

A REVIEW OF NEW YORK STATE'S STOP-DWI PROGRAM



U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

www.nhtsa.dot.gov
nhtsa ★
people saving people

A Review of New York State's STOP-DWI Program

I. EXECUTIVE SUMMARY	4
II. BACKGROUND	14
Traffic Safety in New York	14
STOP-DWI Program History	15
Historical Overview	17
STOP-DWI Law	19
Current National and State Laws in New York	21
STOP-DWI Program Administration	21
Statewide Highway Safety Program, Mission and Goals	22
STOP-DWI Mission and Goals	24
Local Government Structure	24
Traffic Safety and STOP-DWI Advisory Boards	26
Local Program Funding Process	26
STOP-DWI Foundation, Other Program Funding	31
Local Administrative Process	32
STOP-DWI Coordinator Role	35
STOP-DWI Program Areas	35
Other Personnel Funded by STOP-DWI	36
STOP-DWI Data and Data Systems, Outcome Measures	36
Other State Self-Sufficiency Models	37
New Jersey	37
Other Funding Models	39
III. METHODS	40
IV. FINDINGS	43
ANALYSIS OF COUNTIES BY GROUPS.....	43
Program Administration	48
PROGRAM RESOURCES AND EXPENDITURES	49
Major Impaired Driving Program Activities	51
New York DWI Courts	54
PROGRAM IMPACT	55
V. CHALLENGES	60
VI. SUMMARY AND CONCLUSIONS	61
VII. REFERENCES AND DOCUMENTS ANALYZED	64

I. EXECUTIVE SUMMARY*

New York State is recognized nationally as a leader in traffic safety, in particular for continual progress in reducing alcohol-related motor vehicle crashes and fatalities. In 2002, the New York fatality rate was 0.36 versus 0.61 for the United States. In November 2003, the National Highway Traffic Safety Administration (NHTSA) assembled a team to review New York's Special Traffic Options Program for Driving While Intoxicated, known as STOP-DWI.

The mission of New York's STOP-DWI program is to empower and coordinate local efforts to reduce alcohol and other drug-related traffic crashes within the context of a comprehensive and financially self-sustaining statewide alcohol and highway safety program (New York State STOP-DWI Coordinators Association, 2002). The program's goal is to achieve these reductions through the creation and funding of programs relating to enforcement, prosecution, probation, rehabilitation, public information, education, and administration.

In the summer of 1981, State Senator William T. Smith introduced the STOP-DWI legislation, which was considered during the 1981-1982 regular session of the New York State Legislature. This legislation was the result of years of advocacy by Senator Smith, following the death of his daughter by an impaired driver in 1973 (New York STOP-DWI Coordinators Association, 2002). The STOP-DWI Law was enacted in November 1981, and county programs were first implemented in 1982.

New York's STOP-DWI program is the Nation's first and, to date, only self-sustaining impaired driving program. Other States have implemented components of self-sufficiency, but none to the degree of New York State.

The purpose of this report is to provide a review of the New York STOP-DWI program, including:

1. An examination of the mission, goals and program components of STOP-DWI;
2. An examination and description of the social and political context of STOP-DWI, and the historical and modern trends associated with its implementation; and,
3. A discussion of what critical STOP-DWI program elements the State has continuously funded in its efforts towards further reducing alcohol-related motor vehicle crashes and fatalities.

** Note: The alcohol-related fatality data used for this report was retrieved from NHTSA's Fatality Analysis Reporting System (FARS). A motor vehicle crash is considered to be alcohol-related if at least one driver or nonoccupant (such as a pedestrian or pedalcyclist) involved in the crash is determined to have had a blood alcohol concentration (BAC) of 0.01 gram per deciliter (g/dl) or higher. Thus, any fatality that occurs in an alcohol-related crash is considered an alcohol-related fatality. However, the term "alcohol-related" does not indicate that a crash or fatality was caused by the presence of alcohol.*

A Review of New York State's STOP-DWI Program

Beginning with the 2001 FARS data, NHTSA began using multiple imputation to estimate missing BAC values. The old estimation method used by NHTSA calculated the chance that a driver, pedestrian, or a pedalcyclist with unknown or missing alcohol results had a BAC in each of the three categories: 0, 0.01 to 0.09, or 0.10 and greater. Multiple imputation offers NHTSA significant advantages over the old method in analyzing and reporting estimates of alcohol involvement. Instead of estimating alcohol involvement by the three aforementioned categories, the new method estimates BAC along the entire range of plausible values (0 to 0.94 g/dl). Estimating missing BAC this way enables NHTSA to report the extent of alcohol involvement at any BAC level.

The team employed multiple methods to conduct the review. First, numerous NHTSA and STOP-DWI program documents were analyzed, including legislative and other public records, contract and budget documents, media releases and reports, program plans, technical and program reports, and scientific publications (refer to References and Documents Analyzed).

Second, site visits were performed in December 2003. The team conducted a site visit to the NHTSA Eastern Office in White Plains on December 2, 2003. At this meeting, representatives from the agency, the New York State Governor's Traffic Safety Committee, the New York Department of Motor Vehicles (DMV), the Institute for Traffic Safety Management and Research (ITSMR) at the University at Albany, and several STOP-DWI county programs were present. Another site visit was conducted December 17-19, 2003, in Albany at the offices of the New York DMV and ITSMR. Two team members participated in each site visit, which incorporated fact-finding efforts, individual meetings and roundtable discussions with over 20 representatives from STOP-DWI programs and community and local leaders in impaired driving prevention, including the New York State Police. Topics discussed included impaired-driving goals and objectives, annual STOP-DWI program implementation, and local administration, among other areas surrounding New York's experience with impaired driving and its STOP-DWI law.

Third, State and county level data about driving while intoxicated (DWI)/driving while ability-impaired (DWAI) convictions, motor vehicle crashes, vehicle registrations, driver licenses and program activities from the counties, the New York DMV, and the New York State Division of Criminal Justice Services, and sociodemographic data from the United States Census Bureau were collected and analyzed. Data to describe State and national trends were obtained from the New York DMV and NHTSA.

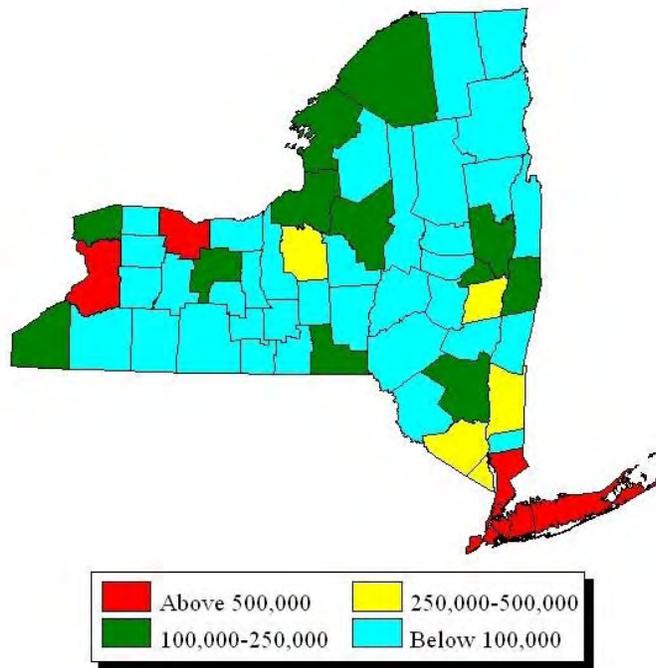
The project team was comprised of Mary D. Gunnels (team leader) and Dee Williams. Sami Richie of NHTSA's Eastern Region was the Regional liaison for this New York State project.

This analysis of the STOP-DWI Program represents 58 programs, one described as New York City, serving 62 counties in the State of New York. For administrative (and geopolitical) reasons, the New York City counties are managed by one program comprised of five boroughs: Manhattan (New York County), the Bronx, Brooklyn

(Kings County), and Queens and Staten Island (Richmond County). (Roughly 42 percent of the State's 19 million population reside in the five boroughs of New York City.)

For meaningful analysis of the program, motor vehicle crash and criminal justice data for the New York Stop-DWI programs are organized into four groups by county population: > 500,000; 250,000-499,999; 100,000-249,999; and < 100,000. The resident population serves as the basis for the four-group model, and means and ranges, as well as weighted budget per capita, are used to characterize the four groups for useful comparison by other communities and regions. To calculate the budget per capita, the four county groups were weighted proportionally. For example, the high-population group (6 county programs) represents 10 percent of the 58 programs. Therefore, averaging county program budgets for this group equals an average \$1.10 ($\$6.8/6$). Finally, the \$1.10 was multiplied by 10 percent (weight) to calculate the weighted budget per capita (\$0.11). The rationale for organizing the review using population is that population has an impact on the incidence of crashes and ultimately the number of tickets, arrests, and convictions (from which the budget is derived). Detail is presented in the following figure and table.

Map of Four Groups, by Population.



Data source(s): United States Census Bureau & National Center for Statistics and Analysis, 2004.

Estimated Weighted Per Capita Resources, by Group.

County Group	Total Resources	Total Population	Average (Weighted) Per Capita Resources*
1 High Population	\$9,051,815	13,508,613	\$0.11
2 Moderate High	\$3,808,929	1,661,171	\$0.20
3 Moderate Low	\$4,053,371	1,919,032	\$0.46
4 Low Population	\$6,274,488	2,024,680	\$1.92
Total	\$23,188,603	19,113,496	\$1.21

Note: *The methodology for computation of weighted budget per capita is described above and in Section III. Of interest is that as population per county decreased, average per capita resources increased.

Data source(s): New York Department of Motor Vehicles, 2003 STOP-DWI Program Plans and County Budgets, United States Census Bureau (2000 data). Insufficient data for 2 counties (Hamilton, Wyoming).

Highlights from this analysis include a summary of program activity and program impact data (motor vehicle crash outcomes and criminal justice data) presented in the following table and figures.

Most Frequently Reported Program Countermeasures, by All Programs.

STOP-DWI Program Area	Mean % (Range) Annual Program Budget	Countermeasures	# (%) Programs
ENFORCEMENT	35% (11-86%)	Equipment & Supplies	58 (100%)
		DWI Patrols	55 (95%)
		Education/Training Programs	24 (41%)
COURT-RELATED	18% (0-49%)	Dedicated DWI Attorney(s)/Staff	47 (81%)
		Education/Training Programs	15 (26%)
		Offender Supervision Programs	5 (9%)
		DWI Victim Services*	5 (9%)
PROBATION	13% (0-44%)	Dedicated Officer(s)/Staff	45 (78%)
		Education/Training Programs	8 (14%)
		Intensive Supervision	8 (14%)
		DWI Victim Services*	7(12%)
REHABILITATION	6% (0-27%)	Dedicated Counselor(s)/Staff	38 (66%)
		DWI Victim Services	4 (7%)
PUBLIC INFORMATION AND EDUCATION	14% (0-37%)	Underage Drinking Emphasis	54 (93%)
		Special Prevention Focused Events	32 (55%)
		DWI Victim Services**	10 (17%)
		Advertising Billboards	4 (7%)

Note(s): N = 56 (insufficient data for Wyoming and Hamilton counties).

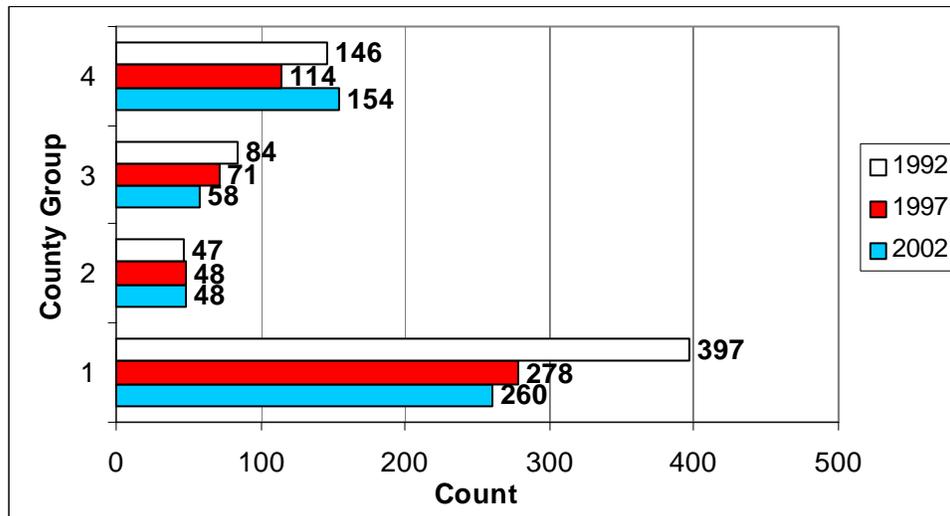
*The DWI Victim Services are distributed in different program areas. *Cumulatively, these activities, primarily Victim Impact Panels, occur in 26 (45%) of STOP-DWI programs.*

** Includes DWI Victim Services allocated within Administrative Budget.

Data source(s): New York Department of Vehicles, 2003; Local STOP-DWI Program Plans (and FY 2003 Budget Estimates).

The chart below shows a decline in alcohol-related fatalities sustained for a decade, among Groups 1 and 3. Group 2 has held steady over the years and Group 4 has fluctuated with slight decreases and increases over the 10-year period. Overall, both groups with moderate population sizes, Groups 2 and 3, have relatively fewer fatalities than the other two groups.

Alcohol-related Crash Fatalities, by Group, 1992-2002.

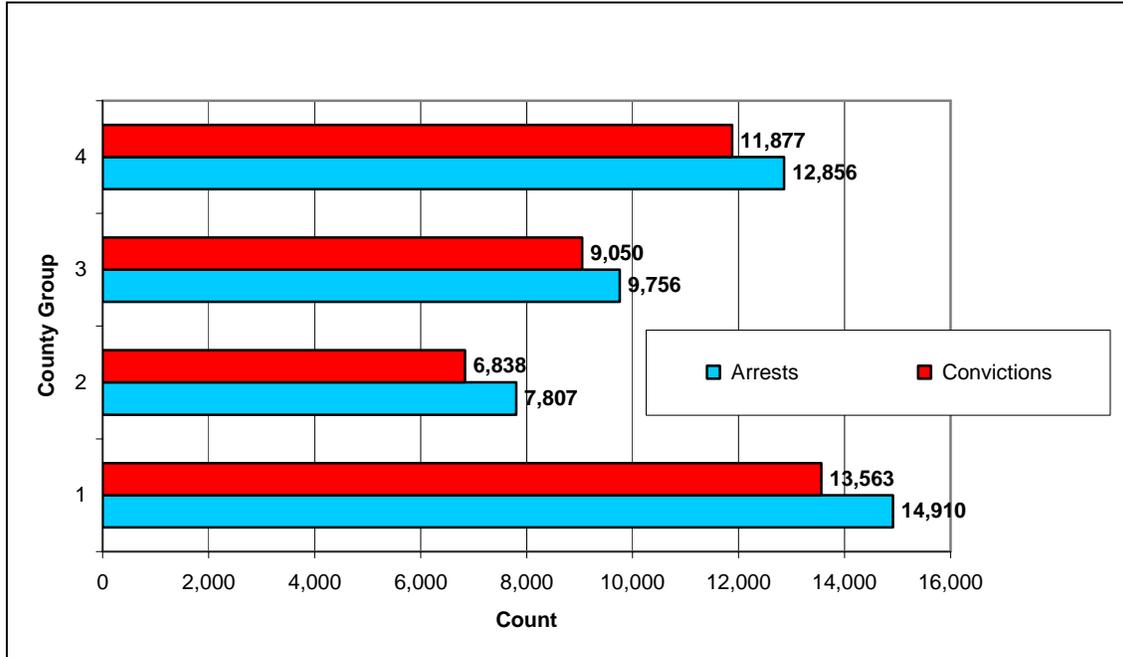


Note(s): County Groups: 1=High Population (Above 500,000), 2=Moderate High Population (250,000-500,000), 3=Moderate Low Population (100,000-250,000), and 4=Low Population (Below 100,000).

Data Sources: National Highway Traffic Safety Administration, New York State Department of Motor Vehicles.

The New York State Division of Criminal Justice Services and ITSMR (2004) report that 60,737 tickets for impaired driving (all alcohol-related charges) were issued in 2002 to about 45,000 individuals (some jurisdictions give out two tickets – e.g., one for Judicial Per Se [mandatory loss of license if a driver takes a breath test and registers a score of .08 percent or greater, his or her driver license is suspended no later than the conclusion of arraignment] and one for DWI), representing approximately 2.6 percent of all tickets issued (excluding New York City and the five western townships of Suffolk County on Long Island). The conviction data presented in the following table (Impaired Driving Arrests versus Convictions) highlights convictions on alcohol-related driving charges (original, reduced, and other alcohol-related). While a driver may receive more than one alcohol-related driving charge during a vehicle stop, this constitutes one person arrested. For each group, despite variation in population and program resources, it appears that a substantial proportion of arrests (91 %) result in conviction. The remaining 9 percent account for those individuals convicted on a nonalcohol charge, a charge associated with a different event, dismissals and acquittals.

Impaired Driving Arrests versus Convictions, by Group, 2002.



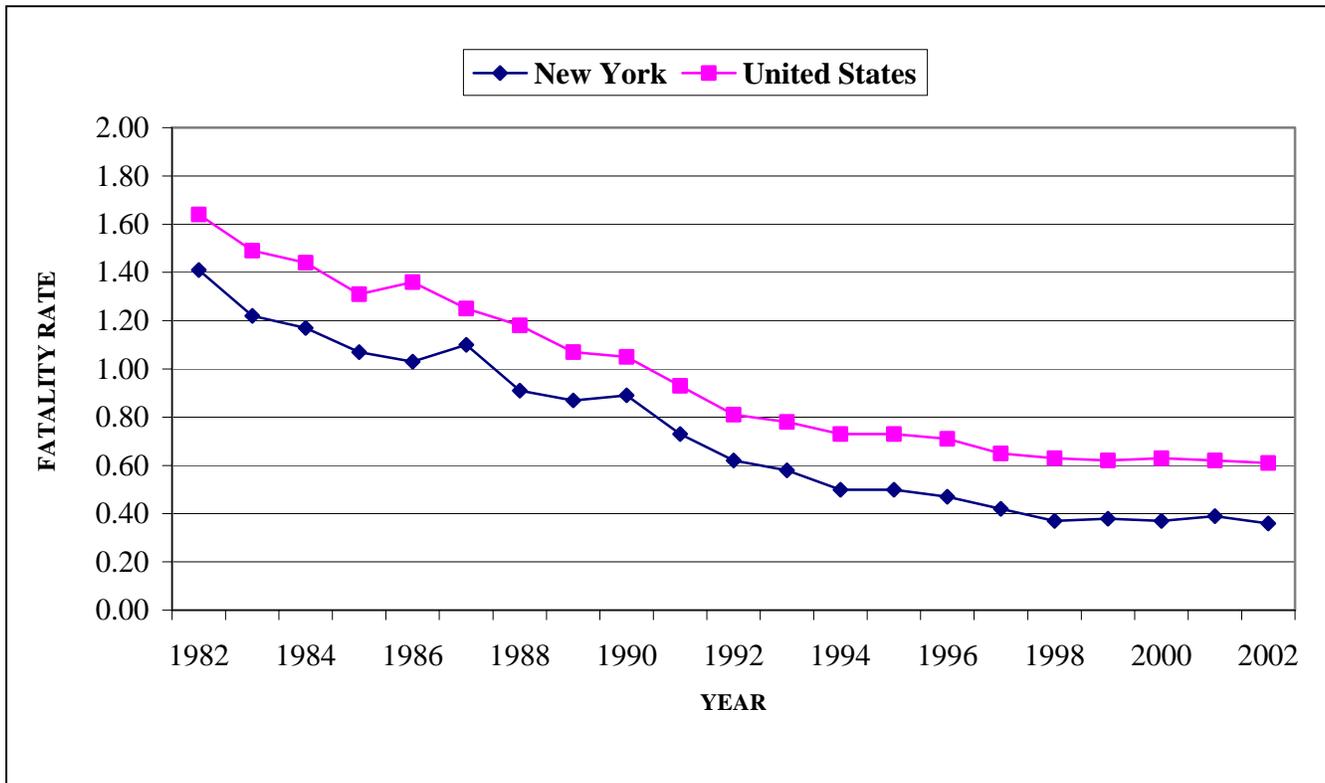
Note(s): Total arrests = 45,329, Total convictions = 41,328

County Groups: 1=High Population (Above 500,000), 2=Moderate High Population (250,000-500,000), 3=Moderate Low Population (100,000-250,000), and 4=Low Population (Below 100,000).

Data Sources: ITSMR, 2004; NYS Department of Motor Vehicles; NYS Division of Criminal Justice Services.

In summary, the New York STOP-DWI program has helped the State maintain its lower-than-average alcohol-related fatality rate. The program is self-sustaining and does not require the use of tax revenue, with impaired driving arrests generating its funding source. However, changes in priorities and availability of resources have affected the program at all levels. The paradox of an impaired-driving prevention program that relies on offender fines is that effective countermeasures may reduce the availability of funds to support the program.

Alcohol-Related Fatality Rates Per 100 Million VMT, New York State versus United States 1982-2002.



