



Ignition Interlock Device Program

Performance Audit

January 2025

Financial Audit Division
Office of the Legislative Auditor
State of Minnesota

Financial Audit Division

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January 15, 2025

Members
Legislative Audit Commission

Bob Jacobson, Commissioner
Department of Public Safety

Jeffrey Shorba, State Court Administrator
Judicial Branch

This report presents the results of our performance audit of the Ignition Interlock Device Program (IIDP). The objectives of this audit were to provide information on the financial impact of IIDP for the state and program participants and the effect IIDP has on recidivism and public safety. Our scope included activity at the Department of Public Safety (DPS) for the period January 2016 through December 2023, and the Judicial Branch for the period July 2017 through December 2023.

This audit was conducted by Heather Rodriguez (Audit Director), Holly Runia (Audit Team Lead), and auditors Dylan Harris and Sheena Kurth.

We received the full cooperation of DPS and Judicial Branch staff while performing this audit.

Sincerely,



Judy Randall
Legislative Auditor



Lori Leysen, CPA
Deputy Legislative Auditor



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Report Summary

Conclusions

We concluded that the Department of Public Safety complied, and the Judicial Branch generally complied, with the significant finance-related legal requirements we tested. We identified some specific instances of noncompliance related to sales and use tax at the Judicial Branch.

We did not conclude on whether the Ignition Interlock Device Program is effective in reducing recidivism and increasing public safety. However, we present data regarding impaired driving incidents, participant compliance with program requirements, and alcohol-related crashes, all of which can be factors in evaluating the effectiveness of the program.

Finding and Recommendations

Finding: The Judicial Branch did not pay sales or use tax as required on 70 percent of the services related to the Ignition Interlock Device Program. (p. 10)

Recommendations

- The Judicial Branch should remit the use tax owed to the Department of Revenue.
 - The Judicial Branch should pay sales and use tax on ignition interlock device services as required by state statute.
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Background

Ignition Interlock Device Program Overview and History

An ignition interlock device is an electronic device designed to prevent a driver from operating a motor vehicle while under the influence of alcohol. The device is typically installed near the steering wheel and connected to the engine. The driver must blow into the device, which analyzes their breath alcohol concentration level and prevents the vehicle from starting if levels exceed the tolerance limit. The device also requires random breath samples while the vehicle is running and collects data on the breath alcohol concentration levels.

Beginning in 1988, state law required the Department of Public Safety (DPS) to study the use of ignition interlock devices in other states and implement targeted and statewide pilot programs.¹ DPS administered the ignition interlock device pilot programs between October 2000 and June 2011. In 2012, DPS reported that ignition interlock devices were the “most cost-effective measures in improving safety and contributes [*sic*] to the largest reductions in the number of fatalities.”² However, the report also noted that the costs associated with the device were a challenge for program participants and that it was not effective in reducing recidivism after participants had the device removed.

The Legislature established the statewide Ignition Interlock Device Program (IIDP) in 2010, and DPS rolled out the program in July 2011.³

Individuals can choose to participate in the program, or they may be required to participate for a set timeframe based on the number of impaired driving incidents they have, the length of time since their last incident, or their alcohol concentration level or refusal to take an alcohol detection test at the time of the incident. Participation allows individuals to regain driving privileges sooner than they would have if they had not participated in the program. We discuss this topic further in the Eligibility section of the report.

Program participants select a vendor to provide them with the ignition interlock device. Vendors contract with service centers to install, calibrate, and remove the device. To assist participants with the cost of the device, reduced-fee and assistance programs are available to eligible participants.

¹ *Laws of Minnesota* 1988, chapter 681, sec. 18, subd. 2; *Laws of Minnesota* 1991, chapter 270, sec. 6, codified as *Minnesota Statutes* 1991, 171.305, subd. 2; *Laws of Minnesota* 1992, chapter 570, sec. 24, codified as *Minnesota Statutes* 1992, 171.305, subd. 2; *Laws of Minnesota* 1993, chapter 347, sec. 19, codified as *Minnesota Statutes* 1993, 171.305, subd. 2; *Laws of Minnesota* 2000, chapter 478, art. 2, sec. 1; *Laws of Minnesota* 2007, chapter 54, art. 3, sec. 5, codified as *Minnesota Statutes* 2007, 171.306, subd. 1; and *Laws of Minnesota* 2009, chapter 29, sec. 2.

² Department of Public Safety, *Statewide Ignition Interlock Pilot Project: Final Report to the Minnesota Legislature (July 1, 2009 through June 30, 2011)* (St. Paul, January 12, 2012), 4-5.

³ *Laws of Minnesota* 2010, chapter 366, sec. 14, codified as *Minnesota Statutes* 2010, 171.306, subd. 4.

In Minnesota, DPS and the Judicial Branch have important roles regarding IIDP. In addition to providing oversight of the program, they work with vendors and service centers across the state to ensure the devices are accurate. In judicial districts that do not administer IIDP, four nonstate entities provide program oversight. Exhibit 1 lists key responsibilities for each entity.

Exhibit 1

Key Responsibilities of DPS, Judicial Districts, and Nonstate Entities

DPS

- Obtain and grant federal funds
- Maintain key information technology systems used for IIDP
- Assist and monitor program participants
- Certify vendors and monitor service centers

Judicial Districts

- Assist and monitor program participants
- Contract with nonstate entities to provide program services

Nonstate Entities

- Assist and monitor program participants

Source: Office of the Legislative Auditor.

Audit Scope, Objectives, Methodology, and Criteria

As required by law, we conducted this audit to provide information on the financial impact of IIDP for the state and program participants and the effect IIDP has on recidivism and public safety.⁴ We modified the period under examination, as needed, depending on the availability of data. We examined DPS financial activity from July 1, 2016, through December 31, 2023. We examined Judicial Branch financial activity from July 1, 2017, through December 31, 2023. We also examined driver data from January 1, 2019, through December 31, 2023, and crash data from January 1, 2016, through December 31, 2023.

⁴ *Laws of Minnesota 2021*, First Special Session, chapter 11, art. 5, sec. 21.

Financial Activity

This part of the audit focused on the sources and uses of IIDP revenue and program participation costs. We designed our work to address the following question:

- Were expenditures charged to IIDP allowable or applicable to IIDP, and was adequate supporting documentation retained?

To answer this question, we interviewed staff from DPS and the Judicial Branch. Additionally, we tested a random sample of 40 DPS expenditures, and a random sample of 54 Judicial Branch expenditures.

