

NEW YORK STATE
PROBATION COMMISSION MEETING

Minutes of November 12, 2019 Meeting

Members: Robert Maccarone, Deputy Commissioner and Director-OPCA
Paul McDonnell, Counsel to Chief Administrative Judge Lawrence Marks
Linda Shields, Community Member, Retired Probation Director
Rocco Pozzi, Commissioner Westchester County Probation
Andrew Sicherman, Commissioner Onondaga County Probation

Members Not Present: Wayne D'Arcy

DCJS Staff Present: John H. Adams, Executive Deputy Commissioner, OPCA
LaTrenda Buchanon, Executive Secretary, OPCA
Matthew Charton, Interstate Compact Unit Manager, OPCA
Patty Clements, Training Unit Director, OPCA
Gary Govel, Adult Operations Unit Manager, OPCA
Teresa Scanu-Hansen, Community Correction Rep 3, Juvenile Unit, OPCA
Kimberly Schiavone, Criminal Justice Prog. Rep. 4, OPCA
Jennifer Cox, Community Correction Rep 2, OPCA
Lisa Karam, Community Correction Rep 2, Juvenile Unit, OPCA
David Lewis, Community Correction Rep 2, Adult Operations, OPCA
Michele Melendez-McKearin, Correction Rep 2, Adult Operations, OPCA
Leonard Price, Community Correction Rep 2, OPCA
Daniel Robertello, Community Correction Rep 2, Training Unit, OPCA
Alden Saddlemire, Community Correction Rep 2, OPCA
Colleen Thorn, Community Correction Rep 2, Adult Operations, OPCA

Welcome and Introductions

Robert Maccarone welcomed the members of the NYS Probation Commission and asked them and various probation directors and staff to introduce themselves. He then asked members of the Commission to review the minutes of May 22, 2019 meeting. Commissioner Rocco Pozzi made a motion to accept the minutes; Commissioner Andrew Sicherman seconded the motion; and the minutes of the May 22, 2019 Probation Commission were approved.

Robert Maccarone asked the members of the Commission to review the Agenda for today's meeting. Robert Maccarone indicated his appreciation to Commission members for their flexibility.

Nicole Aldi: New Manager of ATI Unit

Nicole stated that DCJS is currently working on language to present to repeal and replace NYS Executive Article 13A language from 1984. The proposed revisions include incorporating additional criminogenic need areas to review for programming instead of just focusing on Drug and Alcohol areas as the 1984 law identified. This proposal allows for more flexibility in the program proposals that 13A funding can support. ATI Advisory Boards are still a requirement for the proposed 13A revision. Bail Reform was a primary catalyst in reviewing and proposing changes to Article 13A Legislation.

Automation Project—John Adams

John reported that it is important to have the CE case plan for New York State. Feedback is essential from counties. There will be separate case plans for adults and juveniles. The uniform case plan has been branded as the MAP—My Action Plan. The language for the Juvenile Case Plan was changed for youth to better understand.

Regarding Ce Sync and the quality and accuracy of data elements, we will begin to look at areas of training for probation departments. CeSync is now working, and we are pulling data from 57 counties across the State. Our next focus will be on data quality and data accuracy and working with OJRP. Data quality reports will be generated by departments, which will allow Directors to look at the completeness of the data for their departments. We will be doing a training in the future to walk probation departments through this process.

John also reported that a unique part of Case planning is the Assessment Tools. We have reached out to Equivant, which developed the NorthPointe NYCOMPAS and Orbis Partners, which developed the YASI, to bring in risk and need scores into CE Planning so probation officers prioritize the needs in the planning instruments. Important to note that we are blending YASI case work with caseload explorer. CE Assessment will have MAYSI-2 and client trauma screening. CE Check-In will remain as it is today.

CE programs is a mechanism by which programs can be entered into a web-based product, we are looking into this as well.

John also reported an update on CE PINS Automation, there is new PINS rules and regulations coming out regarding screening for youth with sexual exploitation. We are updating caseload explorer to include recordings of whether the youth is a “stay away” or if they are sexually exploited child, or if the youth was referred to a safe house. All of these data elements are being added to CE. At a later date we will also rollout the update for the PINS Admissions report. We will also add the Rapid indicator Tool to the Ce Assessment Suite. This is a screening instrument to help determine if further assessment for possible sexual exploitation is needed.

CHRI auto loading to CE. This will be a function that will load criminal history records information into caseload explorer for preparing the pre-sentence investigation. This has been on hold since the Raise the Age but is now back on track.

