

NEW YORK STATE
PROBATION COMMISSION MEETING
Alfred E. Smith Building
Albany, NY 12210
December 12, 2024

This meeting was conducted in person at Alfred E. Smith, and virtually via Cisco Webex.

Members Present: Rocco Pozzi, Commissioner Westchester County
Department Probation
Ana Bermudez, Former Commissioner of the New York City
Department of Probation
Jeffrey Butts, PhD. John Jay College of Criminal Justice (CUNY)
Joseph Wargo, Supervisor, Jefferson County Probation
Joseph Zayas, Chief Administrative Judge

DCJS Staff Present: Dean Defruscio, Deputy Commissioner of Policy and
Planning, DCJS
Matthew Charton, Deputy Director DCJS-OPCA
Teresa Sanu-Hansen, Juvenile Probation Operations Unit
Manager, DCJS-OPCA
Michele Clarke, Vocation/Education, Employment and Re-
Entry Unit Manager, DCJS-OPCA
Nicole Aldi, Alternatives to Incarceration Unit Manager, DCJS-OPCA
Frank Cangiano, Adult Probation Operations Unit Manager, DCJS-
OPCA
Kelly Palmateer, Interstate Compact Unit Manager, DCJS-OPCA
Patricia Clements, Training Unit Manager, DCJS-OPCA
Kimberly Schiavone, Fiscal and Administrative Management Unit
Manager, DCJS-OPCA
Katey Cullen, Administrative Specialist 1 DCJS-OPCA

Special Guests: Dan Connor, President of the New York State Probation
Officers Association
Judge Norman St. George, 1st Deputy Chief to Judge Zayas
Andrea Bentley, Chief of Staff to Judge James Murphy
Dennis Reo, representing Deputy Chief Administrative Judge
Adam Silverera
Janine Wunder, Chief of Staff to 1st Deputy Chief Administrative
Judge Norridge
Karl Pflanz, Principal Law Clerk to Judge Zayas
Rosemary Martinez-Borges, Deputy Chief of Staff for Deputy Chief
Judge Rena Richardson
Paul Lewis, NYS Office of Court Administration

Welcome and Introductions:

Deputy Director Matthew Charton welcomed the members of the NYS Probation Commission. He also introduced Dean DeFruscio, Deputy Commissioner, Policy and Planning, who provided opening remarks.

Deputy Commissioner Dean DeFruscio thanked everyone for attending the meeting and reminded the group that the executive budget would be coming out in January. They are advocating for an increase in probation aid that has not occurred in 35 years.

Deputy Director Matthew Charton asked for a motion to approve the Probation Commission meeting minutes from the May 23, 2024, meeting. Frank Cangiano mentioned an amended word on page 6. The motion was then made to pass the minutes by Member Rocco Pozzi and seconded by Joe Wargo. Minutes were approved.

The NYS Probation Commission

Frank Cangiano explained that NYS Executive Law allows for the appointment of a state probation commission that serves at the advice and consultation for the commissioner of DCJS. Section 242, 243 and 246 outline the role of the probation commission as it relates to consulting with DCJS on matters relating to probation services. In the past, Commission meetings were traditionally “report out” meetings, but recent conversations have led the Commission to change the style of the meetings. This allows everyone to seek the advice, the consultation, and the feedback of probation commission members when it comes to current probation priorities across the state.

Deputy Director Charton reaffirmed the commission’s purpose which is to advise the Office of Probation Correctional Alternatives in matters relating to probation.

Probation Constituent Representatives

POA President Dan Connor spoke on a survey created by the Probation Officer’s Association that was sent out relating to critical incidents. As a board the POA tries to improve the safety and working conditions for Probation Officers. The most identified areas for improvement were to provide peer support in every department and a push for the passage of 207c for officers. This survey’s purpose was to get a better idea of what critical incidents officers have been involved in throughout the state and how it they were addressed by departments and how officer’s felt about that response. The feedback identified concerns. Peer support for officer’s involved in an incident has been regularly provided. The biggest issue is that without the 207c being locked in for probation -counties are not always readily available to help in these incidents. The 207c proposal is being considered by the legislature currently.

Deputy Director Charton asked Dan Connor to provide a further explanation of 207c. Dan stated that it gives probation staff the option for a 25-year retirement, but that the major benefit of 207c is on disability protections for work related injuries.

Dan Connor stated that it would be nice if it was given to probation directors to hand down to their employees so that a full state view could be taken. Ana Bermudez stated that one of the things in New York City that her department tried to do to make the job safer was to ask judges to allow larger groups to go to home searches where more serious crimes were involved. She thinks it would be good if DCJS OPCA could weigh in on different counties during their budget hearings to get more money to help these offices. Deputy Director Charton stated that it would be something worth following up on.

Dr. Butts stated that the survey is a great idea and that there are ways to get a better response rate using online survey tools. As a researcher, he wanted to know if anyone had checked to see if there were similar surveys taken in other states to see their responses. Dan Connor did state that they did investigate other states to see if there were similar surveys but indicated that there was not much in relation to probation.

Rocco Pozzi wanted to make people aware that the funding for probation really needs to be taken into consideration. At one point the state was obligated to pay 48% of costs for probation and that has gone down to about 8%. The shift in the cost has been the county responsibility and there is not much financial support. DCJS OPCA has been advocating for more aid to probation offices. Judge Zayas asked what Rocco thinks the courts could do to increase the trajectory of their local budgets. Rocco stated that the court has been wonderful in advocating for probation but isn't sure why there is such a reluctance for the state legislature to recognize the important role that probation plays.

