



STATE OF NEW YORK  
DIVISION OF CRIMINAL JUSTICE SERVICES  
4 Tower Place  
Albany, New York 12203  
<http://criminaljustice.state.ny.us>

SEAN M. BYRNE  
ACTING COMMISSIONER

ROBERT M. MACCARONE  
DEPUTY COMMISSIONER  
AND DIRECTOR  
(518) 485-7692  
(518) 485-5140 FAX

**STATE DIRECTOR'S MEMORANDUM # 2011-17**

**TO:** All Probation Directors and Commissioners  
Ignition Interlock Monitors  
District Attorneys

**FROM:** Robert M. Maccarone, Deputy Commissioner *R.M.M.*  
Director, Office of Probation and Correctional Alternatives

**DATE:** September 13, 2011

**SUBJECT:** "Leandra's Law"—Status Report on Implementation

- Second Quarter 2011 (April 1-June 30)
- Implementation Date (August 15, 2010) to June 30, 2011

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During the Second Quarter of 2011, (April 1-June 30), probation and monitoring agencies received 4,822 court orders for the installation of IID's; 1,392 IID's or 28.9% were actually installed during the quarter. A total of 1,253 IID's or 89% were court-ordered "full pay" units; 28 IID's or 2% required payment plans (partial payment); and 127 IID's or 9% of IID's were units where the lease costs were waived by the court.

For the period August 15, 2010 (IID program implementation) to date (period ending June 30, 2011), probation and monitoring agencies received 13,832 court orders for the installation of IID's; 4,471 or 32.3% were actually installed during this period. A total of 4,069 IID's or 89.6% were court-ordered "full pay" units; 133 IID's or 2.9% required payment plans (partial payment); and 340 IID's or 7.5% were units where the lease costs were waived by the court.

Significantly, the percentage of cases where the convicted operator was ordered to make partial payment was less than half that where the costs were completely waived (2.9% v. 7.5%). During the early months of program implementation, we anticipated that the number of partial

payment cases would far exceed that for which the cost would be waived, as operators would be ordered to pay for at least some portion of the lease cost averaging \$3 per day. We continue to carefully monitor the “waiver rate” as the state’s regulations require us to annually reconsider the agreements with the seven manufacturers/vendors if the statewide “waiver rate” exceeds 10%. If manufacturers raise IID lease costs, it may well result in more waivers being ordered, extending the rate of “unaffordability” statewide and compromising the program.

OPCA continues to emphasize that convicted operators, who request partial payment plans or waivers of lease costs complete the Financial Disclosure Report (FDR) so that judges will have the most complete information available concerning the monthly income, assets and expenditures of convicted DWI operators. This form was developed in cooperation with the Office of Court Administration. A copy of the FDR is available in English or Spanish at <http://www.dpca.state.ny.us/ignition.htm> or <http://www.nycourts.gov/forms/index.shtml>.

OPCA also continues to monitor the actual installation rate of IID’s statewide, as a significant number of convicted DWI operators transfer title to motor vehicles and represent they will no longer operate a motor vehicle. While operator compliance with supervision and monitoring conditions set by the Courts appears encouraging, national studies indicate that a number of convicted operators will continue to operate motor vehicles in violation of the law. It is noted that the IID condition remains on the NYS Driver’s License and File for the entire period of probation sentence (3 or 5 years) or conditional discharge (1 or 3 years) or until the probation department or monitoring agency advises the Department of Motor Vehicles otherwise. This was done to ensure that the condition will remain on the Driver’s License and File for persons serving consecutive sentences. Convicted Operators are also reminded by monitors that operating a motor vehicle that is not equipped with an IID is a Class A Misdemeanor punishable by up to one year incarceration in New York State.

We again recommend that counties reconvene their “Leandra’s Law” planning teams, and review the attached Second Quarter and Program Implementation to Date Reports in view of our goals to continue to improve and enhance highway and community safety. Also, we remind counties of the importance of submitting their quarterly vouchers for payment reimbursement within 30 days of the close of each quarter and the current grant. Final Vouchers should be submitted to DCJS by October 31, 2011. Localities should also continue to submit their Quarterly Program Reports within 30 days of the close of the quarter to [iidreports@dcjs.state.ny.us](mailto:iidreports@dcjs.state.ny.us). A new quarterly report has been sent out to monitoring agencies that should clarify reporting requirements.

At this time, we have no information as to the status of the grant application submitted to the Governor’s Traffic Safety Committee (GTSC) by OPCA for second year reimbursement to counties and the City of New York for monitoring compliance. We will advise counties as soon as we learn more information.

Lastly, you should note that OPCA is working with the Office of Court Administration and the Town and Village Justice Court Resource Center to conduct an evening Webcast on Tuesday, October 11, 2011 that includes an update on Leandra’s Law for Town and Village Justices.

Additional information on this webcast will be distributed by the Office of Court Administration.

Attachments

- 1) Second Quarter 2011 (April 1- June 30) IID Monitors Report
- 2) Implementation Date (August 15, 2010) to June 30, 2011 IID Monitors Report

cc: County Executives/Administrators  
Supervising Judges