



STATE OF NEW YORK
DIVISION OF CRIMINAL JUSTICE SERVICES
OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES
80 Wolf Road
Albany, New York 12205
<http://criminaljustice.state.ny.us>

SEAN M. BYRNE
ACTING COMMISSIONER

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

Thomas G. Squires
Cayuga County Administrator
160 Genesee St., 6th FL,
Auburn NY, 13021

July 15, 2010

Dear County Administrator Squires:

On November 18, 2009, Governor David A. Paterson signed into law the Child Passenger Protection Act or Chapter 496 of the Laws of 2009, referred to as "Leandra's Law". As you are aware, this important new law will help reduce drunken driving in New York State and promote traffic and community safety. "Leandra's Law" charged the NYS Division of Probation and Correctional Alternatives with the responsibility to promulgate regulations governing the monitoring of compliance by persons ordered to install and maintain ignition interlock devices on vehicles they own or operate. These regulations were promulgated as emergency regulations on April 23, 2010. Section 358.4 of these regulations requires that every County establish an ignition interlock program plan with respect to usage of ignition interlock devices and monitoring the compliance of an operator subject to installation of an ignition interlock device as directed by the sentencing court.

In order to facilitate this process, the Office of Probation and Correctional Alternatives (OPCA) prepared a simple plan document, which was largely prescriptive in format to ease preparation and submission. OPCA has received your plan and very much appreciates its timely submission. We have carefully reviewed and hereby approve your plan. I would like to take this opportunity to compliment you on its thoroughness, the extensive level of cooperation you received in its preparation, and the detailed notification procedure outlined in the plan. Your plan indicates that Cayuga County will be well-positioned to implement the new law on August 15th.

I would like to take this opportunity to make a few observations regarding the new statewide ignition interlock initiative and the newly promulgated regulations. In the process of crafting the new regulations the workgroup learned that first time offenders have a relatively low recidivism rate and are not likely to need the higher levels of technology and scrutiny offered by Class III devices. Additionally, there was a lot of feedback from counties concerning the cost of the devices and what they perceived would be high rates of "unaffordability". Given these factors the workgroup crafted regulations that allow for different levels of devices with different levels

of costs so that monitors can match risk with appropriate devices. Higher risk cases can receive higher Class devices and lower risk cases can receive lower Class devices. The selection of all Class III devices for both probation and conditional discharge cases could inflate the cost to operators and increase the number of waivers granted by the court due to the increased cost of the devices, without providing the commensurate increase in public safety. As counties move forward with the implementation of the interlock initiative, OPCA recommends that the monitors of both the probation and conditional discharge cases be allowed the flexibility to choose the Class of device for each operator so they can align the risk of the operator with the appropriate level of device.

OPCA looks forward to our continued work together as we implement this new public safety measure. Should you have any questions please feel free to call or e-mail Walter Cogswell at 518-485-5168 or Walter.Cogswell@dpc.state.ny.us.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert M. Maccarone".

Robert M. Maccarone
Deputy Commissioner and Director

- c Bernard Newcomb, Probation Director
Raymond Bizzari, Cayuga Counseling Services

From: Thomas G. Squires [tsquires@cayugacounty.us]
Sent: Tuesday, June 15, 2010 9:44 PM
To: dpca.sm.applications2010
Cc: bnewcomb@cayugacounty.us
Subject: Ignition Interlock Program Plan

Please find below the Cayuga County Ignition Interlock Program Plan.

Thank you.

