

STOP DWI New York

BROOME COUNTY

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2010

Broome County STOP-DWI Program Plan



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Broome County STOP-DWI Program

Mission Statement

To develop and coordinate a comprehensive DWI counter-measure program to deter the incidence of drunk driving and the occurrence of alcohol related traffic injuries and fatalities.

Program Overview

STOP-DWI stands for "Special Traffic Options Program for Driving While Intoxicated". The STOP-DWI Program was enacted by the State Legislature in 1981 for the purposes of empowering county governments to coordinate local efforts to reduce alcohol and other drug-related traffic crashes within the context of a comprehensive and financially self-sustaining alcohol and highway safety program.

Pursuant to Article 31 Section 1197 of the New York State Vehicle and Traffic Law, the Broome County STOP-DWI Program develops and coordinates a comprehensive DWI countermeasures program - that places a priority on general deterrence – the prevention of drunk driving through the increased certainty of arrest and conviction. To that end, STOP-DWI funds extra police patrols that are dedicated to DWI enforcement. STOP-DWI also provides specialized breath testing equipment and video cameras to police agencies as well. The District Attorney's office receives funds to hire an additional prosecutor to specialize in DWI cases. STOP-DWI also funds a position with the Broome County Probation Department to deal with recidivist DWI offenders.

In addition, STOP-DWI funds a large print and electronic media campaign in order to heighten awareness and educate the public about the dangers of drunk driving, the increased certainty of arrest and harsh penalties one faces if convicted.

STOP-DWI also sponsors numerous training seminars for prosecutors, police, educators and treatment professionals who deal with various aspects of the drunk driving issues. STOP-DWI works with the private sector, local school districts, not for profit organizations and the Drinking Driver Program to conduct outreach programs and community based education efforts. The STOP-DWI Program also sponsors the STOP-DWI Holiday Classic (basketball tournament), the STOP-DWI Tournament of Champions (girls softball tournament), and the Chris Thater Memorial (cycling and running event) using the popularity of sports to further promote the STOP-DWI message.

STOP-DWI operates under 15NYCRR Part 172 of the Commissioner's Rules and Regulations which limits funding to only enhancement programs, which reduce the incidence of impaired driving. Broome County's STOP-DWI Program is supported entirely by the fines paid by people convicted of driving while intoxicated and aggravated unlicensed operation (alcohol related) and the monthly supervision fees paid by those sentenced to Probation for DWI.

**Broome County
STOP-DWI Program**

Year 2010 Objectives

ENFORCEMENT AND ADJUDICATION COMPONENT:

- ★ Continue the high visibility STOP-DWI Task Force Program involving specially marked patrol vehicles and overtime patrols that are dedicated to DWI enforcement.
- ★ Continue to participate in the statewide STOP-DWI Crackdown Campaign.
- ★ Continue to support the video tape program in which DWI offenders are video taped at the scene of arrest and at police stations.
- ★ Purchase specialized breath testing equipment and supplies for DWI enforcement.
- ★ Support specialized crash investigation and accident reconstruction efforts among Broome County's law enforcement agencies.
- ★ Support the Standard Field Sobriety Testing (SFST), Advanced Roadside Impaired Driving Enforcement (ARIDE) and Drug Recognition Expert (DRE) Programs that help police officers identify the alcohol and/or drug impaired driver.
- ★ Continue the STOP-DWI Prosecution Program with the Broome County District Attorney's Office.
- ★ Continue the STOP-DWI Probation Program with the Broome County Probation Department.
- ★ Continue funding an in-house drug testing program for DWI Probationers.

EDUCATION AND PUBLIC AWARENESS COMPONENT:

- ★ Continue specialized education programs for enforcement, prosecution, education and treatment professionals who deal with various aspects of the impaired driving issue.
- ★ Continue to offer the TIPS Alcohol Server Training Program to on-premise (bars, taverns) and off-premise (caterers) establishments and to work with licensed establishments on the prevention of impaired driving.
- ★ Conduct community outreach via public speaking engagements, presenting booths at health fairs and trade shows and by making available videos, displays and printed materials to schools and other organizations.

