

NEW YORK STATE
PROBATION COMMISSION MEETING
Alfred E. Smith Building
Albany, NY 12210
May 23, 2023

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

Members Present: Robert M. Maccarone, Deputy Commissioner and Director –New York State (NYS) Division of Criminal Justice Services (DCJS) – Office of Probation and Correctional Alternatives (OPCA)- OPCA Rocco Pozzi, Commissioner Westchester County Probation Department (virtual)
Anthony Perri, Counsel to Chief Administrative Judge, Honorable Joseph A. Zayas, NYS Office of Court Administration
Dr. Jeffrey Butts, Ph.D, John Jay School of Criminal Justice, State University of New York, Albany (virtual)
MaryEllen Still, Director, Dutchess County Probation Department
Joseph Wargo, Supervisor, Jefferson County Probation Department
Ana Bermudez, former Commissioner of the New York City Department of Probation

DCJS Staff Present: Dean Defruscio, Deputy Commissioner, DCJS
Matthew Charton, Assistant Director, DCJS-OPCA
Gary Govel, Assistant Director, DCJS-OPCA
Patricia Clements, Community Correction Representative 3, Manager, Training Unit, DCJS-OPCA
Teresa Scanu-Hansen, Community Correction Representative 3. Manager, Juvenile Operations Unit, DCJS- OPCA
Michele Clarke, Vocation/Education, Community Correction Representative 3, Manager, Vocation, Education, Employment and Reentry Unit, DCJS-OPCA
Nicole Aldi, Community Correction Representative 3, Manager Alternative to Incarceration Unit, DCJS-OPCA

Special Guests: Alan Frisbee, Director Green County Probation Department, representing NYS Council of Probation Administrators (COPA)
President Luci Taylor-Welch

Welcome and opening remarks:

Deputy Commissioner Robert Maccarone welcomed the members of the NYS Probation Commission and introduced Deputy Commissioner Dean Defruscio, and new Probation Commission Member, Ana Bermudez.

DC Maccarone asked the members of the Probation Commission to introduce themselves.

DC Maccarone then asked the DCJS staff to introduce themselves.

DC Maccarone asked for a motion to approve the Probation Commission meeting minutes of the November 17, 2022 meeting. The motion was made by Member Mary Ellen Still and seconded by Member Joseph Wargo. The motion Passed.

Probation Recruitment and Hiring

DC Maccarone asked OPCA Assistant Director (AD) Gary Govel to update the Commission on probation recruitment and hiring. AD Govel stated that although current NYS Civil Service law does allow for continuous recruitment in testing for certain probation titles, it must be requested by each counties' Civil Service Department. Gary plans to continue to explore continuous recruitment options with NYS Civil Service.

Commissioner Rocco Pozzi told the group that Westchester County has not had trouble hiring/retaining probation employees, nor has he had trouble working with Civil Service to order new probation exams once they have exhausted their current lists. Mr. Pozzi stated the only issue they are currently facing is recruiting Spanish speaking probation officers. DC Maccarone suggested that Mr. Pozzi contact Onondaga County Probation Director Phil Galuppi, as he has utilized the Community Liaison position to reach out to minority communities for recruitment purposes.

Director Mary Ellen Still and Probation Supervisor Joseph Wargo agreed with Commissioner Pozzi insofar as the they have not faced difficulty hiring/retaining employees and working with their Civil Service Departments to order a new probation exam.

Ana Bermudez mentioned that NYC DOP has historically not had an issue with recruitment of probation officers, but retention remains an on-going challenge for the New York City Department of Probation, as the steps for salary advancement are limited.

AD Govel mentioned that OPCA has heard that, although the commission members in attendance have described little issue with recruitment, there are departments struggling with the recruitment of new officers.

Comments/Updates by OCA

Counsel Anthony Perri stated that Chief Administrative Judge Joseph Zayas and Deputy Chief Administrative Judge Norman St. George were both appointed last week. He noted that Judge Zayas and Judge St. George will both bring vast experience and understand the importance of the relationship between Probation and the courts. Member Perri discussed the new obligation for the Office of Court Administration in regard to pre-trial services.

Commission Discussion – Part 346 Staff Development

Training Unit manager Patty Clements updated the Commission on the Basic Course for Peace Officers, including the length of the training, 162 hours. Patty stated that the regulatory language in NYCRR Part 346 –The Staff Development Rule will have to be amended to reflect the new training requirement, the review of the staff development officer to probation officer ratio in each Probation Department, and the qualifications required to manage a local probation fundamentals academy.

Director Still discussed the need to continue emphasizing training and staff development.

Patty then discussed the enhanced Fundamentals of Probation Practice. She discussed the need to ensure the coordination and deliver of the BCPO and FPP.

DC Maccarone discussed his concern with Probation Officers who may be deployed but who have yet to complete the BCPO and FPP. He pointed out that this is a liability issue for probation departments.

Commission Discussion – Juvenile Detention Beds

DC Maccarone introduced the issue of the availability of detention beds for juveniles. This is an issue that has been raised by many probation departments throughout the state. DC Maccarone acknowledged Joe Wargo's comments.