Raise the Age Overview—Kimberly Schiavone

Kimberly stated that, we have 55 counties plans that have been approved. A total of \$ 34.1 million for probation has been approved for funding. Also, 194 probation officers have been supported with Raise the Age funding, and we have one county yet to be approved.

Commissioner Rocco Pozzi, thanked DCJS and OPCA staff for getting the plans approved quickly

Linda Shields stated that she is impressed at the amount of work that DCJS and OPCA has done. Linda also had a question regarding where things are in terms of police officer training?

Bob answered that DCJS Commissioner Mike Green has sent a memorandum out to all police agencies in New York State explaining the provisions of the Raise the Age Law. The DCJS Office of Public Safety has also worked on a new police officer training curriculum in recent months.

Adult Probation Operations—Gary Govel

Gary reported that through conversations with DCJS research, the topic came up whether there are other opportunities for sentence lengths to be reduced. There are questions regarding the application of the Court of Appeals decision (Zephrin), as well as how credit is calculated for Interim Supervision cases. Are they reflected in the pre-sentence investigation? And are they reflected in the right conditions that you send to court, or is it something that is adjusted afterwards? We will have a larger discussion with departments going forward.

Ignition Interlock Program—Leonard Price

Lenny reported that DCJS OPCA has implemented a quality assurance initiative with respect to the Interlock Ignition Program. OPCA Staff have been to every county except for thirteen, and visits are being planned for those remaining counties. The purpose of these meetings is to promote best practice for the Interlock Monitoring and to make sure the regulatory funding and agreements are being followed. A summary of the quality assurance reviews is sent to counties that they can use to conduct staff training. Common issues that we are seeing are the requirements provided in the funding agreement. Cases are not always being entered in the LENS system in a timely manner. Also, there are issues with undocumented people from different states. Some of the counties are confused as to what to do when an undocumented person is arrested. If an undocumented person is arrested in New York State, DMV will automatically give that person a nine-digit drivers licenses number if they do not have one. With that information, they can simply go into the TSLED report to get the number and enter it into the LENS system. DMV registration and title checks are not always being completed on non-installers. There also seems to be some confusion with the definition of ownership. As far as our DCJS Regulation (Part 358) and the NYS Vehicle and Traffic Law Section 128, ownership is any vehicle that is registered and/or titled. It is important that counties check both registration and title files. Junked vehicles have also been a problem. It appears in most cases junkyards that are accepting these cars are not following procedures of not updating the registry, which means the DMV system is not updated.

Driver Alcohol Detection System for Safety (DADSS) Vehicle and trainings—Michele Melendez-McKearin

Michele reported that the Driver Alcohol Detection System for Safety (DADSS) is a new system, which was demonstrated at this summer's Ignition Interlock Conference. The DADSS Vehicle was parked on the Empire State Plaza Concourse on the day of the conference and attracted the interest of conference participants as well as the public.

For the 2020 Enforcement Training Program, DCJS will be focusing on training probation departments on the operational factors identified in the quality assurance reviews undertaken by OPCA Staff in visiting departments.

Michele also reported on the Driver Restriction Electronic Notification Pilot Program that is being implemented with eight probation departments and the DMV. Through the pilot program, the certificate of completion is being sent to DMV so that the driver restriction (A4) can be removed from the probationer's driver's license file. This prevents the opportunity for fraud and streamlines procedures across the lines for IID.

Bob asked Michele, how many departments do we have included in the Pilot with DMV and how many electronic notices have they sent the implementation in November 2018?

Michele answered that the pilot program was commenced with Albany, Orange, and Monroe counties. Phase 2 of the pilot program included an additional five counties with a total of nearly 3000 certificates to date.

PINS Reform 2020 Effective 1/1/2020, Part 357 Revision—Lisa Karam

Lisa reported that in May of 2019, a statewide probation workgroup was formed to review changes in the PINS Law, effective January 1, 2020, and update Part 357 of DCJS Regulations. The workgroup was convened with representation from 11 different departments as well as representatives from the NYSPOA and NYSCOPA. The DCJS OPCA also invited representatives from OCFS to one meeting to discuss the impact of changes in law relating to the elimination of detention and placement. The workgroup concluded its work and the PINS Part 357 changes are currently being reviewed by DCJS OLS.

DCJS, in cooperation with OCFS, also conducted a webinar for probation and social services in August of 2019, with two additional training webinars planned for early December.