Tom Squires

County Administrator, Cayuga County

From: Bernie Newcomb [mailto:bnewcomb@cayugacounty.us]
Sent: Friday, June 11, 2010 3:43 PM
To: 'Thomas G. Squires'
Subject: New York State.doc



**New York State
Division of Probation and Correctional Alternatives (DPCA)**

IGNITION INTERLOCK PROGRAM PLAN

DAVID A. PATERSON
GOVERNOR



ROBERT MACCARONE
STATE DIRECTOR

IGNITION INTERLOCK PROGRAM PLAN

INSTRUCTIONS: In accordance with New York State Division of Probation and Correctional Alternatives (DPCA) Rules and Regulations 9 NYCRR Section 358.4, every county, and the City of New York, shall establish an ignition interlock program plan with respect to the usage of ignition interlock devices and monitoring compliance of any operator subject to the condition of an ignition interlock device as directed by a sentencing court. Such plan shall be approved, as applicable, by the county executive, county administrator, etc., and in cities with a population of one million or more, the mayor, and become effective on or before August 15, 2010. **The plan shall be filed with DPCA no later than June 15, 2010.** Where a plan has been amended by the county/city, it shall be promptly filed with DPCA in advance of its new effective date. Please complete all portions of the attached plan and return **no later than June 15, 2010** to:

**Walter Cogswell
Community Corrections Representative III
NYS Division of Probation and Correctional Alternatives
80 Wolf Road – Suite 501
Albany, New York 12205**

Or E-Mail
Applications2010@dpc.state.ny.us

NOTE: This plan form has been prepared so that you may check appropriate boxes and type responses into expanding text boxes.

Plan prepared by:
Name: Bernard Newcomb
Cayuga County Probation Director
Lloyd Hoskins
STOP DWI Director
Title:
Phone Number: 315-253-1246
315-253-1402
E-Mail: bnewcomb@cayugacounty.us
lhoskins@cayugacounty.us
Address: Street:152-154 Genesee street
City: Auburn
Zip Code: 13021

Questions about plan should be directed to:

Same as above
Or

Name
Phone
E-Mail

1. Every county/city shall develop a plan in consultation with the county/city's probation director, district attorney, and in New York City the district attorney from each of the five boroughs, sheriff or Police Commissioner where applicable, STOP-DWI Coordinator, a representative of its drinking driver program where applicable and where more than one program exists in the county, a representative designated by the county executive, a superior and local criminal court judge designated by the administrative judge for the county, and in New York City a superior and local criminal court judge designated by the deputy chief administrative judge, a representative of an agency providing legal services to those unable to afford counsel in criminal cases designated by the county executive. A county/city may consult with other persons or entities as the county executive deems appropriate with respect to development of its plan. Indicate those consulted in the preparation of this plan. Check all that apply:

District Attorney and in NYC the District Attorney from each of the five boroughs
 Drinking Driver Program Representative
 Local Criminal Court Judge
 Police Commissioner (Specify Department)
 Probation Director
 Representative of Legal Services for Indigent
 Sheriff
 STOP-DWI Coordinator
 Superior Court Judge
 Other (Specify Kevin Hares Confidential Help for Alcohol/Drugs)
 Other (Specify)

2. Every plan shall specify monitoring by the probation department where the operator is subject to a period of probation supervision.

The Probation Department is designated as the monitor where the operator is subject to a period of probation.

3. Every plan shall specify the persons or entities responsible for monitoring where an ignition interlock device has been imposed pursuant to a conditional discharge. The following are designated to monitor conditional discharge cases:

District Attorney
 Drinking Driver Program
 Police Commissioner (Specify Department)
 Probation
 Sheriff
 STOP-DWI Coordinator
 TASC
 Traffic Safety Board Representative
 Other Agency or Organization* (Specify: New York State Police)

*Must be similar individual, agency or organization; cannot be a qualified manufacturer and/or installation/service provider.

