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**STATE DIRECTOR'S MEMORANDUM #2014-4**

**TO: All Probation Directors/Commissioners**

**FROM: Robert M. Maccarone, State Director**

**DATE: August 26, 2014**

**SUBJECT: Managing DWI Probationers--Specialized Risk and Needs Assessment Instruments for DWI Offenders**

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This State Director's Memorandum updates previous correspondence to all Probation Directors dated May 6, 2008, entitled "Specialized Risk and Need Assessment Instruments for DWI Offenders." Since 2008, much has changed affecting probation's management of individuals convicted of DWI crimes, including the passage and implementation of Chapter 496 of the Laws of 2009, commonly referred to as "Leandra's Law", and recent amendments reflected in Chapter 169 of the Laws of 2013, effective November 1, 2013.

DWI Probationers under community supervision require the allocation of considerable resources. DWI Offenders constitute nearly 25% of the adult probationer population statewide; 66.9% have a prior DWI arrest, 48% have a prior DWI misdemeanor conviction, and 8% have a prior DWI felony conviction. Since the inception of the ignition interlock provisions of "Leandra's Law" on August 15, 2010 through June 30, 2014, over 68,236 DWI offenders have been sentenced to probation or conditional discharge and the number of ignition interlock devices installed has increased to 18,628.

While great strides have been made in recent years in reducing the number of alcohol-related fatalities in NYS, DWI-related crimes continues to pose a serious threat to highway and community safety, with over 375 DWI related fatalities reported in 2013. Probation departments have long recognized the seriousness of this population and have responded by establishing dedicated supervision caseloads, conducting specialized and enhanced pre-plea/sentence investigations, requiring specialized orders and conditions, conducting community surveillance, convening victim impact panels, enforcing warrants and utilizing the latest technologies.

Although probation departments have reported the use of the general risk instrument—the New York Correctional Offender Management Profiling for Alternative Sanctions (NYCOMPAS)—in their annual probation plans, few departments report the use of specialized DWI assessment tools. The use of specialized risk and need instruments for the DWI offender can assist probation departments in the preparation of pre-plea/pre-sentence investigation reports and the development of supervision and treatment plans, as well as prioritize the highest risk probation

cases when the availability of supervision resources and treatment are limited. These tools can prove beneficial to probation as a supplement to NYCOMPAS for better assessing risk and needs of impaired drivers as many such offenders score well in traditional pro-social scales.

Since the issuance of the first guidance to probation departments on the availability of specialized DWI assessments, there have been some new additions as well as recent and updated clinical research to report. Accordingly, the attached Summary of Alcohol-Related Risk Assessment Instruments contains updated research information on the effectiveness and accuracy of some of the most widely used alcohol-related risk assessment instruments in the nation. Notably, the updated summary includes information on the Impaired Driving Assessment--recently published by the American Probation and Parole Association (APPA). The matrix within this document further highlights various features of the instruments as ranked by the National Highway Traffic Safety Administration (NHTSA), the NYS Office of Alcohol and Substance Abuse Services (OASAS) and the Center for Substance Abuse Research (CESAR). Additionally, the matrix, in the "Predictive Capabilities" column, highlights the tools that can also be used to assess the likelihood of an offender committing another drinking and driving offense.

As a reminder, a recording of the Live Meeting on the presentation on DWI Risk and Need Assessments offered by OPCA with assistance of Albany County Probation Department in June 2013 is available for viewing in DCJS' Integrated Justice Portal at the following location: Resources> Reference Library> Probation> Training and is titled: *DWI Risk Need Assessment Live-Meeting June 27, 2013*.

If you or a member of your staff has any questions concerning the assessment tools reviewed by OPCA, please feel free to contact Community Corrections Representative 1, Maureen McKeown at [Maureen.McKeown@DCJS.ny.gov](mailto:Maureen.McKeown@DCJS.ny.gov) or (518) 485-9941.

Thank you for your continued support and professionalism.

Attachment: *2014 Summary of Alcohol-Related Risk Assessment Instruments*