

Interlock Law in New Mexico: The Facts

Two of Mothers Against Drunk Driving's (MADD) most frequently cited statistics are that after requiring ignition interlocks for all convicted drunk drivers in New Mexico, the rate of repeat offenses dropped by over 60 percent and fatalities declined by 20 percent.

There are numerous flaws and omissions in MADD's use of these statistics.

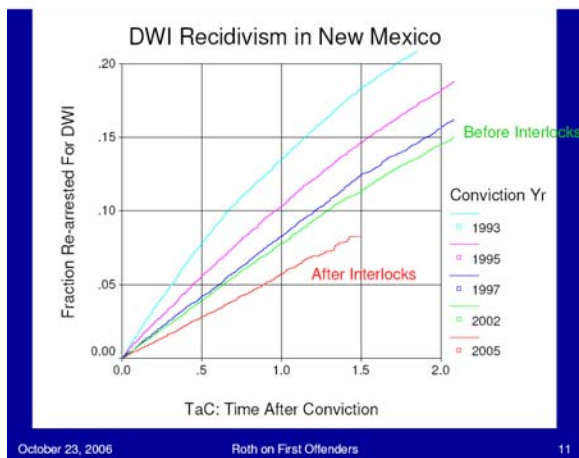
Recidivism Study

The New Mexico recidivism study that MADD cites looked at first-time offenders between January 2003 and December 2005. It compared an interlocked group of 1,461 first offenders with 17,562 first offenders who did not install interlocks in their vehicles.

Offenders with no interlock had a recidivism rate of 7.1%, while those with an interlock had a 2.6% recidivism rate. Comparatively, first offenders with interlocks in their cars had 62% less recidivism than the non-interlocked group.¹

Recidivism Study Flaws:

- The study was funded by an anti-alcohol activist group and conducted by Dick Roth, whom the Associated Press has deemed an "interlock crusader."^{2, 3}
- According to a presentation Roth gave at the 2006 Ignition Interlock Symposium, recidivism rates had been decreasing for 12 years prior to when the interlock mandate for all offenders went into effect.⁴



- It's clear from the low overall recidivism numbers that first offenders rarely offend again; nationwide, approximately two-thirds of drunk driving offenders never commit their

¹ Roth, Richard, Voas, Robert and Marques, Paul(2007)'Interlocks for First Offenders: Effective?', Traffic Injury Prevention,8:4,346 — 352

² Roth, Richard, Voas, Robert and Marques, Paul(2007)'Interlocks for First Offenders: Effective?', Traffic Injury Prevention,8:4, 352

³ "Lawmakers seek to close DWI loopholes", 6 Feb. 2009 , <http://www.kob.com/article/stories/S777348.shtml>

⁴ "First Offenders in NM" presentation by Dick Roth, 23 Oct. 2006, page 11

crime again. The overwhelming majority of offenders in the New Mexico study – interlocked or not – did not reoffend.

- The study's authors admit that there isn't much lasting effect because of the interlock requirement. Once the interlock is removed, recidivism rates jump back up. The study states: "The interlock group had a lower, but not significantly lower, recidivism rate than the comparison offenders."⁵ Interlocks don't change attitudes and driving behaviors. In fact, the Executive Director of the American Probation and Parole Association (APPA) has said "there is no credible evidence that ignition interlocks by themselves can have a positive impact on long-term recidivism."⁶
- In this study, the DWI rearrest rate of first offenders while the interlock was on their vehicles was still 2.6%. If interlocks were the silver bullet, the recidivism rate for drivers with the device installed would be zero.
- The authors also admit that they don't have proof that interlocks prevent fatalities: "It is not clear whether the reduction in DWI recidivism is associated with a reduction in alcohol-related crashes"⁷ Yet, MADD continues to credit the interlock mandate for New Mexico's drop in fatalities.

New Mexico's Drop in Fatalities

MADD would have the public believe that the drop in New Mexico's fatalities is due to the interlock mandate that went into effect on September 17, 2005⁸.

But, prior to the 2005 interlock mandate, New Mexico's drunk driving fatalities had been steadily decreasing for 20 years. NHTSA reported that between 1982 and 2001 there was a 71 percent drop in fatal traffic accidents involving alcohol.⁹

Since Gov. Bill Richardson took office in 2003 (two years prior to the interlock mandate), his administration has reduced drunk driving fatalities through many different efforts including: appointing a DWI czar, increasing and intensifying police presence, creating a "DrunkBuster" hot line, cracking down on underage drinking, building a DWI Victims' Memorial, changing the "six month rule" to allow for a longer period of time for hearing DWI cases, and conducting a ubiquitous anti-DWI advertising campaign.

In fact, state DWI Czar Rachel O'Connor claims that New Mexico has "built the most aggressive approach to fighting drunk driving in state history."¹⁰ Clearly, that approach includes much more than an interlock mandate.

⁵ Roth, Richard, Voas, Robert and Marques, Paul(2007)'Interlocks for First Offenders: Effective?', Traffic Injury Prevention,8:4, 349

⁶ American Probation and Parole Association letter to Congress, 20 June 2009

⁷ Roth, Richard, Voas, Robert and Marques, Paul(2007)'Interlocks for First Offenders: Effective?', Traffic Injury Prevention,8:4,page 352

⁸ "First Offenders in NM" presentation by Dick Roth, 23 Oct. 2006, page 15

⁹ "Fatal DWI accidents drop in N.M. over 20 years" by SUE MAJOR HOLMES, Associated Press, 18 Dec. 2002

¹⁰ Governor Richardson Press Release, 24 Feb. 2009,

http://www.nmshtd.state.nm.us/upload/contents/436/PR_Gov%20DWI%20Fatalities.pdf

In fact, Stephen Prisoc, Chief Information Officer for New Mexico's Administrative Office of the Courts says other factors could explain a rise or fall in deaths in any given year. "In all states, as our older automobiles on the highways have been replaced with newer cars with better safety features, of course those head-on crashes that often come with DWIs will result in fewer fatalities."¹¹

Those other factors include mandatory airbags (which the federal government began requiring in all new cars in 1999), increased seat belt use (New Mexico has one of the highest rates of seatbelt use in the country¹²), and higher gas prices.

For MADD and others to claim that the interlock mandate alone drastically reduced fatalities is not only misleading, but also dishonest.

What's happening in New Mexico now?

Despite the fact that all offenders in New Mexico are required to install an ignition interlock in their vehicle, currently only about **32 percent** actually do.

The majority of offenders abscond and do not go to court, are not convicted, or tell judges they do not own a car or will not be driving. Interestingly, those who claim to not own a car are three times more likely to be re-arrested.¹³

New Mexico simply doesn't have the infrastructure to enforce the interlock law.

According to the American Probation and Parole Association: "No state – including New Mexico which requires the use of ignition interlocks for all DWI offenders – has the infrastructure in place or the resources currently (or in the foreseeable future) to implement such a far-reaching requirement."¹⁴

¹¹ *Santa Fe Reporter*, 13 May 2009, http://www.sfreporter.com/stories/driving_blind/4644/all/

¹² <http://www-nrd.nhtsa.dot.gov/Pubs/811106.PDF>, NHTSA Report: Seat Belt Use in 2008—Use Rates in the States and Territories, April 2009

¹³ "New Mexico Interlock Program" presentation by Dick Roth, 14 April 2008

¹⁴ American Probation and Parole Association letter to Congress, 20 June 2009