

In response to the Department of Planning and Budget's suggestion that subcontracting ignition interlock services in Virginia would be a viable alternative to current practice, the Commission on VASAP maintains that subcontracting would create challenges that would adversely impact both the effectiveness and integrity of the ignition interlock program in the Commonwealth as well as potentially jeopardize public safety.

VASAP receives periodic requests from the operators of service stations, towing services, audio repair shops, etc. who are seeking to increase revenues by becoming ignition interlock installers. Since the installation of ignition interlock devices would likely represent a small fraction of a subcontractor's business, there is concern that subcontractors would lack long-term investment in the program and would be less motivated to adhere to the strict legal and regulatory requirements of the program. Since subcontractors would not be directly accountable to the Commission on VASAP, correcting performance problems would take longer and be more complicated. For example, if a subcontractor commits an illegal or unethical act, who is liable: VASAP, the interlock vendor, the subcontractor business, or the employee?

While ignition interlock installations were simple in the past, and could arguably be performed by most any garage technician with proper training, modern vehicles have become very complex. It takes considerable experience (often months) to learn how to properly install ignition interlocks on hybrid vehicles and cars with push button starters in particular. Virginia's requirement that the ignition interlock be connected to activate the vehicle's lights and horn (a requirement not found in all states) also complicates the process. It is believed that subcontractors would typically lack the in-depth knowledge of the product and service to ensure quality work on a consistent basis. During the learning curve of the current vendors, several cars were damaged by installers who did not yet possess the knowledge to properly install the devices. This resulted in the vendors having to pay offenders for expensive repairs to their vehicles. Installing ignition interlock systems on modern vehicles requires a skill set that is best performed by employees who specialize in the service. It is believed that the number of improper installations would increase if there was a reliance on subcontractors to perform this work. Even though ignition interlock installers may be private businesses, offenders do not disassociate the interlock providers from the probationary process; thus, improper installations reflect unfavorably on VASAP and the Commonwealth of Virginia.

The Commonwealth of Virginia's ignition interlock program differs from those of many other states since probationary oversight, education and treatment are tied to the interlock program. In some states, ignition interlocks are simply installed for a given period, and then no subsequent monitoring occurs. Research has shown that ignition interlocks work very well at preventing DUI offenses, but recidivism typically continues after the devices are removed, unless the interlock requirement is coupled with education and treatment. All interlocks in Virginia are calibrated every 30 days. The data that are downloaded during each calibration are carefully monitored by ASAP case managers to ensure there are no violations. The presence of violations may result in a return to court for noncompliance and increased treatment. Since many ASAP offenders are actively involved in treatment, federal confidentiality guidelines apply. Information about ASAP offenders may not be released without the written consent of the clients. Subcontracting would expose confidential information to a greater

number of employees, especially since the turnover rate of employees may be higher at small businesses. The storing and security of confidential paperwork would be an issue as well. ASAP offenders would be comingled with customers receiving other services such as having stereos installed. Since ASAP offenders need to be trained on how to use the ignition interlock at the installation site, and have to watch an informational video, it would be difficult to protect the privacy of these probationers. Space for private viewing may be limited or non-existent at many small subcontractor sites.

Subcontracting would also necessitate an increase of staff for the Commission on VASAP. VASAP regularly inspects all ignition interlock installation stations in the Commonwealth for compliance with state regulations. Subcontracting would likely result in more inspections and more discrepancies, since various subcontractors, as well as their employees, would be more likely to come and go. Prohibiting subcontracting provides stability to the state ignition interlock program.

Permitting subcontracting would result in the loss of employment for the current 60-70 ignition interlock employees in the Commonwealth. Since subcontractors would use existing employees at their businesses to perform ignition interlock work, the services of these 60-70, taxpaying residents would no longer be required.

The certification process for ignition interlock employees proposed by VASAP in the regulations would ensure that technicians possess only a basic understanding of the laws and regulations. It is anticipated that noncompliance with regulations would increase considerably if subcontracting were allowed. Even with the ability to revoke the certification of subcontractors, doing so would be a time consuming process, and it would reflect unfavorably on the ignition interlock program. Decertification or suspension of a subcontractor could leave a service provider void in a particular geographical area.

While VASAP recognizes that subcontracting is used effectively in many environments, there are some functions that are best performed by the government with proper regulatory oversight in place. The Commonwealth of Virginia presently has a very effective ignition interlock program that is recognized as one of the model programs in the country that other states seek to emulate. It is our belief that the significant policy change of permitting the subcontracting of ignition interlock services would compromise the integrity of the interlock program as well as public safety in Virginia.