Data source: National Highway Traffic Safety Administration (National Center for Statistics and Analysis), 2003.

Other challenges that currently face New York STOP-DWI include:

- **Impact of DWI/Drug Courts on Program Revenues.** The impact of DWI Courts on local program revenues is reported by the STOP-DWI coordinators to be a growing concern. Program funding is reliant upon offender fines, and the DWI courts either waive fines in lieu of alternatives (e.g., rehabilitation treatment) or retain the fines.
- **Delayed or No Fine Payment.** Although exact data were not available, it is estimated that 15 to 30 percent of offender fines are not collected. Offender fines are not required to be paid until all other penalties are satisfied; therefore, payment can take months to more than a year. In addition, in spite of local efforts to collect fines (e.g., hiring of staff for this specific purpose), local programs continue to struggle with the problem of uncollected fines.
- **Political Leadership.** While the majority (72 %) of the STOP-DWI programs are accountable to county administrators, there are 16 programs where officials are elected. In the latter, the program staff may be politically appointed and, this

therefore may result in staff turnover or be more directly affected by local political actions and priorities. This may also impact local program STOP-DWI advisory and traffic safety board membership and activities.

- **State Police.** The New York State Police are important STOP-DWI program partners, but do not receive financial incentives (e.g., offender fines) for impaired-driving enforcement. While the State Police have provided their full cooperation to the program, reliance on them could present a challenge, especially in rural areas where many times they are the primary law enforcement agency. However, in appreciation of their efforts, there are in-kind goods and incentives provided, such as equipment, special recognition, and training. The crucial issue for STOP-DWI is to maintain collaboration with the New York State Police without providing direct compensation for work performed.
- **Local Models.** The local-based models vary in structure and programmatic activities. While this aspect of STOP-DWI is viewed as a major program strength, the challenge is for local programs to function efficiently and systematically in their countermeasure activity. Active local programs often combine programmatic efforts and collaborate with numerous public and private partners.

In summary, New York's STOP-DWI program is the first and, to date, most comprehensive self-sustaining statewide impaired driving program in the Nation. Other States have implemented components of self-sufficiency, but none to the degree of New York.

When New York established its STOP-DWI program in 1981, the State's alcohol-related fatality rate was considerably lower than the national average. Since the early 1980s, there has been a significant decline across the Nation in the number and rate of alcohol-related fatalities.

New York's STOP-DWI program has helped the State keep pace with this nationwide decline, even though the State was among the last to adopt certain impaired driving laws, such as a 0.08 BAC law. New York continues to maintain an alcohol-related fatality rate that is significantly lower than the national average.

Of greatest significance, the program is self-sustaining and does not require the use of tax revenue. Impaired-driving arrests generate its funding source. When revenues are distributed, they are directed to the localities where they were generated.

The greatest amounts of revenue (\$9 million of a total \$23 million in 2003) are distributed to high-population areas (i.e., counties with populations above 500,000). Areas with low populations (i.e., counties with populations below 100,000) receive revenue at the highest per capita rate (\$1.92, compared with a statewide average of \$1.21).

Revenue generated by the program is directed toward enforcement, courts, probation, rehabilitation and public information and education. Revenues have also supported some innovative practices, including confiscation of vehicles from motorists arrested for impaired driving, alternative jail for hard-core repeat offenders, underage-drinking hotline, enforcement and prevention activities associated with a beer keg registration law, use of geographic information systems in data collection and analysis, focus on border crossing and illegal drinking among underage youth, electronic ticket and crash reporting by New York State Police, and use of DWI Courts based on the drug court model.

The continued longevity of the New York STOP-DWI program can be attributed to the following factors:

- The STOP-DWI law derives program funds from its two-tiered alcohol offenses: driving while intoxicated (DWI) and driving while ability-impaired (DWAI) fines. The number of arrests and convictions form the cornerstone for program resources.
- Revenues received are directed to the counties and remain exclusively in local coffers.
- The mission of the program is to empower and coordinate local efforts to reduce alcohol and other drug-related traffic crashes within the context of a comprehensive and financially self-sustaining statewide alcohol and highway safety program.
- New York uses a performance-based planning process to identify goals for its traffic safety and impaired-driving program. Each county pursues the overall goals of the STOP-DWI program, but each may set supplementary goals and/or performance targets.
- The program is grounded on “local option,” which affords each county the ability to implement community-specific countermeasures and interventions. Each county has structured its program according to its individual needs and its capacity to generate revenues from DWI offenses. County STOP-DWI coordinators are responsible for the development of county plans and the coordination of efforts.
- Two key laws that form the foundation for New York’s program are:
 - 1) Plea Bargain Limitations - New York is one of few States to have a two-tier system for alcohol violations. The two-tier system allows the State to have the “no-plea-bargaining-out-of-alcohol” law. Offenders may have their DWI (.08+) arrests dropped to DWAI (.05+) convictions for a first-time offense, but may not plea to a nonalcohol offense (e.g., reckless driving). This is important to ensure the offender is still convicted under an alcohol offense, beginning the tracking system for repeat offenders.
 - 2) Judicial Per Se License Revocation - Section 1193[2](e)(7)a of the Vehicle and Traffic Law requires mandatory loss of license if a driver takes a breath test and registers a score of 0.08 percent or greater, his or her driver license is suspended no later than the conclusion of arraignment. Most States have Administrative License Revocation (ALR) laws, which provide a 15-day temporary license until a hearing can be scheduled. New York’s Judicial Per

Se License Revocation law is swifter. As a precursor to the Judicial Per Se legislation, New York had its own ALR law whereby only repeat alcohol offenders' driving privileges were suspended pending prosecution.

These are two laws that every State could adopt independent of a local option STOP-DWI Law.

- A STOP-DWI Foundation has been formed, to enable local STOP-DWI programs to apply for Federal funds.
- The STOP-DWI program invests heavily in activities that will create general deterrence. The largest share of the revenue is directed toward enforcement. Every county uses at least some of its revenue for enforcement (e.g., equipment, supplies, patrols, or other activities) and the majority (60 %) of counties dedicate most of their resources to enforcement. (The share ranges from 24 percent to 86 percent, depending on the county.) More than one-third of the revenue statewide is used for enforcement. Other shares are directed toward court-related activities, public information and education, probation and rehabilitation (18 %, 14 %, 13 %, and 6 %, respectively).
- Based on the population and resource characteristics of the four groups, the Low-Population (Rural) group has the poorest outcomes in spite of higher budget per capita. This suggests that rural areas pose more considerable challenges in the prevention of impaired driving, and may require additional and/or different countermeasures.
- State Police support the program by participating in the enforcement of DWI and DWAI laws and the prosecution of DWI offenders, especially in rural areas of the State (even though they are not permitted to receive STOP-DWI funds).
- Key elements in the program administration of STOP-DWI include local program (county-based) budget approval on an annual fiscal year, quarterly funding cycle based on statutory definition, annual administrative plan based on local needs, coordinator with defined duties and responsibilities, advisory board requirement for each program, and program organization.

For many communities and regions, STOP-DWI could serve as a model. Aspects of STOP-DWI can be applied using various methods, but in particular by examining the population and resource characteristics of a community and/or region. The New York City (area) program has unique attributes that may be different from other urban metropolitan cities; however, it provides examples of administrative and impaired driving countermeasure activities it deems successful at assisting the State in further reducing alcohol-related fatalities on its roadways.

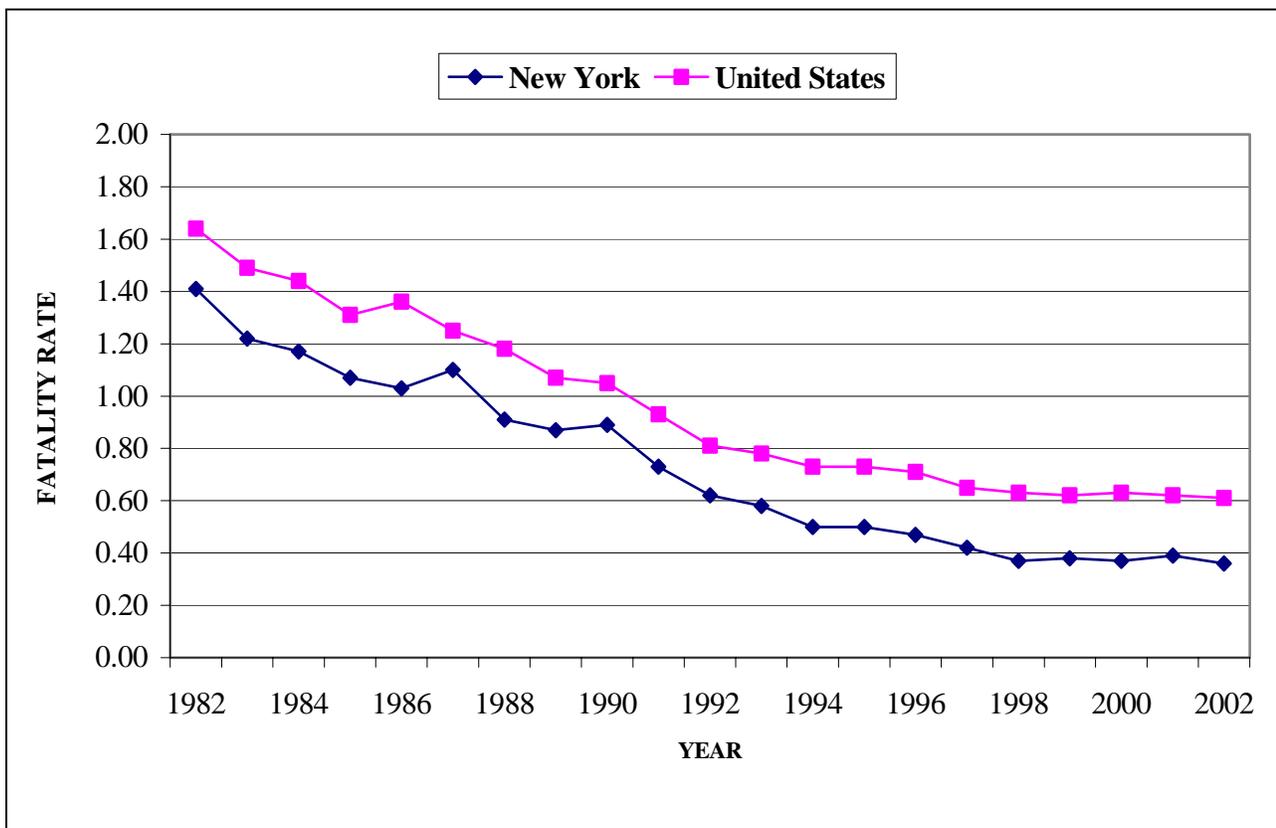
NHTSA gratefully acknowledges the New York Department of Motor Vehicles, the New York STOP-DWI coordinators, the New York State Police and the Institute for Traffic Safety Management and Research for their continued support in this program and for their significant contributions to traffic safety.

II. BACKGROUND

TRAFFIC SAFETY IN NEW YORK

New York State is recognized nationally as a leader in traffic safety, in particular for its continual progress in reducing alcohol-related motor vehicle crashes and fatalities. Figure 1 illustrates New York State's progress, in comparison to the United States, in reducing the alcohol-related fatality rate per 100 million vehicle miles traveled (VMT) for the period 1982-2002. While both have experienced a downward trend through the years, New York's fatality rate has declined at a significantly greater rate than that of the United States. In 2002, the New York fatality rate was 0.36 versus 0.61 for the United States.

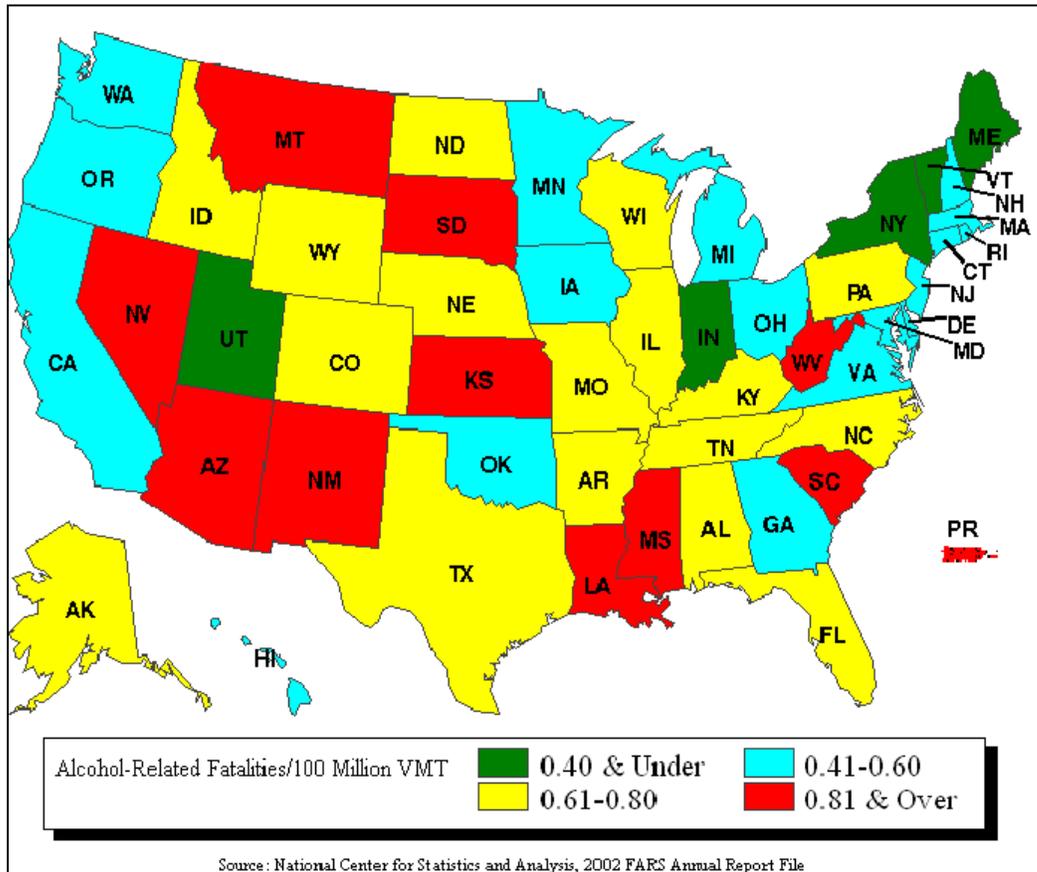
Figure 1. Alcohol-Related Fatality Rates Per 100 Million VMT, New York State versus United States 1982-2002.



Data source: National Highway Traffic Safety Administration (National Center for Statistics and Analysis), 2003.

Over the years, New York has significantly reduced the number of alcohol-related fatalities and injuries in the State. Since 1982, alcohol-related fatalities alone have fallen 54 percent from 1,131 to 520 in 2002. New York State currently has one of the lowest alcohol-related fatality rates per 100 million VMT in the United States, illustrated by figure 2 (National Highway Traffic Safety Administration, 2003).

Figure 2. Alcohol-Related Fatalities Per 100 Million VMT by State, 2002.



STOP-DWI PROGRAM HISTORY

The New York Special Traffic Options Program for Driving While Intoxicated, STOP-DWI, is the Nation's first and, to date, only self-sustaining impaired driving program. The mission of the STOP-DWI program is to empower and coordinate local efforts to reduce alcohol and other drug-related traffic crashes within the context of a comprehensive and financially self-sustaining statewide alcohol and highway safety program (New York State STOP-DWI Coordinators Association, 2002). The program's goal is to achieve these reductions through the creation and funding of programs relating to enforcement, prosecution, probation, rehabilitation, public information, education, and administration.

Founded in 1981, this program is locally based across New York's 62 counties. There are 58 STOP-DWI programs in the State. The New York City counties are administered as one program, serving five boroughs: Manhattan (New York County), the Bronx,

Historical Overview

In the summer of 1981, State Senator William T. Smith introduced the STOP-DWI legislation, which was considered during the 1981-1982 regular session of the New York State Legislature. This legislation was the result of years of advocacy by Senator Smith following the death of his daughter by an impaired driver in 1973 (New York STOP-DWI Coordinators Association, 2003). The STOP-DWI Law was enacted in November 1981, and county programs were first implemented in 1982. The American grassroots advocacy movement to criminalize drunk driving characterized the early 1980s, and New York citizens were at the heart of key historical events that shaped modern efforts to reduce impaired driving. The Institute for Traffic Safety Management and Research (ITSMR, 2003 reprint) describes the period from 1983 to 1985 as a time when there were many changes in drunk driving laws, in particular, the strengthening of penalties and fines for impaired drivers in New York.

During the past two decades, State and national milestones in the evolution of impaired driving control and prevention have accompanied STOP-DWI. Table 1 highlights historical events, key legislation, and other moments in time that shaped the current STOP-DWI program and associated activities in New York.

Table 1. National, State and Program Milestones, 1978 - 2003.

TIMELINE	STATE/PROGRAM MILESTONES	NATIONAL MILESTONES
1978	<ul style="list-style-type: none"> Four NY Remove Intoxicated Drivers (RID) Chapters (including Prevent Alcohol Related Killings in Tompkins County) formed. 	<ul style="list-style-type: none"> The Nation's first anti-DWI citizen group is formed in Schenectady, New York – Remove Intoxicated Drivers (RID).
1980	<ul style="list-style-type: none"> NY State enacts “No-plea-bargaining-out-of-alcohol” law (plea limitations) + license revocation for chemical test refusals. NY Senate Task Force on Drunk Driving 	<ul style="list-style-type: none"> Mothers Against Drunk Driving founded. DWI Victim Impact Panel convened (Oswego County, NY).
1981	<ul style="list-style-type: none"> STOP-DWI Legislation enacted in New York 	<ul style="list-style-type: none"> National “Just Say No” Anti-Drug Campaign.
1982	<ul style="list-style-type: none"> STOP-DWI Local Programs implement Minimum Drinking Age (MDA) 19 years. First Victim Impact Statement in court (Michelle Martin Case, Albany, NY). STOP-DWI Coordinators Association founded. 	<ul style="list-style-type: none"> Presidential Commission on Drunk Driving. Alcohol Countermeasures Incentive Grant Program created by Congress (Section 408).
1984	<ul style="list-style-type: none"> First Mandatory Safety Belt law (NY). Effort to increase MDA to 21 years fails. 	<ul style="list-style-type: none"> National Minimum Drinking Age (21 Years) established by Congress.
1985	<ul style="list-style-type: none"> First Evaluation of STOP-DWI. Alcohol “Purchase” Law (changed to Alcohol “Possession” Law in 1990). MDA 21 years in New York. 	
1988	<ul style="list-style-type: none"> Repeat Offender Administrative License Revocation Law (repeat alcohol offenders driving privileges suspended pending prosecution). 	<ul style="list-style-type: none"> Omnibus Anti-Drug Abuse Act (extends victims of DWI the same compensation rights offered to victims of other crimes). Drunk Driving Prevention Incentive Grant Program created by Congress. (Section 410). Alcohol Beverage Labeling Act. All States Enact MDA (21 Years).
1990	<ul style="list-style-type: none"> NY State Police begin first toll-free drunk driver reporting hotline in the USA. 	<ul style="list-style-type: none"> U.S. Supreme Court rules in favor of sobriety checkpoints after constitutionality challenge.
1991		<ul style="list-style-type: none"> Intermodal Surface Transportation Efficiency Act (ISTEA)*.
1992	<ul style="list-style-type: none"> Constitutionality of STOP-DWI Local Option revenues upheld by NY Supreme Court. 	
1994	<ul style="list-style-type: none"> Administrative License Revocation Law expanded to include all alcohol offenders’ driving privileges suspended pending prosecution (Judicial Per Se). 	
1995		<ul style="list-style-type: none"> Zero-Tolerance requirements established by Congress (illegal under age 21 to drive with any detectable alcohol in their systems).
1996	<ul style="list-style-type: none"> Zero-Tolerance Law for Underage Youth (0.02 BAC) (November). 	
1998	<ul style="list-style-type: none"> Excise tax on beer lowered. 	<ul style="list-style-type: none"> Transportation Equity Act for the 21st Century (TEA-21) and the TEA-21 Restoration Act established Incentive Grants for States with 0.08 BAC laws and sanctions for States without complying Repeat Offender and Open Container laws. Zero-Tolerance legislation in all 50 States.
2000	<ul style="list-style-type: none"> STOP-DWI Foundation created. Open Container Law (August). 	
2002	<ul style="list-style-type: none"> Sean’s Law ** 	<ul style="list-style-type: none"> Sanction for States without 0.08 BAC Laws.
2003	<ul style="list-style-type: none"> 0.08 blood alcohol concentration (BAC) Law (July). Repeat Offender Law (September). Graduated Driver Licensing Law (September). Underage drinking hotline (1-866-UNDER-21) established. Beer Keg Registration (November). Certified Alcohol Server Training Program. 	<ul style="list-style-type: none"> Safe, Accountable, Flexible and Efficient Transportation Equity Act of 2003 (SAFETEA) Introduced.

Note(s): * Enhanced Section 410 program to more effectively encourage States to adopt key anti-DWI legislation. ** Sean’s Law (allows judge to suspend license of learner’s permit of a minor charged with DWI or DWAI until the minor’s next court appearance)

Data source(s): New York State Governor’s Traffic Safety Committee, 2004; Institute for Traffic Safety Management and Research, 2003 reprint; MADD, 2003; National Council on Alcoholism and Drug Dependence, 2004; New York State Police, 2003; RID, 2003.

