

NEW YORK STATE
PROBATION COMMISSION MEETING

This meeting was conducted virtually via Cisco Webex on December 3, 2020.

Minutes of December 3, 2020 Meeting

Members Present: Robert M. Maccarone, Deputy Commissioner and Director – DCJS - OPCA
Rocco Pozzi, Commissioner Westchester County Department Probation
Linda Shields, Community Member, Retired Probation Director
Anthony Perri, Counsel to Chief Administrative Judge Lawrence Marks, NYS
Office of Court Administration

Members Not Present: Wayne D’Arcy, Retired Probation Supervisor
Andrew Sicherman, Community Member, Retired Probation Commissioner

DCJS Staff Present: Mike Green, Executive Deputy Commissioner - DCJS
John H. Adams, Executive Deputy Director, DCJS - OPCA
LaTrenda Buchanon, Executive Secretary, DCJS - OPCA
Matthew Charton, Interstate Compact Unit Manager, DCJS - OPCA
Michele Clarke, VER Unit Manager, DCJS - OPCA
Patty Clements, Training Unit Director, DCJS - OPCA
Gary Govel, Adult Operations Unit Manager, DCJS - OPCA
Teresa Scanu-Hansen, Juvenile Probation Operations Unit Mgr., DCJS - OPCA
Kimberly Schiavone, Criminal Justice Program Rep. 4, DCJS – OPCA
Nicole Aldi, ATI Operations Unit Manager, DCJS-OPCA

Welcome and Introductions:

Deputy Commissioner and Director Robert Maccarone, DCJS’ Office of Probation and Correctional Alternatives (OPCA), welcomed the members of the NYS Probation Commission, as well as special guests Steve Bayle, President of the NYS Council of Probation Administrators; Gladys Larson, President of the NYS Probation Officers Association; and County Probation Directors who were invited to attend and listen-in. Bob also extended well wishes for everyone’s family during these difficult times. He then asked members of the Commission to review the minutes of the November 12, 2019 minutes. Commissioner Rocco Pozzi made a motion to accept the minutes; Linda Shields seconded the motion; and the minutes of the July 21, 2020 Probation Commission were approved.

Approval of the Minutes:

Motion by Commissioner Pozzi, seconded Linda shields. No recusals, minutes are approved.

Steve Bayle, NYSCOPA President and Saratoga County Probation Director – Status of Probation Operations:

NYSCOPA President Bayle addressed the Probation Commission on the current status of probation operations from the NYSCOPA perspective. Since July 2020, probation departments had been able to move forward with regular work activities such as in-person contacts until mid-November mentioning that we all are entering a dark period right now with the increased spread of COVID-19. Many of the departments are setup to work remotely from home. President Bayle indicated that staffing has increased somewhat due to the implementation of Raise the Age, but mentioned that we will have to see what the future holds as to adding more staff. Those probation departments that are seeing clients in person are doing things a little differently; many probation officers are setting up meetings to see them in the parking lot. Overall probation departments

are doing the best that they can. Some departments are dealing with the quarantine of staff, and some departments were down as many as 10-15 people at a time.

As far as workloads go, there seems to be an uptick in workloads regarding in Pre-Sentence Investigation and client mental health issues. As far funding is concerned, probation directors still have questions, and he indicated that they are waiting for answers. He reported that probation departments were buckling down to get through the next several months; we are hopeful six months from now we will be back to normal operations.

Gladys Larson, NYS Probation Officer's Association President and Senior Probation Officer, Tompkins County – Status of Probation Operations:

NYSPOA President Larson addressed the Probation Commission on the status of probation operations from the NYSPOA perspective. She mentioned that at NYSPOA virtual meeting in October, probation officers were advising that things were starting to get back to normal. There still is a struggle with the availability of services for probation clients; probation officers see the need for services, but they can only do so much. NYSPOA President Larson advised that at her probation department they were asked to reduce the capacity in the office again to 50 %. Probation officers are being re-assigned in other duties within the counties such as utilizing their probation officers as Tracers. There seems to be a lot of fear among probation officers moving forward, which is not likely to change until they get back to some sense of normalcy -when they can get back to doing what they love to do. Every month in the NYSPOA Newsletter, they will recognize a probation officer who goes above and beyond the call of duty. They are looking to boost the morale of the officers who are doing wonderful things. Linda Shields commented that she loves the idea of honoring Probation Officers from across the state that Gladys spoke of.

