

**NEW YORK STATE
EVALUATION OF LEANDRA'S LAW
EXPANSION OF IGNITION INTERLOCK**

TELEPHONE SURVEY OF COUNTY MONITORS

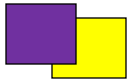
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**Conducted by
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**for
New York State
Governor's Traffic Safety Committee**

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INTRODUCTION

BACKGROUND

In 2009, of the 1,060 fatal crashes that occurred on New York's roadways, 31% were alcohol-related, a rate that is among the lowest in the nation. However, since it represents an increase over the rate of 24% in 2004, New York continues to enhance and implement innovative legislation, enforcement efforts, and public information campaigns that target the problem of impaired driving. One of the most recent significant innovative strategies designed to reduce impaired driving occurred late in 2009 with the passage of Chapter 496 of the Laws of 2009, commonly known as Leandra's Law.

Leandra's Law has two major components: 1) effective December 18, 2009, the criminal sanctions surrounding driving while intoxicated or under the influence of drugs with children under the age of 16 in the car were increased, and 2) effective August 15, 2010, the law expands the use of ignition interlock devices, making them applicable to any person who is convicted of a misdemeanor or felony DWI for a minimum period of six months. The implementation of the ignition interlock section of the law, in particular, has been the focus of a number of agencies, including the New York State Governor's Office, the Governor's Traffic Safety Committee (GTSC), the Office of Probation and Correctional Alternatives, the Department of Motor Vehicles and the state's Task Force on Impaired Driving.

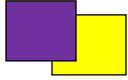
To determine the effectiveness of Leandra's Law in reducing impaired driving, the GTSC has funded the Institute for Traffic Safety Management and Research (ITSMR) to conduct a study of the law. Designed to evaluate the implementation and effectiveness of the provisions of Leandra's Law, the study has three major components:

- 1) **Increased penalties for impaired driving with children under age 16 in the car.** To determine the effectiveness of this provision of the law, the study involves analyses of the tickets issued for this violation during the first year (2010) and their adjudication by the courts. Analyses will also be conducted of the crashes attributed to impaired driving where children are present in the vehicle.
- 2) **Expansion of the ignition interlock sanction: Administrative Evaluation.** This component of the law provides that the state's Office of Probation and Correctional Alternatives (OPCA) be responsible for establishing the appropriate regulations to govern the expansion of the use of ignition interlocks and overseeing their implementation. Each of the state's 62 counties are required to submit a plan to the OPCA that describes how it will implement and monitor the use of the ignition interlocks that are imposed on convicted impaired drivers in their county. Under this component of the study, ITSMR will examine the implementation of the ignition interlock requirement which has been delegated to the counties. The objective of this administrative evaluation will be to determine whether and to what extent the law is being implemented as intended, isolate any issues affecting the implementation, and identify common practices.
- 3) **Expansion of the ignition interlock sanction: Impact Evaluation.** This component of the study will focus on the impact of the expansion of the ignition interlock sanction on impaired driving arrests, recidivism and crashes. This part of the study involves the analyses of ticket and disposition data, as well as analyses of crash data.

While all three parts of the study are underway, this report focuses on the second component of the study described above with respect to a telephone survey of the persons responsible for monitoring the drivers sentenced to ignition interlock in the state's 62 counties.

ORGANIZATION OF THE REPORT

The next section of this report briefly describes the research methodology used to conduct the telephone survey of county monitors, followed by the responses received to the individual questions posed to each of the monitors. The final section presents a summary of the results and key findings from the survey.



RESEARCH METHODOLOGY

To assess whether the ignition interlock expansion provision of Leandra's Law is being implemented and monitored as intended, the goal of the study was to examine the entire monitoring process, from the point at which the monitor is notified of a driver being sanctioned to an interlock, to the installation of the ignition interlock device (IID) and finally to the de-installation of the device. In examining the monitoring process, the primary objectives were to identify common practices and any issues that had an impact on the implementation.

MONITOR RESPONSIBILITIES

The study was designed to examine the entire monitoring process that is prescribed by the regulations promulgated by the NYS Office of Probation and Correctional Alternatives. As provided in the regulations (Section 358.7), the primary responsibilities of the monitor and the tasks associated with the monitoring process are summarized below. They require that the monitor:

- Must be notified by the court within five days of the court's sentencing order for an interlock
- Must obtain proof of installation of the IID by the operator and installation/service provider
- May issue letter of de-installation in cases when the driver no longer owns or operates the vehicle on which the IID is installed
- Must select the IID model and features to be used in the county
- Must notify the court/DA within 3 days of: failure to install, non-compliance with service visits, tampering, lockout, failed test or re-test where $BAC \geq 0.05\%$
- May recommend a modification to the driver's sentence, including an extension to the IID period, attendance at treatment or Drinking Driver Program (DDP), or referral to the DMV for determination of whether DMV may suspend/revoke license, or recommend revocation of sentence or release
- Must coordinate with the Division of Parole, as appropriate, if the driver is under parole supervision
- Must disseminate relevant case records to appropriate agencies

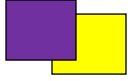
To obtain as complete a picture as possible of the monitoring process, data were obtained through a survey of the county conditional discharge monitors.