Of note, in 1992, the STOP-DWI program withstood an effort by the State of New York to directly use program resources. The State of New York directed the Comptroller to “collect, withhold and receive” up to 2 percent of STOP-DWI revenues from any court during the appropriations of the 1990-1991 State Budget. The stated purpose was to defray associated administrative costs of the Department of Motor Vehicles. This action resulted in the “2 percent lawsuit” and the STOP-DWI programs, beginning with a group of 5 counties and represented by Rensselaer County, subsequently sued the State of New York. The premise was that the State of New York overstepped its authority without basis as the STOP-DWI law specifically directed no administrative responsibilities other than oversight to the Commissioner of the Department of Motor Vehicles. Therefore, the New York Supreme Court ruled in 1992 that the State’s action was unconstitutional. The 2 percent lawsuit is an important historical milestone that affirmed the strength of the “local option” standard of the STOP-DWI program (Court of Appeals of New York, 1992).

STOP-DWI LAW

New York is one of few States to have a two-tier system for alcohol violations. The STOP-DWI law derives program funds from driving while intoxicated (DWI)/driving while ability-impaired (DWAI) offense fines, and these fines are directed to the counties. STOP-DWI fines have not increased in the past 10 years; however, associated court surcharges and fees have increased. The fines are collected by the court, judge, magistrate, or other officer of the county (State of New York Department of Motor Vehicles, 2003). The number of arrests and convictions, regardless of the law enforcement agency or court involved, for DWI and DWAI form the cornerstone for program resources. These laws apply to private passenger and commercial vehicles, although penalties and fines for commercial drivers vary and are not the emphasis of this report. The New York State Police receive no money from STOP-DWI and the New York State Unified Court System is not incorporated within the administrative or funding systems. STOP-DWI funds are not directed to the State general fund.

Drivers in New York are legally subject to implied consent for BAC testing, where the license is automatically suspended for refusal even if the impaired driver is not convicted. DWAI is based on a BAC of 0.05 or greater; DWI applies to driver BAC of 0.08 or greater. The two-tier system allows the State to have the “no-plea-bargaining-out-of-alcohol” law. Offenders may have their DWI arrests dropped to DWAI convictions for first-time offenses, but may not plea to a nonalcohol offense (e.g., reckless driving). This is important to ensure offenders are still convicted under an alcohol offense, beginning the tracking system for repeat offenders. The designation of a misdemeanor versus a felony is based on the type and frequency of the DWI offense. The fines, penalties, and license actions increase with each DWI or DWAI offense. Refer to table 2 for a brief summary of the current DWI/DWAI laws.

The historical adoption of laws designed to reduce impaired driving and underage drinking in New York has correlated with the incentives and disincentives associated

with Federal transportation funding for safety programs. For example, the 0.08 BAC law was only recently adopted in 2003, and the State of New York had made progress in reducing alcohol-related crashes and fatalities in spite of its 0.10 BAC law.

Table 2. Overview of Fines and Penalties for DWI/DWAI.

DWI OFFENSE	DWI FINE	DWI JAIL SENTENCE*	DWI LICENSE ACTION
1st Offense (Misdemeanor)	\$500 - \$1,000 (+ fees)	Up to 1 Year	Minimum 6-Month Revocation/Suspension**
2nd Offense (Within 10 years) Felony	\$1,000 - \$5,000 (+ fees)	Up to 4 Years	Minimum 1-Year Revocation**
3rd Offense (Within 10 years)	\$2,000 - \$10,000 (+ fees)	Up to 7 years	Minimum 3-Year Revocation**
DWAI OFFENSE	DWAI FINE	DWAI JAIL SENTENCE*	DWAI LICENSE ACTION
1st Offense	\$300 - \$500*	Up to 15 Days	90-Day Suspension
2nd Offense (Within 5 years)	\$500* - \$750	Up to 30 Days	Minimum 6-Month Revocation**
3rd Offense (Within 10 years)	\$750 - \$1,500	Up to 180 Days	Minimum 6-Month Revocation**

* Sentence can include alcohol treatment in lieu of jail, restitution for victims, and community service.

** Decision to reissue license by New York Dept. of Motor Vehicles. Repeat offenders are ineligible for restricted driving privileges.

Note: People under age of 21 subject to New York Zero-Tolerance law.

Data source(s): New York State Department of Motor Vehicles, 2003; New York State Police, 2000.

Of note are two other issues involving DWI/DWAI arrest data and offender fines, including court fees or surcharges, whereby both elements have an impact on STOP-DWI program funding. Not all arrests lead to prosecution, and not all convictions result in fines. Therefore, the criminal justice system and offender resources are tied directly to program revenue. Alternative sentences may be served in lieu of fines, at the discretion of court authorities, or convicted offenders may not pay fines. Finally, local, village, and other courts often require additional fees or surcharges for cases adjudicated. The local counties vary in terms of processes, including the ability to collect unpaid fines.

CURRENT NATIONAL AND STATE LAWS IN NEW YORK STATE

The State of New York began its enactment of core impaired-driving laws in 1980. Two key laws that form the foundation for New York's program are:

- 1) **Plea Bargain Limitations** - New York is one of few States to have a two-tier system for alcohol violations. The two-tier system allows the State to have the "no-plea-bargaining-out-of-alcohol" law. Offenders may have their DWI (0.08+) arrests dropped to DWAI (0.05+) convictions for first-time offenses, but may not plea to nonalcohol offenses (e.g., reckless driving). This is important to ensure the offender is still convicted under an alcohol offense, beginning the tracking system for repeat offenders.
- 2) **Judicial Per Se License Revocation** - Section 1193[2](e)(7)a of the Vehicle and Traffic Law requires mandatory loss of license if a driver takes a breath test and registers a score of 0.08 or greater, and the driver license is suspended no later than the conclusion of arraignment. Most States have Administrative License Revocation (ALR) laws, which provide a 15-day temporary license until a hearing can be scheduled. New York's Judicial Per Se License Revocation law is swifter. As a precursor to the Judicial Per Se legislation, New York had its own ALR law whereby only repeat alcohol offenders' driving privileges were suspended pending prosecution.

These are two laws that every State could adopt independent of a local option STOP-DWI Law. The other two core laws that shape impaired driving control and prevention in New York are the 1981 STOP-DWI Law and its associated mandatory minimum offender fines (National Highway Traffic Safety Administration, 1998).

The examination of alcohol laws in the State poses special challenges. New York has not enacted hospital blood alcohol concentration reporting laws, mandatory alcohol assessments for first time offenders (requirement for second and subsequent offenses), treatment laws and/or high BAC (0.15-0.20 BAC) penalties. The question raised is whether current State laws require strengthening. New York alcohol laws have evolved in response to local needs, and in part, as a response to Federal mandates (e.g., incentives associated with 0.08 BAC or penalties for nonconformance with Open Container or Repeat Offender Laws). In speaking directly with State and local leaders in impaired-driving control and prevention, the simplicity of the STOP-DWI law and local flexibility were cited as central to the successful implementation of the program and to the reduction of impaired-driving crashes and fatalities in the State. More discussion about the political and social influences on the development and implementation of STOP-DWI follows.

STOP-DWI PROGRAM ADMINISTRATION

As stated earlier in the report, the STOP-DWI Program represents 58 programs, one described as New York City, serving 62 counties in the State of New York. For administrative (and geopolitical) reasons, the New York City counties are managed by one program comprised of five boroughs: Manhattan (New York County), The Bronx,

A Review of New York State's STOP-DWI Program

Brooklyn (Kings County), and Queens and Staten Island (Richmond County). (Roughly 42 percent of the State's 19 million population reside in the five boroughs of New York City.)

The programs have administrative regions; however, for practical purposes there are regional groupings to conduct training and other events, such as mock trials in the contiguous mid-Hudson region. There is an annual STOP-DWI coordinators meeting each fall to share information, and "best practices" held in conjunction with the annual New York traffic safety conference.

The New York Governor's Traffic Safety Committee, the New York State Police, the STOP-DWI Coordinators Association, New York State Sheriffs' Association, and the New York State Association of Chiefs of Police are the organizations integral to the success of the New York STOP-DWI program, and their relationship will now be described.

Statewide Highway Safety Program, Mission and Goals

New York State's highway safety goals mirror that of the National Highway Traffic Safety Administration, to prevent motor vehicle crashes, save lives and reduce the severity of injuries suffered in crashes (New York State Governor's Traffic Safety Committee, 2004). The New York Governor's Traffic Safety Committee (GTSC) oversees and coordinates the traffic safety activities and programs implemented in the State. The Committee is composed of 13 State agency heads with shared interest in traffic safety, and is chaired by the Commissioner of the Department of Motor Vehicles. GTSC's mission is to promote and support the State's highway safety program in order to provide for the safe transportation of people and goods on New York's roadways (New York State Governor's Traffic Safety Committee, 2003). GTSC acts as the State's official liaison with its Federal counterpart NHTSA in the administration of the State's primary sources of funding for traffic safety programs and traffic safety grant funds. In addition, GTSC is a partner with the Federal Motor Carrier Safety Administration (FMCSA) and the Federal Highway Administration (FHWA) in the administration of the State's highway construction funds and motor carrier safety funds. Likewise, GTSC works side-by-side with local agencies, nonprofit organizations and its private sector partners and supporters to deliver lifesaving highway traffic programs, public information and services throughout the State.

One of GTSC's main responsibilities is to coordinate State and local initiatives in conjunction with the highway safety priorities identified in the annual Highway Safety Strategic Plan. For 2004, Governor George E. Pataki's top priorities for the State's highway safety program focus on increasing the use of occupant restraints; the reduction of unsafe driving behaviors, including speeding and impaired driving; and improving the safety of pedestrians and motorcyclists (New York State Governor's Traffic Safety Committee, 2004). New York uses the performance-based planning process to identify goals for its traffic safety program. This process consists of problem identification

through the analysis of crash, fatality, and injury data. Success is measured by the decline in the number of crashes, fatalities, and injuries on the State's roadways.

In addition to comprehensive statewide goals, the State sets specific supplementary goals and objectives in major program areas including impaired driving. The primary goals of New York's impaired driving program are to reduce the number of alcohol-related traffic fatalities and injuries. This is achieved by implementing an enforcement plan to increase the enforcement of the impaired-driving laws (critical to any State's high-visibility law enforcement work), conducting training programs for police officers and prosecutors, and raising public awareness of the dangers of drinking and driving. A variety of educational programs for drivers under 21 will be and/or have been supported. Other initiatives that focus on underage drinking drivers, drivers 21 to 29, and repeat offenders will be emphasized (New York State Governor's Traffic Safety Committee, 2004).

The New York State Police also play a major role in implementing STOP-DWI through enforcement and participation in the prosecution of impaired drivers. The stated mission is, "To save lives, reduce the number and severity of injuries, and minimize property damage resulting from motor vehicle crashes on the highways of New York" (New York State Police, 2003). While no STOP-DWI money is allowed by law to be given to this law enforcement agency in the reduction of impaired driving, its mission and traffic safety goals, as seen in table 3, align with that of the program. Counties may, however, provide the New York State Police with incentives, such as loaned equipment and/or training in the pursuit of its mission. Fifteen (26%) STOP-DWI plans (2003) expressly state that such incentives were given to the New York State Police, although interviews and anecdotal information suggest that many more counties provide such incentives.

Table 3. New York State Police 2003 Traffic Safety Goals.

Diligently enforce the laws that prohibit hazardous and crash causing behaviors.
Increase the use of safety restraints and promote the proper use of child restraints.
Ensure thorough crash investigations, identifying causation to facilitate selection of enforcement priorities.
Promote the research and use of technology for increased efficiency and effectiveness in highway safety enforcement.
Improve public awareness and education of highway safety issues.
Enhance cooperation and coordination of traffic safety activities with other traffic safety agencies and organizations.
Ensure that commercial motor carriers safely coexist on the highways and in the communities across New York State.

Data source: New York State Police, 2003 (*Traffic Safety Plan 2003*).

STOP-DWI has a long history of collaboration with partners who have been involved in impaired driving control and prevention since the 1970s. Both the Governors Traffic Safety Committee and the New York State Police are longstanding partners. Among other major collaborators are the New York State Liquor Authority, the New York Office of Alcoholism and Substance Abuse Services, New York State Sheriffs' Association, and the New York State Association of Chiefs of Police. More discussion of STOP-DWI partners in the counties follows at a later point.

STOP-DWI Mission and Goals

The mission of New York's STOP-DWI program is **to empower and coordinate local efforts to reduce alcohol and other drug-related traffic crashes within the context of a comprehensive and financially self-sustaining statewide alcohol and highway safety program** (New York State STOP-DWI Coordinators Association, 2002). The program's goal is to achieve these reductions through the creation and funding of programs relating to enforcement, prosecution, probation, rehabilitation, public information, education and administration.

While the counties pursue the overall goal of the STOP-DWI program, each may set supplementary goals and performance targets in accordance with the main objective of the program. In working toward this goal, each county program may select and support a range of initiatives, such as, police units dedicated to DWI enforcement, special prosecutors and probation officers, rehabilitation services, and public information and education campaigns tailored to their communities. STOP-DWI is grounded in the "local options" standard, which affords a county the ability to implement community-specific countermeasures and interventions. More discussion on specific countermeasures and interventions follows in Section IV.

In reviewing county STOP-DWI plans, several counties set additional program-specific goals and targets (e.g., Albany – To reduce the number of vehicle crashes caused by impaired drivers by 20 through proactive enforcement and prevention education; Genesee – To maintain the number of DWI Enforcement Nights conducted by the local police agencies over the 2003 activity).

Local Government Structure

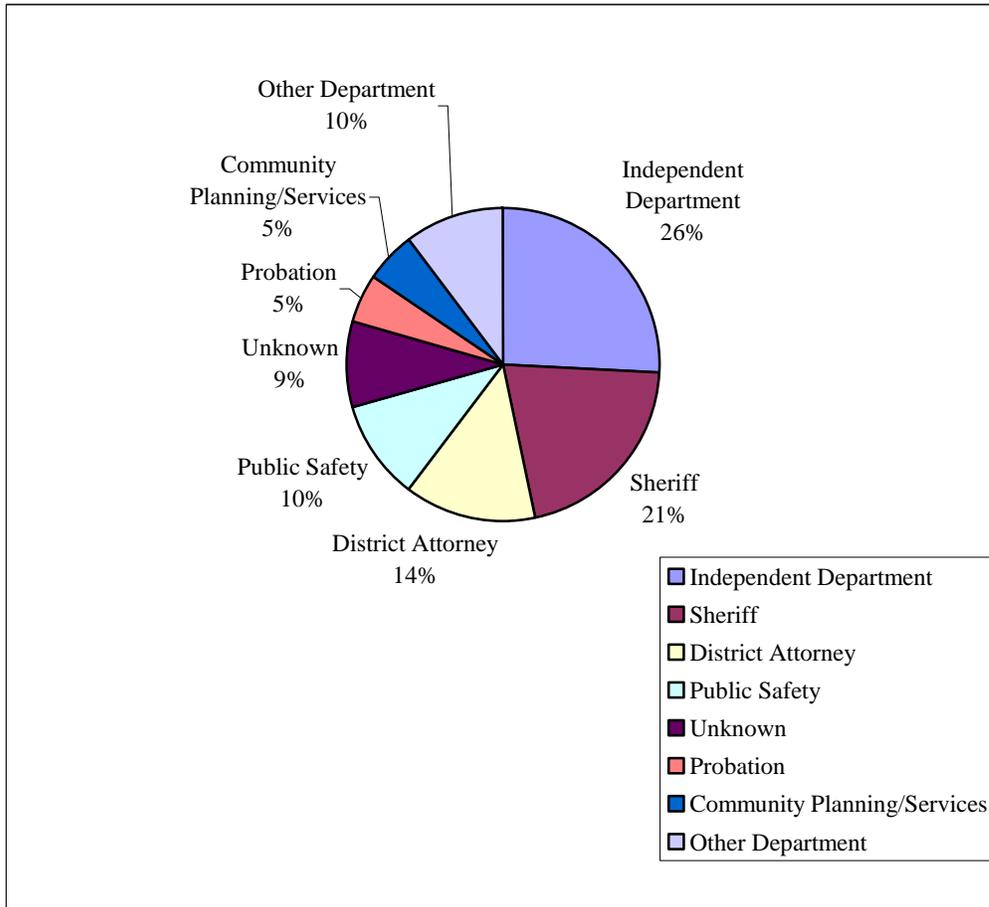
There are two traditional models of county government in New York State - the Commission/Administrator and Council-Executive models. The County Administrator model comprises 41 (72%) of New York county government models and 16 (28%) are County-Executive governments. Recall that New York City's counties include five boroughs combined into one administrative region; New York City government officials are elected (National Association of Counties, 2003).

Again, the unique feature of the STOP-DWI program is the "local options" discretion regarding specific program components each considers vital in carrying out STOP-DWI's goal. Each county has structured its program according to its needs and the capacity to generate revenues from DWI offenses. The legislation for the STOP-DWI program requires all counties or local jurisdictions to appoint a coordinator for the program, which should develop and implement the program through coordinating its activities with other alcohol and traffic safety agencies.

The NHTSA team reviewed the program organization of each county from its 2003 plans submitted to the New York Department of Motor Vehicles (DMV) and other public records such as published budget and government directories. Nearly half (47%) of the

STOP-DWI programs function as independent county departments (26%) or as divisions within county law enforcement agencies (21%). The rest are organizationally assigned within county departments of transportation, health, mental health, youth services, community planning, and community services. Figure 4 provides a snapshot of where the STOP-DWI program is located within the county government organizational structure.

Figure 4. STOP DWI County Government Organization, All Counties.



Note: N = 53 (81%) counties.

Data source(s): County STOP-DWI plans, public county budget and organizational data.

By law, STOP-DWI programs are governed by the county executive or county administrator. The STOP-DWI program coordinators are career civil service or politically appointed employees. The STOP-DWI law specifically delineates the role of the coordinator and program components. For example, in larger counties where the sheriff and district attorney offices manage the STOP-DWI program, staff typically carry out the day-to-day program activities, while in rural counties, the sheriff or district attorney may serve in dual roles as program coordinator.

In examining the current physical location of the STOP-DWI programs, the majority (62%) are housed in, or in close proximity to, county law enforcement (district attorney, probation) or public safety offices, including those located in county courthouses (33%).

A Review of New York State's STOP-DWI Program

STOP-DWI program offices are specifically housed in Sheriff (26%), District Attorney (14%) and other Public Safety Offices (14%). One STOP-DWI program is located within the County Executive Office.

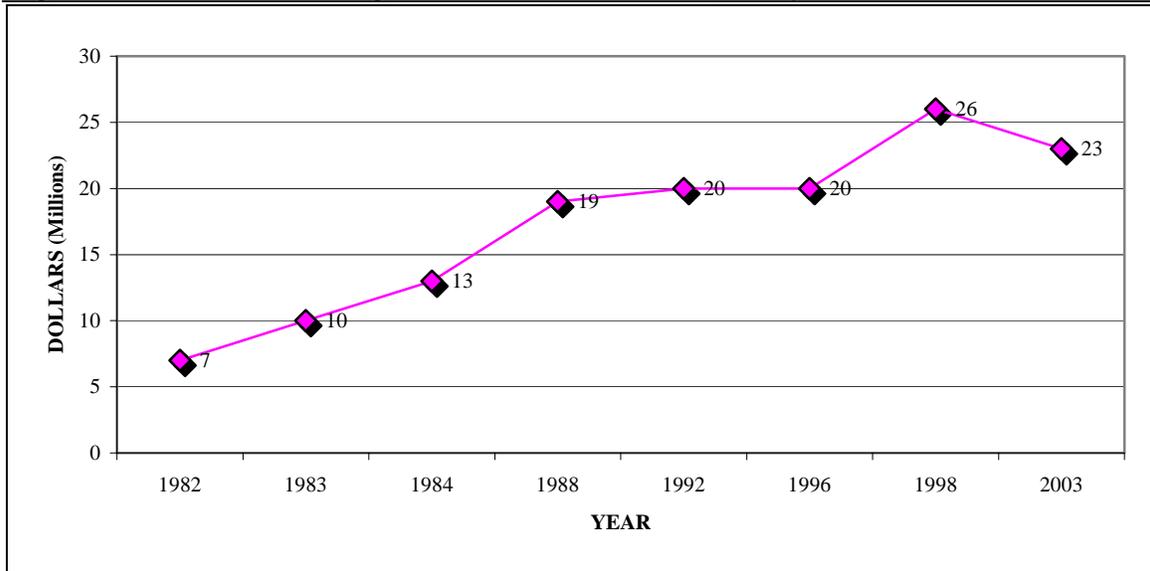
Traffic Safety and STOP-DWI Advisory Boards

New York State requires that each county (specifically described as city, town, or county not wholly included within a city) establish a Traffic Safety Board (State of New York Department of Motor Vehicles, 2003). These boards pursue the overall goal of traffic safety. They were created specifically to administer Federal and community highway safety grant money at the county and city level. New York Vehicle and Traffic Law requires the establishment of a STOP-DWI Advisory Board that specifically provides oversight to the local or county program. In some counties, the board serves both purposes; however, in many counties, these boards are distinct and separate entities. There are STOP-DWI coordinators who are currently active members on local Traffic Safety Boards. It is important to understand that both Traffic Safety and STOP-DWI Advisory Boards, whether one or two groups, are comprised of traffic safety leaders in a particular community and have considerable influence on program activities in the counties.

