



Division of Criminal  
Justice Services

## Office of Probation & Correctional Alternatives Sixth Annual Ignition Interlock Manufacturers' Conference

9:30 a.m. - 4:30 p.m.  
Alfred E. Smith Building  
80 South Swan Street  
Albany, New York 12210

July 10, 2015

July 10, 2015

### *Update on Leandra's Law- Impact on Public Safety:*

Welcome & Introductions-

- Robert Maccarone, Deputy Commissioner and Director, DCJS OPCA
- Gary Govel, Director of Adult Operations, DCJS OPCA

**Intoxalock**  
Helping people to live and drive responsibly  
Owned and operated by Consumer Safety Technology, LLC

**SMART START**  
SEPARATING DRINKING FROM DRIVING®

**LifeSafer**

**Dräger**

 Division of Criminal  
Justice Services

July 10, 2015

# Leandra's Law



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# Leandra's Law

## November 18, 2009:

Former Governor, David Paterson, signed **Chapter 496 of the Laws of 2009**, otherwise known as "Leandra's Law."

## FIRST Effective Date - December 18, 2009:

New Class E Felony Offense-Enhanced Penalties for Persons who Operate a Motor Vehicle while Intoxicated, with a Child Passenger under 16 years of age. Penalty of up to 4 years in state prison.

 Division of Criminal  
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## Leandra's Law

### **Second Effective Date August 15, 2010– VTL §1192 (2), (2-a), or (3)**

- Requires that persons convicted of having committed VTL Section 1192 misdemeanor or felony DWI crimes, on or after the date of enactment, (November 18, 2009) and sentenced on or after August 15, 2010; shall be sentenced to a period of probation or conditional discharge, in addition to any sentence of imprisonment or payment of any fine or penalty imposed, and that they ***be ordered to install an Ignition Interlock Device (IID) in any motor vehicle they “own or operate.”***
  
- The term of probation or conditional discharge shall run ***consecutive*** to any term of imprisonment.
  
- The IID condition appears on the NYS Driver's License and the Driver's License File.

## Chapter 169 of the Laws of 2013

**July 26, 2013**- Governor Cuomo signed Chapter 169 of the Laws of 2013, amending Chapter 496 of the Laws of 2009 and strengthening Leandra's Law. The new law applies to those violations committed on or after November 1, 2013 and accomplishes the following:

- Extends the period of interlock restriction to a **minimum of 12 months** (from 6 months). Installation requirement shall terminate upon submission of proof from the offender that they had installed and maintained the device for at least six (6) months unless the court ordered a longer duration of installation.
  
- Authorizes the imposition** of IIDs to be installed **prior to sentencing** as a preventive measure. The period of IID restriction will commence from the earlier of the date of sentencing or the date an IID was installed in advance of sentencing.

## Chapter 169 of the Laws of 2013

- Those defendants who claim he/she is not the owner of any motor vehicle and that he/she will not operate any motor vehicle during the period of interlock restriction must assert such under oath and on the court record.
- Revised language **potentially subjects an offender to additional charges (i.e., Perjury)** if he/she is found to have intentionally made a false statement to a court.
- "Owner" shall have the same meaning as provided in Vehicle and Traffic Law §128.

## Chapter 169 of the Laws of 2013

- Ensures that youth adjudicated as **Youthful Offenders** of DWI will be subject to Leandra's Law provisions, including the ignition interlock requirement.
- Expands upon the **Class E Felony**, Aggravated Unlicensed Operation 1<sup>st</sup> degree to capture operators who were given the benefit of a conditional license after a DWI and/or alcohol related offense and then drive impaired again.

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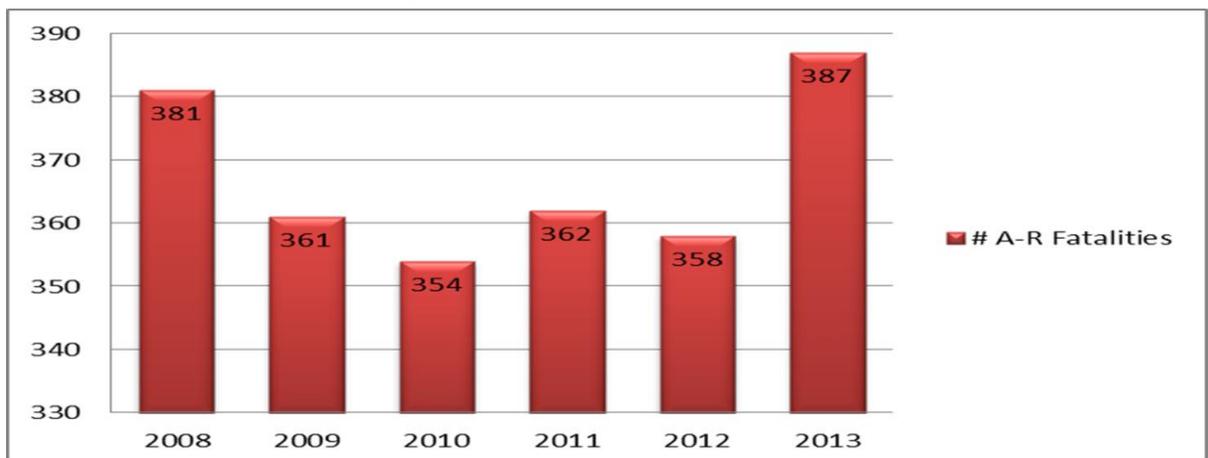
## Proposed Amendments to Part 358 to Accomplish the Following Goals:

- Ensure consistency with Chapter 169 of the Laws of 2013 for New York State, including the provision that courts may order the installation of the IID prior to sentencing.
- Ensure consistency with the National Highway Traffic Safety Administration (NHTSA) recommended standards for states.
- Recognize the necessity for lowered breath test volume in IID's for individuals with documented medical conditions.
- Define Real-Time Reporting consistent with IID advancing technologies.
- Define Emergency Response Protocol to ensure statewide consistency for counties implementing such.
- Clarify the requirement that operators report for service visits, consistent with the classification of IID's.



