

New York State  
Probation Commission Meeting  
Minutes of December 15, 2016 Meeting

Members Present: Robert M. Maccarone, Chair, Deputy Commissioner & Director – OPCA  
Rocco Pozzi, Commissioner, Westchester County Probation  
Dr. Alan Lizotte, Dean, School of Criminal Justice, SUNY Albany  
Wayne D’Arcy – Retired Probation Supervisor  
Michael Green, Executive Deputy, Commissioner, Division of Criminal Justice Services - via phone  
Linda Shields, Community Member, Retired Probation Director – via phone  
Paul McDonnell, Counsel to Chief Admin. Judge Lawrence Marks – via phone

DCJS Staff Present: John H. Adams, Executive Deputy Director, OPCA  
Matthew Charton, Interstate Compact Unit Manager, OPCA  
Gary Govel, Adult Operations Unit Manager, OPCA  
Patricia Donohue, Training Unit & Juvenile Justice Manager, OPCA  
Colleen Thorn, Community Correction Representative 2, Adult Operations  
Leonard Price, Community Correction Representative 2, Ignition Interlock Unit, OPCA  
Michele Melendez-McKearin, Community Correction Representative 2, Ignition Interlock Unit, OPCA

OPCA Interstate: Kelly Palmateer, Penney Belcher, Tyrone Catoe, James Haworth, Karla Snedecor-Flores, Raymond Tashjian

Meeting called to order at 10:05 a.m. by Deputy Commissioner and Director Robert Maccarone

Welcome and Introductions

Deputy Commissioner and Director Maccarone welcomed everyone. Each person attending introduced him/her self.

Approval of Minutes

Motion to approve April 19, 2016 Probation Commission minutes by Commissioner Pozzi and seconded by Professor Lizotte. Minutes were accepted and approved.

Approval of Today’s Agenda

Motion to approve December 15, 2016 Agenda – Deputy Commissioner and Director Maccarone stated that if there are other items that members want discussed, time will be added for that purpose. Motion to approve by Wayne D’Arcy and seconded by Commissioner Pozzi. Agenda was accepted and approved.

## Probation – General Staffing Changes

John Adams, Executive Deputy Director, provided a brief overview of staffing changes here at the Office of Probation and Correctional Alternatives (OPCA). Nancy Andino of OPCA's ATI Unit retired earlier this month and Patti Donohue will be retiring in March 2017. Teresa Scanu-Hansen of OPCA's ATI Unit will move into a position handling Juvenile Justice matters. Nancy's retirement and Teresa's move within OPCA will create two new positions in OPCA's ATI Unit that they are looking to fill.

### Interstate Compact Unit

Matt Charton heads the Interstate Compact Unit and he asked the unit staff to introduce themselves and give a brief overview of their duties. The Interstate Unit oversees the transfer of over 5,000 adult and about 200 juvenile transfers per year. They pay particular attention to high risk sex and violent crime offenders and do great work. The Interstate Unit relies heavily on the cooperation of the County Probation Offices. Both Matt Charton and Kelly Palmateer travel statewide providing training to ensure that New York State is in compliance with the federal regulations relating to the transfer of adult and juvenile probationers.

### Interstate Compact for Adult Offender Supervision (ICAOS) Updates and Rule Changes

Deputy Compact Administrator (DCA) Matt Charton gave an overview of the recent ICOAS rule changes that were approved at the Annual Business Meeting in Cleveland, OH on September 14, 2016. DCA Charton talked briefly about the difference in the treatment of interstate offender's verses offenders who were sentenced within their own state. He related that interstate offenders were given three opportunities to commit "significant violations" in contrast to those offenders sentenced in their own state who were only provided one. He further spoke how the field officers recognize this and often times submitted violations on interstate offenders that would not be deemed "significant" to expedite the retaking process. He commented on how this had become a nationally recognized problem and had created confusion and consternation for both states and offenders. He also stated that the issue of "three significant violations" had been a long standing issue that states have attempted unsuccessfully to deal with.

The ICAOS Executive Committee realized that this issue had to be addressed and requested that the NYS Interstate Compact Administrator Robert Maccarone chair a newly chartered Ad Hoc Committee on *Violations, Sanctions and Retaking*. The committee consisted of interstate compact administrators from six different states (Wisconsin, Ohio, Georgia, Washington, NY, and Indiana). The committee's work commenced with their first official meeting in November 2015 and concluded with their recommendations to the ICAOS Rule's Committee in March 2016.

