



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
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(518) 485-7692
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Mr. Joseph Mareane
Tompkins County Administrator
125 E. Court Street – 3rd Floor
Ithaca, New York 14850

July 6, 2010

Dear County Administrator Mareane:

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 Tompkins 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. Honorable Gwen Wilkinson District Attorney
Patricia Buechel, Probation Director
Michelle Barber, STOP-DWI Program



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

IGNITION INTERLOCK PROGRAM PLAN

DAVID A. PATERSON
GOVERNOR



ROBERT MACCARONE
STATE DIRECTOR

TOMPKINS 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

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: Gwen Wilkinson/Patricia Buechel

Title: District Attorney/Probation Director

Phone Number: 607-274-5461 (DA) and 607-274-5365 (Probation)

E-Mail: gwilkinson@tompkins-co.org; pbuechel@tompkins-co.org

Address: Street: 320 North Tioga Street (DA)

320 West State Street (Probation)

City: Ithaca, NY

Zip Code: 14850

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 _____)
- 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: _____)

*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: STOP-DWI Contact Name: Michelle Barber Phone Number: 607-274-5461 E-Mail: mbarber@tompkins-co.org Address: Street:320 North Tioga Street City: Ithaca` Zip Code: 14850	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:	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.

The Tompkins County Probation Department and the STOP DWI coordinator will share a database of DWI defendants who are granted an interlock fee waiver by the sentencing courts. The data base will serve the purpose of creating a rolling list for vendor referral. Those DWI offenders who are granted the waiver will be referred by the monitor to the local interlock vendors on a rotating basis to ensure equitable distribution so that no one vendor bears the cost of all the waivers.

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.

Any funding received specifically for probation supervision and/or monitoring purposes will be distributed by the Tompkins County Finance Director according to the number of cases handled by each agency. The total sum received by Tompkins County will be split proportionally by the percentage of cases STOP-DWI/Probation monitor.

Provide contact information for fiscal officer:

Name: David Squires

Title: Finance Director

Phone Number: 607-274-5502

E-Mail: dsquires@tompkins-co.org

Address: Street: 125 East Court Street

City: Ithaca

Zip Code: 14850

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. At the time of sentencing, the court clerk shall complete a Monitor Notification of Ignition Interlock Order and FAX to the appropriate monitoring agency (STOP-DWI for CD cases and Probation for supervision cases) within 5 business days. The clerk will also send the original form to the appropriate monitoring agency by mail at the same time as a back up to the FAX notification. Both the STOP DWI and Probation monitor will be responsible for checking the receipt of FAXES from the courts on a daily basis.

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. Same as above

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. For Probation Supervision cases wherein an Intrastate transfer of probation is to occur, the Probation Department shall prepare the DP-16 forms and attach them to the presentence investigation so that they are available for signing by the judge at sentencing. Within 5 business days of sentencing, the court clerk shall FAX and mail the DP-16 forms along with the Orders and Conditions of Probation and the Monitor Notification of Ignition Interlock Order to the Probation Department. The Probation Department shall immediately transfer the packet to the county of residence, again by FAX and mail within 48 hours of receipt. For Interstate transfer of supervision, the Probation Department shall ensure installation of the interlock device prior to transfer if feasible and will follow the ICOTS procedure for transfer to the receiving state.

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. Tompkins County plans on utilizing Victim Information and Notification Everyday (VINE) for the purpose of advance notification of date of release from local or state incarceration. Upon receipt of the Monitor Notification of Ignition Interlock Order from the sentencing court, the respective monitoring agency will be responsible for registering the defendant in the VINE system for the purpose of release notification.

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. The Interlock installer shall submit the interlock report directly to the appropriate monitoring agency by FAX within 3 business days of the information being downloaded (monthly) for review of possible noncompliance. For those class of devices where the report is viewable on a website maintained by the manufacturer, the monitor shall view the information on a monthly basis to determine if there are instances of noncompliance. The following acts of noncompliance will result in the monitor filing a Court Notification (UCR) with the sentencing court within 3 business days of learning of said events: failure to install, failure to report for a service visit, report of alleged tampering/circumventing, report of a documented lock out mode and BAC .05 or higher.

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 Administrator

Date 6/15/2020

**TOMPKINS COUNTY
DEPARTMENT OF PROBATION
AND
COMMUNITY JUSTICE**

**Patricia Buechel
Probation Director**

320 West State Street
Ithaca, New York 14850

Telephone (607) 274-5380
Fax (607) 274-5635
Email: tomprob@tompkins-co.org

June 22, 2010

Walter Cogswell
Community Corrections Representative III
NYS Division of Probation and Correctional Alternatives
80 Wolf Road-Suite 501
Albany, NY 12205

RE: Addendum to Tompkins County Ignition Interlock Plan

Dear Mr. Cogswell:

Please accept this Addendum to the Tompkins County Ignition Interlock Plan with respect to the following questions:

8C.) In cases where the courts have sentenced an offender to a Conditional Discharge and said offender resides outside of the county, the CD monitoring agency (STOP DWI program) shall notify the appropriate monitoring agency in the offender's county of residence of the court order to install the ignition interlock device. The monitoring agency in the new county of residence shall review Ignition Interlock reports and shall notify the STOP DWI program in Tompkins County of acts of noncompliance (as outlined in #9) by the offender. The STOP DWI program shall be responsible for notifying the sentencing court of such violations by submitting a written report outlining the noncompliant behavior.

9.) In addition, the STOP DWI program shall forward a copy of the UCR to the District Attorney for notification purposes pursuant to regulations.

Sincerely,

Patricia Buechel
Probation Director