



Division of Criminal Justice Services

ANDREW M. CUOMO
Governor

MICHAEL C. GREEN
Executive Deputy Commissioner

ROBERT M. MACCARONE
Deputy Commissioner and Director

**TO: All Probation Directors and Commissioners
Ignition Interlock Monitors**

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

DATE: May 12, 2015

RE: "Leandra's Law" Implementation—2014 Annual Report

During the period January 1, 2014 to December 31, 2014, a total of 4,483 ignition interlock devices (IID's) were installed in motor vehicles "owned or operated" by DWI and other alcohol-related criminal offenders in New York State (NYS). This represents 25.7% of the 17,475 operators ordered to install IIDs in motor vehicles they "own or operate". A total of 4,069 (90.8%) IID's were fully paid by operators; 200 (4.5%) were installed with partial payment made by the operator; and 214 (4.8%) were installed where the cost to the operator was waived by the Court, and paid for by the IID Manufacturer. During 2014, 796 operators were arrested while driving drunk with a passenger 15 years or less in their motor vehicle. Copies of the 2014 Ignition Interlock Statistical Reports are attached. Additional Quarterly and Annual IID reports may be accessed at: <http://www.criminaljustice.ny.gov/opca/ignition.htm>.

Since August 15, 2010, when the ignition interlock provisions of "Leandra's Law" went into effect, through March 31, 2015, 22,191 ignition interlock devices (IIDs) have been installed in motor vehicles "owned or operated" by DWI and other alcohol-related criminal offenders in NYS. This represents 27.3 % of the 81,265 operators ordered to install IIDs in motor vehicles which they own or operate. For the period December 18, 2009 through March 31, 2015, 4,495 operators were arrested while driving drunk with a passenger 15 years or less in their motor vehicle.

Also attached is an updated *IID Negative Events/Failed Tests by County* Report for 2014. OPCA continues to work with the IID Manufacturers and DCJS' Office of Justice Research and Performance to produce this informative report which relates directly to offender accountability. The data reflects the following events: Missed Service Visits (4,563); Failed/Missed Start-up Re-tests (22,778); Failed Start-up Re-tests with BAC Range $\geq .08$ (2,579); Failed/Missed Rolling Re-tests (18,641); Failed Rolling Re-tests with BAC Range $\geq .08$ (534); Lock-outs Initiated (13,097); Vehicles Disabled (1,874); and Attempted Circumvention or Tampering (305)—by County.

Following dramatic reductions in the number of alcohol-related motor vehicle crash fatalities over the years, the number of fatalities has more recently plateaued-- 2009 (361) , 2010 (354), 2011 (362), 2012 (358), and increased in 2013 (387).

County IID Plans

On April 14, 2014 DCJS requested that jurisdictions re-examine their Ignition Interlock Program Plans, and update them to reflect changes in their localities that may have occurred since the implementation of “Leandra’s Law” in 2010, including amendments resulting from the passage of Chapter 169 of the Laws of 2013, effective November 1, 2013. Localities were requested to update their plans in consultation with various agency officials to foster better understanding of issues in this area and ensure coordination of appropriate procedures with respect to “Leandra’s Law” cases. DCJS is pleased to report that all updated plans have been reviewed and approved and extends its appreciation to localities. Please keep in mind that the DCJS *ignition interlock rule, specifically 9 NYCRR Section 358.4(a) requires that where a plan has been amended, it shall be promptly filed with DCJS in advance of its effective date.*

Draft DCJS Part 358 Regulations

DCJS Part 358 Regulations—*Handling of Ignition Interlock Cases Involving Certain Criminal Offenders*, as amended, was forwarded to the field for review and comment on April 2, 2015 with a return date of May 8, 2015. The proposed amended regulations were provided for review and comment, before being advanced for formal rule-making, which will include a 45-day public comment period. As is our practice, DCJS shares the proposed amended regulations with practitioners before advancing to formal rule-making.

Additionally, please continue to submit your IID Quarterly Monitors Reports to dcjsopcaiidreports@dcjs.ny.gov and DCJS’ Finance Office within 30 days of the close of the quarter. IID Quarterly Progress Reports shall also be submitted within the Grants Management System (GMS) within the same time frame. The next reports for the 2015 2nd quarter (April – June) are due *no later than Friday, July 31, 2015*. On Thursday, February 26, 2015 DCJS provided a webinar on Ignition Interlock Quarterly Reporting. The webinar addressed the reporting tasks and some of the common problems that users have encountered with GMS. The recording of the webinar has been uploaded to the Integrated Justice Portal (IJP) for viewing. It is located under the following sequence of tabs: Resources > Reference Library > Probation > Training.

A FAQ resulting from the quarterly reporting webinar will also be posted in the same location on the IJP within the next couple of weeks. If you would like a copy of the recording or FAQs and do not have access to the IJP, please contact Community Correction Representative I, Maureen McKeown, at Maureen.McKeown@dcjs.ny.gov. We appreciate the assistance of localities in submitting their quarterly report data as this information is vital to tracking the impact of this important public safety measure.

Lastly, DCJS-OPCA will be hosting its ***Sixth Annual Ignition Interlock Device Qualified Manufacturers' Conference on Friday, July 10, 2015 from 9:30 AM to 4:30 PM at the Alfred E. Smith Building, 80 South Swan Street, Room 348, Albany, New York 12210.*** An official notice with a detailed agenda and registration information will follow within the next

few weeks. Representatives involved with ignition interlock work are welcomed and encouraged to attend.

Should you have any IID related questions, please contact Community Correction Representative II, Shaina Kern at Shaina.Kern@dcjs.ny.gov. Thank you for your continued cooperation in the implementation of "Leandra's Law" and the extensive work undertaken in your jurisdiction.

Attachments:

- 1) 2014 Ignition Interlock Statistics
- 2) 2014 Aggravated DWI Arrests (Child Passengers)
- 3) 2014 IID Negative Event Counts by County

cc: Supervising Judges
District Attorneys
Executive Deputy Commissioner Michael C. Green