

## Tioga County Amended Ignition Interlock Program Plan- July 2011

In accordance with the NYS Division of Probation and Correctional Alternatives (DPCA) Rules and Regulations 9 NYCRR Section 358.4, the following plan is established for implementing an Ignition Interlock Device (IID) Program in Tioga County for the use of IID's and monitoring compliance of any operator subject to the condition of an ignition interlock device as directed by a sentencing court. This plan will go into effect immediately for all Aggravated DWI, DWI and Operating a Motor Vehicle >.08 BAC convictions.

### Plan Development

1. Original plan was developed in consultation with the following entities.
  - a. Probation Director
  - b. District Attorney
  - c. Sheriff
  - d. STOP DWI Coordinator
  - e. Superior Court Judge
  - f. A representative of the Local Magistrates
  - g. A representative of the Public Defenders Office
  - h. Legislative Chairperson – Public Safety Committee

Amended plan was developed in consultation with: Probation Director, District Attorney, Undersheriff and Legislative Chairperson. All the other original team members were invited to planning meeting but did not attend.

This plan shall be reviewed periodically in consultation with the above listed entities for the purpose of identifying and enacting revisions.

### Monitoring

2. Where a court has sentenced an individual to a period of Probation and has imposed the installation of an IID pursuant to the conditions of probation, the Tioga County Probation Department shall perform all monitoring duties.
  - a. Contact: Joy Bennett                      bennettj@co.tioga.ny.us  
Director of Probation              (607)687-8535  
20 Court St, Suite 1  
Owego, New York 13827
3. Where a court has sentenced an individual to a Conditional Discharge, and has imposed the installation of an IID as a condition, monitoring will be performed by the Tioga County Sheriff's Office.
  - a. Contact: Mike Jackson      jacksonm@co.tioga.ny.us  
Undersheriff              (607)687-0871  
103 Corporate Drive  
Owego, New York 13827

### Selection of Ignition Interlock Devices

4. Tioga County Probation will require probationers to install an Ignition Interlock device that is classified as a Class III device, the Probation Department will give the operator a list of approved manufacturers in the Tioga County region that have an Ignition Interlock Class III ignition interlock device and allow the operator to choose the manufacturer of the unit.

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At the time of the submission of this amended plan four manufacturers have installation locations within 50 miles of Tioga County.

5. Where an operator has received a sentence of conditional discharge, the Ignition Interlock Device Monitor, here after referred to as IIDM, shall give the operator a list of approved manufacturers in the Tioga County region that have a Class III Ignition Interlock device and allow the operator to choose the manufacturer of the unit. At the time of the submission of this amended plan four manufacturers have installation locations within 50 miles of Tioga County.

### Distribution of Waiver Cases

6. The distribution of "Waiver Cases" shall be conducted on a rotation basis. Both monitoring entities shall maintain an active log of all waiver installations for operators they monitor in the same Excel data base. A When a waiver case has been determined by the sentencing court the monitoring entity shall select the manufacturer next in line to receive the case.

An annual review of waiver case distribution will be performed and if the rotation system is found to be unfair, a distribution frequency rate will be developed based upon the total number of referrals to each manufacturer servicing the Tioga County region from the previous year. The review will be conducted by the Director of Probation, Undersheriff and the Chief Fiscal Officer of the County.

### Distribution of Funding

7. Any outside funding for the monitoring operation of the IID Program shall be received and distributed by the Chief Fiscal Officer of the County pro rata after an operations review and in consultation with the following:
  - a. Legislative Chairperson – Public Safety Committee
  - b. Director of Probation
  - c. Undersheriff

Contact: Chief Fiscal Officer – James P. McFadden                      mcfaddenj@co.tioga.ny.us  
Tioga County Treasurer                      (607)687-8668  
56 Main St  
Owego, NY 13827

### Monitor Notification

8. Upon sentencing a defendant to either a term of Probation or Conditional Discharge the sentencing Court will issue a written order of Probation or Conditional Discharge. The Court will also sign NYS DMV form 1192. This form advises the defendant their license will be revoked in 20 days from the sentencing date. Each sentencing Court will direct the defendant to contact one of the Ignition Interlock manufacturers listed that has a Class III device and to have that Ignition Interlock device installed in any vehicle that they own or operate within 10 days of sentencing.

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It is the intention of this plan that defendants will have the Ignition Interlock device installed on all automobiles they own or operate during the mandated NYS DMV driver's license revocation period.

Upon completion of ignition interlock term the monitoring agent will issue a certificate of completion to the IID installer and NYS Department of Motor Vehicles. A minimum of six (6) months of monitoring must be completed on all Conditional Discharge orders.

