



STATE OF NEW YORK
DIVISION OF CRIMINAL JUSTICE SERVICES
Alfred E. Smith Office Building
80 South Swan Street
Albany, New York 12210
<http://criminaljustice.ny.gov>

MICHAEL C. GREEN
EXECUTIVE DEPUTY COMMISSIONER

ROBERT M. MACCARONE
DEPUTY COMMISSIONER AND DIRECTOR

STATE DIRECTOR'S MEMORANDUM # 2014-6

**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: November 26, 2014

RE: 2014 Semi-Annual "Leandra's Law" Status Report

Since August 15, 2010, when the ignition interlock provisions of "Leandra's Law" went into effect, to September 30, 2014, 19,766 ignition interlock devices (IIDs) were installed in motor vehicles "owned or operated" by DWI and other alcohol-related criminal offenders in New York State (NYS). This represents 27.3 % of the 72,531 ordered to install IIDs in motor vehicles which they own or operate.

The Division of Criminal Justice Services (DCJS) --Office of Probation and Correctional Alternatives (OPCA) continues to closely monitor the number and class of IIDs installed, as well as the method of payment. The number of IIDs installed where the costs have been waived for operators, and paid for by ignition interlock manufacturers, declined from 7.2% in 2011 to 5.3% in 2013. Yet 23 jurisdictions have installation rates exceeding 10% where costs are entirely waived and paid by IID Manufacturers.

A continuing concern has been the monitoring of offender-operators subject to IID requirements, who fail to install an IID -"non-installers." On September 24, 2014, DCJS offered a Live Meeting webinar regarding Supervision/Monitoring of IID Non-Installers for IID monitors. A copy of this recording is available in the eJusticeNY Integrated Justice Portal. Additionally, DCJS incorporated new measurable tasks beginning in its' 2013-14 agreements with localities receiving funding through the Governor's Traffic Safety Committee (GTSC). These include the following:

- All operators ordered to install the IID, including non-installers, must be registered in the NYS Department of Motor Vehicles (DMV) License Event Notification System (LENS) or a comparable system by monitors.
- Monitors are required to make quarterly inquiries into NYS DMV databases to ensure that no vehicles are registered or titled to offenders subject to Leandra's Law who have not had IIDs installed because of their claiming that they do not own any vehicle(s).

- Offenders subject to Leandra’s Law who fail to install the IID, and are subsequently determined to have motor vehicles registered or titled in their names are promptly reported to the court and district attorney, and their cases are reviewed for violation actions.

During the period of July – September 2014, Monitors ran checks on 4,849 operators—non-installers through NYS DMV databases and found that 635 (13.1%) had a motor vehicle titled or registered in their name.

Notably, the number of individuals arrested for Vehicle and Traffic Law (VTL) Section 511 Offenses—Aggravated Unlicensed Operation (AUO) of a Motor Vehicle has remained virtually unchanged with 3,687 arrests in 2009, 3,816 in 2010, 3,672 in 2012 and 3,634 in 2013. Also, the number of DWI related fatalities has also remained relatively flat with 361 in 2009, 358 in 2012 and 379 in 2013. Lastly, the number of Aggravated Felony DWI Crimes—with a child under 16 years of age in the motor vehicle now exceeds 4,100 for the period December 2009 through October of 2014.

Chapter 169 of the Laws of 2013, effective November 1, 2013, strengthens “Leandra’s Law” and implements new safeguards to keep drunk drivers off our roadways. This law increased the minimum period of time required for the installation of the IID, from six months to 12 months, yet authorized IID termination can occur if the IID has been installed after 6 months, unless the court has ordered a longer duration of installation, recognized imposition of IID installation prior to sentencing, and extended Leandra’s Law applicability to individuals adjudicated Youthful Offenders of such Leandra’s Law crimes. Further, the law set forth additional restrictions that a court can only waive installation of an IID where the defendant asserts under oath that 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, except as may be authorized pursuant to law, and established a new class E Felony for individuals who drive drunk with a Conditional License. Finally, it clarified that operators provide proof of installation of compliance with IID requirements to the court and the appropriate monitor when subject to probation or conditional discharge.

Effective October 4, 2013 new three-year service agreements were approved by the New York Office of State Comptroller with four IID Manufacturers, and on November 1, 2013 DCJS-OPCA implemented its new classification of IIDs, which now includes the required integration of a camera or facial recognition capability.

OPCA will provide semi-annual reports on the IID program to update all applicable parties regarding Leandra’s Law, statistical updates regarding the IID program, and other related matters of interest to the field. OPCA is also pleased to advise that Annual Statistics regarding New York’s IID program for the years 2010 through 2013, are now available on DCJS’ website under OPCA’s Interlock Devices tab at: <http://www.criminaljustice.ny.gov/opca/ignition.htm>. 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 jurisdiction.

Attachment:

- 1) IID Total Program Report thru September 30, 2014

cc: Supervising Judges by Honorable Lawrence Marks
Executive Deputy Commissioner Michael C. Green