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## NYS ALCOHOL-RELATED MOTOR VEHICLE CRASH FATALITIES

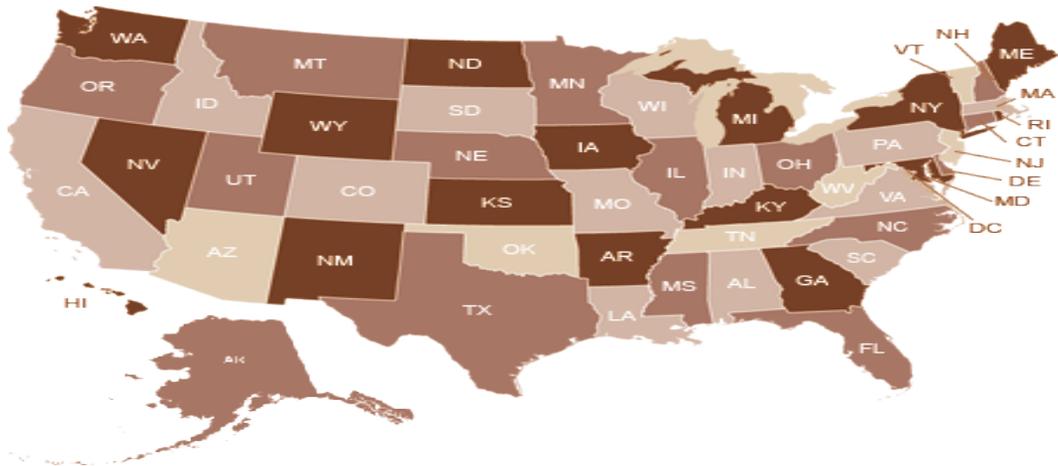


Source: NYS DMV AIS



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## A NATIONAL PICTURE – Currently, 25 states require interlocks for ALL offenders



Source: MADD



## Impaired Driving in New York State A Status Report

NYS Sixth Annual Ignition Interlock Manufacturers' Conference  
Albany, New York  
July 10, 2015

Presented by

Anne Dowling, PhD.  
Deputy Director  
Institute for Traffic Safety Management & Research  
University at Albany

## Alcohol-Impaired Driving What's Happening?

- Fatal & Personal Injury Crashes
- VTL 1192 & 1198 Arrests
- Drivers Sentenced to Ignition Interlock Under Leandra's law

## FATAL & PERSONAL INJURY CRASHES

- ❖ Where & When They Happen
- ❖ Gender & Age of Driver
- ❖ Other Factors Involved

## NYS Fatal & Personal Injury Police-Reported Crashes & Fatalities

	2009	2010	2011	2012	2013	Change 2009- 2013
Total F&PI Crashes	121,419	122,181	117,652	114,000	115,701	-4.7%
<b>A-R F&amp;PI Crashes</b>	<b>5,005</b>	<b>4,772</b>	<b>4,628</b>	<b>4,796</b>	<b>4,606</b>	<b>-8.0%</b>
<i>% of Total</i>	4.1%	3.9%	3.9%	4.2%	4.0%	
Total Fatalities	1,148	1,192	1,153	1,163	1,188	+3.5%
<b>A-R Fatalities</b>	<b>361</b>	<b>354</b>	<b>362</b>	<b>358</b>	<b>387</b>	<b>+7.2%</b>
<i>% of Total</i>	31.4%	29.7%	31.4%	30.8%	32.6%	

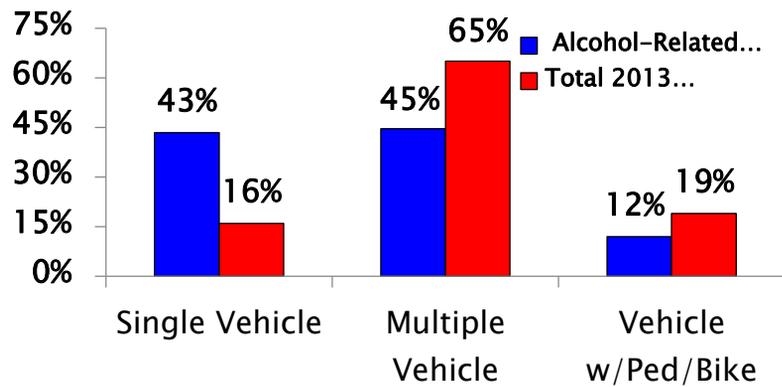
*Source: NYS DMV AIS*

## Fatalities in NYS Alcohol-Related Crashes 2009-2013

	Fatalities in A-R Crashes (N=1,822)
Drivers	991 (54%)
<i>Drinking Drivers</i>	908 (50%)
Passengers	325 (18%)
<i>Drinking Passengers</i>	265 (15%)
Pedestrians	458 (25%)
<i>Drinking Pedestrians</i>	392 (22%)
Bicyclists	48 (3%)
<i>Drinking Bicyclists</i>	41 (2%)

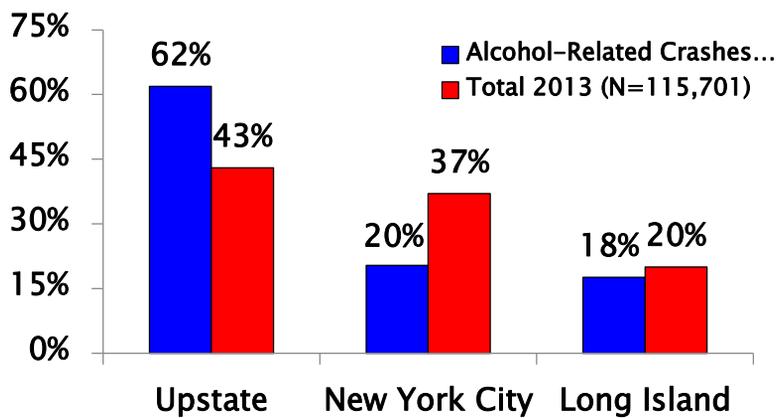
*Source: NYS DMV AIS*

## NYS Fatal & Personal Injury Crashes Manner of Collision: 2009-2013



Source: NYS DMV AIS

## NYS Fatal & Personal Injury Crashes Region: 2009-2013



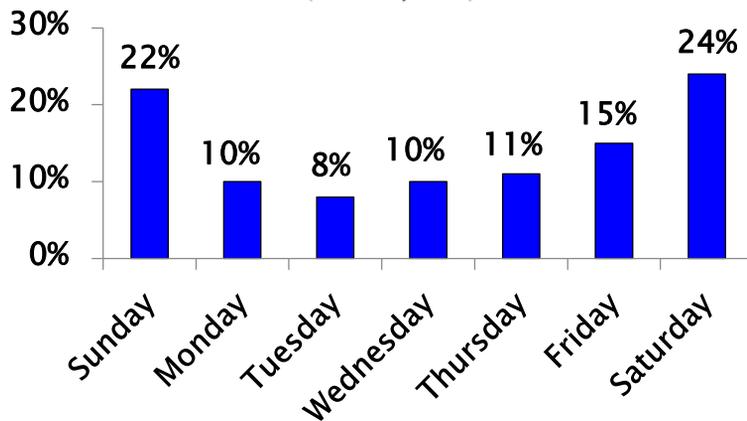
Source: NYS DMV AIS

## NYS Alcohol-Related F & PI Crashes Top Five Counties: 2009-2013

	#	%	% of Lic Dr 2013
Suffolk	2,422	10.2%	9.6%
Nassau	1,765	7.4%	8.7%
Kings	1,499	6.3%	8.1%
Erie	1,471	6.2%	5.6%
Queens	1,369	5.8%	9.5%
Statewide Total	23,807		11,425,157