Program Participation

This part of the audit focused on program participation, including eligibility, ignition interlock devices and fees, and financial assistance programs. We designed our work to address the following questions:

- How much does it cost an individual to participate in IIDP?
- Did participant demand for the DPS reduced-fee program increase each year?

To answer these questions, we interviewed staff from DPS and the Judicial Branch. We also requested information from five ignition interlock device vendors to determine the fees they charged to program participants. Additionally, we:

- Calculated the mandatory costs to an individual enrolled in IIDP over a one-year time frame, as of December 31, 2023.
- Determined the number of reduced-fee applications submitted between calendar years 2019 and 2023 and the percentage of those applications that DPS approved.

Recidivism

This part of the audit focused on analyzing the relationship between IIDP and recidivism. We designed our work to address the following questions:

- To what extent is participation in IIDP correlated with a reduction in subsequent impaired driving incidents?
- How many individuals that completed IIDP between January 1, 2019, through December 31, 2022, had an impaired driving incident within 12 months after completion of IIDP?
- Has research identified a relationship between ignition interlock programs and recidivism?

To answer these questions, we interviewed staff from DPS. We also reviewed impaired driving incident data from the state's driver and vehicle system. Specifically, we:

- Analyzed IIDP participation data to determine whether program participants had a subsequent impaired driving incident while enrolled in IIDP.

- Analyzed impaired driving incidents data for individuals who did not enroll in IIDP, to determine whether nonprogram participants had a subsequent impaired driving incident.
- Analyzed driving records to determine whether an individual's completion of IIDP was correlated with a reduction in subsequent impaired driving incidents.
- Reviewed existing research to determine whether there is consensus regarding ignition interlock programs' impact on recidivism.

Public Safety

This part of the audit focused on the impact IIDP has on public safety. We designed our work to address the following questions:

- What percentage of individuals with an alcohol-related crash from January 1, 2019, through December 31, 2023, enrolled in IIDP?
- What percentage of individuals had an alcohol-related crash while enrolled in IIDP?
- Has research identified a relationship between ignition interlock programs and public safety?

To answer these questions, we interviewed DPS staff. We also reviewed vehicle crash data from the state's crash record system, IIDP data from the state's driver and vehicle system, and national research studies. Specifically, we:

- Analyzed vehicle crash data to determine how many individuals had an alcohol-related crash prior to enrolling, while enrolled, and after graduating from IIDP.
- Reviewed existing research to determine if there is consensus on whether participation in ignition interlock programs have an effect on public safety.

We conducted this performance audit in accordance with generally accepted government auditing standards.⁵ Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. When sampling was used, we used a sampling method that complies with generally accepted government auditing standards and that supports our findings and conclusions. That method does not, however, allow us to project the results we obtained to the populations from which the samples were selected.

To identify legal compliance criteria for the activity we reviewed, we examined state and federal laws, state administrative rules, and policies and procedures established by DPS and the Judicial Branch.

⁵ Comptroller General of the United States, Government Accountability Office, *Government Auditing Standards, 2018 Revision* (Washington, DC, Technical Update April 2021).

Financial Activity

The Department of Public Safety (DPS) and the Judicial Branch are responsible for different aspects of the Ignition Interlock Device Program (IIDP). Below, we present information regarding both entities' financial activity related to the program.

Department of Public Safety

DPS relies on a combination of state and federal revenues and participant fees to administer and oversee IIDP. As outlined in state statute, program participants must pay two fees: \$680 to reinstate their driving privileges and \$38.75 for a new license.⁶

DPS uses the program revenue to:

- Obtain and grant federal funds.
- Maintain the state's driver and vehicle system and crash record system.
- Certify ignition interlock device vendors.⁷
- Provide enrollment support to program participants and determine their eligibility for the reduced-fee program.
- Conduct reviews of appealed program violations.
- Monitor program participants and the service centers that install, maintain, and remove ignition interlock devices.

DPS has eight full-time employees who administer IIDP. Accordingly, the agency used the majority of state and federal revenues for payroll expenses associated with administering the program. DPS used the remaining revenue for training, travel, and other administrative costs. Exhibit 2 presents DPS's expenditure data for IIDP over the past six-and-a-half years.

⁶ Program participants must pay reinstatement fees each time they have a driving-while-impaired offense added to their record, even if a participant did not get their license reinstated between these offenses. *Minnesota Statutes 2024*, 171.29, subd. 2(b), defines the allocation for the reinstatement fee. *Minnesota Statutes 2024*, 171.06 and 171.061, outline the application fees and filing fees, respectively.

⁷ DPS requires that ignition interlock device vendors complete a yearly certification process in order to provide services to IIDP participants in Minnesota. During this process, DPS ensures the device meets its standards.

Exhibit 2

**Department of Public Safety, Ignition Interlock Device Program Expenditures,
July 1, 2017, through December 31, 2023**

Fiscal Year	Payroll	Equipment and Leases	Purchased Services ^a	Indirect Costs	Other ^b	Total
2018	\$ 429,367	\$ 103	\$ 82,407	\$ 23,405	\$1,632	\$ 536,914
2019	365,715	411	17,847	19,759	51	403,783
2020	560,560	411	64,689	32,919	204	658,783
2021	546,407	377	78,872	32,666	42	658,364
2022	536,400	591	41,421	33,863	776	613,051
2023	608,521	–	60,343	31,104	785	700,753
2024	304,916	–	25,491	13,146	108	343,661
Total	\$3,351,886	\$1,893	\$371,070	\$186,862	\$3,598	\$3,915,309

Note: Fiscal Year 2024 includes expenditures only from July 1, 2023, through December 31, 2023.

^a “Purchased Services” includes costs related to employee training, travel, communications, printing, and advertising.

^b “Other” consists of supplies and equipment maintenance.

Source: Office of the Legislative Auditor, based on data in the state’s accounting system.

We tested a random sample of 40 expenditures from July 1, 2016, through December 31, 2023, to ensure they were allowable or applicable to IIDP, and that DPS had retained proper supporting documentation.⁸ We found no issues.

Judicial Branch

DPS grants more than half of the federal funding it receives for IIDP to Minnesota’s judicial districts. DPS requires that the judicial districts also contribute nonfederal funds toward IIDP; this is commonly known as matching or cost-sharing.⁹ Judicial districts primarily use these funds to:

- Help individuals with program enrollment.
- Increase ignition interlock awareness in the district.

