



AGENDA

The DWI Partners in Prevention Conference is intended to provide the latest information on the implementation of New York's new impaired driving laws and the effects of these measures on the various components of the state's system that deal with impaired driving offenders. The conference sessions are designed to follow an impaired driver through the system from the initial traffic stop through arraignment, adjudication, participation in the Drinking Driver Program, treatment, probation, and the licensing system. The focus will be on the interactions with the impaired driver that occur at each step of the process, including the sanctions and procedures for drivers charged with the new violation of Aggravated DWI.

A special session on the use of technology in the detection and monitoring of impaired drivers will also be presented. In addition, a number of vendors have been invited to exhibit various types of equipment and new technology related to impaired driving. Conference attendees are encouraged to visit the vendor booths in the lobby area.

An important objective of the conference is to provide valuable information that will promote understanding and cooperation among the partners who are responsible for the various components of the system and share the goal of preventing impaired driving and the crashes, fatalities and injuries that result. The agencies and organizations listed below are the Partners in Prevention who have joined together in presenting this important conference.

PARTNERS IN PREVENTION

**DEPARTMENT OF MOTOR VEHICLES
DIVISION OF CRIMINAL JUSTICE SERVICES
DIVISION OF PROBATION AND CORRECTIONAL ALTERNATIVES
DIVISION OF STATE POLICE
DRINKING DRIVER PROGRAM DIRECTOR'S ASSOCIATION
GOVERNOR'S TRAFFIC SAFETY COMMITTEE
INSTITUTE FOR TRAFFIC SAFETY MANAGEMENT AND RESEARCH
NEW YORK PROSECUTORS TRAINING INSTITUTE
OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES
OFFICE OF COURT ADMINISTRATION
STATE LIQUOR AUTHORITY
STOP DWI ASSOCIATION, INC.**

THURSDAY, NOVEMBER 8

9:30 – 10:30 INTRODUCTORY SESSION

Speakers: DAVID SWARTS, *Commissioner, NYS Department of Motor Vehicles and Chair, Governor's Traffic Safety Committee*
THOMAS LOUIZOU, *Regional Administrator, National Highway Traffic Safety Administration - Region 2*
CHUCK HURLEY, *Chief Executive Officer, Mothers Against Drunk Driving*

10:45 – 12:15 ARREST AND PROCESSING

Moderator/Speaker: JOSEPH McCORMACK, Esq., *Chief of Vehicular Crimes, Bronx District Attorney's Office*
Speaker: SGT. DOUGLAS PAQUETTE, *New York State Police, Coordinator- Impaired Driving Enforcement Programs*

Review of New Drinking and Drugged Driving Laws

An overview of the new impaired driving laws, including the new category of Aggravated DWI (.18%+ BAC), combined drugs and alcohol, and out-of-state convictions will be presented. In addition, the new Vehicular Homicide sections will be reviewed, from the removal of the requirement of criminal negligence to the B felony of Aggravated Vehicular Homicide in the First Degree and Depraved Indifference Murder.

Detection of Impaired Driving and Evidence Gathering

A police officer will discuss the detection of impaired drivers including the observations, criteria and infractions that lead to a traffic stop, the use of checkpoints, and the use of stationary vehicles. The investigation of impaired driving at a crash scene will also be described; when a crash has occurred, officers must be concerned with victim assistance, traffic safety, driver ID, driver observations and the cause of the collision. Ultimately, two separate crime scenes may exist: 1) the crash scene and vehicle which must be analyzed with a view for contraband, vehicle damage, roadway evidence collection and witnesses; and 2) the offender which includes issues with the preliminary breath sample, breath sample collection, blood sample collection, urine sample collection, refusals and continued observations.

Legal Issues

A number of legal issues related to the arrest and processing of impaired drivers will be examined including the propriety of the stop, the requirements for impairment observations, the legal meaning of various BAC levels, the proof required for Driving Under the Influence of Drugs, and the admissibility of intoxication evidence and collision investigation evidence.

12:30 – 1:30 LUNCH

1:45 – 3:15 ARRAIGNMENT AND ADJUDICATION

Moderator/Speaker: JOSEPH McCORMACK, *Chief of Vehicular Crimes, Bronx District Attorney's Office*
Speakers: MAUREEN McCORMICK, *Chief of Vehicular Crimes, Nassau District Attorney's Office*
MICHAEL YAVINSKY, *Chief Court Attorney, New York City Criminal Court*
BROOKS BAKER, *Senior Assistant District Attorney, Steuben County District Attorney's Office*

Loss of License at Arraignment

Between the prompt suspension law, hardship rules and refusal suspensions, most drivers do not leave court with the right to drive. The meaning of Pringle v Wolfe and when, why and how bail is set will also be discussed.

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THURSDAY, NOVEMBER 8 (CONT'D)

Punishment, Retribution, Deterrence and Rehabilitation

What *can* the sentence be? What *should* the sentence be? What *will* the sentence be? All types of plea bargains will be examined along with some of the available sentencing options like the Drinking Driver Program, Victim Impact Panels, treatment programs, community service, fines, ignition interlock, jail and the role of probation. Finally the new rules on who, how, and when screening and assessment of impaired drivers is required will be reviewed.

Communication

Interagency communication regarding offender non-compliance with sanctions and other issues will also be examined.

