Increasing alcohol interlock participation rates in Canada: Best practices and the effects of insurance

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Abstract

Context
Interlocks are an effective means of reducing recidivism among impaired driving offenders. However, interlock programs have suffered from low participation rates, and thus have not achieved their traffic safety potential. Moreover, many offenders who do not participate choose instead to drive without a licence or insurance. These drivers are overrepresented in fatal crashes and expose the public to the risk of uncompensated losses and injuries.

Objectives
To review the alcohol interlock programs across Canada and identify possible barriers to participation. Having determined the provinces with the highest participation rates, this paper identifies the program features that are most conducive to increasing participation.

Key Outcomes
The provinces with the highest interlock participation rates generally have the most inclusive mandatory programs that apply to the greatest number of offenders. In these jurisdictions, enrollment in the interlock program is a condition of relicensing, preventing offenders from simply “waiting out” the hard licence suspension period. Most of these provinces also reduce the minimum licence suspension period to encourage offenders to install an interlock.

Discussion and Conclusions
The provinces should design interlock and related policies to maximize participation rates. This includes making participation mandatory for all federal impaired driving offenders and shortening the provincial suspensions that otherwise apply. The total costs of an impaired driving conviction, including insurance, should be kept at a level that does not encourage offenders to forego the interlock program and drop out of the licensing system altogether.

Introduction
Alcohol interlocks have been recognized as an effective and important component of the strategy to deal with impaired drivers (Beirness & Marques, 2004; National Highway Traffic Safety Administration [NHTSA], 2010a). Research indicates that impaired driving offenders with interlocks on their vehicles have significantly lower recidivism rates than offenders who do not. For example, a New Mexico study found that offenders with an interlock had a 66% lower recidivism rate than comparable offenders serving hard licence suspensions (Roth, Voas, & Marques, 2007, p. 24). A Florida study found that offenders who installed an interlock had an 80% lower recidivism rate over a two-year period than offenders who received only a licence suspension (Voas, Tippetts, Fisher, & Grosz, 2010, p. 1426). Similar positive results have been reported in Canada (Voas, Marques, Tippetts, & Beirness, 1999).

Increasing interlock participation rates also has significant traffic safety benefits. For instance, a recent study in the state of Washington estimated that if the participation rate of first offenders had been 100%, rather than the actual rate of 24%, the offenders’ two-year...
Increasing alcohol interlock participation rates in Canada

The cumulative recidivism rate would have fallen from 9.1% to 3.2% (McCartt, Leaf, Farmer, & Eichelberger, 2012, p. 16). The study also indicated (p. 18) that if all drivers in the United States with a single impaired driving conviction within the past three years had been kept from driving after drinking, nearly 650 crash deaths would have been prevented in 2010.

Moreover, increasing interlock participation decreases the risk that impaired driving offenders will drive while suspended. As a group, suspended drivers have very high rates of alcohol-related fatal and personal injury crashes (Scopatz, Hatch, DeLucia, & Tays, 2003, p. 8). An Ontario study reported that crashes involving drivers suspended for impaired driving were 3.5 times more likely to be fatal than crashes among the general driving population (MADD Canada, 2007, p. 21). These suspended drivers were also 16.3 times more likely to have been impaired when involved in a fatal or personal injury crash (p. 31).

Finally, because suspended drivers are uninsured, they expose others to the risk of losses for which there is no third-party compensation (Solomon, Hanc, Ricci, & Visser, 2005, pp. 38-40). In contrast, drivers subject to interlock orders are much less likely to drive while impaired (Elder et al., 2011, p. 367) and are at least partially insured against third-party liability if they cause a crash. Unfortunately, interlock programs in Canada and other jurisdictions have struggled with low participation rates (Beirness & Marques, 2004, p. 301; Elder et al., 2011).

The legislative framework governing impaired driving in Canada

The federal government has used its constitutional authority over criminal law to enact the Criminal Code impaired driving offences and their penalties. The federal offences of impaired driving, driving with a BAC above .08%, and refusing to participate in a required impairment test carry a minimum $1,000 fine and one-year driving prohibition for a first offence. In 1999, this provision was amended to allow the one-year minimum prohibition to be reduced to three months for interlock participants. In 2001, the Criminal Code was further amended to permit the minimum driving prohibition to be reduced to six and twelve months, respectively, for second and subsequent offenders enrolling in an interlock program.

However, the administration of interlock programs falls to the provinces, which can impose administrative sanctions pursuant to their constitutional authority over driver and vehicle licensing. Although most provinces have some form of interlock program, they vary greatly in terms of inclusion criteria, the duration of interlock orders, and conditions for relicensing (Chamberlain & Solomon, 2012). The provinces also have authority over automobile insurance. In some provinces, automobile insurance is administered by a public agency and is tied to vehicle and driver licensing. In others, the government simply regulates the private insurance industry. In either case, the provinces have authority over insurance rates.