Judge Zayas stated that when he testifies before the legislature at the end of February, he will bring up these concerns. Rocco Pozzi stated that this has been going on for a very long time. Judge Zayas stated that he believes that judges across the state are very interested in the discussion of interim probation as well as probation itself as an alternative to incarceration.

Judge Zayas asked if a survey had been conducted about judicial interest and what judges feel probation may be able to do, what judges might like to see changed for the good in probation and how judges may see themselves using probation to promote alternatives to incarceration. He believed it would be a good idea to implement a survey to see what judges may like to use probation for. Deputy Director Charton states that Rocco Pozzi is the longest standing commission member. Rocco believed they did do some type of survey with the judges some time ago. Joe Wargo stated that surveys were always a good idea to gain this information.

Probation Commission Items

Request for update on training for Seniors/Supervisors/Administrators

Patty Clements explained that the training they have been developing for supervisors has been in the works for quite some time. The training unit has created a work group that is dedicating their time to come up with a weeklong training for supervisors that will include different synchronous and asynchronous courses. When a person is promoted to a supervisory role the DCJS OPCA training unit is hoping to start that person into the training program within 3 months. They are hoping to pilot their training program around the summer of 2025. Joseph Wargo asked if this would be mandatory for supervisors due to funding issues. Patty states that she did not believe at this time that it will be mandatory but would like to get as many as possible through the training when it did become available.

Patty Clements also spoke on the Executive Leadership training/overview of what DCJS OPCA can do to support this training. This could be done virtually so that people did not have to come up with the funding to be in person.

Lack of juvenile detention beds statewide

Rocco Pozzi had good news regarding Westchester County being ready to proceed with the construction of another juvenile detention facility. The existing facility had only 24 beds which is too small for Westchester County. This new building would hold 80 beds. Joe Wargo mentioned that Jefferson County has utilized Westchester's facility but that it is 5 hours away from their location. Judge Zayas asked if a letter has ever been issued to the governor stating that the need for juvenile beds needs to be something for the state to consider. Deputy Director Charton did not believe the commission has ever acted in that capacity.

Rocco Pozzi agreed and stated that the executive under the new raise the age law is required to pay 100% of any of the costs associated with raise the age. Joe Wargo mentioned that in the past letters have gone to the governor's office outlining the problem. Dr. Butts indicated that he would be happy to participate in developing a letter which poses the question and raises the issue, but which doesn't offer a solution. It was further advised it would be best to build good credible evidence on lack of detention bed access and what problems it has caused, and to then ask for a solution.

207 C Benefits for Probation Officers statewide – 25-year retirement incentive for probation staff

Rocco Pozzi mentioned 207 C – the cost and language associated with 207 C becomes confused between probation and corrections/police as he indicated that probation is different from corrections and police. Caseloads are covered when POs go out and the argument that 207 C benefits would be a huge financial burden on the localities, or the state, is overstated. The cost that could be associated with 207 C benefits for probation officers would not be as large for counties as believed.

Rocco Pozzi brought up the 25-year retirement issue and stated there were issues around recruitment. As an examples, he indicated that when looking at professionals in the tier 5 and tier 6 state retirement system having to work until they are 63, it is not conducive for probation officers. It was further indicated that probation professionals are leaving their jobs and not staying because they realize that they cannot stay until they are 63 years old. Not having the 25-year retirement for probation is going to continue to have effects on the number of people who retain work at probation departments. Ana Bermudez agreed that the 25-year retirement is necessary, and she was seeing heavy turnover at the NYC Department of Probation and it is hard to invest so much time training probation officers for them to leave their departments. Joe Wargo agreed. Deputy Director Charton asked that the commission members think about what can be done to move these issues into actionable steps to address these issues.

Focal Issues for Commission Feedback

Highest risk gun-involved youth probation cases

Teresa Scanu-Hansen spoke on how probation departments have brought concerns to DCJS OPCA on how probation departments work with higher risk youth. Working with youth that are before the court for gun charges is a newer practice for these officers. Reinforcing the basic

evidence-based principles known to be true, continuing to find balance between risk management strategies for community safety and the child's safety and ensuring there is that balance for risk reduction strategies is important. The commission was then asked for their point of view on this issue.

Ana Bermudez asked for a more in-depth explanation. Teresa stated that DCJS OPCA was hearing from probation personnel the challenges on how to work with higher risk youth and they are looking for guidance. Ana Bermudez stated that probation working with very young people need to apply the approach of positive youth justice – a total focus on the future – not addressing the issue but focusing on the future of what is to come after the problem. She believes there are a lot of things that can be done at the probation, community, and judiciary levels.

Trauma-Informed Training for Probation/ATI/Community Corrections

Frank Cangiano asked the commission if they have any suggestions regarding trauma-informed training. Joe Wargo stated that there are a lot of these trainings being given and has seen a lot of webinars coming through that are trauma-informed being offered.

Other training priorities for probation departments

Frank Cangiano mentioned that DCJS OPCA offers a lot of training but would like the commission to suggest training if they have anything in mind. Joe Wargo mentioned the NYS Probation Officer Association conference happens every summer. There are also trauma-informed trainings offered at this conference as well. Patty Clements mentioned that they are always looking for feedback and would like to hear about trainings departments would like to see.

Title 9 NYCRR Rule and Regulation Updates – Part 346

Patty Clements mentioned that the last time this rule was updated was in 1999. Several revisions have been completed and she believes a final draft will be distributed to departments soon.

Vacant probation commission position

Currently there is a vacancy on the probation commission. The request has been moved up to the governor's office and this request is for a member of the community who has shown interest and involvement in the field of probation.

Other Business

No other business. Conclusion of the meeting was called.

Respectfully submitted,

Mollie Braughler

12/23/2024