Deputy Commissioner MacCarone thanked Steve and Gladys for their participation and advising the Probation Commission. He requested Commissioner Pozzi if he might discuss the impact of the COVID-19 on the Westchester County Probation Department.

Rocco Pozzi – Status of Probation Operations in Westchester County:

Commissioner Pozzi stated that the COVID-19 virus is on the rise and, as a result, the Westchester County Probation Department is taking precautions. Staff have started working remotely again. He expressed optimism that by the spring people will have had the opportunity to be vaccinated. He is extremely proud of what the probation departments and officers have done a great job with everything that has been going on. Services are being provided to anyone who needs service from the Westchester County Probation Department. He advised, "Our people have really stepped up to the plate during this pandemic."

Anthony Perri – Office of Court Administration Update:

The most recent development has been the assessment of whether it was safe to proceed with in-person jury trials for both civil and criminal courts. A pilot was conducted and the overall responses received from jurors was that the experience safety protocols that were put in place by the district attorney's office were very well received. The social distancing protocols put into place in the courtroom, which included the use of Plexiglass, went very well, and the Office of Court Administration (OCA) was thankful for the pilot site's support. However, with the rising metrics and fear concerning Thanksgiving social gatherings, Chief Judge Lawrence Marks, along with administrative judges made a determination that we should put a pause on jury trials. Specifically, because there is such a volume of the public coming into and out of the court houses. OCA has tried to prioritize the operation of grand juries with the plan of maintaining at least one grand jury panel in each county, in partnership with the District Attorney. As long as it is safe to do so, it is important that grand juries continue

virtually to hear new matters virtually and provide necessary due process to avoid significant lapse in time periods. OCA is making an effort to operate in the current executive order structure providing enough capacity for the district attorneys so that they can continue to move their cases forward.

Deputy Commissioner Maccarone mentioned the uptick in Domestic Violence reported by Probation Departments, and asked Mr. Perri to advise how orders of protection are currently being obtained from the courts.

Mr. Perri responded that the issuing of orders of protection is built into the arraignment process and extensions have been ordered administratively; notices are sent out to both parties and the orders of protection are extended until the next court date. In terms of applying for orders of protection for family court or matrimonial matters, those have always been prioritized as essential matters. In fact, family courts are still operating, almost entirely, on a virtual basis. He stated that, for members of the public, it is best to check with your local jurisdiction to see if the court is doing virtual or in-person proceedings and there is also information regarding court processes available for the public at courthouses throughout the state. There is also the possibility of being provided virtual access if a member of the public cannot get in front of a judge live and in person at that time. Mr. Perry emphasized that the Chief Judge and Chief Administrative Judge have both taken the rise in domestic violence very seriously, and they are monitoring it on a daily basis.

Teresa Scanu-Hansen - Part 357 Probation Regulation Update:

With the changes in Article 7 of the Family Court Act, there was a need to revisit Part 357 of 9 NYCRR - "Intake for Article 7 [Persons In Need of Supervision]." This regulation governs probation departments providing PINS diversion services. There were a couple of other pieces of legislation that passed in 2017 and 2018. The primary one was passed in 2019 and became effective January 1, 2020. Our regulatory workgroup, met last year several times and put forward a draft of edits to Part 357. This has been published to the State register on November 4th, and it is now in a 60-day public comment period. There has been no feedback as of yet from DCJS' Office of Legal Services regarding any public comments.

The biggest changes to this regulation were related to the new requirements for sexual exploitation screening and referrals to safe house services as well as mental health screenings for PINS youth engaged in the diversion process. Additionally, other changes were made to this regulation because non-secure detention was statutorily removed as an option for PINS youth and other changes related to pre-dispositional placement. The workgroup also made a new distinction between runaway and "stayaway" youth in this regulation as well as addressed some of the changes with regards to truancy and made other changes that mirrored what was done with other regulations regarding effective client and parent engagement as part of Raise the Age.

Patricia Clements stated that there are two more Massachusetts Youth Screening Instrument (MAYSI-2)-- (a brief behavioral health screening tool designed especially for juvenile justice programs-- trainings scheduled which will be held on Monday January 11 and 28; applications are due by December 18, 2020. She indicated that there are still openings to participate in this training, if anyone is interested please feel free to send in your application to Patricia.Clements@dcjs.ny.gov.