3:15 – 3:30 **BREAK**

3:30 – 4:30 **THE CHANGING ROLE OF THE DRINKING DRIVER PROGRAM (DDP)**

Moderator: PAMELA WANNING, *Director Mid-Hudson Health & Safety Dept., Ulster County Community College*

Speakers: LEE WEAVER, MA, CASAC
Coordinator, Northpointe Drinking Driver Program in Niagara County
President, NYS DDP Director's Association

DENISE HATCH, CAS Ed.Admin.

Director Prevention Network, Onondaga County Drinking Driver Program

CHRIS CERNIK, *Former Town Justice, Attorney for NYS Drinking Driver Program Director's Association and STOP DWI Association, Inc.,*

Greenberg Traurig

MICHAEL HILL, MEd, *Director, Dutchess County Drinking Driver Program*

This session will present an overview of the Drinking Driver Program in New York and its role as an integral part of a cohesive response to the drug/alcohol menace on our public highways. There will also be a discussion of potential new approaches for Drinking Driver Programs.

- Overview of DDP (Education, Screening, Tracking)
- Motorist path and responsibilities through the DDP
- DDP interface with adjacent programs (Magistrates, Probation, Treatment)
- Potential changes in the role of the DDP

4:45 – 5:30 **NEW TECHNOLOGY**

Moderator: CHUCK DeWEESE, *Assistant Commissioner for GTSC*

Speakers: SGT. RANDY MOREHOUSE, *NYSP Field Command Technology Unit*
RON BERGSTROM, *NYS Division of Probation and Correctional Alternatives*
LISA LEE, *NYS Division of Criminal Justice Services*

The role of new technology in the detection and monitoring of impaired drivers will be discussed. License Plate Readers, Ignition Interlock, SCRAM and other devices will be demonstrated and on exhibit during the reception that follows the session.

5:30 – 7:00 **RECEPTION**

The reception will provide an opportunity to meet and network with conference speakers, exhibitors, and colleagues.

FRIDAY, NOVEMBER 9

7:30 – 8:30 **CONTINENTAL BREAKFAST**

8:30 – 10:00 **TREATMENT AND LEVEL OF CARE**

Moderator: KEN PEREZ, *Coordinator, Criminal Justice Service, Office of Alcoholism and Substance Abuse Services*

Speakers: MARK BOSS, Esq., *Office of Alcoholism and Substance Abuse Services*
PATRICIA FLAHERTY, Esq., *Office of Alcoholism and Substance Abuse Services*

This session presented by Office of Alcoholism and Substance Abuse Services (OASAS) personnel will explain the procedures for screening, evaluating and treating drinking drivers under the recent legislative changes to New York's impaired driving statutes. The following topics will be covered:

- Provider approval process and requirements for listing
- Screening procedures and approved instruments
- Assessment/Evaluation requirements and level of care determinations and referral for services
- Federal confidentiality regulations and procedures
- Treatment modalities and reporting procedures
- Record keeping requirements

10:00 – 10:15 **BREAK**

10:15 – 11:15 **PROBATION**

Moderator: JAMES MAY, *Chairman, NYS STOPDWI Association, Inc.*

Speakers: ALAN ROHLOFF, *Probation Officer, Schenectady County*
ROBERT DAVIS, *Probation Officer, Dutchess County*
JASON TILLOU, *Probation Officer, Albany County*

A panel of representatives from county probation offices will discuss the evolution of their usage of various service or pilot projects related to DWI offenders, citing difficulties or successes encountered along the way. Emphasis will be placed on the interrelatedness of the various initiatives. The following programs will be highlighted.

- Schenectady County and the use of License Event Notification System (LENS)
- Dutchess County and the increasing use of Ignition Interlock
- Albany County and the use of License Plate Readers

FRIDAY, NOVEMBER 9 (CONT'D)

11:30 – 12:30 DMV LICENSING SANCTIONS AND RE-LICENSING PROCEDURES

Moderator: TERRI EGAN, *Deputy Commissioner for Safety, Consumer Protection and Clean Air, NYS Dept. of Motor Vehicles*

Speakers: TAMAR FREUND, *Driver Program Regulation, NYS Dept. of Motor Vehicles*

IDA TRASCHEN, Esq., *First Assistant Counsel, NYS Dept. of Motor Vehicles Counsel's Office*

RITA GARZONE, *NYS Dept. of Motor Vehicles*

This session will describe some of the changes in the licensing system enacted in the past few years as they relate to the drinking driver. An overview will be presented of the re-licensing process, including required paperwork and the impact on certain license classes, such as drivers under 21 and commercial drivers. In addition, some of the new terms introduced in the Aggravated DWI Law, such as "Permanent Revocation" and "Commissioner Discretion", will be discussed.

- Overview of DMV's DDP responsibilities
- Overview of license sanctions applied by DMV (Suspensions & Revocations)
- Additional sanctions for special classes (under 21, commercial drivers)
- Required paperwork needed for license restoration
- Driver responsibility assessments
- Answer to "How permanent is a Permanent Revocation?"

12:30 – 1:30 LUNCH – CLOSING

This will be an opportunity for participants to provide feedback on the conference and ask additional questions.

Moderator: TERRI EGAN, *Deputy Commissioner for Safety, Consumer Protection and Clean Air, NYS Dept. of Motor Vehicles*