



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 # 2011-5

**TO:** County Executives/Administrators

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

**DATE:** April 1, 2011

**SUBJECT:** "Leandra's Law"--REVIEW OF IMPLEMENTATION

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It has been over a year since the passage and implementation of Chapter 496 of the Laws of 2009, or "Leandra's Law" in New York State and it's a good time to review our progress. Since December 18, 2009, a total of 1,037 individuals have been arrested for DWI with a child under 16 years of age in their motor vehicle, a class E felony offense. As you know, another important component of this law, effective August 15, 2010, requires the installation of ignition interlock devices (IID's) in motor vehicles "owned or operated" by persons convicted of driving while intoxicated or aggravated driving while intoxicated for a minimum period of six months. For the period August 15 through December 31, 2010, a total of 2,037 IID's have been ordered and installed according to reports submitted by localities, which effectively doubles the number of IID's in New York State.

Attached are statistics for 82 of 83 reporting agencies in New York State charged with monitoring/supervising convicted operators granted conditional discharge or ordered under probation supervision pursuant to "Leandra's Law". In all, 4,675 individuals were sentenced between August 15 and December 31, 2010; a total of 2,017 or 44% of convicted operators actually installed IID's in their motor vehicles. Some operators were ordered to install IID's in more than one vehicle.

Pursuant to Vehicle and Traffic Law (VTL) §1198(3)(f), if a driver has been convicted of driving while intoxicated or aggravated driving while intoxicated, the ignition interlock restriction shall be noted on the driver's license and on the driving record. If the motorist holds a full license, a conditional license or a post revocation conditional license, the restriction will be recorded. The restriction remains on the license and record for a minimum of six months. Subsequent operation by convicted operators of motor vehicles not equipped with IID's is a Misdemeanor Offense, punishable by up to one year incarceration.

The data for the first quarter also reflects that 1,840 or 90.3% of the ignition interlock devices were paid for (leased) by the convicted operator. The courts ordered 53 (2.6%) of operators to enter into payment plans with manufacturers of ignition interlock devices, and ordered that the cost of the device be waived and units be provided by manufacturers for 141 (7.1%) individuals. The number of operators deemed unable to afford the IID and granted waivers exceeded (triple) the number of operators ordered to pay a reduced monthly lease cost or payment plan. We would have expected that the number of payment plans (reduced monthly cost) ordered would exceed the number of units where the court ordered that the cost be waived (supported by the manufacturer). We continue to encourage localities to utilize the Financial Disclosure Report form developed in cooperation with the Office of Court Administration.

Preliminary information from the DMV indicates that courts are imposing the mandatory ignition interlock condition on the disposition report in 82% of the cases. In cases where courts have not imposed the mandatory condition, DMV is sending correspondence informing the court of the oversight and requesting amendment to the disposition, as this is required for DMV to notate the driver's license and record.

Much has occurred in recent months with the implementation of this important law that will undoubtedly reduce the number of traffic injuries and save lives in New York State. Last month, the New York City Office of the Criminal Justice Coordinator and the Queens County District Attorney's Office convened a very productive meeting of the City's ignition interlock program planning team to assess the implementation of Leandra's Law. The planning team carefully reviewed the data from the first quarter (August 15-December 31, 2010) and identified challenges as well as opportunities for improving outcomes. This proved to be very helpful, and it is therefore recommended that all counties re-convene their planning teams to provide a forum for these discussions at the local level. Accordingly, I have attached information that may assist counties in reviewing their implementation of this important law.

Finally, as you are aware, the Division of Criminal Justice Services Office of Probation and Correctional Alternatives has worked with the NYS Governor's Traffic Safety Committee (GTSC) during the past year and obtained \$3 million in grant funds from the federal National Highway Traffic Safety Administration (NHTSA) to assist localities with the implementation of Leandra's Law. During the past month, notification and contracts were sent to localities through the DCJS Grants Management System (GMS). It is important that each jurisdiction electronically sign and return the contract as soon as possible so that we may process payments. We would ask that you not submit vouchers for payment until you are notified that your

contract has been fully executed. Quarterly Reports (template attached) should be submitted within 30 days after the end of the quarter to [iidreports@dcjs.state.ny.us](mailto:iidreports@dcjs.state.ny.us). We appreciate the assistance of localities in sending quarterly report information as such information is vital in tracking the impact of this public safety measure.

Should you have any questions or need more information, please contact Walter Cogswell at [walter.cogswell@dcjs.state.ny.us](mailto:walter.cogswell@dcjs.state.ny.us). Thank you for your continued cooperation in the implementation of “Leandra’s Law” and the extensive work undertaken in your county.

Attachments

- 1) IID 2010 4<sup>th</sup> Quarter Statistics
- 2) Aggravated DWI with a Child Cases

cc. Supervising Judges through Honorable Judy Harris Kluger  
District Attorneys  
Probation Directors/Commissioners  
IID Monitors