

# STOP DWI New York

**BROOME COUNTY**

## 2009

### Broome County STOP-DWI Program Plan



Barbara J. Fiala  
Broome County Executive

James F. May  
STOP-DWI Coordinator

Broome County STOP-DWI Program  
Broome County Courthouse  
P.O. Box 1766  
Binghamton, New York 13902

Phone: (607) 778-2056  
Fax: (607) 778-2908  
email: [bcstopdwi@co.broome.ny.us](mailto:bcstopdwi@co.broome.ny.us)  
[www.bestopdwi.com](http://www.bestopdwi.com)

# **Table of Contents**

Mission Statement .....	1
Program Description.....	1
2009 Objectives .....	2
2009 Program Plan - Introduction.....	4
A Review of Program Finances .....	4
Summary of 2009 Funding.....	7
Law Enforcement .....	8
Prosecution .....	10
Public Information, Education and Public Awareness.....	10
Probation.....	11
STOP-DWI Administration.....	12

## 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 Description**

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 local middle and high school SADD Chapters and conducts outreach programs and community based education efforts including a county-wide TV, radio and poster contest. The STOP-DWI Program also sponsors a high school basketball tournament, a high school girls softball tournament, a bicycle race and a 5K Run using the popularity of sports to further promote the STOP-DWI message.

STOP-DWI funding is limited to enhancement programs, which reduce the incidence of drunk driving, and 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 2009 Objectives**

**ENFORCEMENT AND ADJUDICATION COMPONENT:**

- ★ Continue the STOP-DWI Task Force Program involving specially marked patrol vehicles and overtime patrols that are dedicated to DWI enforcement.
- ★ Continue 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 reconstruction efforts among Broome County's law enforcement agencies.
- ★ 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 random 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 drunk driving issue.
- ★ Conduct a comprehensive electronic and print advertising campaign to promote awareness about the DWI issue.
- ★ Conduct special events such as the STOP-DWI Holiday Classic, STOP-DWI Tournament of Champions, Chris Thater Memorial and the Danielle Stento Poster Project to further promote the STOP-DWI message to youth and the community.

## **EDUCATION AND PUBLIC AWARENESS COMPONENT: - Continued**

- ★ Conduct community outreach by 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.
- ★ Continue to support SADD at the middle and high school levels.

## **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.

## **2009 BUDGET HIGHLIGHTS**

- ★ Application of DWI fine revenues to cover FY2009 program expenses at no cost to local taxpayers.
- ★ Application of Monthly DWI Probation Supervision Fees to fund STOP-DWI's Probation programming.
- ★ Application of STOP-DWI Holiday Classic funds to help finance STOP-DWI Program Manager position.

## 2009 STOP-DWI Program Plan

### INTRODUCTION

The 2009 STOP-DWI Program represents Broome County's continued fight to combat the drunk driving problem. The 2009 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 drunk driving. The 2009 funding initiatives contained herein will help strengthen the general deterrence model of our criminal justice system to successfully combat the drunk 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

According to Section 1197 of Article 43-A of the New York State Vehicle and Traffic Law, the STOP-DWI Program is supported entirely by the fine money paid by people convicted of Driving While Intoxicated (DWI) and Aggravated Unlicensed Operation due to alcohol (AUO). New York State county STOP-DWI Programs receive 100% of the fine amount which is deposited into a restricted fund for STOP-DWI. Broome County's STOP-DWI Program also receives revenue from the monthly supervision fees paid by DWI offenders serving a sentence of probation. There are three revenue sources for the STOP-DWI Program: The Justice Court Fund is administered by the Office of the State Comptroller and collects all fine monies from Broome County's Magistrate Courts and returns this fine money to Broome County Department of Finance on a quarterly basis. The District Court Fund is administered by the Broome County Finance Department and collects DWI fine money directly from Broome County Courts and the City of Binghamton. Broome County's Department of Finance also collects the monthly probation supervision fees of DWI offenders for the STOP-DWI Program. From 1982 through 2008, over \$8 million has been invested towards the fight to combat drunk driving in Broome County at no cost to the taxpayer. The proposed 2009 budget for the Broome County STOP-DWI Program is \$420,000.