SURVEY OF MONITORS AND SURVEY QUESTIONNAIRE

The primary source of information on the implementation and monitoring process was a telephone survey of the county monitors. The focus of the survey was the person who is responsible for monitoring the drivers placed on an ignition interlock as part of a conditional discharge (CD). County personnel who monitored drivers placed on probation who were also sentenced to an interlock were not included in the survey because they follow different monitoring guidelines that are based on probation-related protocols. In total, 59 CD monitors, representing the state's 62 counties, were interviewed for this study; all interviews were conducted by telephone.

The survey questionnaire used in the telephone interview with the CD monitors was designed by the ITSMR project staff in consultation with staff from the Office of Probation and Correctional Alternatives. ITSMR project staff conducted a pilot test of a draft version of the questionnaire with a small number of the CD monitors and changes were made to the questionnaire, as warranted. In addition to general information about the monitor, the survey gathered specific information related to the drivers being monitored; the tasks involved in the monitoring process; the installation of the interlock device; the monitor's interaction with the driver; and the monitor's interaction with the vendor, including any follow-up associated with vendor reports.

The monitor interviews were conducted April - June 2011. The data collected through the survey interviews were coded and an original data set was compiled for analysis purposes by ITSMR project staff. All analyses were conducted by ITSMR project staff with the use of SAS[®] software. In analyzing the data, frequencies were computed for every variable in the data set. The results of the analyses are summarized below.



RESULTS FROM SURVEY OF COUNTY MONITORS

The study was designed to examine the implementation of the monitoring process that is prescribed by the regulations promulgated by the NYS Office of Probation and Correctional Alternatives. The primary source of information on the implementation of monitoring process was a telephone survey of the conditional discharge (CD) monitors for the state’s counties. The survey gathered general information about the monitoring position; specific information on the drivers being monitored; and the tasks associated with the monitoring process itself, including the monitor’s interaction with the drivers, courts, and interlock vendors. A total of 59 CD monitors, representing the state’s 62 counties, participated in the survey. The results of the telephone survey are presented below.

GENERAL INFORMATION ON THE COUNTY MONITORS

To examine differences among counties with regard to the monitoring position and the responsibilities associated with the position, the first set of questions gathered a variety of information from the monitors, including the agency or organization in which the position was located, the status (full-time/part-time) of the position and whether they had received any training for it.

Monitoring Agency or Organization

The largest proportion of CD monitors is under the jurisdiction of the County Probation Department (56% or 33 monitors) (Table 1). Eight monitors work under the jurisdiction of the District Attorney and eight work under the STOP DWI Program. To assess the extent to which the counties keep the CD monitoring function separate from the monitoring of probationers on interlock devices, the CD monitors were asked whether they also handled probation cases. As shown in Table 1, 37 (63%) of the 59 monitors indicated that they monitor only CD cases, while 22 (37%) indicated that they monitor both CD and probation cases.

Table 1		
Monitoring Agency or Organization		
<i>What agency or organization in the county do you work for?</i>	N=59	%
County Probation Department	33	55.9
STOP DWI Program	8	13.6
District Attorney	8	13.6
Sheriff	5	8.5
Other	5	8.5
<i>Are you responsible for...</i>	N=59	%
Conditional discharge cases only	37	62.7
Conditional discharge and probation cases	22	37.3

Status of Position and Training Provided

As indicated in Table 2, 21 (36%) of the 59 CD monitors are full-time monitors and 38 (64%) are part-time. Of the 59 monitors, 31 (53%) have staff to help them; 11 have one person to help them, 9 have two persons and 11 have three or more persons.

Slightly more than half of the 59 monitors (31 or 53%) said that they did not receive any specific training for their position. Of the monitors who reported that they had received training, many said that the training was in the form of meetings or webinars conducted by the New York State Office of Probation and Correctional Services. The monitors who participated in these meetings and webinars reported that they were helpful in explaining the law, but the majority of these monitors also said that they did not receive any guidance on operational issues pertaining to the implementation of the law and the specific monitoring tasks and responsibilities involved.

