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STATE DIRECTOR'S MEMORANDUM # 2012-19

TO: All Probation Directors and Commissioners
Ignition Interlock Monitors
District Attorneys

FROM: Robert M. Maccarone, Deputy Commissioner and *R.M.M.*
Director, Office of Probation and Correctional Alternatives

DATE: November 5, 2012

RE: "Leandra's Law"—Status Report on Implementation

- July 1, 2012-September 30, 2012 IID Quarterly Report
- August 15, 2010 to September 30, 2012 IID Total Program Report
- Manufacturer/Vendor Report

It has been nearly three years since the Child Passenger Protection Act or "Leandra's Law" was signed into law in New York State on November 18, 2009. One of the key provisions, effective December 18, 2009, made the act of DWI with a Child under 16 years of age, a Class E Felony Offense. To date, police in New York State have arrested 2,361 individuals. A second provision of the law pertaining to persons in violation of VTL Section 1192, who were sentenced on or after August 15, 2010, has resulted in the installation of nearly 11,000 ignition interlock devices (IID's) in New York State.

Please see the attached statistical reports relating to the installation of IID's in New York State as reported by county probation departments and monitoring agencies for the periods July-September, 2012 and August 15, 2010 – August 31, 2012; the latter report is referred to as the IID Total Program Report. A copy of the Manufacturer/Vendor Report is also enclosed.

Columns in the Total Program Report have been added to reflect the percent of IID's installed by county, as well as the percent of IID's installed where the cost to the operator has been waived. Waiver rates of 10% or greater appear in red.

The IID Total Program Report indicates that 29.4% or 10,921 of 37,119 DWI convicted offenders have installed IID's in motor vehicles they own or operate. Installation and lease costs

associated with IID's were largely paid for by convicted and sentenced operators in New York State. A total of 9,903 or 89.9% of sentenced operators paid the full costs of installation and monthly lease charges. Sentencing Courts approved Payment Plans (partial payment) for 325 (3.0%) of operators ordered to install IID's, and 782 (7.1%) of convicted operators were granted waivers by the sentencing courts for all costs, requiring manufacturers to provide IID's without any compensation. *Twenty-seven localities reported "waiver rates" 10% or higher.* This remains a concern—if the statewide waiver rate exceeds 10%, OPCA must consider re-opening the manufacturer agreements whereupon it is expected costs will increase.

Please continue to submit Quarterly Reports within 30 days of the close of the quarter to dcjsopcaiidreports@dcjs.ny.gov We appreciate the assistance of localities in sending quarterly report information as this information is vital to tracking the impact of this important public safety measure.

Should you have any questions need more information, please contact Community Correction Representative II Patricia Hogan at Patricia.Hogan@dcjs.ny.gov.

Thank you for your continued cooperation in the implementation of "Leandra's Law" and the extensive work undertaken in your county.

Attachments

- 1) July 1, 2012-September 30, 2012 IID Quarterly Report
- 2) August 15, 2010- September 30, 2012 IID Total Program Report
- 3) August 15, 2010- August 31, 2012 Vendor Reports

cc: Supervising Judges by Honorable Judy Harris Kluger
Executive Deputy Commissioner Michael C. Green