the probation department. Probation officers need to be able to confirm the IID has been installed and take action if they fail to comply. Probation officers must also monitor the offender for IID violations through reports, which usually are produced on a monthly basis. If a violation does occur, the judge who set the bond condition will be informed, and the court will determine what action, if any, is necessary. In some Texas counties, condition of bond orders can be ordered from a variety of judges (e.g., county judges, district judges, magistrates). While the defendant must provide proof of IID installation within 30 days after being released from bond by statute, this time period is not consistent among judges. For example, one judge may require proof of installation within two weeks, where another may require proof within 30 days. This inconsistency can make it challenging for

probation officers to confirm installation and inform the judge if there is non-compliance within the time frame set by that particular judge. Probation departments would like more uniformity among judges in the time period allowed for IID installation.

Probation officers are also responsible for monitoring offenders for IID violations if they are placed on community supervision (i.e., probation) by a judge. Unlike pre-trial, probation officers may have more progressive sanctioning guidelines and can monitor and sanction accordingly. If a violation occurs, more sanctions may be required, such as increased substance abuse treatment sessions. In the probation officers' experience, circumvention is low. Having an alternative person provide a breath sample or attempting to disconnect the device itself has decreased in recent years through features added by manufacturers, such as breath pulse recognition and cameras. However, offenders can circumvent an interlock sanction simply by driving another vehicle not equipped with an interlock device. To remedy this, vehicle usage requirements can be established (e.g., the average number of miles an offender would be expected to drive to and from work on a weekly basis) (Mayer, 2019). Additionally, some offenders may not drive over a period (e.g., weekend) in order to avoid alcohol testing, which may be a condition of bond or probation. Some probation officers require the defendant to blow into the IID at least two times per day, even if they claim they are not driving, and have found it an effective policy for reducing skipped alcohol tests.

While probation officers believe that IID utilization is high, there are circumstances where an IID may not be required. The most common example is when an offender claims they do not have a car or if they claim they cannot install an IID on a company vehicle necessary for work. Additionally, advanced automobiles, such as some all-electric vehicles, cannot support IIDs. Individuals may also claim that they are medically unable to provide a suitable breath volume required by the interlock. In all of these cases, they may be required to use an alternative alcohol monitoring device (e.g., SCRAM device, In-Home Monitoring Device) and have more frequent testing for alcohol use. However, it is important to note that alternative alcohol monitoring devices do not inhibit someone from drinking and driving and are not a substitute for an interlock.

There is also the challenge of how to address the problem that some offenders cannot afford the fees associated with an interlock sanction. Normally, an offender in Texas is completely responsible for their ignition interlock requirement, from the installation to the maintenance appointments and the de-installation. However, if the court determines the offender is unable to pay for the device, the court may impose a reasonable payment schedule (TTC 521.246). Additionally, in some Texas counties, the probation department may be able to offer indigent offender funds by collecting fees imposed on all DWI offenders. Since there are limited funds, it is imperative that only truly indigent offenders receive funding assistance. Currently, not all jurisdictions in Texas offer financial aid to indigent offenders.

Probation officers also brought up concerns regarding Texas Penal Code 49.09(h). The law requires an IID to be ordered for certain offenders even if their probation period has ended or if they were never placed on community supervision in the first place. Although an IID violation may be punishable by contempt, there is little enforcement observed by the probation officers interviewed. Consequences for non-compliance are essential for the interlock to be effective (Robertson, Vanlaar & Simpson, 2007). There may also be burdensome costs for the offender to have to pay additional monthly fees for the duration of the IID order, as well as additional costs for the probation department if they are required to monitor the individual.

As essential as supervision is, it is also one of the more difficult aspects of an ignition interlock program. Probation officers believe that IIDs are an effective tool in monitoring alcohol-impaired driving and preventing the offender from driving a vehicle after drinking, which will reduce the offender's likelihood of becoming a danger to himself, passengers, and other roadway users. However, like prosecutors and judges, probation officers do not view the device as a treatment tool, nor do they think it leads to long-term behavior change.