Local Program Funding Process

Based on total dollars in the STOP-DWI program (for 2003) and the current adult population of New York, \$1.21 is contributed to the STOP-DWI program for every adult resident. Offender fines fully fund the STOP-DWI program, and no funds are deposited into the State General Fund, which is a common mechanism in other States for this type of program. Figure 5 examines the long-term trend for the STOP-DWI program.

Figure 5. STOP-DWI Program Dollars, 1982-2003 (unadjusted dollars).



Data source(s): 2003 New York STOP-DWI County Plans, made available by the New York Department of Motor Vehicles; Institute for Traffic Safety Management and Research (March 1985, reprinted November 2003).

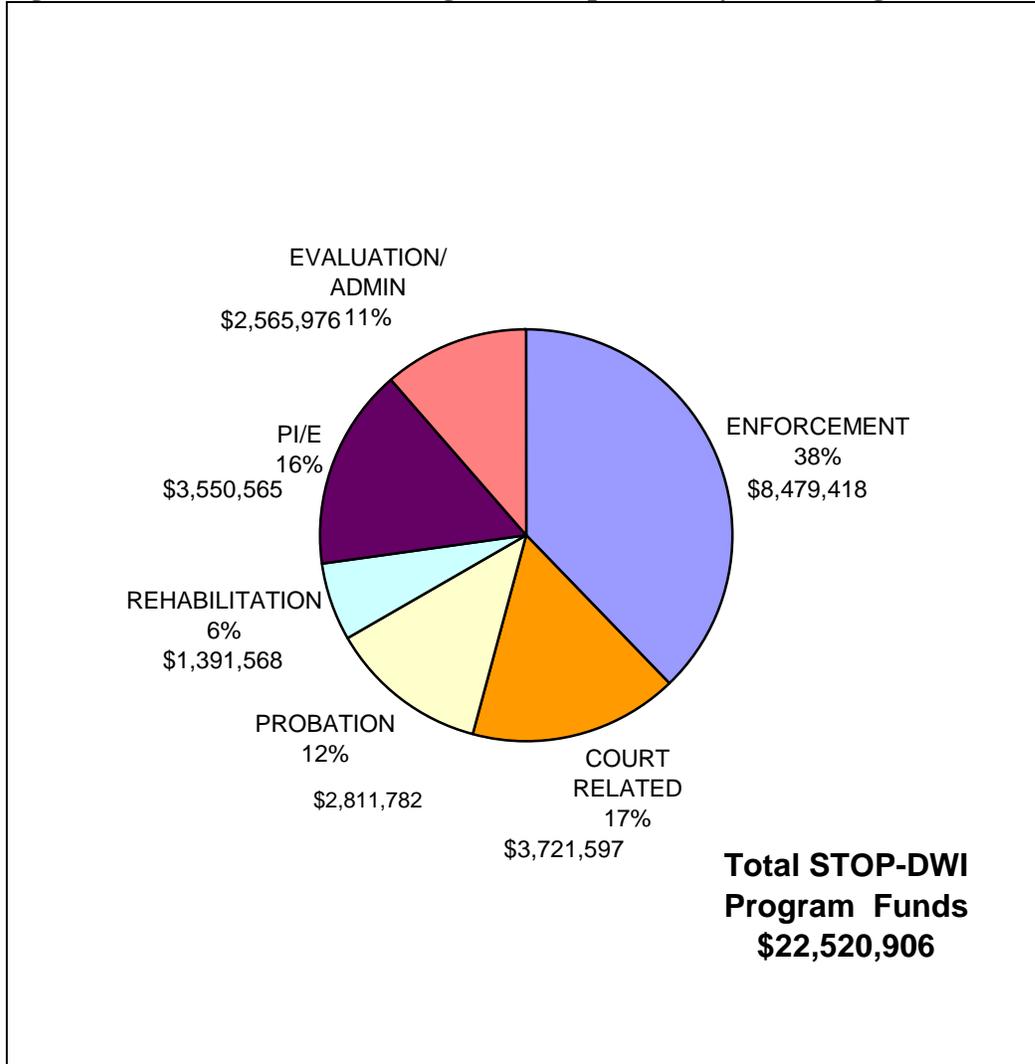
Note(s): Data for 1992 were unavailable and estimated based on mean data from near years. Revenue decreased from \$22,704,290 (FY 2002) to \$22,520,906 (FY 2003). Revenue in 1992 was estimated, based the mean data from 1988 to 1996. The paradox of an impaired-driving prevention program that relies on offender fines is that effective countermeasures may reduce the availability of funds to support the program.

Various channels are used to collect DWI/DWAI offender fines. Once the offender is sentenced, the fines are commonly collected by the county law enforcement agencies and county courts, and are directly deposited into the STOP-DWI account. The New York DMV provides financial and programmatic oversight in support of the local program. The funding is restricted to enhance programs and activities that reduce the incidence of impaired driving, and cannot by law duplicate any programs or services already provided in a particular county. The funds are directed toward law enforcement, prosecution, and other court-related costs, probation, rehabilitation, public information and education, and administration. The county executive or administrator manages these funds and program revenue and the STOP-DWI coordinator reports expenditures to the DMV on a quarterly basis. As would be expected, there is a 90-day lag time for depositing and reporting (Rood & Dowling, 1985). Figure 6 depicts where the funds go, on a statewide basis, by program components.

Examination of recent historical trends for the New York STOP-DWI budget, reported by the New York DMV and the counties, is displayed according to six components of the program. These six components are: (1) Enforcement, (2) Court-Related Activities, (3) Probation, (4) Rehabilitation, (5) Public Information and Education (PI&E), and (6)

Administration/Evaluation. Historical budget trends by dollars and by percentages are presented in figures 7 and 8, respectively.

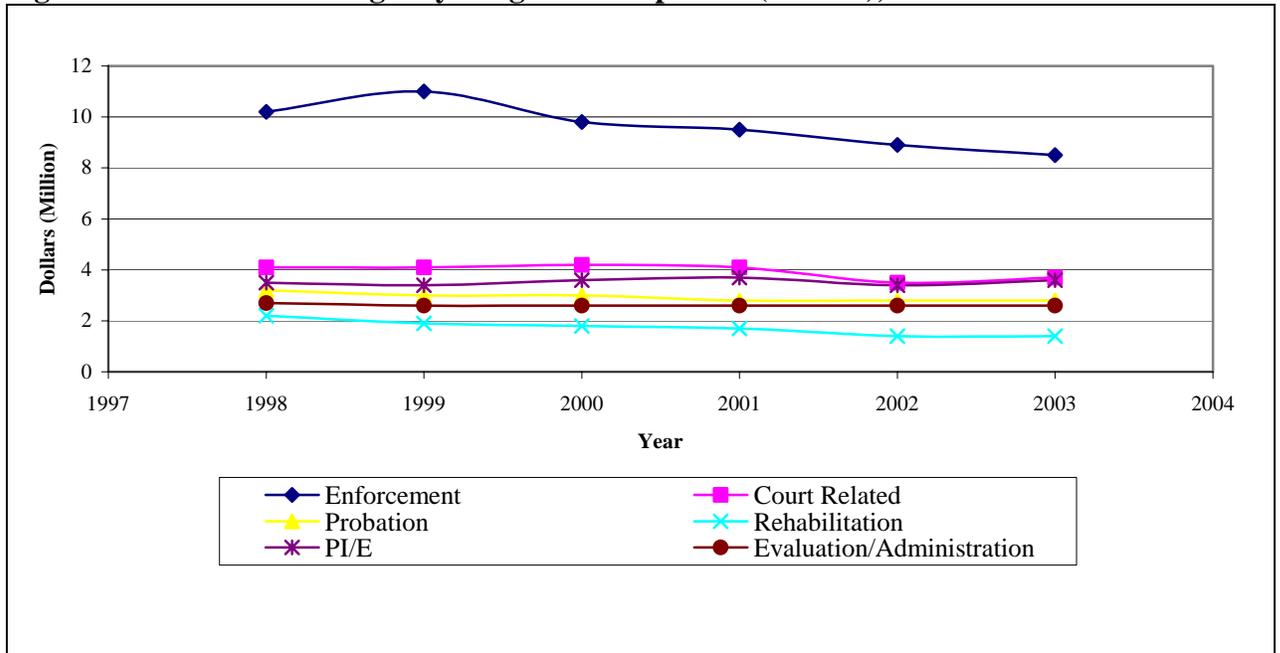
Figure 6. STOP-DWI Local Program Components by 2003 Budget Dollars.



Data source: New York Department of Motor Vehicles, 2004.

Figure 7 presents the annual New York STOP-DWI budget in dollars, 1998-2003. Overall, there has been little variation throughout the 1998-2003 period. However, it is noteworthy that the overall budget dollars for enforcement and rehabilitation have been decreasing steadily since 1999. It indicates a significant decrease of expenditures for enforcement, from \$11 million in 1999 to \$8.5 million in 2003. Similarly, rehabilitation expenditures have decreased from \$2.2 million in 1998 to \$1.4 million in 2003. This decrease parallels the overall decrease in revenue of the program from \$26.4 million in 1999 to \$22.5 million in 2003.

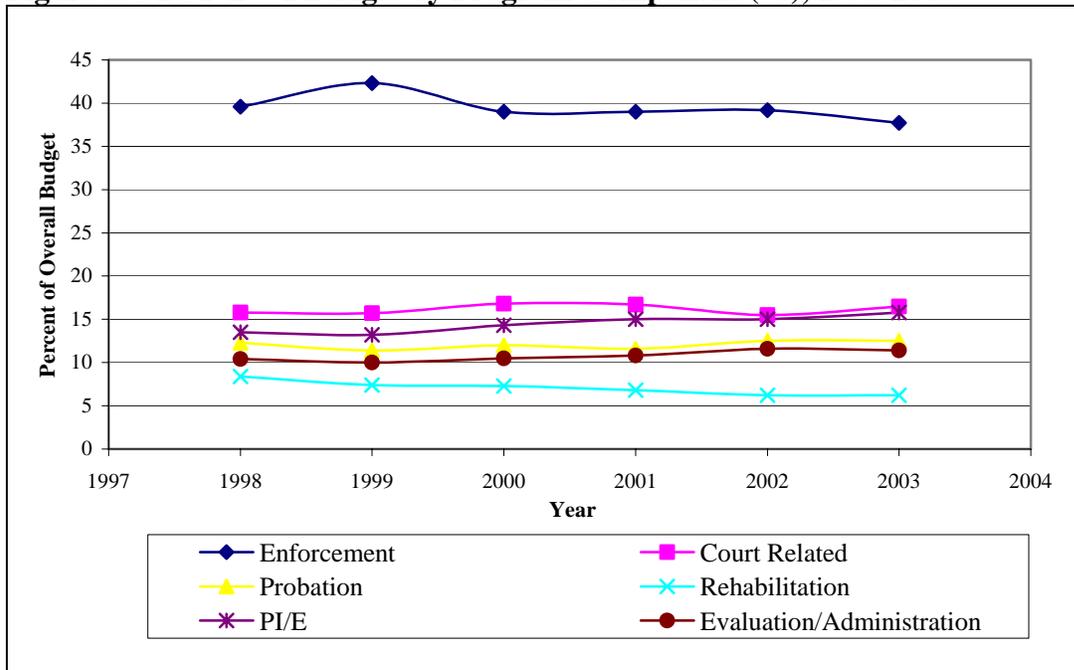
Figure 7. STOP-DWI Budget by Program Component (Dollars), 1998-2003.



Note: (N = 56). Hamilton and Wyoming counties are not reported.

Figure 8 shows that more than one-third of the New York STOP-DWI budget is allocated to enforcement, ranging from 38 percent in 2003 to 42 percent in 1999. Court-related costs ranked second, accounting for 15 to 16 percent of the budget. Resources used for public information and education activities and probation programs ranked third and fourth, respectively. Administrative expenditures typically account for 10 to 11 percent of the New York STOP-DWI budget; however, counties approach this program area differently. Variations include: allocation of administrative personnel costs to different program areas (e.g., sharing the coordinator full-time equivalent [FTE] position salary among two or more areas), assignment of different and expanded responsibilities (e.g., grants programs) and additional activities conducted by the coordinator and staff (e.g., the cost for victim impact panels may be absorbed by administration). Rehabilitation programs rank last in terms of budget; however, there are counties that capitalize on other funded programs that treat DWI offenders and victims.

Figure 8. STOP-DWI Budget by Program Component (%), 1998-2003.



Note: (N = 56). Hamilton and Wyoming counties are not reported.

Annual county budgets vary significantly, ranging from \$50,000 for Schuyler County to \$2.4 million for Suffolk County. Table 4 groups county budgets into categories based on total STOP-DWI program dollars using FY 2003 as the baseline year, while table 5 lists individual counties using these categories. The majority (65%) of New York counties have annual program budgets that range from \$100,000 to \$499,999.

Table 4. County Program Budget by Dollar Categories.

Budget Range	Counties (%)
≥ \$1,000,000	6 (10 %)
\$500,000 - \$999,999	5 (9 %)
\$250,000 - \$499,999	18 (31 %)
\$100,000 - \$249,999	20 (34 %)
< \$ 100,000	9 (16 %)

Note: N = 58 (programs), FY 2003 budget data, except that data for Hamilton and Wyoming County STOP-DWI programs are estimated based on earlier budgets (2001, 2002). Data provided by New York Department of Motor Vehicles.

Table 5. County Program Budgets, 2002.

≥ \$1,000,000	\$999,999 - \$500,000	\$499,999 - \$250,000	\$249,999 - \$100,000	<\$100,000
ERIE MONROE NASSAU NEW YORK (CITY) ONONDAGA SUFFOLK	ALBANY DUTCHESS ONEIDA ORANGE WESTCHESTER	BROOME CATTARAUGUS CHAUTAUQUA CHEMUNG CLINTON GENESEE LIVINGSTON NIAGARA ONTARIO OSWEGO RENSSELAER ROCKLAND ST.LAWRENCE SARATOGA STEUBEN ULSTER WARREN WAYNE	ALLEGANY CAYUGA COLUMBIA CORTLAND DELAWARE FRANKLIN FULTON GREENE HERKIMER JEFFERSON MADISON MONTGOMERY OTSEGO PUTNAM SCHENECTADY SENECA SULLIVAN TIOGA TOMKINS WASHINGTON	CHENANGO ESSEX LEWIS ORLEANS SCHOHARIE SCHUYLER YATES

Note: N = 56 (programs). Budget data not available for Hamilton and Wyoming STOP-DWI programs. Data source: New York Department of Motor Vehicles.

STOP-DWI Foundation, Other Program Funding

The United States Department of Transportation does not fund the STOP-DWI program, however federal funding is directed to the State of New York's traffic safety activities. NHTSA's Eastern Office reports that in 2003 approximately \$800,000 of the Transportation Equity Act for the 21st Century (TEA-21), Traffic Safety Section 402, Safety Program (the basic federal highway safety grant program through which every State receives funding) annual funds were used for impaired driving control and prevention countermeasures (New York State Police law enforcement, DWI prosecutor training, judicial and probation countermeasures, Alcohol Beverage Control and effectiveness and evaluation studies). The TEA-21, Section 410, the Alcohol Incentive Grant Program, funds subsidized participation in national mobilizations (high-visibility enforcement activities) by local law enforcement agencies. These Federal dollars supplemented and enhanced impaired-driving control and prevention activities in the State.

In 2000, the STOP-DWI Foundation was formed. This strategy was used to give the local STOP-DWI programs means to apply for TEA-21 grants and monies to supplement current activities and support new activities. Prior to the Federal incentive grants, such as TEA-21, GTSC limited their funding of the State's impaired driving program since the STOP-DWI funds were generally three times the State's allotment for Section 402.

STOP-DWI coordinators also clearly rely on creative means to fund local program activities -- in-kind donations such as media and the use of facilities for events. The New York State Broadcasters Association's "noncommercial advertising" methods (i.e. unsold) are used and programs historically do not pay for media used in public education and information activities. Earned media is the other common strategy for publicizing public education messages and events.

Local Administrative Process

Currently, all 62 New York counties are covered by established local STOP-DWI programs. Each county must submit an annual implementation plan for the upcoming calendar year, 90 days prior to the beginning of the local fiscal year (October 1st). Although the development and implementation of STOP-DWI programs rests with the counties, the Commissioner of Motor Vehicles is charged with the task of approving the county plans. Plans are to be submitted annually in the format prescribed by the commissioner. All county plans support the main objective of the program to coordinate county, town, city, and village efforts to reduce the rate of alcohol-related and other drug-related injuries and fatalities. Most incorporate all or a majority of the elements associated with a comprehensive program: enforcement, prosecution, probation, rehabilitation, public information and education, and administration (State of New York Department of Motor Vehicles, 2003).

The county STOP-DWI coordinator is responsible for the development of the plan and the coordination of efforts by agencies involved in alcohol and highway safety. Coordinators rely mainly on alcohol-related arrest data, convictions, and crash data in formulating their county's plan. However, input and proposed activities from interested parties and county, town, city, or village agencies or nongovernmental groups for activities related to alcohol traffic safety are also considered.

In each individual plan, the county must include a narrative description of the proposed project activities for each of the program areas and the revenue estimates and projected expenditures that correlate to the activities proposed. All plans that include contracted services must describe contract specifics (e.g., deliverables, fringe benefits for personnel). Plans must also clearly identify the cost components of programs funded by both STOP-DWI and other sources.

The Commissioner of Motor Vehicles reviews each county plan in accordance with the law, and serves in an advisory capacity for plan and budget review and compliance with the STOP-DWI law. This includes ensuring that there is no duplication of existing programs funded or operated by either the State or any municipality (Article 43-A). For example, the State's alcohol and drug rehabilitation program, the Drinking Driver Program (DDP), established under New York State Vehicle and Traffic Law 1196, may not receive funds. It is the local county authority that formally approves the STOP-DWI plan and allocation of resources. As stated previously, proposed operational budgets also may not fund the salaries or overtime expenses of the New York State Police. However, counties may loan equipment to this law enforcement agency as an incentive to assisting them with the reduction of impaired driving.

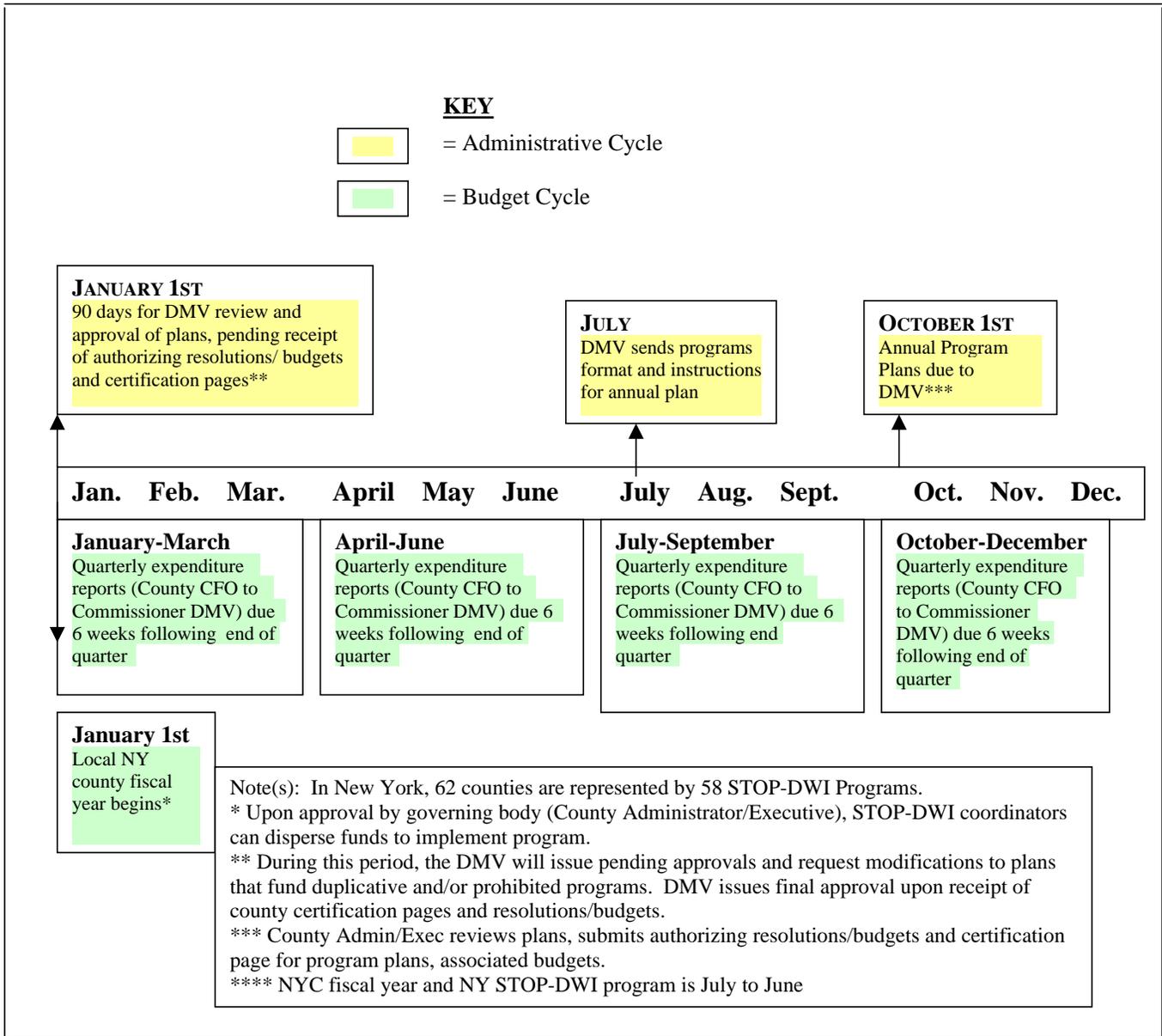
The New York GTSC oversees and coordinates the traffic safety activities and programs implemented in the State. Documentation of endorsement is to be submitted in the form of a copy of the local resolution passed in adopting the plan thereby authorizing expenditures of the funds in that county's STOP-DWI account. Money in these accounts is under the exclusive care, custody, and control of each county's chief fiscal officer (State of New York Department of Motor Vehicles, 2003).