Matthew Charton - Part 349 Probation Regulation Update:

The Probation Commission was advised at the last meeting that DCJS had formed a statewide workgroup the included eight different probation departments and thirteen members, including staff from DCJS, OPCA and Office of Legal Services. The workgroup was tasked with reviewing the intrastate sections of Part 349 of 9

NYCRR “Interstate and Intrastate Transfer of Probation Supervision for Adults and Juveniles”, which is the transfer rule for juvenile and adult probationers. The workgroup made recommendations that they thought would improve the rule or strengthen the section of the rules based upon feedback regarding current practices in this area. Matt expressed his appreciation for all of the hard work that the workgroup has done in reviewing this rule and making recommendations. The statewide workgroup concluded their initial review and sent out recommendations for changes as well as the need for a practice commentary. DCJS is reviewing the workgroup recommendations internally and is in the process of incorporating them into the draft regulation. One of the primary areas that the workgroup really wanted to address was to establish guidelines for supervision of probationers who are living in the receiving county while the transfer was pending (temporary supervision). Additionally, new regulatory language has been proposed to address disputes that may occur between two probation departments regarding intrastate transfers. This included strengthening the administrative appeal section of the regulation to make sure that the counties engaged their respective probation directors prior to filing an administrative appeal with OPCA. An additional request from the workgroup was to make the regulation simpler and clearer for practitioners. As a result, DCJS reformatted the regulation and made additional changes to meet this important request. Another area that was addressed in the proposed regulation was the time frame allowed for receiving jurisdictions to investigate and reply to jurisdictions. The proposed number of days for investigation and response was reduced from 60 to 45 days, and that is more consistent with the federal ICAOS regulations regarding interstate transfer matters and to ensure prompt assumption of supervision responsibilities. The last important area that was addressed was providing clear steps to managing the transfer of supervision where a conflict exists with the probation department and the person sentenced and residing in that county. These are the primary sections that the workgroup addressed and the regulation is being presented reviewed internally by DCJS and changes are being made to the draft for further consideration by the workgroup.

Dean DeFrusco, Deputy Commissioner of Policy and Planning, DCJS – Funding Update:

Dean DeFrusco was introduced by Deputy Commissioner Maccarone. Deputy Commissioner DeFrusco addressed the Probation Commission as well as those probation directors that joined the meeting virtually. He advised that New York State understands that the State Aid to Probation Block Grant is a very important revenue stream for the counties, and indicated that they do apologize for the delay in funding. Deputy Commissioner DeFrusco expressed that it has been a very difficult fiscal year for everyone within the state and New York State is still awaiting information from the federal government regarding assistance to New York State. DCJS has been in constant communication with the NYS Division of Budget regarding this funding and has been advocating for this funding to be paid at 100%. DCJS is hoping to get a final answer from the NYS Division of Budget within the next week or so. Further, he stated that DCJS cannot guarantee that, as they have been waiting for a decision for some time, but as mentioned earlier DCJS is proactively working with them. As soon as DCJS receives a final answer, they will let Deputy Commissioner Maccarone know and will distribute this information to the counties as well.

Jeff Bender, Deputy Commissioner, DCJS’ Office of Program Funding Development (OPDF) – Funding Update:

Deputy Commissioner Jeffrey Bender first addressed the topic of Article 13A funding advising that DCJS has not been able to make awards for Article 13A, indicating that DCJS has advanced a few different options to Governor Andrew M. Cuomo’s Office and to the NYS Division of Budget for consideration which included some minor changes relaxing some of the requirements on the grantees and recognizing the post bail-reform world. Those changes have not moved forward and DCJS has been proactively working with the decision makers to address contracts that go all the way back to July 1, 2020. He advised that OPDF works very hard to make awards and to get contracts in place on a timely basis to avoid delays and having to work retroactively.

Fortunately, in the County Task Force Re-Entry arena, DCJS did finally get the green light to proceed with those awards at 100% without any reduction. However, despite the significant advocacy efforts, the awards went out in November. We are now working on remaining part of the probation portfolio such as the employment focused service, jail-based, cognitive behavioral interventions, recidivism and incarceration reduction programs, which also includes subcategories. These programs all have contracts that start January 1. DCJS is hoping to get awards notifications out before the end of the year on those. He stated that OPDF is working hard and hopes that they will be in the position to resolve these funding matters so they can immediately start fresh next year.

