

NEW YORK STATE
PROBATION COMMISSION MEETING
Alfred E. Smith Building
Albany, NY 12210
May 23, 2024

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

Members Present: Rocco Pozzi, Commissioner Westchester County
Department Probation
Ana Bermudez, Former Commissioner of the New York City
Department of Probation
Jeffrey Butts, PhD. John Jay College of Criminal Justice
(CUNY)
Joseph Wargo, Jefferson County Probation

DCJS Staff Present: Matthew Charton, Assistant Director DCJS-OPCA
Joseph Popcun, Deputy Commissioner, DCJS
Dean DeFruscio, Deputy Commissioner of Policy and
Planning, DCJS
Michele Clarke, Vocation/Education, Employment and Re-
Entry Unit Manager, DCJS-OPCA
Nicole Aldi, Alternatives to Incarceration Unit Manager, DCJS-
OPCA
Frank Cangiano, Adult Operations Unit Manager, DCJS-OPCA
Patricia Clements, Training Unit Manager, DCJS-OPCA
Kimberly Schiavone, Fiscal and Administrative Management
Unit Manager, DCJS-OPCA

Special Guests: Mary Ellen Still, Former Dutchess County Probation Director
Gary Govel, Retired Assistant Director DCJS-OPCA
Alan Frisbee, President NYS Council of Probation
Administrators
Collin Quigley, Vice President NYS Probation Officers
Association

Welcome and Introductions:

Assistant Director Matthew Charton welcomed the members of the NYS Probation Commission.

AD Matthew Charton asked for a motion to approve the Probation Commission meeting minutes from the November 16, 2023, meeting. Joseph Wargo asked that a correction be made on page 4 to correct a name error. It should be Dan Connor not Wargo. This will be amended. The motion was then made to pass the minutes by Member Joseph Wargo and seconded by Mary Ellen Still.

Recharging the NYS Probation Commission

AD Matthew Charton spoke on how he would like the Probation Commission to change from what was a deep dive into each unit within OPCA to a more solution-based discussion with the commission coming together and Directors to have a proactive approach in learning where there are challenges within each probation department. This would be in hopes that solutions can be made to make probation better. He would like the probation commission to be more of advisors for the Director of Probation at OPCA. Links were included within the agenda for a few examples.

Joe Popcun then spoke on how he would like to use the probation commission to tell the story of how important probation is. Practices over the years have changed and he believes the commission members are the experts within probation and would be best to take on that role. Looking at areas within the agency and within probation that need to be bolstered as probation is fundamental but often overlooked within the systems of justice throughout the state.

Mary Ellen Still re-iterated that it is important that the commission is cognizant and relevant to the issues of the smallest, medium, and largest departments as they often face different challenges and opportunities based on their size. She stated that it is important to be aware of each department's size and be able to address the needs and opportunities of all the departments in the state.

Ana Bermudez also likes the idea of looking at the commission as a "think tank" and that it is good to get input from others who do so much work outside of just probation and OPCA.

Joseph Wargo agrees. He stated that there is a need to have cross section representation of all departments as they are all different in their needs depending on their sizes. He asked about DC Maccarone's position and was told that there are plans to fill the position, but for now AD Matthew Charton will be the interim leader until the position is filled.

Rocco Pozzi believes that the probation commission can be a lot more active in being able to advocate for various needs in the field of probation. He believes that the commission being the catalyst behind certain ideas that would benefit probation and getting those ideas into the governor's office would be beneficial. Probation still must advocate for certain benefits that other law enforcement agencies have. For example, 207c - the possibility of a 25 and out retirement for probation. He talked about how he would like to see the person who fills DC Maccarone's job have certain qualifications and know about probation.

Joe Popcun stated that he talks to the governor's office often and hopes that probation goes in the right direction. Also, the commission can be used to articulate some more of the major priorities by writing to the governor. He believes that probation has been given a lot more responsibilities in the last few years and sees the commission as a good way to advocate for probation and advance it in the right direction.

Rocco Pozzi is proud that his department and every department has stepped up to the plate with whatever is handed to them. Everyone always makes it work and everyone is doing great work within the state. Kudos to the professionals who work in probation. He believes that good leadership is when those who are doing great work know that they are being seen.

Gary Govel who retired yesterday joins the meeting. Matthew Charton wanted to acknowledge and thank Gary for all the work he has done within his years at OPCA and with Probation.

Gary appreciates the kind words and thoughts. Values the work he has done in his 33 years with probation.