Comments: (Provide any additional comments, if any, regarding the monitoring of conditional discharge cases here)

Provide contact information for your designated monitors: (attach additional pages if necessary)

Department/Agency: Cayuga County Probation Dept. Contact Name: Bernard Newcomb Phone Number: 315-253-1246 E-Mail: bnewcomb@cayugacounty.us Address: Street: 152-154 Genesee St. City: Auburn Zip Code: 13021	Department/Agency: New York State Police John P. Melville, Superintendent Contact Name: Phone Number: E-Mail: Address: Street: 1220 Washington Ave. Building 22 City: Albany Zip Code: 12226-2252
Department/Agency: Contact Name: Phone Number: E-Mail: Address: Street: City: Zip Code:	Department/Agency: Contact Name: Phone Number: E-Mail: Address: Street: City: Zip Code:

4. Every plan shall establish that where an operator is under probation supervision, the department selects the specific class and features of the interlock device from a qualified manufacturer in its region. The operator may select the model of the ignition interlock device, meeting the specific class and features selected by the probation department from a qualified manufacturer in the operator's region of residence.

This plan establishes that where an operator is under probation supervision, the department selects the specific class and features of the interlock device from a qualified manufacturer in its region. The operator may select the model of the ignition interlock device, meeting the specific class and features selected by the probation department from a qualified manufacturer in the operator's region of residence.

➤ **Cayuga County has selected the Class III monitoring Device with video imaging and real time reporting.**

5. Every plan shall establish that where an operator has received a sentence of conditional discharge, the monitor shall select the class of ignition interlock device available from a qualified manufacturer in its region for any such operator. The operator may select the model of the ignition interlock device from within the class designated by the monitor from a qualified manufacturer in the operator's region of residence.

This plan establishes that where an operator has received a sentence of conditional discharge, the monitor shall select the class of ignition interlock device available from a qualified manufacturer in its region for any such operator. The operator may select the model of the ignition interlock device from within the class designated by the monitor from a qualified manufacturer in the operator's region of residence.

➤ **The designated monitor will select the Class III monitoring Device with video imaging and real time reporting.**

6. In the event more than one qualified manufacturer does business within its region, the county/city shall establish an equitable procedure for manufacturers to provide ignition interlock devices without costs where an operator has been determined financially unable to afford the costs and has received a waiver (waiver cases) from the sentencing court. The equitable procedure should be based upon the proportion of ignition interlock devices paid to each qualified manufacturer by operators in the county/city.

Describe the procedure that the county/city will utilize to ensure the equitable distribution of waiver cases among manufacturers operating in the county/city. This will require coordination between the courts and monitors. **At present there is only one vendor in Cayuga County which is Infinite Audio, 104 Grant Avenue, Auburn, N.Y. 13021. The "plan committee" has agreed that Intoxalock Class III device with video imaging and real time reporting is the unanimous choice. If at some future time another manufacturer locates inside the county with similar equipment and pricing, waiver cases for those defendants declared indigent by the courts will be divided up equally among the vendors.**

7. Every plan shall establish a distribution formula for any available funding earmarked for probation supervision and/or monitoring purposes associated with 9 NYCRR Part 358 (Handling of Ignition Interlock Cases Involving Certain Criminal Offenders).

Describe the distribution formula that the county/city will utilize for any funding specifically provided for probation supervision and/or monitoring purposes associated with DPCA Rules and Regulations 9 NYCRR Part 358. Counties may choose to distribute funds according to the percentage of cases handled by each monitoring entity.

➤ **Funds would be distributed to STOP DWI and then diverted to Probation and other Monitor based upon the number of cases assigned.**

Provide contact information for fiscal officer:

Name: James Orman

Title: Cayuga County Treasurer

Phone Number: 315-253-1490

E-Mail: jorman@cayugacounty.us

Address: Street: 160 Genesee Street

5th Floor

City: Auburn

Zip Code: 13021

8. Every plan shall establish a procedure whereby the probation department and any other monitor will be notified no later than five (5) business days from the date an ignition interlock condition is imposed by the sentencing court, any waiver of the cost of the device granted by the sentencing court, and of any intrastate transfer of probation or interstate transfer of any case which either has responsibility to monitor. Such procedure shall also establish a mechanism for advance notification as to date of release where local or state imprisonment is imposed.

a. Describe the procedure the county/city will utilize to ensure the probation department and any other monitor will be notified of the ignition interlock condition no later than five (5) business days from the date an ignition interlock condition is imposed by the sentencing court.