EDUCATION AND PUBLIC AWARENESS COMPONENT: - Continued

- ★ Continue to support education and public awareness activities in area middle and high schools.
- ★ Conduct a comprehensive electronic and print advertising campaign to promote awareness about the DWI issue.
- ★ Conduct special projects/events such as the STOP-DWI Holiday Classic, STOP-DWI Tournament of Champions and the Chris Thater Memorial to further promote the STOP-DWI and healthy lifestyles message to youth and the community.

ADMINISTRATIVE/EVALUATION COMPONENT:

- ★ Work with the STOP-DWI Advisory Board, local officials and public and private community organizations to develop and coordinate a comprehensive DWI countermeasure program.
- ★ Monitor and evaluate traffic accident, arrest and conviction data to assess the effectiveness of Broome County's STOP-DWI effort.
- ★ Seek private/corporate sponsorship to help finance education and promotional efforts.

2010 BUDGET HIGHLIGHTS

- ★ Application of DWI fine revenues to cover FY2010 program expenses at no cost to local taxpayers.
- ★ Application of DWI Probation Supervision Fees to help fund STOP-DWI's Probation programming.
- ★ Application of STOP-DWI Holiday Classic funds to help finance STOP-DWI Program Manager position.

2010 STOP-DWI Program Plan

INTRODUCTION

The 2010 STOP-DWI Program represents Broome County's continued fight to combat the drunk driving problem. The 2010 STOP-DWI Program Plan continues those initiatives undertaken in previous years in order to maintain a long-term comprehensive approach in the fight to combat impaired driving. The 2010 funding initiatives contained herein will help strengthen the general deterrence model of our criminal justice system to successfully combat the impaired driving problem. The key program areas are: 1) Law Enforcement, 2) Prosecution, 3) Education and Public Awareness and 4) Probation and Treatment.

STOP-DWI Finances

Funding for the 2010 STOP-DWI Program is made possible from the combination of revenues from three sources: (1) DWI fines, (2) DWI probation supervision fees and (3) STOP-DWI Holiday Classic trust funds. From 1982 through 2009, over \$9 million has been invested towards the fight to combat impaired driving in Broome County at no cost to the taxpayer. The proposed 2010 budget for the Broome County STOP-DWI Program is \$460,000.

The primary revenue source for STOP-DWI is DWI fine money. According to Section 1197 of Article 43-A of the New York State Vehicle and Traffic Law, the STOP-DWI Program is funded by the fine money paid by people convicted of Driving While Intoxicated (DWI) and Aggravated Unlicensed Operation (AUO) due to alcohol. New York State county STOP-DWI Programs receive 100% of the fine amount which is deposited into a restricted county fund for STOP-DWI.

Broome County's STOP-DWI FY 2010 budget is based on conservative DWI fine revenue projections in light of the increased court surcharges that DWI offenders pay. New York State increased court surcharges across the board on all V & T misdemeanor and felony cases as a way to generate state revenue. These surcharges were implemented in August, 2008 as part of the 08/09 New York state budget. STOP-DWI remains concerned that these fees, which are significant in DWI cases, can under cut an offender's ability to pay his DWI fine. These surcharges are collected in full before any fine payment is made. However, it's the DWI fine money that funds county STOP-DWI Programs.

Notwithstanding the above concern, arrest and conviction totals directly impact revenues. In that regard, the average number of DWI arrests have averaged 737 per year for the last 8 years. And, the Broome County District Attorney's Office maintains one of the top conviction rates for DWI in New York State.

Average DWI fine revenue for STOP-DWI based on an 8 year average (2001 – 2008) is \$372,737. The average for the last 4 years (2005 – 2008) is \$377,855. STOP-DWI is projecting \$375,000 of fine revenue for FY 2010.

STOP-DWI also wants to increase its fine revenue support for 2010’s budget by using \$40,000 from its reserve fund. Broome County STOP-DWI’s FY 2008 year end fund balance totaled \$107,024. FY 2009 year end fund balance is conservatively projected at \$100,000. Based on Broome County’s policy of keeping at least 10% of an operating budget in reserve, STOP-DWI is confident to propose using \$40,000 from its fund balance to augment FY 2010 programming. This would leave a \$60,000 balance in reserve assuming other revenue projections are met. Use of reserve funds at this level will enable STOP-DWI to augment key program areas, yet not jeopardize the financial viability of this program.