Fiscal transactions, receipt, and distribution of program income from fines typically have a lag time of 90 days. However, the counties report that the recording of penalties and fines by the courts is efficient, typically immediate or within 3 days of the rendering of judicial decisions.

Expenditures from a county's STOP-DWI account can only be incurred upon approval of the county's implementation plan by the commissioner. For monitoring purposes, the law requires that the county's chief fiscal officer submit a written certificate of funds expended from these accounts on a quarterly basis to the New York Department of Motor Vehicles. In addition, any plan amendments or budget modifications, which propose expenditures in either previously unfunded areas or items, or increased expenditures in previously funded areas or items, must be submitted in writing to the commissioner for notification and approval. Written approval by the commissioner is required of proposed budget modifications if the sum total of said modifications within a fiscal year is to exceed 10 percent of the originally approved budget. Unspent money from any given fiscal year must remain in the STOP-DWI account. Rollover funds may be used in the next fiscal year to increase funding in a program area or item, or begin funding a previously unfunded program area or item (State of New York Department of Motor Vehicles, 2003).

Figure 9 provides a summary of the STOP-DWI program annual administrative and budget cycles.

Figure 9. Annual STOP-DWI Program Administrative, Budget Cycles.



A county may voluntarily cease its program by notifying the commissioner in writing of the date of termination. The cessation of a county's STOP-DWI program whether voluntarily or by the issuance of a notice of suspension or withdrawal, shall result in any remaining money in the county's STOP-DWI account being transferred to the general fund of the State treasury. In addition, funds from any future fines and forfeitures

collected in the county shall be transferred into the general fund of the State treasury. Only previously accrued expenditures prior to the date of termination will be paid from the county's STOP-DWI account. The New York DMV reports that this has not occurred to date.

STOP-DWI Coordinator Role

Central to the implementation of local STOP-DWI programs is the coordinator, who by law is designated by the county chief executive officer (State of New York Department of Motor Vehicles, 2003). The New York City program, serving five counties, is the only exception, where the mayor of New York City directly appoints the coordinator. As mentioned under *Local Administrative Process*, the coordinator is mainly responsible for the development of the plan and the coordination of efforts by agencies involved in alcohol and highway safety.

Dedicated program resources for the coordinator and administrative personnel vary by county. Coordinators are both full- and part-time, and may serve in other capacities within the local government, depending on where in the organizational structure the program is housed. In 15 (26 %) programs, the Sheriff or chief law enforcement officer (e.g., district attorney) also serves as the STOP-DWI coordinator. Other specific duties of the program coordinator are described in the STOP-DWI Law and focus on implementation according to the six program areas (State of New York Department of Motor Vehicles, 2003).

STOP-DWI PROGRAM AREAS

Based on data gathered as well as public documents, it is evident that STOP-DWI is heavily invested in the General Deterrence Model for impaired-driving control and prevention. There are specific deterrence countermeasures used by the local courts and probation program, however, these are directed to serious and repeat DWI offenders.

The STOP-DWI Law provides flexibility in terms of countermeasure development at the local level, although the six core program areas have not changed since 1982. As depicted in figures 7 and 8, the majority of program budgets are dedicated to enforcement activities for the control and prevention of impaired driving. Based on current county plan and budget data, each county's largest proportion of resources is described by program area in table 6. The majority (60%) of counties dedicate the most resources to enforcement activities.

Table 6. Proportion of Resources by Program Area.

PROGRAM AREA	NUMBER OF COUNTIES/RANK	PROPORTION OF RESOURCES RANGE (MEAN)
Enforcement	35/1	24-86% (44%)
Court-related	8/2	25-49% (39.5%)
Probation	6/3	33-44% (38%)
Administration	4/4	31-69% (42.5%)
Rehabilitation	3/5	23-27% (25%)
Public Information & Education	2/6	24-36% (42%)

Note: There is variation in how counties allocate funds, based on organizational location of the STOP-DWI program, and current county/program priorities and activities. In addition, the distribution of funds may also vary by the activities of the coordinator and their salary may be distributed among two or more program areas (e.g., serving in an administrative capacity and as public education and information coordinator).

Other Personnel Funded by STOP-DWI

Within the program areas, the county budgets can fund salaries and fringe benefits of personnel, in addition to administrative personnel, that work on impaired-driving control and prevention activities. County STOP-DWI plans describe these allocations of program resources as follows:

- Enforcement (in addition to DWI patrols) – dedicated full- or part-time law enforcement officers and/or staff at the city, county levels (93%);
- Court-related – full- or part-time DWI prosecutor and/or staff (85%);
- Probation – full- or part-time probation officer or case manager and/or staff (78%);
- Rehabilitation – full- or part-time counselor, social worker, case workers, and/or staff or referrals for contracted counseling (71%); and,
- Public Information and Education – part-time coordinator or contractor (29%).

Assignment of resources varies; however, some counties report having full-time DWI prosecutors that form units or several full-time employees in a particular program area. Other specific examples of personnel include resident deputy dedicated to STOP-DWI, forensic chemist, executive secretary, and grant seeker, community educator, and youth officer. Specific details about how salary for the coordinator or other FTE is not available for this analysis. *Note: In some cases the STOP-DWI coordinator’s salary may be distributed among two or more program areas (e.g., serving in an administrative capacity and as public education and information coordinator).* More detail about specific activities performed by these personnel will be described in Section IV.

STOP-DWI DATA AND DATA SYSTEMS, OUTCOME MEASURES

The New York DMV compiles DWI, DWAI arrest and conviction data, and budget data. Annual STOP-DWI program reports require arrest, disposition, fine, and contemplated

program resource distribution in addition to the data needed for the DMV. The DMV periodically reports these and other transportation safety and system data collected at the State level, such as crash fatalities and number of licensed drivers. The data that are most current are those that drive the funding mechanism, large DWI/DWAI and associated budget data. The New York DMV and the Department of Transportation are working to improve crash data collection through construction of a more integrated data system. The DMV is in the process of statewide revision and upgrade of its data systems, based on Federal initiatives from agencies such as the FMCSA, FHWA, and NHTSA. Major traffic safety data initiatives include electronic crash reporting, electronic reporting of progress on countermeasures (e.g., child safety seat distribution), electronic ticketing, and the availability of county level data on the World Wide Web, including motor vehicle crashes, transportation and criminal justice data, derived from both the New York DMV and the New York Department of Justice. State and local data differ from NHTSA data, particularly in the area of alcohol-related crashes where national data rely on methods such as multiple imputation to fill in gaps.

OTHER STATE SELF-SUFFICIENCY MODELS

It is important to briefly discuss other models for self-sufficient impaired-driving programs. In the context of self-sufficient impaired-driving programs in the United States, New York is the most evolved and most comprehensive program, and receives no tax dollar support. Other State and local programs are varied in terms of funding mechanisms, such as taxes or other support. Select programs will be briefly described to provide context for better understanding New York's STOP-DWI program.

New Jersey

New Jersey, has adopted some principles of self-sufficiency. New Jersey is one of the smaller States, covering just over 8,700 square miles with a population numbering 8,590,303 people (2002). The State is comprised of 21 counties.

From 1982 to 2002, alcohol-related fatalities in New Jersey declined 52 percent (622 to 299). The decline may be at least partly accredited to New Jersey's passage of the Alcoholic Beverage Tax Law (R.S.54:41-1) and its Alcohol Education, Rehabilitation and Enforcement Fund (AEREF) (N.J.S.A. 26:2B-32). Both were established in 1984. The Alcoholic Beverage Tax applies to the first sale or delivery of alcohol to retailers in the State and is based upon the number of gallons sold or otherwise disposed of within New Jersey (State of New Jersey Division of Taxation, 2002). The tax is collected from licensed manufacturers, wholesalers, and State beverage distributors. The rate varies by beverage type and is on a "per gallon" basis. Table 7 illustrates the different rates charged by beverage type.

Table 7. Type of Beverage Rate per Gallon.

Beer	\$0.12
Liquor	\$4.40
Still Wine, Vermouth, Sparkling Wine	\$0.70

Note: P.L. 1997, C. 153, reduced the tax rate on hard apple ciders containing between 3.2% and 7% of alcohol by volume from \$0.70/gallon to \$0.12/gallon, effective November 1, 1997.

Revenues generated by the law are deposited in the State treasury for general State use, except that beginning on July 1, 1992, \$11 million of the tax revenue began being deposited annually into the AEREF (State of New Jersey Division of Taxation, 2002).

The AEREF was created to support programs aimed at alcohol and substance abusers. Its principal source of funding is the alcoholic beverage excise tax. The law dedicates 75 percent of the excise tax revenue to rehabilitation, 15 percent to enforcement and 10 percent to education (N.J.S.A. 26:2B-32). Additional funding (approximately \$3 million annually) is also derived from DWI offenders who are required by law to pay a fee of \$100 to the AEREF (N.J.S.A.26:2B-32) and to participate in the screening, evaluation, and referral program of the Intoxicated Driving Program Unit (housed in the Department of Health and Senior Services, Division of Alcoholism and Drug Abuse).

Two State agencies manage New Jersey's impaired-driving program. The Division of Highway Traffic Safety (DHTS) oversees the State's Federal 402 program and the AEREF. New Jersey's 402 resources have been directed largely at the statewide impaired-driving program management. Money from the AEREF is distributed to all 21 counties in accordance with a statutory allotment formula that considers population size, income, and the estimated program needs of each county (N.J.S.A.26:2B-34a). However, in order for a county to receive its annual allotment from the fund, it first must: (1) prepare and submit for State approval an "annual comprehensive plan for the provision of community services to meet the needs of alcoholics and drug abusers" (N.J.S.A.26:2B-33), and (2) contribute matching funds equal to at least 25 percent of the amount for which it is eligible under the statutory allotment formula (N.J.S.A.26:2B-34b). Funded programs are usually managed by the respective State, community, or county law enforcement agency.

The Department of Health and Senior Services administers the Intoxicated Driver Resource Center (IDRC) program – the evaluation and rehabilitation components. The IDRC includes representation by each of the 21 counties. Each IDRC conducts screening, assessment, education, some treatment, and referrals for DWI offenders. Centers serve as court monitors of a person's compliance with the ordered treatment, service alternative, or community service.

Table 8. New Jersey DWI Penalties, 2004.

Offense	Fine	Community Service	Incarceration	Loss of License	Ignition Interlock	DMV Surcharge
1st	\$250 - \$400		Not less than 12 hours nor more than 48 hours in IDRC, imprisonment 1-30 days	6 months - 1 year		\$1,000 per year for 3 years
2nd	\$500- \$1,000	30 Days	imprisonment 48 hours – 90 days	2 years	Yes*	\$1,000 per year for 3 years
3rd	\$1,000		imprisonment > 180 days	10 years	Yes**	\$1,500 per year for 3 years

Data Source: New Jersey Statutory Act 39:4-50.

Note(s): * If no, motor vehicle registration certificate and license plates revoked for 2 years.

**If no, registration certificate and plates revoked for 10 years.

Other Funding Models

There are specific elements of other impaired-driving programs at the State and local levels that are self-sufficient or use portions of offender fines, fees or use surcharges and assessments to fund prevention and deterrence activities. For example, in one Maryland county, offenders pay fees for stays in DWI facilities. In New Mexico, traffic citations include a fee allocated in part to the law enforcement agency issuing the citation and also to a fund for prevention and education activities. The courts collect the fee, which is ultimately used in part for funding new and existing impaired-driving prevention activities and programs. There is no current comprehensive analysis of self-sufficient impaired driving programs in the United States at this time.

III. METHODS

The purpose of this report is to provide a review of the New York STOP-DWI program, including:

1. an examination of the mission, goals, and program components of STOP-DWI;
2. an examination and description of the social and political context of STOP-DWI, and the historical and modern trends associated with its implementation; and,
3. a discussion of what critical STOP-DWI program elements the State has continuously funded in its efforts towards further reducing alcohol-related motor vehicle crashes and fatalities.

Note: The alcohol-related fatality data used for this report was retrieved from NHTSA's Fatality Analysis Reporting System (FARS). A motor vehicle crash is considered to be alcohol-related if at least one driver or nonoccupant (such as a pedestrian or pedalcyclist) involved in the crash is determined to have had a blood alcohol concentration of 0.01 gram per deciliter or higher. Thus, any fatality that occurs in an alcohol-related crash is considered an alcohol-related fatality. However, the term "alcohol-related" does not indicate that a crash or fatality was caused by the presence of alcohol.

Beginning with the 2001 FARS data, NHTSA began using multiple imputation to estimate missing BAC values. The old estimation method used by NHTSA calculated the chance that a driver, pedestrian or a pedalcyclist with unknown or missing alcohol results had a BAC in each of the three categories: 0, 0.01 to 0.09, or 0.10 and greater. Multiple imputation offers NHTSA significant advantages over the old method in analyzing and reporting estimates of alcohol involvement. Instead of estimating alcohol involvement by the three aforementioned categories, the new method estimates BAC along the entire range of plausible values (0 to 0.94 g/dl). Estimating missing BAC this way enables NHTSA to report the extent of alcohol involvement at any BAC level

The purpose of the project was defined during meetings with the administrator and the Office of Planning, Evaluation and Budget Management Team in October and November 2003. The New York STOP-DWI Evaluation Project team was assembled in November 2003. The majority of data for this process evaluation were collected from November 2003 through May 2004.

This review of the STOP-DWI Program represents 58 programs, one described as New York City, serving 62 counties in the State of New York. For administrative (and geopolitical) reasons, the New York City counties are managed by one program comprised of five boroughs: Manhattan (New York County), The Bronx, Brooklyn (Kings County), and Queens and Staten Island (Richmond County). (Roughly 42 percent of the State's 19 million population resides in the five boroughs of New York City.)

The team employed multiple methods to conduct the review. First, numerous NHTSA and STOP-DWI program documents were analyzed, including legislative and other public records, contract and budget documents, media releases and reports, program plans, technical and program reports, and scientific publications (refer to References and Documents Analyzed).

Second, site visits were performed in December 2003. The team conducted a site visit to the NHTSA Eastern Office in White Plains on December 2, 2003. At this meeting, representatives from the agency, the New York State Governor's Traffic Safety Committee, the New York Department of Motor Vehicles, the Institute for Traffic Safety Management and Research at the University at Albany, and several STOP-DWI county programs were present. Another site visit was conducted December 17-19, 2003, in Albany at the offices of the New York Department of Motor Vehicles and ITSMR. Two team members participated in each site visit, which incorporated fact-finding efforts, individual meetings and roundtable discussions with over 20 representatives from STOP-DWI programs and community and local leaders in impaired-driving prevention, including the New York State Police. Topics discussed included impaired driving goals and objectives, annual STOP-DWI program implementation, local administration among other areas surrounding New York's experience with impaired driving, and its STOP-DWI law.

State and county level data about DWI/DWAI arrests, DWI/DWAI convictions, motor vehicle crashes, vehicle registrations, driver licenses, and program activities from the counties, the New York Department of Motor Vehicles and the New York State Division of Criminal Justice Services, and sociodemographic data from the United States Census Bureau, were collected and analyzed. Dual entry was performed to ensure data quality and no errors were found. Data to describe State and national trends were obtained from the New York Department of Motor Vehicles and the National Highway Traffic Safety Administration.

For meaningful analysis of the program, motor vehicle crash and criminal justice data, the New York Stop-DWI programs are organized into four groups by county population: > 500,000; 250,000-499,999; 100,000-249,999; and < 100,000. The resident population serves as the basis for the four-group model, and means and ranges, as well as budget per capita, are used to characterize the four groups for useful comparison by another community or region. To calculate the budget per capita, the four county groups were weighted proportionally. For example, the high population group (6 county programs) represents 10 percent of the 58 programs. Therefore, averaging county program budgets for this group equals an average \$1.10 ($\$6.8/6$). Finally, the \$1.10 was multiplied by 10 percent (weight) to calculate the weighted budget per capita (\$0.11). The rationale for organizing the review using population is that population impacts the incidence of crashes and ultimately the number of tickets, arrests and convictions (from which the budget is derived). Budget detail was presented in tables 4 and 5.

Techniques used in this review include the use of multiple methods, the inclusion of individuals and groups representing different disciplines and organizations and the

A Review of New York State's STOP-DWI Program

diversity in the team member backgrounds and expertise. Limitations of the review include selection bias and other limitations associated with interviews. Resources precluded face-to-face interviews at all STOP-DWI Program sites.

The project team was comprised of Mary D. Gunnels (team leader) and Dee Williams. Sami Richie of NHTSA's Eastern Region was the Regional Liaison for this New York State project.

IV. FINDINGS

ANALYSIS OF COUNTIES BY GROUPS

The findings section begins with the description of the counties, programs, and the four groups, using population data presented in table 9.

Table 9. County Groups by Population (based on 2000 U.S. Census)

GROUP 1	Population	GROUP 2	Population
NEW YORK	8,084,316	ONONDAGA	458,336
SUFFOLK	1,458,655	ORANGE	341,367
NASSAU	1,344,892	ALBANY	294,565
ERIE	945,049	ROCKLAND	286,753
WESTCHESTER	937,279	DUTCHESS	280,150
MONROE	738,422	Mean = 339K	1,661,171
Mean = 2.23M	13,508,613		

GROUP 3	Population	GROUP 4	Population
ONEIDA	235,469	STEBEN	98,726
NIAGARA	219,846	TOMPKINS	96,501
SARATOGA	200,635	PUTNAM	95,745
BROOME	200,536	WAYNE	93,765
ULSTER	177,749	CHEMUNG	91,070
RENSSELAER	152,538	CATTARAUGUS	83,955
SCHENECTADY	146,555	CAYUGA	81,963
CHAUTAUQUA	139,750	CLINTON	79,894
OSWEGO	122,337	SULLIVAN	73,966
ST. LAWRENCE	111,738	MADISON	69,441
JEFFERSON	111,655	LIVINGSTON	64,328
ONTARIO	100,224	WARREN	63,303
Mean = 160K	1,919,032	COLUMBIA	64,427
		HERKIMER	63,094
		OTSEGO	61,676
		WASHINGTON	61,042
		GENESEE	60,370
		FULTON	55,073
		TIOGA	51,784
		CHENANGO	51,401
		FRANKLIN	51,134
		ALLEGANY	49,927
		MONTGOMERY	49,708
		CORTLAND	48,599
		GREENE	48,195
		DELAWARE	48,055
		ORLEANS	44,171
		WYOMING	43,424
		ESSEX	38,851
		SHOHARIE	33,342
		SENECA	31,582
		LEWIS	26,944
		YATES	24,621
		SCHUYLER	19,224
		HAMILTON	5,379
		Mean = 58K	2,024,680

A Review of New York State's STOP-DWI Program

Based on budget and census data, including adjusted budget per capita (weighted by proportional representation of total STOP-DWI programs for New York counties), these four groups can be described as:

Group 1 - High Population (>500,000 people). For the 6 most populous New York counties (STOP-DWI programs), these program budgets average \$1,508,500 (range \$920,000 - \$2,419,000) with a mean budget per capita of \$0.11.

Group 2 – Moderate High Population (250,000-499,999 people). For these 5 New York counties, program budgets average \$761,600 (range \$340,000 - \$1,058,000) with a mean budget per capita of \$0.20.