Interlock participation rates in Canada

Table 1 sets out the number of interlock orders as of December 31, 2011 and the number of drivers convicted of a federal impaired driving offence from July 1, 2010 until June 30, 2011. These figures were used to provide an estimate of the percentage of offenders enrolled in interlock programs in each jurisdiction. Because the reporting periods for interlocks and convictions are not coextensive, the estimated participation rates are only approximations.
**Table 1: Interlock participation rates among federal impaired driving offenders in Canadian provinces and territories**

<table>
<thead>
<tr>
<th>Province/Territory</th>
<th>Interlocks: 31/12/2011</th>
<th>Impaired driving convictions: 2010/11</th>
<th>% of offenders in interlock programs</th>
</tr>
</thead>
<tbody>
<tr>
<td>AB</td>
<td>2,180</td>
<td>5,738</td>
<td>38%</td>
</tr>
<tr>
<td>BC</td>
<td>1,188</td>
<td>5,591</td>
<td>21%</td>
</tr>
<tr>
<td>MN</td>
<td>155</td>
<td>1,771</td>
<td>9%</td>
</tr>
<tr>
<td>NB</td>
<td>137</td>
<td>1,209</td>
<td>11%</td>
</tr>
<tr>
<td>NL</td>
<td>89</td>
<td>608</td>
<td>15%</td>
</tr>
<tr>
<td>NS</td>
<td>599</td>
<td>1,586</td>
<td>38%</td>
</tr>
<tr>
<td>NT</td>
<td>0</td>
<td>158</td>
<td>0%</td>
</tr>
<tr>
<td>NU</td>
<td>0</td>
<td>66</td>
<td>0%</td>
</tr>
<tr>
<td>ON</td>
<td>6,209</td>
<td>13,414</td>
<td>46%</td>
</tr>
<tr>
<td>PE</td>
<td>85</td>
<td>321</td>
<td>26%</td>
</tr>
<tr>
<td>QC</td>
<td>9,533*</td>
<td>6,483</td>
<td>139%</td>
</tr>
<tr>
<td>SK</td>
<td>400</td>
<td>2,672</td>
<td>15%</td>
</tr>
<tr>
<td>YU</td>
<td>24</td>
<td>167</td>
<td>14%</td>
</tr>
<tr>
<td>Canada</td>
<td>20,559</td>
<td>40,144</td>
<td>51%</td>
</tr>
</tbody>
</table>

* Quebec had far more federal offenders in its interlock program at the end of 2011 than convictions in 2010/2011, due to the significant number of long-term interlock orders and the very high participation rates.

**Key features in provinces with higher participation rates**

Outlined below are aspects of interlock programs that appear to have been conducive to participation, focusing on provinces with participation rates over 20%. While our review is based on the programs as of December 2011, significant changes have been made since. For example, Alberta, Manitoba and Prince Edward Island have expanded their mandatory programs to include all alcohol-related *Criminal Code* impaired driving offences.

**Mandatory interlock program**

As their name suggests, mandatory interlock programs require offenders to install an interlock at some time prior to regaining full licensure. Offenders cannot simply “wait out” the hard suspension period, an option that many would otherwise take to avoid the cost and inconvenience of installing an interlock (NHTSA, 2010a, p. 26). Not surprisingly, the provinces with the highest participation rates had the most inclusive programs. In British Columbia and Ontario, the interlock program was mandatory for all federal impaired driving offenders. In Alberta, Nova Scotia, Prince Edward Island, and Quebec, only repeat offenders, those with a BAC above .16%, or other “high-risk” offenders were required to participate. In most provinces, the minimum interlock order was one year for first offenders, and two or three years for repeat offenders. A lifetime interlock order applied after a third offence in Ontario and a fourth offence in Manitoba (Chamberlain & Solomon, 2012, p. 349).

**Reduced hard suspension for interlock participants**

Evidence suggests that offenders are less likely to participate in an interlock program if it is preceded by a lengthy hard licence suspension (NHTSA, 2010a, p. 26). Accordingly, reduced provincial licence suspensions can be used to motivate offenders to enter a program. This was recognized by the federal government when it reduced the mandatory federal driving prohibitions for interlock participants in 1999 and 2001. Most of the provinces with higher participation rates shortened the provincial licence suspensions for some categories of federal
offenders who enrolled in their interlock programs. Nova Scotia and Prince Edward Island reduced the provincial licence suspension for all federal interlock participants. This incentive was not available to the more serious categories of impaired driving offenders in Quebec and Ontario, and was discretionary in Alberta. These limits on reduced provincial licence suspensions may reflect deference to victims or government concern about being viewed as “going soft” on impaired driving offenders (Beirness & Marques, 2004, p. 306).