Juvenile Justice Probation Operations--Teresa Scanu-Hansen

Teresa reported that in addition to PINS reform in January, we also have some reforms in Juvenile Delinquency. A State Director's Memorandum was developed and sent out to all Probation Directors on November 4, addressing changes in the Family Court Act, Article 3, that will become effective December 12, 2019. The three amendments are:

- 1) Family Court Act, amendment three, section 308.1 sub-section 8, it expands the authority of probation in determining if cases are suitable for probation intake and services.
- 2) Family Court Act, 308.1 sub section-9 enlarges the initial adjustment period for Juvenile Delinquency Cases. What's currently two months with an extension, is being extended to three months with an extension for two months, so it is adding two months in the beginning.
- 3) Family Court Act Section 320.6 sub section 2, speaks to, once it moves into Family Court previously it was only at the petition's initial appearance in Family Court that Family Court could return a case to probation for adjustment services. The language is now, effective December 12th allows Family Court to return a case to Probation at any appearance.

Teresa also mentioned that DCJS continues to post data through the statistics page of the public website. On there you can find data with regards to what's happening in Youth Part. For the first year of Raise the Age we are seeing 80% of cases arraigned in the Youth Part removed to the Family Court System, with 81% of removals sent to probation.

Teresa also mentioned that her staff has grown, and we are waiting to hire a CCR-2 position as well as a CCR-1 position.

RFK Dutchess County Technical Assistance Grant—Ian Grugan

Ian reported that NYS and Dutchess County Probation were selected to participate in the national program on Probation Reform. The Dutchess County Department of Probation will receive 10 months of probation policy and practice review, as well as one year of technical assistance training.

Bob asked Ian if he knew what the other two jurisdictions were?

Ian answered, that in Phase one, Clarke County Nevada, Fairfax County Virginia, and Lancaster County, Nebraska were selected. In the current phase, Dutchess County, New York, Greene County Missouri, and King County, Washington were selected.

Training--Patricia Clements

Patricia reported that with the Orbis Partners contract providing for the update of the Fundamentals of Probation Practice curriculum, we are nearing the finish line. We have received all the of the edits and 5 of 6 of the modules are completed out of 25. They will start to build the PowerPoint slides of the materials in time for us to present to the Police Training Council on December 4th.

OPCA has added subject areas that were never included before, such as gender responsiveness, procedural justice, and Sexual Orientation Gender Identification Expression (SOGIE). The plan is to pilot the new revised curriculum in March of 2020. We also support six other probation academies, which will be delivering the new FPP curriculum at various times throughout 2020. Patty explained that the March training would also be video-taped for academy trainers to watch, if they are unable to attend specialized "Anchor Trainings" in January 2020.

YASI regional trainings, Phase One has been completed. Orbis Partners, with DCJS OPCA JJO Staff conducted 16 one-day trainings that were delivered on the YASI assessment tools, with nearly 400 juvenile probation officers participating. Phase Two will include the training of nearly 40 juvenile probation officer coaches, who will sustain the training in local probation departments. Phase Three will follow after six months, during which time Orbis Partners will provide onsite or electronic technical assistance and training. The evaluation of the Phase One training reflected the fact that it was well received by probation officers.

Related to the new FPP curriculum, the basis Motivational Interviewing Training for Trainers will include two full days of basic MI. DCJS OPCA JJO staff and probation training staff in local departments, including the six academies will be trained to sustain on-going MI Training. These trainings will be delivered at the beginning of January or February.

DCJS is implementing training juvenile probation officers in the use of the Massachusetts Youth Screening Instrument (MAYSI-2) – the requirement for which has been included in changes to DCJS Regulations for PINS and JD Intakes. To date, DCJS has received approximately 40 departmental policies. DCJS has developed a contract with the University of Massachusetts to provide this specialized training in the early months of 2020. The training will be web based and online. We anticipate doing up to eight of these training, each training can hold over 100 officers. The training will allow people to use the tool to guide practice in the departments.

DVSIR Implementation Progress—David Lewis

David reported that the statewide implementation of the Domestic Violence Screening Instrument Revised (DVSIR) commenced in 2017, when a DCJS survey of probation departments identified there was a need for training in the use of a specialized screening instrument. Over 90% of the responding departments identified that they would like to have an instrument of this nature. In 2018, DCJS conducted a train the trainer on the use of the DVSIR instrument, which was conducted by the author Dr. Kirk Williams and Joe DiTunno from the Connecticut Judicial Branch. A total of 34 probation officers were trained in September 2018, who went on to train more than 500 Probation Officers during 2019. To date, we have 54 of the 58 counties have more than one probation officer who is trained in the use of the DVSIR.