- **The sentencing court will immediately transmit the Order and Conditions of Probation or the Conditional Discharge to the respective monitoring agency either by fax or electronically to insure that it is within 5 business days.**

b. Describe the procedure the county/city will utilize to ensure the probation department and any other monitor will be notified no later than five (5) business days from the date an ignition interlock condition is imposed by the sentencing court of any waiver of the cost of the device granted by the sentencing court.

- **After the Financial Disclosure Form is completed for the Ignition Interlock Device, the Court after deciding to waive the cost for the defendant shall immediately transmit the waiver form and the Financial Disclosure Form along with the Order and Conditions of Probation or Conditional Discharge to the respective agency supervising or monitoring the defendant after sentence.**
- **The defendant at sentencing shall be ordered by the Court to contact either the Probation Dept. or the designated monitoring agency within two business days to advise of their need to install the Ignition Interlock Device.**
- **Once contact has been made by the defendant to the respective supervising or monitoring agency, the defendant will be assigned the manufacturer and proceed to the vendor site with the signed waiver form and have the Ignition Interlock Device installed within 10 business days of sentencing.**
- **Once the device is installed the defendant will immediately contact the supervising agency to advise of compliance with the order.**
- **If the supervising agency is not contacted within 10 business days by the defendant that the device has been installed the supervising agency will contact the vendor to see if the device was installed.**
- **If the defendant fails to have the Ignition Interlock Device installed within 10 business days of sentencing, the matter will be immediately returned to the sentencing court.**

c. Describe the procedure the county/city will utilize to ensure the probation department and any other monitor will be notified no later than five (5) business days from the date an ignition interlock condition is imposed by the sentencing court of any intrastate transfer of probation or interstate transfer of any case which either has responsibility to monitor.

- **Upon receiving Orders of Probation and Ignition Interlock for those defendants who reside in another county at disposition, the Cayuga County Probation Dept. will forward by fax (hard copy to follow) the appropriate Orders within two business days to the receiving county. The receiving county will supervise the probationer according to their county plan.**
- **Intrastate transfers received by Cayuga County will be handled according to our plan.**
- **All intrastate transfers shall have the ignition interlock device installed within 10 business days of relocation.**
- **All intrastate transfers will be in accordance with Part 349.**
- **Conditional discharge cases being transferred to another county shall be handled by the monitor according to protocols established by their agency.**
- **Any probationer who resides outside the state of New York or who desires to relocate outside the state of New York will be subject to the rules and regulations of the Interstate Compact.**
- **Any probationer who has been granted reporting instructions or accepted for supervision will comply with the sending counties Ignition Interlock policy and shall have the ignition interlock device installed prior to relocation where feasible.**

- **Any person sentenced to a conditional discharge who resides out of state or desires to relocate out of state will comply with the rules established by the monitor.**

d. Describe the procedure the county/city will utilize for advance notification as to date of release where local or state imprisonment is imposed. Jurisdictions may wish to utilize the VINE network.

- **In any case where a defendant is sentenced to jail or prison for Driving While Intoxicated and is subject to Ignition Interlock, the assigned probation officer, upon notice of disposition by the sentencing court will contact the correctional facility housing the defendant and secure the release date of the defendant.**
- **The defendant will be directed to report to the probation officer immediately upon release from custody or within one business day from release.**
- **The defendant will then comply with the county probation dept.' policy.**
- **Defendants sentenced to a conditional discharge shall follow the protocol's established by the monitoring agency.**

9. Every plan shall establish a procedure governing failure report recipients, including method and timeframe with respect to specific notification and circumstances. Failure report recipients are all persons or entities required to receive a report from the monitor of an operator's failed tasks or failed tests pursuant to a county/city's plan which may include, but is not limited to the sentencing court, district attorney, operator's alcohol treatment provider, and the drinking driver program, where applicable. At a minimum, the procedure shall be consistent with the provisions of DPCA Rules and Regulations Section 358.7(d) with respect to sentencing court and district attorney notification of specific failed tasks and failed tests reports.