### STOP-DWI Program Revenues

Funding for the 2009 STOP-DWI Program budget 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.

Broome County STOP-DWI Fiscal Year (FY) 2009 budget is based on conservative revenue projections in light of the potential negative impact that new State mandated court surcharges will have on both the imposition and collectibility of DWI fines. Court surcharges were increased significantly as part of the 2008-09 New York State budget – for the sole reason

to generate state revenue. These surcharges are collected in full, before any fine payment is made. And, the increased amount of the surcharges may undercut a person's ability to pay the criminal fine. However, it's the DWI fine money that funds county STOP-DWI Programs. The new surcharges will take effect on July 1 and August 1 of 2008. As STOP-DWI studies this issue and takes a wait-and-see approach – 2009 revenue projections are conservative. Notwithstanding the above, the primary revenue source for FY 2009 operations is DWI and AUO fine revenues as established by Article 31 Section 1197 of the New York State Vehicle & Traffic Law. STOP-DWI fine revenues have averaged \$370,426 per year for the last 7 years (2001 – 2007). STOP-DWI projects \$360,000 in revenues for 2009.

Historically, STOP-DWI has been able to maintain FY budgets greater than its annual revenue totals through use of appropriating money from its reserve funds. The STOP-DWI FY 2009 budget represents an attempt to continue 2008 initiatives while maintaining a fund balance at acceptable standards to ensure the long term fiscal viability of the program. STOP-DWI also projects year end FY 2008 rollover (fund balance) to be \$55,000.

<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
<u>2007</u>	<u>752</u>	<u>\$365,762</u>
7 Year Average:	738	\$370,426

As arrest and convictions go...so goes the program. In that regard, the average number of DWI arrests have averaged 738 per year for the last 7 years. (2007's total was 752.) At the same time, the Broome County District Attorney's Office has maintained one of the top conviction rates in New York State. (Ranks #6 in the State.)

The second (alternative) revenue source proposed for FY 2009 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 2007 NYS Division of Probation statistics, Broome County Probation had 232 DWI probationers. Since issues of indigency/hardship must be addressed (as per Section 257-c) Broome County Probation developed a sliding scale for the imposition of its monthly supervision fees. Some people pay \$5 or \$10 a month, while others pay the full \$30/month. The following are revenue estimates for this program.

- Estimated revenue generated if all 232 probationers paid \$10/month would be \$27,840.
- Estimated revenue generated if all 232 probationers paid \$20/month would be \$55,680.
- Estimated revenue generated if all 232 probationers paid \$30/month would be \$83,520.

Assuming an 70% collection rate on an overall average of \$20/month, Broome County would realize \$38,976 per year.

In summary, 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 third revenue source is from the STOP-DWI Holiday Classic trust account. STOP-DWI will use \$15,000 in funds to support the STOP-DWI Program Manager position whose job duties include running the tournament.

2009 STOP-DWI Projected Revenues  
Summary

DWI and AUO Fine Money	\$360,000
STOP-DWI Fund Balance	\$ 10,000
DWI Probation Supervision Fees	\$ 35,000
Trust Account (STOP-DWI Holiday Classic)	<u>\$ 15,000</u>
Total	<u>\$420,000</u>

**SUMMARY OF PROPOSED 2009 FUNDING**  
**Broome County STOP-DWI Program**  
**Comparison of FY 2005 to 2008 Budgets to Proposed 2009 Budget**