<u>Fiscal Year</u>	<u>DWI Arrests</u>	<u>DWI Revenues</u>
2001	762	\$393,019
2002	766	\$406,451
2003	660	\$359,278
2004	743	\$314,356
2005	740	\$376,263
2006	744	\$377,855
2007	752	\$365,762
<u>2008</u>	<u>730</u>	<u>\$388,916</u>
8 Year Average:	737	\$372,737
Average Last 4 Years:	742	\$377,293

The second revenue source proposed for FY 2010 operation is the collection of a DWI Probation Supervision Fee as per Section 257-c of the Executive Law of New York State. This fee was first established in Broome County as part of STOP-DWI’s 2006 budget.

Section 257-c of the Executive Law allows counties to charge a fee of \$30 per month and the option to waive all or part of such fee because of the indigence of the offender. In addition, Section 257-c provides that monies collected are required to be used for probation services and would not be considered by New York State when determining state aid reimbursement pursuant to Section 246 of the Executive Law. New York State does not authorize a probation supervision fee for any other crime category.

Based on 2008 Broome County Probation Department statistics there were 275 people on probation for DWI. Since issues of indigency/hardship must be addressed (as per Section 257-c) Broome County Probation has developed a sliding scale of fees. Some people pay may \$5 or \$10 a month, while others pay the full \$30/month. Probation will continue to administer the program, set the fees, determine indigency and collect the money (that will be deposited in STOP-DWI’s revenue account). The following are revenue estimates for this program.

- Estimated revenue generated if all 275 probationers paid \$10/month would be \$33,000.

- Estimated revenue generated if all 275 probationers paid \$20/month would be \$66,000.
- Estimated revenue generated if all 275 probationers paid \$30/month would be \$99,000.

Assuming a 70% collection rate on an overall average of \$20/month, Broome County would realize \$46,200 per year. STOP-DWI projects \$35,000 in DWI supervision fee revenue for 2010.

The third revenue source for the 2010 STOP-DWI Budget is from the STOP-DWI Holiday Classic trust account. STOP-DWI will use \$10,000 in funds to support the STOP-DWI Program Manager position whose job duties include running the tournament.

2010 STOP-DWI Projected Revenues Summary

DWI and AUO Fine Revenue	\$375,000
STOP-DWI Fund Balance	\$ 40,000
DWI Probation Supervision Fees	\$ 35,000
Trust Account (STOP-DWI Holiday Classic)	<u>\$ 11,000</u>
Total	\$460,000

SUMMARY OF PROPOSED 2010 FUNDING
Broome County STOP-DWI Program
Comparison of FY 2006 to 2009 Budgets to Proposed 2010 Budget

<u>STOP-DWI PROGRAM AREA</u>	<u>CONTRACT NUMBER</u>	<u>2006 FY FUNDING</u>	<u>2007 FY FUNDING</u>	<u>2008 FY FUNDING</u>	<u>2009 FY FUNDING</u>	<u>2010 FY PROPOSED</u>
<u>Law Enforcement</u>						
<u>STOP-DWI Task Force Vehicle Program</u>						
Binghamton Police	CA1512-1	\$15,000	\$15,000	\$22,140	\$23,800	\$30,867
Vestal Police		\$15,000	\$15,000	\$23,700	\$25,500	\$21,135
Endicott Police		\$15,000	\$15,000	\$10,660	\$ 8,500	\$11,831
Johnson City Police		\$15,000	\$15,000	\$ 9,840	\$10,200	\$15,810
Sheriff's Office		\$10,000	\$12,000	\$ 8,200	\$13,600	\$15,112
Deposit Police		\$ 2,000	\$ 2,500	\$ 820	\$ 850	\$ 1,183
Port Dickinson Police		\$ 2,000	\$ 2,500	\$ 2,500	\$ 2,550	\$ 1,613
<u>Law Enforcement Equipment CA1513</u>						
Maintenance/Repair/Supplies for all police agencies county-wide		\$ 6,750	\$ 6,750	\$ 6,750	\$ 5,000	\$ 5,500
Purchase of Alco-Sensors, Radar, Camera Equipment – Various Broome County Police Agencies		-----	-----	\$ 9,140	\$ 9,100	\$14,435 *
<u>Prosecution</u>						
Broome County District Attorney's Office - One Assistant District Attorney II		\$40,000	\$40,000	\$40,000	\$40,000	\$40,000
<u>Education/Public Information/STOP-DWI Promotion</u>						
STOP-DWI Public Information and Public Awareness Campaign		\$45,000	\$50,000	\$55,000	\$60,000	\$65,000
County-wide Training/Community Education		\$ 3,250	\$ 5,000	\$ 8,000	\$ 7,800	\$ 8,000
<u>Probation/Rehabilitation/Treatment</u>						
Broome County Probation Department DWI Felony Supervision Program – One Senior Probation Officer Training and Equipment		\$30,000	\$30,000	\$35,000	\$30,000	\$30,000
					\$ 5,000	\$ 5,000
<u>STOP-DWI Coordinator's Office</u>						
Salary Expenses for a Full-Time STOP-DWI Coordinator, Program Manager & Secretary		\$126,573	\$131,628	\$135,081	\$137,290	\$144,835
Fringe Benefits		\$ 39,136	\$ 36,211	\$ 38,376	\$ 36,364	\$ 38,917
Office Supplies		\$ 10,291	\$ 9,411	\$ 9,793	\$ 7,946	\$ 8,762
Total Office		<u>\$176,000</u>	<u>\$177,250</u>	<u>\$183,250</u>	<u>\$181,600</u>	<u>\$192,514</u>
TOTAL BUDGET		\$375,000	\$386,000	\$415,000	\$420,000	\$458,000