⁸ 23 *CFR*, sec. 1300.23 (2023), allows states to spend grant funding on alcohol ignition interlock programs. Examples include the administration and oversight of an ignition interlock program, including salaries, registration and travel fees for conferences, and a portion of program participant fees. 23 *CFR*, sec 1275.7 (2016), allows states to spend funding for alcohol-impaired driving countermeasures and highway safety improvement program activities, including salaries of individuals, travel to service centers across the state, postage related to IIDP, and registration and travel fees for traffic safety conferences. *Minnesota Statutes* 2024, 299A.705, created the driver and vehicle services operating account. Funds are used to administer driver services specified in Chapter 171. *Minnesota Statutes* 2024, 171.306, created the Ignition Interlock Device Program.

⁹ 23 *CFR*, sec 1300.20(f)(1) (2023), notes that the federal share of the costs with grants awarded may not exceed 80 percent. The judicial districts’ matching expenditures were not in the state’s accounting system; as a result, we obtained those expenditures from documentation the districts provided to DPS. That documentation did not contain information on the funding sources used to meet the matching requirements.

- Provide financial assistance to program participants who do not qualify for DPS’s reduced-fee program.¹⁰
- Contract with nonstate entities to provide program services in locations in which the Judicial Branch does not provide IIDP services.

Exhibit 3 shows the judicial districts’ expenditures from July 1, 2017, through December 31, 2023. It is likely judicial districts had additional nonfederal IIDP expenditures that we could not identify.¹¹

Exhibit 3
Judicial Districts, Ignition Interlock Device Program Expenditures, July 1, 2017, through December 31, 2023

Fiscal Year	Judicial District						Total ^b
	Second	Third	Fourth ^a	Fifth	Ninth	Tenth	
2018	\$ 68,884	\$ 57,252	\$19,365	\$121,500	\$125,393	\$11,802	\$ 404,196
2019	44,116	89,606	18,867	110,906	74,764	7,221	345,480
2020	60,852	130,762	17,152	130,249	87,834	1,209	428,058
2021	48,525	140,587	4,988	120,816	118,388	–	433,304
2022	11,157	148,797	4,457	117,452	90,914	–	372,777
2023	–	141,562	6,597	126,500	99,480	–	374,139
2024	–	62,848	1,209	50,958	79,711	–	194,726
Total	\$233,534	\$771,414	\$72,635	\$778,381	\$676,484	\$20,232	\$2,552,680

Notes: Fiscal Year 2024 includes expenditures only from July 1, 2023, through December 31, 2023. The Second and Tenth Judicial Districts formerly received IIDP funding but transferred their program responsibilities to counties within their districts in federal fiscal years 2022 and 2020, respectively. The First and Sixth Judicial Districts are not shown due to nonstate entities providing program responsibilities. The Seventh and Eighth Judicial Districts did not apply for federal IIDP funds from the state.

^a The Fourth Judicial District contracts with Hennepin County to manage the program and reimburses the county for its costs.

^b Due to how judicial districts report expenditures in the state’s accounting system, these figures may not reflect all of the judicial districts’ nonfederal IIDP expenditures.

Source: Office of the Legislative Auditor, based on data in the state’s accounting system and DPS’s grants management system.

¹⁰ Judicial districts have their own ignition interlock financial assistance program for program participants that reside in their district.

¹¹ There is no specific coding the judicial districts use in the state’s accounting system to track nonfederal ignition interlock expenditures, as the expenditures are intermingled with other nonignition interlock expenditures.

We stratified the population by judicial district and selected a random sample of 54 expenditures from July 1, 2017, through December 31, 2023. We tested these sample expenditures to ensure they were allowable or applicable to IIDP, and that the district had retained proper supporting documentation.¹² We found no issues.

Our testing also included verifying whether the Judicial Branch appropriately paid sales and use taxes on ignition interlock device services, in accordance with state statute.¹³ When program participants enroll in a judicial district's ignition interlock financial assistance program, the district will pay the vendor directly for a portion of the vendor services that the program participant receives.

FINDING

The Judicial Branch did not pay sales or use tax as required on 70 percent of the services related to the Ignition Interlock Device Program.

The Judicial Branch did not pay the Department of Revenue approximately \$40,866 in sales or use taxes on 156 of 222 invoices from ignition interlock device vendors between July 1, 2017, and December 31, 2023.¹⁴ The invoices were for the installation, calibration, and lease of ignition interlock devices for individuals that enrolled in the judicial districts' ignition interlock financial assistance program.

When we asked the Judicial Branch staff why they had not paid the required taxes, they told us that Branch staff had researched the taxability of these services and determined they were not taxable.¹⁵ As a result, the Branch programmed its accounting system to identify the purchases as nontaxable, and it also marked them as nontaxable on a reference document judicial district staff used to determine the taxability of purchases. However, the Ninth Judicial District performed its own research and correctly determined that ignition interlock services were taxable. That district overrode the programming in the accounting system to pay taxes on IIDP services; however, it did not do so consistently.

By not paying tax on these services, the Judicial Branch is not complying with requirements in law. Further, because the Branch is not paying these taxes, the state is collecting less in taxes than it is due, which results in less revenue in the state budget.

¹² 23 *CFR*, sec. 1300.23 (2023), allows states to spend grant funding on alcohol ignition interlock programs. Examples include the administration and oversight of an ignition interlock program, including salaries, registration and travel fees for conferences, and a portion of program participant fees. 23 *CFR*, sec 1275.7 (2016), allows states to spend funding for alcohol-impaired driving countermeasures and highway safety improvement program activities, including salaries of individuals, travel to service centers across the state, postage related to IIDP, and registration and travel fees for traffic safety conferences.

¹³ *Minnesota Statutes* 2024, 297A.61, outlines the state's tax requirements. The initial installation of the system is taxable as installation labor under *Minnesota Statutes* 2024, 297A.61, subd. 3(j). Charges for the monthly rental of the ignition interlock device are taxable under *Minnesota Statutes* 2024, 297A.61, subd. 4(1).

¹⁴ We calculated the sales and use tax owed using a base state sales tax rate of 6.875 percent. The Judicial Branch may also owe the Department of Revenue any local taxes that were applicable in the jurisdictions where the vendors installed and maintained the devices.

¹⁵ The Judicial Branch did not have any documentation explaining the rationale it used to arrive at this determination.