*Source: NYS DMV AIS*

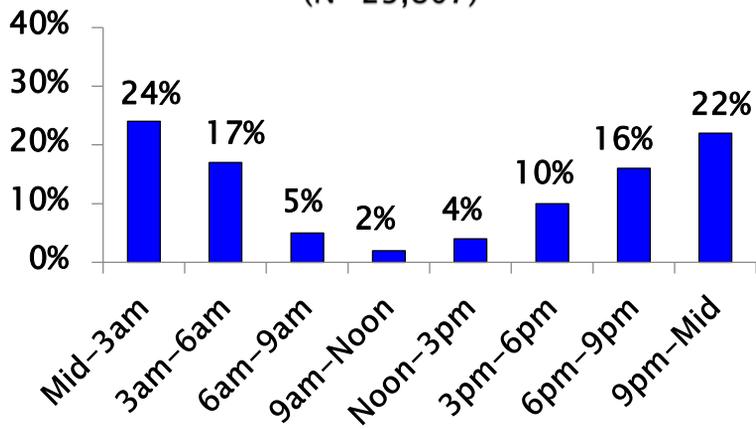
## NYS Alcohol-Related F & PI Crashes Day of Week: 2009-2013 (N=23,807)



*Source: NYS DMV AIS*

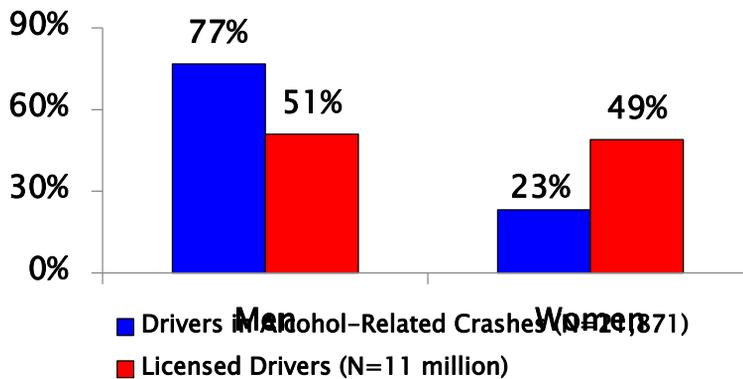
## NYS Alcohol-Related F & PI Crashes Time of Day: 2009-2013

(N=23,807)



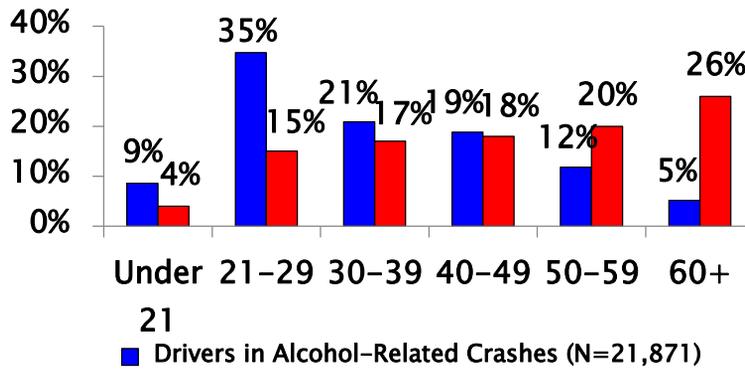
Source: NYS DMV AIS

## NYS Fatal & Personal Injury Crashes Drivers in A-R Crashes & Licensed Drivers Gender: 2009-2013



Source: NYS DMV AIS

## NYS Fatal & Personal Injury Crashes Drivers in A-R Crashes & Licensed Drivers Age: 2009-2013



*Source: NYS DMV AIS*

## NYS Alcohol-Related F & PI Crashes Selected Contributing Factors: 2009-2013

	Drivers (N=21,871)
Alcohol Involvement	93%
Unsafe Speed	25%
Drugs (Illegal)/Prescription Medication	3%

*Source: NYS DMV AIS*

## Alcohol-Impaired Driving Arrests in New York State

- ❖ Where & When They Happen
- ❖ Gender & Age of Driver
- ❖ Other Offenses Involved

## Alcohol-Impaired Driving Arrests (VTL 1192.1-3)

	2009	2010	2011	2012	2013	Change 2009- 2013
Drivers Ticketed	45,053	43,023	39,164	36,953	34,839	-22.7%
Tickets Issued	77,750	75,043	68,804	64,668	60,898	-21.7%

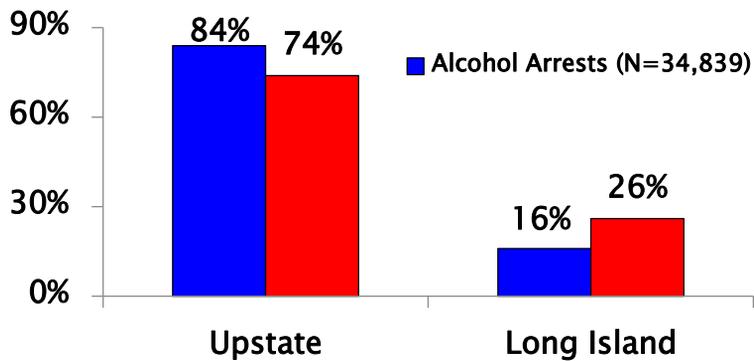
Source: NYS DMV TSLED

## Selected Companion Tickets Issued: 2013

	Alcohol-Impaired Drivers (N=34,839)
Speeding	21%
Drugs (1192.4 & 4a)	3%
Seat Belts	3%
Cell Phone/Texting	1%

