

**Meeting Summary for
ACJC WORKGROUP ON TITLE 28
Friday, March 11, 10:00 AM-12:00 PM
Brady Building, 1034 W. 4th Avenue, 5th floor conference room (AG's conference room)**

Attendees: ACJC Commissioners Alex Bryner, Stephanie Rhoades, Kris Sell (intermittently); DMV Amy Erickson, Nicole Tham, Jayson Whiteside and Kirsten Jedlicka; MOA Prosecutor Seneca Theno; DOL Christina Sherman; DPS Lt. David Hanson; PD Matt Widmer; Fred Sloane; Partners for Progress Director Doreen Scheckenberger and Board member Billy Houser; Alysa Wooden, ASAP/DHSS. ACJC staff Mary Geddes, Giulia Kaufman, Brian Brossmer.

Next Meeting: APRIL 7, 2016, 2:30-4:30 PM

Materials provided prior to the meeting:

AJC STAFF MEMOS

1. Vehicle-based sanctions – Brian Brossmer
2. Punishments, Fines and Driver's License Actions- Brian Brossmer
3. Responding to SB64 query: Effectiveness of treatment programs - Giulia Kaufman

OTHERS' STUDIES ON DUI RECIDIVISM

1. Effectiveness of interventions for convicted DUI offenders in reducing recidivism: A systematic review of the peer-reviewed scientific literature
2. An Evaluation of Intensive Supervision Programs for Serious DWI Offenders
3. Comparative Study and Evaluation of SCRAM Use, Recidivism Rates, and Characteristics, April 2015 (Limited to Nebraska and Wisconsin)
4. DWI Recidivism in the United States: An Examination of State-Level Driver Data and the Effect of Look-Back Periods on Recidivism Prevalence, March 2014
5. Countermeasures That Work ["deterrence "focus] (NHTSA, 9th Edition)(online only)

IGNITION INTERLOCK RESEARCH

1. Ignition Interlock – Alaska – Brian Brossmer
2. [General Deterrence Evaluation of the Ignition Interlock Pilot Program in California](#)
3. Alaska Technical Assistance Report - from TIRF
4. Email from TIRF TA provider Robyn Robertson (also forwarding the articles below)
 - a. [Evaluation of States Ignition Interlock Programs from 28 states 2006-2011](#) (linked)
 - b. [Nova Scotia Outcome Evaluation](#) (linked)
 - c. [How Offenders on an Interlock Learn to Comply](#) (linked)
 - d. [Behavioral Patterns of Interlocked Offenders Phase II](#) (linked)

STAFF CONTACTS AND RESEARCH

Mary Geddes reported on the contact that she, Amy Erickson had with state highway safety planner Jeff Jeffers. They were able to confirm that when Alaska has been deemed to be out of compliance with **federally 'mandated' impaired driving countermeasures**, there is no net loss of funding to the state. The 'sanctions' simply involve a temporary hold and then a re-direction of those funds away from general highway funding to the Governor's Highway Safety office for targeted DUI interventions in communities around the state. No one in the Governor's Office or DOT for that matter has a problem with this result.

Following presentations by staff, Stephanie Rhoades complimented Brian Brossmer and Giulia Kaufman on their excellent research.

Kaufman had reviewed the limited **research available on 24/7 programs**. Rand published a study in 2012 on the South Dakota program showing that DUI arrest rate went down and DV arrest rate was reduced. (Rhoades clarified the status of the Alaska 24/7 program. It is not available for indigents anymore because state funding was depleted.) Giulia noted that the Alaska program does not provide a clear group of DUI offenders for study because there are lots of probation violators in the program at present. Also she interviewed the vendors about their methods of tracking charge information. There are questions about the accuracy of the charge information used by Intoxitrack vendors in 2 out of 3 locations. Evaluation will be difficult.