RECOMMENDATIONS

- **The Judicial Branch should remit the use tax owed to the Department of Revenue.**
 - **The Judicial Branch should pay sales and use tax on ignition interlock device services as required by state statute.**
-

Nonstate Entities

Four nonstate entities receive federal grant funds from DPS to administer aspects of IIDP: Arrowhead Regional Corrections, Dakota County, Ramsey County, and Wright County.¹⁶ These four entities operate in judicial districts that do not currently participate in IIDP. They primarily use the funds to:

- Provide an ignition interlock financial assistance program to program participants who do not qualify for DPS's reduced-fee program.
- Retain probation officers or ignition interlock coordinators who help program participants with enrollment.
- Monitor and follow up on program participant violations.

Exhibit 4 shows nonstate entities' IIDP expenditures from July 1, 2017, through December 31, 2023. We did not test these expenditures.

Exhibit 4 Nonstate Entities, Ignition Interlock Device Program Expenditures, July 1, 2017, through December 31, 2023

Fiscal Year	Arrowhead Regional Corrections	Dakota County	Ramsey County	Wright County	Total
2018	\$107,771	\$13,470	\$ –	\$ –	\$ 121,241
2019	94,014	9,968	–	–	103,982
2020	89,827	12,898	–	16,349	119,074
2021	117,428	12,276	–	40,006	169,710
2022	110,383	13,545	38,100	50,091	212,119
2023	114,075	8,531	49,204	51,788	223,598
2024	<u>64,672</u>	<u>5,418</u>	<u>18,302</u>	<u>24,083</u>	<u>112,475</u>
Total	\$698,170	\$76,106	\$105,606	\$182,317	\$1,062,199

Notes: Ramsey County and Wright County became grantees in October 2021 and October 2019, respectively. Fiscal Year 2024 includes expenditures only from July 1, 2023, through December 31, 2023. Nonstate entities did not report any nonfederal matching expenditures to DPS from July 1, 2011, through June 30, 2020.

Source: Office of the Legislative Auditor, based on data in DPS's grants management system.

¹⁶ 23 *CFR*, sec 1300.20(f)(1) (2023), notes that the federal share of the costs with grants awarded may not exceed 80 percent. DPS requires these nonstate entities to contribute matching nonfederal funds toward the program.



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Program Participation

Eligibility

There are two main types of offenses that result from an impaired driving incident that could result in an individual's participation in the ignition interlock device program (IIDP): administrative and criminal. An administrative offense is placed on an individual's driving record by DPS when a law enforcement officer has reason to believe the individual was driving while impaired and meets certain other conditions. A criminal offense placed on an individual's driving record is determined by the Minnesota court system. These offenses can result in the loss of driving privileges for a set period of time, as outlined in state statutes.¹⁷ By participating in IIDP, individuals with an administrative or criminal impaired driving offense on their driving record can continue driving. If an individual chooses not to enroll, they cannot drive for the timeframe set in state statute.

An **administrative offense** placed on an individual's driving record is determined by DPS.

A **criminal offense** placed on an individual's driving record is determined by the Minnesota court system.

As outlined in state statutes, required participation in the program is based on the type, frequency, and severity of the offense.¹⁸ Mandatory time in IIDP can range from one to ten years. Under certain circumstances, an individual can volunteer to enroll in IIDP to regain driving privileges if the offense does not otherwise require the individual to enroll in the program.¹⁹

As of March 14, 2024, Minnesota was 1 of 19 states where participation in an ignition interlock device program was not mandatory for all drivers convicted of an impaired driving incident.²⁰

Exhibit 5 shows that approximately 30 to 40 percent of individuals with impaired driving offenses enrolled in IIDP between calendar years 2019 and 2023.

¹⁷ *Minnesota Statutes* 2024, 169A.52, subd. 4; 169A.54, subd. 1; and 171.17, subd. 4.

¹⁸ *Minnesota Statutes* 2024, 169A.55, subd. 4, outlines the mandatory minimum time requirement for an individual to have an ignition interlock device installed in order to regain full driving privileges.

¹⁹ An individual has the option to enroll in IIDP when it is either their first impaired driving incident or their second impaired driving incident on their driving record, but the first impaired driving incident is over 10 years old.

²⁰ National Conference of State Legislatures, *State Ignition Interlock Laws*, (March 14, 2024), <https://www.ncsl.org/transportation/state-ignition-interlock-laws>, accessed March 22, 2024. A total of 31 states and the District of Columbia require participation in IIDP for all offenders, including first-time offenders. Of the 19 states noted above, 6 do not have any statewide requirements regarding IIDP, but judges have the discretion to order offenders to install a device if they deem it necessary.

Exhibit 5**Number of Impaired Driving Offenses and Program Enrollments by Year, 2019 through 2023**

Calendar Year	Number of Driver's Licenses with Impaired Driving Offenses ^a	Number of IIDP Enrollments ^b	Percentage Enrolled
2019	26,620	8,378	31%
2020	21,604	6,270	29%
2021	23,263	7,975	34%
2022	24,592	9,475	39%
2023	<u>25,161</u>	<u>10,341</u>	41%
Total	121,240	42,439	

Notes: Individuals with multiple impaired driving offenses or enrollments in one calendar year were counted only once in that year. Individuals with impaired driving offenses or enrollments in multiple years were included in each applicable year.

^a The "Impaired Driving Offenses" count includes any violation date between January 1, 2019, and December 31, 2023, that posted to the individual's driving record between January 1, 2019, and April 29, 2024. Offenses that do not affect the status of a Minnesota driver's license are not included, such as when no consequences were applied to a driver after the offense or the offense was included on the driving record only for historical purposes.

^b The start date for these program participants was between January 1, 2019, and December 31, 2023. DPS posted these IIDP enrollments on the driver license in the state's driver and vehicle system.

Source: Office of the Legislative Auditor, based on data in the state's driver and vehicle system.

Ignition Interlock Devices and Fees

Ignition interlock vendors develop the device used for IIDP and rely on a service center, typically an auto repair shop, to install, calibrate, and remove the ignition interlock device. Program participants select a vendor based on factors such as the location of the service centers and the vendor's fees.

