

NEW YORK STATE
PROBATION COMMISSION MEETING

This meeting was conducted virtually via Cisco Webex on July 21, 2020.

Minutes of July 21, 2020 Meeting

Members Present: Robert M. Maccarone, Deputy Commissioner and Director – OPCA
Rocco Pozzi, Commissioner Westchester County Department of Probation
Linda Shields, Community Member, Retired Probation Director
Andrew Sicherman, Community Member, Retired Commissioner

Members Not Present: Wayne D’Arcy, Retired Probation Supervisor
Anthony Perri, Counsel to Chief Administrative Judge Lawrence Marks

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

This meeting was conducted via Cisco Web

Welcome and Introductions:

Robert Maccarone welcomed the members of the NYS Probation Commission as well as our 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 also invited to 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 November 12, 2019 Probation Commission were approved.

Update on COVID-19

Executive Deputy Director John Adams addressed item number four of the agenda today which is an update on the COVID-19 pandemic. It had been four months ago, that New York State began to be in a COVID-19 emergency; in response, OPCA very quickly recognized and addressed the impact upon the probation field. On March 16, 2020, Deputy Commissioner and Director Maccarone issued State Directors Memorandum #2020-3, which provided emergency probation procedures. It empowered probation directors to determine, in cooperation with their chief elected officials and chief medical

officers, the best way to proceed with ensuring contact with probation and individuals under supervision and protecting their health.

On April 4th 2020, OPCA issued State Directors Memorandum #2020-4, providing guidance to probation and conditional discharge Ignition Interlock Device monitors regarding the relaxation of in-person monthly service visits. It was indicated that monitors and probation departments did a great job responding to the health emergency.

Deputy Commissioner and Director Maccarone asked Commissioner Pozzi for his thoughts regarding the impact of COVID-19 upon his department.

Commissioner Pozzi reported that his office is back at full schedule. Most of the probation officers are physically within the department at 50%. They are waiting for the arrival and installation of plexi-glass dividers to be installed in the interviewing rooms. Probation officers are thriving in this new norm without missing a beat. He indicated further, that he is very proud of the probation officers and the work that they have been doing during this very difficult time.

In terms of managing Family Court Intake matters, Commissioner Pozzi reported that they have not skipped a beat when it comes to intakes and Family Offenses. The probation officers have been supervising youths, whether they were on probation or doing adjustments, and they were superb in getting youths to resources and getting them involved in activities that allowed us to get cases adjusted. He advised both Yonkers and New Rochelle were shut down and everything was being done through the White Plains Office. The probation officers continued to provide the same level of services that we were always able to provide.

Deputy Commissioner and Director Maccarone also asked if Commissioner Pozzi could comment on some of the challenges that the Woodfield secure detention center faced during COVID-19. Commissioner Pozzi responded that Woodfield Cottage serves a regional area for detention and he indicated there were some issues. They had an outbreak (Staff person) very early on in March. The staff person worked two shifts and some overtime. He was later tested positive for COVID-19 and had been in contact with almost the entire workforce. Woodfield had close to 50 individuals who were unable to come to work. Children's Village stepped up to the plate. We were able to separate youth who tested positive for COVID and they were able to maintain control of the facility even during these difficult times. Commissioner Pozzi stated that they got through it, and are now back to full-time programming.

Linda Shields stated that she had reviewed and was impressed by the early guidance provided in the DCJS OPCA State Director's Memorandum #2020-3 to probation directors. Ms. Shields indicated that she had a few questions - what has been the impact of COVID-19 on DNA collection, treatment, and early discharges; and also, has there been any increase in domestic violence? Deputy Commissioner and Director Maccarone replied that these are all good questions, and he indicated that he will give today's guests - Steve Bayle and Gladys Larson an opportunity to respond to the questions. Regarding the question concerning domestic violence, Deputy Commissioner Maccarone mentioned that Kelli Owens, who is the Executive Director of the Office for the Prevention of Domestic Violence, and Governor Cuomo are working closely on issues with respect to Domestic Violence. He further indicated that states have seen an increase in domestic violence and they are taking action to address.

CE Check-In-John Adams:

Executive Deputy Director Adams advised that Ce Check-In is a web-based application that allows probationers to maintain contact with their probation officers through their computer or web-enabled smart phone. Ce Check-In has the ability to capture a photo of the probationer when reporting. There are a series of questions that the probationer has to answer and report in on. Importantly, this was a joint effort with NYS DCJS, and the probation community at large. The CE workgroup came together to develop a uniform series of questions that all probationers would be asked to answer through this mechanism. DCJS provided the funding for Ce Check-In and the service commenced on March 31, 2020 and was rolled out statewide to all departments with the Caseload Explorer case management system. This has been a very effective tool for probation officers. CE Check-in sends out reminders to probationers reminding them to report. For April, May and June there were over 64,000 web Check-In reports; 80,000 text reminders sent out; 62,000 email reminders sent out; and 51,000 text messages from probationers to their probation officers. Therefore, it is clearly a very effective method for probation departments during the COVID-19 outbreak and serves as a reminder to probationers that they are under supervision.