The committee recommended extensive changes to rules and definitions that cover offender violation reports, "significant violations", and retaking. The ICAOS Rules Committee, of which Compact Administrator Maccarone is also a member, made further refinements and the recommendations were presented to the full commission at the Cleveland Annual Business Meeting. The full ICAOS Commission passed the proposal 34-14 and the new rule changes will take effect in the spring of 2017 (no exact date set).

DCA Charton read through all the new revisions and gave a short explanation of each. On October 5, 2016 Compact Administrator Maccarone sent a State Director's Memorandum, SDM #2016-12, to probation directors advising them of the upcoming rule changes. Compact Administrator Maccarone

then reviewed his six logic points that supported the need for fundamental change in the ICOAS rules. He stated that this endeavor will promote both public/victim safety and offender accountability. It will promote offender accountability by holding interstate transfers to the same standard as probationers/parolees who were sentenced in the receiving state. It will enhance public/victim safety by eliminating the three “significant” violation rule and clarify that any single act or a pattern of noncompliance can constitute behavior that requires retaking. It will also require receiving states to *document* what efforts they have taken to both address the offender’s behavior through incentives and graduated responses/corrective actions. Compact Administrator Maccarone did identify some of the concerns of dissenting states in changing the regulations from three significant violations to one requiring retaking.

Rule changes should go into effect on June 1, 2017. There are some changes that need to be made to the ICOTS System before rules can go into effect. Interstate Staff will be providing training to County Probation Offices. What will be programmed into the ICOTS System will be the requirement for states to document their supervision of individuals and what was done to encourage compliance of offenders. This will change the standard on how Interstate Transfers are done and will help assure victim safety. Commissioner Pozzi commented that this makes sense and feels it will fairly assist in treating all Interstate Transfers the same.

#### Report on ICAOS VINEWatch – Link to ICOTS

Compact Administrator Maccarone related that VINEWatch is a compliment to the current VINE Notification System that provides notification to victims of individuals incarcerated in local jails or state prisons. VINEWatch provides victims of interstate offender notifications when certain actions are completed in the ICOTS system; for example, when an offender requests to relocate to another state or when a state submits an Offender Violation report. Unfortunately, the VINEWatch System has been underutilized by compact states with only approximately 680 victims registered by three states and there are over 241,000 interstate offenders nationwide. The Interstate Commission is paying APRISS, the company that provides VINEWatch, approximately \$45,000 a year for the use. The NYS ICAOS Council identified two main reasons why they believe the system is underutilized. There are about 240,000 Interstate offenders nationally and unfortunately only 685 victims registered in VINEWatch.

- There is no self-registration (anonymous) for victims – victims are forced to register through a governmental agency.
- Victim notifications were only sent by email. Doesn’t allow for text notification.

Compact Administrator Maccarone stated through New York State’s work with the ICAOS Technology Committee and the National Office, APRISS made text messaging available for victims through VINEWatch, effective March 2016. However, there had not been a measurable increase in utilization. Establishing the capacity for victims to self-register in VINEWatch had been hampered by a few states, but a vote of the full Commission at its September 2016 meeting in Cleveland resulted in a new directive to proceed in amending the ICOTS System and VINEWatch systems to provide for self-registration in 2017. Compact Administrator Maccarone advised that APRISS is working on the next version of VINEWatch 3.0 that will change the way victims are able to register for notifications, including the use of social media.

DCA Charton recognized the work of the NYS ICAOS Council in identifying and advocating for the changes that are currently being made in the VINEWatch system. Our NYS Council was very vocal,

