



New York State
Division of Probation and Correctional Alternatives (DPCA)

IGNITION INTERLOCK PROGRAM PLAN

DAVID A. PATERSON
GOVERNOR



ROBERT MACCARONE
STATE DIRECTOR

Fulton COUNTY IGNITION INTERLOCK PROGRAM PLAN

INSTRUCTIONS: In accordance with New York State Division of Probation and Correctional Alternatives (DPCA) Rules and Regulations 9 NYCRR Section 358.4, every county, and the City of New York, shall establish an ignition interlock program plan with respect to the usage of ignition interlock devices and monitoring compliance of any operator subject to the condition of an ignition interlock device as directed by a sentencing court. Such plan shall be approved, as applicable, by the county executive, county administrator, etc., and in cities with a population of one million or more, the mayor, and become effective on or before August 15, 2010. **The plan shall be filed with DPCA no later than June 15, 2010.** Where a plan has been amended by the county/city, it shall be promptly filed with DPCA in advance of its new effective date. Please complete all portions of the attached plan and return **no later than June 15, 2010** to:

**Walter Cogswell
Community Corrections Representative III
NYS Division of Probation and Correctional Alternatives
80 Wolf Road – Suite 501
Albany, New York 12205**

Or E-Mail
Applications2010@dpca.state.ny.us

NOTE: This plan form has been prepared so that you may check appropriate boxes and type responses into expanding text boxes.

Plan prepared by:

Name: Michael Kirkpatrick

Title: Director II

Phone Number: 518 773-3571

E-Mail: mkirkpatrick@co.fulton.ny.us

Address: Street: 64 E. Fulton Street

City: Gloversville, NY

Zip Code: 12078

Questions about plan should be directed to:

Same as above

Or

Name

Phone

E-Mail

1. Every county/city shall develop a plan in consultation with the county/city's probation director, district attorney, and in New York City the district attorney from each of the five boroughs, sheriff or Police Commissioner where applicable, STOP-DWI Coordinator, a representative of its drinking driver program where applicable and where more than one program exists in the county, a representative designated by the county executive, a superior and local criminal court judge designated by the administrative judge for the county, and in New York City a superior and local criminal court judge designated by the deputy chief administrative judge, a representative of an agency providing legal services to those unable to afford counsel in criminal cases designated by the county executive. A county/city may consult with other persons or entities as the county executive deems appropriate with respect to development of its plan. Indicate those consulted in the preparation of this plan. Check all that apply:

- District Attorney and in NYC the District Attorney from each of the five boroughs
- Drinking Driver Program Representative
- Local Criminal Court Judge
- Police Commissioner (Specify Department)
- Probation Director
- Representative of Legal Services for Indigent
- Sheriff
- STOP-DWI Coordinator
- Superior Court Judge
- Other (Specify)
- Other (Specify)

2. Every plan shall specify monitoring by the probation department where the operator is subject to a period of probation supervision.

- The Probation Department is designated as the monitor where the operator is subject to a period of probation.

3. Every plan shall specify the persons or entities responsible for monitoring where an ignition interlock device has been imposed pursuant to a conditional discharge. The following are designated to monitor conditional discharge cases:

- District Attorney
- Drinking Driver Program
- Police Commissioner (Specify Department)
- Probation
- Sheriff
- STOP-DWI Coordinator
- TASC
- Traffic Safety Board Representative
- Other Agency or Organization* (Specify:)

*Must be similar individual, agency or organization; cannot be a qualified manufacturer and/or installation/service provider.

Comments: (Provide any additional comments, if any, regarding the monitoring of conditional discharge cases here) Every officer in the Fulton County Probation Department will receive an equal number of the conditional discharge cases to monitor.

