



**ALCOHOL INTERLOCK PROGRAM  
TECHNICAL ASSISTANCE AND TRAINING:  
ALASKA**



The knowledge source for safe driving

# THE TRAFFIC INJURY RESEARCH FOUNDATION

The mission of the Traffic Injury Research Foundation (TIRF) is to reduce traffic-related deaths and injuries. TIRF is a national, independent, charitable road safety institute. Since its inception in 1964, TIRF has become internationally recognized for its accomplishments in a wide range of subject areas related to identifying the causes of road crashes and developing programs and policies to address them effectively.

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# BACKGROUND

The Traffic Injury Research Foundation (TIRF) has a cooperative agreement with the National Highway Traffic Safety Administration (NHTSA) to provide training and technical assistance to jurisdictions to help them strengthen and improve the delivery of their alcohol interlock program. The nature of the training and technical assistance provided in each jurisdiction varies according to key factors:

- > the maturity of the program;
- > the types of challenges encountered in each jurisdiction;
- > the number of agencies involved in program delivery; and,
- > the level of interest and support of agencies involved in delivery.

An initiative to review Alaska's alcohol interlock program began in the summer of 2011. The goal of this initiative was to examine the existing program structure and identify both the strengths and challenges that currently exist, and to offer recommendations to improve the delivery of interlocks in the state and increase program participation rates. Various practitioners from key agencies involved in the interlock program were contacted and asked to share their knowledge of the program and discuss their experiences to date. This report is based on discussions that were organized with licensing and criminal justice professionals.

## PURPOSE AND STRUCTURE

Key stakeholders were contacted by email and phone and asked to provide relevant program documentation and also to contribute their professional insights for inclusion in this report. It should be noted that further support will be offered on an ongoing basis in the coming months, and training will likely be scheduled for 2012 with agency staff who are involved in the delivery of the interlock program. Educational opportunities may also be developed for members of the judiciary, probation, and law enforcement in 2012.

The objective of the program review was to identify program strengths, to determine where and how gaps in Alaska's current program can occur, and to develop practical solutions to address these issues through either the driver licensing system or the criminal justice system. The main focus of this initiative is to increase knowledge of alcohol interlock devices and programs, and to explore opportunities to increase program participation using both short and long-term strategies. A secondary goal was to offer ongoing support and education where it is most needed – the judiciary. These efforts will continue as needed through coordinated efforts with judicial educators and traffic safety resource prosecutors.

The first step in this process was to gather all relevant interlock program information (e.g., DWI legislation, administrative rules, interlock reports, various interlock forms) and develop a workflow chart that illustrates the processing of offenders in the interlock program (Appendix A). The chart describes how DWI offenders are processed through the interlock program from the point of conviction to device removal and program exit. This workflow chart clearly outlines the roles and responsibilities of the various agencies involved in the delivery of the interlock program and can be used to identify where potential gaps in the process may occur.

Following the completion of the workflow chart, conference calls were organized with key stakeholders representing different agencies in order to gain more insight into the operational practices of Alaska's interlock program. The following agencies and practitioners were consulted:

- > Department of Transportation (DOT);
- > Department of Corrections (DOC);
- > Division of Motor Vehicles (DMV);
- > Probation; and,
- > Law enforcement officials.

These practitioners shared their experiences with the interlock program and discussed current practices while also highlighting areas where improvements were needed and/or could be achieved. The monitoring of offenders (or lack thereof) was identified as an area where improvements are needed. At present, there is no monitoring of offenders in the interlock program which means that there is a lack of accountability for non-compliance.

There was also a general consensus that a considerable percentage of eligible offenders are not ordered to install the device by the courts even though Alaska has a court-based interlock program. As a result, more education for court professionals is needed to ensure that eligible offenders are consistently identified and ordered to install the device as required by law in order to increase program participation numbers.

## PROGRAM STRENGTHS IN ALASKA

Alaska has a court-based interlock program for both first and repeat DUI offenders. A strength of the program is the strong mandatory provisions that require all offenders convicted of DUI to participate in the interlock program. Installation of the interlock is a condition of probation and successful completion of the interlock program is a condition of re-licensing. The only offenders who are excluded from program participation are those convicted of felony DUI<sup>1</sup> and those convicted of drugged driving. Interlock legislation was strengthened in 2008 and came into effect on January 1, 2009. Previously, limited licenses were not available to repeat DUI offenders. The amendment of the law requires that high risk (repeat)<sup>2</sup> offenders serve a minimum of 12 months on the interlock device. Judges are also given the discretion to order an interlock for any offense involving alcohol (e.g., domestic violence).