Describe the county/city plan to report operator's failed tasks or failed tests to failure report recipients. Identify report recipients, method of reporting, events to be reported, and reporting time frames.

- **In any case where a defendant sentenced to probation has violated any conditions of probation in regards to the rules and policies of the Ignition Interlock Plan such as : failure to install the ignition interlock device within 10 business days, not complying with service visits for the maintenance of the device, any report of alcohol usage as indicated by the device whether it be "lock out" or failure of rolling re-test, will result in a court notification using form DPCA-133.**
- **Any failure of the terms as indicated above will result in notification to the sentencing Court and District Attorney immediately upon notice of any violation.**
- **Sanctions will be determined by the District Attorney and sentencing Court.**
- **Any violations of Probation filed by the Probation Dept. will be pursuant to the rules in Part 352 and will include a recommendation for sanctions which may include revocation of Probation and Incarceration.**
- **Any violations by persons sentenced to a Conditional Discharge will be addressed by the protocols established by the monitoring agency.**

Acknowledgement

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

County Administrator Signature: _____

Thomas G. Squires

Date _____

Chairman of the Cayuga County Legislature: _____

Peter A. Tortorici

Date _____

New York State Division of Criminal Justice Services

Office of Probation and Correctional Alternatives

Ignition Interlock Program Plan Amendment

County: Cayuga

Date Last Full Plan Submitted: June 15, 2010

Date Amended / Modified: July 12, 2010

Amended / Modified as Follows:

Various. Document which follows (OPCA reference 2010-5 Attachment 2 County Ignition Interlock Plan (2) for Cayuga) addresses specific issues identified in original submission, but does not repeat those responses which were satisfactory in the original submission.

From: Thomas G. Squires [tsquires@cayugacounty.us]
Sent: Tuesday, June 15, 2010 9:44 PM
To: dpca.sm.applications2010
Cc: bnewcomb@cayugacounty.us
Subject: Ignition Interlock Program Plan

Please find below the Cayuga County Ignition Interlock Program Plan.

Thank you.

Tom Squires

County Administrator, Cayuga County

From: Bernie Newcomb [mailto:bnewcomb@cayugacounty.us]
Sent: Friday, June 11, 2010 3:43 PM
To: 'Thomas G. Squires'
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**New York State
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IGNITION INTERLOCK PROGRAM PLAN

DAVID A. PATERSON
GOVERNOR



ROBERT MACCARONE
STATE DIRECTOR

IGNITION INTERLOCK PROGRAM PLAN

INSTRUCTIONS: In accordance with New York State Division of Probation and Correctional Alternatives (DPCA) Rules and Regulations 9 NYCRR Section 358.4, every county, and the City of New York, shall establish an ignition interlock program plan with respect to the usage of ignition interlock devices and monitoring compliance of any operator subject to the condition of an ignition interlock device as directed by a sentencing court. Such plan shall be approved, as applicable, by the county executive, county administrator, etc., and in cities with a population of one million or more, the mayor, and become effective on or before August 15, 2010. **The plan shall be filed with DPCA no later than June 15, 2010.** Where a plan has been amended by the county/city, it shall be promptly filed with DPCA in advance of its new effective date. Please complete all portions of the attached plan and return **no later than June 15, 2010** to:

**Walter Cogswell
Community Corrections Representative III
NYS Division of Probation and Correctional Alternatives
80 Wolf Road – Suite 501
Albany, New York 12205**

Or E-Mail
Applications2010@dpc.state.ny.us

NOTE: This plan form has been prepared so that you may check appropriate boxes and type responses into expanding text boxes.