Mary Ellen Still also wanted to acknowledge the great work of the training department within OPCA. The evidence-based training programs have empowered line officers to take the initiative in various areas and have helped them to progress quite rapidly developing their leadership skills. Would like to see the continuation of that.

Rocco Pozzi agrees that the more training the agency gives the better aware staff is and the better prepared they are.

Joseph Wargo also agrees, as the past POA president DCJS has always been super supportive and has provided great quality trainings at POA events.

DCJS Executive Briefing: Executive Deputy Commissioner Joseph Popcun and Dean DeFruscio, Deputy Commissioner for Policy and Planning

Dean DeFruscio introduces himself. He is the Deputy Commissioner of Policy and Planning.

Joe Popcun then speaks on DCJS and its support in providing resources in all aspects of the state's justice system. Public safety has always been the focus of DCJS.

Over the last two and a half years there has been a change with not only safety but with justice. DCJS is working to do both the prevention side and response sides of law enforcement. Over the last two years DCJS has been taking a more realistic approach. The agency has been seen as more holistic and inclusive of community with a broader emphasis on justice. There are so many functions within DCJS including training, collection and analysis of statewide crime, as well as arrest and disposition data, maintains their own criminal history information and fingerprint files, manages state and federal criminal justice funds, oversees probation and community correction programs, works with the NYS Police in administering sex offender registry, missing persons clearing house and DNA databank. Also, DCJS maintains breathalyzer and speed enforcement equipment as well as supporting various commissions and councils. Agency priorities include outreach and engagement. This is where the DCJS 20 City Tour came from. The need to get out to communities most affected by pandemic-era gun violence and talking with local law enforcement in each city. This includes presenting data to each county and then asking them specifically how they feel about their communities and what are some of the programs that they run to keep their communities safe.

On a more strategic level Governor Hochul launched the New York State Council on Community Justice. This council is a sounding board for various agencies to have an opportunity to learn and improve the effectiveness and fairness of the state's criminal justice system.

Holistic funding opportunities arose. Project RISE brought 2 million dollars to 7 different communities to "fund the gaps". These communities must use 25% towards grassroots organizations that do not receive state funding. This funding was able to generate 99 new organizations that are providing more than 50 new services to communities who were able to look at their own needs and choose the services that would fit them best.

The Crime Analysis Center Network was awarded a total of \$32 million over two years and has become the backbone of efforts to deter, investigate and solve crimes. This network has handled 90,000 calls for assistant throughout 55 counties and over 350 law enforcement agencies.

The Justice Lab has been launched to use our expertise with collected data and partner with external researchers to share a common research agenda to provide funding and support to build evidence-based programs.

Probation Constituent Representatives

Alan Frisbee, President NYS Council of Probation Administrators, comes from a small county and appreciates the need to recognize that there are large counties but also medium and small counties that do not have the resources or personnel to do certain things that large counties are able to. COPA is concerned for smaller counties having to send personnel to trainings that are 3 to 4 weeks. Sending personnel to train for this

length of time puts a hardship on the office. The availability and intensity of the training programs are concerns. Having to obtain hotels and vehicles is also another issue with smaller counties. COPA is concerned with AutoMon and Catalyst and the costs that come with it. Speaking on the 207-c there are concerns. Many small departments right now have older officers who do still conduct home visits. Their physical ability to do so is not what it once was. Joe Popcun states that they recognize the issues with training and are looking to see if there are ways to offset the expenses. Will speak with Catalyst on those issues. Regarding the age of the probation department, hiring has been very hard, but they are working with civil service to work on those issues.

Ana Bermudez talks about how there are so many other systems that can be used that are so much easier than AutoMon. Suggests looking at the bigger picture as the system has not been responsive to the needs of the agency.

Patty Clements thanks everyone for their kind words regarding training. Changes to the Academy and curriculum has raised the bar on what probation professionals do. The duties are changing, people are aging out of the system and training requirements have gone through the roof. Hiring practices are impacted as there aren't many people on the list that want to do the job. The training unit is aware of the issues, and they do have a lot of ideas they are working on to try to correct some of those issues.

Gary Govel speaks regarding the concerns on peace officer training aspects. Would like there to be opportunities for MPTC to develop a peace officer workshop. Joe Popcun states that this could happen, and they will look into it.

Collin Quigley, Vice President NYS Probation Officers Association briefly talked about the Probation Officers Conference coming up in July. After this year will be moving around the state a little bit. Looking to provide quality training to officers across the state.

Mary Ellen Still mentions that the Association of Pre Trial-Services agencies will be holding a conference October 21st and 22nd and it is always a good conference to attend on Pre Trial services.

