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eFocus is published by the DCJS Office of Probation and Correctional Alternatives (OPCA) to further the goal of promoting public safety through probation services and other community corrections programs.

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In this Issue:

- 1. New ICAOS Violations, Sanctions and Retaking Rules effective June 1, 2017
2. New PSI Report in the Integrated Justice Portal
3. Raise the Age law provides new opportunities to improve outcomes for youth
4. Employment Roundtables and Probation Employment Liaisons
5. Field visits to Probation Departments in Clinton, Niagara and Wayne counties
6. Recent State Director's Memoranda
7. OPCA Training Schedule
8. Awards, Events, Additional Training and News
9. Practice Tips
10. Quick Facts

1. New ICAOS Violations, Sanctions, and Re-taking Rules effective June 1, 2017

New York and other Interstate Commission for Adult Offender Supervision (ICAOS) member states and territories have worked diligently to ensure that a single standard of supervision is implemented for all probationers and parolees. These new rules – effective June 1, 2017 – provide for a new standard of "behavior requiring retaking" based on a significant event or pattern of non-compliance. State Director's Memorandum #2017-6 outlines the new ICAOS rules, detailing that they will impact the supervision, violations, sanctions, and retaking of interstate offenders. The new rule reflects evidence-based practices and require supervising-receiving states to address and document offender case management, including the use of incentives and graduated responses prior to submitting a Violation Report. The new rules ensure a fair and responsible system in the supervision of interstate offenders; promote a more substantive reporting mechanism between states; and provide sentencing jurisdictions with a more robust and detailed offender violation report on behavior that requires retaking, which will result in better informed court outcomes. The DCJS OPCA Interstate Unit conducted a series of online trainings on the new rules that were attended by 600 probation officers. These training sessions also are posted to the eJusticeNY Integrated Justice Portal (IJ Portal).

2. New PSI Report in the IJ Portal

A new PSI Management Report is now available via the IJ Portal, allowing probation departments to review criminal court-ordered investigation submissions from Caseload Explorer. By entering start and end dates on the report screen, the user will be provided with a report showing the number of investigations submitted during the specified time frame with specific investigation details: PSI Repository Submission Date, Court Submission Date, NYSID, Last Name, First Name, Probation Case Number and Report. It is recommended Probation Departments run this report at least monthly to confirm that submissions are occurring as expected. This report will provide a quality assurance measure to both the state and local probation departments as work to build an accurate statewide repository of presentence investigation reports continues.

The report function can be accessed through the IJ Portal under Resources > Reporting Services > PSI Reports.

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3. Raise the Age Law provides new opportunities to improve outcomes for youth

New York State recently enacted legislation to raise the age of criminal responsibility from 16 to 18. The existing definition of Juvenile Delinquency (JD) will be expanded to include youth charged with misdemeanors at the age of 16 beginning Oct. 1, 2018, and youth at the age of 17 beginning Oct. 1, 2019.

The law creates the new class of adolescent offender (AO) – a youth who is 16 as of October 1, 2018, and 17 as of October 1, 2019 – and charged with a felony that is not one of the juvenile offender (JO) crimes included in the state’s Criminal Procedure Law. A new court – the Youth Part of Superior Court – will be established with exclusive jurisdiction over AO and JO cases.

The Youth Part of Superior Court will allow for probation case planning as a pre-dispositional service, in the post-arraignment phase of the proceeding. Specially trained Family Court Judges will preside over this Youth Part and the rules of adult court /Criminal Procedure Law apply to the proceedings. There will be a couple of exceptions: misdemeanor VTL offenses will be processed in Youth Part, while violations and traffic infractions will handled in local courts. There will be opportunities for the Youth Part of Superior Court to remove an AO or JO matter to Family Court.

These reforms also include the transition to detain 16- and 17-year-olds in juvenile detention facilities and will prohibit the use of local jails for this age group. The lower age limit for juvenile delinquency (JD) remains at 7 years old and the period of JD adjustment, which is two months, plus a two-month extension, did not change.

On May 22, OPCA hosted a meeting of 15 probation directors representing small, medium and large departments across the state, including New York City, to discuss how probation intake and adjustment occurs in localities. OPCA will be working with Probation Directors to review and update existing

regulations and other juvenile justice practices. Please contact Teresa Scanu-Hansen, Community Correction Representative 2 at Teresa.ScanuHansen@dcjs.ny.gov if you have any questions.