Table 2		
Status of Monitoring Position and Training Provided		
<i>Is your monitor position....</i>	N=59	%
Full-time	21	35.6
Part-time	38	64.4
<i>Do you have staff to help you?</i>	N=59	%
Yes	31	52.5
No	28	47.5
<i>If Yes, how many?</i>	N=31	%
1 person	11	35.5
2 persons	9	29.0
3 or more persons	11	35.5
<i>Did you receive any training to prepare you for this position?</i>	N=59	%
Yes	28	47.5
No	31	52.5

DRIVERS MONITORED

The next series of questions was designed to obtain an overview of the drivers being monitored at the time of the survey, including drivers transferred from another county and drivers sentenced to interlock who were from another state or country.

At the time this survey was conducted in April/June 2011, approximately one-quarter (27%) of the monitors were monitoring 25 drivers or less, while another one-quarter (27%) were monitoring more than 100 drivers (Table 3). While the median number of drivers being monitored by counties was 58 at the time the survey was conducted, it is acknowledged that this number will increase considerably as time goes on.

More than three-quarters of the monitors (46 or 78%) indicated that they were monitoring drivers transferred from another county, with 17 (37%) of them indicating that they were monitoring more than six drivers from other counties at the time the survey was conducted. The 46 monitors who reported

that they were monitoring transfers from another county said that a number of issues regarding transfers have evolved since the implementation of the law. One of the major issues identified is that the sentencing court continues to be the court with jurisdiction over the case and to which any infractions of the conditions of discharge are to be reported, with the standards and practices in each county often being different due to factors unique to each county. As a result, these monitors reported that the process of dealing with courts they are not familiar with requires additional time and effort. This situation is exacerbated by the fact that they often do not have the same working relationships with the court personnel in these counties as they do in their own county. As a means of addressing this issue, many of the monitors reported that they no longer transfer any of the conditional discharge cases that they are monitoring under Leandra’s Law. They believe they can effectively monitor these drivers themselves because of the information provided to them electronically by the interlock service providers, with infractions being reported to the originating court.

**Table 3
Drivers Being Monitored**

	N=59	%
<i>How many drivers are you currently monitoring?</i>		
Less than 10	7	11.9
10-25	9	15.3
26-50	9	15.3
51-100	10	16.9
76-100	8	13.6
101-200	10	16.9
More than 200	6	10.2
Median number of drivers	58	
<i>Are any of the drivers you are monitoring transfers from another county?</i>		
Yes	46	78.0
No	13	22.0
<i>If Yes, how many?</i>		
1-2 drivers	11	23.9
3-5 drivers	16	34.8
6-10 drivers	9	19.6
More than 10 drivers	8	17.4
Don't know	2	4.3
<i>Have you dealt with any drivers sentenced to interlock in your county who were from another state?</i>		
Yes	35	59.3
No	23	39.0
Don't know	1	1.7
<i>Have you dealt with any drivers sentenced to interlock in your county who were from another country (e.g., Canada)?</i>		
Yes	6	10.2
No	53	89.8

Table 3 also shows that with regard to the drivers sentenced to interlock in their county, 35 (59%) of the monitors reported that they have dealt with drivers from another state and six (10%) have dealt with drivers from another country (e.g., Canada). Of the monitors who indicated that they have dealt with out-of-state drivers sentenced to interlock in their county, most reported that they have had no problems with people who live out-of-state. They further indicated that they still require such drivers to have the ignition interlock installed within the allotted time and they simply monitor them through the reports received from the service provider. As an example, one monitor is responsible for an individual arrested and convicted in New York State who lives in Hawaii.

With respect to drivers from another country, some of the monitors indicated that while they feel the interlock sanction should be imposed regardless of where the driver lives, some judges are unclear as to whether they can assign an interlock to someone who lives in another country (e.g., Canada).

Tracking Drivers

When asked how they track or monitor drivers through the system, 26 (44%) monitors said they use an Excel worksheet; 16 (27%) use an Access database and 30 (51%) maintain a paper log of drivers (Table 4). More than one-fifth (13 or 22%) of the monitors indicated that they use other methods to track drivers through the system. When asked to describe these other methods, many of the monitors said that they use databases developed by their in-house information technology (IT) staff. This is particularly true in the larger counties where the monitor is based in the county probation department. In these instances, it appeared to be a relatively easy task for the IT staff to make the necessary changes in an existing probation database to accommodate the tracking requirements of the monitoring task.

Table 4		
Methods Used to Track Drivers Through the System		
<i>How do you track or monitor drivers through the system from conviction to installation to de-installation? (Check all that apply)</i>	N=59	%
Excel spreadsheet	26	44.1
Access database	16	27.1
Paper log	30	50.9
Other (please describe)	13	22.0

MONITORING PROCESS

To document the tasks involved in monitoring drivers on interlock devices, a series of questions was designed to determine 1) who notifies the monitor when a driver is sentenced to ignition interlock and 2) the extent to which the monitors and drivers are in contact prior to the installation of an interlock device.