Regulation

Title 9 NYCRR Part 356 Probation Services for Article 3 Juvenile Delinquency – effective April 17, 2024. Teresa Scanu-Hansen manager of the Juvenile Operations Unit spoke on regulation Part 356 and how it was amended. Highlights the regulation did go to promulgation. New version effective April 17th of this year. Five primary modifications included aligning regulations with changes to article 3 of the family court act, updated the definition of Juvenile delinquency to match the modification from raising the lower age effective in Dec of 2022, added the requirement for screening for sexual exploitation of juvenile delinquencies youth in the adjustment process, added language about reassessing youth at the extension, and allowing for the juvenile substitute contact.

Revisions anticipated due to amendments to FCA §783 and §784: 2 i. Title 9 NYCRR Part 350 Investigations and Reports ii. Title 9 NYCRR Part 357 Intake for Article 7.

Teresa Scanu-Hansen talks about revisions anticipated with regards to PINS intake and the diversion process. Changes to article 7 of the Family Court Act that became effective earlier this year. Sealing PINS records. DCJS has not issued any guidance on that. It is with Legal and there is anticipation that there will be impacts. Will likely impact part 350 the Investigation and report rule. What legal records can be referenced within reports. Those decisions are not final yet.

Ana Bermudez asks Joe Popcun about abolishing the PINS statutes. Believes that is a gateway for young people when families are struggling and are in a time when they should instead be helped. Strongly believes that it would create more equity in the system. Probation should be focused on other things rather than PINS.

Rocco Pozzi believes that PINS helps some of these kids from moving up in the system but agrees that PINS should be abolished. Would be best to focus in on FINs model and work with families.

Joe Popcun shares that there is a workgroup that has kicked off from the Governor's office on family court reforms. Hopefully there will be a review and examination of the practices and policies.

Title 9 NYCRR Part 346 Staff Development – Update

Patty Clements from training speaks regarding Part 346. This rule had not been looked at in quite some time. The highlights on Part 346 are that the Basic Course for Peace Officers was not part of the original regulations. The Fundamentals of Probation Practice curriculum has been revised. In 2005 Fundamentals was the Basic Course for Peace Officers. That is now a non MPTC course. Many edits were needed to bring everything up to speed. Fundamentals does need to be regulated and is now regulated by OPCA. There is an application process that is now required. Sought to bolster the Staff Development Officer role. Orientation training for all SDOs is now required. Duties and responsibilities of Officers who have not yet been trained is a major problem. These Officers are hired and are in the office without being trained. Looked into what duties can people do before someone is trained that are not Peace Officer duties. Limiting the duties of the officers while they are waiting to be trained did not go over well. Liability issues arise when you do this. Accepted almost every piece other than this issue. Regulation is still a process.

Mary Ellen Still attests to the amount of thought and effort that has gone into Part 346. The issues mentioned needed more discussion and input before it was adopted so that departments are not put into a position where they cannot fulfill certain requirements. Training can still occur, and the liability issues can be addressed while new Officers are being trained properly.

Events

Council of Probation Administrators Conference: DCJS attending June 25, 2024.

NYS Probation Officers Association Conference: July 24-26, 2024 – Patty Clements – Training has 7 workshops that have been approved and will be confirming all the scholarship winners shortly. Have recently met to select the recipient of the Outstanding Service Award which will be given out at the conference.

NYS IID Conference August 15, 2024 – NYS Plaza Convention Center. Bringing together manufacturers. Will bring in experts and guest speakers on Impaired Driving. It has been 15 years since the Leandra Law has passed. Representatives from DMV will be involved as well.

DCJS Public Safety Symposium: September 17-20, 2024 – Has grown over the years and now includes many great speakers. Patty has submitted 5 proposals and supports 2 others that are hopefully going to be presented at this conference. Registration is open.

New York Highway Safety Symposium: October 21-24, 2024 – Sponsored by the Governors Traffic Safety committee.

New York Association of Pre-Trial Service Agencies Conference: TBD

New Business

Nicole Aldi speaks on the COMPAS-R overview Webinar. Over 500 participants attended. New assessment that NYS will be using for Probation and Alternatives in Incarceration. The assessment is more transparent and can be scored without using electronics. The training is on the portal if anyone would like to see it. Will be providing the training PowerPoint to the individuals who were trained as trainers for them to train those within their offices.

Frank Cangiano added that in addition to the recording and FAQ being put onto the portal there will be blank versions of all the questions of the COMPAS-R along with the tool tips.

No other new or other business. Conclusion of the meeting was called. The next meeting will be scheduled and announced.

Respectfully submitted,

Mollie Braughler

6/4/2024