Enhanced enforcement

Early relicensing alone may not be sufficient to motivate offenders to participate in an interlock program. Many offenders choose to avoid the expense and inconvenience of using an interlock device and drive while suspended (NHTSA, 2010a, p. 6). The laws against driving while suspended need to be strengthened and more effectively enforced. This may include: enhanced vehicle impoundment and immobilization legislation; more effective licence verification programs; and broader police powers to demand and, if appropriate, seize drivers’ documentation. If offenders perceive a greater risk of apprehension for driving while suspended, they will probably be more willing to enroll in an interlock program.

All of the provinces with higher interlock participation rates, and most others, have some form of vehicle impoundment program for suspended driving. However, current mechanisms for identifying suspended drivers, even if they are stopped by the police, appear to be largely ineffective. The provincial licensing agencies and police do not consistently seize the licences of drivers who are suspended. A Moncton, New Brunwisk study found that 91% of suspended drivers stopped at a roadside check program provided police with an apparently valid driver’s licence (Malenfant, Van Houten, & Jonah, 2002, pp. 441-42). The ease with which offenders can forgo the interlock program and drive while suspended significantly undermines the interlock programs and, more broadly, the impaired driving laws (Voas et al., 2010; NHTSA, 2010a).

Licensing measures are also required to prevent interlock participants from driving vehicles not equipped with an interlock. Of the provinces with higher interlock participation rates, Alberta, British Columbia, Ontario, and Prince Edward Island indicate on the driver’s licence that he or she is subject to an interlock order (MADD Canada, 2008, p. 17). Thus, unless the driver is using a forged or another person’s licence, the police will be alerted to the driver’s status and can take appropriate action if the vehicle is not equipped with an interlock.

Insurance rates

While the cost of installing and maintaining an interlock is often cited as a barrier to participation (NHTSA, 2010b, p. 27), less attention has been paid to insurance costs. Insurance is generally expensive in Canada, particularly in the jurisdictions with private systems. For example, the estimated cost of insurance for a 22-year-old with four years’ driving experience and a clean record would be $3,065 in Toronto, $2,822 in Calgary, and $1,659 in Halifax (MADD Canada, 2012). The cost of insurance for impaired driving offenders should not create a financial incentive to drop out of the licensing system and drive illegally (Scopatz, et al., 2003, p. 30). Offenders in interlock programs should be offered substantially reduced premiums, both to encourage participation and reflect the reduced risks they pose while driving an interlock-equipped vehicle.

In Quebec, the province with the highest interlock participation rate, automobile insurance is provided by a public agency. The insurance surcharges for a Criminal Code impaired driving conviction are very modest ($300, $350 and $400 for a first, second and third conviction).
Similarly, in British Columbia, which also has a public system, the surcharge for a first
offence is $905 for three years (MADD Canada, 2012). In contrast, if the 22-year-olds
described above had an impaired driving conviction, their private insurance premiums would
increase to roughly $10,000-$20,000 in Toronto (326%-653%), $7,500 in Calgary (266%)
and $9,000 in Halifax (542%).

The relatively high interlock participation rates in these three jurisdictions, despite high
insurance costs, require some explanation. First, while Ontario’s, Alberta’s and Nova Scotia’s
interlock participation rates are relatively high, they are still below 50%. Second, a significant
number of interlock participants apparently do not inform their insurers of their convictions.
Since the companies do not routinely check offence records, these offenders may be able to
avoid the costly surcharges (Murie, personal communication, May 20, 2013). However, if
offenders knowingly misinform their insurers, their coverage will be largely negated. Thus,
while these offenders may benefit from participating in the interlock program and nominally
remain in the licensing system, they expose others to the risk of losses for which there is only
limited coverage. In any event, more offenders would likely enroll in an interlock program
and inform insurers of their convictions if the costs were not prohibitive.

Other factors that may affect interlock participation rates
Several other factors warrant brief mention. All of the provinces have some kind of remedial
education or treatment program that must be completed prior to or while participating in the
interlock program (Chamberlain & Solomon, 2012, p. 351). If these remedial programs are
costly and require completion before entering the interlock program, some offenders may be
reluctant to participate (Voas & Marques, 2003). Participation will also be affected by the
availability of interlock service providers and the required inspection schedule. If offenders
have to drive long distances to have the interlock serviced, they will be less likely to
participate in and successfully complete the program (DeYoung, 2002, p. 480).

Summary and conclusions
This review suggests that certain program features and related policies will encourage
increased interlock participation. Participation tends to be higher if the program is mandatory
for all offenders and provides a reduced hard licence suspension as an incentive. More
effective licence check and vehicle impoundment programs are needed to discourage
offenders from driving illegally. Finally, if total relicensing costs are unaffordable due to
insurance costs, interlock installation/maintenance fees, and other remedial program charges,
large numbers of federal impaired driving offenders will abandon the licensing system.

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Increasing alcohol interlock participation rates in Canada


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