Source: NYS DMV TSLED

## Alcohol-Impaired Driving Arrests (Outside New York City): 2013



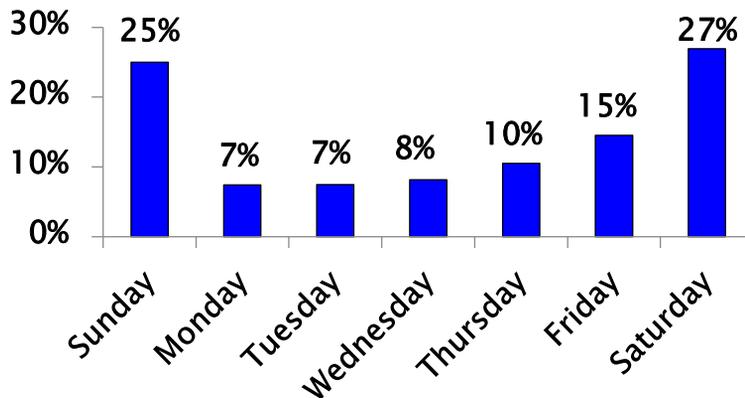
Source: NYS DMV TSLED

## Alcohol-Impaired Driving Arrests (Outside New York City) Top Five Counties: 2013

	#	%	% of Lic Dr 2013
Erie	3,071	8.8%	5.6
Suffolk	3,046	8.7%	9.6
Monroe	2,545	7.3%	4.5
Nassau	2,439	7.0%	8.7
Westchester	1,861	5.3%	5.7
Total	34,839		7,950,403

*Source: NYS DMV TSLED*

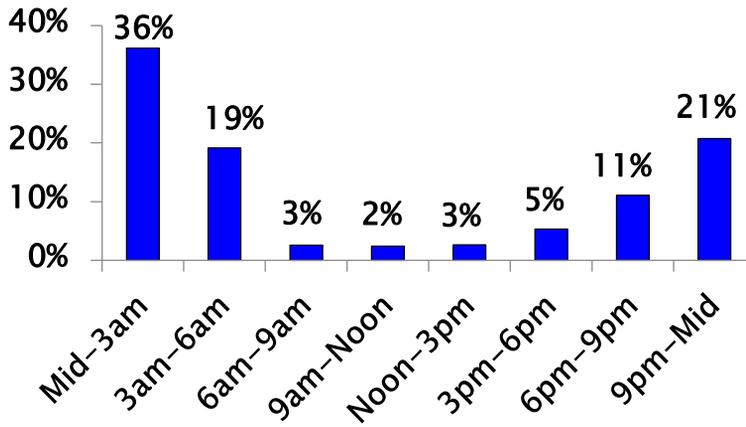
## Alcohol-Impaired Driving Arrests Day of Week: 2013 (N=34,839)



*Source: NYS DMV TSLED*

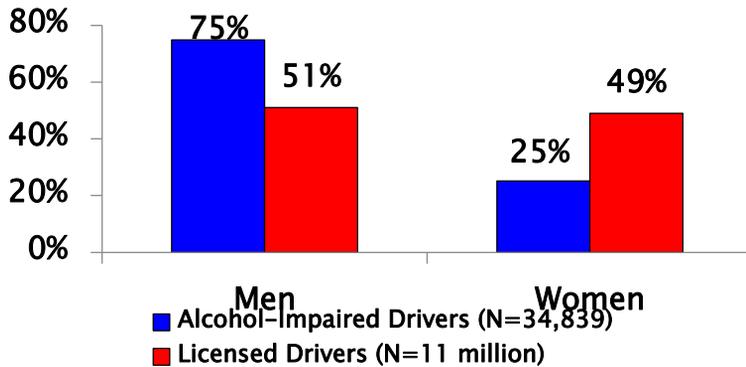
## Alcohol-Impaired Driving Arrests Time of Day: 2013

(N=32,002)



