



Maryland's Ignition Interlock Program

Status Report

February 2016



**Maryland Department
of Transportation**



Maryland's Ignition Interlock Program is an important part of the State's efforts to combat impaired driving, which remains a significant traffic safety problem. Between 2009 and 2013, an average of 171 people were killed each year in impaired driving crashes. During this same period, an average of 530 people were seriously injured each year in impaired driving crashes. While the number of impaired driving crashes in Maryland has declined from 8,805 in 2009 to 7,321 in 2013, it is still a significant contributor to the State's highway fatalities. Impaired driving crashes account for less than ten percent of all traffic crashes in Maryland, but they represent, on average, one-third of all traffic-related fatalities. These statistics are more than just numbers, they represent real people who suffered a trauma or lost their life unnecessarily. Beyond the impact on individuals, each roadway fatality and serious injury affects dozens of family members, friends and co-workers.



MARYLAND'S APPROACH TO COMBATING IMPAIRED DRIVING

Maryland takes a comprehensive approach to combating impaired driving that includes educating the public about the risks and penalties, enforcing laws on the roadways, and imposing administrative and criminal sanctions. One key piece is implementing alternative programs that promote sober and safe driving, including Ignition Interlock. High-visibility enforcement remains the first line of defense against impaired driving. On average, Maryland law enforcement agencies make 24,000 impaired driving arrests each year and issue 65,000 impaired driving citations.

AT THE TIME OF ARREST

When a driver is arrested for suspected impaired driving, they are advised of the penalties for impaired driving, the penalties for refusing to submit to a chemical blood alcohol test and of their right to a hearing. Maryland law states that, if you maintain a Maryland driver's license, you have consented to submit to a test to measure the blood alcohol concentration (BAC), drug, or controlled dangerous substance content in your system. A driver may refuse to submit to the test(s), unless they were in a motor vehicle crash resulting in the death of, or life-threatening injury to, another person where impairment is suspected.



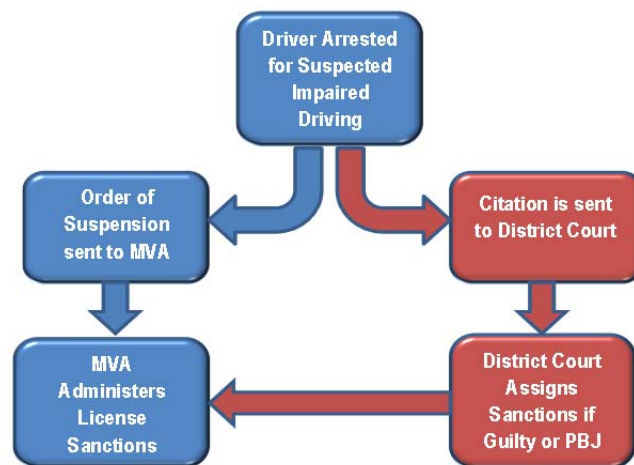
If a driver consents to the test and is found to have more than 0.08 mg/dL BAC they are impaired *Per Se* under Maryland law. The driver is then issued an *Order of Suspension* that informs them that their driving privilege will be suspended by the Maryland Department of Transportation's Motor Vehicle Administration (MVA) on the 46th day following the arrest unless they request a hearing. Arrested drivers will be issued one or more citations for driving under the influence of alcohol (DUI), driving while intoxicated (DWI) or driving under the influence of alcohol and/or drugs. Multiple impaired driving citations are often issued at the time of arrest to cover all offenses that may apply in the case.

If the driver refuses to submit to a chemical test they are issued an *Order of Suspension* and may be issued traffic citations for impaired driving if the officer observed impaired driving behavior.

AFTER THE ARREST

After the arrest, a copy of the *Order of Suspension* is sent to the MVA and any citations are sent to the District Court of Maryland. MVA begins the administrative adjudication process and the District Court begins the criminal adjudication process.

FIGURE 1: THE IMPAIRED DRIVING SANCTIONING PROCESS



ADMINISTRATIVE AND CRIMINAL PENALTIES FOR IMPAIRED DRIVING

The administrative process can result in a range of consequences including suspension or revocation of the individual's driver's license and disqualification of a commercial driver's license. Enhanced penalties are applied for repeated alcohol offenses and for any violation of an alcohol license restriction.

Some sanctions may be modified to limit driving for only work-related or education purposes during the suspension period. Based on the facts of the case, the driver may be given the option to participate in Ignition Interlock as an alternative to license suspension or revocation.