* Vestal Police \$5,000; Broome County Sheriff \$5,000; New York State Police \$1,000 and contingency of \$3,435.

2009 Revenue Sources:	Fine Money	\$370,000
	Supervision Fees	\$ 35,000
	Trust Account	<u>\$ 15,000</u>
		\$420,000

2010 Revenue Sources:	Fine Money	\$415,000
	Supervision Fees	\$ 35,000
	Trust Account	<u>\$ 10,000</u>
		\$460,000

2010 STOP-DWI Law Enforcement Program

Over the years, Broome County STOP-DWI's law enforcement initiatives have included dedicated full time patrols, overtime patrols, equipment purchases and training programs for area police agencies.

The Broome County STOP-DWI Program seeks to enhance its 2010 initiatives through increased funding for the STOP-DWI Task Force Vehicle Program deployed by Binghamton Police and the STOP-DWI Overtime Patrol Program conducted by the Sheriff's Office, Endicott, Johnson City, Vestal, Port Dickinson and the Deposit Police. In addition, STOP-DWI intends to provide equipment and supplies and fund specialized training for area police agencies (as well as to the District Attorney, Probation and other agencies) to further assist efforts to combat drunk driving.

2010 STOP-DWI Task Force Vehicle Program - CA-1512-1:

This funding initiative is directed at maintaining the highly successful and very visible STOP-DWI Task Force Vehicle Program. It is very important that this dedicated enforcement program continue as it plays a critical role in the deterrence model followed by STOP-DWI.

The 2010 STOP-DWI Task Force Vehicle Program per CA-1512-1 will involve the City of Binghamton Police that covers the major metropolitan area of Broome County. According to this agreement, Broome County STOP-DWI will provide funding for a specially marked patrol vehicle in exchange for the deployment of a dedicated DWI patrol on a regular full-time basis (40 hours per week) at the key times of day and days of week identified as peak DWI periods. By continuing the STOP-DWI Task Force Patrols, the STOP-DWI enforcement effort achieves high visibility in the City of Binghamton. Therefore, STOP-DWI wishes to renew contract CA1512-1 with Binghamton to enable this agency to use STOP-DWI grant money to help purchase a vehicle, radar, in-car video system and/or other DWI equipment in exchange for deploying a dedicated officer on a full time basis in the specially marked STOP-DWI Task Force Vehicle.

2010 STOP-DWI Task Force Overtime Patrol Programs CA-1512:

The Broome County STOP-DWI Program proposes to increase funding for the overtime patrol program detailed in CA-1512 with the Broome County Sheriff's Office, Endicott, Johnson City, Vestal, the Village of Port Dickinson and Village of Deposit Police Departments. Funding would not exceed the totals as listed for each agency as outlined in the chart below. As stipulated in CA-1512, the entire grant is directed at paying the overtime costs necessary to deploy extra patrols during those peak hours and days of week generally associated with impaired driving during 2010. Grant monies do not cover court overtime expenses only actual patrol coverage costs. The Sheriff's Program will be paid for through Broome County's interdepartmental chargeback system.