Member Wargo stated that twice in the last three months, Jefferson County has had two separate cases where a juvenile was ordered to detention. Due to the lack of availability of beds being available his county had to assign three probation officers to monitor the juveniles 24/7 until they located a bed. A bed was located in Westchester County, which is a 5-hour trip one way.

Member Pozzi added that the lack of detention beds and detention space not being available for these juveniles is ultimately a public safety issue. Director Still agreed with Com Rocco Pozzi. DC Maccarone stated that he is very much aware of the shortage of detention beds, and regularly receives information from Probation Directors, and forwards the information to the Commissioner. The information is shared with OCFS and the Chamber.

OPCA Staff Reports

AD Govel updated the Commission on the CHRI-CE Integration, stating that this will save time for probation professionals when they are completing pre-sentence investigations. Member Pozzi related that the feedback he received from his department staff was that this integration was extremely helpful to Probation Officers conducting PSI Investigations.

Juvenile Unit manager Teresa Sanu-Hansen spoke to the group about CE Assessments and Case Planning. Teresa explained that the CE Assessments went live on October 1, 2022. Additional screening tools were added in Caseload Explorer: MAYSI 2, the Rapid Indicator tool, the Child Trauma screen, and screenings for the criminal court population. She stated that work on CE Planning is under way and they continue to work with Automon and Orbis regularly to complete this project.

AD Govel informed the Commission about the NYCOMPAS transition to COMPAS-R. He explained that all counties, with one exception, use NYSCOMPAS as an assessment tool.

ATI Unit manager Nicole Aldi then addressed the Commission regarding the Pretrial Case Management System called AIMS. Nicole stated that DCJS is currently working with the Center for Justice Innovations to implement the AIMS Pretrial Case Management System, noting that this system will allow for integration with Caseload Explorer. She explained that the AIMS system will reduce duplicated data and consolidate work. It will also allow for more accurate data by having all data in one spot. The AIMS system is also Cloud based system.

DC Maccarone then addressed the group regarding the CE Master Statement of Work which will include juvenile, adult and financial related changes to Ce.

Regulation Amendments

DC Maccarone briefly spoke about DCJS Regulation Part 349 – Interstate/Interstate Transfer. He highlighted that Part 349 now allows for a contiguous county to supervise and individual where there is a “conflict of interest” in the sending county. He noted that this transfer must be approved by the sentencing court.

Teresa Scanu-Hansen then spoke about DCJS Regulation Part 357 – Persons In Need of Supervision. Teresa stated that as of March 27, language in this regulation has been changed stemming from the amendments to Penal Law Sections 240.37, and 221.05.

Program Updates

AD Govel provided an update on the Probation GIVE Model. He explained that a standardized module was included in the GIVE initiative last year, and currently 21 counties across NYS are using this model. This model focuses on promoting lasting change, recidivism reduction, and use of effective programs.

Teresa Scanu-Hansen then spoke to the Commission about the Quality Assurance/Technical Assistance Initiative for juvenile probation. A goal of OPCA's quality assurance initiative is to provide technical assistance to juvenile probation systems throughout NYS. This assistance provides jurisdiction specific technical assistance. Teresa reported that the JPO Unit had worked with Dutchess and Onondaga counties and was currently engaged with Westchester County.

Nicole Aldi addressed the Commission regarding the ATI Program Expansion based on new funding provided by DCJS.

VEER Unit manager Michele Clarke advised the Commission of the planned expansion of the County Reentry Task Forces based on new funding provided by DCJS. Michele also mentioned that as of last year, DCJS and DOL have been collaborating on Creating Workforce Development Opportunities for Justice Involved Youth and Adults initiative. Collaboratives are currently taking place across 10 regions, with Probation Departments and their local DOL's, to implement a referral process for those on probation/in ATI programs.

Upcoming Events

DC Maccarone spoke about the upcoming NYSPOA Conference in Syracuse, where he expected to award a deserving Probation Officer with the 2023 Outstanding Service by a Probation Officer recognition, noting that the deadline for applications had been extended through Friday, May 26.

DC Maccarone briefly mentioned the following upcoming events:

- Council of Probation Administrators Conference will take place June 26-28 in Oswego.
- NYS Probation Officers Association conference will take place July 26-28 in Syracuse.
- Ignition Interlock Conference on August 8th in Albany. Michele Melendez stated that this will be a very informational conference.
- APPA will be taking place in NYC August 26-30
- DCJS Public Safety Symposium, taking place September 26-28 in Albany.

DC Maccarone congratulated Kelly Palmateer for her promotion to Manager of the Interstate Unit.

New Business

For awareness only, DC Maccarone briefly explained Senate Bill S775 – Ignition Interlock Program, S211 – Clean Slate, S6282 – Probation Administrative Fees, and

A6544 – Expungement of PINS Records.

Other Business

Hearing no other business, the meeting was called to a close.

The next meeting of the NY Probation Commission will be **November 16, 2023.**