Conclusion

With regard to interlock utilization issues, it is often presumed that judges are the source of the problem since they are responsible for ordering the IIDs (Robertson, Vanlaar & Simpson, 2007). However, an interlock program requires more than a judge to ensure interlock utilization and compliance. The judge may rely upon prosecutors, who work closely with law enforcement, for critical recommendations on IID sanctions for defendants. Furthermore, there must be a comprehensive set of supervision practices – more is required than just installing the IID in the vehicle. This means that prosecutors, judges, and probation officers all play an essential role in the effective use of interlocks. Today, criminal justice professionals have a better understanding of interlock laws, technology, research, and applications. Since 2015, when Texas enacted a set of expanded ignition interlock laws, criminal justice professionals believe that interlock utilization and compliance have increased across the State. However, some interlock utilization and compliance barriers were identified, including cost, IID violation response time, and Texas Penal Code 49.09(h). These barriers are discussed in the next section, as well as recommendations on how to address these challenges.

Addressing Barriers

Cost

Cost was a barrier expressed by all three criminal justice stakeholder groups. Many Texas counties face the challenge of how to address the problem that some offenders cannot afford the fees associated with an interlock sanction. The cost of an interlock device itself is typically paid for by the offender. If an individual cannot afford an IID, the prosecutor may recommend to the judge that an IID is not ordered, or the judge may decide that it is not in the “best interest of justice.” Instead, the person may be prohibited from operating a motor vehicle entirely. This means the person will not have the ability to continue to drive to work, medical appointments, family activities, or other essential activities without incurring the added cost and time of alternate transportation (Robertson, Vanlaar, & Hing, 2018). Furthermore, a driver license suspension or revocation is more difficult to monitor for violations compared to IIDs. Therefore, many offenders continue to drive on a suspended or revoked license (Fieldler, Brittle & Stafford, 2012). Additionally, research suggests that offenders who are suspended recidivate more often compared to those ordered to install an IID (Roth, Voas, and Marques, 2007).

While the court may impose a payment schedule if it is determined that the defendant cannot pay for the device, often, this is not sufficient. Some entities have established indigent funds to help offset costs for those who otherwise cannot afford an interlock device. In one Texas county, the probation department has funds allocated for indigent offenders, and the fees imposed on DWI offenders are the primary funding source – there are no county monies that help pay for IIDs. To ensure that only genuinely indigent offenders receive funding assistance, objective criteria must be developed against which all applicants will be judged. To this end, the offenders must provide Financial Disclosure Report Forms and provide gross income as a percentage of the Federal poverty guidelines. Across Texas, the source of indigent offender funds can vary, and some counties do not have indigent offender funds at

all. If an IID is not required due to the inability to pay, even if there is a clear need, the Texas roadways become more dangerous. Ensuring that all DWI offenders who need an IID in order to protect themselves better, passengers, and other roadway users from the dangers of alcohol-impaired driving should be a key goal of an effective interlock program (Mayer, 2019).

Currently, there is no State indigent offender fund. As Texas IID laws have expanded, NHTSA recommends that indigent offender funds be developed statewide (Mayer, 2019). Potential funding sources can include fees collected from the offender (e.g., monitoring, license reinstatement), fees added to license reinstatement, and fees collected from the vendor (e.g., license and recertification fees) (Mayer, 2019). As aforementioned, strict qualifying criteria should be established. Additional considerations for developing an indigent offender fund include the administrative agency responsible for the fund, eligibility criteria and a system for continued reassessment, fees covered (e.g., installation, monthly calibration, deinstallation), and penalties for IID violations (Mayer, 2019). Texas counties and other stakeholders may also consider developing indigent funds for DWI offenders.

