

# Alcohol interlock programme in New Zealand

Kathryn MacIver

Ministry of Transport

[k.maciver@transport.govt.nz](mailto:k.maciver@transport.govt.nz)

## Abstract

In 2011, Parliament passed legislation allowing for the introduction of an alcohol interlock programme in New Zealand for repeat drink drivers and some first time drink drivers.

An alcohol interlock is a device similar to a breathalyser that is hard wired into the ignition of a vehicle. The vehicle will not start until a satisfactory breath sample has been given. Interlocks have been used internationally for 30 years in criminal justice systems as a way to manage drink drivers.

Under the New Zealand programme, following a short disqualification period, an alcohol interlock will be required as a licence condition for some drink drivers. This paper will look at the use of interlocks in lieu of a longer period of disqualification and the benefits of this approach. The primary benefit of such a programme is that it is based on keeping a person driving, rather than the traditional punitive measures of disqualification, fines and imprisonment. It will also highlight the potential benefits of an interlock system on individuals, families, communities and the justice system.

This paper will also look at the ways that an interlock programme can be supported and enhanced by the involvement of the health sector, non-government and voluntary organisations, and communities.

## *Background*

In May 2011, Parliament passed legislation allowing for the introduction of an alcohol interlock programme in New Zealand for repeat drink-drivers and some first time drink-drivers.

Alcohol interlocks have been used to prevent drink-driving in many jurisdictions throughout Europe, the United States of America and Canada, and Australia. Alcohol interlocks are used for both drink-driving offender programmes and for commercial fleets. Alcohol interlocks have been used in offender programmes since the early 1980s.

Alcohol-related crashes contribute to approximately 30 percent of all fatal crashes in New Zealand. There are approximately 30,000 drink-driving convictions every year in New Zealand.

### *What is an alcohol interlock?*

An alcohol interlock is a device similar to a breathalyser that is connected to a vehicle's starting system. Before the vehicle can be started, the driver must give a breath sample. If the breath sample is over the pre-set alcohol level, the vehicle will not start.

The alcohol interlock device has many anti-circumvention measures, to ensure that chances to breach the programme rules or override the devices are minimised. Some of the anti-circumvention measures include having a camera as part of the device, requiring dual pressure for the breath sample (a blow then suck, or blow then hum), and temperature gauges. Alcohol interlocks can also be programmed so that drivers must give an initial breath test to start the vehicle, then give subsequent breath tests at random intervals throughout the duration of their journey.

Alcohol interlocks record data on breath alcohol levels, vehicle start times and dates, distance travelled, and violations such as attempts to circumvent the device. This data can be downloaded by service providers for monitoring adherence to programmes.

### *The New Zealand programme*

In New Zealand, alcohol interlocks will be a sentencing option for judges for repeat drink-drivers (defined as 2 or more convictions for drink-driving in a five year period) or high level first-time drink-drivers (defined as over 800 micrograms of alcohol per litre of breath, or over 160 milligrams of alcohol per 100 millilitres of blood)<sup>1</sup>.

The sentence will see a judge imposing an alcohol interlock disqualification on a driver. This means that the driver's licence will be disqualified, and after a three month period, the driver will be able to apply for an alcohol interlock licence. An alcohol interlock licence will allow the driver to hold the same class and stage (ie, learner, restricted or full licence) licence as they had before, with the condition that any vehicle that they drive must be fitted with an alcohol interlock. A person must hold the interlock licence for a minimum of 12 months, and must satisfy exit criteria before having the alcohol interlock disqualification lifted. The New Zealand Transport Agency is authorised to lift the disqualification when it is satisfied that the criteria are met.

---

<sup>1</sup> For drivers over 20 years old, the drink-driving limits are 400 micrograms of alcohol per litre of breath or 80 milligrams of alcohol per 100 millilitres of blood. There is a zero alcohol limit for drivers under 20.

To satisfy the exit criteria, the driver must:

- have no violations<sup>2</sup> during the 6-month period preceding the date on which the alcohol interlock device is removed, or
- have completed an alcohol assessment and have no violations during the 3-month period preceding the date on which the alcohol interlock device is removed.

During the course of participation in the programme, the driver will have to present their vehicle to an approved service centre for calibration and downloading of data. A summary report will be provided to the New Zealand Transport Agency showing any violations.

The New Zealand programme is a user-pays programme. The alcohol interlock will be leased. At the time of writing this paper, the fee for the installation, lease, and removal of the alcohol interlock was not known. There will be a concession scheme for participants who cannot meet the full costs of the programme. This will be self-funding and managed by the approved alcohol interlock providers<sup>3</sup>.

#### *How does New Zealand's programme compare internationally?*

The New Zealand programme has incorporated the successes from other programmes, and learnt from the considerable experience of other jurisdictions.

Perhaps the most distinguishing features of the New Zealand programme are the inclusion of some first time offenders, and a (relatively) short period of disqualification before a driver can install an interlock. Many other jurisdictions have started programmes for repeat offenders, moving to including first time offenders as their programme has matured.