Plan prepared by:
Name: Bernard Newcomb
Cayuga County Probation Director
Lloyd Hoskins
STOP DWI Director
Title:
Phone Number: 315-253-1246
315-253-1402
E-Mail: bnewcomb@cayugacounty.us
lhoskins@cayugacounty.us
Address: Street:152-154 Genesee street
City: Auburn
Zip Code: 13021

Questions about plan should be directed to:

Same as above
Or

Name
Phone
E-Mail

1. Every county/city shall develop a plan in consultation with the county/city's probation director, district attorney, and in New York City the district attorney from each of the five boroughs, sheriff or Police Commissioner where applicable, STOP-DWI Coordinator, a representative of its drinking driver program where applicable and where more than one program exists in the county, a representative designated by the county executive, a superior and local criminal court judge designated by the administrative judge for the county, and in New York City a superior and local criminal court judge designated by the deputy chief administrative judge, a representative of an agency providing legal services to those unable to afford counsel in criminal cases designated by the county executive. A county/city may consult with other persons or entities as the county executive deems appropriate with respect to development of its plan. Indicate those consulted in the preparation of this plan. Check all that apply:

District Attorney and in NYC the District Attorney from each of the five boroughs
 Drinking Driver Program Representative
 Local Criminal Court Judge
 Police Commissioner (Specify Department)
 Probation Director
 Representative of Legal Services for Indigent
 Sheriff
 STOP-DWI Coordinator
 Superior Court Judge
 Other (Specify Kevin Hares Confidential Help for Alcohol/Drugs)
 Other (Specify)

2. Every plan shall specify monitoring by the probation department where the operator is subject to a period of probation supervision.

The Probation Department is designated as the monitor where the operator is subject to a period of probation.

3. Every plan shall specify the persons or entities responsible for monitoring where an ignition interlock device has been imposed pursuant to a conditional discharge. The following are designated to monitor conditional discharge cases:

District Attorney
 Drinking Driver Program
 Police Commissioner (Specify Department)
 Probation
 Sheriff
 STOP-DWI Coordinator
 TASC
 Traffic Safety Board Representative
 Other Agency or Organization* (Specify: New York State Police)

*Must be similar individual, agency or organization; cannot be a qualified manufacturer and/or installation/service provider.

Comments: (Provide any additional comments, if any, regarding the monitoring of conditional discharge cases here)

Provide contact information for your designated monitors: (attach additional pages if necessary)

Department/Agency: Cayuga County Probation Dept. Contact Name: Bernard Newcomb Phone Number: 315-253-1246 E-Mail: bnewcomb@cayugacounty.us Address: Street: 152-154 Genesee St. City: Auburn Zip Code: 13021	Department/Agency: New York State Police John P. Melville, Superintendent Contact Name: Phone Number: E-Mail: Address: Street: 1220 Washington Ave. Building 22 City: Albany Zip Code: 12226-2252
Department/Agency: Contact Name: Phone Number: E-Mail: Address: Street: City: Zip Code:	Department/Agency: Contact Name: Phone Number: E-Mail: Address: Street: City: Zip Code:

4. Every plan shall establish that where an operator is under probation supervision, the department selects the specific class and features of the interlock device from a qualified manufacturer in its region. The operator may select the model of the ignition interlock device, meeting the specific class and features selected by the probation department from a qualified manufacturer in the operator's region of residence.

This plan establishes that where an operator is under probation supervision, the department selects the specific class and features of the interlock device from a qualified manufacturer in its region. The operator may select the model of the ignition interlock device, meeting the specific class and features selected by the probation department from a qualified manufacturer in the operator's region of residence.

➤ **Cayuga County has selected the Class III monitoring Device with video imaging and real time reporting.**

5. Every plan shall establish that where an operator has received a sentence of conditional discharge, the monitor shall select the class of ignition interlock device available from a qualified manufacturer in its region for any such operator. The operator may select the model of the ignition interlock device from within the class designated by the monitor from a qualified manufacturer in the operator's region of residence.