Deputy Commissioner Maccarone asked Jeff if he might comment on the status of Raise the Age (RTA) funding.

Deputy Commissioner Bender mentioned that OPDF finally received approval a few weeks ago to initiate the planning process for the county plans for the 2020-2021 State Fiscal Year (SFY). DCJS did have plans in place for most counties for the prior SFY, but not all. There were a handful left that were not quite finished yet. DCJS was successful in recommending that this time, in the second cycle, we push out pre-populated plans. This means DCJS would send out plans to the counties with what we think would be appropriate to continue the current level of the state commitment for another 12 months. We took what was approved for the first two years that ended March 31, 2020 and recalculated what we estimated what the counties needs would be to continue those efforts and activities for another 12 months. Continuing all of the recurring cost and not continuing the non-reoccurring cost. He advised that those plans are now going out, and hopefully this will simplify the approval process.

Probation Commission Member Rocco Pozzi began his response with expressing his appreciation to Deputy Commissioner Maccarone and Deputy Commissioners DeFruscio and Bender for their advocacy. He also wanted to advise that counties “do not have the same luxury that states have. We don’t have that luxury of trying to figure out how to do these things. The counties are mandated to pay the bills, probation officers and programs that we utilize. So the funding is essential to probation services”. After expressing his concerns, Commissioner Pozzi again stated that he appreciated that DCJS advocates for the probation departments.

Deputy Commissioner DeFruscio responded that DCJS appreciates knowing the difficulties that the probation departments have experienced without the funding and it is very important that we understand what the counties are going through. DCJS does review every comment that is being sent to us, and we make sure to send it to the NYS Division of Budget expressing why this funding is so important and that the funding needs to be expedited.

General Probation Topics

John Adams - Annual Probation Plan and Application Revision:

Deputy Director John Adams advised Commission members that OPCA would be reaching out to Probation Directors and the COPA Executive Committee to solicit feedback on how the annual probation plan could be more helpful. This meeting will occur in January 2021.

DCJS-OPCA has begun to align the Annual Probation Plan and Application with each unit’s technical assistance and quality assurance plan. This effort has commenced with Teresa Scanu-Hansen, Manager, Juvenile Justice Probation Operations Unit and the unit staff. The original goals that were developed as part of the Raise the Age initiative were used as the foundation of the revised annual plan. These goals included: reduce immediate JD referrals to petition; increase JD intake adjustment rates; reduce violations of probation; increase the rate of completion of probation supervision; reduce reliance upon JD and AO detention; and

reduce reliance upon placement of JD youth and the incarceration of AO youth. He indicated that it is important to have an alignment with the all of the reports and documents that DCJS' Office of Justice Research and Performance that has been developed with all unit processes – annual plans as well as TA/QA. We are looking to get feedback, through the annual plan responses, from the probation departments in terms of their training and technical assistance needs. This effort will simplify the plan and give DCJS information that will help us to focus on the goals at hand. Many of these goals are not new to probation departments; in fact, he advised that many of the probation departments have been working on these goals for a long time. Executive Deputy Director Adams mentioned that Gary Govel, Manager, Adult Probation Operations Unit, has begun to start a quality assurance and technical assistance plan for his unit. He asked for any feedback from the Probation Commission meeting audience.

Commissioner Rocco Pozzi responded that the goals specified are all of the goals that the Westchester County Probation Department has been trying to live by - higher rate of adjustments; trying to keep youth from failing; and reducing detention populations as much as they can. He mentioned that this is something that “we absolutely support and if you would look at our records you could see that we live up to these standards. This does not mean that we cannot improve and try to get more kids back into the community but believes that Westchester is doing a good job. These are great goals.”