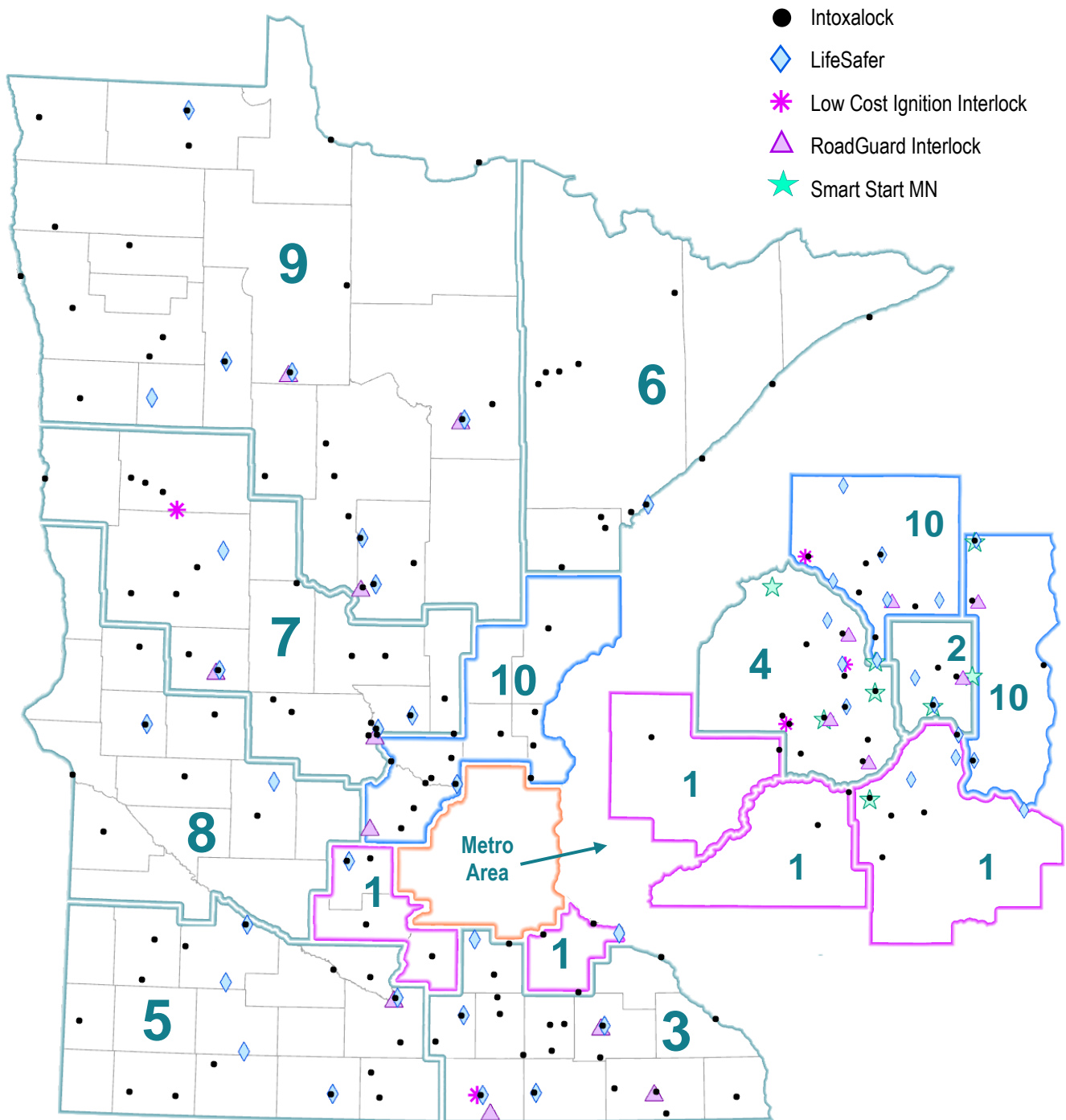
Every 60 days, the participant must bring the vehicle to a service center under contract with an ignition interlock device vendor, where the device is calibrated for accuracy. Service center technicians also check to ensure the participant has not tampered with the device.

As of December 31, 2023, the state authorized six ignition interlock device vendors to work with IIDP participants in Minnesota; however, only five of these vendors have Minnesota customers.²¹ Ignition interlock device vendors set their own fees for services, such as the installation, calibration, and removal of their devices.

Exhibit 6 shows the service center locations for the five ignition interlock device vendors as of July 12, 2024. There were 262 service centers throughout the state, including 87 in the Twin Cities metropolitan area. Seventy percent, or 184 of the service centers, offered Intoxalock ignition interlock devices.

²¹ The five ignition interlock device vendors that have Minnesota customers are Intoxalock, LifeSafer, Low Cost Ignition Interlock, RoadGuard Interlock, and Smart Start MN.

Exhibit 6
Ignition Interlock Service Center Locations by Judicial District



Notes: Each symbol represents a location with an ignition interlock service center; however, some locations had more than one of the same service center. For instance, Intoxalock had two service centers in Austin, Bloomington, Brainerd, Chanhassen, Circle Pines, Elk River, Fergus Falls, Ham Lake, Mankato, Melrose, Park Rapids, Ramsey, St. Cloud, Stewartville, Winona, and Zimmerman; three in Burnsville, Maple Grove, and Minneapolis; and seven in St. Paul. LifeSafer had two service centers in Alexandria and St. Paul; and three in Mankato. Smart Start MN had two service centers in St. Paul.

Source: Office of the Legislative Auditor, based on data from the vendors' websites, as of July 12, 2024.

Exhibit 7 shows approximately how much a program participant would have paid in mandatory vendor fees in one year, based on the vendor they selected. The most common mandatory fees include device installation, calibration, a lease for the device, monitoring, and removal of the device.

Exhibit 7

Mandatory Ignition Interlock Device Vendor Fees for a Program Participant Over One Year

Vendor	Fee Range for One Year ^a
Intoxalock	\$1,473 to \$2,799
LifeSafer	\$2,383 to \$2,563
Low Cost Ignition Interlock	\$1,405 to \$1,525
RoadGuard Interlock	\$1,580 to \$1,775
Smart Start MN	\$1,978 to \$2,078

Notes: This exhibit includes ignition interlock device vendors that had service centers and customers in Minnesota as of December 31, 2023. We used the fees that were in effect on December 31, 2023.

^a Some vendor fees include a range based on vehicle type or year of vehicle.

Source: Office of the Legislative Auditor, based on information provided by ignition interlock device vendors.

Financial Assistance

DPS, the Judicial Branch, and nonstate entities have separate financial assistance programs for program participants. State statutes require DPS to establish standards for vendors to provide device installation, servicing, and monitoring to indigent program participants at a discounted rate.²² There are no state or federal laws that require the Judicial Branch and nonstate entities to have a separate financial assistance program for program participants.

DPS administers a reduced-fee program that limits the service and monitoring fees that ignition interlock device vendors can charge eligible program participants. To qualify, a program participant must submit documentation to DPS annually showing a recent qualification or acceptance letter from 1 of 14 state economic assistance programs.²³ Each economic assistance program has its own program eligibility requirements.