2010 General Law Enforcement Equipment, Maintenance and Supplies – CA-1513:

Pursuant to Contract CA-1513, the STOP-DWI Program is responsible for the cost of supplies, maintenance and calibration of all STOP-DWI purchased equipment that is provided to local police agencies, the District Attorney, Probation and any other contract agency. The cost of these obligations will total \$5,500 for 2010.

2010 Law Enforcement Equipment Grants – CA1513:

Each year the Broome County STOP-DWI Program funds a variety of equipment to enhance DWI enforcement efforts. STOP-DWI proposes allocating \$14,435 in 2010 towards the purchase of alcohol screening/detection instruments, radar and in-car cameras.

Summary of 2010 Law Enforcement Funding

<u>Agency</u>	<u>Contract</u>	<u>Grant</u>	<u>N.T.E. Grant Amount</u>
<u>STOP-DWI Task Force Vehicle Program</u>			
Binghamton Police	1512-1	STOP-DWI Task Force Vehicle	\$30,867
<u>STOP-DWI Task Force Overtime Program</u>			
Broome County Sheriff	1512	STOP-DWI Overtime Patrol	\$15,112
Deposit Police	1512	STOP-DWI Overtime Patrol	\$ 1,183
Endicott Police	1512	STOP-DWI Overtime Patrol	\$11,831
Johnson City Police	1512	STOP-DWI Overtime Patrol	\$15,810
Port Dickinson Police	1512	STOP-DWI Overtime Patrol	\$ 1,613
Vestal Police	1512	STOP-DWI Overtime Patrol	\$21,135
<u>STOP-DWI Equipment</u>			
All Law Enforcement Agencies, District Attorney, Probation and various other contract agencies.	1513	Maintenance and Repair of STOP-DWI Equipment	\$ 5,500
All Law Enforcement Agencies & District Attorney	1513	Purchase of radar, alco-sensors and/or related DWI enforcement equipment to be determined in 2010.	\$ 3,435
New York State police	1513	Purchase of DWI enforcement equipment to be determined in 2010.	\$ 1,000
Vestal Police	1513	Purchase of DWI enforcement equipment to be determined in 2010.	\$ 5,000
Br. Co. Sheriff	1513	Purchase of DWI enforcement equipment to be determined in 2010.	\$ 5,000

2010 STOP-DWI Prosecution Component

Broome County's STOP-DWI Program will continue to help fund a full-time Assistant District Attorney in 2010. This position will enable the District Attorney's Office to specialize in prosecuting felony drunk driving cases. STOP-DWI will fund this initiative with a \$40,000 grant in 2010.

2010 STOP-DWI Education, Public Information, Public Awareness

STOP-DWI intends to continue its education, public information and public awareness programs with a \$73,000 budget appropriation.

2010 Education and Training

Each year Broome County STOP-DWI helps provide educational opportunities to police, prosecution, probation, education and treatment professionals by either conducting (or sending personnel to) specialized training programs. Broome County STOP-DWI has appropriated \$8,000 to fund specialized training opportunities for Criminal Justice, Human Service and Education System personnel that deal with the DWI problem. STOP-DWI works with local police agencies, school districts, hospitals and not-for-profit organizations to conduct a variety of education programs. Regarding law enforcement, STOP-DWI has partnered with the Zone 6 Police Academy to help sponsor Standard Field Sobriety Training (SFST), accident reconstruction training, Advanced Roadside Impaired Driving Enforcement (ARIDE) training and Alcohol Servers training (TIPS). STOP-DWI also works with the Governor's Traffic Safety Committee to conduct Drug Identification Training for Education Professionals (DITEP) and Drug Recognition Expert (DRE) training for police. Broome County STOP-DWI co-sponsors workshops with the New York Prosecutors Training Institute (NYPTI) that provides specialized training to police and prosecutors. Broome County STOP-DWI also partners with United Health Services and the New York State STOP-DWI Foundation to co-sponsor training seminars for treatment providers, school teachers and probation officers. And, finally, the STOP-DWI Program makes presentations at the Drinking Driver Program – a mandatory education and screening program for DWI offenders.