With respect to measurements for recidivism reduction, there were questions. Rhoades expressed concern that **the interlock ignition (IID) program** treats rural and urban offenders differently, with a different set of sanctions. She is interested in learning more about **intensive supervision**, which tends to give good effect. She is puzzled at conflicting reports concerning the recidivism research on **DUI courts** and asked staff to contact the National Center on Drug Courts. She also asked if there was information on the relative cost-effectiveness of **vehicle immobilization efforts**. Brossmer stated that vehicle immobilization such as 'the boot' and plate- impoundment is far less costly than vehicle-impoundment because there are no storage costs.

Doreen Schenkenberger mentioned the research on **Victim Impact Panel (VIP) programs**. Research shows low or no impact on recidivism. Offenders are charged \$40 for participating. This begs the question of why use them if there is no impact. Schenkenberger Doreen believes that effectiveness may depend on the specific program. Local program no longer has exclusive focus on victims, as Therapeutic Court alumni participate, too. It's a ten-part program.

RECIDIVISM

Rhoades wondered about getting recidivism statistics for first offenders. Also ASAP compliance information, especially with first offenders.

Rhoades said the ASAP approach for most – assuming they are considered a non-problem drinker- is that they will receive 12 hours of alcohol information (Alcohol Information School) and participate in a victim panel. Why should we be mandating this if they are not likely to re-offend? We should be saving resources for intensive supervision of those who need it. Kaufman noted that ASAP has had a problem with getting

information back from agencies to which offenders had been referred. Now they have only thirty days to report back.

Rhoades observed that ASAP, created to monitor DUI offenders, is now watered down. Every misdemeanor Rule 1 involving alcohol or drug offender is referred; if it were restored to primary statutory purpose, there would be far more resources for those people who need it. This is the basis for the ACJC Recommendation: targeting resources to the group who poses the highest risk.

Assuming that there are people who need immediate swift interventions, Rhoades asked. How do we disable them from driving? If the evidence is that swift, certain and proportional punishments are needed, then we should be talking about pretrial components, Geddes said. That's where administrative sanctions come in. Muni impoundment is an immediate sanction but many people do bail out their car, which undermines its effectiveness, according to Kaufman.

IGNITION INTERLOCK

Rhoades stated the view that ignition interlock is not warranted. Doreen Schenkenberger agreed that immobilization and vehicle based sanctions - particularly in more rural areas - punish the family instead of the offender. Kaufman asked if most of the state's driving offenses aren't all from more urban, populated areas. Schenkenberger noted that DUI includes the operation of snowmachines. Christina Sherman noted the enforcement challenges with the IID law in that so many individuals simply borrow someone else's car. Fred Slone commented that ignition interlock as opposed to immobilization has value, because it provides a social benefit, allowing individuals to move, to work, to stay focused. Billy Houser questioned the use of IIDs because it sanctions the family and not the individual. Fred Slone suggested that IID should remain one of the tools available.

Rhoades asked if the group should vote. Staff noted that the ACJC precedent was consensus decision making. Alex Bryner indicated that he was in favor of Rhoades' position of getting rid of the ignition interlock mandate. Matt Widmer asked if we could expand the toolbox, to allow it among the options. The group expressed interest in limiting the mandatory aspects of it. Slone asked if we should consider a hierarchy of sanctions. Seneca Theno stated that she is concerned that it doesn't have any teaching effect and that people don't learn what impairment is. Also, only some drivers have to comply. Only some drivers use it. It is definitely silly that putting it on a car, any car, satisfies the requirement. She would like to see it go back to being an optional probation condition. Dave Hanson said that he agreed with Theno, that law enforcement knows that the requirement is easily evaded; also, importantly it doesn't stop drugged drivers, and that is the growing challenge. He would agree that the mandatory statewide provision probably doesn't make sense. Jayson Whiteside said that he was speaking personally, not as a representative of DMV, because DMV is agnostic. But he agrees with Slone that ignition interlock can be valuable and that the battery of sanctions including IID may resonate with the first offender. Whiteside asked if there is a small percentage of offenders that may learn from it, isn't it worth keeping it. Rhoades asked if the group agreed to eliminate mandatory IID as a penalty, but possibly keep it open as a tool for intensive supervision program. Slone indicated that he would like the option of IID as a way to get DL back early. He also wondered how the ignition interlock issue would impact the issuance of limited licenses, and shouldn't the discussion be intertwined.