particularly the Executive Director of the NYS Office of Victim Services, Elizabeth Cronin, who stated, in her estimation, self-registration and messaging were paramount in this program working for victims. Also, victims want to be assured of the confidentiality of their information. We are looking forward to these changes in either the summer or early fall of 2017. Commissioner Pozzi said he feels one of the reasons for such low registration is that victims are confused by the whole criminal justice system and how VINEWatch works and how to register, etc. So many victims are so frustrated about the length of time it has taken for their case to get to court and be prosecuted that they just want it over and done with. He feels that we have to be very careful about how we present this system to victims and explain to them the advantages of being registered. This was actually subject of some discussion of the panel and states will need to put together plans as this is going to require the cooperation of probation, victim service agencies, the district attorneys, courts and defense counsels on this. We really need to educate the various partners in the Criminal Justice System. The national ICAOS Office is going to be developing some information tools. Both Compact Administrator Maccarone and DCA Charton have met with Elizabeth Cronin and explained the progress that has been made on this. Her agency has offices in most counties throughout the state and will be vital in promoting this system. Professor Lizotte suggested that there should be an evaluation to see how implementation of this system goes on both the managerial side and the victim side. He suggested this could possibly be funded by Bureau of Justice Statistics. Compact Administrator Maccarone stated that this is an excellent recommendation that he will recommend this when they have a call with the Rules Committee in early February.

### ICAOS Bench and Desk Cards

DCA Charton introduced three (revised) bench/desk cards that are designed to assist courts/judges and Jail Administrator/Sheriff's Depts. In the handling of interstate issues that often arise. These were put together to educate staff that deal with interstate transfers with the use of condensed cards (a basic go-to sheet). Judge Yavinsky and DCJS' Office of Legal Services worked with OPCA to finalize these documents. It was a long but worthwhile process. Director Maccarone also acknowledged Janine Kava and Justin Mason of DJCS' Office of Public Information, who assisted us in designing these cards. These are also on our website. The Office of Court Administration was requested to send the bench cards out to all administrative judges. Feedback has been positive. Compact Administrator Maccarone asked Paul McDonnell to check and make sure these were sent out to the courts throughout the state.

- Jail Administrators Desk Card – To use when an interstate offender is being lodged at the local jail facility and the lodging agency does not have a signed commitment order and also covers the retaking process
- ICAOS Bench Card – for use when an interstate offender is before a court and wished to transfer their probation to another state or when the courts deal with other interstate related matters.
- ICJ Bench Card – to assist courts in the transfer and return of juvenile delinquents and status offenders.

### Report on the ICAOS --NYS Probation Warrant Tracker Protocols and Charts

Compact Administrator Maccarone sent out State Director's Memorandum 2016-14, dated November 3, 2016. He asked DCA Matt Charton to outline a new policy and practice that has been implemented at OPCA to track interstate cases that have been closed in ICOTS, but require sending

states like NY, to take action upon including the issuance of a warrant for retaking. DCA Charton reviewed that new policy that directs OPCA Interstate staff to track any of the three types of interstate cases that would be closed in the national data base (ICOTS) but NYS would still need to take further action. The policy was read and reviewed by DCA Charton. The three circumstances in which these procedures apply are:

- When a receiving state has reported the offender as an absconder
- When the offender has received a new felony or violent crime conviction where his sentence period is 180 days or more.
- When the offender is ordered to return to the sending state and the receiving state submits the Notice of Departure and Case Closure Notification

The policy and protocols became effective September 1, 2016.

DCA Rosa related that the NYS DOCCS Interstate Bureau currently tracks these types of cases in their own case management system.

Compact Administrator Maccarone announced that DCJS is working on a new IT project that was kicked off on September 10, 2016, and will provide automatic notification to DOCCS (institution and Field-Parole Divisions) and probation authorities every time a warrant is issued in New York State on an offender that is under supervision. It will also provide a warrant cancellation notification when the warrant is cancelled or executed. The expected date of project implementation is July 2017.

#### NYS Ignition Interlock Program – Advisory and Discussion

Gary Govel explained that the Ignition Interlock Program has been undergoing changes and at the end of the summer the period for public comment on Part 358 of the DCJS Regulations—“Handling of Ignition Interlock Devices Involving Certain Criminal Offenders” concluded and we did receive comments from a few different entities and one of the manufacturers. OPCA has reviewed that information and did an assessment of public comments and the revisions have been sent to the Chamber. The amendments are under review by the Chamber.

The Part 358 Regulations, as proposed amendments will accomplish the following:

- Ensuring the Regulation is compliant with the newest NHTSA Standards, particularly allowing a reduced breath sample volume where medically necessary
- Recognizing changes that occurred from Chapter 169 from the Laws of 2013 regarding In Advance of Sentencing Cases where operator moves from one county to another – same supervision

Some additional changes recommended:

The vast majority of notifications in the regulation are based on a re-test, start-up or rolling re-test. The exception to that had been notification of the court and District Attorney of *any BAC of .05% or greater*. As proposed, the emphasis and reporting requirement would be limited to confirmatory tests. Under current regulation notification has to be made after 3 days—the new regulation would allow 5 days. If an operator misses a service visit it was also required that notification would need to be made within 3 days, new Regulation would give 5 days. The vast majority of those are rectified within that 3 day period.