If the driver is convicted, the criminal process can result in significant fines, points, incarceration or assignment to an alcohol education program, to alcohol treatment, or to Ignition Interlock. A driver may be granted a disposition of Probation Before Judgment (PBJ), where the judge may impose alternative sanctions as a condition of this probation. Penalties increase from the first to subsequent DUI convictions including fines, points and other conditions of probation including treatment, drug testing, Ignition Interlock and community service. In addition, for a second DUI conviction in five years, a one-year period of Ignition Interlock is mandatory.

MARYLAND'S IGNITION INTERLOCK PROGRAM

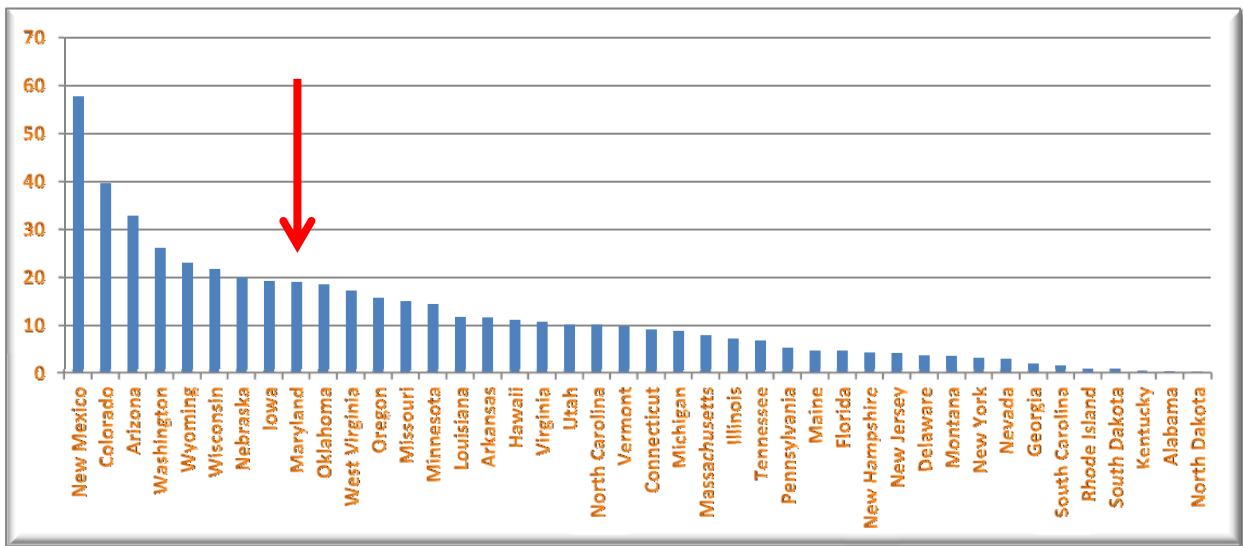
Ignition Interlock gives drivers an alternative to suspension or revocation and allows them to continue driving. The program helps to prevent further impaired driving by placing an ignition interlock restriction on their driver's license, which requires that an ignition interlock device be installed in their personal vehicle. Drivers in the program must appear each month to their ignition interlock service provider to have alcohol breath test data downloaded. The data is transmitted to the MVA automatically and violations are flagged.

Established in 1989, the Maryland Ignition Interlock Program initially focused on drivers applying for license reinstatements who had two or more alcohol-related traffic violations. Since that time, the program has expanded both through regulatory change and through changes in law. Under the Drunk Driving Prevention Act of 2011, drivers who are convicted of driving with a BAC of greater than 0.15 mg/dL or higher (High BAC), or who have two DUI convictions in five years (repeat offender), are required to participate in the program. Drivers also may opt in to Ignition Interlock in certain cases as a way of avoiding a suspension or revocation, or as a condition of reinstatement after revocation.



Maryland has one of the most robust Ignition Interlock programs in the country. According to Roth Interlock in their *2014 Survey of Currently Installed Interlocks in the U.S.*, Maryland had the 6th highest number of ignition interlocks installed and the 9th highest use rate in the nation (19.1 per 10,000 residents). From 2010 to 2015, the number of participants in Maryland's Ignition Interlock program increased by more than 60 percent.

FIGURE 2: INTERLOCKS PER CAPITA. SOURCE: ROTH INTERLOCK - 2014 SURVEY OF CURRENTLY INSTALLED INTERLOCKS IN THE U.S.