Provide contact information for your designated monitors: (attach additional pages if necessary)

Department/Agency: Fulton County Probation Contact Name: Ronald Briggs Phone Number: 518 773-3581 E-Mail: rbriggs@co.fulton.ny.us Address: Street:64 E. Fulton St. City: Gloversville Zip Code: 12078	Department/Agency: Fulton County Probation Contact Name: Darlene D'Onofrio Phone Number: 518 773-3574 E-Mail: ddonofrio@co.fulton.ny.us Address: Street:64 E. Fulton St. City: Gloversville Zip Code: 12078
Department/Agency: Fulton County Probation Contact Name: Patrick Clear Phone Number: 518 773-3575 E-Mail: pclear@co.fulton.ny.us Address: Street:64 E. Fulton St. City: Gloversville Zip Code: 12078	Department/Agency: Fulton County Probation Contact Name: Christine Reynolds Phone Number: 518 773-3578 E-Mail: creynolds@co.fulton.ny.us Address: Street:64 E. Fulton St. City: Gloversville Zip Code: 12078

4. Every plan shall establish that where an operator is under probation supervision, the department selects the specific class and features of the interlock device from a qualified manufacturer in its region. The operator may select the model of the ignition interlock device, meeting the specific class and features selected by the probation department from a qualified manufacturer in the operator's region of residence.

This plan establishes that where an operator is under probation supervision, the department selects the specific class and features of the interlock device from a qualified manufacturer in its region. The operator may select the model of the ignition interlock device, meeting the specific class and features selected by the probation department from a qualified manufacturer in the operator's region of residence.

5. Every plan shall establish that where an operator has received a sentence of conditional discharge, the monitor shall select the class of ignition interlock device available from a qualified manufacturer in its region for any such operator. The operator may select the model of the ignition interlock device from within the class designated by the monitor from a qualified manufacturer in the operator's region of residence.

This plan establishes that where an operator has received a sentence of conditional discharge, the monitor shall select the class of ignition interlock device available from a qualified manufacturer in its region for any such operator. The operator may select the model of the

ignition interlock device from within the class designated by the monitor from a qualified manufacturer in the operator's region of residence.

6. In the event more than one qualified manufacturer does business within its region, the county/city shall establish an equitable procedure for manufacturers to provide ignition interlock devices without costs where an operator has been determined financially unable to afford the costs and has received a waiver (waiver cases) from the sentencing court. The equitable procedure should be based upon the proportion of ignition interlock devices paid to each qualified manufacturer by operators in the county/city.

Describe the procedure that the county/city will utilize to ensure the equitable distribution of waiver cases among manufacturers operating in the county/city. This will require coordination between the courts and monitors. The Fulton County Probation Department will maintain records on each case ordered to install the interlock system. These records will include the number of cases assigned to each manufacturer and the number of cases paid for by the offender, partially paid for by the offender or installed with a waiver of fees. This information will be obtained from Monitor Notification Order after completion by the court. Courts will be encouraged to return this form to probation immediately upon sentencing through e-mail or fax.

In cases where partial payment or a waiver of payment is determined approved by the court, contact will be made between the installer and probation department as to the appropriate manufacturer to be used based on equitable distribution of waiver cases.

7. Every plan shall establish a distribution formula for any available funding earmarked for probation supervision and/or monitoring purposes associated with 9 NYCRR Part 358 (Handling of Ignition Interlock Cases Involving Certain Criminal Offenders).

Describe the distribution formula that the county/city will utilize for any funding specifically provided for probation supervision and/or monitoring purposes associated with DPCA Rules and Regulations 9 NYCRR Part 358. Counties may choose to distribute funds according to the percentage of cases handled by each monitoring entity. The Fulton County Probation Department is the exclusive monitor of both conditional discharge and probation cases in Fulton County. Therefore, all funds specifically provided for supervision of monetary purposes should be distributed to the Fulton County Probation Department.