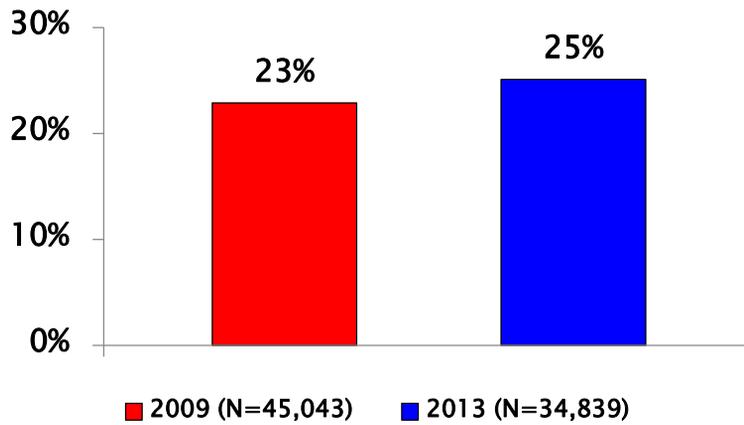
*Source: NYS DMV TSLED*

## Drivers Arrested for Alcohol-Impaired Driving & Licensed Drivers by Gender: 2013



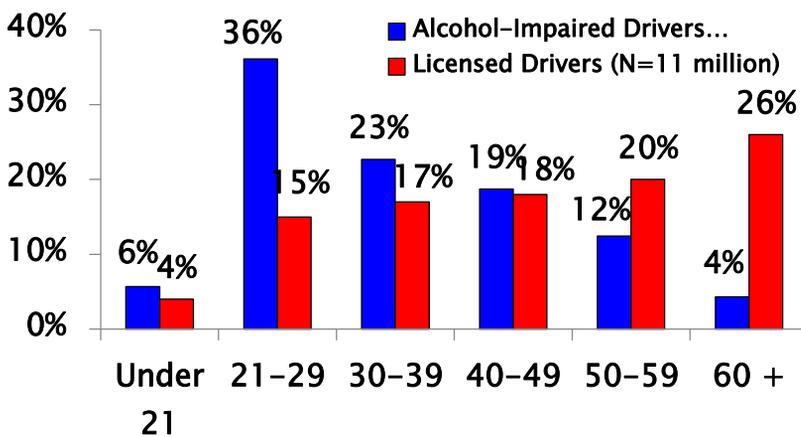
*Source: NYS DMV TSLED*

### Drivers Arrested for Alcohol-Impaired Driving Women: 2009 & 2013



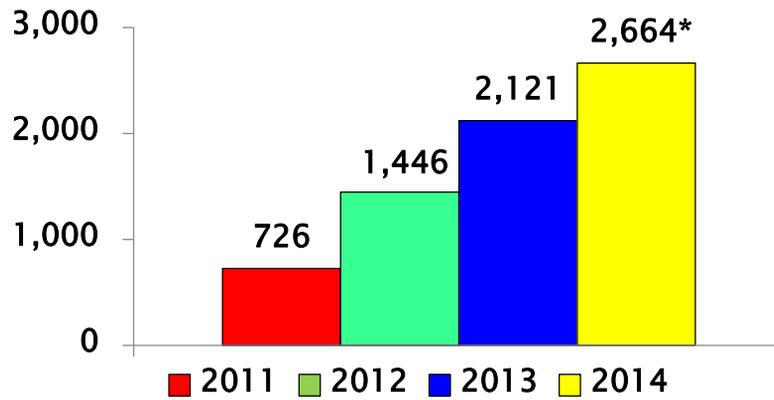
Source: NYS DMV TSLED

### Drivers Arrested for Alcohol-Impaired Driving & Licensed Drivers by Age: 2013



Source: NYS DMV TSLED

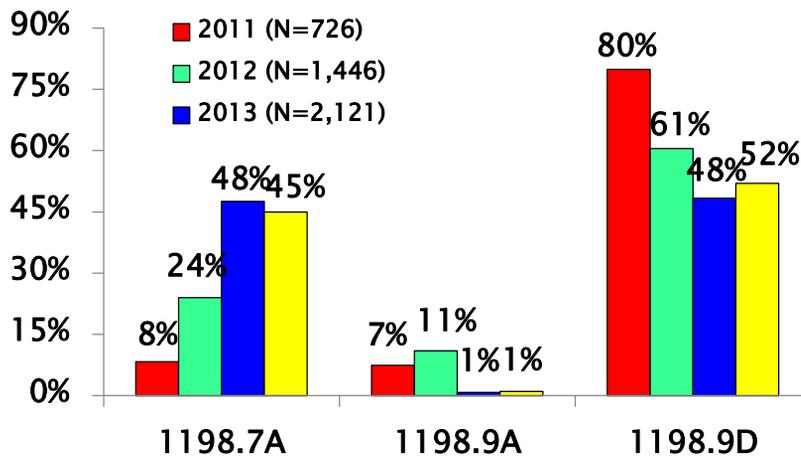
## Drivers Arrested for VTL 1198 2011-2014



\*Preliminary Number

Source: NYS DMV TSLED

## Drivers Arrested for VTL 1198 2011-2014



Source: NYS DMV TSLED

## SUMMARY

### Alcohol-Impaired Driving

	Change 2009 vs 2013	Change 2011 vs 2014	Percent Change
Alcohol-Related F&PI Crashes	-399		- 8%
<i>A-R Fatalities</i>	<i>+26</i>		<i>+ 7%</i>
1192 Arrests (TSLED)	-10,214		-23%
1198 Arrests (TSLED)		+1,938	inc 3+ times

## Leandra's Law Ignition Interlock Component

## Original Research Question of Effectiveness

- ▶ Are convicted drinking drivers who have been on an IID less likely to recidivate than drivers who have not been on an IID?

*Challenge has been obtaining the data needed to answer the question!*

## Effectiveness of Leandra's Law Study Design

- ❖ Drivers sentenced to interlock between July 2011 and June 2012
- ❖ Examine driving behavior...
  1. Between sentence date & installation date
  2. While on interlock
  3. After interlock is de-installed
- ❖ Examine driving behavior with regard to...
  1. Arrests & convictions
  2. Crash involvement

## COMPARISON OF DRIVERS SENTENCED TO INTERLOCK\* AND DRIVER LICENSE FILE

	#	%
Drivers Sentenced to Interlock	18,523	
# Drivers w/Possible NY License	15,851	86%
# Drivers on License File	14,835	80%

*\*Note: Study Period: July 2011–June 2012*

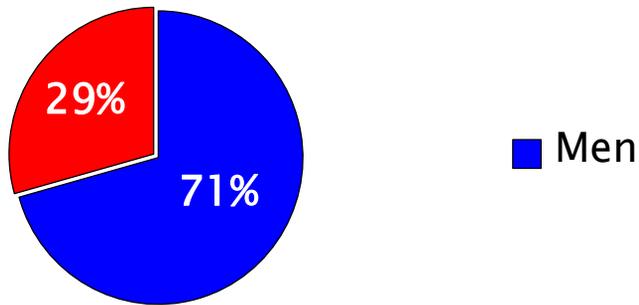
*Source: NYS DMV AIS & NYS OPCA*

## Intoxalock Drivers Matched to OPCA Files

- ❖ 11,606 = NYS Intoxalock Drivers
- ❖ 1,719 = Matched to OPCA files for study period
- ❖ **1,536 = Drivers with IID installed and de-installed as of March 10, 2015**
- ❖ 145 = Drivers with IID installed but not yet de-installed
- ❖ 38 = Drivers with 2 convictions & two sentences to IID

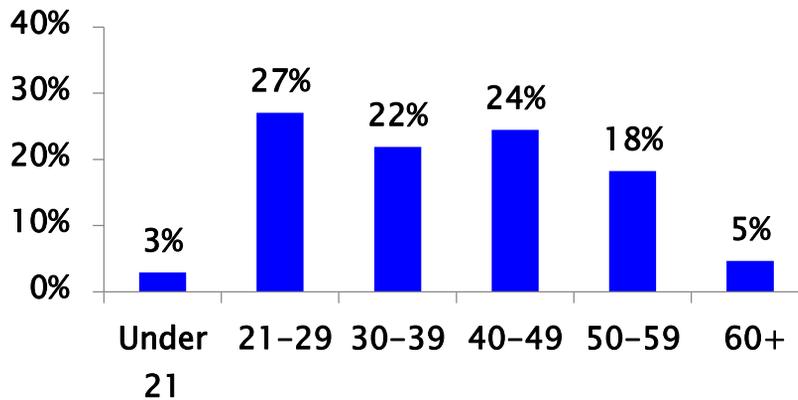
*Source: Intoxalock (3/10/15) & NYS OPCA*

## Drivers with IID Installed and De-Installed as of March 10, 2015 (N=1,448)



Source: Intoxalock & DMV Driver License File

## Drivers with IID Installed and De-Installed as of March 10, 2015 (N=1,448)



Source: Intoxalock & DMV Driver License File

## Drivers with IID Installed and De-installed Top Ten Counties by Arrest (N=1,448)

	#	%		#	%
1. Suffolk	158	10.9%	6. Wayne	58	4.0%
2. Nassau	116	8.0%	7. Niagara	43	3.0%
3. Monroe	72	5.0%	8. Oneida	41	2.8%
4. Ontario	61	4.2%	9. Broome	40	2.8%
5. Orange	61	4.2%	10. Chemung	40	2.8%

*Source: Intoxalock & DMV Driver License File*

## Driving History Between Sentence Date & IID Install Date (N=1,448)

	#	%
Drivers with 1192 Arrest & Conviction	5	0.3%
Drivers with 1198 Arrest & Conviction	8	0.6%
Drivers with 1192 & 1198 Arrests & Convictions	1	<0.1%
Drivers Involved in Alcohol-Related Crash*	0	0.0%

\* Note: Based on arrest event.