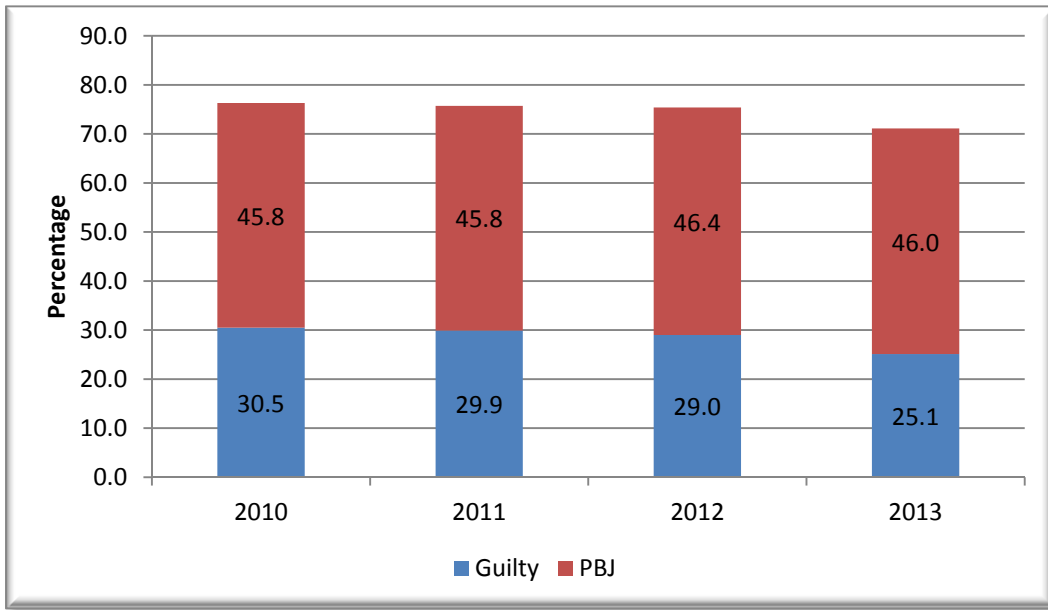
CITATIONS AND DISPOSITIONS

From 2010 to 2013, more than 97,000 impaired driving arrests were made in Maryland. These arrests resulted in nearly 263,000 impaired driving citations being issued (for violation of any paragraph of Transportation Article 21-902). As previously indicated, multiple citations may be issued for each impaired driving arrest to cover all applicable sections of the law. A relatively small proportion of those citations result in a disposition of Guilty or PBJ. Drivers arrested for impaired driving may be referred to Ignition Interlock as a part of the administrative case process or as the result of a court hearing.

Table 1: IMPAIRED DRIVING ARRESTS, CITATIONS, AND GUILTY DISPOSITIONS; INTERLOCK PROGRAM REFERRALS BY YEAR 2010-2013

	2010	2011	2012	2013	Total
Arrests	25,277	24,730	23,628	23,905	97,540
Citations	66,896	65,996	63,872	65,942	262,706
PBJ Dispositions	11,573	11,337	10,952	11,003	44,865
Guilty Dispositions	7,715	7,388	6,850	6,008	27,961
Interlock Referrals	7,768	8,676	10,237	10,433	37,114

FIGURE 3: PERCENTAGE OF GUILTY AND PROBATION BEFORE JUDGMENT DISPOSITIONS IN MARYLAND 2010-2013



OTHER VIOLATIONS IN IMPAIRED DRIVING ARRESTS

Impaired driving arrests often involve other moving violations. These unsafe driving behaviors can be indicators to law enforcement officers that the driver is impaired, may be the cause for the initial traffic stop, or may be found after the traffic stop is initiated.

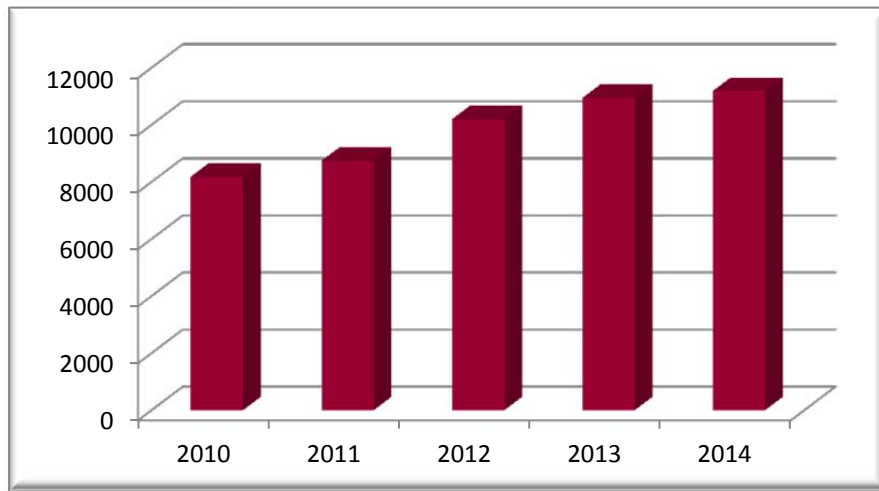
TABLE 2: ADDITIONAL VIOLATIONS ISSUED DURING IMPAIRED ARRESTS 2010-2014

Violation	Number of Citations	Percentage of Citations
Speeding	45,928	37.1%
Red Light Violation	26,757	21.6%
Driving while Suspended or Revoked	23,853	19.2%
Lane Violation	13,657	11.0%
Safety Belt Use	6,237	5.0%
Failure to Yield Right of Way	4,903	4.0%
Pedestrian Violation	905	0.7%
Handheld cell phone	893	0.7%
Aggressive Driving	384	0.3%
Texting	252	0.2%
Pedestrian Violation (driver)	163	0.1%
	123,932	100%