Non-Compliance Response Time

According to research, responses to non-compliant behavior (i.e., IID violation) are most effective when immediately following the behavior (Carter, 2015). According to the National Institute of Corrections, criminal justice professionals should never ignore non-compliant behavior and never take more time to respond to non-compliant behavior than is necessary to gather pertinent information (Carter, 2015). Additionally, as is the case with responses to non-compliant behavior, rewards are more effective when they immediately follow the positive behavior (Carter, 2015). The impact of responses to non-compliant behavior (e.g., increased counseling sessions) and rewards for positive behavior (e.g., zero failed alcohol tests in 3 months) is greatest when they are administered with regularity so that positive behavior change becomes habituated over time (Carter, 2015).

However, criminal justice professionals reported a gap in time between when an IID violation occurs and when they are notified. Typically, IID violation reports from the vendor are received by probation officers monthly. Therefore, there can be a month between a violation to when a probation officer is informed of the violation. These devices generate volumes of data, and probation officers must be able to manage it and make sense of it in a timely manner and in a way that is compatible with case management systems (Robertson, Vanlaar & Simpson, 2007). While more frequent violation reports are possible from some vendors, each probation department must assess if their officers can handle the additional workload. It is also possible for judges to gain access to the interlock vendor portal to verify violations themselves, instead of waiting on probation officers who may have hundreds of other violations to verify at any given time. Although, compared to probation officers, judges are likely to have less experience with the devices and may not be able to verify violations efficiently.

Texas Penal Code 49.09(h)

Texas Penal Code 49.09(h) added a provision that mandates that a judge enter an order requiring the defendant to install a breath interlock device on each vehicle "owned or operated" by the defendant if the person was convicted of a second or subsequent DWI offense within five years. The interlock must be installed before the first anniversary of the ending date of the license suspension imposed by Section 521.344, Transportation Code. The defendant must install the IID at their own cost and provide proof to the court. Failure to comply with an order entered under this subsection is punishable by contempt. For the purpose of enforcing this subsection, the court that enters an order under this subsection retains

jurisdiction over the defendant until the date on which the device is no longer required to remain installed. Texas PC 49.09(h) was amended in 2001 in an effort to comply with requirements of the Federal Code relating to impaired driving offenses, specifically 23 USC Sections 154 and 164 (Center for Alcohol and Drug Education Studies [CADES], 2019). However, the Sections in the Federal Code just require an IID be installed for these specific offenders, but do not stipulate that IID be installed after the license suspension period (CADES, 2019). According to criminal justice professionals, the result is a statutory provision that is difficult to comply with and even more difficult to enforce (CADES, 2019).

Criminal justice professionals noted that the law itself is convoluted, even for seasoned professionals. For example, the judge not only has to order the appropriate license suspension in each case of a repeat offender, but also order and then oversee the installation of an IID prior to the expiration of the first anniversary of the ending date of the license suspension and order that the device remains on the vehicle until of the first anniversary of the ending date of the suspension (CADES, 2019). This requires a lot of oversight for courts that already have large caseloads and many offenders may fall through the cracks and never install an IID when required by Texas Penal Code 49.09(h).

Since IID supervision and enforcement under Texas Penal Code 49.09(h) is different than under Community Supervision (Chapter 42.A), criminal justice professionals have expressed uncertainty as to what agencies have supervision and sanctioning authority and/or responsibility. Typically, once the court sentences a defendant in a criminal case, and that conviction becomes final, the court loses jurisdiction within 30 days to take any other action on case (CADES, 2019). Conversely, Texas Penal Code 49.09(h) allows for the court to continue jurisdiction after a defendant has been finally sentenced (CADES, 2019). Also, it does not provide any mechanism for supervising this order, although it is assumed that the court could have the probation department monitor this order and charge a monthly monitoring fee (CADES, 2019). In some criminal justice professionals' experience, many offenders go without response for IID non-compliance under Texas Penal Code 49.09(h). As aforementioned, if there is not a response immediately following the non-compliant behavior, or in this case a response at all, then IIDs may not be an effective behavior change tool.

