

NEW YORK STATE
PROBATION COMMISSION MEETING
Alfred E. Smith Building
Albany, NY 12210
November 17, 2022

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

Members Present: Robert M. Maccarone, Deputy Commissioner and Director –
DCJS - OPCA
Rocco Pozzi, Commissioner Westchester County Department
Probation
Anthony Perri, Counsel to Chief Administrative Judge Lawrence
Marks, NYS Office of Court Administration
Jeffrey Butts, Ph.D, John Jay School of Criminal Justice, CUNY
MaryEllen Still, Dutchess County Probation Director
Joseph Wargo, Jefferson County Probation Supervisor

DCJS Staff Present: Joseph Popcun, Executive Deputy Commissioner, DCJS
Matthew Charton, Assistant Director, DCJS-OPCA
Gary Govel, Assistant Director, DCJS-OPCA
Patricia Clements, Training Unit Director, DCJS-OPCA
Gary Govel, Assistant Director, DCJS-OPCA
Teresa Scanu-Hansen, Juvenile Probation Operations Unit Mgr.
DCJS- OPCA
Kimberly Schiavone, Criminal Justice Program Rep 4. DCJS-
OPCA
Nicole Aldi, Alternatives to Incarceration Unit Manager, DCJS-
OPCA

Special Guests: Gladys Larson: President of NYSPOA
Luci Taylor-Welch: President of NYSCOPA

Welcome and Introductions:

Deputy Commissioner and Director Robert Maccarone welcomed the members of the NYS Probation Commission and asked Executive Deputy Commissioner Joseph Popcun for any remarks. Executive Deputy Commissioner Joseph Popcun thanked everyone on the NYS Probation Commission for their extensive work on gun violence and violent crime. He noted that Probation plays a critical role in keeping the

communities they serve safe. On behalf of Commissioner Rosado, Executive Deputy Commissioner Joseph Popcun thanked Probation and DCJS again.

DC Maccarone thanked Joe Popcun for his remarks.

DC Maccarone next welcomed Counsel Anthony Perri. Anthony Perri echoed Joseph Popcun's sentiments regarding the importance of probation after a sentence is imposed for individuals who qualify for non-incarceration sentences, and the critical role in many jurisdictions that probation is playing in providing Pre-Trial Services and helping ensure courts can ensure justice involved individuals return to court, and to offer them beneficial services regardless of the outcome of the criminal matter. Bob recognized the Office of Court Administration for their help with developing the Uniform Restitution Form and Civil Order Judgement.

DC Maccarone then had DCJS Staff introduce themselves and acknowledged that Commissioner Rosado has appointed Gary Govel and Matt Charton as Assistant Directors of OPCA. Matthew Charton will be overseeing the Interstate, ATI, and VER Units; and Gary Govel the Adult and Juvenile Probation Operations Units, and Training Unit.

DC Maccarone asked for a motion to approve the Probation Commission meeting minutes from May 26, 2022. Joseph Wargo made the first motion. Rocco Pozzi made the second motion. The motion carried.

Probation Technology Updates

Mr. Maccarone stated that Automon is working steadily on the application –the implementation of the CHRI--Caseload Explorer Integration. All Probation Departments will be able to download legal history of individuals who require a court ordered investigation. This will be a significant time saver for probation officers. The application should be complete by mid December 2022. He also explained that Probation Directors must submit an ITS Ticket to notify Automon of any issues, and IT Departments must also be informed that Automon software will be implemented. Probation Officers will need to prepare PSI reports carefully, comparing the RAP sheet with the legal history that has been downloaded into the PSI Template. Only the counties using the statewide PSI Template will have the Automon software installed.

Also, CE Assessments was implemented on October 1, 2022. CE Assessments provides automated access to assessment instruments that probation officers use routinely, including – Massachusetts Screening Instrument, the Rapid Instrument, DVSI-

R Screening Instrument.

CE Programs will be effective December 1, 2022. All counties receiving state aid through RTA must load all juvenile services into CE Programs in order for DCJS to evaluate the effectiveness of the interventions being given. It will be linked to CE, allowing probation officers to be notified when a person is enrolled in or completes a treatment program. The service agencies in the community will also be able to enter updates into the CE programs. Seventeen (17) probation departments have uploaded their services thus far. Teresa stated that Automon will be providing training.

CE Enhancements including Financials - Automon is developing enhancements for the Caseload Explorer Functions. There will be three varieties which will occur in January 2023.

CE Planning will be the fourth application in the CE Suite.

DC Maccarone gave a brief update on COMPAS-R, stating that the next version of COMPAS, COMPAS-R is being examined. COMPAS-R is transparent but will be similar to the COMPAS instrument. The COMPAS-R will be able to automate the client questionnaire as well.

There were no questions regarding the technology initiative.

Probation & Pre-Trial Services Discussion

DC Maccarone called upon Nicole Aldi to lead the Pre-Trial discussion. Nicole stated that DCJS distributed \$20 million in state aid to Pre-Trial agencies for the continuum of services, and by 10/31/22, all counties had received a portion of the state aid. This money is to be utilized to assist probation and pre-trial services agencies provide services. Nicole stated that there was a conversation between program directors and COPA regarding ways to utilize this money, as each individual pre-trial agency has their own needs. DC Maccarone said that paramount to this discussion is flexibility.