Gary Govel - PSI Repository Audit; Probation Director Retirements; and GIVE Discussion:

Mr. Govel stated that Probation Commission is aware that New York State makes available a Pre-Sentence Investigation Repository (PSI) for investigations completed through the Caseload Explorer case management system. The PSI can be accessed by probation departments as well as other qualified agencies including the Department of Corrections and Community Supervision, Board of Examiners of Sex Offenders, the Unified Court System and Office of Mental Health. Some time ago Deputy Commissioner Maccarone had requested that the DCJS Office of Internal Audit take a look at PSI Repository for the other agencies that are not probation departments and that audit has been concluded. It really took a look at the adequacy of internal control, policy and procedures regarding PSI Repository access and if there were any recommendations for any improvements. OPCA has just received some draft findings and, in general, the work control was considered adequate and there were no evidence of inappropriate activity involving the PSI Repository. However, there were recommendations for further improvement. The DCJS Office of Audit Services provided this valuable service to the OPCA in examining the PSI Repository.

Multiple probation professional retirements have occurred very recently including several probation director leadership positions and more retirements are forthcoming. In order to have a clearer picture of what is occurring state-wide, OPCA contacted DCJS' Office of Public Service who maintains the Peace Officer Registry and requested demographic information which was recently received. For the probation profession in NYS, 58% of peace officers are age 45 or older. Therefore, the vast number of probation personnel will be within retirement age within 10 years. Additionally, there are many new probation directors that will need mentorship, guidance, and mutual support from existing probation directors. There is also a need for succession planning within the probation department to ensure effective, professional leadership within probation departments. Mr. Govel advised that we are all well aware that these are challenging budget times, but we need to try to make sure that the appropriate positions are backed in the probation departments so staff can gain the appropriate leadership and professional experience. Steve Bayle commented that COPA is well aware of these statistics, as it sees new probation directors/members fill these positions.

The Gun Involved Violence Elimination (GIVE) Initiative involves 17 counties outside of NYC where 85% of the violent crimes occur. DCJS provides specialized funding and training resources for those jurisdictions. These are multi-agency efforts, but requires partnership with probation departments. While probation is a required partner in this initiative, we have seen a lot of variance in practices and involvement by the probation

departments. OPCA has begun to develop a standardized supervision and collaboration model for probation departments that work with gun offenders in the GIVE counties. The lessons learned could also benefit probation departments statewide. What we are envisioning at this point is gun-involved probationer being supervised intensively; the standard use of GPS or other electronic monitoring; cognitive behavioral interventions; employment readiness programming; and directing and stabilizing those needs that can help participants to be successful. Additionally, there will also be an expectation that the probation departments will also collaborate with the Crime Analysis Centers and SNUG—Street Outreach Services and other intelligent sources within those Counties. OPCA has also been working with the respective Crime Analysis Centers (CAC) and the probation departments in those counties that the CACs serve.

Nicole Aldi - Pre-Trial Services Update:

Bail reform went into effect January 1, 2020, with some updates as of July 1, 2020. The statutory changes made the NYS Office of Court Administration the certifying agency for pre-trial services programs in New York State. Additionally, the failure to appear scales from the NYCOMPAS assessment tool have been removed because they did not meet the new statutory requirements. DCJS is working with other agencies, trying to discuss other options as Monroe and Niagara Counties have validated their own pre-trial assessment instruments thru their local universities, and New York City has their own instrument through the NYC Criminal Justice Agency. OCA Counsel Perri commented that OCA had certified PTS Services in the respective counties last year.

Patricia Clements – OPCA Training Plan Update:

Training has been very difficult this year due to the COVID-19 outbreak and the need to transition to operating in a virtual environment. One of our greatest challenges was clearly Fundamentals of Probation Practice (FPP) which is the required training for all new probation officers. We were piloting a brand-new FPP curriculum and had planned on delivering the training in person. This effort started in March, and OPCA was planning to pilot, along with five other anchor counties, make edits and present the final version to Municipal Police Training Council which approves peace officer trainings. However, as a result of the COVID19 outbreak, the training unit staff has been working since April to have a virtual version of FPP (final weeks) up and running to finish the FPP class that had received the prior weeks of training in-person. As a result of these efforts, OPCA was able to graduate a class of 32 officers in October. Going forward, there are at least 45 new probation officers that currently need to be trained in FPP, and, although NYS has other anchor training sites, the vast majority rely on OPCA in Albany for this initial training.