Steve Bayle: President of the NYS Council of Probation Administrators and Probation Director of Saratoga County:

NYS COPA President Bayle stated that directors across the state have a very complex job, then enters COVID-19 and turned everything around; "We learned on a local level that we were going to have to make some changes on the way we did business." In a very short period of time, probation departments went from being fully staffed to skeleton crews and then down to not working in the office anymore. Probation directors all had questions as to what was going to be expected of us as far as meeting our obligations, supervision rules and other regulations. He stated that the probation directors are very thankful for DCJS OPCA issuing State Directors Memorandum #2020-3. It provided guidance that helped probation departments move in the right direction and he indicated that the probation directors appreciated that. President Bayle advised that all the directors were faced with their normal obligations within the office, and they also received directions from many different agencies, local courts, police, public health, national and state regulations, while having concerns about their own health and families. He said that it was very scary to probation staff. He mentioned that resources across the state were varied, in terms of what people could do to respond to the crisis; some probation department staff went right from the office to the field because they had those resources in place. Some took longer than others, and some still have not done so as of yet. COPA President Bayle indicated there have been a lot of challenges along the way; counties were taking a look at the financial impact of all of this and implemented furloughs in some areas. Not everyone was affected by that, but everyone was certainly affected by the possibility of that happening, and this created some stress for probation directors. What he has heard from directors across New York State is that, "we have kept business going, probation has been responsive. Probation is the hub of the criminal justice system, and it has never been more apparent than during the last few months." He commended everyone across New York State for their hard work and dedication in continuing to get the job done and trying to maintain public safety to the extent that they can. As far as the DNA collection and drug testing across the board, the probation departments have mostly discontinued that in favor of not having exposure to bodily fluids during this time and indicated that continues now for some departments. He advised there has been an uptick in domestic locally and across the state.

COPA President Bayle indicated that the supervision caseloads within probation departments are not increasing because the bulk of the courts are not in session. Locally, probation departments have asked for early discharges along the way. In terms of pre-trial services, he said they have not seen an increase

in those numbers because the lower courts are not in session. Regarding pre-sentence investigations, the numbers were down at the beginning of the year before COVID started, but certainly since it started, the volume of investigations were very low compared to normal circumstances. COPA President Bayle concluded with advising that probation departments are getting ready for a second wave, and when and if it happens, we want to be ready to work remotely.

Gladys Larson, President of NYS Probation Officers Association:

NYS Probation Officers Association President Gladys Larson stated that she has had the opportunity not only to talk about the challenges the COVID has presented to probation officers, but also to talk about the great things that probation officers have been doing during this very difficult time. She said there have been several probation officers who have been assisting the community during this time such as delivering meals for *Meals-On-Wheels*, and several have become contact tracers for the New York State. I applaud them for stepping out of their comfort zone and doing something different to help their community. As for challenges, she advised no department is at the same place or operating at the same pace indicating that there are some departments where officers are only coming into the office once or twice a week and doing work from home; and some departments are back in the office seeing clients and high-risk offenders, doing home visits. The main challenge that they are now seeing as probation officers get back into doing probation work is regaining some control over their caseload and the work. With the inability to effectively supervise, probation officers are finding it hard to reign probationers back in and get them back on track with checking in and following through with services. Another big concern and challenge is that while probation officers are still working, the courts are not necessarily operating which makes it difficult for them to do their jobs. There is paperwork that has been filed for three months and unfortunately has not gone anywhere. There is concern that by the time things are addressed, people would have forgotten about what happened. Some probation departments are concerned that not everyone is taking COVID seriously and wearing mask which puts everyone else at risk. The biggest concern of all is financial; there have been financial impacts across the state already with employees being furloughed, and she stated that does not give people a lot of hope for next year's budget. NYS POA President Larson said, "We are doing the same job with less money, fewer staff and that's definitely causing a lot of strain and stress on people. We are reminding people to use peer support and that it's available to utilize. Overall, for the most part, everyone continues to have a positive outlook. This pandemic has forced them to remember why they got into this profession, and to trust their instinct, and really re-connect with the people that are working with to maintain some kind of connection and support." She stated that in her own county, Tompkins County, most of their services are closed down and the probation officers were "the lifeline" to most of their struggling clients. She mentioned that she did not think that they were the only department where the probation officer was the probationer's lifeline to sobriety. NYS COPA President Larson concluded with, "It's important that we remember to treat each other with respect, because there is a lot of people who are scared at this time."