There are many advantages associated with having a court-based interlock program. First, the court has the legal authority to ensure compliance with orders to install the interlock and is able to apply meaningful sanctions (e.g., require treatment, revoke probation) for non-compliance, which in Alaska includes tampering, circumvention, or driving a non-equipped vehicle. The court-based delivery model is also more effective in ensuring that offenders are not able to “opt-out” of installing an interlock without consequences. Given that the interlock is typically applied as a condition of probation, if an offender fails to comply with the court order to install the device, their probation officer has the ability to refer the offender back to court for sanctioning and possible revocation of their probation. Courts are also in a better position to monitor offenders and take action to either sanction or reinforce behavior because offender monitoring is a routine function of the justice system and the infrastructure is already in place to perform these tasks. This is particularly true in jurisdictions that have probation services which is the case in Alaska. However, at present there is a lack of violation definitions (other than those previously mentioned) which means that an offender does not have their participation in the interlock program extended for compliance issues such as failed breath tests. Once the offender serves 6, 12, or 18 months in the interlock program they are no longer required to have the interlock installed, regardless of their performance while on the device.

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<sup>1</sup> The DUI will be charged as a felony if the person has two or more prior convictions for drunk driving or refusal in Alaska within a ten year period.

<sup>2</sup> A repeat or high risk offender in this instance is defined as an individual who has two or more prior convictions within a fifteen year period. They are not charged with a felony if their first or second conviction was older than ten years but within fifteen.

Finally, courts are often able to partner with service providers to incorporate and mandate treatment programs to simultaneously address any drinking problem that is the source of drunk driving behavior. In Alaska, all offenders convicted of DUI are required to undergo an alcohol assessment. Offenders are required to complete the Alcohol Safety Action Program (ASAP) and get the interlock installed before they are eligible to get their license reinstated. The ASAP provides substance abuse screening, case management, and accountability for offenders who are convicted of misdemeanor DUI. Based on risk levels, offenders will be assigned to different education and/or treatment requirements which must be completed.

The inclusion of a treatment component, in some capacity, in tandem with the interlock requirement is also a strength of Alaska's interlock program. Research has shown that alcohol interlocks alone should not be expected to change behavior and are most effective in facilitating behavior change when paired with an appropriate treatment program. The device can therefore, serve as a nexus between criminal justice sanctions and substance abuse treatment by controlling an offender's driving privileges while demonstrating to the offender how their alcohol consumption impacts their behavior (Beirness 2001). The interlock provides the offender with an opportunity to change their drinking behavior and acts as a safety net to ensure that relapse does not lead to impaired driving (Beirness et al. 1998). The requirement that all offenders convicted of DUI undergo an assessment and complete some form of treatment takes advantage of the opportunity to address underlying drinking behavior while the offender is also participating in the interlock program.

Another primary strength of Alaska's interlock program is the availability of short hard suspension periods. The shorter suspensions can facilitate offenders getting into the interlock program more quickly and shortens the window in which they may learn to drive unlicensed. First offenders are eligible to apply for the limited interlock license after serving 30 days of a 90 day hard suspension. Repeat offenders receive suspension periods of one, three, or five years and in some instances, might be given a lifetime driving prohibition. A strong incentive for program participation is that after serving a minimum of 90 days, a repeat offender can apply for a limited interlock license. Research has shown that between 25% and 75% of offenders who have a driver's license that is suspended or revoked continue to drive, making it likely that they will continue to drink and drive and be a danger on the roadways (McCartt et al. 2003; Ross and Gonzales 1988; Griffin III and De La Zerda 2000). Lengthy hard suspension periods provide these offenders with the opportunity to learn that they can drive unlicensed without being detected. The use of shorter hard suspension periods can better address this problem and reduce the number of offenders who would otherwise drive on a revoked or suspended license and fail to install the interlock and/or become re-licensed.

Alaska also offers another incentive to encourage offenders to install the interlock device. There is recognition that the cost associated with interlock program participation can be burdensome and may be an obstacle for some offenders. As a result, provisions were created whereby an offender can offset court-imposed fines with the costs associated with the interlock. At present, there is no indigent funding available in Alaska, but the offsetting of fines may allow some offenders who would otherwise be unable to afford the installation/servicing of the interlock to participate in the program.