Over 1,000 probation, ATI, and re-entry professionals were trained through OPCA in the past year. There are a series of different training categories and we try to balance out our plans, if there is a particular need that is identified, for example there was a very strong need in the assessment field, our plans focus on how we can meet those needs. There are a number of different sources that feed training need information into the Training Unit and unit works to deliver these trainings. One source of training need information is determined through the careful review of Critical Incidents; when OPCA reviews the Critical Incidents that come through, the staff are looking at it from a lens of what kind of training can we offer to improve probation practice. With the COVID-19 outbreak, it is forcing OPCA to think about how to develop these important trainings virtually, and we hope to be able to pull together some online courses easily so probation departments can access them for the professional staff.

Ian Grugan – Birth Sex and Sex Change Reporting in Court-Ordered Presentence Investigations

State Director's Memorandum (SDM) #2020-13 *Birth Sex and Sex Change – Reporting in Ce and Court-Ordered Investigations* was issued to probation departments on November 13, 2020. The Memorandum

responded to questions that were asked by probation departments regarding how to document gender identity when the defendant in front of the probation officer is presenting a gender identity currently that may not be the same as their birth sex. In the Memorandum, OPCA provided guidance to probation that will be followed by a webinar on December 17, 2020. OPCA will also provide an overview of what is currently being trained for a new probation officer's in their Fundamentals of Probation Practice training. There is a new module in FPP that includes four hours of SOGIE (Sexual Orientation Gender Identity and Expression) Training which is dedicated to understanding the history, terms, how to build engagement, effective communication, and also refer to appropriate services for individuals who ultimately LGBTQ&C (Lesbian, Gay, Bi-sexual, Gender non-conforming, and Trans-Gender). Gary Govel from Adult Operations Unit will also be a co-presenter in this webinar. Time will be set aside during the webinar for questions.

Teresa Scanu-Hansen – Youth Assessment Screening Instrument (YASI) Validation

It's been a number of years since New York State had validated the YASI. In 2018, the DCJS' Office of Justice Research and Performance (OJRP) again began the effort to review this instrument, capitalizing on the momentum of Raise the Age, and looking the instrument cut-points which are where the scoring thresholds are set for low, medium and high results. Our goal has been to ensure that we are aligning scoring outcomes and equitability for all youth served by the probation departments. DCJS worked extensively with the instrument author, Orbis Partners, to make the changes. Deputy Commissioners Maccarone and Terry Salo led a webinar in September of 2019, providing details on this project to the probation field and cut-points adjustments became effective October 10, 2019. Now DCJS has a year of data that OJRP has been reviewing and interpreting. Ms. Scanu-Hansen advised that DCJS does anticipate sharing those finding with the fields but wanted to express appreciation for the feedback that DCJS has been receiving over this past year from probation administrators and probation professional staff.

Ms. Scanu-Hansen advised that OPCA suspended the collaborative casework coach training conducted by Orbis Partners in early March 2020 due to the COVID-19 outbreak. However, OPCA has begun working with Orbis to reconnect with those coaches within individual counties and is looking forward to reconvening this training. The advanced skills in youth assessment screening and effective case planning learned by the coaches during this training will be used to help improve probation officers skills from within the probation departments.

Michele Clarke - Vocational Services-SUNY EOC/ATTAIN Lab Webinar:

On October 30, 2020, the Vocational Educational/Employment Re-Entry (VER) Unit delivered a webinar in partnership with the State University of New York (SUNY) on the topic of Educational Opportunity Center (EOC) and Attain Lab resources available to all individuals in New York State and over 200 individuals attended this webinar. There are 10 EOC's and two career counseling/outreach centers across New York State as well as 35 cxAttain Labs. Ms. Clarke indicated that the EOC's have helped urban communities by bringing in innovative and exciting academic programs which have aided individuals in accepting higher education and vocational training. The Attain Labs provide training programs to provide contemporary skills in the use of Microsoft Word, Excel, PowerPoint, and Outlook. They also assist with individuals getting their high school equivalency diploma; help prepare them for college, and/or prepared them for career opportunities. In advance of this webinar, the VER Unit surveyed probation departments, Alternative to Incarceration programs, County Re-Entry Task Forces to gauge their familiarity with these resources. The unit learned that the vast majority of probation department or program staff did not know of the EOC and Attain Lab services. Thirty-five percent of those who participated in the webinar responded to a post webinar survey and the majority had learned that the programs at EOC and Attain Labs are free to the public and how to access and contact them for their clients. The webinar attendees also indicated that through hearing success stories they learned these programs were hugely transformative to the former program graduates. They also recognized that EOC's and

Attain Labs were an on-ramp for formerly incarcerated individuals which helped them to learn career and essential life skills. We encouraged probation department and program staff to look at the abundance of resources that are available for youth as well as adults in the EOC and Attain Labs.

