COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

January 20, 2012

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The Honorable
Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, New York 14202

RE: Acceptance of GTSC Ignition Interlock Device Monitoring Program from NYS DCJS

Honorable Members:

Attached, please find a proposed resolution and an accompanying memorandum from Erie County STOP-DWI Office requesting authorization to accept an award not to exceed $158,574 from the New York State Division of Criminal Justice Services (DCJS), Office of Probation and Correctional Alternatives (OPCA) to reimburse the Erie County STOP-DWI Office and other Erie County Departments for expenses related to the implementation of Leandra's Law.

The Erie County STOP-DWI Office will be monitoring individuals required by the Court to install an ignition interlock device in their vehicle.

Should your honorable body require further information, I encourage you to contact the Erie County STOP-DWI Office. Thank you for your consideration on this matter.

Sincerely,

Mark C. Poloncarz
Erie County Executive

MEMORANDUM

To:	Honorable Members of the Erie County Legislature
From:	Erie County STOP-DWI Office
Re:	Acceptance of GTSC Ignition Interlock Device Monitoring Program from NYS DCJS
Date:	January 6, 2012

SUMMARY

The attached resolution and accompanying memorandum request authorization to accept an award of no more than $158,574 from the New York State Division of Criminal Justice Services (DCJS), Office of Probation and Correctional Alternatives (OPCA) to reimburse the Erie County STOP-DWI Office for expenses related to the implementation of Leandra's Law.

FISCAL IMPLICATIONS

Funding, which represents reimbursement for services provided though the STOP-DWI Office and the Probation Department, will be submitted to the State once ignition interlock cases develop. This resolution requests that the Budget Office be authorized to budget expense and revenue for these programs once actual reimbursement from the State is received.

REASONS FOR RECOMMENDATION

The Erie County STOP-DWI Office has received a letter of approval for funding from the New York State Division of Criminal Justice Services for this purpose.

BACKGROUND INFORMATION

This is the second year the state has offered reimbursement for expenses related to the implementation of Leandra's Law. Under Leandra's Law, courts must order all drivers convicted of misdemeanor and felony drunk driving charges, even first-time offenders, to install and maintain ignition interlock devices (IID) on any vehicle they own or operate for at least six months at their own expense, in addition to any other terms of sentence.

The Probation Department supervises all persons sentenced to Probation inclusive of those who have an IID condition in their probation orders. Likewise the STOP-DWI program monitors those adults sentenced to a conditional discharge with an IID requirement.

Recognizing the cost involved with implementation of this law, the OPCA applied for and received a grant from the Governors Traffic Safety Council (GTSC) to reimburse monitoring agencies for some of that cost that ended 9/30/2011. We were recently notified that the OPCA has received a second year of funding for the period 10/1/2011-9/30/2012.

Each qualifying case handled by the Probation Department or the Erie County STOP-DWI Office will be reimbursed at $114.66 up to a total of no more than $158, 574.

CONSEQUENCES OF NEGATIVE ACTION

The County will forfeit the funding.

STEPS FOLLOWING APPROVAL

Certified copies of this resolution will be forwarded to the Division of Budget & Management, the Office of the Comptroller, the Probation Department, and the Erie County STOP-DWI Office.

A RESOLUTION SUBMITTED BY:
STOP-DWI CENTRAL POLICE SERVICES

RE: Acceptance of GTSC Ignition
Interlock Device Monitoring
Program from NYS DCJS

WHEREAS, the New York State Division of Criminal Justice Services (DCJS), Office of Probation and Correctional Alternatives has been awarded a grant from the Governor's Traffic Safety Council (GTSC) related to the implementation of mandatory ignition interlock devices (Leandra's Law); and

WHEREAS, the Department of Probation is responsible for providing supervision and probation services to adults sentenced to probation including those with a condition to install an ignition interlock device; and

WHEREAS, the Erie County STOP-DWI Office is responsible for monitoring those adults sentenced to a conditional discharge with an ignition interlock device requirement; and

WHEREAS, the DCJS, Office of Probation and Correctional Alternatives will reimburse monitors at the rate of $114.66 for each case in which an ignition interlock device is ordered, up to a maximum reimbursement of $158,574.00; and

WHEREAS, the reimbursement will enable the Probation Department and the Erie County STOP DWI Office to recoup costs associated with the implementation of Leandra's Law.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contract and accept reimbursement from the New York State Division of Criminal Justice Services, Office of Probation and Correction Alternatives in the amount of no more than $158,574; and be it further

RESOLVED, that said reimbursement shall be recorded in the budget of the STOP-DWI Program, Fund 110 cost center 1650060 and the Probation Department, Fund 110 cost center 1261010 in proportion to the amount earned by each department or program; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to establish and adjust budgets as actual funds are received in order to reimburse related expense in the Probation Department or STOP-DWI program; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the County Comptroller, the County Attorney, the Probation Department, and the Erie County STOP-DWI Office c/o John Sullivan 45 Elm Street, room 233.