The ability of law enforcement to easily identify interlock-restricted drivers is another important strength of Alaska's interlock program. The limited interlock license is easily identifiable by law enforcement at roadside due to the 'C' restriction noted on the front of the license. On the back of the license there is an additional notation that reads 'IID REQUIRED' under the heading 'Restrictions.' The limited license can assist law enforcement officials in detecting offenders who are driving a non-equipped vehicle. The use of these licenses can also limit opportunities for unlicensed driving as those individuals who are in a position to rent or loan an offender a vehicle may be deterred by the fear of legal liability.

An additional strength of Alaska's interlock program is that offenders are not removed from the program for non-compliance. These offenders pose the greatest risk of recidivism and should be retained in the program until they can demonstrate that they are able to separate drinking from driving. No set criteria to expel/remove an offender from the interlock program exist and judges have the discretion to address violations as they see fit. In Alaska, tampering and circumvention are considered to be infractions and must be reported by the vendor to the courts, the DMV, and the DOC within 72 hours. With regards to failed breath tests, missed running retests, and so forth, there have been no formal/graduated sanctions (such as extension of participation) put in place at this time. Although extensions of program participation are not utilized, the retention of non-compliant offenders in the program is a positive step toward performance-based exit and ensures that high-risk offenders at least have the opportunity to learn to separate drinking from driving.

A final strength of Alaska's interlock program is the approval process for devices. The Department of Corrections (under AS 33.05.020) is responsible for establishing standards for the calibration, certification, maintenance, and monitoring of interlock devices required as a condition of probation. In order for a device to be certified for use in Alaska, it must meet the NHTSA standards and be tested by an independent laboratory. Also, any device approved for use must operate in all environments (e.g., extreme temperatures) throughout the state.

The DOC has additional regulations that device manufacturers must follow including the requirement that devices be re-certified annually. The DOC will reissue a renewal of certification only if the department finds that:

- > The device has performed satisfactorily;
- > The manufacturer has provided a list of all authorized installers; and,
- > The manufacturer has met all other state requirements.

If the manufacturer modifies a certified device they are required to immediately notify the DOC about the modification and request a determination regarding re-certification.

Also of importance is the DOC's ability to revoke device certification. If the DOC determines that a device no longer meets state requirements, a notification will be sent to the manufacturer advising them of the department's intent to revoke the certification. The manufacturer will then be given an opportunity to respond. These measures help ensure that the devices that are used in Alaska are high quality and consistently meet state requirements.

## **PROGRAM CHALLENGES IN ALASKA**

Discussions with program stakeholders revealed that a variety of challenges are encountered in relation to the delivery of the alcohol interlock program in Alaska. The main challenges associated with the program are common to court-based interlock programs and jurisdictions with large rural populations. Many of the issues encountered in Alaska can be addressed through the provision of education and training initiatives and improved communication among stakeholder agencies.

The first issue identified as a major program challenge in Alaska is the low program participation rate. A majority of eligible offenders either fail to have the interlock ordered by the courts or fail to install the device even if they receive a judicial order to do so. Although judges are mandated to order interlocks for all offenders convicted of DUI, few judges consistently adhere to the mandatory requirement to order the device. This occurs for several reasons. Historically, judges have been reluctant to impose alcohol

interlocks as a sanction, often as a result of their familiarity with the limitations of early devices and lack of knowledge about current technological advances and device effectiveness. Other concerns include device circumvention, the lack of services in rural jurisdictions, offenders driving a non-equipped vehicle, and the cost associated with the device. These issues can be overcome through educational initiatives. For example, judges can be provided with up-to-date research about interlock effectiveness and information about how the technology works which can dispel many of the myths/misconceptions associated with devices.

Unfortunately, it is not known what percentage of eligible offenders fail to participate in Alaska's interlock program because there is currently no mechanism in place to track this. There were more than 3,900 arrests for DUI in 2009 and available data places the conviction rate near 90%. The overall number of interlock installation numbers is not known although best estimates place this figure at approximately 1,800. Stakeholders believe that less than 25% of eligible offenders are participating in the interlock program. Aside from judges failing to order the device, other explanations for this low participation rate include a lack of follow-up to ensure that offenders are installing the device and completing the program, lack of availability of services for offenders outside of metropolitan areas, and offenders choosing to drive unlicensed to avoid the cost/inconvenience of the interlock.