Notification of Monitors

Under the regulations governing the implementation of the ignition interlock portion of Leandra’s Law, the courts are required to notify the county monitor when a convicted driver is given a CD and been sentenced to ignition interlock. As shown in Table 5, approximately one-third (20 or 34%) of the monitors said they were always notified by the courts when a convicted driver has a CD and been

sentenced to ignition interlock, while one-half (30 or 51%) were notified by the courts most of the time. Only two monitors said they were rarely notified by the courts.

Table 5 Notification of Monitors		
<i>Do the courts notify you when a convicted driver has a CD and been assigned to ignition interlock?</i>	N=59	%
Always	20	33.9
Most of the time	30	50.9
Sometimes	7	11.9
Rarely	2	3.4
Never	0	0.0
<i>Are you notified through any other channels about persons you are responsible for monitoring? (Check all that apply)</i>	N=59	%
District Attorney	16	27.1
Driver	31	52.5
Defense Attorney or Public Defender	12	20.3
Other	15	25.4
Not notified (please explain)	0	0.0

In addition to the courts, the monitors were asked whether they were notified through other channels. Table 5 shows that 31 (53%) of the monitors reported that they were notified by the drivers themselves, 16 (27%) were notified by the District Attorney and 12 (20%) were notified by the Defense Attorney or Public Defender. Of the 15 monitors who indicated that they were notified through “other” channels, many said that they have received notification of an interlock installation from the vendor prior to the receiving the paperwork from the court. Some of the monitors further reported that the courts were initially unsure about how to handle a case and would therefore contact the monitor for information on how to proceed with the paperwork. In a few cases, monitors said that they have learned about a conviction from law enforcement prior to receiving the paperwork from the court.

The monitors who indicated that they were notified through the courts when a driver is sentenced to an interlock were then asked a series of questions about the notification process. As shown in Table 6, 49 (83%) of the monitors reported that the courts use Form OPCA-10CD-IID to notify them of the orders and conditions of the conditional discharge, and 46 (78%) reported that the courts use Form OPCA-510-IIN to notify them of the ignition interlock order. Only 16 of the monitors said that the courts had used Form MV-1192 to notify them of an order issued for a driver’s suspension or revocation. For those monitors who said that another form was used, most said that modified versions of the forms provided by Office of Probation and Correctional Alternatives are typically used. The modifications tend to be very minor; in some cases they simply put the form on county letterhead, while in other cases minor format changes were made to add a data field.

By regulation, the courts are required to notify the monitors within five business days of the sentencing court’s order imposing an ignition interlock device. As indicated in Table 6, 43 (73%) of the monitors said that the courts typically notify them “always” or “most of the time” within the five days. Six (10%) of the monitors indicated that they are rarely notified within the five days.

Table 6		
Court Notification of Monitors		
<i>How do the courts notify you? (Check all that apply)</i>	N=59	%
Form OPCA-10CD-IID (Orders & Conditions of Conditional Discharge)	49	83.1
Form OPCA-510-IIN (Monitor Notification of Ignition Interlock Order)	46	78.0
Form MV-1192 (Order of Suspension or Revocation)	16	27.1
Other county form	12	20.3
E-mail	3	5.1
Phone call	4	6.8
Other (please describe)	18	30.5
<i>Do the courts notify you within 5 days?</i>	N=59	%
Always	13	22.0
Most of the time	30	50.9
Sometimes	10	16.9
Rarely	6	10.2
Never	0	0.0
<i>Do the courts provide you with the information you need to contact the driver?</i>	N=59	%
Yes	28	47.5
No	31	52.5

Table 6 also indicates that more than half of the monitors (31 or 53%) reported that the courts do not provide them with the information they need to contact the driver. When asked what information they need that the court does not provide, the monitors said cell phone numbers or current land-line numbers were the most important contact information they would like to have. Current address was also desirable, but not as important as a phone number. Monitors said that without this information too much effort goes into tracking drivers down.

MONITOR INTERACTION WITH DRIVERS

The next series of questions was designed to assess the extent to which the monitors and the drivers sentenced to an interlock are in contact prior to installation of the interlock.

Monitor Contacts the Driver

As indicated in Table 7, 52 of the 59 monitors reported that they contact the driver prior to installation of the interlock; 26 (44%) said they always contact the driver prior to installation and 15 (25%) said they contact the driver most of the time. Six monitors (10%) said they sometimes contact the driver, while five (9%) said they rarely contact the driver prior to installation. Seven (12%) reported that they never contact the driver prior to installation.