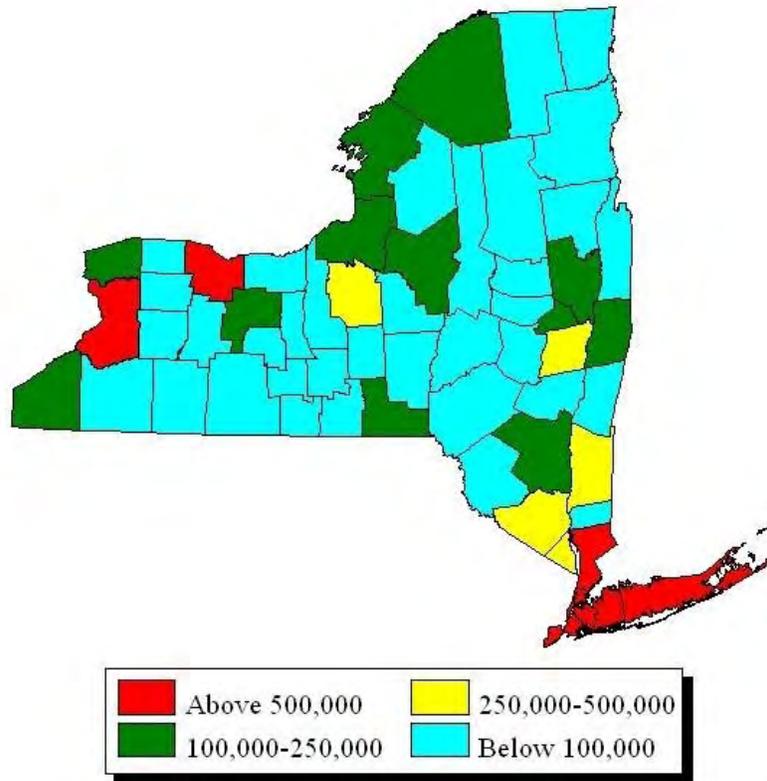
Group 3 - Moderate Low Population (249,999-100,000 people). For these 12 New York counties, program budgets average \$362,083 (range \$221,000 - \$524,000) with a mean budget per capita of \$0.46.

Group 4 - Low Population (<100,000 people). For these 35 New York counties, program budgets average \$178,400 (range \$16,000 - \$443,000) with a mean budget per capita of \$1.92.

*Note that as population goes down, the STOP-DWI program budget goes up on a per capita basis.

These four groups, depicted in figure 10, provide a real world model with characteristics that can be applied by State, county, or local impaired driving programs. Using this approach, a community or program can apply countermeasures appropriate to population and available resources. For example, impaired driving program activities in urban New York may not be applicable in rural Montana. Therefore, presenting activity and outcome data by these four groups is logical and relevant for those interested in comparing impaired-driving program components and activities.

Figure 10. Map of Four Groups, by Population.



Data source(s): United States Census Bureau & National Center for Statistics and Analysis, 2004.

New York has achieved continued success in the reduction of alcohol-related fatalities, as previously presented in figure 1. This section will examine county level data in detail, and present four county groups that reflect community or regional models for comparison by other programs. For the past 20 years New York State has remained consistent with the national trend of declining alcohol-related fatality rates; however, the State has remained lower than the national average throughout this time period. New York's fatality rate has decreased from 1.41 in 1982 to 0.36 per 100M VMT in 2002.

This section will briefly describe New York county level data in general and for the four groups. Table 10 summarizes 2001 crash data for New York counties to provide context for the discussion of motor vehicle crash deaths among the four groups.

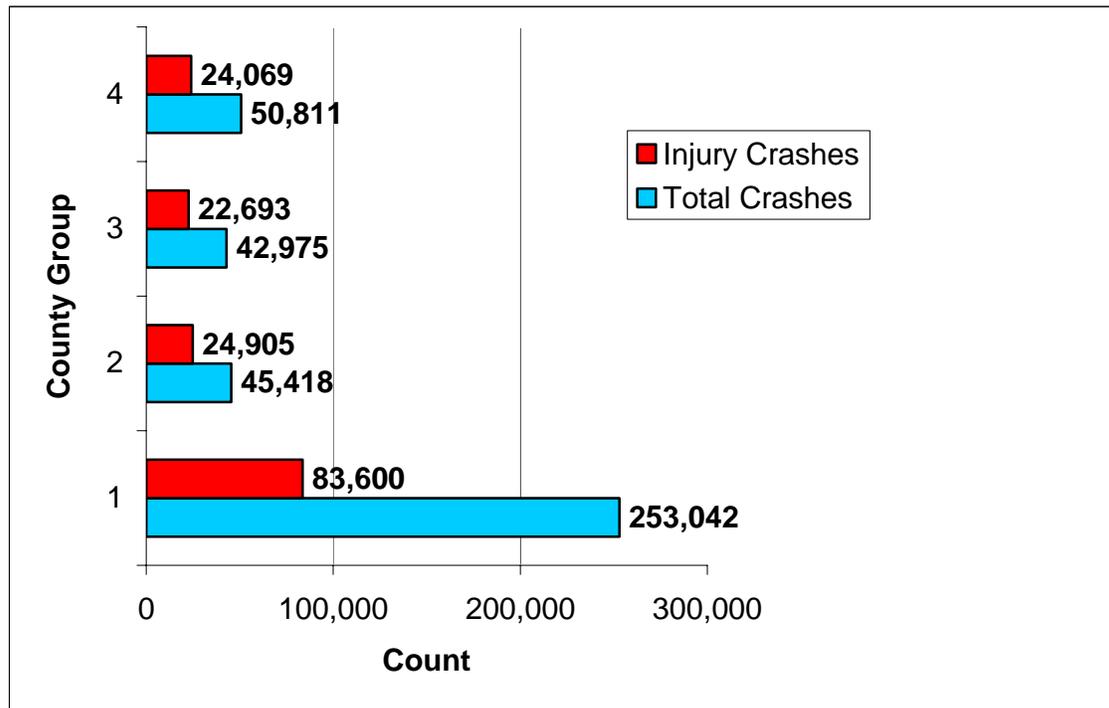
Table 10. New York County Population (2000) and Motor Vehicle Crash Data (2001).

County	% Population	Fatal Crashes	Total Crashes	County	% Population	Fatal Crashes	Total Crashes	County	% Population	Fatal Crashes	Total Crashes
Albany	1.5	20	6,733	Herkimer	0.3	7	970	Saratoga	1.1	18	2,801
Allegany	0.3	9	797	Jefferson	0.6	17	1,833	Schenectady	0.8	11	2,625
Broome	1.0	13	3,777	Lewis	0.1	3	472	Schoharie	0.2	6	634
Cattaraugus	0.4	13	1,267	Livingston	0.3	8	1,396	Schuylar	0.1	1	394
Cayuga	0.4	5	1,287	Madison	0.4	12	1,309	Seneca	0.2	4	704
Chautauqua	0.7	13	2,587	Monroe	3.9	55	14,387	Steuben	0.5	12	1,669
Chemung	0.5	6	1,327	Montgomery	0.3	8	965	Suffolk	7.6	164	30,518
Chenango	0.3	9	1,020	Nassau	7.0	93	32,297	Sullivan	0.4	10	1,653
Clinton	0.4	13	1,511	Niagara	1.1	25	3,349	Tioga	0.3	10	817
Columbia	0.3	3	1,239	Oneida	1.2	20	4,893	Tompkins	0.5	7	1,988
Cortland	0.3	6	1,061	Onondaga	2.4	30	9,971	Ulster	0.9	27	3,766
Delaware	0.2	4	1,017	Ontario	0.5	18	2,414	Warren	0.3	7	1,673
Dutchess	1.5	39	5,921	Orange	1.8	36	8,183	Washington	0.3	8	1,089
Erie	5.0	76	13,941	Orleans	0.2	9	644	Wayne	0.5	21	1,445
Essex	0.2	8	884	Oswego	0.6	18	2,544	Westchester	4.9	54	17,359
Franklin	0.3	7	919	Otsego	0.3	11	1,258	Wyoming	0.2	9	891
Fulton	0.3	3	1,040	Putnam	0.5	10	2,344	Yates	0.1	3	239
Genesee	0.3	19	1,367	Rensselaer	0.8	15	2,435	NYC Total	42.2	352	112,637
Greene	0.3	8	950	Rockland	1.5	20	6,069	NYS Total	100	1,431	331,363
Hamilton	< 0.1	2	159	St. Lawrence	0.6	16	1,924	NYS w/o NYC	57.8	1,079	218,726

Data source(s): ITSMR, 2004, New York Department of Motor Vehicles (crash data are 2001 data), United States Census Bureau (2000 data).

Figure 11 presents motor vehicle crash incident and injury data. In general, the numbers of crashes and injury crashes are very similar for all groups, except for the High Population (Urban) group. These data, with the similar exposure data presented in figure 12, illustrate the significant difference in the Low Population (Rural) group.

Figure 11. Total Motor Vehicle Crashes versus Injury Crashes, by Group, 2000.



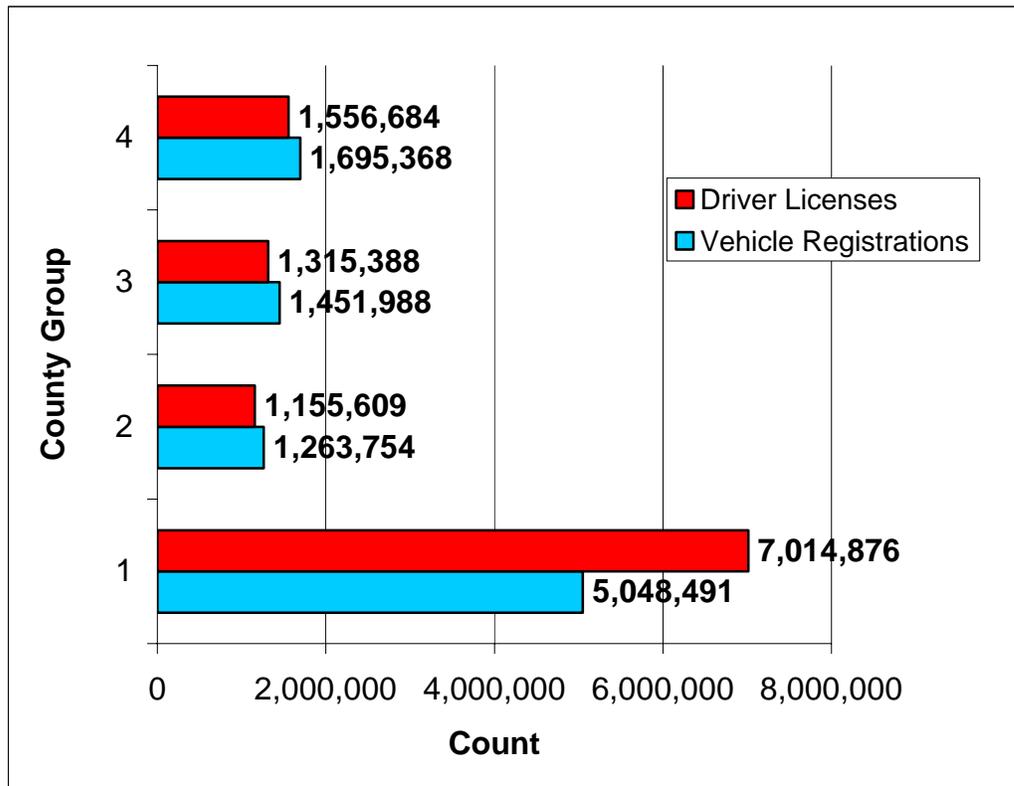
Note(s): County Groups: 1=High Population (Above 500,000), 2=Moderate High Population (250,000-500,000), 3=Moderate Low Population (100,000-250,000), and 4=Low Population (Below 100,000).

Data source(s): New York Department of Motor Vehicles, National Highway Traffic Safety Administration.

In general, the ratio of reportable (police-reported) crashes to crash injuries is 2:1, except for the High Population (Urban) group, where the ratio is ~ 3:1. Crash injuries account for approximately one-third to one-half of all crashes, and the overall number of crash fatalities is relatively small. For all groups, crash deaths represent less than 1 percent of all crashes; however, the highest rate (0.006 fatal crashes/reportable crash) occurs in the Low Population (Rural) group. Fewer deaths occurred in the two Moderate Population groups than in the Low Population (Rural) group.

Scholars agree New York City is unlike any other major American urban area in that there are many licensed drivers who rarely or never use automobiles (due to pedestrians and transit use). Therefore, the numbers reported in the High Population (Urban) group likely do not reflect the actual numbers of motor vehicles and drivers on the roads in that area. Figure 12 displays the number of motor vehicle registrations and licensed drivers by the four groups.

Figure 12. Driver License and Vehicle Registrations, by Group, 2002.



Note(s): County Groups: 1=High Population (Above 500,000), 2=Moderate High Population (250,000-500,000), 3=Moderate Low Population (100,000-250,000), and 4=Low Population (Below 100,000).

Data source: New York Department of Motor Vehicles, 2004.

PROGRAM ADMINISTRATION

The STOP-DWI Program is administered at the local level, and in the case of New York State, the model is predominantly the County Administrator model of government. While a smaller proportion of counties elect their officials, who then appoint the STOP-DWI coordinator, the model is very similar for both government structures.

Key elements of New York STOP-DWI Program Administration are:

- local program (county-based) budget approval on annual fiscal year;
- quarterly funding cycle based on statutory definition;
- annual administrative plan based on local needs;
- coordinator with defined duties and responsibilities;
- advisory board requirement for each program; and,
- program organization.

There are no notable differences in the cycle of funding and expenditure as these processes are structured by statute. Offender fines fund the program and this money remains in local coffers, although there may be variation in how counties approve the local annual budgets. Throughout the discussions about program administration, and in the context of program components and countermeasures, the common theme reported is that the simplicity of the program as defined by the STOP-DWI law is critical to its success.

PROGRAM RESOURCES AND EXPENDITURES

The methods for constructing the groups and analyzing the population and resource data were described earlier, and are summarized in table 11.

Table 11. Estimated Weighted Per Capita Resources, by Group.

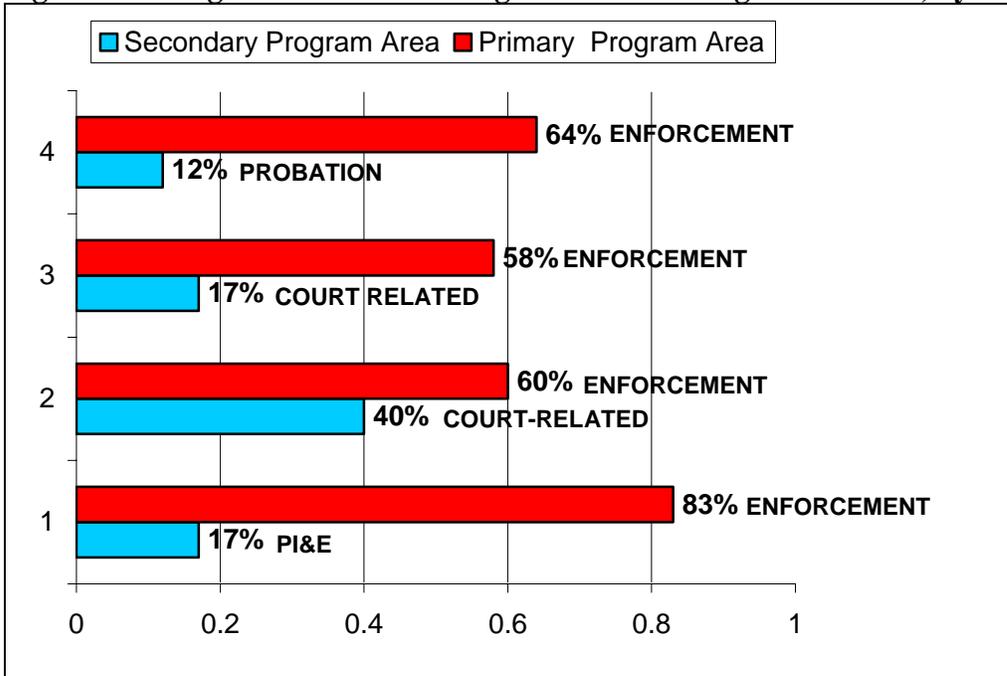
County Group	Total Resources	Total Population	Average (Weighted) Per Capita Resources*
1 High Population	\$9,051,815	13,508,613	\$0.11
2 Moderate High	\$3,808,929	1,661,171	\$0.20
3 Moderate Low	\$4,053,371	1,919,032	\$0.46
4 Low Population	\$6,274,488	2,024,680	\$1.92
Total	\$23,188,603	19,113,496	\$1.21

Note: * The methodology for calculation of weighted budget per capita is described in the Executive Summary and in Section III.

Of interest is that as population per county decreased, average per capita resources increased. Data source(s): New York Department of Motor Vehicles, 2003 STOP-DWI Program Plans and County Budgets, United States Census Bureau (2000 data). Insufficient data for 2 counties (Hamilton, Wyoming).

Figures 13 and 14 describe in greater detail how STOP-DWI programs spend resources annually. The similarities among the four groups are that: (1) the majority of resources and activities are spent on enforcement countermeasures, (2) secondarily, most programs spend resources on the deterrence-model-related areas – court-related and probation activities. In contrast, the High Population (Urban) group spends considerable resources on public education and information activities, and has the most similar proportion and resources allocation dedicated to enforcement as the share with the Low Population (Rural) group. Enforcement has the highest proportion of budget dollars attributed to these activities for all programs.

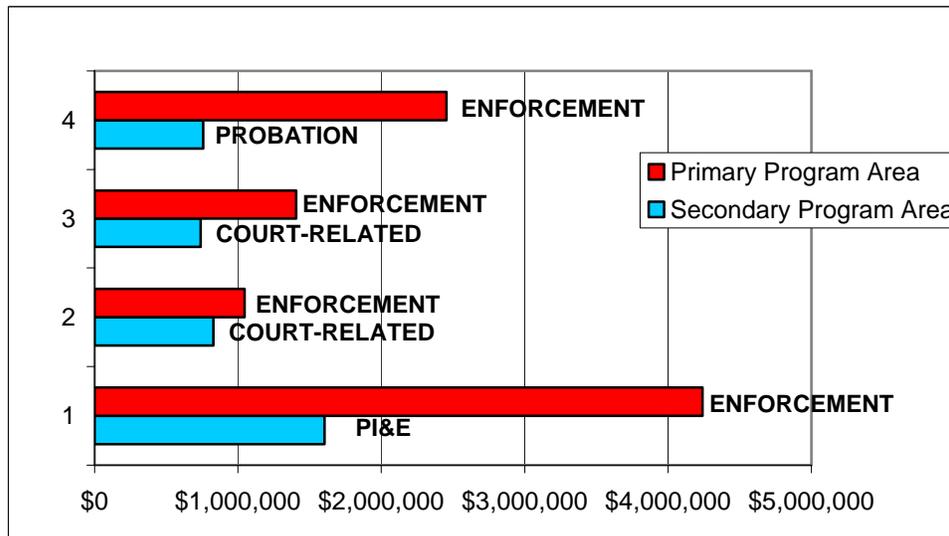
Figure 13. Program Areas with Largest Share of Budget Resources, by Group.



Note(s): County Groups: 1=High Population (Above 500,000), 2=Moderate High Population (250,000-500,000), 3=Moderate Low Population (100,000-250,000), and 4=Low Population (Below 100,000).

Data source(s): New York Department of Vehicles, 2003, Local STOP-DWI Program Plans.

Figure 14. Estimated Annual Program Area Resource Allocation, Primary and Secondary Program Areas, by Group.



Note(s): County Groups: 1=High Population (Above 500,000), 2=Moderate High Population (250,000-500,000), 3=Moderate Low Population (100,000-250,000), and 4=Low Population (Below 100,000).

Data source(s): New York Department of Vehicles, 2003, Local STOP-DWI Program Plans.

There are STOP-DWI programs that budget zero dollars for a program component, either due to resource limitations or the presence of services and programs that may be defined as duplicative (e.g., local rehabilitation program funded by another sponsor, including State government). For rehabilitation, there were 14 (35%) programs with no dollars allocated while for probation there were 8 programs without budgeted program dollars. Four programs allocated zero program dollars for court-related activities while this occurred only twice for PI&E activities.

Major Impaired-Driving Program Activities

The STOP-DWI program is grounded in the general and specific deterrence models and based on the strict DWI/DWAI laws in New York, while supported by the substantial resources allocated for enforcement, court-related, and probation impaired-driving countermeasures.

Specific countermeasures rely on program budgets. Table 12 provides detail about countermeasure activities by programs and by the four groups. Administration is not discussed here; however, it is noted that one countermeasure, Victim Services, occurs within four of five program areas and is also budgeted within administration for a cumulative total of 45 percent. Victim Services primarily refers to Victim Impact Panels, where survivors and families, as well as offenders, present stories of injury and death attributed to impaired drivers. Education and training programs are those targeted toward providers within a program area, such as courses on adjudication of impaired drivers for prosecutors.

Other definitions of countermeasures for table 12 include:

- Equipment and Supplies (Enforcement, to Detect/Screen Impaired Drivers) refers to specialized equipment used in law enforcement, such as passive and active alcohol sensors.
- DWI Patrols (Enforcement) are defined as law enforcement activities such as saturation or blanket patrols and mobilizations or sobriety checkpoints to detect impaired drivers on the roads.
- Offender Supervision Programs (Court-Related, Probation) refers to prescribed programs to monitor DWI offenders, such as house arrest or other intensive supervision programs.
- Special Prevention Focused Events (Public Education and Information) describes impaired-driving prevention events such as crash reenactments before graduation or prom activities.

Table 12. Most Frequently Reported Program Countermeasures, by All Programs, 2003.