²² *Minnesota Statutes* 2024, 171.306, subd. 2(b)(1).

²³ The 14 state economic assistance programs are Child Care Assistance Program (CCAP); Energy Assistance Program (EAP); Food Distribution Program on Indian Reservations (FDPIR); General Assistance Medical Care (GA); Head Start; Medical Assistance/Medicaid (MA); MinnesotaCare; Minnesota Food Assistance Program (MFAP); Minnesota Family Investment Program (MFIP); National School Lunch Program (NSLP); Supplemental Nutrition Assistance Program (SNAP); Supplemental Security Income (SSI); Women, Infants, and Children Program (WIC); and Temporary Assistance for Needy Families (TANF).

Exhibit 8 shows the number of program participants that applied for DPS’s reduced-fee program between January 1, 2019, and December 31, 2023, and the percentage of program participants approved. Overall, the percentage of applicants DPS has approved for the program has stayed relatively consistent.

Exhibit 8
Department of Public Safety, Reduced-Fee Program Activity,
January 1, 2019, through December 31, 2023

Calendar Year	Number of Participants that Applied	Number of Participants Approved	Percentage of Participants Approved
2019	1,691	1,415	83.7%
2020	1,517	1,355	89.3%
2021	1,804	1,491	82.7%
2022	2,048	1,688	82.4%
2023	<u>2,418</u>	<u>2,043</u>	84.5%
Total	9,478	7,992	

Notes: Program participants can apply multiple times in one year and can reapply for subsequent years. A total of 5,519 program participants applied for reduced fees at least once during the five-year period, and 4,516 program participants were approved for at least one year.

Source: Office of the Legislative Auditor, based on data in the state’s driver and vehicle system.

Program participants have the option of applying for the ignition interlock financial assistance program through the Judicial Branch or nonstate entities if DPS denies their application. As of October 1, 2023, program participants who are not in DPS’s reduced-fee program and whose income is at or below 350 percent of federal poverty guidelines are eligible for a reduced price for ignition interlock installation and reduced monthly monitoring fees.²⁴ Due to data limitations, we were not able to determine the number of program participants that received financial assistance through the Judicial Branch during the audit scope.²⁵ We did not contact nonstate entities to determine if they track program participants in the ignition interlock financial assistance program.

²⁴ The reduced fees are based on three tiers of income: 125 percent of federal poverty guidelines, 200 percent of federal poverty guidelines, and 350 percent of federal poverty guidelines.

²⁵ The judicial districts do not have a consistent format to track individuals that receive financial assistance through the ignition interlock financial assistance program.



OLA

Recidivism and Public Safety

Subsequent Impaired Driving Offenses

As stated in Minnesota’s Triennial Highway Safety Plan for fiscal years 2024-2026, “The goal of [the ignition interlock device program] is to reduce the likelihood that a driving while intoxicated (DWI) offender will re-offend, thereby decreasing overall recidivism and, in turn, impaired-driving related fatalities and injuries.”²⁶

While we were not able to determine the extent to which participation in the Ignition Interlock Device Program (IIDP) prevented recidivism, we compared the rate of subsequent impaired driving offenses among individuals who were program participants in IIDP with the rate among individuals who have not been enrolled in IIDP. As shown in Exhibit 9, we grouped individuals into three categories based on their program enrollment and completion status, and determined the number of individuals who had a subsequent impaired driving offense during this period.

Exhibit 9

Subsequent Impaired Driving Offenses, January 1, 2019, through December 31, 2023

When Individuals had a Subsequent Offense	Total Number of Individuals	Individuals with a Subsequent Offense	Percentage with Subsequent Offense
While Enrolled	42,930 ^a	1,109	2.6%
After Graduation	24,354	2,075	8.5%
Never Enrolled in IIDP	81,773	8,883 ^b	10.9%

Notes: We counted individuals with multiple enrollments, graduations, or offenses once. “Impaired Driving Offenses” are those offenses with a violation date between January 1, 2019, and December 31, 2023, that posted to the individual’s driving record between January 1, 2019, and April 29, 2024. Offenses that do not affect the status of a Minnesota driver’s license are not included, such as when no consequences were applied to a driver after the offense or the offense was included on the driving record only for historical purposes.

^a The 42,930 individuals includes all program participants in the “After Graduation” row plus individuals that did not graduate by December 31, 2023.

^b We considered any two violation dates that were only one day apart as one offense.

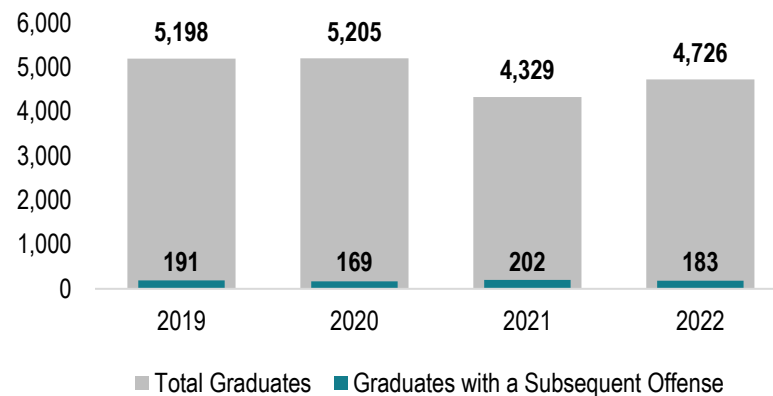
Source: Office of the Legislative Auditor, based on data in the state’s driver and vehicle system.

²⁶ Department of Public Safety, Office of Traffic Safety, *Minnesota Triennial Highway Safety Plan FY24–FY26*, p. 52, https://www.nhtsa.gov/sites/nhtsa.gov/files/2024-01/MN_FY24-26HSP-tag.pdf, accessed October 14, 2024.

Exhibit 10 shows the number of program participants who graduated from IIDP between 2019 and 2022, and the number of those graduates who had a subsequent impaired driving offense within 12 months of their graduation date.

Exhibit 10
IIDP Graduates with a Subsequent Impaired Driving Offense After One Year, January 1, 2019, through December 31, 2022

(In Thousands)



Notes: This exhibit shows the number of program participants who graduated from IIDP between 2019 and 2022. The larger, gray bar shows the total number of IIDP graduates each year, and the smaller, teal bar shows the number of those graduates with a subsequent impaired driving offense within 12 months of graduation. Program participants may have a graduation in more than one calendar year.

Source: Office of the Legislative Auditor, based on data in the state's driver and vehicle system.

