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DWI ignition interlock device available today New law lets certain offenders drive, may cut recidivism

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When Zach Guerrero was picked up for drunken driving for the third time in October 2009, the state revoked his driver's license.

But he was offered a reprieve: He could get an ignition interlock device installed in his car - which requires a breath sample before the car will start - and get his full license back.

"I'm happy I can even drive anymore. When you get the letter from the state saying your license is canceled, it's really depressing," Guerrero said. "With this (device), you have hope. You can drive again; you just get the interlock."

Guerrero, 30, was one of a limited number of DWI offenders who were able to participate in a pilot project in Hennepin County, getting the interlock devices instead of losing their licenses.

The program is now available statewide, with a new law taking effect today. "This provides (offenders) the ability to be functional in society - going to work, going to school, going to treatment - but...more importantly, it provides public safety on the roads," said Jean Ryan, impaired-driving program coordinator for the Minnesota Department of Public Safety.

Where these devices have been used, recidivism has declined by as much as 64 percent, Ryan said.

An ignition interlock looks like a handheld breath tester used by officers at the scene of a suspected DWI. The device is connected to a vehicle's starter and requires the driver to administer a breath sample before starting the car. If the driver's blood-alcohol level is more than 0.02, the car won't start.

For drivers without the device, the legal limit to drive in Minnesota is 0.08. The process to get one works like this: Get arrested for DWI, go to police station for breath test, get sent home with notice of license revocation, apply for new license and pay reinstatement fee, provide Driver and Vehicle Services with insurance documentation, then wait for the state to issue a new driver's license bearing the ignition interlock restriction.

If, at the police station, arrestees choose to take a blood or urine test in place of a breath test, they would retain driving privileges until the lab results come back, which can take as long as 45 days. Once the results come back, the process is the same.

The interlock can be installed at any point after the arrest, but driving is prohibited until the new license is issued. The Department of Public Safety has authorized a handful of vendors to install the devices. They are listed on the department's website, dps.mn.gov. It's the offender's responsibility to pay the \$100 installation fee, \$100-per-month calibration fees and \$50 for removal.

Ryan said the state will work as quickly as possible to get the reinstated licenses processed.

Stillwater-based criminal defense attorney Sam Surface, who represents several DWI arrestees, said he's already heard "horror stories" about wait times, even for the small number of participants in the pilot program.

He said he's not optimistic the system will work as quickly or smoothly as state officials might hope.

"I have no idea how it's going to play out. Nobody does," Surface said. "We're all telling our clients this could be a good thing, you'll get behind the wheel faster. But it's under the assumption that the DMV is ready to go."

Mothers Against Drunk Driving representatives say they're happy about the new law but would prefer the device be required for any first-time DWI arrest.

"We know one in seven Minnesotans has a DWI," said Brenda Thomas, executive director of MADD Minnesota. "And 40 percent of those will reoffend. So if you get them right after that first one, that offense rate will drop."

Thomas said more than 35 other states already have ignition interlock laws, and about half of those require them for first-time DWI arrests at the 0.08 level.

She said her group will keep an eye on Minnesota results and data in hopes of pushing for a wider net.

But even at this level, the devices are likely to increase safety and offer some solace to those who've been affected by drunken drivers.

"We're not about having these people not drive at all; we're about having them make responsible choices," Thomas said. "I represent a lot of families whose loved ones have been injured or killed by drunk drivers, so in making this change in the law, most of them just want to see that no other families are affected like theirs were."

Guerrero said the program has worked for him. "It really is in your head, you really can't drink and drive," he said. "Every day you get in your car and you're taking a Breathalyzer, even if you just want to move it 15 feet....You don't get in your car if you've been drinking. This enforces that so much harder than someone just telling you 10 times a day."

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