INTERLOCK PARTICIPATION

From 2010 to 2014, there were 62,313 referrals to the Ignition Interlock program. These referrals were comprised of 39,368 unique license holders. Some drivers enrolled in the program more than one time during those five years, as a result of multiple impaired driving arrests or when they re-entered the program after being removed for noncompliance.

FIGURE 4: INTERLOCK PARTICIPATION IN MARYLAND 2010-2014*

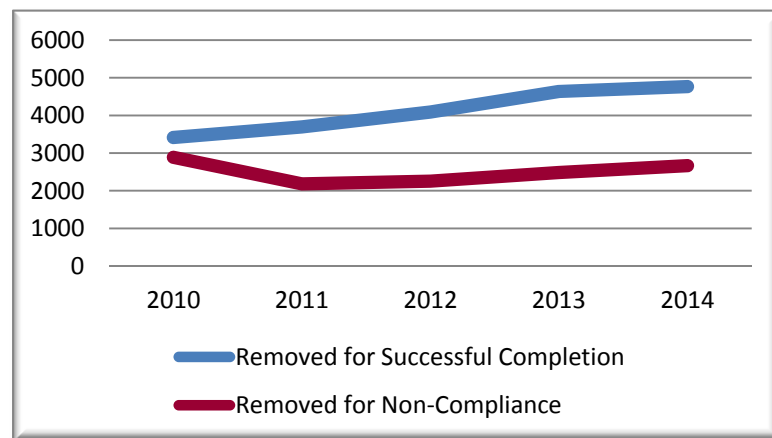


* Monthly Average of Participants by Year

COMPLETION OF INTERLOCK ASSIGNMENTS

In addition to increased enrollment, more drivers are successfully completing their Ignition Interlock assignment. From 2010 to 2014, the number of drivers successfully completing the program rose by more than 50%, while the number of drivers removed from Ignition Interlock for non-compliance fell slightly.

