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Commissioner

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Office of the State Comptroller  
Division of Local Government & School Accountability  
PSU - CAP Submission  
110 State Street, 12<sup>th</sup> Floor  
Albany, NY 12236

### **Corrective Action Plan**

Agency Name: NYC Department of Probation (DOP)

Audit Report Title: Oversight of Persons Convicted of Driving While Intoxicated

Audit Report Number: 2014-N-4

For each recommendation included in the audit report, the following is our corrective action(s) taken or proposed. For recommendations where corrective action has not been taken or proposed, we have included the following explanations.

#### **Audit Recommendation:**

Develop and implement processes and procedures to ensure that DWI offenders install IIDs in any vehicle (s) they own or have permission to operate, as ordered by the courts.

#### **Implementation Plan of Action**

In order to further ensure DOP awareness of license/driving activity, a directive has been issued requiring that newly sentenced IID cases, in addition to having a DMV search, be enrolled in LENS. DMV searches, which identify vehicle ownership, are performed monthly during the term of the interlock condition (exceeding the state requirement for quarterly searches) and post expiration of the IID term quarterly searches are also required.

Active IID cases are also reviewed by managers to insure on-going compliance. Additionally, as appropriate, periodic surveillance of offenders' homes and place of employment will be conducted to ensure compliance with IID court orders.

**Implementation Date:** December 2015

#### **Person Responsible for Implementation:**

Ralph DiFiore, Associate Commissioner of Adult Operations



**Audit Recommendation:**

Require Probation Officers (POs) to make and document all required DMV checks and home visits, as well as follow-up actions.

**Implementation Plan of Action:**

In addition to the above-referenced directive regarding LENS enrollment and DMV searches -- all IID activity and follow-up actions are now required to be documented in our electronic case management system. (Previously, certain activities were documented in off-line logs and not captured as part of the electronic case record.)

**Implementation Date:** September 2015

**Person Responsible for Implementation:**

Ralph DiFiore, Associate Commissioner of Adult Operations

**Audit Recommendation:**

When offenders violate the terms of their probation, make referrals to the appropriate courts and DAs, as warranted.

**Implementation Plan of Action:**

A directive has been issued reinforcing our obligation to notify the Court on all legally mandated alerts that require notification – irrespective of a false positive or equipment malfunction assertion by an IID vendor.

**Implementation Date:** August 2015

**Person Responsible for Implementation:**

Ralph DiFiore, Associate Commissioner of Adult Operations



If you require additional information or have questions, our Department contact is Charles Harris, Director of Internal Audit, who can be reached at (212) 232-0712.

Sincerely,

A handwritten signature in black ink that reads "Ana M. Bermúdez". The signature is written in a cursive style with a large, stylized initial "A".

Ana M. Bermúdez.