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4. Employment Roundtables and Probation Employment Liaisons

The Governor’s Council on Re-entry and Reintegration, in partnership with the state Department of Labor (DOL), conducted a series of forums last year with New York employers to learn their questions about to individuals under community supervision

To build upon that work, DOL cooperated with OPCA and the Department of Corrections and Community Supervision (DOCCS) to organize a series of regional Second Chance Employer Roundtables. So far this year, regional Roundtables have occurred in Syracuse, Binghamton, Albany, Newburgh, Plattsburgh and Utica.

State Probation Director and DCJS Deputy Commissioner Robert M. Maccarone presented an overview of Probation’s goals and invited Probation Directors from surrounding counties to join the discussion with area employers.

To facilitate communication between area employers, OPCA collaborated with probation directors to establish the statewide Probation Employment Liaison Directory. The directory identifies a point of contact within Probation Departments to facilitate employer-probation communication. It is clear from the Employer Roundtables that area employers have a strong need for a reliable workforce and are willing to employ individuals with prior criminal justice involvement. OPCA extends thanks to probation directors and others who helped create the directory.

Please contact Frank F. Cangiano, Community Correction Representative 2, at (518) 485-5153, or Frank.Cangiano@dcjs.ny.gov if you have questions about the regional roundtable schedule or the Probation Employment Liaison Directory.

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5. Field visits to the Probation Departments in Clinton, Niagara and Wayne counties

State Director Maccarone and Executive Deputy Probation Director John Adams met with probation staff at the probation departments in Clinton, Niagara and Wayne counties earlier this month. The following topics were discussed: Raise the Age; Employer Roundtables; Annual Probation Plans and the value of using the plans with supervisors and officers to identify services and metrics; the Domestic Incident Report Repository; the importance of active probation supervision and addressing criminogenic needs within case plans and case notes; motivational interviewing and advanced motivational interviewing; cognitive behavioral interventions; upcoming changes to Caseload Explorer, including automation of JD adjustment notices and Sex Offender Registry change of address; the development of probation supervisor training; and work on JD suitability, incentives and graduated responses.

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6. Recent State Director's Memoranda

The following State Director's Memoranda are posted to the IJ Portal: Resources > Reference > Library > Probation > Director's Memoranda

- **#2017-2:** Mar. 10, 2017 - IID 2016 Annual Statistics
- **#2017-3:** Mar. 13, 2017 - ICAOS-ICOTS User Training
- **#2017-4:** Apr. 7, 2017 - Probation Employment Liaison Directory
- **#2017-5:** April 11, 2017 - 2015 JRISC Report
- **#2017-6:** May 21 2017 - ICAOS New Rules for Violations and Retaking

7. OPCA Training Schedule

OPCA is currently drafting the 2017-2018 Training Plan, which will include the following:

- **Offender Workforce Development Specialist (OWDS):** OPCA completed the second of two OWDS trainings this month, graduating 29 individuals from probation, ATI and re-entry programs throughout the state. Additional trainings will be scheduled.
 - **Thinking for a Change (T4C)**
 - **Women's Risk and Need Assessment (WRNA):** In addition to offering these classes, a refresher for trainers who completed the Training for Trainers (TfT) in 2014 will be provided.
 - **NYCOMPAS:** This training will include a more advanced version of NYCOMPAS that addresses case planning and inter-rater reliability.
 - **Motivational Interviewing (MI1 and MI2):** This evidenced-based practice can be used by community corrections professionals to reduce recidivism through positive offender change. MI is a communication style and skill that is applicable in all aspects of community corrections and reentry work. The training is available to all probation officers, alternatives to incarceration, probation and reentry professionals.
 - **OSST/Peace Officer/Fundamentals of Probation Practice (FFP):** The Fall 2017 class is scheduled for Oct.: 2-6, 16-20 and 23-27.
 - **Initial Firearms Training:** This course will be offered on the following dates: Nov. 13-17 and 20. Preference will be given to the FPP students who attended the Spring and Fall 2017 classes. Watch for the training announcement this summer.
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8. Awards, Events, Additional Trainings and News:

Robert Burns was honored for his many years of service to New York State's Probation Commission at the Commission's meeting this month in Albany. First appointed to the Commission in 1992, he departs after being promoted to the position of Monroe County Public Safety Director, after serving for many years as the county's Probation Director.

In his new position, he is responsible for overseeing all county public safety services within Monroe County. Bob has been a tireless advocate on behalf of the probation profession and a trusted advisor to the Probation Commission during his tenure.

At right, State Probation Director Maccarone (left) thanks Bob Burns for his service to the state.