On Probation orders for felony convictions it is anticipated that defendants will have an IID installed a minimum of twenty four (24) months if the device is installed within 10 days of sentencing. If the defendant does not obtain an automobile until they are eligible for Court ordered restoration of their driving privileges (approximately one year after sentencing) then the IID device must be installed for twelve (12) months. No installer shall remove an Ignition Interlock device without a certificate from the Tioga County Probation Department or Tioga County Sheriff's Office IIDM.

a/b. When a court sentence imposes as a condition of probation or conditional discharge that an operator must install an IID, the sentencing court shall make written notification to the appropriate monitoring entity within five (5) business days. These orders will be faxed or emailed to monitoring entity, with hard copies mailed via US mail to the monitoring agency. The written notification shall include: a copy of the Court's Order and Condition of Probation or Conditional Discharge Order, a completed "IID Installation form" prescribed by Tioga County exclusively for this purpose and any executed waivers. The IID Installation form will detail the conditions set forth in the sentence and other information including, but not limited to:

1. Whether a financial waiver has been ordered.
2. What vehicles the Ignition Interlock device must be installed in
3. Incarceration and release date information, if applicable.

In the event the defendant is sentenced to Probation supervision and lives in another County or State, intrastate or interstate transfer regulations will be applied. In probation transfer cases involving contiguous counties or states the defendant will be given information on all manufacturers' products available in Tioga County and directed to get the Class III Ignition Interlock device installed within 10 days of sentencing.

In the event the defendant is sentenced to a Conditional Discharge and resides in another county or state, the IIDM will review what county or state the defendant resides in. If the county or state is contiguous to Tioga County the defendant will be directed to get the Class III Ignition Interlock device installed within 10 days of sentencing by an approved manufacturer servicing Tioga County. If it is a noncontiguous county or state, a specific plan will be developed on a case by case basis between the IIDM, defendant and sentencing Court.

d. It shall be the responsibility of the monitoring entity to verify incarceration release dates via Sallyport, VINE or the NYS DOCS website. Tioga County has created an ignition interlock email account for direct notification from NYS DOCS about an inmate's release.

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**Failure to Comply Notifications**

9. Each monitor shall be responsible for promptly making notifications to failure report recipients. The manner and type of notification shall in accordance with the following.

<b>Type of Event</b>	<b>Failure Rpt Recipient</b>	<b>Notification Method</b>	<b>Notification Time Frame</b>	<b>Additional Monitor Action</b>
Operator has failed to install IID	DA, Court	UCR	UCR-3 Days	Attempt to make immediate phone contact with court
Operator has not complied with service visit requirements	DA, Court	Letter	3 Days	
Report of alleged tampering/attempting to or circumventing an IID	Court	UCR	UCR-3 Days	Attempt to make immediate phone contact with court
Report of a failed rolling re-test	DA, Court	UCR	UCR-3 Days	Attempt to make immediate phone contact with court
Report of a missed rolling re-test	Court	Letter	3 Days	
Report of lockout*	Court	Letter/UCR	3 Days	* Probation Cases only

**Acknowledgement**

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

**County Executive: Dale N. Weston**  
**Chairman, Tioga County Legislature**

County Executive Signature *Dale N. Weston* Date 7/5/11

CERTIFIED COPY OF RESOLUTION ADOPTED BY THE TIOGA COUNTY LEGISLATURE  
ADOPTED 7/12/2011

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 154-11 APPROVAL OF TIOGA COUNTY  
IGNITION INTERLOCK PLAN FOR  
COMPLIANCE WITH LEANDRA'S LAW

WHEREAS: The provisions of Vehicle and Traffic Law Section 1198, known as Leandra's Law, require additional county services for the monitoring of ignition interlock devices for all DWI convictions; and

WHEREAS: Tioga County submitted a plan on June 3, 2010 to be in compliance with the rules and regulations of New York State Office (formerly Division) of Probation and Correctional Alternatives that requires all Counties to establish an Ignition Interlock Program Plan; and

WHEREAS: Tioga County submitted an amended Ignition Interlock Plan on July 5, 2011; now therefore be it

RESOLVED: That the Tioga County Legislature hereby adopts the Tioga County Amended Ignition Interlock submitted plan.

STATE OF NEW YORK)

ss.:

COUNTY OF TIOGA)

This is to certify that I, the undersigned, Clerk of the Tioga County Legislature, have compared the foregoing copy of the resolution with the original resolution now on file in the office, and which was passed by the Legislature of said County on the twelfth day of July, 2011, a majority of all the members elected to the Legislature voting in favor thereof, and that the same is a correct and true transcript of such original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the County Legislature this twelfth day of July, 2011.



*Maurice J. Dougherty*  
Clerk of the Tioga County Legislature