The second largest challenge that was identified is the absence of effective monitoring of offenders in the interlock program. Monitoring offenders on interlock devices is a linchpin to effective program delivery and pivotal to deter future offending. Unfortunately, offenders in Alaska are not monitored for non-compliance by any agency. Even though the majority of offenders in the interlock program are on probation, the only violations that are addressed are tampering, circumvention, or driving a non-equipped vehicle. There are no consequences for failed breath tests; the only possible sanction is that the offender will face a lockout if they have more than four violations per month. In fact, the data downloads are not sent to any supervising agency. The vendor is required to make them available upon request, but they are not required to notify the courts, probation, the DMV, or the DOC unless there is documented evidence of tampering or circumvention. Even if the data reports were submitted to a monitoring agency, the 90-day calibration cycle would greatly hinder the ability of a case manager/probation officer to hold an offender accountable in an effective manner. The lapse in time between violations and the receipt of reports means that offenders would not face swift and meaningful consequences for their non-compliance and subsequently, would be less likely to change their behavior.

In conjunction with a lack of monitoring, there are also no graduated sanctions or performance-based exit criteria in place to address offender non-compliance. The absence of these provisions misses out on 'teachable moments.' Close observation and follow-up after drinking events are likely to deter an offender from persisting in their drinking and driving behavior, especially if they feel as though there is a good probability that they will be caught and sanctioned accordingly. Graduated sanctions create accountability and usually take the form of point or demerit systems that result in program participation extensions for non-compliant offenders.

Similarly, performance-based exit criteria can ensure that offenders who pose the greatest risk (based on their demonstrated inability to separate drinking from driving) stay in the interlock program until they come into compliance with program requirements. If the interlock is removed, these high-risk offenders are likely to continue driving after consuming alcohol. While Alaska can be commended for not removing offenders from the interlock program based on failed breath tests, there are no provisions to extend program participation for offenders who are non-compliant.

Another challenge is Alaska's reliance on a paper-based reporting system. This increases workload and impedes agency communication and offender monitoring. An automated system serves to automate routine tasks related to the management of interlock program participants. With any paper-based reporting system, agencies run the risk of offenders slipping through cracks or being overlooked which can typically occur due to a lack of staff, weak communication channels, and untimely exchange of information

between various agencies. Jurisdictions can benefit from an automated system, particularly if a potentially large number of offenders will — eventually — participate in the interlock program. Given that Alaska is a mandatory program for first and repeat offenders, there is the potential for an increase in the number of program participants if the participation rate issues (described earlier in this section) are addressed.

While the development of an automated system can be a costly venture, it has many benefits including the streamlining of activities, reduction of staff and workload, improved communication, and enhancement of offender tracking. These benefits can lead to savings in the longer term and therefore, automation may be something that program administrators in Alaska may wish to consider. Jurisdictions such as Colorado, Illinois, Florida, New Mexico, and South Carolina have strong examples of automated data management systems that can serve as models should Alaska be interested in moving forward with automation.

A lack of vendor oversight is also an issue in Alaska. A vendor oversight protocol or basic vendor oversight measures have yet to be created and implemented in the state. Oversight is a process for ensuring vendor practices are consistent with state requirements and includes such tasks as auditing service centers and assessing the quality of installers. The protocol should describe how vendor practices and services will be monitored to ensure that operations are consistent with device and service delivery requirements outlined in the administrative rules or specified in any request for certification (RFC) or contract that permits the vendor to conduct business in the state. Vendor oversight is a valuable tool to ensure uniform and quality service delivery, but, to date, few jurisdictions have these protocols in place or the resources to undertake oversight. Given that Alaska has multiple vendors certified to do business in the state, oversight is needed and the creation of a protocol should be a priority for program administrators.

In this regard, several different aspects of service delivery may require periodic examination to ensure quality operations in all areas of program delivery. These include:

- > field testing of a random selection of devices to ensure that they are properly programmed;
- > review of calibration protocols;
- > inspection of service centers;
- > observation of device installation and training;
- > download and encryption of interlock data; and,
- > monitoring service complaints.

While many vendors have internal quality assurance protocols, a vendor oversight plan can monitor the extent to which these protocols are consistently applied and also demonstrate due diligence to protect the lead agency responsible for device delivery from liability in the event of any negative occurrences. An agency will have to be designated to oversee these efforts and given the authority to take action when needed. At present, the DOC handles device certification and approval, but it may be appropriate to designate oversight authority to another agency if the DOC does not currently have the capabilities/resources to establish and oversee the implementation of such a protocol. It should be noted that the development and implementation of oversight protocols will take time and effort. As such, it should be approached in an incremental and manageable fashion over a reasonable timeframe.

