



TEXAS CENTER  
FOR THE JUDICIARY

Impaired Driving Symposium  
August 4 & 5, 2016  
Sheraton Austin

Ignition Interlock Compliance  
Strategies  
Judge Laura A. Weiser

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### Why monitor compliance?

- Use of Ignition Interlock Devices (IID) reduces recidivism an average of 64%
- Data collected can be a predictor of future DWI risk
- Creates a culture of respect for judicial orders



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### Predicts Recidivism

- Proportion of failed interlock tests is the best predictor of driver recidivism risk during the years following interlock removal.

• -Bierness and Marques, 2004



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### Installation Compliance

- One Study: 20-25% will not comply (TIRF)
- Common excuses:
  - I'm not going to drive-75% of suspended drivers drive
  - I don't own a vehicle-Access is the issue, not ownership



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### Who Monitors Installation?

- Pre-Trial Services
- Personal Bond Office
- Community Supervision and Corrections
- Prosecutor
- Judge or Judge's staff



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### Compliance with IID Instructions

- Failure to blow
- Failure to re-test
- Tampering



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**Abstinence Compliance**

- Include language that requires Defendant to abstain from the use of alcohol or any other substance capable of or calculated to cause intoxication.



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**Who Monitors Compliance?**

- As a condition of bond:
- Art/ 17.442(d) Designate an appropriate agency to verify installation and monitor compliance
  - \$10 fee for verifying installation
  - \$10 month for monitoring



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**Agencies who may Monitor**

- Pre-Trial Services
- CSCD
- Judge who orders the condition
- DA's office
- Others?



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### As a condition of Supervision

- Community Supervision and Corrections Department (CSCD)



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### As a Condition of an Occupational Driver's License

- May be ordered to submit to supervision by CSCD
- Administration fee of not less than \$25 or more than \$60
- Can't require payment of supervisory fee and administration fee



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### After a Jail Sentence



- Sec. 49.09 (h) TPC
- Following conviction of a 2<sup>nd</sup> or subsequent DWI within 5 years, **even if defendant is no longer on community supervision**
- 2<sup>nd</sup> or subsequent **committed** within 5 years of the date of the most recent DWI conviction



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- Installed on EACH vehicle owned or operated
- Installation Period: 1 yr beginning after DL suspension completed
- This section controls over Art. 42.12, Sec. 13 (i)



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### Who Monitors?

- Govt. Code 76.11
- CSCD may operate programs for persons who are: "ordered to use an ignition interlock device"



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### HB 2246

- A person granted an ODL may not be ordered to submit to the supervision of the CSCD under Section 521.2462 unless the order is entered by a court of record.



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## Sanctions for Non-Compliance

- Sanctions should be graduated
  - Warning
  - Mid-month downloading
  - Additional evaluation
    - More treatment
    - More testing
  - Extension of interlock period
  - Losing driving privileges



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What Would you do?



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## IID Ordered as a Condition of Bond

- Defendant was ordered to install an IID within two weeks of being released on bond and to provide your office with proof of installation. Two weeks have gone by with no proof provided.
- What would you do?



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### **IID and Abstinence Ordered as a Condition of Bond**

- Defendant has installed an IID in compliance with your order. You have received reports from the vendor that he has been in locked out of his vehicle on three separate occasions because he blew above a .02.
- What would you do?



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### **IID Ordered as a Condition of Supervision**

- Defendant has informed her probation officer that she no longer owns a vehicle and she does not intend to drive during her period of supervision.
- What would you do?



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### **IID Ordered as a Condition of ODL**

- Defendant has an ODL but informs you that the only vehicle he operates is owned by his employer. His employer is his father.
- What would you do?



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### IID Ordered as a Condition of Bond

- Defendant has installed an IID as a condition of bond. The reports from the vendor indicate that he is not complying with rolling retests and that there is evidence of tampering.
- What would you do?



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### IID Ordered as a Condition of an ODL

- Petitioner has requested an ODL and an IID is required. Petitioner brings you a letter from his doctor that he has Chronic Obstructive Pulmonary Disease and that he is unable to provide a breath sample sufficient to satisfy the machine.
- What would you do?



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Questions????



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