*Source: Intoxalock & DMV Driver License File*

## Driving History While on IID (N=1,448)

	#	%
Drivers with 1192 Arrest & Conviction	12	0.8%
Drivers with 1198 Arrest & Conviction	5	0.3%
Drivers with 1192 & 1198 Arrests & Convictions	2	0.1%
Drivers Involved in Alcohol-Related Crash	0	0.0%

*Source: Intoxalock & DMV Driver License File*

## Driving History After IID De-Installed (N=1,448)

	#	%
Drivers with 1192 Arrest & Conviction	70	4.8%
Drivers with 1192 Arrest Pending	18	1.2%
Drivers Involved in Alcohol-Related Crash	1	<0.1%

*Source: Intoxalock, DMV Driver License File & TSLED*

## Next Steps in Effectiveness Study of Leandra's law

- ▶ Explore obtaining data from additional IID vendors
- ▶ Match vendor data against driver license file
- ▶ Examine driving history of drivers on an IID
- ▶ Compare to driving history of drivers convicted of an alcohol offense during the one-year prior to implementation of Leandra's Law

## SUMMARY

### Driving History of Drivers on IIDs

	Sentence Date to IID Installed	While on IID	After IID De-installed
Drivers with 1192 Arrest & Conviction	5 (0.3%)	12 (0.8%)	70 (4.8%)
Drivers with 1198 Arrest & Conviction	8 (0.6%)	5 (0.3%)	NA
Drivers with 1192 & 1198 Arrests & Convictions	1 (<0.1%)	2 (0.1%)	NA
Drivers with Pending 1192 Arrest			18 (1.2%)
Drivers Involved in Alcohol-Related Crash	0 (0.0%)	0 (0.0%)	1 (<0.1%)

## Contact Information

Anne Dowling

ITSMR

E-mail: [adowling@itsmr.org](mailto:adowling@itsmr.org)

Website: [www.itsmr.org](http://www.itsmr.org)



Division of Criminal  
Justice Services

## Update on NYS DWI Arrests, Convictions & IID Statistics

Shaina Kern, Community Correction Representative II, DCJS OPCA

July 10, 2015

July 10, 2015



- ✓ **Aggravated DWI With A Child Cases:** December 18, 2009 thru June 22, 2015
- ✓ **Aggravated DWI With A Child Dispositions:** December 18, 2009 thru June 22, 2015
- ✓ **Manufacturer Snapshot Summary Chart:** August 2011 - May 2015
- ✓ **IID NYS Total Program Report:** August 15, 2010 - March 31, 2015
- ✓ **Ignition Interlock Annual Statistics:** 2010 - 2014
- ✓ **IID Negative Event Counts by County-** January 1, 2014 - December 31, 2014
- ✓ **VTL 1192 Felony & Misdemeanor Arrests:** January 2009 - May 2015
- ✓ **VTL 1192 Felony & Misdemeanor Convictions:** January 2009 - May 2015
- ✓ **Dispositions of DWI Arrests-** 2010 - 2014



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## Leandra's Law Dispositions December 18, 2009- June 22, 2015

- Class E Felony Arrests (VTL 1192 (2-a)(b))  
Aggravated DWI with a Child under 16 years of age in a motor vehicle
- Arrests : **4,691**
- Dispositions: **3,775**
- Total Sentences: **3,625**



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### Leandra's Law Sentences Aggravated DWI w/Child Cases December 18, 2009- June 22, 2015

Prison	141 (3.9%)
Local Jail	275 (7.6%)
Time Served	30 (0.8%)
Jail & Probation	712 (19.6%)
Probation	1641 (45.3%)
Fine	722 (19.9%)
Conditional Discharge	98 (2.8%)
Unconditional Discharge	5 (0.1%)
<b>TOTAL SENTENCES</b>	<b>3,625 (100%)</b>



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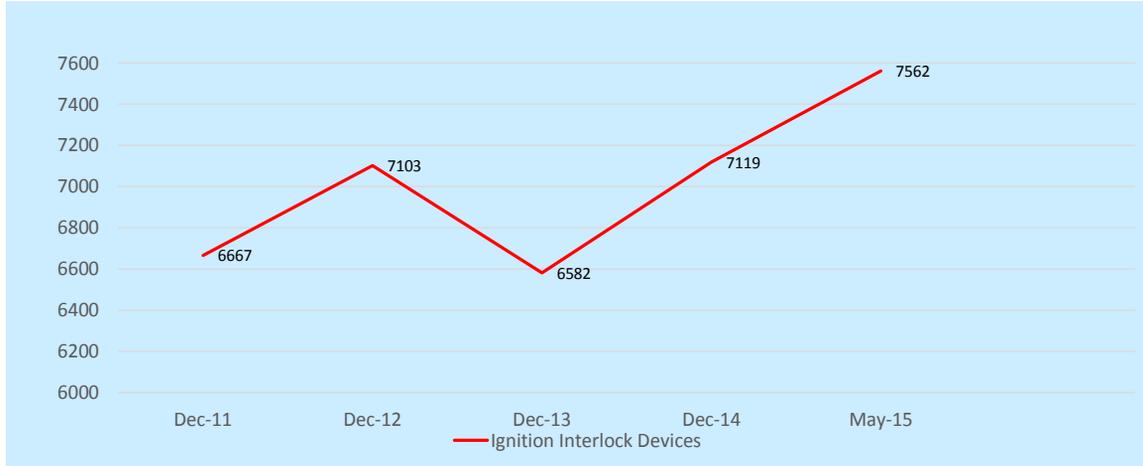
## NYS IID Manufacturers' Monthly Report

Manufacturers' Monthly Report NYS Division of Criminal Justice Services Office of Probation and Correctional Alternatives																
Manufacturer:										Reporting Month/Year:						
Device Name/Model:										NYS Device Class:						
County	DEVICE COUNTS				Fee Status, # of Units			NEGATIVE EVENT COUNTS								
	Remaining from Prior Month	Installs, Report Month	De-Installs, Report Month	Total Remaining at end of Month	Full Pay	Pay Plan	Waived	Missed Service Visit	Failed/ Missed Start-up Re-test	Failed Start-up Re-test: BrAC Range ≥ 0.08	Failed/ Missed Rolling Re-test	Failed Rolling Re-test: BrAC Range ≥ 0.08	Lock-outs		Attempted Circumvention or Tampering	
Albany																
Allegany																
Bronx																
Broome																
Cattaraugus																
Cayuga																
Chautauqua																
Chemung																
Chenango																
Clinton																
Columbia																



