



STATE OF NEW YORK
DIVISION OF CRIMINAL JUSTICE SERVICES
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MICHAEL C. GREEN
EXECUTIVE DEPUTY COMMISSIONER

ROBERT M. MACCARONE
DEPUTY COMMISSIONER AND DIRECTOR

STATE DIRECTOR'S MEMORANDUM # 2013-8

**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: May 10, 2013

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

- ***New Reports—IID Negative Events/Failed Tests Report by County and by IID Manufacturer/Vendor***
- **January 1, 2013 - March 31, 2013 IID Quarterly Report**
- **August 15, 2010 - March 31, 2013 IID Total Program Report**
- **Manufacturer/Vendor Report thru January 2013**

A total of 13,232 ignition interlock devices have been installed in the motor vehicles "owned or operated" by drivers convicted of DWI in New York State since the implementation of "Leandra's Law" on August 15, 2010. This represents 28.9 % of the 45,824 offenders convicted of DWI crimes during the period August 15, 2010-March 31, 2013.

A total of 11,909 or 90% of sentenced operators paid the full costs of installation and monthly lease charges. Sentencing Courts approved Payment Plans (partial payment) for 422 (3.2%) of operators ordered to install IID's, and 901 (6.8%) convicted operators were granted waivers for all costs, requiring manufacturers to provide IID's without any compensation. *Nineteen localities reported "waiver rates" of 10% or higher and nine localities reported "waiver rates" of 20% 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 IID lease costs will increase, which will affect affordability.

For the period December 18, 2009-March 20, 2013, 2,797 individuals were arrested for aggravated DWI--driving while intoxicated with a child under 16 years of age in a motor vehicle.

New Reports—Included with this State Director’s Memorandum are two new reports—the **IID Negative Events/Failed Tests by County, and by IID Manufacturer/Vendor**. OPCA has been working with the IID Manufacturers and the DCJS Office of Justice Research and Performance to produce these two informative reports which relate directly to offender accountability. The data reflects the following events: Missed Service Visits; Failed/Missed Start-up Retests; Failed Start-up Retests with BRAC Range $\geq .08$; Failed/Missed Rolling Re-tests; Failed Rolling Retests with BRAC Range $\geq .08$; Lock-outs Initiated; Vehicles Disabled and Attempted Circumvention or Tampering—by County and IID Manufacturer.

Probation Departments and Monitors are requested to continue to submit IID Quarterly Report within 30 days of the close of the quarter, in a Microsoft Office Excel format, to dcjsopcaiireports@dcjs.ny.gov. The next Quarterly Report will be due ***no later than Wednesday, July 31, 2013***. 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 IID related questions, please contact Community Corrections 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 county.

Attachments:

- 1) IID Monitors’ Quarterly Report- January 1, 2013 - March 31, 2013
- 2) NYS YTD IID Monitors’ Report August 15, 2010 - March 31, 2013
- 3) Vendor Report Summary August 15, 2010 - January 31, 2013
- 4) IID Negative Events/Failed Tests Counts by County – January/February 2013 YTD
- 5) IID Negative Event Counts by Vendor – January/February 2013 YTD
- 6) Aggravated DWI Child Cases - December 18, 2009-March 20, 2013

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