Our analysis aligned with similar research on the subject. A 2014 report from the Government Accountability Office (GAO) titled *Traffic Safety: Alcohol Ignition Interlocks Are Effective While Installed; Less Is Known about How to Increase Installation Rates* stated:

Research GAO reviewed consistently indicated that when installed ignition “interlocks”—devices that prevent drivers from starting their cars if they have been drinking alcohol—effectively reduce the rate of re-arrest for driving while intoxicated (DWI) when installed. But once the devices are removed, DWI re-arrest rates return to pre-interlock rates. (Most studies use DWI arrest as a proxy for alcohol-impaired driving.) Further, the National Highway Traffic Safety Administration (NHTSA) estimated that between 15 and 20 percent of offenders arrested for DWI actually install ignition interlocks.²⁷

²⁷ U.S. Government Accountability Office, *Traffic Safety: Alcohol Ignition Interlocks Are Effective While Installed; Less Is Known about How to Increase Installation Rates*, GAO-14-559 (June 20, 2014), <https://www.gao.gov/assets/gao-14-559.pdf>, accessed January 5, 2024.

Minnesota's Fifth and Ninth Judicial Districts had studies completed of impaired driving recidivism, with similar results.²⁸ These reports noted that research has often shown that while the ignition interlock devices are effective at reducing impaired driving while installed, they rarely have a lasting impact once the device is removed.

One research study indicated that the long-term effects of ignition interlock devices after removal improve if the individual receives systemic support and enrolls in treatment programs. The 2016 study supported by the Centers for Disease Control and Prevention (CDC) noted that an ignition interlock device paired with treatment had a 32 percent lower recidivism rate in the 12-to-48-month period following the device removal when compared to individuals that only installed the ignition interlock device.²⁹

Program Violations

As explained earlier, once the installation of the ignition interlock device is complete, a program participant must submit an initial breath test to start the vehicle. If the device registers a breath alcohol concentration (BrAC) level of 0.02 or higher, the device will lock for five minutes. After five minutes, the individual must submit a passing test within ten minutes, or the test is reported to DPS as a failed initial breath test.

Once an individual has passed the initial breath test and is driving the vehicle, the individual is required to submit periodic additional tests on the device. The first retest occurs between 5 to 7 minutes after the vehicle has started; subsequent retests occur at random intervals—between 15 and 45 minutes—thereafter. The device will alert the driver of these required retests, and the driver will have ten minutes to pass the test or the device logs it as a failed test. An individual can submit multiple attempts to get a passing test of a BrAC level under 0.02.

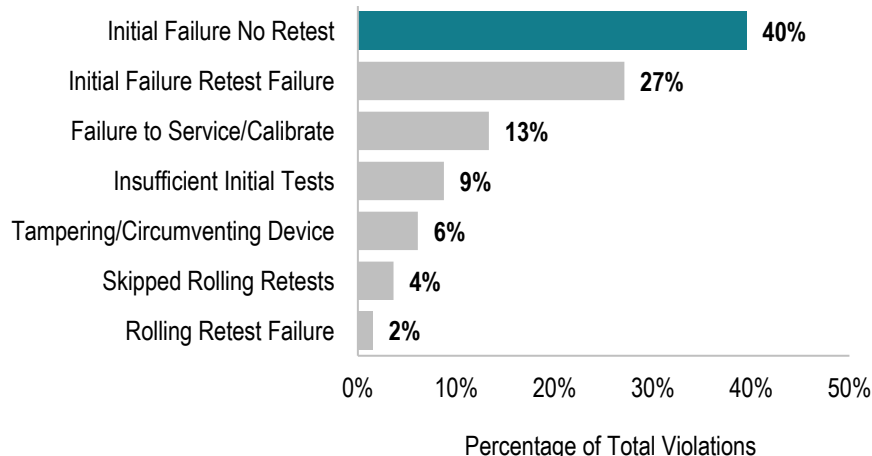
Between January 1, 2019, and December 31, 2023, 14,306 out of a total of 42,930 program participants had committed a total of 41,067 program violations. The number of violations per individual ranged from 1 to 103.³⁰ Exhibit 11 shows that 40 percent of violations were because the individual failed to pass the initial breath test and did not retest. Of the 16,237 occurrences of this violation, 8.9 percent were the result of a program participant with a BrAC level of 0.08 or higher.

²⁸ Ericson & Associates, *Ignition Interlock Program 5th Judicial District DWI Recidivism Following Device Removal* (July 10, 2023), 1; and *Ignition Interlock Program 9th Judicial District DWI Recidivism Following Device Removal* (July 10, 2023), 1. These reports show a repeat offender rate within one year of the device removal of 3.2 and 5.9 percent, respectively.

²⁹ Robert B. Voas, A. Scott Tippetts, Gwen Bergen, Milton Grosz, and Paul Marques, "Mandating Treatment Based on Interlock Performance: Evidence for Effectiveness," *Alcohol, Clinical & Experimental Research* 40, no. 9, (September 1, 2016): 1953-1960, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6937719/>.

³⁰ Forty-seven percent of the program participants had one violation, 20 percent of the program participants had two violations, 11 percent of the program participants had three violations, and 22 percent of program participants had four or more violations. The six individuals with the highest number of program violations had 103, 92, 76, 68 (two individuals), and 67 violations.

Exhibit 11
Program Violations Received While Enrolled in IIDP,
January 1, 2019, through December 31, 2023



Notes: This exhibit includes the 41,038 program violations IIDP participants received while enrolled in the program. Other violations of the ignition interlock device program account for less than 1 percent of the overall violations.

Source: Office of the Legislative Auditor, based on data in the state's driver and vehicle system.

As we discussed earlier, the length of time program participants are required to be in IIDP range from one to ten years. Program violations result in additional time in IIDP. For the first violation, a program participant must be in the program for an additional 180 days; a second violation adds one year. Program participants with three or more violations receive 545 additional days in the program.³¹

Alcohol-Related Crashes

Multiple studies have shown an increased benefit to public safety when all individuals with an impaired driving incident are required to enroll in IIDP, not only certain individuals based on the circumstances of the offense. A 2021 study on the correlation between alcohol ignition interlock laws and fatal crashes found that, when compared to no requirements to enroll in IIDP, laws mandating enrollment for all offenders were associated with 26 percent fewer fatal crashes in which the driver had a blood alcohol concentration (BAC) level of 0.08 or higher.³² The study also found that, when compared to no enrollment requirements, laws mandating enrollment for repeat and high BAC levels, offenders were associated with 20 percent fewer fatal crashes. Similarly, a 2016 study on the correlation between alcohol ignition interlock laws and

³¹ *Minnesota Statutes* 2024, 171.306, subs. 4 and 5(a).

