



DCJS

Office of Probation and Correctional Alternatives

Alcohol Interlock Symposium 14 **"Alcohol Interlocks: Managing Risk and Behavior Change"** **Washington, D.C.** **August 17-19, 2014**

***New York State's Ignition Interlock Program--
Approaches to Quality Assurance***

Robert M. Maccarone
Deputy Commissioner and Director

NYS Division of Criminal Justice Services
Office of Probation and Correctional Alternatives

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“Leandra’s Law in New York State”

- Statutory Authority: November 18, 2009 —Governor signs Chapter 496 of the Laws of 2009 or the “**Child Passenger Protection Act**” known as “**Leandra’s Law**”
 - FIRST Effective Date --December 18, 2009
 - New Class E Felony Offense-Enhanced Penalties for Persons who Operate a Motor Vehicle while Intoxicated, with a Child passenger under 16 years of age. Penalty of up to 4 years in state prison. Requires law enforcement to file report with social services for possible neglect/abuse investigation in accordance with Article 6 of the NYS Social Services Law.
 - Enhances penalties for driving while intoxicated and causing the death or serious injury to any child (ren) passenger under 16 years of age. Operators convicted of Aggravated Vehicular Assault (Class C Felony) and Aggravated Vehicular Homicide (Class B Felony) offenses are subject to state imprisonment up to 15 and 25 years imprisonment, respectively.

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New York’s State’s Ignition Interlock Program

- SECOND and THIRD Effective Dates--
 - Requires that persons convicted of New York State Vehicle and Traffic Law Section 1192 Misdemeanor or Felony DWI Offenses (including crimes of which VTL Section 1192 is an element) *committed* on or after the date of enactment, November 18, 2009 and *sentenced* on or after August 15, 2010, must be sentenced to a term of probation supervision or conditional discharge, in addition to any sentence of imprisonment, and/or penalty or fine imposed, and must have an Ignition Interlock Device installed in any motor vehicle they “**own or operate**”

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New York's Ignition Interlock Program

Chapter 169 of the Laws of 2013 (effective November 1, 2013)

“Leandra’s Law” is strengthened as follows:

- Extends the period of ignition interlock restriction from 6 months to a *minimum* of 12 months
- Authorizes imposition of IIDs to be installed prior to sentencing.
- Establishes that a court can waive the installation of an IID only where the defendant asserts under oath that he/she is not the owner of any motor vehicle
- Affirms the application of “Leandra’s Law” to youthful operators (up to age 20) adjudicated as “Youthful Offenders”
- Expands Class E felony to Aggravated Unlicensed Operation 1st Degree-- operators with a conditional license who drive impaired again following a DWI alcohol-related offense conviction.
- Clarifies that operators provide proof of installation compliance with the IID requirement

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DWI Arrests and Probation Supervision in New York State

- 6,034 felony and 42,372 misdemeanor DWI arrests in 2013
- 108,935 active adult probationers (as of June 15, 2014)
- 24,551 or 22.5% are supervised due to a DWI conviction
- In some counties--up to 45% of probationers under supervision are DWI offenders
- DWI Probationers are often repeat offenders with three or more prior offenses and they are alcohol dependent
- 68,236 IID's Ordered & 18,625 Installed (27.3%) for the period *August 15, 2010 to June 30, 2014*

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NYS ALCOHOL-RELATED FATAL & PERSONAL INJURY CRASHES AND FATALITIES

	2008	2009	2010	2011	2012	Prelim 2013
A-R F&PI Crashes	5,130	5,005	4,772	4,268	4,796	4,494
A-R Fatalities	381	361	354	362	358	379
% of Total Fatalities	31%	31%	30%	31%	31%	32%

Source: NYS DMVAIS

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Quality Assurance-State Regulation and Leadership

“Handling of Ignition Interlock Cases Involving Certain Criminal Offenders in NYS” (Title 9 NYCRR Part 358)

- Qualification of IID Manufacturers and their Installation/Service Providers
- Supervision and Monitoring of DWI Offenders --Probation and Conditional Discharge Monitors ensure offender accountability
- <http://www.criminaljustice.ny.gov/opca/pdfs/358.pdf>

Other Important State Leadership Initiatives

- Data and Information Sharing –Installation Reports, Failed Tests
- Continued judicial, police, prosecutor, probation, community education

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Title 9 NYCRR Part 358

Section 358.1 - Objective.

This Part's objective is to promote public/traffic safety, offender accountability, and quality assurance through the establishment of minimum standards for the usage and monitoring of ignition interlock devices imposed by a criminal court for a felony or misdemeanor under the Vehicle and Traffic Law or Penal Law

Part 358 - Handling of Ignition Interlock Cases Involving Certain Criminal Offenders.

Section 358.1 - Objective.

Section 358.2 - Applicability.

Section 358.3 - Definitions.

Section 358.4 - County Ignition Interlock Program Plan.

Section 358.5 - Approval Process and Responsibilities of Qualified Manufacturers.

Section 358.6 - Cancellation, suspension, and revocation of qualified manufacturers, and installation/service providers, and certified ignition interlock devices.

Section 358.7 - Monitoring.

Section 358.8 - Costs and maintenance.

Section 358.9 - Record Retention and Disposition.

Section 358.10 - Liability.