The 52 monitors who reported that they contact the driver prior to installation were then asked about their method of contact and what information was provided to the driver at the time of contact. Table 7 shows that the monitors use multiple communication tools; 36 (69%) reported they use the phone; 27 (52%) use regular mail and 16 (31%) contact the driver in person.

Table 7		
Monitor Contact with Drivers Prior to Installation of Interlock		
<i>Do you contact the driver prior to installation of the interlock?</i>	N=59	%
Always	26	44.1
Most of the time	15	25.4
Sometimes	6	10.2
Rarely	5	8.5
Never	7	11.9
<i>For monitors who contact the driver prior to installation...</i>		
<i>How do you contact them? (Check all that apply)</i>	N=52	%
Telephone	36	69.2
E-mail	3	5.8
Mail	27	51.9
In person	16	30.8
Other	11	21.2
<i>What information do you provide to the driver? (Check all that apply)</i>	N=52	%
Class of device required to install	43	82.7
Vendor fees	30	57.7
Installation locations	43	82.7
List of driver responsibilities	22	42.3
Agreement/contract that driver is required to sign	13	25.0
Other (please describe)	11	21.2

When asked what types of information they provided the driver, 43 (83%) of the monitors reported they provide information on the class of device that must be installed and installation locations (Table 7). More than half (30 or 58%) of the monitors provide information on vendor fees and 22 (42%) give the driver a list of their responsibilities.

Driver Contacts the Monitor

Of the 59 monitors surveyed, 56 reported that drivers contact them prior to installation of the interlock; 17 (29%) said drivers always contact them prior to installation and 16 (27%) said drivers contact them most of the time (Table 8). Another 17 (29%) monitors reported that drivers sometimes contact them and six (10%) said drivers rarely contact them. Three monitors reported that drivers never contact them prior to installation.

As indicated in Table 8, drivers provide a variety of information to the monitors. Of the 56 monitors who reported that drivers provide them information, 25 (42%) reported that drivers give them the vehicle identification numbers of all motor vehicles they either own or they routinely operate and 20 (34%) said the driver gives them a statement disclosing all individuals who operate the motor vehicle they own or routinely operate. More than one-third (21 or 38%) of the monitors reported that drivers provide photo identification or a license for verification purposes and 18 (31%) reported that drivers provide the name and policy number of their motor vehicle insurance.

Table 8		
Driver Contact with Monitors Prior to Installation of Interlock		
<i>Does the driver usually contact you before they have the interlock installed?</i>	N=59	%
Always	17	28.8
Most of the time	16	27.1
Sometimes	17	28.8
Rarely	6	10.2
Never	3	5.1
<i>For monitors who have drivers contact them prior to installation...</i>		
<i>What information does the driver provide you? (Check all that apply)</i>	N=56	%
Photo identification/license for examination purposes	21	37.5
Name and policy number of his/her motor vehicle insurance	18	30.5
Vehicle identification number of all motor vehicles owned or routinely driven by operator	25	42.4
Statement disclosing all individuals who operate the motor vehicle(s) owned or driven by operator	20	33.9
Additional contact information (cell phone, e-mail, etc)	24	40.7
Other (please describe)	27	45.8

INSTALLATION AND DE-INSTALLATION OF INTERLOCKS

A series of questions was designed to explore the various aspects of the interlock installation and de-installation processes, focusing on the role of the monitor, vendor and the driver.

Installation of Interlocks

The regulations require the interlock installer/vendor to notify the monitor when a device is installed. As indicated in Table 9, 37 (63%) of the monitors reported that documentation was always provided and 16 (27%) reported that it was provided most of the time. Although the regulations require drivers to have the interlock device installed within 10 days of their sentencing date, 20 (34%) monitors indicated that installation typically occurred between 11 and 20 days after sentencing and four (7%) said it typically took longer than 20 days.

The monitors were also asked whether the drivers provided proof of installation. Table 9 shows that 30 (52%) of the monitors said that the driver always, most of the time or sometimes provided such proof, while 28 (48%) said that the drivers rarely or never provided proof of installation.

Table 9 Installation of Interlocks		
<i>Does the installer/vendor provide you with documentation of installation?</i>	N=59	%
Always	37	62.7
Most of the time	16	27.1
Sometimes	3	5.1
Rarely	1	1.7
Never	2	3.4
<i>The regulations state that drivers must have the ignition interlock device installed within 10 days after their disposition/sentencing date. Do the majority of drivers you monitor have it installed:</i>	N=59	%
Within 10 days	34	57.6
Between 11 and 20 days	20	33.9
Between 21 and 30 days	2	3.4
Over 30 days	2	3.4
Don't know	1	1.7
<i>Does the driver provide proof to you that the interlock was installed?</i>	N=58	%
Always	19	32.7
Most of the time	2	3.4
Sometimes	9	15.5
Rarely	14	24.1
Never	14	24.1

De-Installation of Interlocks

In regard to their experience with the de-installation process, 51 (86%) of the monitors indicated that they have had drivers who completed their interlock sentences and been approved for de-installation of the device (Table 10). Of these 51 monitors, 28 (55%) reported that they notified the NYS Department of Motor Vehicles (DMV) when a driver was approved for de-installation, while 21 (41%) reported that they did not notify the DMV.