Practitioners also identified the limited educational and training opportunities available to all court and licensing professionals, law enforcement officials, and other program stakeholders as an issue that should be addressed. Few practitioners are aware of the availability of the interlock device or its effectiveness. While some of these professionals are not directly involved in the delivery of the interlock program, it is important that they receive up-to-date information about interlock technology and research. For



example, law enforcement officials would benefit from having a working knowledge of the device – i.e., what it looks like, how it operates, and what to look for at roadside. The education and training of these professionals will require knowledgeable staff, educational materials, and resources.

The final challenge faced in Alaska is meeting the needs of a large rural population in terms of device availability, servicing, and monitoring. Alaska is the largest state in terms of land mass but it also has the smallest population density (1.07/sq mi). Generally speaking, in areas with small populations or areas that are far removed from urban centers, the presence of service providers is likely to be very sparse without a minimum level of demand for cost reasons. Subsequently, requiring offenders to travel long distances for device calibration and reporting is viewed as problematic and inconvenient. Due to the large rural population in Alaska, it is cost prohibitive for vendors to provide statewide coverage as is done in smaller jurisdictions. In fact, provisions (AS 28.22.011(1)(A) and (B)) exist to exclude certain offenders from participating in the interlock program due to a lack of service availability.<sup>3</sup> Offenders in approximately 300 communities are exempt from the limited license however, their license remains restricted in the event that they enter an urban area and attempt to drive. More consideration should be given to developing new strategies to address the rural offender issue.

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<sup>3</sup> Individuals in these communities are also exempt from vehicle registration and the Mandatory Insurance Law.

# RECOMMENDATIONS TO IMPROVE THE ALCOHOL INTERLOCK PROGRAM IN ALASKA

1. It is recommended that a meeting be organized and all interlock program stakeholders invited. The purpose of this meeting would be to establish clear channels of dialogue/communication and to better clarify agency roles and responsibilities in the delivery of interlocks in Alaska. Discussion should include the identification of areas where improvements can be made. This meeting may also be an opportunity for stakeholders to create an interlock committee that can meet on a regular basis to address issues as they arise.
2. It is recommended that Alaska undertake a review of their administrative rules. If a committee is created (as per the previous recommendation), one of its tasks could be this review process. One provision that should be modified is the reporting timeframe. Currently, offenders are only required to report to the service center for calibration once every 90 days. A three month reporting period makes it difficult to hold offenders accountable for violations in a timely fashion which misses teachable opportunities.
3. A single agency should be designated to monitor compliance among offenders who participate in Alaska's interlock program. Currently, the monitoring of offenders is inconsistent and there is limited follow-up on program violations. One agency should actively review violation reports and have the authority and a process in place to address instances of repeated non-compliance (such as failed breath tests). Consistent monitoring can ensure that offenders are held accountable for their behavior and can encourage positive behavior change. DUI offenders are sentenced to probation so it is these officials who are currently in the best position to monitor the offenders while they participate in the interlock program.

In conjunction with active monitoring, it may be beneficial to develop a set of graduated sanctions and reinforcements or performance-based exit criteria that both judges and administrative agencies can rely upon to manage offenders and hold them accountable and encourage compliant behavior. The notion behind implementing a performance-based approach is quite simple. A basic system of reinforcements and punishments is put into place whereby fewer violations result in a shorter period or lower level of supervision while more violations result in a longer or higher level of supervision. This ensures that those offenders who remain persistently non-compliant will remain under supervision for extended periods or until they can demonstrate that they are able to separate drinking and driving.

Also, in an effort to deter offenders from violating program conditions, the designated monitoring authority should be afforded the authority to extend program participation for reasonable, set periods of time if an offender is non-compliant.

4. Judicial education is essential to increase interlock program participation in Alaska. Outreach to judicial colleges and to state judicial educators is needed to encourage the inclusion of interlocks in educational programs. Sessions should focus on providing judges with an opportunity to learn about the research on device effectiveness, dispelling myths/misconceptions about interlocks, improving understanding of device technology, and highlighting ways that these devices are best applied. Greater awareness among judges about the availability and the importance of the interlock condition as an effective tool to prevent drunk driving may increase judicial support and encourage more consistent usage of these devices.