Anthony Perri asked is this state aid can be used to free up general funds rather than increasing the budget of a certain probation agency or pre-trial agency. Nicole stated that this is an award as opposed to a contract, so there is no requirement for a financial report to show how it is being utilized.

Mary Ellen Still stated that it would be beneficial to Pre-Trial programs to adopt new practices and procedures as changes come about such as bail reform.

Commissioner Pozzi stated that a group should be convened within the probation community to establish uniformity throughout pre-trial programs. He then stated that Westchester County is working with a new agency, and they are still very early on. DC Maccarone then asked Comm. Pozzi if Westchester County is still seeing the courts ordering GPS as a conditional release under supervision, to which Comm. Pozzi stated they are getting it, and it is starting to increase.

COPA President Luci Taylor Welch agreed with Commissioner Pozzi and Mary Ellen Still's sentiments regarding changes to the pre-trial programs. DC Maccarone asked Director Welch what they are seeing in pre-trial release under supervision in Orleans Co, to which she said they have minimal cases at this time. She stated that constant contact seems to be beneficial in making sure individuals on probation attend court dates and/or programs.

NYSPOA President Gladys Larson stated that the POA are getting the sense that pre-trial services are increasing, and the orders are varying drastically. Many are clear; however, some are not. She stated that in Tompkins County, they have various types of pre-trial services such as electronic monitoring, a probation assistant who handles basic pre-trial services, and most recently, pre-trial services for people with domestic violence charges. She stated uniformity across the board has to come from the courts.

Mary Ellen still commented that the use of check-ins for the pre-trial programs has been beneficial, especially in the larger counties.

DC Maccarone asked Anthony Perri if he had any other comments regarding the pre-trial discussion, to which Anthony stated that the level of services provided is unique to each county. Courts must be aware of the resources that their counties are able to provide, and that the Judges expectations align with the resources available.

Joe Wargo commented that developing a workgroup would be beneficial. He stated that at the last commission meeting, there was a concern brought up regarding paperwork being misplaced. Anthony Perri stated that although this has been an ongoing issue, there have been no new complaints or concerns.

DCJS Regulations Update

Part 349 – Proposed changes to Interstate/Intrastate Transfer, and part 357 – Persons in Need of Supervision have gone forward and will be published in the State Register.

Part 356 – Teresa Scanu-Hansen commented that a Draft Version of Part 356 was released to Probation Directors on 10/31, and comments are expected to close by mid December 2022. She stated some edits were made to part 356 to align with changes to the NYS law, primarily, Raising the lower age of Juvenile Delinquency, Redefining Juvenile Delinquency.

Program Updates

Patty Clements stated that the Basic Course for Peace Officers (BCPO) will take effect January 1, 2023. She also commented that the New York Probation Academy Directors (NYPAD) had their first forum in August. NYPAD has two goals: to establish a set of uniform power point slides and materials to use to offset the police heavy curriculum and ensure the training is Probation oriented, and to continue to use the Fundamentals curriculum. Patty stated that necessary edits had to be made to the Fundamentals of Probation Practice (FPP) curriculum, mainly removing the peace officer components.

Assistant Director Gary Govel commented, regarding the Financial Obligations Workgroup, that OCA staff has developed a uniform restitution order will provide standardization throughout the counties. A Standardized Affidavit for the restitution surcharge has also been created. The workgroup will also be looking at legal questions that have been presented in past years.

Teresa Scanu-Hansen reported that the Juvenile Probation Operations team provides daily technical assistant to probation jurisdictions. The Juvenile Operations team has also started The Collaborative Caseworks Training Series, which will hold a series of trainings for a more managerial perspective. In Spring 2023, YASI Coach Development will take place. Teresa commented that the coaching is important for sustaining a level of knowledge when refresher trainings are not available. The coaches have an advanced skill set and are regularly available daily.

Mary Ellen Still stated that several conversations have taken place between Dutchess County Probation and DSS for a smooth transition to implement Raising the Lower Age.

Commissioner Pozzi stated that he has not received anything from DSS yet. He is unsure of if the Police know about the upcoming changes regarding RTLA.

Joe Wargo commented that he met with local school resource officers to let them know about the upcoming changes. He stated that Jefferson County is meeting with DSS to go over differential response programs. Joe Wargo had a concern regarding sex offenses and spoke on a current case in his county that these changes would effect, had they been implemented sooner.

Gladys Larson stated that many of the concerns brought up echo Joe Wargo's sentiments about sex offenses. She also stated that there is concern that DSS will struggle with Raising the Lower Age. He suggested that amendment to the law may need to be considered. Director Maccarone requested that he send an email to him regarding this case, so that it can be forwarded to DCJS Executives, including Counsel.

Nicole Aldi stated that award letters went out, and 45 programs across NYS were awarded \$16 million under the Alternatives to Incarceration Jail Based Cognitive Behavioral Intervention RFP.

A.D. Matt Charton commented on the ICAOS Annual Business Meeting that was held September 26-28, 2022. States and Territories gather annually to discuss interstate business. Matt stated that the three main important points from the ICAOS meeting were the Victim Impact Panel, the University of Cincinnati Correctional Institute Interstate Compact Study, and the vote to increase state/territory dues.

Hearing no other business, the meeting was called to closure.

The next meeting of the NY Probation Commission will be May 23, 2023.

Respectfully submitted,

Allison Motta

12/1/2022