Table 10 De-Installation of Interlocks		
<i>Have you had any drivers who have completed their sentences and been approved to de-install their interlock?</i>	N=59	%
Yes	51	86.4
No	8	13.6
<i>If yes, do you advise DMV when drivers are approved to de-install their interlock?</i>	N=51	%
Yes	28	54.9
No	21	41.2
Don't know	2	3.9

INTERLOCK VENDORS

To gather information related to the interlock vendors doing business in New York, a series of questions were designed to identify the vendor, the typical class of interlock device being used and the extent to which vendors report information to the monitors.

Vendor and Class of Interlock Device

As shown in Table 11, monitors reported that multiple vendors are doing business in their counties. Almost all of the monitors (55 or 93%) reported that Intoxalock is doing business in their county, followed by 51 monitors who indicated that Smart Start does business in their county. More than half of the monitors reported that Interceptor (33 or 56%) and LifeSafer (32 or 54%) are doing business in their county. Additionally, Draeger and Best Labs are doing business in 22 and 21 counties, respectively.

Table 11		
Interlock Vendors and Class of Interlock Device		
<i>Which Ignition Interlock vendors do business in your county? (Check all that apply)</i>	N=59	%
Smart Start	51	86.4
Intoxalock (Consumer Safety Technology)	55	93.2
Draeger	22	37.3
Interceptor	33	55.9
LifeSafer (National Interlock Service)	32	54.2
Best Labs (Sens-O-Lock of America)	21	35.6
Statewide	5	8.5
Other (please describe)	4	6.8
<i>What class of ignition interlock device is typically used in your county for CDs?</i>	N=59	%
Class 1	24	40.7
Class 2	1	1.7
Class 3	34	57.6

With regard to the class of interlock device used, Table 11 shows that 34 (58%) of the monitors reported that a Class 3 device is typically used in their county; 24 (41%) monitors reported that a Class 1 device is typically used. The class of the device refers to the features that are part of the device, with Class 1 having the fewest features and Class 3 having the most features. The class of device used in each county is selected by the County Probation Department. The features of each class are summarized below.

Class 1 device must:

- Meet the New York State Department of Health and National Highway Traffic Safety Administration regulations and standards
- Use fuel cell technology
- Have reporting capabilities
- Have the ability to store data and be programmable for re-test sequences and data download
- Provide inspection and re-calibration service
- Include anti-tampering and anti-circumvention features

Class 2 device must:

- Contain all of the features listed above for the Class 1 device, plus
 - ✓ Have photographic positive identification capability that may be either a camera or a biometric facial recognition device

Class 3 device must:

- Contain all of the features contained in the Class 1 and Class 2 devices, plus at least one of the following features -
 - ✓ GPS location of vehicle capability
 - ✓ Real time data reporting
 - ✓ Infra-red or other low-light camera capability for night use
 - ✓ Hum tone detection
 - ✓ Infra-red sensor that detects heat and proximity to verify human breath
 - ✓ Keys enabling service codes to be entered
 - ✓ Early recall system if a fuel cell fails
 - ✓ Restricted drive time capabilities
 - ✓ Ability to unlock code remotely to minimize towing due to lockouts
 - ✓ Voice instruction
 - ✓ Probation/judicial internet access for real-time monitoring 24/7
 - ✓ 911 emergency response program for interception of a targeted vehicle during a rolling re-test failure and target tracking

The monitors noted that most valuable features of the Class 3 device are the real-time data reporting capability and the positive identification of the driver through a photo or biometric facial recognition device.

Vendor Reports

The interlock vendors report a variety of information to the monitors related to the drivers on interlocks. As shown in Table 12, a large number of monitors said that the vendors have notified them when drivers fail or miss a start-up re-test (53 monitors), are locked out for any reason (50 monitors), fail or miss a rolling re-test (46 monitors), or miss a service visit (45 monitors). Twenty-eight (28) monitors reported that vendors notify them when there is evidence of tampering or circumventing the interlock device.