The **Parolee/Probationer Felony and Misdemeanor Arrest Report** is now available on the DCJS website:

<http://www.criminaljustice.ny.gov/crimnet/ojsa/parolee-and-probationer-arrest.pdf>

According to the report, probationer re-arrests declined dramatically when comparing 2007 to 2016. Key highlights from the report:

- Total probationer felony arrests declined 23 percent: 11,929 v. 9,150.
 - The largest drop involved Probationer arrested on felony drug charges: a decrease of 49 percent: 3,004 v. 1,525
 - Six percent of all felony arrests in 2016 involved probationers, compared with 7 percent in 2007.
- Total probationer misdemeanor arrests declined by 28 percent: 18,513 v. 13,374.
 - Only 4 percent of all misdemeanor arrests in the state involved probationers in 2016, down 1 percent from 2007.

The number of probationer arrests significantly declined following the June 1, 2013, implementation of the Probation Supervision Rule, Part 351. This likely is the result of probation departments using evidence-based practices to assess probationer risk and need, classify probationers, and allocate resources to focus on higher risk probationers.

- Total probationer felony arrests declined 7 percent from 2014 to 2016 and total probationer misdemeanors arrests decreased 15 percent during the same time period.

There also has been a dramatic decline in probationer VTL arrests subsequent to the implementation of the ignition interlock provision of Leandra's Law on Aug. 15, 2010. Between 2010 and 2016, probationer VTL arrests declined 28 percent.

American Probation and Parole Association (APPA) 42nd Annual Training Institute will be held on Aug. 27 through 30 in New York City. OPCA will presenting its annual awards on Sunday, Aug. 27. Applications for these awards and conference scholarships have been distributed. For more information and to register, click [here](#).

The **NYSATSA/NYS Alliance Annual Joint Conference**, "[Breaking New Ground: A Unified Approach Towards Sexual Abuse Prevention](#)" is scheduled for June 12 through 14 in Albany. More than 250 professionals are expected to attend. The Conference Committee has created a program designed to appeal to a wide range of stakeholders in the field of sexual abuse prevention, supervision, research and treatment. International, national and local experts are slated to present on a variety of topics; presentations have been tailored for all levels of experience and involvement in the field. Learn more about the conference [here](#). Both organizations also are on Twitter: [@newyorkatsa](#) and [@NYSALLIANCE](#).

Amendments to 9 NYCRR Part 6056: Removal for Cause- In a memorandum dated April 20, 2017, DCJS Executive Deputy Commissioner Michael C. Green detailed amendments made to 9 NYCRR Part 6056. These changes ensure the invalidation of a police or peace officer's basic training certificate, pursuant to General Municipal Law §209-q and Criminal Procedure Law §2.30, when an officer is separated from a department after a disciplinary hearing, or resigned/retired while disciplinary proceedings were pending pursuant to Civil Service Law (CSL) Section 75.

As a result of this change, the state's Police Officer/Peace Officer Registry Update Form have been revised to reflect these regulatory amendments. Both revised forms are available online:

<http://www.criminaljustice.ny.gov/ops/docs/registry/policeofficerregistryupdateform.pdf>
<http://www.criminaljustice.ny.gov/ops/docs/registry/peaceofficerregistryupdateform.pdf>

Please contact Dave Mahany at (518) 485-7644 or davej.mahany@dcjs.ny.gov with any questions about compliance and/or completion of the updated forms.

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9. Practice Tip

Adult interstate compact *Violation, Sanctions and Retaking* rules will take effect on June 1, 2017. There will no longer be "significant violations," rather receiving states will report behavior requiring retaking and must document all graduation sanctions and incentives they used in attempting to have the offender come into compliance.

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10. Quick Fact #1:

Last year, the Office of Probation and Correctional Alternatives provided training for more than 2,000 community corrections professionals in a variety of different skills.

Quick Fact #2:

According to DCJS records, DWI offenders between the ages of 30 and 39 were more likely to be charged with Aggravated DWI with a Child (Leandra’s Law Offense) than any other age group. Of the total population of those charged with this offense, individuals aged 30-39 years were most frequently arrested; females aged 30-39 years had the highest arrest rate at 38.6% while males in the same age category represented 33.4%.

**AGGRAVATED DWI WITH CHILD
AGE AT CRIME**

	16 or 17		18-20		21-29		30-39		40-48		50 and Older		Total
Male	82	2.1%	168	4.4%	854	22.1%	1288	33.4%	991	25.7%	475	12.3%	3858
Female	13	.5%	51	2.1%	624	25.6%	943	38.6%	643	26.4%	166	6.8%	2440
Total	95	1.5%	219	3.5%	1478	23.5%	2231	35.4%	1634	25.9%	641	10.2%	6298

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