GTSC IID Funding to Localities: Deputy Commissioner Maccarone advised that we have received notification from the Governor's Traffic Safety Committee that funding had been reduced from \$2.7 Million to \$1.1 Million. The Committee has received fewer federal dollars for alcohol funding which is disappointing. Executive Deputy Commissioner Green did notify counties of this as overall funding is reduced by 50 percent. Finance will disperse funding quarterly. A discussion regarding funding and other options ensued. Commissioner Pozzi questioned whether raising the \$30 probation fee was an area of funding that might be increased as that amount was passed a long time ago. Commissioner Green suggested Director Maccarone look into it but cautioned that the window for this year's budget is closing quickly so this may be something to look at for 2018. Commissioner Pozzi thanked Commissioner Green for advocating so much for funding for the county probation offices even though the results were disappointing. A proposal doubling the DWI supervision fee has since been drafted and sent to the Office of Legal Services.

Ignition Interlock Manufacturers' – Contract Status: Michele Melendez-McKearin gave an update: with help of legal department and procurement office we were able to finalize application process. The Attorney General's Office and Office of State Comptroller reviewed and approved three contracts: CST, Draeger, and Smart Start. They will continue to do business in New York State and we have an additional manufacturer that is set to apply for consideration. All information has been posted on our website. Contracts are in place through August of 2019 - three year contracts with two one year extensions. Every vendor must have an installation and service site within 50 miles of every operator.

IID Enforcement Pilot Program – Report and Update: OPCA and the Office of Public Safety partnered on a grant proposal to GTSC to implement an enforcement initiative regarding non – installers of Ignition Interlock Devices. Three sites were selected by staff to share the \$100,000 in implementing the IID Enforcement Program --Dutchess, Onondaga & Oneida Counties. Funding was used for probation departments and police to partner to do enforcement initiatives for non-installers over the summer months. Strategic Partner meetings were held and training was provided to key law enforcement partners prior to implementation of the enforcement activities. Probationers were called into select report days, and they were watched when they left the probation office and their vehicles were checked. Probationers attending victim impact meetings were checked, as well as those passing through sobriety checkpoints. Probation also conducted field surveillance and observed probationers at their homes. There were some unintended findings from this enforcement effort. It was learned that many family members did not know that the individual was convicted of a DWI crime and was supposed to have ignition interlock installed on their vehicle, or that their operation of a motor vehicle was restricted. In January, there will be a meeting to choose three new counties to take part in program.

OPCA IID Quality Assurance visits to Probation/Monitors/Installers - Leonard Price & Michele Melendez-McKearin have been conducting Quality Assurance visits throughout the state. OPCA requested a random list of individuals convicted of DWI crimes from OJRP, and then selected these cases to review when visiting localities. They have also visited Installation Centers to make sure they are in compliance in regard to setting devices, etc. Following field QQ visits, a summary is written and is sent to Probation Directors/Monitors of any deficiencies they observed so they can be addressed. They have visited 17- 20 sites and approximately 7 installation centers. The primary reason for these visits it to reinforce the importance of monitoring this population.

DCJS Audit of GTSC Grants – DCJS Audit Office goes out to see the county programs to make sure of regulatory compliance and will be visiting more sites in 2017.

## Professional Probation Specifications—the H-10 Schedule-- Status Report-Advisory & Discussion

Gary Govel reported that this is work that has been ongoing for several years for updating job specifications (H-10) regarding professional positions in the probation field.

The existing H-10 states “Spanish Speaking Probation Officers.” OPCA in conjunction with Civil Service have recommended that it be changed to “Probation Officer (other languages)”

“Minority Group Specialist” – In conjunction with the NYS Division of Human Rights, and the Civil Service, the title was changed to “Probation Officer (Community Liaison)”. This title will provide flexibility to local Civil Service Directors to recruit and hire individuals reflective of their respective communities. For example, 23 of the probation departments serve individuals from Native American Tribes.

The draft revision with Civil Service is being sent out to local service agencies for review.