STOP-DWI Program Area	Mean % (Range) Annual Program Budget	Countermeasures	# (%) Programs
ENFORCEMENT	35% (11-86%)	Equipment & Supplies	58 (100%)
		DWI Patrols	55 (95%)
		Education/Training Programs	24 (41%)
COURT-RELATED	18% (0-49%)	Dedicated DWI Attorney(s)/Staff	47 (81%)
		Education/Training Programs	15 (26%)
		Offender Supervision Programs	5 (9%)
		DWI Victim Services*	5 (9%)
PROBATION	13% (0-44%)	Dedicated Officer(s)/Staff	45 (78%)
		Education/Training Programs	8 (14%)
		Intensive Supervision	8 (14%)
		DWI Victim Services*	7(12%)
REHABILITATION	6% (0-27%)	Dedicated Counselor(s)/Staff	38 (66%)
		DWI Victim Services	4 (7%)
PUBLIC INFORMATION AND EDUCATION	14% (0-37%)	Underage Drinking Emphasis	54 (93%)
		Special Prevention Focused Events	32 (55%)
		DWI Victim Services**	10 (17%)
		Advertising Billboards	4 (7%)

Note(s): N = 56 (insufficient data for Wyoming and Hamilton counties).

*The DWI Victim Services are distributed in different program areas. *Cumulatively, these activities, primarily Victim Impact Panels, occur in 26 (45%) STOP-DWI programs.*

** Includes DWI Victim Services allocated within Administrative Budget.

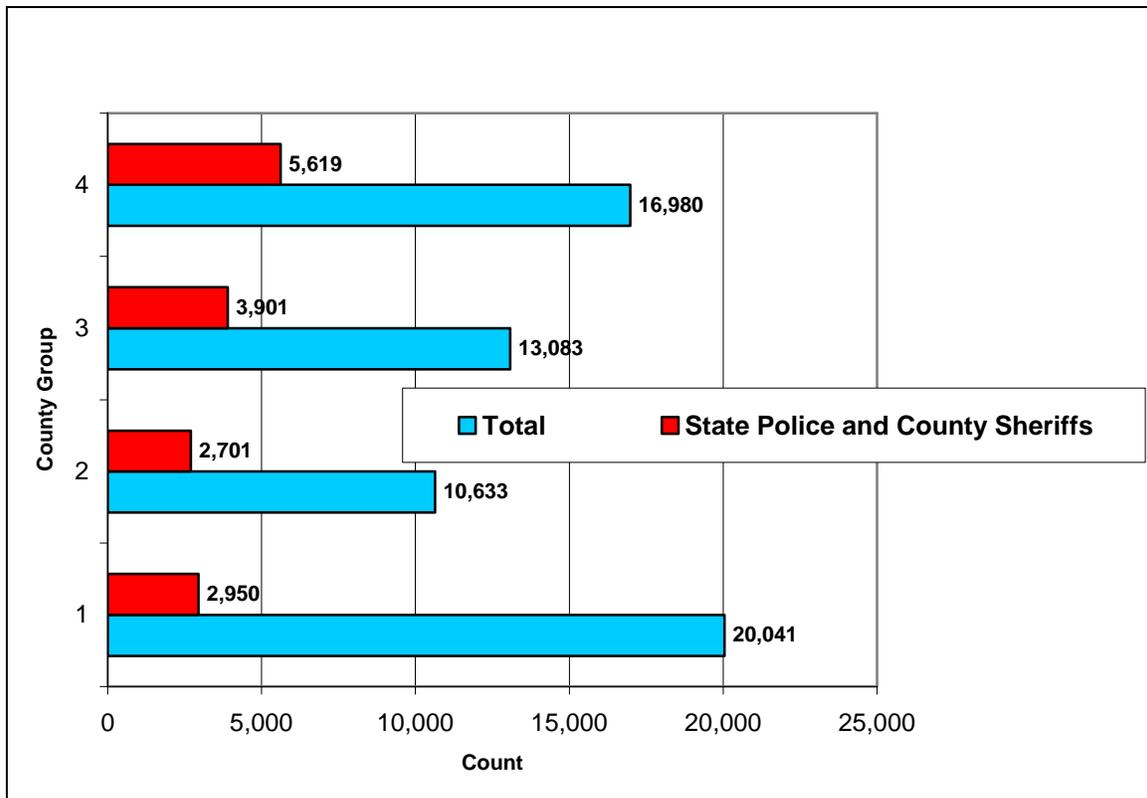
Data source(s): New York Department of Vehicles, 2003, Local STOP-DWI Program Plans (and FY 2003 Budget Estimates).

Table 12 highlights that the mean overall annual budget for Enforcement is significantly higher than any other one program area, and is the only program category where all programs spend STOP-DWI resources. The majority of programs also dedicate substantial resources to court-related and probation activities, and this trend has remained consistent, as discussed previously.

Next, an examination of who is enforcing the impaired-driving laws in New York is presented, by comparing who issues tickets for alcohol-related driving charges. Nonlocal police are defined to be those other than city/local or county law enforcement officers, such as university police at the State University of New York. As Enforcement is the program area where substantial resources are invested, the prevalence of local law enforcement supports the local program model.

Figure 15 describes the emphasis on local enforcement of impaired driving laws. More than 60,000 (80%) tickets were issued at the local level. The Low Population (Rural) group relies more heavily on enforcement by the New York State Police.

Figure 15. Impaired Driving Tickets Issued by State Police and County Sheriffs, by Group, 2002.



Note(s): County Groups: 1=High Population (Above 500,000), 2=Moderate High Population (250,000-500,000), 3=Moderate Low Population (100,000-250,000), and 4=Low Population (Below 100,000).

Data source: ITSMR (2004); NYS Department of Motor Vehicles, NYS Division of Criminal Justice Services.

In discussing New York's impaired driving prevention program activities it is also important to note that, in 2001, admissions to alcoholism and substance abuse treatment facilities in New York State numbered over 286,000 residents, or 151.2 county residents per 10,000 persons (New York State Office of Alcoholism and Substance Abuse Services, 2004). A major provider of treatment is the New York State Office of Alcoholism and Substance Abuse Services (OASAS). The OASAS approach to prevention is grounded in the principle that alcohol and substance abuse is preventable and that prevention is the most cost-effective element in the continuum of alcohol and substance abuse services (New York State Office of Alcoholism and Substance Abuse Services, 1999). OASAS directly operates 13 addiction treatment centers throughout the State, which provide inpatient services to addicted persons and their families.

Also of significance is that, among the offender supervision programs, there are currently seven legally mandated ignition interlock programs in New York, located in Albany, Erie, Monroe, Nassau, Onondaga, Suffolk, and Westchester counties (State of New York

Department of Motor Vehicles, 2003). These programs are associated with major population centers, described as:

- Albany (Albany);
- Buffalo (Erie);
- Long Island (Nassau, Suffolk);
- Rochester (Monroe);
- Syracuse (Onondaga); and,
- White Plains, New York metropolitan region (Westchester).

Finally, examples of new impaired-driving prevention initiatives recently described by STOP-DWI Coordinators and program plans include:

- confiscation of the automobiles of motorists arrested for impaired driving for New York City and Nassau, Suffolk, and Rennselear counties;
- alternative jail for hard core repeat offenders (Suffolk county);
- underage drinking hotline and enforcement/prevention activities associated with 2003 beer keg registration law;
- use of geographic information systems in data collection and analysis;
- focus on border crossing and illegal drinking among underage youth; and
- electronic ticket and accident reporting by the New York State Police in 2003.

New York DWI Courts

In recent years, New York has begun initiating courts specifically dedicated to addressing DWI offenders. The concept of a DWI court emerged from the American drug court model. The first drug court was established in 1989 in Miami, Florida. The purpose of the drug court is to expedite the time interval to get offenders into treatment and accountability programs before losing them to their addictions, and to keep offenders in treatment long enough for them to benefit from treatment while under court supervision. The success experienced by the drug court in terms of retention and recidivism rates serve as a model for other populations: mental health courts, domestic violence courts, community courts, and DWI/DUI/DUID drug courts. A statewide evaluation of New York drug courts found a 29 percent lower recidivism rate among graduates than a comparison group over a three-year period (Center for Court Innovation, 2003).

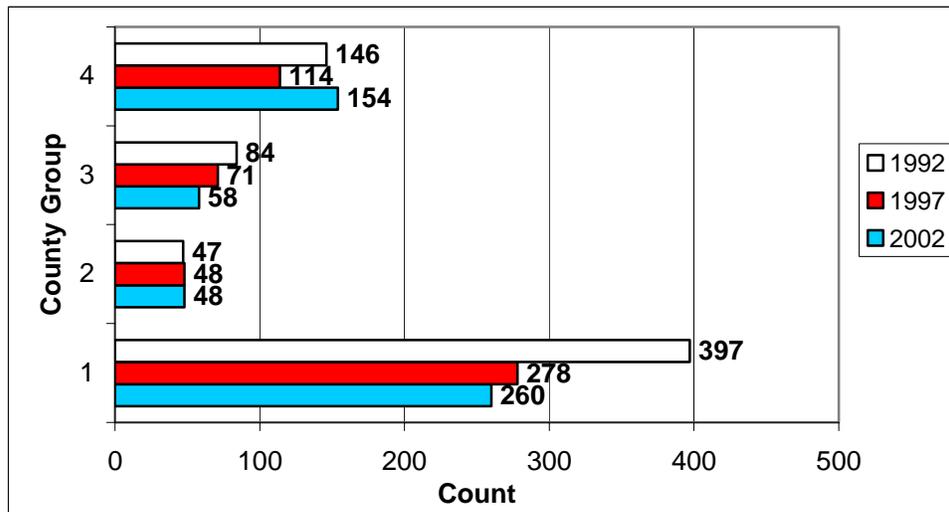
In 2000, the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) passed a resolution endorsing drug courts and other problem-solving courts (Conference of Chief Justices and Conference of State Court Administrators, 2000). Since then, several New York counties have implemented DWI Courts to further address the State's impaired-driving problem. The exact number is unknown since Department of Justice data vary in the numbers of courts planned and in operation.

PROGRAM IMPACT

This section will describes county-level impaired-driving data, using the four groups, in order to portray the impact of the STOP-DWI Program. The outcomes studied emphasize alcohol-related motor vehicle crash and DWI/DWAI data.

First, note the fluctuations in the Low Population (Rural) group, particularly in comparison to the other three groups, as presented in figures 16 and 17.

Figure 16. Alcohol-related Crash Fatalities, by Group, 1992-2002.

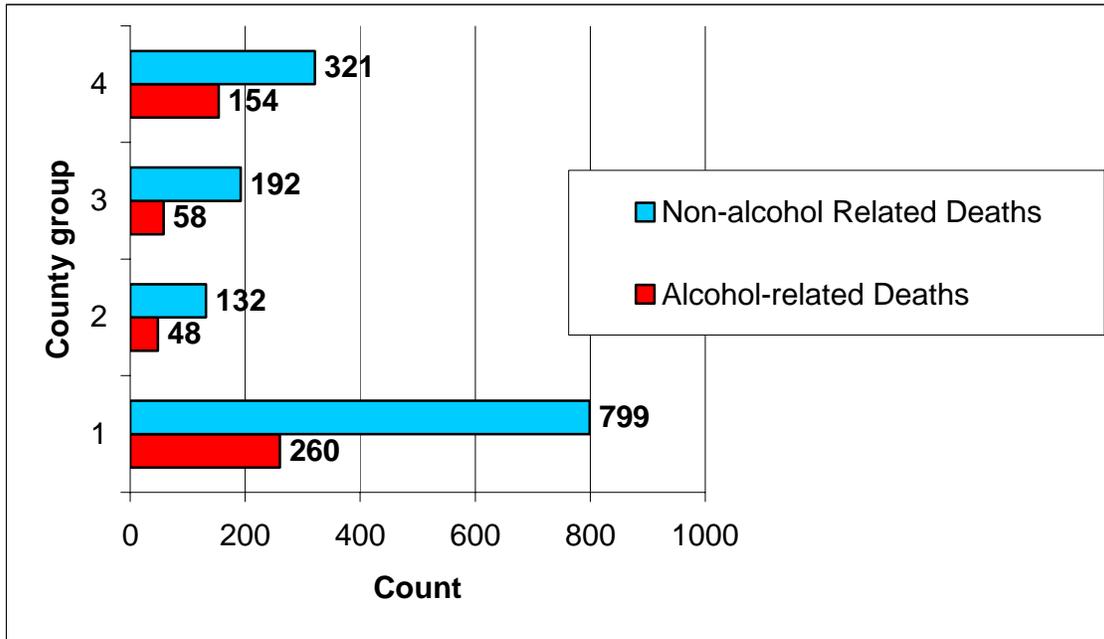


Note(s): Group size varies from 5 to 35 programs (refer to Table 9, Figure 11). County Groups: 1=High Population (Above 500,000), 2=Moderate High Population (250,000-500,000), 3=Moderate Low Population (100,000-250,000), and 4=Low Population (Below 100,000). Data Sources: National Highway Traffic Safety Administration, New York State Department of Motor Vehicles.

In general, figure 16 shows a decline in alcohol-related fatalities sustained for a decade, among Groups 1 and 3. Group 2 has held steady over the years and Group 4 has fluctuated with slight decreases and increases over the 10-year period. Overall, both groups with moderate population sizes, Groups 2 and 3, have relatively fewer fatalities than the other two groups.

In examining figure 17, the per capita rates of alcohol-related deaths vary from 2 per 100,000 (High Population [Urban] group) to 3 per 100,000 (Moderate Population groups) to 8 per 100,000 (Low Population [Rural] group).

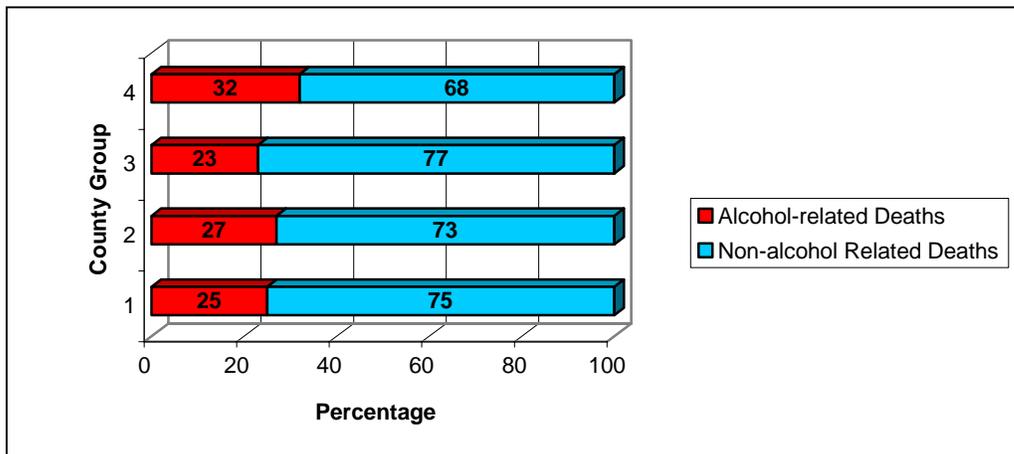
Figure 17. Alcohol-Related Crash Fatalities (2002) versus Nonalcohol-Related Crash Fatalities (2000), by Group.



Note(s): County Groups: 1=High Population (Above 500,000), 2=Moderate High Population (250,000-500,000), 3=Moderate Low Population (100,000-250,000), and 4=Low Population (Below 100,000).

Data Source(s): ITSMR, 2004; NYS Department of Motor Vehicles, Governor's Traffic Safety Committee, Data Reports for 2001 by County.

Figure 18. Proportion of Alcohol-Related Crash Fatalities (2002) to Nonalcohol-Related Crash Fatalities (2000), by Group.



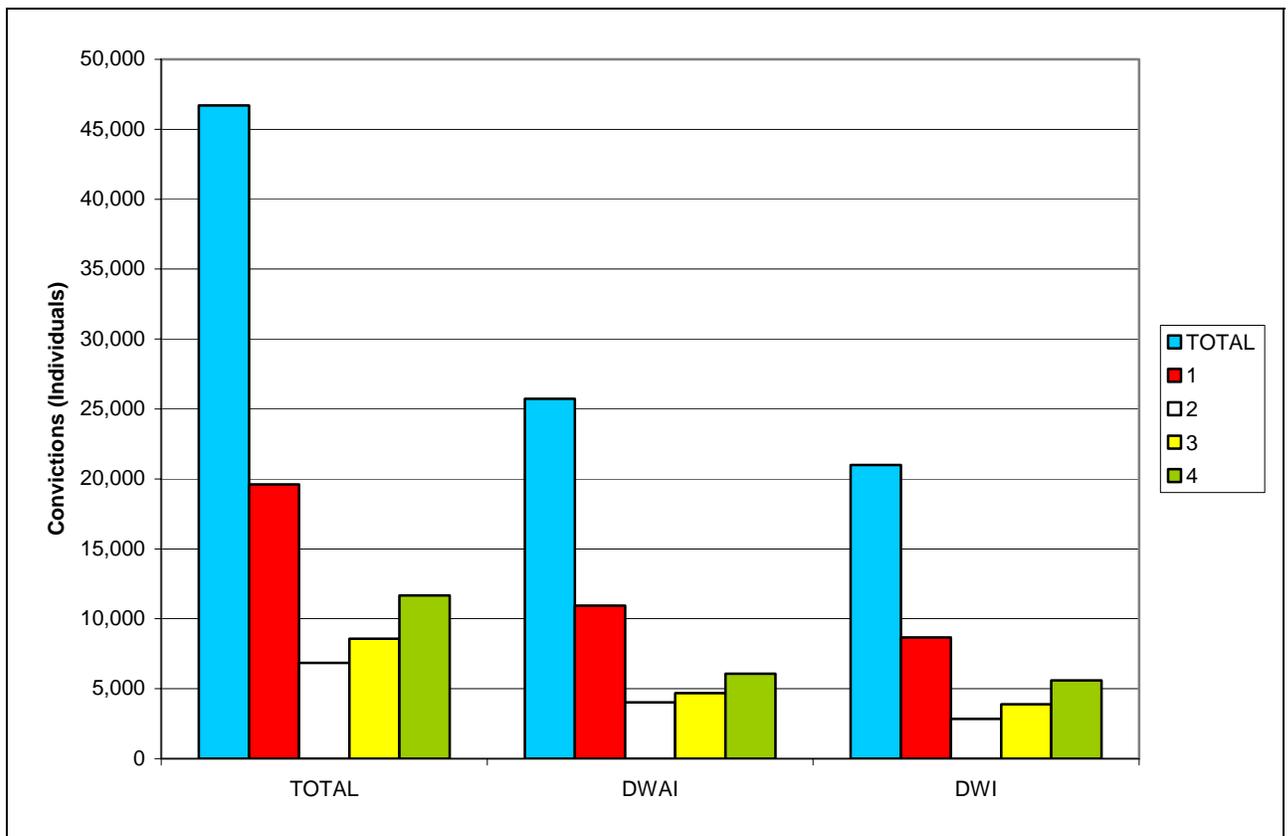
Note(s): Group size varies from 5 to 35 programs (refer to table 9, figure 11). County Groups: 1=High Population (Above 500,000), 2=Moderate High Population (250,000-500,000), 3=Moderate Low Population (100,000-250,000), and 4=Low Population (Below 100,000).

Data Source(s): ITSMR, 2004; NYS Department of Motor Vehicles, Governor's Traffic Safety Committee, Data Reports for 2001 by County.

Alcohol-related fatalities represent approximately 40 percent of all motor vehicle crashes in the United States. Figures 17 and 18 suggest that, despite substantial progress in their reduction in New York, the highest alcohol-related fatality rates occur in the Low Population (Rural) group.

Next, criminal justice data are presented, and for these figures, New York City data are excluded (data not available).

Figure 19. Impaired-Driving Convictions (Individuals) by Level of Conviction (DWAI/DWI) in New York State, by Group, 2002.



Note: While New York State has a “No-Plea-Out-Of-Alcohol” Law, first-time DWI offenders may have charges reduced to DWAI or other alcohol offense.

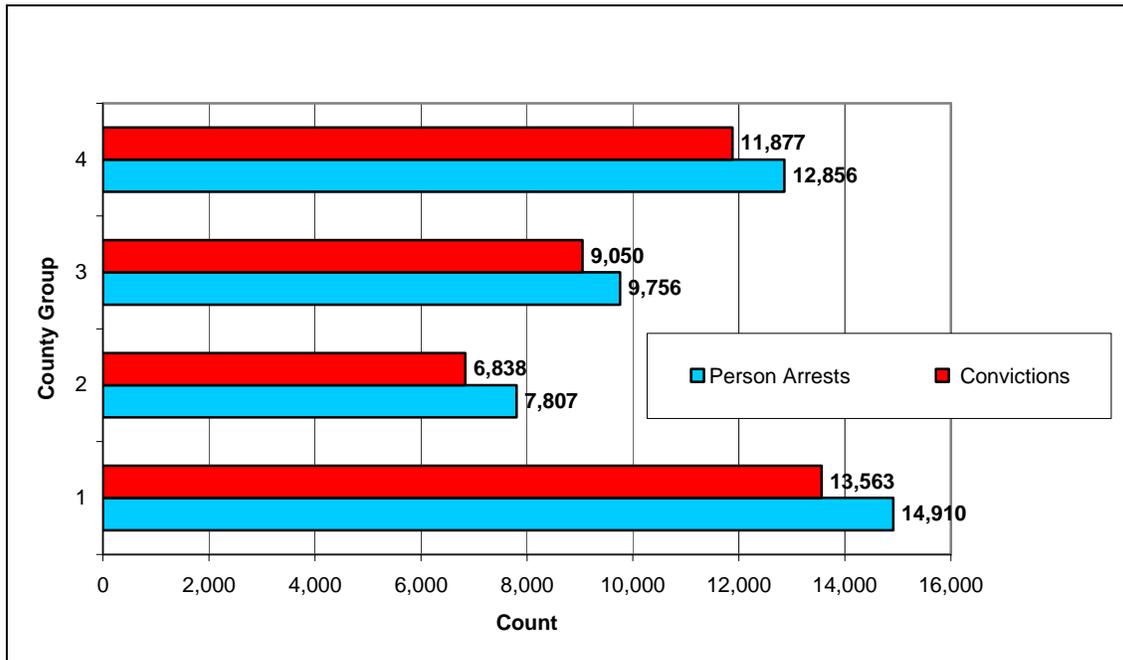
Data Source(s): ITSMR, 2004; NYS Department of Motor Vehicles, NYS Division of Criminal Justice Services.