³² Eric R. Teoh, James C. Fell, Michael Sherer, and Danielle E. R. Wolfe, "State Alcohol Ignition Interlock Laws and Fatal Crashes," *Traffic Injury Prevention* 22, no. 8 (September 2021): 589–592, https://www.researchgate.net/publication/324088463_State_alcohol_ignition_interlock_laws_and_fatal_crashes, accessed January 5, 2024.

fatal crashes found that mandatory enrollment in IIDP for all offenders was associated with a 15 percent decrease in the rate of alcohol-involved crash deaths and prevented 0.8 deaths per 100,000 people per year.³³ The study stated that the rate of lives saved per year by enrollment in IIDP was comparable to the rate of lives saved due to the implementation of airbags and raising the minimum legal drinking age.

A total of 42,930 individuals participated in IIDP at some point between January 1, 2019, and December 31, 2023. Of these program participants, 6,607 (15.4 percent) were the driver in an alcohol-related crash between January 1, 2016, and December 31, 2023.³⁴ Exhibit 12 shows that individuals are more likely to have an alcohol-related crash prior to enrollment in IIDP than after graduating from the program.

Exhibit 12
Alcohol-Related Crashes, January 1, 2019, through December 31, 2023

When Individuals had an Alcohol-Related Crash	Total Number of Individuals	Number of Individuals with an Alcohol-Related Crash	As a Percentage of Individuals Enrolled in or Graduated from IIDP
Prior to Enrollment	34,674 ^a	5,149	14.8%
While Enrolled	42,930	154	0.4%
After Graduation	24,354	406 ^b	1.7%

Notes: The alcohol-related crashes for individuals “While Enrolled” and “After Graduation” occurred between January 1, 2019, and December 31, 2023. Whereas, for those with an alcohol-related crash, “Prior to Enrollment” occurred between January 1, 2016, and the first IIDP enrollment date between January 1, 2019, and December 31, 2023.

^a These individuals are new enrollments between January 1, 2019, and December 31, 2023.

^b These 406 drivers were in a total of 418 crashes after graduation, which resulted in 221 injuries and 11 fatalities. Fifty percent, or 202 drivers, had an alcohol concentration level of 0.08 or higher. Forty-six percent, or 187 drivers, had alcohol concentration levels not recorded by the officer, or alcohol concentration levels marked as “Pending” or “Unknown.”

Source: Office of the Legislative Auditor, based on data in the state’s driver and vehicle system.

³³ Elinore J. Kaufman, MD, and Douglas J. Wiebe, PhD, “Impact of State Ignition Interlock Laws on Alcohol-Involved Crash Deaths in the United States,” *American Journal of Public Health* 106, no. 5 (May 2016): 865–871, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4985097/pdf/AJPH.2016.303058.pdf>, accessed January 5, 2024.

³⁴ An alcohol-related crash is when at least one of the following three criteria are present in the crash report completed by the law enforcement officer: (1) the law enforcement officer marks “YES” to the question “Do you suspect the person to have used alcohol?” (2) the law enforcement officer marks the individual’s apparent physical condition as “Has been drinking,” or (3) the test result of the driver’s alcohol concentration level is greater than or equal to 0.01. Of those 6,607 individuals, 6,230 (94.3 percent) had one alcohol-related crash, 356 (5.4 percent) had two alcohol-related crashes, 19 (less than 1 percent) had three alcohol-related crashes, and 2 (less than 1 percent) had four alcohol-related crashes.



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January 8, 2025

Judy Randall
Legislative Auditor
1st Floor South, Centennial Office Building
St. Paul, MN 55155

Re: Audit of the Interlock Ignition Device Program

Dear Legislative Auditor Randall:

Thank you for the opportunity to review and respond to the Office of Legislative Auditor's (OLA) audit of the Ignition Interlock Device Program (IIDP). The Department of Public Safety (DPS) is pleased with your conclusion that the program meets the Minnesota Legislature's goals of reducing impaired driving offenses and alcohol related crashes. Your report also found no financial or compliance issues with the IIDP. DPS is proud to have an effective, well-managed program with a proven public safety impact.

Your report highlights the impact of the IIDP by comparing the recidivism rates of individuals enrolled in or who graduated from interlock ignition device programs with individuals never enrolled in such programs. The statistics published in your report clearly show that the program improves driver safety by reducing impaired driving and alcohol related accidents.

DPS thanks you and your dedicated staff for the important work completed in the IIDP audit report.

The program's success is attributable to the dedicated staff at DPS. While those who work on the IIDP are not as visible as some of our other staff, they do critical work to help keep Minnesotans safe. Their hard work is reflected in this audit, and I thank them for that.

DPS remains committed to working with you to meet the needs and expectations of our public safety partners and all Minnesotans.

Sincerely,

Bob Jacobson
Commissioner



OLA



MINNESOTA JUDICIAL BRANCH
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January 10, 2025

Judy Randall
Office of the Legislative Auditor
Room 140 Centennial Bldg.
658 Cedar Street
St. Paul, MN 55155

Dear Ms. Randall,

Thank you for providing my office with your final report entitled *Ignition Interlock Device Program* (Report). As noted in the Report, the State Court Administrator's Office (SCAO) has had discussions and correspondence with the Office of the Legislative Auditor (OLA) to provide the documentation and background information on the finding in the report. As requested, I am responding with this letter for inclusion in the report to provide the State Court Administrator's Office reaction to the report.

The Minnesota Judicial Branch worked closely with executive branch agencies to establish the branch's accounting standards in our eFinance system for correct designation of accounting codes and taxability. Unfortunately, the incorrect code was established in the eFinance system for ignition interlock services. The error was brought to the Branch's attention during the audit that the account code assigned was inaccurate, therefore resulting in unpaid taxes.

The Minnesota Judicial Branch agrees with the recommendation to remit the Sales and Use taxes owed to the Department of Revenue and pay taxes on the ignition interlock device services moving forward. The Minnesota Judicial Branch is creating a transaction within the statewide accounting system (SWIFT) today to pay the Sales and Use taxes owed to the State of Minnesota.

The Minnesota Judicial Branch has resolved the finding by correcting account and taxability codes within their eFinance system and repaid taxes owed.

Thank you for the opportunity to review and respond to your audit report.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey Shorba".

Jeffrey Shorba
State Court Administrator



OLA

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