Deputy Commissioner Maccarone recognized the extensive work that Gary Govel has put in as lead on the proposed regulatory changes, as well as the work accomplished by John Adams. It has been a very collaborative effort on the part of many, along with Civil Service.

The goal is to advance the proposed regulatory changes to DOB and the Chamber, for formal rule-making in 2017.

### Probation Recruitment and Staffing Issues

Executive Deputy Director John Adams stated that a follow-up to request at the last Probation Commission Meeting he took a look at the 2016-2017 annual plan and found some interesting findings.

### Firearms and Employee Screenings

Executive Director Adams compiled a chart that shows that 60% of Probation Departments authorize firearms; two counties are in process of arming their probation officers so the percentage is likely to go up next year. The chart shows the percentage of Probation Supervisors and Probation Officers who carry firearms and screenings for firearm bearing and non-firearm bearing staff such as drug testing, psychological testing, background checks, fingerprinting and the related percentages. Most probation departments reported that the majority of screening is done prior to the hiring process. However, for some departments that authorize the carrying of firearms, the screening is done prior to arming the probation officer.

Commissioner Pozzi expressed that random drug testing on probation officers within the counties is contractual and is something that must be negotiated with the unions. He advised, if an officer is carrying a firearm, they should be subject to random drug testing. Commissioner Pozzi suggested there should be legislation that covers this issue and believes it is an issue that should not be left up to labor negotiation; “it should be law.” There was discussion regarding psychological evaluations to become a probation officer and to be authorized to carry a firearm.

Professor Lizotte said that SUNY Albany's Criminal Justice Department is being given funding to research both sides of police shootings since this has become a serious national issue and he expressed concern having learned that drug testing for probation fire arms bearing staff was contractual. He stressed the importance of both drug testing and psychological testing for those that carry firearms.

In regards to the drug and psychological testing of probation officers authorized to carry firearms, Deputy Commissioner and Director Maccarone suggested we look to other states and see how this occurs. Commissioner Pozzi will check with APPA.

Linda Shields asked about the cost for psychological testing and inquired who performs the testing. Commissioner Pozzi advised that the Westchester County Probation Department has a contract. The department had originally contracted with an individual near Albany to conduct their psychological testing, but they now have someone locally at the medical center who can test perform the tests. He indicated that the psychological testing was not that expensive and he reported later that the psychological testing costs approximately \$450.

### Probation Department Staffing

Executive Deputy Director Adams said that it is important to discuss the Probation Officer/Probation Supervisor ratio before reviewing the probation staffing chart. There was a strong feeling between H-10 workgroup and the Probation Commission about role of the Probation Supervisor in terms of quality control and being the first line of that quality control function. Therefore, OPCA worked with County Probation Departments to support their effort to bring the numbers of probation supervisors, within each department, in line with the probation officer and probation supervisor ratio. In 2016, probation departments added 17 new probation supervisors and in 2017 there is an additional department planning to hire a probation supervisor. In terms of the probation staffing chart, Gary Govel condensed the staffing information from the 2016-2017 annual plans so we can visualize where departments fall. The total PO's statewide are 2,178 and 377 Probation Supervisors.

Wayne D'Arcy expressed his concern that some departments are not backfilling positions. Deputy Commissioner Maccarone said he had discussed this issue with several Probation Directors, and although it is a valid concern, the actual number of supervision caseloads across the state has been reduced from approximately 118,000 to just under 100,00 cases. A number of departments established new probation supervisors lines, and others converted probation officer positions, depending on the individual needs of probation departments.

Technology has also played a part in managing some of the lower risk cases non-violent offenders and being able to monitor them electronically ie: Caseload Explorer and "Check-In." Executive Deputy Adams discussed the use of risk assessment results and setting up caseloads to define levels of supervision and using technology to assist with the supervision of lower risk offenders so the probation officers could focus resources on higher risk probationers. The probation supervision rule that went into effect in 2013 supports that concept. Commissioner Pozzi said that they did this same thing recently in Westchester County. Due to this they were able to put another mental health unit together.

Regarding the supervision of persons with mental illness, Executive Deputy Director Adams reported, from federal funding provided by the Justice Mental Health Collaboration grant, OPCA was able to make some changes within Caseload Explorer to assist with tracking of mental health screening,



identify persons with Serious Mental Illness and track their outcomes. This will help departments to understand how probationers with Serious Mental Illness and how they did under probation supervision, their participation on specialized mental health caseloads, and their participation in mental health peer support groups.