Deputy Commissioner and Director Maccarone thanked both Steve Bayle and Gladys Larson for their presentations today indicating that the information they both provided was very insightful.

Executive Deputy Director Adams stated that OPCA Staff have been telecommuting since mid-March 2020 and it looked like telecommuting will continue until early October; depending on how things go. He indicated that all of the staff and managers at OPCA have been working hard getting equipment and phones in place, working very hard to keep the mission of OPCA and DCJS going forward. He

then introduced each of the OPCA managers below to discuss how COVID-19 impacted the office and the efforts take to support probation departments.

Gary Govel - Manager Adult Probation Operations Unit:

Gary Govel discussed that the staff have had to adjust to do things remotely, whether it was providing training or quality assurance visits. All of our units and staff reviewing and responding to directors about Annual Plans. Our impaired driving staff coordinated with OASIS, a training where approximately 500 people logged into this training. Some of the trainings that we planned to do in person regionally. Ignition Interlock, and Impaired Driving, we will be doing remotely. There will be additional announcements coming out regarding these trainings. Critical Incidents will be moved towards doing these remotely with staff, as well as quality assurance and technical assistance. Just a quick comment on Linda Shields questions. Statistics for the number of new Probation court cases entered into IPRIS on a monthly basis, per COVID-19, January 2020 approximately 2500 new cases entered, in March 2020 just over 1,000, April 2020 42 new probation cases entered into IPRIS statewide and in May 2020 there were 70 cases. There was a significant impact that COVID-19 has had on the number of probation sentences. DNA, this report is available on the NYS e-justice portal. Pre COVID-19, January 2020 approximately 1,000 samples were collected. April 2020, 18 samples collected.

Kelly Palmateer-Interstate Compact Unit

Kelly is stepping in for Matthew Charton, while he is on leave. Kelly reported that the Interstate Compact for Adult Supervision Commission and Interstate Commission for Juveniles have addressed the COVID-19 crisis. The Interstate Commission for Adult Offender Supervision met on April 21, 2020, and the Interstate Compact for Juveniles met on April 23, 2020. Both endorsed relaxing *enforcement of time frames* with various Interstate rules; however, their rules are still in effect and every State is expected to follow those rules during these times. Counties are working differently in meeting the 30-day-time frame. The Interstate Unit continues to manage Interstate cases remotely. There has been no interruption of services, we have access to ICOTS, IJ Portal and shared drives, so we are able to work from home the same as if we were in the office. We have reached out to each of the probation designees to check in and ask if they need any assistance. We have provided them with contact information for us as we are working remotely. We have worked with other contact States to resolve conflicts that have risen from the COVID-19 restrictions. When Governor Cuomo issued Executive Order 205, we notified the national office and asked about the quarantine and travel advisory. We are notifying States as we receive cases and information of offenders traveling back to NY from those States that are on the travel advisory as individuals traveling from these states to New York need to quarantine.

Nicole: Manager of ATI Unit:

The ATI programs that we fund through DCJS have made a lot of changes during this new normal in taking care of the people they are serving. Some of the things that we have done through DCJS is provide informational exchanges on a monthly basis. We have also allowed for the jail- based cognitive programs to amend their contracts to change to a more flexible interactive journaling curriculum, which allows for a one to one conversation over the phone. The ATI unit has also been keeping up with the Bail Reform changes and with that we have updated the standardized milestone language in our pretrial services program. There are 43 pretrial service programs funded through our 13-A contracts, mostly

run by our probation departments. There are 5 pretrial services programs funded through our Recidivism and Incarceration Reduction program. The language in the contracts was updated to identify that it is the court that is screening and releasing the individuals based on Bail Reform and that programs are monitoring court-imposed conditions of supervision.

Teresa Scanu-Hansen-- Manager of Juvenile Operations Unit:

Teresa reported a series of webinars related to data entry and juvenile best practice topics. On May 28th we began one of seven webinars that will wrap up at the end of August. The webinars are designed to improve both probation practice and data quality. In late 2019, DCJS contracted with Orbis Partners to present training with probation staff in the collaborative case works model, which is really an engagement strategy that builds officer skill from assessment through case planning. We began coaches training in early 2020 and were able to complete two of eight regional trainings in January and February, before we were interrupted by COVID-19 pandemic; there are six trainings remaining.

In early April, DCJS sent out a reminder to departments that there was an opportunity to participate in YASI e-training. DCJS issued 65 new YASI e-training accounts in a four-month period. Departments have been able to take advantage of that opportunity.