Some jurisdictions have also included a longer period of disqualification before allowing the installation of an alcohol interlock. In some instances, part of disqualification period can be "traded in" when the alcohol interlock is installed, for example, in Quebec, a driver could reduce their disqualification period from 12 months to 3 months if they agree to install an alcohol interlock for the remaining 9 months (Beirness, Clayton, Ward, 2008). Many jurisdictions, for example, New Mexico, found a greater uptake of alcohol interlocks when the period of

---

<sup>2</sup> Violations include tampering with or attempting to circumvent the device, failing to start the vehicle because of a high alcohol level, and failing to take two or more retests administered by the device. This is not an exhaustive list. The full list of violations will be in the Land Transport (Alcohol Interlock) Regulations 2012. At the time of writing this paper, the Regulations had not come into force.

<sup>3</sup> Alcohol interlock providers are approved by the New Zealand Transport Agency.

disqualification was reduced and a driver was able to install an alcohol interlock earlier.

There are generally two types of alcohol interlock programme – a judicial-based programme or an administrative programme. Participants in a judicial programme are given a sentence by a Court. In New Zealand, the programme is judicial, and a participant will apply to the New Zealand Transport Agency to have their alcohol interlock disqualification lifted, in accordance with the Land Transport Act 1998.

During the policy development, a peer-review of the policy was undertaken by Dr Douglas Beirness. The review highlighted that the New Zealand policy was evidence-based, took account of international experience, and was geared towards effectiveness rather than expediency.

*What are the benefits of an alcohol interlock programme?*

There are many benefits to participating in an alcohol interlock programme rather than having a longer period of disqualification following a drink-driving incident.

One of the main benefits is that during the period of use of the alcohol interlock, drink-driving recidivism rates have been shown to drop by up to 90 percent (Voas et al, 1999, Willis, Lybrand & Bellamy, 2005). The reduction in repeat offending levels is not sustained after an alcohol interlock is removed.

While recidivism rates do not remain low after the alcohol interlock is removed, experience shows that repeat offences often occur within a few months of the initial offence (Beirness, 2009) so it is expected that with an alcohol interlock programme in place, repeat offending rates in New Zealand will drop.

The return to rates of recidivism that are similar to those who have not had an alcohol interlock should not be seen as a failure of an alcohol interlock programme. Instead, it reflects the reality that many drink-drivers are problem drinkers, and while an alcohol interlock will prevent the drink-driving, by itself it will not change a person's drinking behaviour.

Having an alcohol interlock in a vehicle is also a constant reminder to a drink-driver that they should not drink alcohol before driving. If a person chooses not to comply with their disqualification, there is no physical barrier to stop them from drink-driving.

An alcohol interlock programme is a fundamental shift away from the more traditional measures of fines, disqualification and the threat of imprisonment. While some might claim that letting a drink-driver continue to drive is “going soft” and not a punishment, it is arguably more beneficial to the wider society to keep a person inside of the driver licensing system, keep a person driving, connected to their community and able to retain employment, while reinforcing for them the need to driver sober.

Less drink-driving incidents will have a positive impact throughout the criminal justice sector. Every year in New Zealand there are approximately 30,000 drink-driving convictions. Reducing this number will not only reduce the risk of crashes, but also free up resources for Police, courts, and reduce the burden on the justice sector.

To be most effective, an alcohol interlock programme should be coupled with alcohol assessments, stopping drink-driving programmes, rehabilitation and treatment for alcohol issues. Pilot programmes that incorporate case management services, brief interventions and education have shown promising results (Beirness, 2009).

It is not possible to estimate the benefits of an interlock programme for New Zealand with any accuracy. As the use of an interlock is a discretionary sentence, we cannot predict the sentencing preferences of the judiciary. Nor can we estimate how many people will have an interlock installed if ordered to do so.

### *Conclusion*

This is a new chapter in the prevention of drink-driving in New Zealand. Along with other interventions, it offers the opportunity to address drink-driving, and reinforce positive behaviours for these drivers. If this can be achieved, even for a small percentage of such drivers, then the benefits that will accrue in terms of road safety will more than justify the cost of implementing and administering this programme.

## References

Douglas Beirness, Ph.D., (2009) *A review of New Zealand's Proposed Alcohol Ignition Interlock Programme*, prepared for the Ministry of Transport, New Zealand.

Douglas J Beirness, Andrew Clayton and Ward Vanlaar, (2008) *An Investigation of the Usefulness, the Acceptability and Impact on Lifestyle of Alcohol Ignition Interlocks in Drink-Driving Offenders*, Department for Transport Road Safety Research Report No. 88.

Voas, R.B., Marques, P.R., Tippetts, A.S., & Beirness, D.J. (1999) *The Alberta Interlock Program: The evaluation of a province-wide programme on DUI recidivism*, *Addiction*, 94(12), 1849-1859.

Willis, C., Lybrand, S., & Bellamy, N., *Alcohol ignition interlock programmes for reducing drink driving recidivism*, *Cochran Database of Systematic Reviews* (4), CD004168.