### Probation Supervisor Training Curriculum

Patti Donohue and Patty Clements, OPCA's Training Unit, have been working very hard on a Probation Supervisor Training Curriculum and last week held a Webinar on this topic and invited Probation Supervisors to attend. The Probation Commission had previously indicated the importance of supervisor training. This remains essential as there is a significant transition from becoming a line Probation Officer to becoming a Probation Supervisor. Patti Donohue reported they are looking at other states and their efforts as well as having spoken with probation professionals from Colorado and Connecticut. It is the general consensus from the Probation Directors that we "not go light on this training, give them adequate training" as probation supervisors. OPCA will be forming a workgroup to look at this process.

Patti Donohue relayed that in July 2016 an internal group met within OPCA and then in August 2016 a small conference call was held with COPA, NYSPOA, Westchester and Suffolk County representatives and then regrouped here at OPCA, and last week held a statewide conference call with about 50 people, including directors, managers, staff development officers, and supervisors to gain feedback.

Commissioner Pozzi spoke on the importance of training and how essential it is to convey the difference of now being part of the management team. He feels that the Probation Supervisors are the most important management level that he has and before becoming supervisor's staff often don't realize how really hard the job is and what a change it is to become a supervisor. Linda Shields also mentioned that after being in the Probation Director position for many years, directors and supervisors can always use a "refresher" course. Patti Donohue responded that the training being developed would meet both needs in terms of a training for new supervisors and as a refresher training for existing Probation Directors and Supervisors.

### Probation Officer Wellness Training

This is an important area we are just starting to focus on and we have reached out to DCJS' Office of Public Safety to look at their police officer training curriculum in this area. Joy Bennett sent us some information and we are building a training to address this issue. Sadly, tragedies have occurred in NYS within the past 3 years with probation officers taking their own lives. Probation officers develop long-term relationships with probationers and see so much trauma in many households. The child welfare world will also be looked at and OPCA will reach out to our colleagues at OCFS on this issue.

### Sex Offender Management – Advisory

Operation Return 2 and Operation Return 3: Matt Charton explained that Operation Return is a joint effort between the probation departments, the United States Marshall Service and local police to apprehend Level 2 & 3 Sex Offender Absconder's. Operation Return 2 has almost come to a conclusion – 11 Level 2 & 3 Sex Offender Absconders have been apprehended. There is one outstanding believed to be in Europe and Interpol is looking for him. Deputy Commissioner Maccarone stated how important this whole operation is as it sends a message about how serious New York is on sex offenders on probation. The DA's and courts have been very responsive on this

issue statewide. Matt also oversees the Quarterly Address Sex Offender Confirmation – each quarter a home visit must be done to confirm the address of sex offenders. When they find an address has been changed, a notice is sent to Sex Offender Registry and about 92% offenders are where they are supposed to be. The Caseload Explorer case management system has been updated to help with tracking this information.

Probation Sex Offender Change of Address/Signature Pads: Pilot Programs, Executive Deputy Director John Adams reported that five counties have received signature pads that auto-populates these change of address forms in Caseload Explorer and the change can be emailed to the Office of Sex Offender Management (OSOM) here at DCJS. We have purchased five more units and will decide where those should go in the near future. Our effort with the New York State Office of Information Technology Services (ITS), the Sex Offender Registry and staff here at OPCA is ongoing to develop an automated change of address which will report additional useful information to Sex Offender Registry electronically. We are developing a program wizard that will take the officer through each sex offender change of address related screen in the Caseload Explorer. Caseload Explorer will create a form on the computer screen where the PO can electronically sign it, the probationer can sign it, and then Caseload Explorer will transmit the PDF form within an electronic file to OSOM; a copy of the PDF form will be stored within Caseload Explorer. This would eliminate the paper form process for probation departments who use Caseload Explorer and this work should occur in 2017. One note – on all sex offenders, this will not eliminate the original signature of the offender, if they aren't available at the time the Probation Officer needs to follow-up with in-person contact. OSOM will not update their records without that signature, as a legal basis.

Gary Govel added one other sex offender management related item for discussion. There was an interim probation supervision guidance published in 2000, and, at that time, the guidance provided that defendants convicted of a sex offense and placed under interim probation supervision should be registered by the courts. However, recently the Office of Legal Services and the Office of Sex Offender Management has advised that that should not be happening because these individuals are not sentenced. OPCA will be advising the probation departments It was discussed that perhaps this is an area that we should address through legislative change.