To follow-up on the various pieces of information that are provided by vendors, the monitors were asked under what circumstances they then contact the driver. Two-thirds of the monitors (40 or 68%) reported that they contact the driver when they don't receive an installation notice from the vendor (Table 12). An almost equal number of monitors (38 or 64%) reported that they contact the driver when the vendor notifies them of a missed service visit. Approximately one-half (28 or 48%) of the monitors contact the driver when a lockout is reported by the vendor or when the driver misses or fails a start-up or rolling re-test. Thirty-three (56%) monitors said they contact the driver when the interlock device can be removed.

Table 12		
Vendor Reports and Subsequent Contact with Drivers		
<i>Have you been notified by vendors of any of the following events regarding drivers you are monitoring? (Check all that apply)</i>	N=59	%
Missed service visits	45	76.3
Evidence of tampering/circumventing IID	28	47.5
Failed or missed start-up re-test (at 0.025 BAC level)	53	89.8
Failed or missed rolling re-test (at 0.025 BAC level)	46	78.0
Lockout for any reason	50	84.8
Other (please describe)	20	33.9
<i>Under what circumstances do you contact a driver? (Check all that apply)</i>	N=59	%
Notice of IID installation not received from vendor	40	67.8
Missed service visit	38	64.4
Failed or missed start-up re-test (at 0.025 BAC level)	28	47.5
Failed or missed rolling re-test (at 0.025 BAC level)	28	47.5
Lockout for any reason	32	54.2
When conditions have been satisfied and the IID can be removed	33	55.9
Other (please describe)	12	20.3

NOTIFICATION OF COURT AND DISTRICT ATTORNEY REGARDING PROBLEM EVENTS

The monitors were also asked a series of questions related to whether they notify the court and/or District Attorney (DA) when the driver fails to install the required interlock device or they are notified of a problem event by the vendor. As indicated in Table 13, while a large majority of the monitors reported that they do contact the court and/or the DA in these situations, they are more likely to contact the court than the DA. When a driver fails to install an interlock device, 55 (93%) of the 59 monitors said that they contact the court, compared to 43 (74%) monitors who contact the DA. If notified by the vendor that a service visit was missed, the interlock device was tampered with or circumvented, a start-up or rolling re-test was failed or missed, or a lockout occurred, 43-48 (73%-81%) of the 59 monitors reported that they notify the court, compared to 34-41 (59%-71%) monitors who said they notify the DA of such an event.

Table 13 also shows that two-thirds of the 59 monitors (38 or 64%) said that they use Form OPCA-133CR-IID (Conditional Discharge/Probation Ignition Interlock Notification to Court and District Attorney Form) to notify the court, compared to 31 (53%) monitors who use it to notify the DA. Of the monitors who notify the court and/or DA in a way other than using the OPCA-133CR-IID form, the majority said that they write a formal letter to explain the infractions for which a violation is being recommended. In addition, many monitors reported that they make phone calls or use a modified form.

To determine the extent to which either the court or DA provides feedback to the monitor after being notified of problem events, the monitors were specifically asked if the court or DA notified them of any action taken. Table 13 shows that an almost equal number of monitors (11-12) reported that the court or DA always, most of the time, sometimes or rarely notifies them of the action taken. Seven monitors said the court or DA never notifies them of the action taken.

Table 13
Notification of Court and District Attorney (DA)

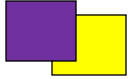
	Court		DA	
	N=59	%	N=59	%
Do you routinely notify the <u>court</u> or <u>DA</u> about any of these events? (Check all that apply)				
Failed to install ignition interlock device	55	93.2	43	74.1
Did not comply with service visit requirements	43	72.9	34	58.6
Is alleged to have tampered with/circumvented an IID	43	72.9	36	62.1
Failed or missed start-up re-test (at 0.025 BAC level)	48	81.4	41	70.7
Failed or missed rolling re-test (at 0.025 BAC level)	47	79.7	40	69.0
Lockout for any reason	44	74.6	36	62.1
Other (please describe)	11	18.6	7	12.1
How do you notify the <u>court</u> or <u>DA</u>? (Check all that apply)				
Use Form OPCA-133CR-IID (Conditional Discharge/Probation Ignition Interlock Notification to Court and District Attorney Form)	38	64.4	31	53.4
Other (please describe)	27	45.8	20	34.5
Does the <u>court</u> or <u>DA</u> notify you of the action taken?				
	N=53		%	
Always	12	22.6		
Most of the time	11	20.8		
Sometimes	11	20.8		
Rarely	12	22.6		
Never	7	13.2		

MONITOR RECOMMENDATIONS REGARDING DRIVERS ON IGNITION INTERLOCK

Since the rules and regulations give monitors the authority to modify various aspects of a driver's condition of his or her sentence with regard to the ignition interlock period, license status, referral to treatment or participation in the Drinking Driver Program, two additional questions were asked to assess whether any of the monitors had yet exercised this authority. As indicated in Table 14, 16 (27%) of the monitors reported that they have recommended the ignition interlock period be extended; only two have recommended that a driver's license be suspended or revoked. Ten (17%) monitors said that they have referred drivers to alcohol and substance abuse treatment. Although Table 14 shows that only six (10%) monitors said that they have referred drivers to the DDP, it is important to note that a number of the other monitors reported that many of the drivers they were monitoring were already attending the DDP.