On March 12, 2020, State Directors Memorandum # 2020-2 announced the implementation of mental health screening at JD adjustments, effective April 1. The COVID-19 pandemic interrupted implementation and we have been asked by some departments to provide additional support for that. We have been working with those probation departments that have successfully implemented mental health screening, utilizing the MAYSI-2, and expect to provide additional support in August. The PINS plans are contained within the OCFS Child and Family Services Plan, and that submission deadline has been extended to July 1. Most of all the departments have submitted the plans and Ian Grugan from our unit have been reaching out to any probation department that may need assistance.

Patricia Clements-Manager of Training Unit

One of our biggest challenges is how we're are going to adjust the Fundamentals of Probation Practices Curriculum. The FPP training was interrupted in March, after completing only two weeks of the training. DCJS did issue guidance to departments relaxing the requirement for officers to complete the basic course-FPP—within six months of hire, and it will be following up with departments to provide that training in a virtual environment. It's a large undertaking, and we were very deliberate in trying to make sure we adhered to adult learning principals, that we had everything that we needed to transmit to officers in the field in terms of best practices. If you include the officer safety and survival training, in that three and half weeks of FPP, we have about 103 in person training hours. Right now, my team and I have been working to review each module to ensure we do not lose the integrity and learning principals. We have just over ninety-three 90-minute online segments to deliver the training in a manner realistic as possible. I believe that the training world is going to be affected for the long term and that the days of in-person training are limited. We are doing our best to make sure that the quality that we are delivering in person is still delivered in a virtual setting. We expect to work with probation directors and ensure the probation officers whose training was interrupted can complete the training in October-November of this year. We have been very focused on FPP, but we also have been working with our vendors to try to convert all in-person training to virtual training.

Michele Clarke-Manager of VER Unit:

The Vocation, Employment and Re-entry Unit has conducted several informational exchanges, via Webex, with the Employment Focus Services Programs and the 20 County Re-Entry task forces since March 2020. What we've learned is that program staff have continued to work remotely and are using social distancing protocols to continue to provide services to the individuals they serve. DCJS has also conducted a series of informational webinars with the programs to introduce them to different types of video platforms that are available. We have also seen a strong interest by these programs in developing protocols to deliver cognitive behavioral intervention and employment readiness training such as the Offender Workforce Development Specialist –*Ready, Set, Work!* and Cognitive Behavioral Employment (CBE) on virtual platforms like Zoom and Skype.

OPCA has continued to work with our finding office—OPDF to modify program metrics as a result of COVID-19. The OWDS program that the VER Unit oversees through Frank Cangiano, is working very hard with the National Career Development Association, as well as other OWDS trainers across the State, to deliver the OWDS training remotely. This is not an easy task. There is great interest from the community to have their staff trained in OWDS. The VER Unit is also working with the SUNY Educational Opportunity Centers (EOC) and plan to do conduct a webinar for Probation Departments, as well as ATI and Employment Services Programs, and County Re-entry Task Forces so they can learn of the vocational and educational resources available to justice involved individuals.

John thanked all the manager and unit representatives that spoke on behalf of OPCA

Bob stated that he is very proud of the fact that New York never stopped accepting transfers and allowing individuals to return to their homes. We did so deliberately; other States did not and placed restrictions on individuals transferring and returning to their homes. New York never took that position because we recognized that people who are returning to their homes and communities were probably safer from COVID virus than any shelter or temporary housing.

Status of Regulations:

Part 357 intake for PINS: Teresa

DCJS Office of Legal Services has submitted this to the Chamber/Division of the Budget Rule Making Group and we are awaiting approval to proceed to public rule making.

Part 364 local conditional release condition: Gary Govel

There was a revision to the penal law a year and a half ago, regarding the eliminating the gravity knives included in the definition of a deadly weapon. It was referred to in the local conditional release regulation. DCJS made a recommended revision to amend the regulatory language and make it consistent with recent statutory changes. DCJS did receive back public comment from the Assembly and is working with OLS to address any concerns.

Part 349 Interstate transfer Probation Supervision for Adult and Juveniles-John Adams

OPCA has convened a probation practitioner workgroup to address its regulation concerning the intrastate transfer of probationers. At this time there, is a workgroup underway consisting of 13 Probation Departments personnel, OPCA and Office of Legal Service representatives. The workgroup

has met 10 times to review the regulation that governs intrastate transfer of probationers. The time frame receiving counties have to investigate and respond to transfers request is under consideration and ensuring both sending and receiving probation directors are advised and become actively involved. A draft has been completed and is within OPCA/DCJS for internal review. Once the draft has been finalized it will be shared with the workgroup and Probation Departments as we go forth in the process.

The next Meeting of the NYS Probation Commission is scheduled for November 10, 2020 at 10am.

Motion made by Commissioner Pozzi to close the meeting.