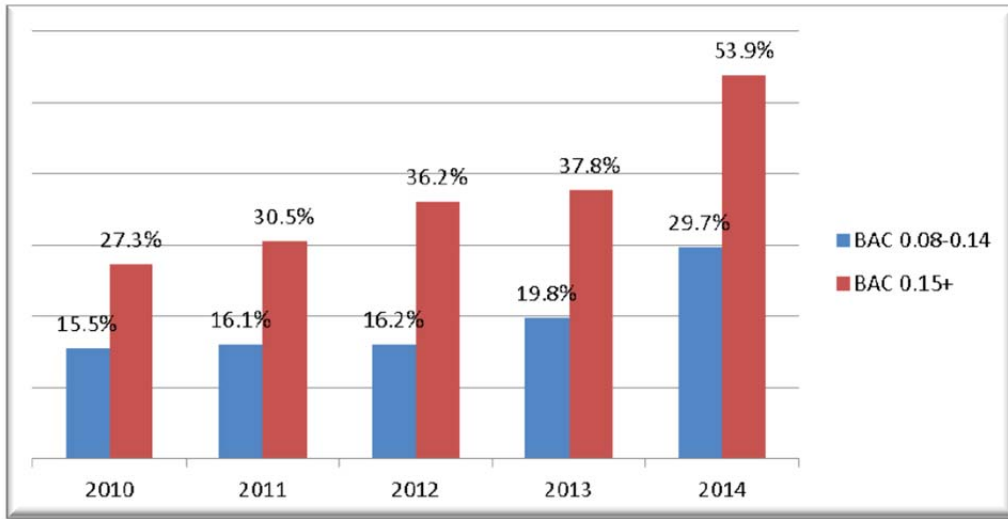
FIGURE 5: REASON FOR EXITING THE INTERLOCK PROGRAM 2010 –2014



PARTICIPATION BY BAC

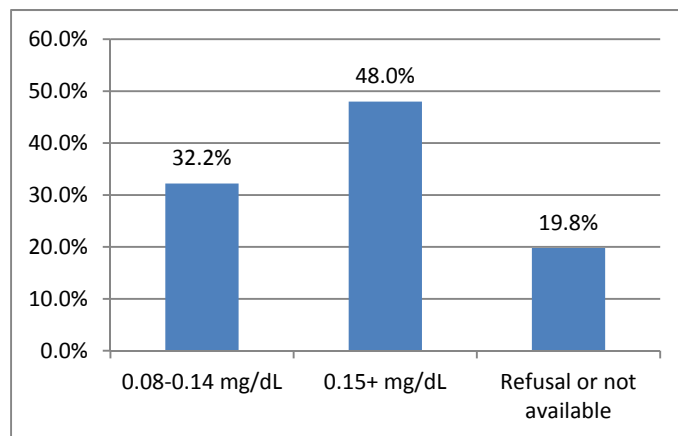
Figure 6 provides a breakdown of BAC from Orders of Suspension issued at the time of arrest and then matched up with Ignition Interlock enrollment records. According to these data, the rate of participation in the program among drivers arrested for DUI with 0.08-0.14 mg/dL and with a high BAC (0.15 mg/dL or more) has nearly doubled from 2010 to 2014.

FIGURE 6: PERCENTAGE OF PERSONS ENROLLED IN IGNITION INTERLOCK 2010-2014 BY BAC LEVEL



As shown in Figure 7, in 2013 (the last year for which District Court final disposition data were available) there were 1,538 individuals who were convicted of impaired driving (TA 21-902(a)) but *did not* participate in the interlock program during that particular year. Of these individuals, 666 enrolled in the program after 2013. Drivers who refused a chemical test but were subsequently found guilty of a 21-902(a) offense are included in the 19.8% shown in Figure 7 as “Refusal or Not Available.”

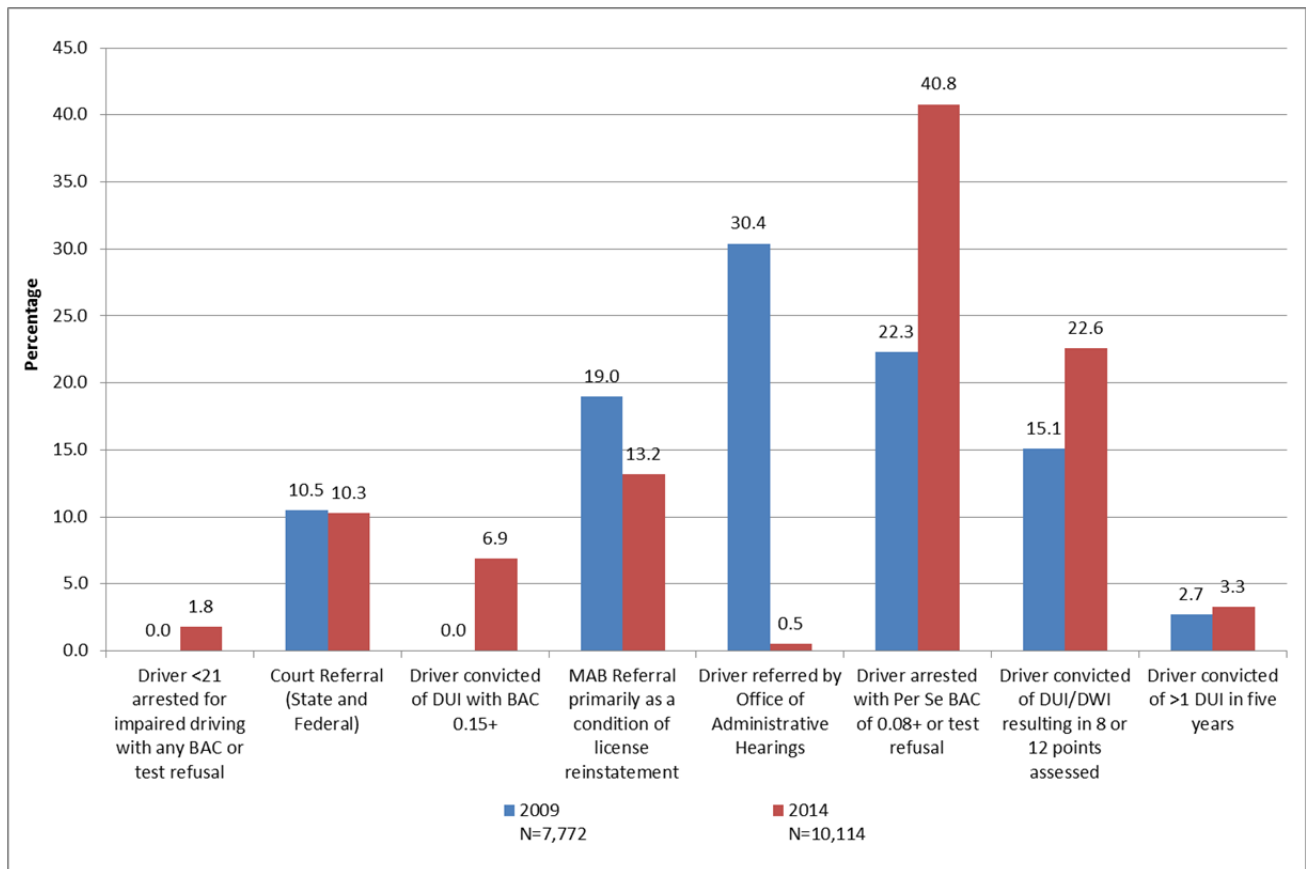
FIGURE 7: BAC LEVEL OF PERSONS GUILTY OF 21-902 (A) OFFENSES BUT NOT ENROLLED IN IGNITION INTERLOCK, N=1,538 (2013)