One strategy to provide education is through the use of materials that are available such as TIRF's alcohol interlock curriculum for practitioners and also interlock materials available through NHTSA. The interlock curriculum was designed by practitioners to permit agencies to train their own

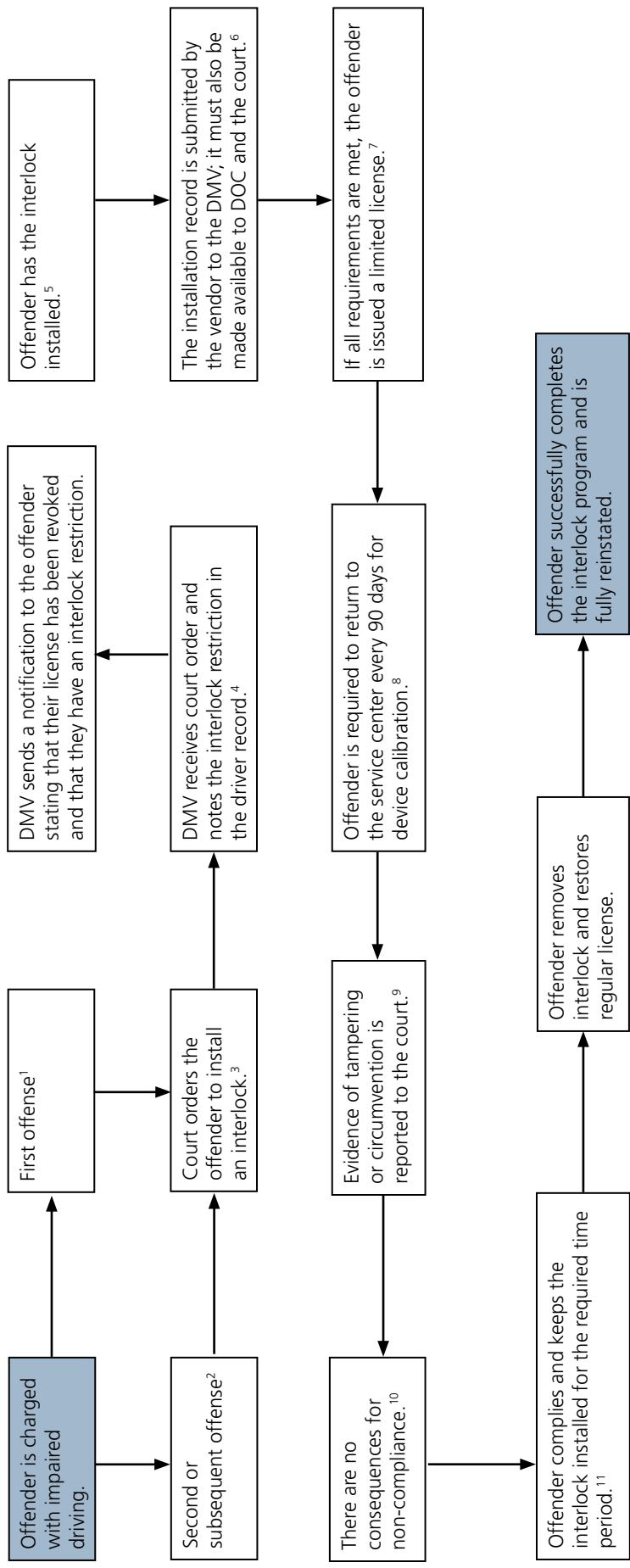
staff as needed with the flexibility of tailoring materials to meet specific needs. The curriculum is available at no cost from [www.aic.tirf.ca](http://www.aic.tirf.ca) and could be utilized by the state judicial educator and other legal professionals.