Interstate Compact Matters—Matthew Charton

Matt delivered the most recent monthly report on the cases transferring into and out of New York State. He also cited a continuing concern with the intrastate transfer of probationers and the need for training on the proper interpretation of DCJS Regulations Part 349.

Matt reported that most issues concerning the intrastate transfer of probationers between counties is settled at the county level, but there was a need to review existing regulations and work toward a system with counties addressing all matters in dispute without the involvement of the DCJS Interstate Unit. Matt reported that DCJS would be convening a probation workgroup in 2020 to strengthen the Part 349 Regulations as much has changed with the automation of probation practice through Caseload Explorer.

Andrew Sicherman commented that Matt does a great job with this difficult subject but would like to take a look into this matter again. He thinks more can be done with cases that have been transferred to other counties.

Matthew also mentioned that Interstate Compact for Adult Supervision did an informal audit of states' obligations to issue of warrants and retaking. Matt has always believed that NYS has always been a model for all interstate cases. NYS and a large majority of states were cited for non-compliance with expected timeframes for security retaking warrants, although the ICAOS Regulations lack any definitive timeframe for doing so. Matt indicated that obtaining probation warrants for retaking requires the timely assistance of the judiciary and police, both of which are independent authorities. Matt indicated that a national workgroup was being formed to examine the issue of warrants and retaking and that Bob MacCarone—NYS' Compact Commissioner would be a member of the workgroup.

Bob mentioned that the national office (ICAOS) did mention in its informal survey report that New York State was the only state to follow through with every warrant, although it exceeded the arbitrary time frame of 15 days.

Matt also provided an update on victim notification. The Interstate Commission has stepped away from its contractual commitment with APPRISS to provide the opportunity to states to implement victim notification through the Interstate Victim Information Notification System (IVINS). The IVINS allowed for victims to be notified by call, text or email about offender movement and Interstate transfers, but the Commission voted not to renew the agreement with APPRISS. New York State voted against the motion to terminate the agreement with APPRISS. NYS is now working with APPRISS to develop a statewide system here in New York, so we can provide automated notification to victims.

Vocational Employment/Education and Re-Entry Unit—Michele Clarke

Michele reported that in June of 2019, the Vocational Employment and Re-Entry Unit (VER) worked with Office of Program Development and Funding, and Office of Justice Research Performance to provide funding for the 20 County Re-Entry Task Forces. The 20 CRTF's provide stabilization services, cognitive behavioral interventions, and employment readiness programs to individuals returning from state prison to their communities who are classified by DOCCS as Level 1,2, and 3 risk groups, as well as special populations. What will be different with the new program model commencing with the contract period, October 1, 2019, will be the emphasis on service planning and coordination. This will help citizen with stabilization needs and help them navigate through the complicated service system. Research has indicated that individuals serviced by the CRTFs who complete the cognitive behavioral intervention re-offend less and are more successful in sustaining employment.

Michele also reported that the VER unit is hiring a new community corrections representative with experience in working with DOCCS and the Offender Rehabilitation Coordinators there.

New Business

Bob reported that on December 12, OPCA will be meeting with Probation Directors at the NYSAC Office where Danielle Brendese will present a draft outline of our proposed plan to offer training to probation staff on Officer Wellness and building Peer Support Teams.

Bob also advised the members of the Commission that it was reported in the local news that former commission member and Albany SUNY Professor Alan Lizotte and his wife, who has relocated to Rhode Island, has established a trust of \$2 million to support a program at the SUNY Graduate Criminal Justice School. Bob indicated that DCJS was working with the Chamber to confirm a candidate to fill the position on the Commission formerly occupied by Professor Lizotte.

Bob also wanted to report Probation's work in addressing the serious problem of Opioid Use Disorder. He noted that all probation departments have now trained probation officers in the use of Narcan, and that a number of departments are training individuals under supervision in the use of Narcan.

Lastly, Bob reported that Onondaga County Probation Commissioner and Probation Commission Member Andrew Sicherman was retiring from public service, effective November 21. Andrew has graciously accepted to stay on the Commission until a replacement is announced. Bob thank Andrew for his leadership and many years of public service.

Meeting adjourned 12:38pm,

Next Probation Commission Meeting will be held on Wednesday, May 20, 2020 at 10am

Alfred E. Smith Building
80 S. Swan Street
Albany, NY

Crime-Stat Room 118