Currently, criminal justice professionals believe Texas Penal Code 49.09(h) is too convoluted and not well enforced. Furthermore, the provision adds extra costs to the offender and the criminal justice system, as well as increases caseloads for criminal justice professionals without all the benefits seen when interlocks are combined with other community supervision services (e.g., treatment). The Texas legislature should consider amending Texas Penal Code 49.09(h) to allow for more responses beyond the court holding the offender in contempt. Additionally, in interlock trainings for criminal justice professionals, Texas Penal Code 49.09(h) should be included in an effort to eliminate confusion among criminal justice professionals as to whom is responsible for supervising and sanctioning.

Effectiveness of Interlocks as a Treatment Tool

A specific goal of this project was to better understand how effective IIDs are as a treatment option that reduces DWI recidivism. Criminal justice professionals generally believe that IIDs can be an effective deterrent due to the cost of the device, the time required to have it installed, and the social stigma of having one visible in your car. The purpose of deterrence in impaired driving programs is to discourage people from drinking and driving by imposing a series of specific consequences— including, in this case, an interlock—on those convicted of DWI (Mayer, 2019). Informing and educating the community that interlocks are part of the sanctioning process may also prove an effective deterrent, as some potential offenders may change their behavior to prevent arrest and an interlock sanction (Mayer, 2019).

Although criminal justice professionals generally believe IIDs effective in incapacitating, or separating the impaired driver from the vehicle, and deterring impaired driving, not all believe that IIDs effectively change behavior (i.e., alcohol-impaired driving) once the device is removed. However, research suggests that data collected from IIDs can be used as a part of alcohol treatment programs to encourage long-term behavior change and reduce recidivism (Fiedler, Brittle & Stafford, 2012). Specifically, the data collected by the interlock can provide treatment providers, with current, objective information regarding the offender's behavior, which should result in a better treatment outcome (Mayer, 2019). For example, offenders who have a high number of early morning lockouts (i.e., vehicle will not start because the BAC reading is above the setpoint) are frequently still intoxicated from the prior evening's drinking – information that could be used by a counselor to demonstrate consequences of heavy drinking (Mayer, 2019). Interlocks should not only be utilized as a deterrent and incapacitation device, but as a tool in substance abuse treatment.