5. Education for prosecutors and probation officials is also recommended. Prosecutors should receive information about the benefits of interlocks and be encouraged to request the use of this device as a condition of sentencing. Prosecutors also have a valuable opportunity to reinforce the importance of this mandatory requirement and contribute to the increased usage of the device as part of sentencing. Probation officers also currently receive little training about interlocks. Given that they are responsible for monitoring DUI offenders (who should all be participating in the interlock program), they would benefit from more knowledge about how the device works, how to interpret data reports, and how to use interlocks to effectively enhance offender monitoring.
6. It is recommended that education for law enforcement officers be offered in Alaska. Training can ensure that officers are familiar with the interlock device, what it looks like, how it operates, and what to look for when an interlock-restricted driver is pulled over during a traffic stop, including the interlock restriction on the driver's license (located on the back of the license). To reduce unlicensed driving and increase deterrence, officers can be encouraged to target those who are driving vehicles that are not equipped with interlock devices as these are the individuals who pose a significant risk on the road. Information about the program can also ensure that officers are aware of appropriate charges that can be/should be filed against interlock restricted drivers in a variety of situations.
7. It is recommended that Alaska consider adding a treatment component to the interlock program. Offenders are currently assessed and required to complete an education/treatment program as a condition of re-licensing. Program administrators might consider creating stronger ties between the treatment program and the interlock program so that the two are completed in tandem in an effort to maximize the benefits of the interlock. Alcohol interlock programs that lack a treatment component miss a valuable opportunity for offenders with alcohol issues to recognize the impact of their drinking and move towards readiness for change. A good example of the use of treatment in an interlock program is Virginia. Alaska program administrators might consider networking with Virginia Alcohol Safety Action Program (VASAP) administrators to learn more about strategies to offer treatment in tandem with participation in an interlock program.
8. It is recommended that the DOC, the DOT, or the DMV undertake the development of a vendor oversight plan and service center audit procedures in Alaska. This can help strengthen the integrity of the interlock program and protect the state from liability. While such a plan will require time, resources, and consultation to develop, efforts to initiate this aspect of the program are encouraged. To accomplish this, it is suggested that program administrators consult with other jurisdictions and review existing protocols. An agency (preferably DOT) will also have to be granted the authority to oversee the development and implementation of the oversight protocol. TIRF has also produced a guide for the development of vendor oversight plans that was released in September 2011 that may be helpful.
9. It is recommended that Alaska network with other interlock jurisdictions that have encountered common issues to determine how challenges have been addressed. Outreach to other jurisdictions can be beneficial and enable Alaska to leverage knowledge and materials that have already been developed. Networking should first be done with states that have large rural populations (such as New Mexico and New York) in order to identify successful strategies for dealing with this issue.
10. While it may not be feasible at present, once program numbers increase it is recommended that Alaska consider the development of an automated database and reporting system (and transition from a paper-based reporting system) to increase efficiency, reduce workload, enhance communication, and facilitate program evaluation. TIRF's report on automated interlock data managements systems (to be released in early 2012) may be useful in guiding this process.



**APPENDIX A:**  
**ALASKA WORKFLOW CHART**

# ALASKA



1. First offenders are required to participate in the interlock program. The average length of suspension for a first DUI is 90 days; however, first offenders are eligible to apply for the limited interlock license after serving a 30 day hard suspension. The average length of suspension for a first DUI is 90 days. The interlock must remain installed on a first offender's vehicle for a minimum of six months.
2. Repeat offenders are also mandated to participate in the interlock program. Repeat offenders receive suspension periods of one year (2<sup>nd</sup> offense), three years (3<sup>rd</sup> offense), five years (4<sup>th</sup> and subsequent offense), or a lifetime driving prohibition. Repeat offenders must serve a 90 day hard suspension before being eligible to apply for the limited interlock license. The interlock must remain installed on a repeat offender's vehicle for a period of 12-24 months:
  - » 2nd offense (in 15 years) – 12 months;
  - » 3rd offense (in 15 years) – 18 months;
  - » 4th offense (in 15 years) – 24 months.
3. Offenders can offset court fines by the costs associated with participating in the interlock program; this gives them an incentive to install the device.
4. The offender will be notified at the time of judgment that they are required to install an interlock device. Once the DMV (under the umbrella of the Department of Administration) receives the court order, they will annotate the driver record and not the interlock requirement in the driver records system. It takes approximately 7-10 days for court orders to be received by the DMV.
5. An offender must install the interlock device before being eligible to receive the limited interlock license. The average cost for installation is \$75-250 and the average cost for servicing is \$100/month. The preset BAC level of the interlock device is .025.

Employer exemptions are available in Alaska. The offender must provide proof to the court that driving is required as a condition of employment in a vehicle owned/leased by the employer, that such driving will not create a substantial danger, and that the vehicle is not a commercial vehicle.

6. An installation record must be maintained that includes:
  - » The name, address, and telephone number of the person requesting the installation;
  - » The name and address of the vehicle's registered owner;
  - » The year, make, model, vehicle ID number, and license plate number;
  - » The manufacturer, model name, and number of the interlock device installed;
  - » The name of the manufacturer's authorized installer performing the installation; and,
  - » The date of installation.
7. In order to obtain an interlock license, an offender must:
  - » Complete an application;
  - » Pass any required test;
  - » Pay a \$100 processing fee;
  - » Show proof of IID installation;
  - » Satisfy the Alcohol Safety Action Program (ASAP) requirements; and,

- » Provide proof of financial responsibility.

The DMV cannot issue a limited license for refusal convictions, felony DUI convictions, drugged driving, for operating commercial vehicles, or if the offender is currently revoked/suspended in another state.