<u>STOP-DWI PROGRAM AREA</u>	<u>CONTRACT NUMBER</u>	<u>2005 FY FUNDING</u>	<u>2006 FY FUNDING</u>	<u>2007 FY FUNDING</u>	<u>2008 FY FUNDING</u>	<u>2009 FY PROPOSED</u>
<b><u>Law Enforcement</u></b>						
<b><u>STOP-DWI Task Force Vehicle Program</u></b>						
Binghamton Police	CA1512-1	\$15,000	\$15,000	\$15,000	\$22,140	\$23,800
Vestal Police		\$15,000	\$15,000	\$15,000	\$23,700	\$22,000
Endicott Police		\$15,000	\$15,000	\$15,000	\$10,660	\$ 8,500
Johnson City Police		\$15,000	\$15,000	\$15,000	\$ 9,840	\$10,200
Sheriff's Office		\$15,000	\$10,000	\$12,000	\$ 8,200	\$13,600
Deposit Police		\$ 2,000	\$ 2,000	\$ 2,500	\$ 820	\$ 850
Port Dickinson Police		\$ 2,000	\$ 2,000	\$ 2,500	\$ 2,500	\$ 2,550
<b><u>Law Enforcement Equipment CA1513</u></b>						
Maintenance/Repair/Supplies for all police agencies county-wide		\$ 8,750	\$ 6,750	\$ 6,750	\$ 6,750	\$ 5,000
Purchase of Alco-Sensors, Radar, Camera Equipment – Vestal Police		-----	-----	-----	\$ 5,000	\$ 3,500
NYS Police		-----	-----	-----	\$ 4,140	\$ 4,000
Binghamton University Police		-----	-----	-----	-----	\$ 1,000
Br. Co. District Attorney's Office		-----	-----	-----	-----	\$ 600
<b><u>Prosecution</u></b>						
Broome County District Attorney's Office - One Assistant District Attorney II		\$50,000	\$40,000	\$40,000	\$40,000	\$40,000
<b><u>Education/Public Information/STOP-DWI Promotion</u></b>						
STOP-DWI Public Information and Public Awareness Campaign		\$50,000	\$45,000	\$50,000	\$55,000	\$60,000
County-wide Training/Community Education		\$ 3,550	\$ 3,250	\$ 5,000	\$ 8,000	\$ 7,800
<b><u>Probation/Rehabilitation/Treatment</u></b>						
Broome County Probation Department DWI Felony Supervision Program – One Senior Probation Officer		\$30,000	\$30,000 *	\$30,000 *	\$35,000 *	\$30,000
Training Equipment						\$ 5,000
<b><u>STOP-DWI Coordinator's Office</u></b>						
Salary Expenses for a Full-Time STOP-DWI Coordinator, Program Manager & Secretary		\$128,216	\$126,573	\$131,628	\$135,081	\$137,290
Fringe Benefits		\$ 31,014	\$ 39,136	\$ 36,211	\$ 38,376	\$ 36,364
Office Supplies		\$ 9,470	\$ 10,291	\$ 9,411	\$ 9,793	\$ 7,946
Total Office		<u>\$168,700</u>	<u>\$176,000</u>	<u>\$177,250</u>	<u>\$183,250</u>	<u>\$181,600</u>
<b>TOTAL BUDGET</b>		<b>\$390,000</b>	<b>\$375,000</b>	<b>\$386,000</b>	<b>\$415,000</b>	<b>\$420,000</b>

\* Funded by monthly DWI Supervision Fees as per Section 257-C of the New York State Executive Law.

2008 Revenues Sources: Fine Money \$370,000  
Supervision Fees \$ 35,000  
Trust Account \$ 10,000  
\$415,000

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

## 2009 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 continue its 2008 initiatives by supporting 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.

### 2009 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 2009 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.

### 2009 STOP-DWI Task Force Overtime Patrol Programs CA-1512:

The Broome County STOP-DWI Program proposes to continue funding 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 during 2009. 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.

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 \$5,000 for 2009.

2009 Law Enforcement Equipment Grants – CA1513:

Each year the Broome County STOP-DWI Program funds a variety of law enforcement initiatives as part of its comprehensive program. STOP-DWI proposes allocating \$5,600 towards equipment purchases such as alcohol screening/detection instruments, radar and in-car cameras for 2009.