References

- Centers for Disease Control and Prevention. (2020). Sobering Facts: Alcohol-Impaired Driving in Texas. Retrieved from <https://www.cdc.gov/motorvehiclesafety/pdf/impaired-driving-new/CDC-impaired-driving-fact-sheet-Texas.pdf>
- Carter, M. M. (2015). *Behavior Management of Justice-Involved Individuals: Contemporary Research and State-of-the-Art Policy and Practice*. Washington, DC: National Institute of Corrections.
- Fieldler, K., Brittle, C. & Stafford, S. (2012). *Case Studies of Ignition Interlock Programs* (DOT HS 811 594). Washington, DC: National Highway Traffic Safety Administration.
- Manser, M. & Shipp, E. (2019) Ignition Interlock Devices and Compliance. *Safety Net*, 4(1). Retrieved from <https://static.tti.tamu.edu/visualmedia/safetynet/2019/v4i1/ignition-interlock-devices-and-compliance.html>
- Mayer, R. (2019, November). *Ignition Interlocks – A Toolkit for Program Administrators, Policymakers, and Stakeholders. 2nd Edition*. (Report No. DOT HS 811 883). Washington, DC: National Highway Traffic Safety Administration.
- Robertson, R.D., Vanlaar, W., and Hing, M. M. (2018). *Annual Ignition Interlock Survey 2016 and 2017: United States*. Washington, DC: Traffic Injury Research Foundation USA, Inc.
- Robertson, R., Vanlaar, W., & Simpson, H. (2007). *A Criminal Justice Perspective on Ignition Interlocks*. Washington, DC: Traffic Injury Research Foundation USA, Inc.
- Roth, R., Voas, R., & Marques, P. (2007). Interlocks for first offenders: Effective? *Traffic Injury Prevention*, 8, 346-352. DOI: 10.1080/15389580701598559.
- Texas Code of Criminal Procedure, Article 17.441. Conditions Requiring Motor Vehicle Ignition Interlock. Retrieved from <https://statutes.capitol.texas.gov/Docs/CR/htm/CR.17.htm>
- Texas Code of Criminal Procedure. Article 42A.408 Use of an Ignition Interlock Device. Retrieved from <https://statutes.capitol.texas.gov/Docs/CR/pdf/CR.42A.pdf>.
- Texas Department of Public Safety. (2021). Ignition Interlock Devices. Retrieved from: <https://www.dps.texas.gov/section/driver-license/ignition-interlock-devices>
- Texas Impaired Driving Task Force. (2021). 2021 Texas Impaired Driving Plan. Retrieved from: <https://www.texasimpaireddrivingtaskforce.org/wp-content/uploads/2021/06/FY-2021-Texas-Impaired-Driving-Plan.pdf>
- Texas Penal Code, Article 49.09. Enhanced Offenses and Penalties. Retrieved from <https://statutes.capitol.texas.gov/Docs/PE/htm/PE.49.htm>
- Texas Transportation Code, Article 521.246. Ignition Interlock Requirements. Retrieved from <https://statutes.capitol.texas.gov/Docs/TN/htm/TN.521.htm>

Appendix A – Interview Protocols

Interview Questions (Judges)

Good morning/afternoon. Thank you for agreeing to talk with us today regarding your experiences with ignition interlocks. Please note there are no right or wrong answers. Today we just want to learn about your experiences. If any question makes you feel uncomfortable, you do not have to answer.

1. Before we get too far along, how familiar are you with ignition interlock devices?
 - a. Roughly, how many ignition interlocks do you think you order every month or year for a condition of probation or bond?
 - b. Do you believe that ignition interlocks are effective? Why or why not?
 - c. Have you ever engaged with individuals from the interlock industry regarding their technology or services offered in your county?
 - d. Do you have anyone in your office that maintains updated information on ignition interlock laws, device costs, local installers, and approved devices in the state?
2. In DWI-alcohol cases, how do you determine if someone needs an ignition interlock ordered as a condition of bond? What about as a condition of probation?
 - a. Do you ask questions about the defendant's age or prior offenses?
 - b. Can you describe potential circumstances in which you would not order an ignition interlock in the "best interest of justice"?
 - c. What do you do if a defendant who claims not to have a vehicle to install an ignition interlock?
 - d. How would you respond if you have a defendant who claims they cannot afford an ignition interlock?
 - e. How do you determine the length required for keeping an ignition interlock installed?
 - f. If you suspend a defendant's license, will you still require an ignition interlock? Please describe your response.
3. Based on your professional experiences, what do you think the most significant challenges to ensuring individuals required to have an ignition interlock device installed actually have the device installed?
 - a. Do you require to see a certificate of installation following ignition interlock orders as a condition of bond and/or probation?
 - b. Who in the county monitors someone with an ignition interlock as a condition of bond? If no specific person/office, how are they monitored?
 - c. What are your policies if a defendant violates an ignition interlock order?
4. Based on your professional experiences, how do you think judges can increase the utilization and adherence of ignition interlocks?
5. Based on your professional experiences, do you find the use of ignition interlocks is consistent among judges in Texas? What about in your county?

6. Have you had any formal training regarding ignition interlock laws in Texas? What about training or information on interlock technology?
 - a. Has your staff received any training on ignition interlocks?
 - i. If yes for you or your staff, what did the training consist of?
 - ii. If no, have you or your staff had any informal training?
 1. If yes, what was it?
 - b. How should trainings be advertised to reach the most judges?
 - c. Are there any specific items you would like to see addressed?