There are certain rural areas of the state where offenders are not required to have the interlock and are exempt from the limited license because servicing is not available; however, their license remains restricted in the event that they enter an urban area and attempt to drive.

The DMV is required to place a 'C' restriction on the limited license; the back of the license will state "IID REQUIRED" under the heading "Restrictions."

- 8.** A calibration, maintenance, and monitoring record must be maintained which includes:
  - » Results of examination;
  - » Any calibration adjustments;
  - » Documentation of any evidence of tampering/circumvention;
  - » Other information required by a court order; and,
  - » Name of the technician.
- 9.** Tampering/circumvention of the interlock is considered a separate misdemeanor and can be punishable by up to a year in jail.
- 10.** There are no consequences for interlock program non-compliance unless the court considers it to be a probation violation. Offenders are not removed from the program if they have failed breath tests however, four violations within a month will lead to a lockout.
- 11.** An interlock device must not be removed before the date authorized by the court. It is the offender's responsibility to know when they are eligible to remove the device (the DMV does not provide notification to the offender).



**APPENDIX B:**

**ALASKA OPTIONS FOR  
INCREASING PARTICIPATION**

Short-term Options	Completed	Achievable	Not Achievable	Not Applicable
<p>Determine if recent changes to the interlock law have caught up with agencies and are having an effect (e.g., legislative changes may not have an effect for several months or years as offenders have to be processed through systems).</p>				
<p>Meet with all agencies involved in the program to discuss ways that program drop outs may be occurring</p>				
<p>Make program information directly available to offenders, and make it available earlier in the process (following arrest or conviction instead of toward the end of hard suspension period).</p>				
<p>Create incentives to encourage offender participation.</p>				
<p>Enhance training and education for prosecutors/defense counsel to recommend the device during sentencing; and among judges to ensure device is consistently applied to offenders. Engage traffic safety resource prosecutors and judicial outreach liaisons in training efforts.</p>				
<p>Target law enforcement efforts towards the detection of unlicensed drivers – specifically those offenders that are suspended or revoked and that are eligible for an interlock but fail to install the device.</p>				
<p>Enhance technician training of offenders to use the device to minimize problems using the device and reduce frustration and program drop-outs. This requirement may be included in vendor standards and can be considered as a factor during site visits.</p>				
<p>Provide offenders with strong feedback on violations and consequences at the beginning of the program during the learning curve.</p>				
<p>Include positive reinforcement activities to encourage offender compliance.</p>				
<p>Survey offenders to identify barriers to participation. This may be achieved through the use of a program exit survey completed when the device is de-installed.</p>				
<p>The increased availability of interlock devices through access to multiple vendors can decrease waiting times to have the device installed.</p>				
<p>Increase understanding among policymakers of the implications of long hard suspension periods/revocation periods and increase awareness of the availability of the reduced 45-day license suspension. A reduction in the long hard suspension period can get offenders into the program more quickly before they learn that they are able to drive unlicensed. This issue will require a fundamental shift in philosophy from an emphasis on license suspension to an emphasis on keeping offenders in the licensing system so that they can drive legally.</p>				

Long-term Options	Completed	Achievable	Not Achievable	Not Applicable
Increase sanctions for vehicle owners who allow interlock-restricted drivers to drive their vehicle without an interlock. This should be heavily publicized to increase general deterrence.				
Develop a data process or system to track offenders who fail to install the device and target enforcement efforts towards unlicensed driving among this population.				
Increase communication/ coordination among agencies to follow up with offenders who fail to install the device and bring them into compliance.				
Revise graduated sanctions to manage non-compliances and ensure that high-risk offenders are not removed or forced out of the program. Demerit point systems should provide program administrators with the flexibility to adjust demerits to reflect individual cases and to enable program administrators to make adjustments to program features that are not working well.				
Employ the use of well-managed/well-regulated mobile service centers to address issues in rural areas until business expands. Service centers should be sued for downloads and not for installs/de-installs/resets.				
Gather data to track the indigency issue and determine the magnitude and characteristics of the problem and whether it is a barrier to participation.				
Increase public awareness of the program.				
Make alternatives to the interlock program less attractive (e.g., in-home alcohol monitoring, vehicle impoundment).				
Remove the requirement that the offender have an interlock installed on all vehicles that they own. Instead, offenders should sign an affidavit indicating that they will only drive the interlocked vehicle. This will reduce some of the perceived cost barrier to program participation.				
Link the renewal of the registration of the vehicle to the interlock proof of installation.				
Reduce insurance premiums.				