Figure 19 indicates that tickets issued in the Low Population (Rural) group outnumber those in the Moderate Population groups. The NHTSA Eastern Region Office reports that many first-offender arrests result in the DWAI ticket or reduction of charges.

The New York State Division of Criminal Justice Services and ITSMR (2004) report that 60,737 tickets for impaired driving (all alcohol-related charges) were issued in 2002 to over 45,000 individuals (some jurisdictions give out two tickets – e.g., one for Judicial

Per Se and one for DWI), representing approximately 2.6 percent of all tickets issued (excluding New York City and the five western townships of Suffolk County on Long Island). The conviction data presented next in figure 20 highlights convictions on alcohol-related driving charges (original, reduced, and other alcohol-related). While a driver may receive more than one alcohol-related driving charge during a vehicle stop, this constitutes one person arrested. For each group, despite variation in population and program resources, it appears that a substantial proportion of arrests (91 percent) result in conviction. The remaining 9 percent account for those individuals convicted on a non-alcohol charge, a charge associated with a different event, dismissals and acquittals.

Figure 20. Impaired Driving Person Arrests versus Convictions, by Group, 2002.



Note(s): County Groups: 1=High Population (Above 500,000), 2=Moderate High Population (250,000-500,000), 3=Moderate Low Population (100,000-250,000), and 4=Low Population (Below 100,000).

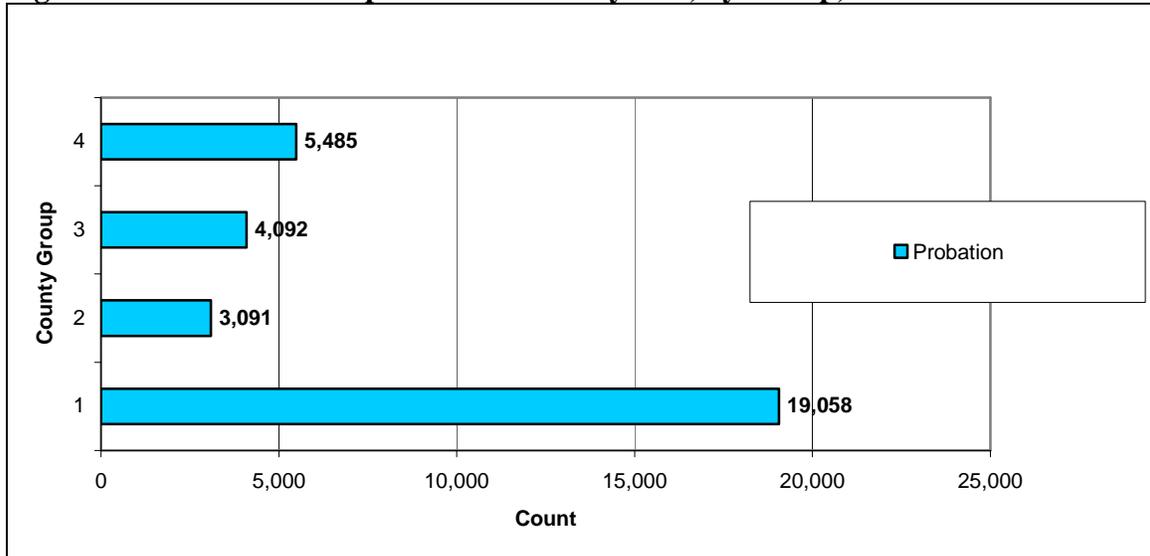
Data Sources: ITSMR, 2004; NYS Department of Motor Vehicles, NYS Division of Criminal Justice Services.

Figure 20 suggests that conviction is an expected outcome for an impaired driver once arrested, largely attributed to the STOP-DWI program emphasis on general and specific deterrence.

Finally, an estimate of the numbers of DWI/DWAI offenders currently in the criminal justices system on probation is described in figure 21, to include the New York City program. In 2002, about 32,000 individuals were on probation for DWI/DWAI, close to 6,000 in the New York City program alone. This presents a snapshot of which groups have the largest share of offenders. The Moderate Population (Group 3) and Low Population (Rural - Group 4) groups have 2 offenders per 1,000-person population in the probation system versus 1 per 1,000 in the Moderate Population (Group 2) group. The

inclusion of New York City data skews the estimate for the High Population (Urban – Group 1) group. *Note: Probation is a county government responsibility. As a consequence, the practices vary greatly, such a length of probation. Some counties release individuals from probation early in order to keep caseloads manageable.*

Figure 21. Number of People in Probation System, by Group, 2002.



Note(s): County Groups: 1=High Population (Above 500,000), 2=Moderate High Population (250,000-500,000), 3=Moderate Low Population (100,000-250,000), and 4=Low Population (Below 100,000).

Data Source(s): ITSMR (2004); NYS Department of Motor Vehicles, NYS Division of Criminal Justice Services.

The data in this section describe variations in impact among the four groups, setting the stage for discussion of key issues facing the New York STOP-DWI program. The traffic safety and DWI/DWAI data presented here suggest that the STOP-DWI program has had a sustained impact in assisting the State at further reducing alcohol-related motor vehicle crash fatalities in New York.

V. CHALLENGES

The New York STOP-DWI program has helped the State maintain its lower-than-average alcohol-related fatality rate. The program is self-sufficient and does not require the use of tax revenue, with impaired-driving arrests generating its funding source. However, changes in priorities and availability of resources have affected the program at all levels. The paradox of an impaired-driving prevention program that relies on offender fines is that effective countermeasures may reduce the availability of funds to support the program.

Other challenges that currently face STOP-DWI include:

- **Impact of DWI/Drug Courts on Program Revenues.** The impact of DWI Courts on local program revenues is reported by the STOP-DWI coordinators to be a growing concern. Program funding is reliant upon offender fines, and the DWI courts either waive fines in lieu of alternatives (e.g., rehabilitation treatment) or retain the fines.
- **Delayed or No-Fine Payment.** Although exact data were not available, it is estimated that 15 to 30 percent of offender fines are not collected. Offender fines are not required to be paid until all other penalties are satisfied, therefore, payment can take months to more than a year. In addition, in spite of local efforts to collect fines (e.g., hiring of staff for this specific purpose), local programs continue to struggle with the problem of uncollected fines.
- **Political Leadership.** While the majority (72%) of the STOP-DWI programs are accountable to county administrators, there are 16 programs where officials are elected. In the latter, the program staff may be politically appointed and, therefore, may result in staff turnover or be more directly affected by local political actions and priorities. This may also have an impact on local program STOP-DWI advisory and traffic safety board membership and activities.
- **State Police.** The New York State Police are important STOP-DWI program partners, but do not receive financial incentives (e.g., offender fines) for impaired driving enforcement. While the State Police have provided their full cooperation to the program, reliance on them could present a challenge, especially in rural areas where many times they are the primary law enforcement agency. However, in appreciation of their efforts, there are in-kind goods and incentives provided, such as equipment, special recognition and training. The crucial issue for STOP-DWI is to maintain collaboration with the New York State Police without providing direct compensation for work performed.
- **Local Models.** The local-based models vary in structure and programmatic activities. While this aspect of STOP-DWI is viewed as a major program strength, the challenge is for local programs to function efficiently and systematically in their countermeasure activity. Active local programs often combine programmatic efforts and collaborate with numerous public and private partners.

VI. SUMMARY AND CONCLUSIONS

New York's STOP-DWI program is the first and, to date, most comprehensive self-sustaining statewide impaired driving program in the Nation. Other States have implemented components of self-sufficiency, but none to the degree of New York.

When New York established its STOP-DWI program in 1981, the State's alcohol-related fatality rate was considerably lower than the national average. Since the early 1980s, there has been a significant decline across the Nation in the number and rate of alcohol-related fatalities.

New York's STOP-DWI program has helped the State keep pace with this nationwide decline, even though the State was among the last to adopt certain impaired-driving laws, such as the 0.08 BAC law. New York continues to maintain an alcohol-related fatality rate that is significantly lower than the national average.

Of greatest significance, the program is self-sustaining and does not require the use of tax revenue. Impaired-driving arrests generate its funding source. When revenues are distributed, they are directed to the localities where they were generated.

The greatest amounts of revenue (\$9 million of a total \$23 million in 2003) are distributed to high population areas (i.e., counties with populations above 500,000). Areas with low populations (i.e., counties with populations below 100,000) receive revenue at the highest per capita rate (\$1.92, compared with a statewide average of \$1.21).

Revenue generated by the program is directed toward enforcement, courts, probation, rehabilitation, and PI&E. Revenues have also supported some innovative practices, including confiscation of vehicles from motorists arrested for impaired driving, alternative jail for hard core repeat offenders, underage drinking hotline, enforcement and prevention activities associated with a beer keg registration law, use of geographic information systems in data collection and analysis, focus on border crossing and illegal drinking among underage youth, electronic ticket and crash reporting by New York State Police, and use of DWI courts based on the drug court model.

The continued longevity of the New York STOP-DWI program can be attributed to the following factors:

- The STOP-DWI law derives program funds from its two-tiered alcohol offenses: driving while intoxicated (DWI) and driving while ability-impaired (DWAI) fines. The number of arrests and convictions form the cornerstone for program resources.
- Revenues received are directed to the counties and remain exclusively in local coffers.

- The mission of the program is to empower and coordinate local efforts to reduce alcohol and other drug-related traffic crashes within the context of a comprehensive and financially self-sustaining statewide alcohol and highway safety program.
- New York uses a performance-based planning process to identify goals for its traffic safety and impaired driving program. Each county pursues the overall goals of the STOP-DWI program, but each may set supplementary goals and performance targets.
- The program is grounded on “local option,” which affords each county the ability to implement community-specific countermeasures and interventions. Each county has structured its program according to its individual needs and its capacity to generate revenues from DWI offenses. County STOP-DWI coordinators are responsible for the development of county plans and the coordination of efforts.
- Two key laws that form the foundation for New York’s program are:
 - 1) Plea Bargain Limitations - New York is one of few States to have a two-tier system for alcohol violations. The two-tier system allows the State to have the “no-plea-bargaining-out-of-alcohol” law. Offenders may have their DWI (0.08+) arrests dropped to DWAI (0.05+) convictions for a first time offense, but may not plea to a nonalcohol offense (e.g., reckless driving). This is important to ensure the offender is still convicted under an alcohol offense, beginning the tracking system for repeat offenders.
 - 2) Judicial Per Se License Revocation - Section 1193[2](e)(7)a of the Vehicle and Traffic Law requires mandatory loss of license if a driver takes a breath test and registers a score of 0.08 percent or greater, the driver license is suspended no later than the conclusion of arraignment. Most States have Administrative License Revocation (ALR) laws, which provide a 15-day temporary license until a hearing can be scheduled. New York’s Judicial Per Se License Revocation law is swifter. As a precursor to the Judicial Per Se legislation, New York had its own ALR law whereby only repeat alcohol offenders’ driving privileges were suspended pending prosecution.

These are two laws that every State could adopt independent of a local option STOP-DWI Law.

- A STOP-DWI Foundation has been formed to enable local STOP-DWI programs to apply for Federal funds.
- The STOP-DWI program invests heavily in activities that will create general deterrence. The largest share of the revenue is directed toward enforcement. Every county uses at least some of its revenue for enforcement (e.g., equipment, supplies, patrols, or other activities) and the majority (60 percent) of counties dedicate most of their resources to enforcement. (The share ranges from 24 percent to 86 percent, depending on the county.) More than one-third of the revenue statewide is used for enforcement. Other shares are directed toward court-related activities, PI&E, probation and rehabilitation (18%, 14%, 13%, and 6%, respectively).
- Based on the population and resource characteristics of the four groups, the Low Population (Rural) group has the poorest outcomes in spite of higher budget per

capita. This suggests that rural areas pose more considerable challenges in the prevention of impaired driving, and may require different countermeasures.

- State Police support the program by participating in the enforcement of DWI and DWAI laws and the prosecution of DWI offenders especially in rural areas of the State (even though they are not permitted to receive STOP-DWI funds).
- Key elements in the program administration of STOP-DWI include local program (county-based) budget approval on an annual fiscal year, quarterly funding cycle based on statutory definition, annual administrative plan based on local needs, coordinator with defined duties and responsibilities, advisory board requirement for each program and program organization.

For many communities and regions, STOP-DWI could serve as a model. Aspects of STOP-DWI can be applied using various methods, but in particular, by examining the population and resource characteristics of a community and/or region. The New York City (area) program has unique attributes that may be different from other urban metropolitan cities, however, it provides examples of administrative and impaired driving countermeasure activities it deems successful at assisting the State in further reducing alcohol-related fatalities on its roadways.

NHTSA gratefully acknowledges the New York Department of Motor Vehicles, the New York STOP-DWI Coordinators, the New York State Police, and the Institute for Traffic Safety Management and Research for their continued support in this program and for their significant contributions to traffic safety.

VII. REFERENCES AND DOCUMENTS ANALYZED

Center for Court Innovation. (October, 2003). *The New York State Adult Drug Court Evaluation*. New York, NY.

Conference of Chief Justices (CCJ) and Conference of State Court Administrators (COSCA). (2000, August 3). CCJ Resolution 22 and COSCA Resolution IV, Adopted as proposed by the Task Force on Therapeutic Justice. Rapid City, SD. Accessed via <http://cosca.nesc.dni.us/Resolutions/resolutionproblemsolvingcts.html>.

Court of Appeals of New York. (1992, November 19). *County of Rensselaer, et al. v. Edward V. Regan as Comptroller of the State of New York*. Opinion of the Court, Order of the Appellate Division (173 A.D. 2d 37, 578 N.Y.S. 2d 274) Albany, NY.

Institute for Traffic Safety Management and Research. (February 2004). *New York State Traffic Safety Data*. Albany, NY: State University of New York.

Institute for Traffic Safety Management and Research. (March 1985, reprinted November 2003). *Administrative Evaluation: New York State STOP-DWI Program*. Albany, NY: State University of New York.

Mothers Against Drunk Drivers. (2003). *Rating the States 2002 – Alcohol and Traffic Safety Laws*. Accessed in January 2003 via <http://www.madd.org>.

National Association of Counties. (2003). *A Brief Overview of County Government*. Washington, DC: Author.

National Highway Traffic Safety Administration. (March 2003). *Digest of State Alcohol-Highway Safety-Related Legislation, 21st Edition* (DOT HS 809 435). Washington, DC: United States Department of Transportation.

National Highway Traffic Safety Administration (National Center for Statistics and Analysis). (2003). *State Alcohol-Related Fatality Rates 2002* (DOT HS 809 673). Washington, DC: United States Department of Transportation.

National Highway Traffic Safety Administration. (2003). *State Laws and Practices for BAC Testing and Reporting Drivers Involved in Fatal Crashes*. Washington, DC: United States Department of Transportation.

National Highway Traffic Safety Administration. (1998). *New York STOP-DWI: A Model for Excellence*. Info “II” Share (Vol. 98, No. V). Albany, New York (NHTSA Eastern Region): United States Department of Transportation.

A Review of New York State's STOP-DWI Program

National Highway Traffic Safety Administration. (1995). *Funding Impaired-Driving Programs: Guidelines, State Summaries, Matrix, and Case Studies*. Traffic Tech (No. 90). Washington, DC: United States Department of Transportation.

New York Department of Motor Vehicles, Governor's Traffic Safety Committee. (2004). *Data Reports for 2001 by County* via www.nysgtsc.state.ny.us/datapacks.htm.

New York State Governor's Traffic Safety Committee. (2004). *Highway Safety Strategic Plan 2004* (February). Albany, NY: New York Department of Motor Vehicles.

New York State Governor's Traffic Safety Committee. (2003). *Organizational Overview of the Governor's Traffic Safety Committee* (January). Albany, NY: New York Department of Motor Vehicles via www.nysgtsc.state.ny.us/overview.htm.

New York State Office of Alcoholism and Substance Abuse Services. (2004). *2004 County Resource Book, Volume I Service Need and Utilization*. Albany, NY: Retrieved on July 30, 2004, via www.oasas.state.ny.us/hps/county_resource_book/04/04_table3.htm.

New York State Office of Alcoholism and Substance Abuse Services. (1999). *Alcohol and Other Drug Abuse Prevention Services Needs Assessment: County-Level Social Indicator Study*. Albany, NY: Retrieved on July 30, 2004, via www.oasas.state.ny.us/hps/datamart/dissemin.pdf.

New York State STOP-DWI Coordinators Association. (2002). *Brochure on New York State's STOP-DWI Program*. Retrieved on January 28, 2004, via <http://safeny.com/stop-bro.htm>.

New York State STOP-DWI Coordinators Association. *Impaired Driving Is Everyone's Problem: Our Public Servants Tell Their Stories*. Albany, NY; Author.

New York State Police. (2003). *2003 Traffic Safety Plan*. Albany, NY; Author.

Office of Justice Programs Drug Court Clearinghouse and Technical Assistance Project. (2003). *Summary of Drug Court Activity by State and County* (November). Washington, DC: United States Department of Justice and the American University.

State of New York. (2003). *Citizen's Guide to New York State Government Structure*. Albany NY: Author. www.budget.state.ny.us/citizen/structure/structure.html

State of New York Department of Motor Vehicles. (2003). *Vehicle & Traffic Law* (2002-2003 Edition, DMV-VT, 4/03). Albany NY: State of New York, Author.

Partial List of Other Websites Reviewed

Remove Intoxicated Drivers
www.crisny.org/not-for-profit/ridusa

New York State Department of Motor Vehicles, Governor's Traffic Safety Committee
www.nysgtsc.state.ny.us/overview.htm

New York State Assembly <http://assembly.state.ny.us/leg/>

Documents and Other Material Reviewed

Alcoholic Beverage Tax Law (Rules Governing the Courts of the State of New Jersey R.S.54:41-1)

New Jersey Statutory Act (N.J.S.A.) 26:2B-32, 33, 34a and 34b; 39:4-50.

New York STOP-DWI County Plans (N = 58) - Made available by the New York Department of Motor Vehicles.

Committee on Developing a Strategy to Reduce and Prevent Underage Drinking, National Research Council, Institute of Medicine (Bonnie, R.J., and McConnell, M.E., Eds.). *Reducing Underage Drinking: A Collective Responsibility*. Washington, DC: The National Academies Press, 2003.

National Highway Traffic Safety Administration (Tippets, A.S., and Voas, R.B., Eds.). (2003). *A Meta-analysis of .08 Per se Laws in 19 Jurisdictions* (DOT HS 808). Washington, DC: United States Department of Transportation.

National Highway Traffic Safety Administration (Luckey, R.R, Martens, K.A., and Gilbert, D.T., Eds.). (2003). *Uncharged Injured, Impaired Drivers* (Final report). Washington, DC: United States Department of Transportation.

National Highway Traffic Safety Administration (Jones, R.K., and Lacey, J.H., Eds.). (1999). *Evaluation of A Day Reporting Center for Repeat DWI Offenders*. Washington, DC: United States Department of Transportation.

National Highway Traffic Safety Administration (Jones, R.K., and Lacey, J.H., Eds.). (1998). *Evaluation of an Individualized Sanctioning Program for DWI Offenders* (DOT HS 808 842). Washington, DC: United States Department of Transportation.

A Review of New York State's STOP-DWI Program

National Highway Traffic Safety Administration. (1983). *A Guide to Self-Sufficient Funding of Alcohol Traffic Safety Programs* (DOT HS 806 432). Washington, DC: United States Department of Transportation.

National Highway Traffic Safety Administration (Jones, R.K., and Lacey, J.H., Eds.). (1991). *Review of the Literature Evaluating the Effect of Countermeasures to Reduce Alcohol-Impaired Driving, 1980-1989* (DOT HS 808 023). Washington, DC: United States Department of Transportation.

State of New Jersey Division of Taxation. (2002). *New Jersey Taxation Annual Report*. Author. www.state.nj.us/treasury/taxation/pdf/annual/2002/taxesadmin.pdf.

DOT HS 809 951
October 2005



U.S. Department of Transportation
**National Highway Traffic Safety
Administration**

www.nhtsa.dot.gov
nhtsa ★
people saving people