July 10, 2015

## Manufacturers' Summary Report Snapshot of IID's Installed December 2011-May 2015



July 10, 2015

## Total Program Report August 15, 2010 thru March 31, 2015

County/Agency	# Orders Rec'd.	IID Not Installed	Total % Not Installed	Installed by Class			Total Installed	Total % Installed	Payment Ordered			Total Payments	% Waived on Installed Only
				1	2	3			Full Payment	Payment Plan (Partial Payment)	Waived Payment		
Albany Probation	2,037	1,384	68%	165	167	321	653	32%	615	20	18	653	3%
Albany STOP-DWI	512	259	51%	0	0	253	253	49%	241	1	14	253	6%
Allegany Probation	260	184	71%	0	17	59	76	29%	60	6	10	76	13%
Broome Probation	505	440	87%	39	1	25	65	13%	57	4	4	65	6%
Broome District Att. & STOP-DWI	1,031	483	47%	526	22	0	548	53%	491	7	50	548	9%
Cattaraugus Probation	711	493	69%	2	50	166	218	31%	169	10	39	218	18%
Cayuga Probation	280	263	94%	1	0	16	17	6%	17	0	0	17	0%
Cayuga Counseling	231	119	52%	4	28	80	112	48%	111	0	1	112	1%
Chautauqua Probation	313	246	79%	1	22	44	67	21%	49	16	2	67	3%
Chautauqua Sheriff	481	363	75%	0	30	88	118	25%	117	1	0	118	0%
Chemung Probation	354	290	82%	0	12	52	64	18%	61	0	3	64	5%
Chemung STOP-DWI	726	465	64%	1	68	192	261	36%	253	3	5	261	2%
Chenango Probation	323	236	73%	38	23	26	87	27%	50	19	18	87	21%
Clinton Probation	942	679	72%	244	0	19	263	28%	150	61	52	263	20%
Columbia Probation	333	224	67%	91	1	17	109	33%	89	7	13	109	12%
Cortland Probation	406	268	66%	72	0	66	138	34%	112	14	12	138	9%
Delaware Probation	165	130	79%	9	11	15	35	21%	18	7	10	35	29%



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**Total Program Report of  
IID Orders & Installations Statewide:  
August 15, 2010 thru March 31, 2015**

- ✓ 81,265 ignition interlock orders were issued
- ✓ 22,191 interlocks installed (rate of 27.3%)

**IID Fee Payments:**

- ✓ 90.1% (19,984) of defendants were ordered to pay the full cost of the interlock
- ✓ 3.8% (847) of defendants were ordered to make partial payment
- ✓ 6.1% (1,355) of defendants were granted waivers



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New York State Ignition Interlock Annual Statistics: 2010-2014

Year	# Orders Rec'd.	IID Not Installed	% Not Installed	# IID Installed by Class			IID Installed	% Installed	Payment Ordered			% Waived on Installed Only
				1	2	3			Full	Plan	Waived	
*2010	4,620	3,117	67.5%	561	1	939	1,501	32.5%	1,362	46	93	6.2%
2011	18,626	13,007	69.7%	1,625	34	3,964	5,623	30.2%	5,094	125	404	7.2%
2012	18,288	13,391	73.2%	1,287	22	3,586	4,895	26.8%	4,367	184	344	7.0%
2013	17,718	13,288	75.0%	1,216	459	2,755	4,430	25.0%	3,963	232	235	5.3%
2014	17,475	12,992	74.3%	1,919	1,978	586	4,483	25.7%	4,069	200	214	4.8%
<b>TOTAL</b>	<b>76,727</b>	<b>55,795</b>	<b>72.7%</b>	<b>6,608</b>	<b>2,494</b>	<b>11,830</b>	<b>20,932</b>	<b>27.3%</b>	<b>18,855</b>	<b>787</b>	<b>1,290</b>	<b>6.2%</b>

\* Captures data from August 15, 2010 thru December 31, 2010



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## IID Negative Events/Failed Tests Report by County

IID Negative Event Counts by County  
January thru December 2014

NYS Local Jurisdiction	Missed Service Visit	Failed/Missed Start-up Re-test	Failed Start-up Re-test: BrAC Range ≥ 0.08	Failed/Missed Rolling Re-test	Failed Rolling Re-test: BrAC Range ≥ 0.08	Lock-outs Initiated (Temporary Lockout)	Vehicles Disabled (Permanent Lockout)	Attempted Circumvention or Tampering
	2014	2014	2014	2014	2014	2014	2014	2014
Albany	313	1158	106	1225	25	589	100	12
Allegany	14	48	4	51	9	44	3	0
Bronx	113	494	59	556	7	238	40	15
Broome	81	490	42	348	3	197	22	2
Cattaraugus	46	235	17	123	1	73	22	14
Cayuga	15	76	5	52	0	86	12	0
Chautauqua	15	119	25	39	1	87	10	0
Chemung	11	202	20	54	0	180	9	0
Chenango	12	69	12	65	1	57	9	2



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## Reports: IID Negative Events/Failed Tests by County

OPCA works with NY's Qualified IID Manufacturers & DCJS' Office of Justice Research and Performance (OJRP) to produce informative reports which relate directly to offender accountability.

The data reflects the following events for 2014:

- Missed Service Visit = **4,563**
- Failed/Missed Start-up Re-tests = **22,778**
- Failed Start-up Re-tests with BAC Range ≥ .08 = **2,579**
- Failed/Missed Rolling Re-tests = **18,641**
- Failed Rolling Re-tests with BAC Range ≥ .08 = **534**
- Lock-outs Initiated = **13,097**
- Vehicles Disabled = **1,874**
- Attempted Circumvention or Tampering = **305**





Division of Criminal  
Justice Services

# IID Monitors' Contractual Tasks & Performance Measures

Maureen McKeown, Community Correction Representative I, DCJS OPCA

July 10, 2015

July 10, 2015

## Monitor



Division of Criminal  
Justice Services

July 10, 2015

## County Monitor(s) IID Tasks & Performance Measures

### Task:

All operators court ordered to have an IID installed pursuant to “Leandra’s Law” and/or its amendments ***shall be registered in the New York State DMV License Event Notification System (LENS), or comparable system*** for the duration of the period of Probation, Conditional Discharge, or the pre-sentence Ignition Interlock order, where the probation department or other monitoring agency is permitted access to LENS.