Table 14
Recommendations/Referrals Regarding Drivers Being Monitored

<i>Have you recommended that any drivers...</i>	N=59	%
Have the ignition interlock period extended	16	27.1
Have their driver's license revoked or suspended	2	3.4
<i>Have you referred any drivers to...</i>	N=59	%
Alcohol and substance abuse treatment	10	17.0
DDP (Drinking Driver Program)	6	10.2
DMV for the purpose of suspending/revoking driving privileges	2	3.4



SUMMARY

A total of 59 conditional discharge (CD) monitors are assisting the state's 62 counties in implementing Leandra's law with regard to the expansion of the use of ignition interlocks. Each of the 59 CD monitors participated in the survey, providing information about their monitoring position; the drivers being monitored; and the tasks associated with the monitoring process, including the monitor's interaction with the drivers, courts, and interlock vendors. Key findings from the 59 monitors surveyed can be summarized as follows:

Monitors & Monitoring Process

- 38 (64%) of the 59 monitors are part-time.
- 31 (53%) did not receive any training for their position.
- 50 (84%) reported that the courts "always" or "most of the time" notify them when a driver has a CD and been sentenced to an interlock device; Leandra's law requires such notification.
- 43 (73%) reported that the courts notify them "always" or "most of the time" within the required five days.
- 31 (53%) said the courts do not provide the information they need to contact the driver.

Monitor Interaction with Drivers

- 41 (69%) of the 59 monitors said that they "always" or "most of the time" contact the driver prior to installation of the interlock; they typically provide information on installation locations, the class of device that must be installed and vendor fees.
- 33 (56%) reported that the driver "always" or "most of the time" contacts them prior to installation of the interlock; drivers typically provide additional contact information for themselves, the vehicle identification number of all motor vehicles that they own or routinely operate and a photo identification or license for examination purposes.

Installation and De-Installation of Interlocks

- 53 (90%) of the 59 monitors indicated that the installer "always" or "most of the time" provides them with documentation of installation.
- 34 (58%) reported that the majority of their drivers have the interlock installed within the required 10 days of sentencing; 20 (34%) reported that it typically takes 11-20 days.
- Of the 51 monitors who had drivers who had completed their interlock sentences, 28 (55%) reported that they notify the DMV when drivers are approved for de-installation; 21 (41%) do not notify the DMV.

Interlock Vendors

- The most commonly used interlock vendors are Intoxalock, reported by 55 monitors, and Smart Start, reported by 51 monitors.
- The most commonly used interlock device by the counties is the Class 3 device, reported by 34 (58%) monitors, followed by the Class 1 device, reported by 24 (41%) of the monitors.
- 50 (85%) of the monitors said that the vendors routinely notify them of a lockout; 53 (90%) and 46 (78%) said that the vendors routinely notify them of failed or missed start-up or rolling re-tests, respectively; and 45 (76%) are routinely notified of missed service visits.

Notification of Court and District Attorney Regarding Problem Events

- While a large majority of the monitors reported that they do contact the court and/or the DA about problem events, they are more likely to contact the court than the DA. For example:
 - 55 (93%) of the 59 monitors contact the court, compared to 43 (74%) who contact the DA, when a driver fails to install the interlock device
 - 47-48 (80%-81%) monitors contact the court, compared to 40-41 (69%-71%) who contact the DA, about a failed or missed start-up or rolling re-test is reported by the vendor
 - 44 (75%) contact the court, compared to 36 (62%) who contact the DA, when a lockout is reported by the vendor
- An almost equal number of monitors (11-12) reported that the court or DA always, most of the time, sometimes or rarely notifies them of the action taken in response to being informed of a problem event. Seven monitors said the court or DA never notifies them of the action taken.

Monitor Recommendations Regarding Drivers on Interlock Devices

- 16 (27%) of the 59 monitors said that they have recommended the ignition interlock period be extended for some of their drivers
- 10 (17%) have referred drivers to alcohol and substance abuse treatment

As noted above, the survey was conducted in April-June 2011, within the first year of the ignition interlock expansion law going into effect on August 15, 2010. Hence, in interpreting these findings, it is important to recognize that the information and comments provided by the monitors are based on less than one year's experience with the monitoring process. As a result, it may be beneficial to use a focus group approach to collect further information from the monitors during the coming year after they have had more experience with the monitoring process.