Summary of 2009 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 Program	\$23,800
<u>STOP-DWI Task Force Overtime Program</u>			
Broome County Sheriff	1512	STOP-DWI Overtime Patrol	\$13,600
Deposit Police	1512	STOP-DWI Overtime Patrol	\$ 850
Endicott Police	1512	STOP-DWI Overtime Patrol	\$ 8,500
Johnson City Police	1512	STOP-DWI Overtime Patrol	\$10,200
Port Dickinson Police	1512	STOP-DWI Overtime Patrol	\$ 2,550
Vestal Police	1512	STOP-DWI Overtime Patrol	\$22,000
<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	\$ 5,000
NYS University Police	1513	Purchase of radar, alco-sensors and/or related DWI enforcement equipment to be determined in 2009.	\$ 1,000
New York State police	1513	Purchase of DWI enforcement equipment to be determined in 2009.	\$ 4,000
Vestal Police	1513	Purchase of DWI enforcement equipment to be determined in 2009.	\$ 3,500
Br. Co. Probation	1513	Purchase of DWI enforcement equipment to be determined in 2009.	\$ 5,000
Br. Co. District Attorney	1513	Purchase of DWI prosecution equipment to be determined in 2009.	\$ 600

## 2009 STOP-DWI Prosecution Component

In response to the 1981 STOP-DWI Law, Broome County's STOP-DWI Program has strengthened prosecution efforts by assisting with funding for a full-time Assistant District Attorney. This position will be maintained in year 2009 to enable the District Attorney's Office to specialize in prosecuting misdemeanor and felony drunk driving cases.

STOP-DWI will help fund this initiative with a \$40,000 grant. STOP-DWI funding will cover part of the salary of the Assistant District Attorney in charge of DWI prosecution. Broome County will cover any net salary costs plus all fringe benefits. The District Attorney's Office will be reimbursed through Broome County's interdepartmental chargeback system.

## 2009 STOP-DWI Education, Public Information, Public Awareness

STOP-DWI intends to continue its education, public information and public awareness programs with a \$67,800 budget appropriation.

### 2009 Education and Training

Each year Broome County STOP-DWI helps support police, prosecution, probation and community based organizations by either conducting or sending personnel to specialized training programs. Broome County STOP-DWI has appropriated \$7,800 to fund specialized training opportunities for Criminal Justice and Human Service 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 with Standard Field Sobriety Training (SFST), Accident Reconstruction training, Drug Awareness/Identification training and Alcohol Servers training. In addition, STOP-DWI works with the Governor's Traffic Safety Committee and local school districts to conduct Drug Identification Training for Education Professionals (DITEP).

---

\$7,800      Subtotal allocated to fund Education and Training

### 2009 STOP-DWI Public Information and Public Awareness

The following is a summary of the television, radio and print public awareness projects that will be conducted by the STOP-DWI Program in 2009.

\$22,500.00 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.
- \$ 5,000.00 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.
- 
- \$60,000.00 Subtotal allocated for Public Information and Public Awareness
- 
- 
- \$67,800.00 Total Budget STOP-DWI Education, Public Information and Public Awareness

#### 2009 STOP-DWI Probation Program

The STOP-DWI Program will continue funding a Senior Probation Officer to supervise a special DWI Probation caseload. The objective of this probation program is to provide a more concentrated effort on evaluating and monitoring the 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. 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. The STOP-DWI Probation program will be paid for through Broome County's interdepartmental chargeback system.

2009 STOP-DWI Administration

The 2009 funding of \$181,600 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.

<u>Office of STOP-DWI Program</u>	<u>2009</u>
Salary Expense of the STOP-DWI Coordinator, Program Manager and Secretary	\$137,290
Fringe Benefits	\$ 36,364
Office Supplies/Chargebacks	<u>\$ 7,946</u>
	\$181,600

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 and must 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 and education and public information that are described in this document.

Please see the 2009 Program Objectives at the beginning of this document.