### Performance Measure:

The number of operators court ordered to have an IID installed pursuant to such aforementioned laws who are registered in NYS’ DMV LENS, or comparable system by the applicable monitor each quarter.



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## County Monitor(s) IID Tasks & Performance Measures

### Task:

For all operators ordered to install an IID pursuant to Leandra’s Law, but who have not had such devices installed because of operator’s claim that they do not own or operate any vehicle(s), the applicable monitor will ***make inquiries to NYS’ DMV at least once per quarter to ensure that no vehicles are registered or titled to such person.***

### Performance Measure:

The number of operators ordered to install an IID pursuant to such aforementioned laws who have not had such devices installed, regarding whom the applicable monitor has made inquiries to the NYS DMV to ensure that no vehicles are registered or titled to such person during each quarter.



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## County Monitor IID Tasks & Performance Measures

### **Task:**

For vehicles found **registered or titled** to those operators ordered to install an IID pursuant to Leandra's Law, but who have not had such device installed because of operator's claim that they do not own or operate any vehicle(s), the applicable monitor will notify the court and district attorney forthwith and consider instituting violation actions where appropriate.

### **Performance Measure:**

The number of notifications made by the applicable monitor to courts and district attorneys regarding those operators with vehicles found registered or titled to them but who have not had an IID installed because of the operator's claim that they do not own or operate any vehicle(s).



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## Grants Management System Reporting Outcomes October 1, 2013 to December 31, 2014

- **Total IID cases reported for reimbursement: 20,529 (\$135 per order)**
- **Total added to LENS: 18,108**
- **Total DMV Checks made: 22,824**
- **Total Reports to Court & DA: 3,042 (13%)**



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# Applying the Work Plan Tasks

- Monitor
  - Via LENS, Dial-In, Compass or IJP
- Record
  - Develop a tracking sheet for use by both probation and CD monitors
- Report
  - Quarterly reports must be submitted to the IID email address, mailed to finance and entered into GMS
- Collaborate
  - Reports must be a collaborative effort between probation and CD monitors and should reflect the data for both on all tasks



July 10, 2015

# Panel One: IID Manufacturers

*Moderator- Shaina Kern, DCJS OPCA*

- Kent Owens, President & CEO, 1A LifeSafer, Inc.
- Matt Strausz, CEO, 1A Smart Start, Inc.
- Kimberly Williams, CEO, Consumer Safety Technology, LLC.
- Hansueli Ryser, VP of Government Affairs, Draeger Safety Diagnostics, Inc.



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- Device Functionality - National Highway Traffic Safety Administration (NHTSA) IID Specifications
- Implementation of NHTSA 2013 Devices in and out of New York State
- Promising Practices & Lessons Learned in other Jurisdictions
- Increasing IID Installation Rates
- IID Advancing Technologies – A Look Toward the Future



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The National Highway Traffic Safety Administration (NHTSA) published a notice in the Federal Register on **May 8, 2013**, (78 FR 26849; NHTSA Docket 2013–0058) that revised the Model Specifications for Breath Alcohol Ignition Interlock Devices (BAIIDs) with an effective date of **May 8, 2014**. On March 30, 2015 NHTSA released technical corrections. This notice also proposed some additional changes to the BAIID Model Specifications and requested comments on the proposed changes.

*1) Were there challenges in meeting certain requirements or test standards in terms of the revised specifications? If so, please elaborate. Do you feel the newer specifications will ultimately help the performance of IID units, the overall interlock industry, and State Interlock Programs? If yes, how so?*



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**2) What has been your experience as manufacturers in terms of rolling out your NHTSA 2013 approved devices both in and out of New York State?** Have many states adopted the current specifications? For those states adopting the current specifications, were devices installed before a certain date grandfathered in or was there a complete transition required within a certain timeframe, etc.?



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**3) What are some promising practices and/or lessons learned from other states and their ignition interlock programs, regulations, or laws? (i.e., compliance based removals)**



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4) **Increasing IID program participation** rates has been a struggle for many states and jurisdictions. While ignition interlock programs themselves may implement a number of tactics to increase program participation rates, what do you as manufacturers do in the states each of you are involved in to also try and increase such participation rates? (i.e., education and outreach to various stakeholders).



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5) New features or refinements to IID technology continue to assist jurisdictions in the supervision and monitoring of ignition interlock cases. What do you envision or hope for in terms of where this technology will be in another 5 or 10 years? Additionally, do you feel advanced IID technologies will be utilized more nationwide in general or more with judicial and/or hybrid ignition interlock programs?



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## Panel 2: DWI Offender Accountability

*Moderator- Maureen McKeown, DCJS OPCA*

- Honorable David W. Fryer, Assistant Deputy Counsel, Office of Justice Court Support
- Karen Rankin, Assistant District Attorney, Bureau Chief, Queens DA's Office
- James Davis, Esq., Gerstenzang, O'Hern, Sills & Gerstenzang
- Luci Welch, Probation Director, Orleans County
- Michele James, STOP-DWI Coordinator, St. Lawrence County



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- Strengths and Challenges of Implementing an Effective IID Program
- Leandra's Law Revisions
- Ignition Interlock Installation Rates
- Negative Events/Failed Tests and Graduated Responses



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**1) Given your specific role and experience, what have been some strengths and challenges of implementing an effective ignition interlock program and/or working with offenders who are convicted of a Leandra's Law offense and ordered to install and maintain an IID?**



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**2) What impacts have you observed as a result of the revision to Leandra's Law which occurred through Chapter 169 of the Laws of 2013?**



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**3) How do you feel IID installation rates could best be increased?**



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**4) What struggles do offenders appear to have in relation to their IID requirements and all that encompasses such?**



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5) What do you typically see, if anything, as to the courts response to DWI cases brought before them and to negative events (i.e., missed service visits, tampering, circumventions) or failed tests/re-tests reported to them?



**Thank You!**

Shaina Kern  
Division of Criminal Justice Services  
Office of Probation and Correctional Alternatives  
(518) 485-8855  
[Shaina.kern@dcjs.ny.gov](mailto:Shaina.kern@dcjs.ny.gov)

Maureen McKeown  
Division of Criminal Justice Services  
Office of Probation and Correctional Alternatives  
(518) 485-9941  
[maureen.mckeown@dcjs.ny.gov](mailto:maureen.mckeown@dcjs.ny.gov)