Staff was asked by Rhoades to draft a recommendation to change the mandatory ignition interlock requirement, and to circulate it as soon as possible.

ASAP VERIFICATION REQUIREMENT

Slone also mentioned that he was concerned that not just cost but ASAP sign-off can be a substantial barrier to getting limited licenses. ASAP was not signing off on completed treatment. There needs to be a letter of verification to show completion of treatment before getting a limited license. Rhoades gave the example of a second offender, with a one year DL revocation, who might be ordered into treatment. Treatment requirements could be lengthy, requiring 13-20 weeks of treatment and then aftercare would continue for weeks later. Workgroup members wondered if alcohol treatment requirements could be fine-tuned so as to allow for earlier eligibility for limited licenses.

RECIDIVISM, PART II

Three related questions were then identified. What evidence based interventions reduce recidivism? And what is the point of the intervention? Which are these laws are intended to accomplish: stop impaired driving or stop drinking? Certainly license reinstatement is a carrot, i.e. a way to motivate change.

Administrative license revocations were then referenced. As unpopular as ALRs may be with many people, the evidence is strong as to their effectiveness. They provide the swift, certain response which courts cannot provide, and show impacts in terms of recidivism. The number of licenses revoked by administrative process is a smaller number of DUIs because drug cases are not covered by DMV. Rhoades asked DMV/Whiteside for data in terms of numbers of offenders. This information was previously distributed to the Workgroup, but will be re-distributed by Geddes. Whiteside explained that there are holes in their data, because of the drug DUIs and because they receive little paperwork from rural areas. He suggested that the most accurate number overall for DUIs will be obtained from the courts.

Rhoades stated that she hoped we could answer “who are our DUI recidivists”? Back when, for the purposes of a grant, she had done a small study of the offenders who received their second DUIs within 1 year of their first. Those are the offenders who have a high risk of picking up a felony DUI. This begs the question of who you want to target for intervention. The quickly repeating DUI offenders represent a higher risk. Chronic alcohol abusers on the other hand may be high need. What does current ASAP data look like? Should we look at judgments, say for a one year period, to help us determine patterns of repeat offending? As previously noted, Nicole Tham and DMV had provided the numbers as to administrative action on (alcohol) DUIs, from 2012-2014, showing the numbers for each number of DUI. But it may be difficult for DMV to generate more complex information. Remember look backs for misdemeanors is 15 years and for felony is 10. Widmer asked how such data should be evaluated; are we looking to determine the largest bump of offenders. For the next meeting, staff will collect what local recidivism data we have, so we can determine how to proceed. Rhoades suggested that the National Center on DUI Courts has both recidivism and effectiveness information.

DUI SPECIFIC RISK AND NEEDS ASSESSMENTS

Noting that DOC will be using a risk and needs assessment tool for sentenced offenders, Rhoades wondered if DOC will use an evidence-based tool specific to DUI offenders so as to better determine risk of DUI propensity and the need for treatment. Rhoades also wondered if ASP shouldn't be using the free NHTSA endorsed instrument [which was released in 2014-MG]. Alysa Wooden will find out what instrument is used by ASAP. Kaufman said that a prior 1999 study of ASAP identifies the instrument in use.

She recalls it makes a simple division of problem vs. non-problem driver, using a list of criteria. Rhoades wondered if the Title 28 report to be issued by this group shouldn't encompass a recommendation that ASAP should be using the DUI specific assessment tool. The assessment should be specific to DUI, not the pee-in-the-street type offender.

MISCELLANEOUS

It was suggested that proportionality be part of the sentencing review because of the reported cost of a DUI being so high.

Lethality statistics were requested for DUI. Rhoades mentioned that NHTSA may have information on the characteristics of lethal drivers.

ADDITIONAL PUBLIC COMMENT SOUGHT

At the close of the meeting, all attending in person and on the phone were asked if they wished to make any additional comment. No comment was offered.