#### Warrant Notification – Advisory

Deputy Commissioner Maccarone stated that although this topic was not on the agenda he would like to report to the Probation Commission that we are working in conjunction with ITS on an electronic Warrant Notification. This initiative should go into effect in June 2017 and this will also be available to the New York State Department of Corrections and Community Supervision. Every time a warrant is entered, executed, or cancelled for a probationer or a parolee an electronic notice will be sent out to the supervising probation department or parole office enhancing public and officer safety.

#### Juvenile Justice – Advisory & Discussion

Deputy Commissioner Maccarone reports that a great deal of research was done with OCFS on the Pre-dispositional Risk Assessment (PDRAI) regarding information decision making around placement validation. It was found that NYS had reduced reliance on placement and the number of youth that could be studied to determine predictive validity was very low and, as a result, we began to question whether we could proceed. Additionally, in recent months there has been considerable discussion at the federal level about the use of such risk assessments to make liberty decisions. As a result, NYS decided to step back from this at this time. Probation will continue to do Pre-Dispositional Investigations using the YASI risk and needs assessment as one component along with other aspects

being considered and make dispositional recommendations. Commissioner Green added at the end of the day there just was not enough data to validate and to look at the issue of racial disparity in order to have the level of certainty that we wanted to have with such an instrument. Additionally, Commissioner Green wanted to let everyone who participated in this effort know he very much appreciated all the hard work that had been done.

Patricia Donohue reported out on the status of the Juvenile Incentives and Graduated Responses Workgroup. OPCA has spent time looking at how this works in the adult population and how it is used to prevent violations and in 2017 we are going to look at that topic in the juvenile justice system and how Probation uses graduated responses both positive and negative in an attempt to keep probation violations to a minimum, thereby impacting detention and placement. We have put together a workgroup led by Teresa Scanu Hansen and will include probation representatives from throughout the state. This will be a collaboration with the Office of Youth Justice headed by Deputy Commissioner Mark White. Deputy Commissioner White did some great work in Connecticut with youth justice. There is some great work being done in some of our departments to expose youth to of positive behaviors.

### Human Trafficking and Probation's Role – Advisory and Discussion

Matt Charton reported on Human Trafficking and Probation's Role. Kelly Palmateer sat on a workgroup on human trafficking and they believed it was mostly focused on runaways so she and Matt wanted to see how this issue was valid in the probation world. In looking for tools that might be helpful, they started to meet with Carl J. Boykin, "CJ", Director of Human Trafficking Prevention and Nora Cronin, Assistant Director of the Bureau of Refugee and Immigrant Assistance at the NYS Office of Temporary and Disability Assistance. OPCA is currently developing a webinar with CJ, Nora, and, hopefully, a practitioner from the field in Westchester County to provide a webinar for probation departments on January 10, 2017 providing guidance to the departments if they should find someone in this position. The webinar will be followed up by a State Director's Memorandum. This is an exciting new area and, Nina Aledort, Associate Commissioner at NYS Office of Children and Family Services is going to assist on this effort as well. Commissioner Pozzi advised that the Westchester County Probation Department is screening for this issue with their PINS program. Labor trafficking is also an area of concern related to human trafficking. We hope to make some inroads on this issue. Commissioner Green sat in on a Human Trafficking Task Force meeting yesterday and he mentioned how much worse this issue has gotten due to the internet and the heroin epidemic.

### Closing Comments

Alan Lizotte commented that he is amazed by the number of projects under way, the detail associated with each of them, and work being accomplished by OPCA. Deputy Commissioner Maccarone and other staff told him how much the kind words mean to them that all their hard work is making a difference.

Deputy Commissioner Maccarone and Commissioner Green also discussed the recent DCJS Awards Ceremony and gave some examples of some of the amazing work being done by DJCS Staff.

Commissioner Pozzi and Linda Shields, on behalf of the Probation Commission, and Deputy Commissioner and Director Maccarone recognized Patricia Donohue for all of her hard work over the years supporting the probation profession.

Meeting Adjourned

Meeting adjourned at 1:15 p.m.

**Next meeting scheduled for Tuesday, April 18, 2017.**