



STATE OF NEW YORK  
DIVISION OF CRIMINAL JUSTICE SERVICES  
4 Tower Place  
Albany, New York 12203  
<http://criminaljustice.state.ny.us>

SEAN M. BYRNE  
ACTING COMMISSIONER

ROBERT M. MACCARONE  
DEPUTY COMMISSIONER  
AND DIRECTOR  
(518) 485-7692  
(518) 485-5140 FAX

## **STATE DIRECTOR'S MEMORANDUM # 2011-16**

**TO: Probation Directors/Commissioners**

**FROM: Robert M. Maccarone, Deputy Commissioner *R.M.M.*  
Director, Office of Probation and Correctional Alternatives**

**DATE: September 13, 2011**

**RE: Proposed Regulatory Changes to Section 347.4 of 9 NYCRR Part 347**

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I am pleased to advise you that on September 12, 2011, the Division of Criminal Justice Services (DCJS) submitted a Proposed Rulemaking to the Department of State for publication in the New York State Register, relative to the Probation Management rule, 9 NYCRR Part 347. A copy of the regulatory text amendments is attached for your information.

The regulatory amendments to Section 347.4 have been proposed pursuant to and consistent with past Executive Order No. 17 which led to the former Division of Probation and Correctional Alternatives (DPCA) preparing initial Internal Rule Review Findings, and receiving feedback from probation departments and other statewide professional associations as to proposed regulatory changes that would afford them operational relief and/or flexibility with respect to certain routine business operations. You will recall that a day-long forum on rule revision and mandate relief was conducted in October of 2010 with the Council of Probation Administrators (COPA), the NYS Probation Officers Association (POA), and the NYS Association of Counties (NYSAC) and these suggestions were identified.

Overall, the proposed regulatory amendments will provide local probation departments certain mandate relief with respect to probation management operational requirements. These proposed changes revise existing regulatory procedures in the area of Probation Management to better assist probation management in carrying out its day-to-day operations and satisfying regulatory requirements. Specifically, it will no longer require that all levels of employees be involved in the development of policy and procedures but rather appropriate levels of employees.

Further, it removes the requirement that all agency staff must attend and participate in regular staff meetings and deletes state regulatory reference to an employee performance evaluation program being conducted. These proposed regulatory changes acknowledge that more flexibility should be afforded to probation departments in this area to maximize staff efficiencies and address time demands and that such standards are not necessary, but rather ought to take into consideration local needs and practices and available resources. Lastly, technical changes have been made to reflect the merger of DPCA within DCJS and to update other language with respect to the New York State Department of Civil Service.

There will be a 45-day public comment period from the date of official publication in the New York State Register with respect to proposed rulemaking. Accordingly, please submit any comments that you may have **by close of business Monday, November 14, 2011** to the attention of DCJS Assistant Counsel, Linda J. Valenti at Four Tower Place, Albany, NY 12203-3764 or to her email address, [linda.valenti@dcjs.state.ny.us](mailto:linda.valenti@dcjs.state.ny.us). Her office phone number is (518) 457-8413.

#### Attachment

- 1) Rule Text Amendments to 9 NYCRR Section 347.4