IGNITION INTERLOCK PARTICIPATION BY REFERRAL SOURCE

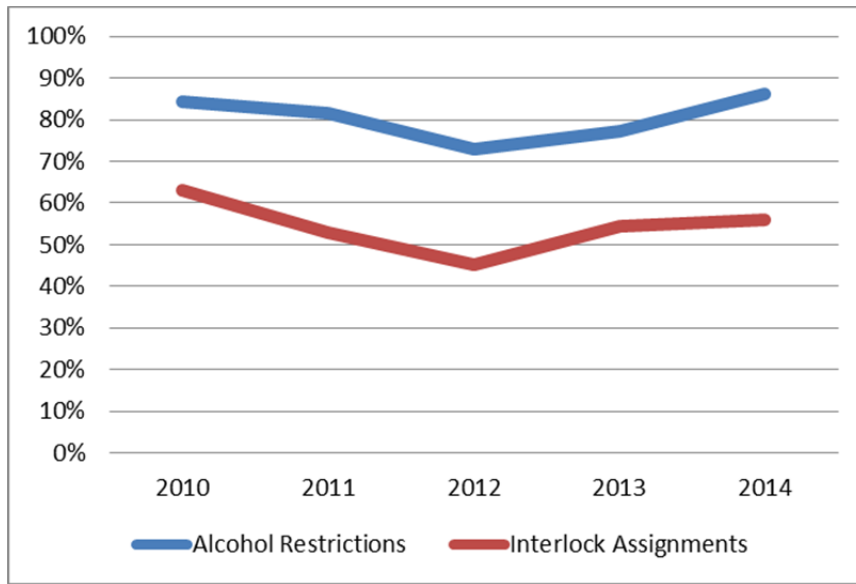
Individuals are referred for enrollment into Ignition Interlock for a range of reasons. Figure 8 illustrates the changes in referral sources, as coded by the MVA, for drivers enrolling in Interlock in 2009 as compared to 2014. In 2009, there were 7,772 referrals for participants in Ignition Interlock. In 2014, that number increased to 10,114. Between these two years, laws were enacted to require Ignition Interlock for drivers convicted of impaired driving while under age 21, driving with a BAC of 0.15 mg/dL or greater, and drivers who are convicted of impaired driving twice in five years.

FIGURE 8: INTERLOCK REFERRAL SOURCES 2009 VS. 2014



A significant source of referrals to Ignition Interlock is the MVA driver reinstatement process. Any driver whose driving privilege has been revoked must apply for reinstatement after a mandatory revocation period. These cases are reviewed by the MVA Medical Advisory Board (MAB) and/or by MVA nurse case managers. If the driver has one or more past alcohol violations, the driver may have an alcohol restriction placed on their license and they may be referred to Ignition Interlock as a condition of their reinstatement. Drivers can also be referred to the MAB for medical review by an Administrative Law Judge or by the Court.