Provide contact information for fiscal officer:

Name: Edgar Blodgett

Title: Treasurer

Phone Number: 518 736-5580

E-Mail: eblodgett@co.fulton.ny.us

Address: Street: 223 W. Main Street

City: Johnstown

Zip Code: 12095

8. Every plan shall establish a procedure whereby the probation department and any other monitor will be notified no later than five (5) business days from the date an ignition interlock condition is imposed by the sentencing court, any waiver of the cost of the device granted by the sentencing court, and of any intrastate transfer of probation or interstate transfer of any case which either has responsibility to monitor. Such procedure shall also establish a mechanism for advance notification as to date of release where local or state imprisonment is imposed.

a. Describe the procedure the county/city will utilize to ensure the probation department and any other monitor will be notified of the ignition interlock condition no later than five (5) business days from the date an ignition interlock condition is imposed by the sentencing court. The Fulton County Probation Department will supply a Monitor Notification of Ignition Interlock Order (DPCA 510-11N) to each court and will rely on this form for notification within 5 business days of the order by the court.

b. Describe the procedure the county/city will utilize to ensure the probation department and any other monitor will be notified no later than five (5) business days from the date an ignition interlock condition is imposed by the sentencing court of any waiver of the cost of the device granted by the sentencing court. This form (DPCA 510-11N) will be used to inform the Fulton County Probation Department of any waiver of costs of the device granted by the court.

c. Describe the procedure the county/city will utilize to ensure the probation department and any other monitor will be notified no later than five (5) business days from the date an ignition interlock condition is imposed by the sentencing court of any intrastate transfer of probation or interstate transfer of any case which either has responsibility to monitor. Form DPCA 510 will be utilized to ensure notification of the probation department within 5 days of any case requiring transfer within or out of state.

As a backup for A, B and C, the Fulton County District Attorney's Office will notify the Fulton County Probation Department when a plea bargain is agreed to on all DWI cases and/or the day after a DWI convicted individual is sentenced.

d. Describe the procedure the county/city will utilize for advance notification as to date of release where local or state imprisonment is imposed. Jurisdictions may wish to utilize the VINE network. The Fulton County Probation Department will call the booking department of the Fulton County Correctional Facility within 5 days after sentence of a DWI convicted offender and obtain a release date for the offender. Ten days prior to release, the probation department will call the booking department of the Fulton County Correctional Facility and will verify the release date.

The probation department will utilize the VINE network to obtain the release date of DWI offenders sentenced to state prison. This procedure will be followed until the NYS Division of Parole is assigned monitoring of their own cases.

9. Every plan shall establish a procedure governing failure report recipients, including method and timeframe with respect to specific notification and circumstances. Failure report recipients are all persons or entities required to receive a report from the monitor of an operator's failed tasks or failed tests pursuant to a county/city's plan which may include, but is not limited to the sentencing court, district attorney, operator's alcohol treatment provider, and the drinking driver program, where applicable. At a minimum, the procedure shall be consistent with the provisions of DPCA Rules and Regulations Section 358.7(d) with respect to sentencing court and district attorney notification of specific failed tasks and failed tests reports.

Describe the county/city plan to report operator's failed tasks or failed tests to failure report recipients. Identify report recipients, method of reporting, events to be reported, and reporting time frames. Upon learning of:

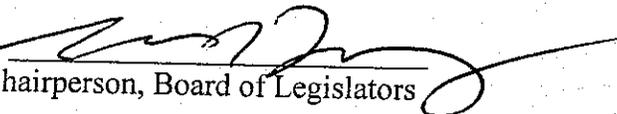
1. Failure to install ignition interlock device.
2. Operator has not complied with service visit requirements.
3. A report of alleged tampering or circumventing an ignition interlock device.
4. A report of a failed start up re-test.
5. A report of a missed start up re-test.
6. A report of a failed rolling re-test.
7. A report of a missed rolling re-test.
8. A report of a lockout mode.

The probation department will notify the sentencing court and the district attorney within 3 business days of any of the above conditions via form DPCA 133CR-11D, Conditional Discharge/Probation Ignition Interlock Notification to court and district attorney.

Recommendations regarding the violation will be made via this form by the probation department.

Acknowledgement

This Ignition Interlock Program Plan has been developed in accordance with NYS Division of Probation and Correctional Alternatives Rules and Regulations Part 358.

County Executive Signature: 
Title of County Executive: Chairperson, Board of Legislators
Date

Additional contact information for designated monitors:

3. Fulton County Probation

April McGivern

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Gloversville 12078

Kathy Charbonneau

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