\$8,000 Subtotal allocated to fund Education and Training

2010 STOP-DWI Public Information and Public Awareness

Research has shown that specific “crackdowns” on drinking and driving can produce temporary reductions in alcohol related crashes. However, this research also demonstrates that when these special efforts end and the publicity surrounding them subsides, there is a regression to pre-intervention levels. Research findings have suggested that it is possible to establish greater and longer lasting impact on reducing DWI. Two key factors are required. First, enforcement practices must be intensive and continuous, and not simply part of a temporary crackdown. The second component is that the DWI effort be highly publicized.

The role of public information (advertising/promotion) is very important towards achieving behavioral change through deterrence. Deterrence of DWI is only realized when STOP-DWI establishes countermeasures that are intensive and long term and are perceived as permanent in the community. STOP-DWI’s public information campaign helps to create and perpetuate this perception. Therefore, it is important to advertise over the life of a traffic safety campaign in order to maintain awareness and reinforce the public’s perception that STOP-DWI is a permanent part of the community.

Arguably, the public information area is one of the most important components of county STOP-DWI Programs as it helps to create a new cultural landscape about the public’s attitudes and perceptions regarding drunk driving in our society.

The following is a summary of the television, radio and print public awareness projects that will be conducted by the STOP-DWI Program in 2010.

\$25,000.00 Funding for public service announcements to be aired on the local television stations. It is anticipated that there will be a cooperative funding effort between Broome County and the surrounding New York State counties to conduct this particular campaign.

\$25,000.00 Funding for public service announcements and STOP-DWI promotional campaigns on local radio stations.

\$ 7,500.00 Funding for a STOP-DWI Program public informational and promotional campaign. To cover cost of publishing pamphlets, educational materials and the purchase of promotional items.

\$ 5,000.00 Funding for signage with Binghamton Senators Hockey Team at Broome County Veterans Memorial Arena and Binghamton Mets Baseball Team at NYSEG Stadium.

\$ 2,500.00 Funding to cover billboard/print advertising.

\$65,000.00 Subtotal allocated for Public Information and Public Awareness

\$73,000.00 Total Budget STOP-DWI Education, Public Information and Public Awareness

2010 STOP-DWI Probation Program

The STOP-DWI Program will continue funding a Senior Probation Officer to supervise a felony DWI Probation caseload. The objective of this probation program is to provide a more concentrated effort on evaluating and monitoring the felony DWI offender. It is hoped that this program will serve as both an education and rehabilitation mechanism for the offender in order to effectively impact the behavior of the DWI offender.

The Broome County STOP-DWI Program intends to fund this program in the Broome County Probation Department with \$35,000 in revenues received from the assessment of monthly supervision fees that are paid by DWI offenders serving a sentence of probation. Broome County is authorized to charge these fees pursuant to Section 257-C of the New York State Executive Law. Approximately \$30,000 of this funding will help cover the net salary and fringe benefit expenses of a Senior Probation Officer (after reimbursement from the New York State Division of Probation and Correctional Alternatives). STOP-DWI has also appropriated \$5,000 to help pay for training and/or equipment to enhance Broome County Probation's DWI supervision efforts.

2010 STOP-DWI Administration

The 2010 funding of \$191,449 for the Office of the STOP-DWI Program includes the salary and fringes of the full time Coordinator, Program Manager and Secretary as well as office supplies and charge back expenses.

Office of STOP-DWI Program

Salary Expense of the STOP-DWI Coordinator, Program Manager and Secretary	\$144,435
Fringe Benefits	\$ 38,917
Office Supplies/Chargebacks	<u>\$ 8,762</u>
Total:	\$192,514

The Office of the STOP-DWI Program is charged with the task of carrying out the mandates of Section 1197 of the Vehicle and Traffic Law according to 15NYCRR Part 172 of the Commissioner's Rules and Regulations to effectively manage the numerous projects that comprise Broome County's STOP-DWI efforts. The Broome County STOP-DWI Program develops, coordinates and evaluates a variety of programs in the areas of law enforcement, prosecution, probation, education and public information that are described in this document.

Please see the 2010 Program Objectives at the beginning of this document.