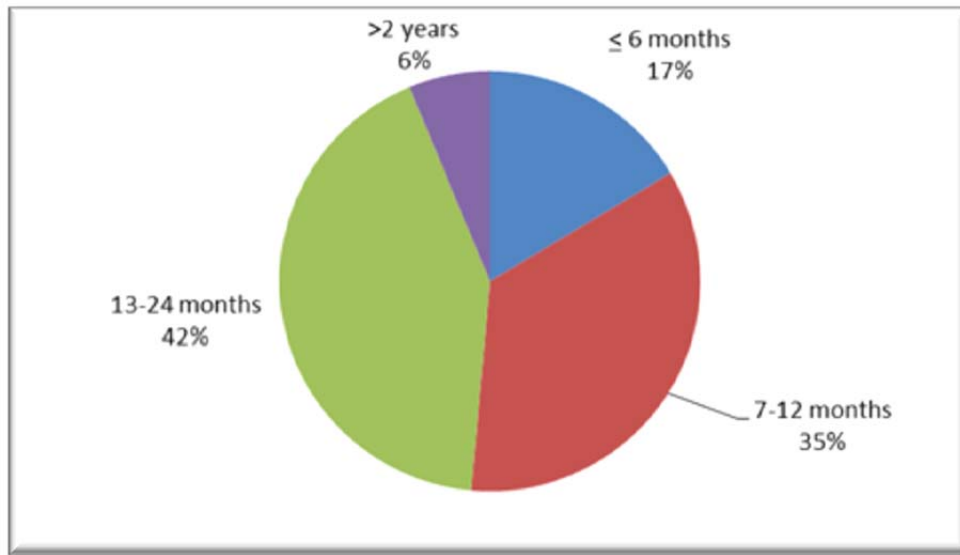
FIGURE 9: INTERLOCK AND ALCOHOL RESTRICTION REINSTATEMENT ASSIGNMENTS 2010-2014



LENGTH OF TIME IN INTERLOCK

Figure 10 shows the length of time spent by drivers enrolled in Ignition Interlock. More than half of the participants spent up to 12 months in the program. The other half of drivers were either assigned to the program for 12 months or more, or had their original assignment period extended due to subsequent citations or program violations.