This plan establishes that where an operator has received a sentence of conditional discharge, the monitor shall select the class of ignition interlock device available from a qualified manufacturer in its region for any such operator. The operator may select the model of the ignition interlock device from within the class designated by the monitor from a qualified manufacturer in the operator's region of residence.

➤ **The designated monitor will select the Class III monitoring Device with video imaging and real time reporting.**

6. In the event more than one qualified manufacturer does business within its region, the county/city shall establish an equitable procedure for manufacturers to provide ignition interlock devices without costs where an operator has been determined financially unable to afford the costs and has received a waiver (waiver cases) from the sentencing court. The equitable procedure should be based upon the proportion of ignition interlock devices paid to each qualified manufacturer by operators in the county/city.

Describe the procedure that the county/city will utilize to ensure the equitable distribution of waiver cases among manufacturers operating in the county/city. This will require coordination between the courts and monitors. **At present there is only one vendor in Cayuga County which is Infinite Audio, 104 Grant Avenue, Auburn, N.Y. 13021. The "plan committee" has agreed that Intoxalock Class III device with video imaging and real time reporting is the unanimous choice. If at some future time another manufacturer locates inside the county with similar equipment and pricing, waiver cases for those defendants declared indigent by the courts will be divided up equally among the vendors.**

7. Every plan shall establish a distribution formula for any available funding earmarked for probation supervision and/or monitoring purposes associated with 9 NYCRR Part 358 (Handling of Ignition Interlock Cases Involving Certain Criminal Offenders).

Describe the distribution formula that the county/city will utilize for any funding specifically provided for probation supervision and/or monitoring purposes associated with DPCA Rules and Regulations 9 NYCRR Part 358. Counties may choose to distribute funds according to the percentage of cases handled by each monitoring entity.

➤ **Funds would be distributed to STOP DWI and then diverted to Probation and other Monitor based upon the number of cases assigned.**

Provide contact information for fiscal officer:

Name: James Orman

Title: Cayuga County Treasurer

Phone Number: 315-253-1490

E-Mail: jorman@cayugacounty.us

Address: Street: 160 Genesee Street

5th Floor

City: Auburn

Zip Code: 13021

8. Every plan shall establish a procedure whereby the probation department and any other monitor will be notified no later than five (5) business days from the date an ignition interlock condition is imposed by the sentencing court, any waiver of the cost of the device granted by the sentencing court, and of any intrastate transfer of probation or interstate transfer of any case which either has responsibility to monitor. Such procedure shall also establish a mechanism for advance notification as to date of release where local or state imprisonment is imposed.

a. Describe the procedure the county/city will utilize to ensure the probation department and any other monitor will be notified of the ignition interlock condition no later than five (5) business days from the date an ignition interlock condition is imposed by the sentencing court.

- **The sentencing court will immediately transmit the Order and Conditions of Probation or the Conditional Discharge to the respective monitoring agency either by fax or electronically to insure that it is within 5 business days.**

b. Describe the procedure the county/city will utilize to ensure the probation department and any other monitor will be notified no later than five (5) business days from the date an ignition interlock condition is imposed by the sentencing court of any waiver of the cost of the device granted by the sentencing court.

- **After the Financial Disclosure Form is completed for the Ignition Interlock Device, the Court after deciding to waive the cost for the defendant shall immediately transmit the waiver form and the Financial Disclosure Form along with the Order and Conditions of Probation or Conditional Discharge to the respective agency supervising or monitoring the defendant after sentence.**
- **The defendant at sentencing shall be ordered by the Court to contact either the Probation Dept. or the designated monitoring agency within two business days to advise of their need to install the Ignition Interlock Device.**
- **Once contact has been made by the defendant to the respective supervising or monitoring agency, the defendant will be assigned the manufacturer and proceed to the vendor site with the signed waiver form and have the Ignition Interlock Device installed within 10 business days of sentencing.**
- **Once the device is installed the defendant will immediately contact the supervising agency to advise of compliance with the order.**
- **If the supervising agency is not contacted within 10 business days by the defendant that the device has been installed the supervising agency will contact the vendor to see if the device was installed.**
- **If the defendant fails to have the Ignition Interlock Device installed within 10 business days of sentencing, the matter will be immediately returned to the sentencing court.**

c. Describe the procedure the county/city will utilize to ensure the probation department and any other monitor will be notified no later than five (5) business days from the date an ignition interlock condition is imposed by the sentencing court of any intrastate transfer of probation or interstate transfer of any case which either has responsibility to monitor.