Ms. Clarke also mentioned the VER unit has developed a Google web-based resource map which contains almost 500 pins or locations of various vocational, educational, employment and advocacy programs and services throughout New York State. This project began with DCJS implementation of Raise the Age law with the goal of identifying services available for youth. It grew beyond this initial goal to include services that may be helpful to adult populations as well. This interactive map is designed to support outreach and referrals for Probation Departments, ATI, Community Corrections Program and Re-Entry Task Force clients. When a map user clicks on a pin, each pin provides the address and location of the service, as well as the contact information in order to facilitate the connection of the client to services such as: mentoring, DOL career centers, high school equivalency programs, EOC's, Access VR, as well as many other services. There is an upcoming webinar on this resource map and training announcements have been sent to all probation departments and ATI programs.

Frank Cangiano - Virtual OWDS Training:

Mr. Cangiano provided a brief overview of OPCA's upcoming virtual, three-week Offender Workforce Development Specialist Training (OWDS) which is starting in December 2020 and ending in March 2021. We worked really hard with OPCA's contractor instructors for this training over the last four months to transition it from an in-person into a virtual training with shorter sessions. At this time, OPCA is in the process of selecting the applicants from those that applied to attend and will be sending out acceptance letters soon.

Matthew Charton - Interstate Matters:

The Interstate Commission for Adult Offender Supervision (ICAOS) intends to develop a national rule that will standardize the timeframe for warrants to be issued on interstate violations of supervision requirements. ICAOS had conducted an informal audit of all states which looked at the time frame that it took for states to have warrants issued and uploaded into the National Crime Information Center system. After receiving feedback, OPCA's Interstate Compact Unit worked with the New York City Department of Probation and the Office of Court Administration to develop a protocol that all probation departments can use to meet the timeframes that are currently found in the rules and as well as the anticipated implementation of a 15 business days national standard for the issuance of warrants. The Interstate Compact Unit also developed three distinctive ICAOS Warrant face-sheets which NYC and other probation departments will attach to the top of each violation of probation for interstate compact matters.

The second item Mr. Charton addressed was a reminder that in 2017 the Interstate Commission passed Rule 5.101-2, which would allow the sentencing court in the sending state (e.g. New York State) to recognize and credit the period of incarceration a probationer has served for committing a new crime in another state. This would be done in satisfaction of any new/additional sentence the sending state would impose for the violation of probation supervision (new arrest/conviction). The Rule requires the probationer to be afforded a probable cause hearing in the receiving state prior to being returned to the sending state for violation of probation proceedings. The probationer may waive the probable cause hearing in the receiving state and benefit from the credit provided by the court in the sending state. The Interstate Unit developed a standardized waiver form for probation departments and the sentencing court to utilize. The violation waiver form would be reviewed by the probationer upon advice of counsel in the supervising state. If approved by the sentencing court in the sending state, the probation of violation matter would be closed and alleviate the costly retaking.

DCJS Commissioner Mike Green:

Commissioner Green addressed the Probation Commission and attendees acknowledging the difficulties encountered across the state with this challenging year due to COVID. He expressed his appreciation for all of the efforts of the probation departments and indicated that DCJS is pleased to partner with them all. He wished everyone a safe and happy holiday.

Deputy Commissioner Maccarone took the opportunity to recognize OPCA Executive Deputy Director John Adams, who is retiring in late December, and thanked him for his hard work and professionalism over the years in advancing the practice of probation in New York State. The Deputy Commissioner said that we will miss John, but we wish John and his wife Amy, a long and happy retirement. He also advised that NYSCOPA will be honoring John on December 10, 2020.

Commissioner Green stated that John has been a great member of our DCJS team. He was a great asset and will be missed. He wished him all the best in his retirement.

Executive Deputy Director Adams thanked Commissioner Green, Deputy Commissioner Maccarone, the Probation Commission and all OPCA staff for their kind words, their encouragement and support during his career at DCJS.

Meeting adjourned 12:34pm

Next meeting will be held Tuesday, April 20, 2021