FIGURE 10: LENGTH OF TIME DRIVERS PARTICIPATED IN IGNITION INTERLOCK 2010-2014*

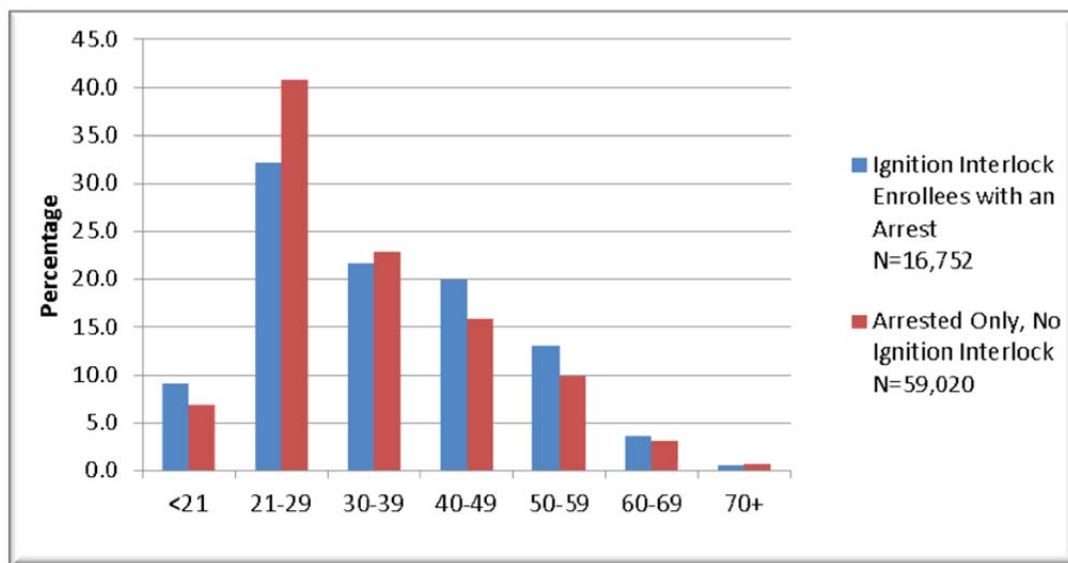


*excludes drivers who have not completed the program

INTERLOCK PARTICIPANT DEMOGRAPHICS

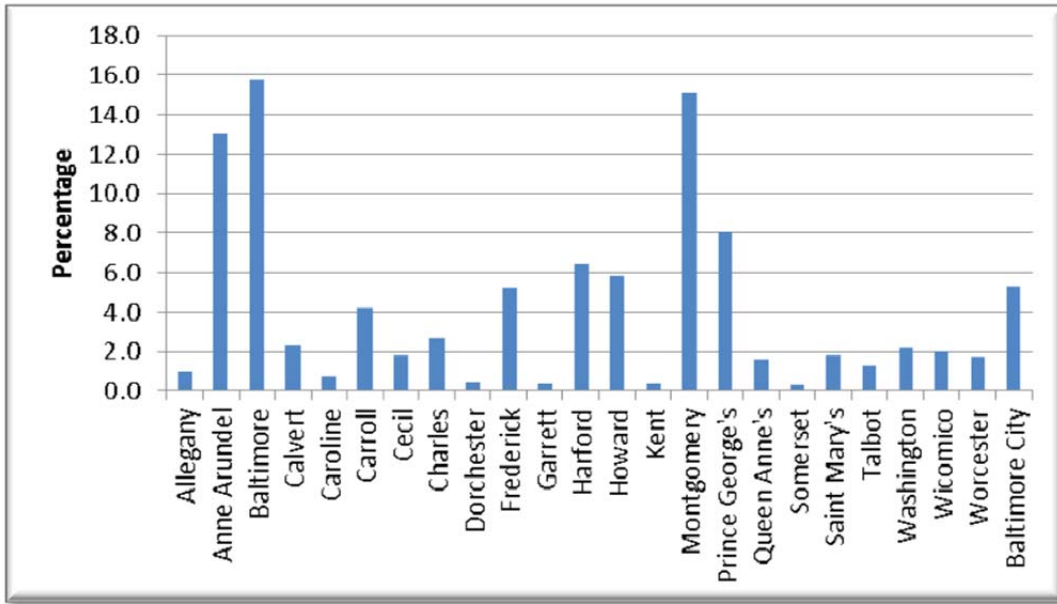
More than 40% of persons who were arrested and participated in the Ignition Interlock program were between the ages of 21 and 29 (Figure 11). Nearly 95% of the arrested program participants were under the age of 60. Similar proportions may be seen among those arrested but did not participate in the Ignition Interlock program; however, a lower proportion were under the age of 21 and a higher proportion were ages 21-29. In both categories, the majority were male.

FIGURE 11: DEMOGRAPHICS OF INTERLOCK PARTICIPANTS AND IMPAIRED DRIVERS ARRESTED AND NOT ENROLLED IN IGNITION INTERLOCK 2010-2014



The rate of enrollment in Ignition Interlock among DUI offenders varies by the jurisdiction where the DUI offender lives. Figure 12 shows the jurisdiction of residence for those who were arrested for impaired driving and participated in the program. More than 50% of the participants in the program reside in the densely populated areas outside of Baltimore City and Washington, D. C., in Montgomery, Baltimore, Anne Arundel, and Prince George's counties.

FIGURE 12: JURISDICTION OF RESIDENCE FOR PERSONS WHO WERE ARRESTED AND PARTICIPATED IN THE IGNITION INTERLOCK PROGRAM 2010-2014



CITATION OUTCOMES FOR IGNITION INTERLOCK PARTICIPANTS

Table 3 identifies the type and frequency of citations that were issued to Ignition Interlock participants (enrolled 2010-2014) after their exit from the program, either upon successful completion or for removal for noncompliance. The most common violations were speeding and driving with a suspended or revoked license. Most violations were issued during the first 12 months (51.0%).

TABLE 3: MOST COMMON CITATIONS ISSUED AFTER EXITING IGNITION INTERLOCK (ENROLLEES FROM 2010-2014)

Offense	Number of Citations Issued	Percentage of Citations
Impaired Driving	3,625	15.9%
Speeding	3,376	14.8%
Driving while Suspended or Revoked	2,805	12.3%
Safety Belt Use	1,268	5.6%
Red Light Violation	805	3.5%
Handheld Cell Phone	348	1.5%

The 3,625 impaired driving citations in Table 3 represent 1,354 arrests from 2010-2014. The timelines for those arrests are shown in Table 4. Most of those arrests occurred in the first year after exiting the Ignition Interlock program (48.4%). Additionally, 33.5% of the impaired driving arrests occurred between one to two years after exiting the program.

TABLE 4: IMPAIRED DRIVING ARRESTS AFTER EXITING IGNITION INTERLOCK (ENROLLEES FROM 2010-2014)

Impaired Arrests	1,354	
Time from Completion to Arrest	Number of Arrests	Percentage
Less than 1 month (0-30 days)	38	2.8%
1-6 months (31-180 days)	296	21.9%
6-12 months (181-365 days)	321	23.7%
1-2 years (366-730 days)	454	33.5%
2-4 years	243	17.9%
4-6 years	2	0.1%
Total	1,354	100.0%

CONCLUSION

Since its inception in 1989, Maryland’s Ignition Interlock Program has played a crucial role in helping to save lives by reducing the number of drunk drivers on roadways throughout the state. Today, Maryland’s comprehensive program is widely viewed as a national model. Efforts to expand the program were recently announced when Governor Larry Hogan proposed new regulations to allow those who register 0.08 to 0.15 BAC to opt-in to the program. The Maryland Department of Transportation’s Motor Vehicle Administration will continue to work closely with elected officials, state leaders, law enforcement and traffic safety advocates to enhance Maryland’s Ignition Interlock Program and look for more opportunities to eliminate impaired driving fatalities on Maryland roadways.