



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  
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Honorable Kathleen M. Jimino  
Rensselaer County Executive  
Ned Pattison Government Center  
1600 Seventh Avenue  
Troy, New York 12180

July 6, 2010

Dear County Executive Jimino:

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 cooperation you received in the preparation of the plan, and your incorporation of forms into the plan. Your plan indicates that Rensselaer County will be well-positioned to implement the new law on August 15<sup>th</sup>.

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](mailto: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. Laura Bauer, Acting Probation Director  
Chuck Wojton, STOP-DWI Coordinator



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

# **IGNITION INTERLOCK PROGRAM PLAN**

**DAVID A. PATERSON**  
**GOVERNOR**



**ROBERT MACCARONE**  
**STATE DIRECTOR**



**RENSSELAER COUNTY 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@dpca.state.ny.us](mailto:Applications2010@dpca.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: Laura L. Bauer  
Title: Acting Probation Director III  
Phone Number: 518-270-8465  
E-Mail: lbauer@rensco.com  
Address: Street:500 Broadway  
City: Troy  
Zip Code: 12180

Questions about plan should be directed to:

Same as above  
Or

Name Chuck Wojton  
Phone 270-2900  
E-Mail Cwojton@rensco.com

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 Sheriff)
- Probation Director
- Representative of Legal Services for Indigent
- Sheriff
- STOP-DWI Coordinator
- Superior Court Judge
- Other (Specify County Clerk )
- Other (Specify County DMV Administrator)

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: )

\*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: Rensselaer County Probation Department Contact Name: Laura Bauer Phone Number: 518-270-2961, fax 518-273-8101 E-Mail: lbauer@rensco.com Address: Street:500 Broadway City: Troy Zip Code: 12180	Department/Agency: Contact Name: Phone Number: E-Mail: Address: Street: City: Zip Code:
Department/Agency: Rensselaer County STOP DWI Coordinator Contact Name: Chuck Wojton Phone Number: 518-272-2900, fax 518-270-2961 E-Mail: Cwojton Address: Street:1600 7th Ave City: Troy Zip Code: 12180	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.

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.

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. Where an offender has been given a financial waiver by the court, due to financial hardship, the manufacturer/service provider shall absorb the cost. To ensure equitable distribution of this financial obligation by the manufacturers/service providers the monitors will select the manufacturer to be used by operators in waiver status. Operators who qualify for a waiver will be referred to manufacturers on a rotating basis until it can be determined which manufacturer has been the recipient of the highest percentage of paying operator cases. These referrals will be tracked and coordinated between Rensselaer County Probation and the Rensselaer County STOP-DWI Coordinator.

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. The Rensselaer county share of the anticipated Governor's Traffic Safety Grant (GTSG) for 2010 is \$17,400 or .006% of the state total convictions in 2008. Rensselaer County will distribute this funding proportionately to County STOP DWI and Probation based upon the number of DWI sentences to conditional discharge.

Provide contact information for fiscal officer:

Name: Michael Slawson

Title: Chief Fiscal Officer

Phone Number: 518-272-2900

E-Mail: MSlawson@rensko.com

Address: Street: Rensselaer County Government Center 1600 7th Ave.

City: Troy

Zip Code: 12180

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. Rensselaer County Probation and Rensselaer County STOP-DWI Coordinator will be notified by the sentencing courts in the City of Troy and Rensselaer County Court via Courier and court liaison within five (5) business days from the date an ignition interlock sentence is imposed. The justice and town courts in Rensselaer County will transmit notification via fax, courier or US mail to ensure (5) day notification time frames. The sentencing court will transmit via fax or courier form the DPCA- 10CD-IID orders and conditions of Conditional discharge or DPCA 10PRO-IID Order and Conditions of Probation to the Rensselaer County Probation Department or Rensselaer County STOP-DWI Coordinator.

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. Rensselaer County Probation and Rensselaer County STOP-DWI Coordinator will be notified by the sentencing courts in the City of Troy and Rensselaer County Court via Courier and court liaison within five (5) business days from the date an ignition interlock sentence is imposed. The justice and town courts in Rensselaer County will transmit notification via fax, courier or US mail to ensure (5) day notification time frames. The sentencing court will transmit via fax or courier form DPCA A-510-IIN, Monitor Notification of Ignition Interlock Order to the Probation Department for sentences of probation and to the STOP DWI coordinator for sentences of conditional discharge.

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. In all cases, but particularly those who will be in need of Inter/Interstate Transfer, the court shall provide all operators at the time of sentencing with the Rensselaer County Ignition Interlock Program instruction sheet (attached Appendix A) and further; direct any operator who has been sentenced to probation to contact the Rensselaer County Probation Department immediately if during business hours or the following business day for further instruction. Those sentenced to a Conditional Discharge will be instructed to contact the Rensselaer County STOP-DWI Coordinator immediately if during business hours or the following business day. The court will also transmit via fax or courier form DPCA A-510-IIN and DPCA- 10CD-IID or DPCA 10PRO-IID where applicable to the designated monitoring agency.

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. The Rensselaer County Probation Department and STOP-DWI coordinator will register with the VINE to monitor offender release to the community. Rensselaer County Sheriff will provide secondary notification to the Probation Department or STOP-DWI coordinator where applicable.

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 cases of conditional discharge the Rensselaer County Stop DWI coordinator will notify the Sentencing court and District Attorney within 3 business days by transmitting form DPCA 133CR-IID detailing any violation of sentence as delineated in DPCA Rule 358.7 d for all cases where failure reports are sent from the Manufacturer to the monitor.

In cases of probation sentences the probation department will file a violation of probation with the sentencing court in accordance with rule DPCA 352 as well the standards of Rensselaer County Probation Violations of Probation Policy.

#### 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 Executive Signature: \_\_\_\_\_  
Title of County Executive: County Executive  
Date



## Leandra's Law Ignition Interlock Provisions

### Rensselaer County Ignition Interlock Plan

#### ADDENDUM

June 22, 2010

1)

Attached is our "Appendix A". This information sheet will be given to operators before they leave court on the day of sentencing.

2)

#### Question 9, language revision

The Monitors will notify the Sentencing Court and District Attorney within 3 business days by transmitting form DPCA 133CR-IID detailing any violation of sentence as delineated in DPCA Rule 358.7 (d) (1), Specifically; when an operator has failed to install the IID, has not complied with a service visit requirement, there have been reports of alleged tampering/circumvention, a report of a lock-out mode and/or any report of a failed test to re-test where the BAC is .05 percent or higher.

In cases of probation sentences, in addition to the above, the probation department will file a violation of probation with the sentencing court in accordance with rule DPCA 352 as well the standards of Rensselaer County Probation Violations of Probation Policy.

Laura Bauer  
Acting Probation Director III