- **Upon receiving Orders of Probation and Ignition Interlock for those defendants who reside in another county at disposition, the Cayuga County Probation Dept. will forward by fax (hard copy to follow) the appropriate Orders within two business days to the receiving county. The receiving county will supervise the probationer according to their county plan.**
- **Intrastate transfers received by Cayuga County will be handled according to our plan.**
- **All intrastate transfers shall have the ignition interlock device installed within 10 business days of relocation.**
- **All intrastate transfers will be in accordance with Part 349.**
- **Conditional discharge cases being transferred to another county shall be handled by the monitor according to protocols established by their agency.**
- **Any probationer who resides outside the state of New York or who desires to relocate outside the state of New York will be subject to the rules and regulations of the Interstate Compact.**
- **Any probationer who has been granted reporting instructions or accepted for supervision will comply with the sending counties Ignition Interlock policy and shall have the ignition interlock device installed prior to relocation where feasible.**

- **Any person sentenced to a conditional discharge who resides out of state or desires to relocate out of state will comply with the rules established by the monitor.**

d. Describe the procedure the county/city will utilize for advance notification as to date of release where local or state imprisonment is imposed. Jurisdictions may wish to utilize the VINE network.

- **In any case where a defendant is sentenced to jail or prison for Driving While Intoxicated and is subject to Ignition Interlock, the assigned probation officer, upon notice of disposition by the sentencing court will contact the correctional facility housing the defendant and secure the release date of the defendant.**
- **The defendant will be directed to report to the probation officer immediately upon release from custody or within one business day from release.**
- **The defendant will then comply with the county probation dept.' policy.**
- **Defendants sentenced to a conditional discharge shall follow the protocol's established by the monitoring agency.**

9. Every plan shall establish a procedure governing failure report recipients, including method and timeframe with respect to specific notification and circumstances. Failure report recipients are all persons or entities required to receive a report from the monitor of an operator's failed tasks or failed tests pursuant to a county/city's plan which may include, but is not limited to the sentencing court, district attorney, operator's alcohol treatment provider, and the drinking driver program, where applicable. At a minimum, the procedure shall be consistent with the provisions of DPCA Rules and Regulations Section 358.7(d) with respect to sentencing court and district attorney notification of specific failed tasks and failed tests reports.

Describe the county/city plan to report operator's failed tasks or failed tests to failure report recipients. Identify report recipients, method of reporting, events to be reported, and reporting time frames.

- **In any case where a defendant sentenced to probation has violated any conditions of probation in regards to the rules and policies of the Ignition Interlock Plan such as : failure to install the ignition interlock device within 10 business days, not complying with service visits for the maintenance of the device, any report of alcohol usage as indicated by the device whether it be "lock out" or failure of rolling re-test, will result in a court notification using form DPCA-133.**
- **Any failure of the terms as indicated above will result in notification to the sentencing Court and District Attorney immediately upon notice of any violation.**
- **Sanctions will be determined by the District Attorney and sentencing Court.**
- **Any violations of Probation filed by the Probation Dept. will be pursuant to the rules in Part 352 and will include a recommendation for sanctions which may include revocation of Probation and Incarceration.**
- **Any violations by persons sentenced to a Conditional Discharge will be addressed by the protocols established by the monitoring agency.**

Acknowledgement

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

County Administrator Signature: _____

Thomas G. Squires

Date _____

Chairman of the Cayuga County Legislature: _____

Peter A. Tortorici

Date _____