Interview Questions (District Attorney)

Good morning/afternoon. Thank you for agreeing to talk with us today regarding your experiences with ignition interlocks. Please note there are no right or wrong answers. Today we just want to learn about your experiences. If any question makes you feel uncomfortable, you do not have to answer.

1. Before we get too far along, how familiar are you with ignition interlock devices?
 - a. Do you believe that ignition interlocks are effective?
 - b. Have you ever engaged with individuals from the interlock industry regarding their technology or services offered in your county?
 - c. Do you have anyone in your office that maintains updated information on ignition interlock laws, costs of the device for the defendant, and approved devices in the state?
2. In DWI-alcohol cases, how do you determine if someone needs an ignition interlock ordered as a condition of bond? What about as a condition of probation?
 - a. How do you make this recommendation to the judge?
 - i. Do you provide the judge with information on the defendant's age or prior offenses that would make an interlock required?
 - b. Based on your experiences, can you describe potential circumstances in which you have found a judge did not order an ignition interlock?
 - c. How would you respond if you have a defendant who claims they cannot afford an ignition interlock?
3. Based on your professional experiences, what do you think the most significant challenges to ensuring individuals required to have an ignition interlock device installed actually have the device installed?
 - a. Who in the county monitors someone with an ignition interlock as a condition of bond? If no specific person/office, how are they monitored?
 - b. What are your policies if a defendant violates an ignition interlock order?
4. Based on your professional experiences, how do you think we can increase the utilization and adherence of ignition interlocks in Texas?
5. Based on your professional experiences, do you find the use of ignition interlocks is consistent among judges in Texas? What about in your county?

6. Have you had any formal training regarding ignition interlock laws in Texas? What about training or information on interlock technology?
 - a. Has your staff received any training on ignition interlocks?
 - i. If yes for you or your staff, what did the training consist of?
 - ii. If no, have you or your staff had any informal training?
 1. If yes, what was it?
 - b. How should trainings be advertised to reach the most prosecutors?
 - c. Are there any specific items you would like to see addressed?

Interview Questions (Probation/Pre-Trial Services)

Good morning/afternoon. Thank you for agreeing to talk with us today regarding your experiences with ignition interlocks. Please note there are no right or wrong answers. Today we just want to learn about your experiences. If any question makes you feel uncomfortable, you do not have to answer.

1. Before we get too far along, how familiar are you with ignition interlock devices?
 - a. Do you believe that ignition interlocks are effective?
 - b. Have you ever engaged with individuals from the interlock industry regarding their technology or services offered in your county?
 - c. Do you have anyone in your office that maintains updated information on ignition interlock laws, costs of the device for the defendant, and approved devices in the state?
2. Can you describe your involvement with ignition interlock devices for individuals charged or convicted of DWIs?
 - a. How does your area monitor defendants after ordering ignition interlocks for both bond and probation?
 - b. Do you require to see a certificate of installation following ignition interlock orders as a condition of bond and/or probation?
 - c. What are your policies if a defendant violates an ignition interlock order?
3. Are you aware of circumstances in which someone is not ordered an ignition interlock as a condition of bond or probation despite being legally required to have one? If yes, please describe the circumstance.
4. Based on your professional experiences, what do you think the most significant challenges are ensuring individuals required to have an ignition interlock device installed actually have the device installed?
5. Have you had any formal training regarding ignition interlock laws in Texas? What about training or information on interlock technology?
 - a. Has your staff received any training on ignition interlocks?
 - i. If yes for you or your staff, what did the training consist of?
 - ii. If no, have you or your staff had any informal training?
 1. If yes, what was it?
 - b. How should trainings be advertised to reach the most prosecutors?

c. Are there any specific items you would like to see addressed?