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Quality Assurance & Program Structure

Title 9 NYCRR §358.5 Approval Process and Responsibilities of Qualified Manufacturers

- NYS Divided into four service regions
- Requires IID installation sites within 50 mile radius of operators; this is confirmed by the production of maps produced quarterly
- NYS Classifies certified IID Devices (Classes I, II, and III)—Match Risk of the Offender to the Device and Features

CLASS I: This class contains the following minimum features: Meets NYS Department of Health and National Highway Traffic Safety Administration Regulations and Standards; utilizes fuel cell technology; reporting capabilities; capabilities for storage of data; programmable re-test sequences; data download, inspection and re-calibration service; anti-tampering and anti-circumvention features; camera-photographic positive identification capability; photo of the operator will be taken every time operator is prompted to take a test; infra-red or other low light camera capability for night use; breath sample validity features; 24/7 access to operator data by monitors; voice of visual instruction.

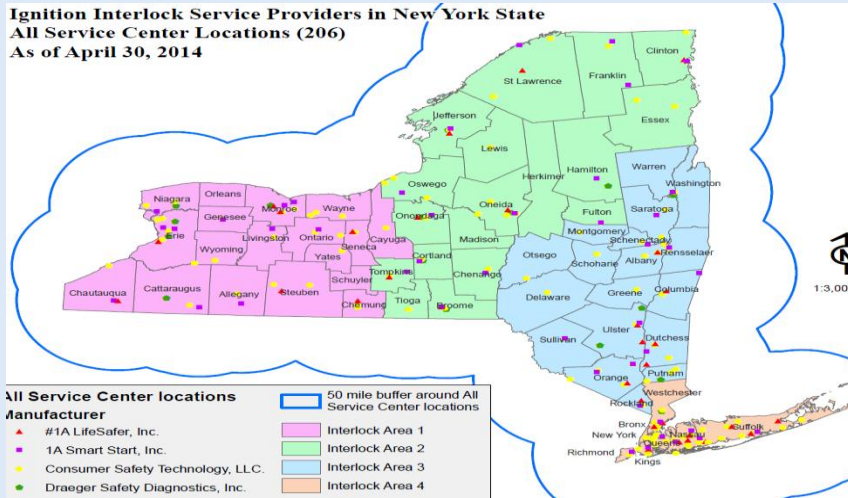
CLASS II: This class has all the minimum, required features of Class I and contains the following additional features: Global Positioning System location of vehicle and Real time data reporting

CLASS III: This class has all the minimum, required features of Classes I and II and contains the following additional feature: Emergency Response Program (e.g.) for interception of a targeted vehicle during a Rolling Re-Test failure.

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Quality Assurance-Verification

Ignition Interlock Service Providers in New York State
All Service Center Locations (206)
As of April 30, 2014



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Quality Assurance & Program Structure “the Marketplace”

- Open competitive process in New York State ensures most advanced technologies are offered and employed; as technology advances there are new demands placed upon IID Manufacturers to assure high quality and service.
 - Probation and Monitors seek real-time, GPS laden devices with police notification.
 - Integration of real-time reporting with probation automated case management systems
 - Increased demands on hardware, software and firmware reliability
 - Server reliability and back-up
- Measures: public safety, public confidence, operator satisfaction and compliance

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Quality Assurance –Offender Accountability Monitoring and Enforcement

Title 9 NYCRR §358.7 (d) (1) Probation Departments and CD Monitors must notify the Court and District Attorney within three business days of the following :

- Operator failure to install IID on the vehicle(s) he/she owns or operates
- Operator has not complied with service visit requirements
- Report of alleged or attempted tampering or circumvention of IID
- Report of failed or missed start-up retest, or
- Report of failed or missed rolling retest, or
- Report of vehicle entering lock-out mode.
- Any report of a failed test or re-test where BAC is .05% or higher

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IID Quality Assurance--Standards, Regulations and Contractual Provisions

- NHTSA Standards
 - Model Specifications For Breath Alcohol Ignition Interlock Devices (BAIIDs)
 - Appendix A – Quality Assurance Template
- State Regulations and Required Certifications (DCJS & DOH)
- Contractual Requirements
 - Ensure that problems/issues are reported to all applicable jurisdictions per the specifications of any regulation/contracts which may apply.
 - Comply with Vendor Responsibility Requirements as required by jurisdictions.
 - <http://www.osc.state.ny.us/vendrep/index.htm>

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Quality Assurance—Program Activities in New York State

- New York State has taken the following steps to promote the Quality Assurance of IID Manufacturers, and their devices and services
 - Conduct Quarterly IID Manufacturers Conference Calls
 - Convene Annual IID Manufacturers Conference
 - Conduct Annual Installer/Service Provider QA Audit
 - Conduct Field Visit Audit and Quality Assurance Measures
 - Standardize Format for Probation/CD monitors to report issues concerning IID's/IID manufacturers to OPCA as the state's regulatory office.

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Leadership Role of IID Manufacturers

- Manufacturers must demand quality assurance from vendors and installers with whom they contract (i.e., component manufacturers, wireless providers, software/technology companies, installation service centers, etc).
- Manufacturers can lead in the establishment of QA Measures in the industry (Coalition of Ignition Interlock Manufacturers (CIIM), and other industry organizations.
- Manufacturers can work with the Association of Ignition Interlock Program Administrators (AIIPA) and States to **develop uniform reporting measures**
- Manufacturers can work with AIIPA and States to develop uniform **interstate reciprocity agreements for offender accountability and monitoring**

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Thank You

Robert M. Maccarone

Deputy Commissioner and Director

NYS Division of Criminal Justice Services

Office of Probation and Correctional Alternatives

robert.maccarone@dcjs.ny.gov

(518) 485-7692