

New York State Council Fall Meeting (Virtual Meeting)

Interstate Compact for Adult Offender Supervision
NYS Division of Criminal Justice Services
Alfred E. Smith Office Building
80 South Swan Street
Albany, New York
Tuesday, November 17, 2020

Welcoming and Opening Remarks

Robert Maccarone, New York State (NYS) Deputy Commissioner and Compact Administrator (CA) welcomed members and guests to the Interstate Compact for Adult Offender Supervision (ICAOS) State Council Meeting. CA Maccarone acknowledged that due to Covid-19 pandemic, the state council members were attending remotely. CA Maccarone acknowledged Senator Luis Sepulveda as the newest member of the council.

Introduction of State Council members:

Robert Maccarone, NYS Deputy Commissioner & Director, NYS DCJS – Office of Probation and Correctional Alternatives (OPCA) and Compact Administrator
Tina Stanford, Chairwoman NYS Board of Parole
Honorable Phillip Ramos, Assembly member
Honorable David Weprin, Assembly member
Honorable Luis Sepulveda, Senator
Dennis Houdek, Esq.
Victim Representative—Vacant Pending Appointment

State Council members not present:

Michael Green, Executive Deputy Commissioner, NYS DCJS
Elizabeth Cronin, Director, NYS Office of Victim Services
Anthony Annucci, Acting Commissioner, NYS Department of Corrections and Community Supervision (DOCCS)—represented by Jim Carswell

Introduction of Guests:

Matthew Charton, Deputy Compact Administrator (DCA) - Probation, NYS DCJS-OPCA
Jim Carswell, Deputy Compact Administrator - Parole, NYS DOCCS
Jeff Kirker, Regional Manager, NYS DOCCS
Eamonn Trainor, Senior Attorney, NYS Office of Victim Services
Kathleen Kiely, Counsel, NYS Board of Parole
Anthony Perri, Counsel, NYS Office of Court Administration

CA Maccarone noted that Council Member and Judge Michael Yavinsky's term had come to an end and recognized the valuable role he played on the council. He then informed the council a new recommendation was under review for Judge Yavinsky's judicial spot. CA Maccarone noted that since there was a new member present, as well as new guests, he provided a brief overview of the Interstate Compact for Adult Offender Supervision (ICAOS) and the role of the state council.

CA Maccarone welcomed the newest member of the Council, Senator Luis Sepulveda and asked the Senator if he wished to comment on the Senate District he represented.

Review and Approval of the Agenda:

CA Maccarone asked the members to review today's meeting agenda and the Council meeting minutes from May 19, 2020. CA Maccarone asked for a motion to approve both. Assemblyman David Weprin made a motion to approve and Senator Luis Sepulveda seconded. Motion to approve meeting agenda and minutes of the May 19, 2020 meeting passed unanimously.

Mission Statement:

CA Maccarone asked Probation DCA Matthew Charton to read the Mission Statement, noting the statement keeps the council focused. DCA Charton read the statement.

Update of the NYS DCJS/OPCA Interstate Unit and NYS DOCCS in response to the COVID-19 ICAOS Rule 2.111-- Emergency Suspension of Enforcement:

CA Maccarone described that the COVID-19 pandemic had been a challenge for all states and acknowledged the work both DCJS and DOCCS had done in protecting the safety of their staff and meeting the core missions of the ICAOS.

DCA Charton provided an overview of what DCJS-OPCA's Interstate Compact Unit has done to meet the challenges that COVID-19 presents, while staff continue to work remotely. DCA Charton also commented on how county probation departments are handling interstate transfers while they too work remotely. DCA Charton commented that meeting the challenges presented by COVID-19 highlighted the strong relationship that DCJS continues to have with local probation departments. DCA Carswell provided an overview of what NYS DOCCS (parole) has done to continue meeting the ICAOS mission. He highlighted the fact that their agency has continued to report to their offices

and has not encountered any significant issues. Both DCA's Charton and Carswell agreed that the states have all worked together to ensure the orderly transfer of those under supervision from one state to another. DCA Charton then reviewed ICAOS Rule 2.111, which suspended the enforcement of timeframes associated with certain ICAOS rules. However, DCA Charton reinforced the fact that it still requires states to effectuate the rules of the compact. DCA Charton noted that ICAOS Emergency Rule 2.111 is still in effect and can only be rescinded by the ICAOS Executive Committee.

Compliance Categories:

DCA Charton reviewed the compliance percentage in six categories for NYS. He informed the council members that the Commission considers anything below 80% to be "non-compliant." DCA Charton reviewed the last twelve months of compliance with the Council. He reminded the members that ICAOS Rule 2.111 was in effect from April 2020. In reviewing the compliance categories, DCA Charton noted that NYS remains compliant with each category and in five of the six, they are in the 90% range. DCA Charton noted that he is satisfied with the effort that DCJS and the local probation departments have shown since March but recognized there was room for further improvement. DCA Carswell acknowledged the work of his staff in keeping the compliance percentages high for NYS. CA Maccarone acknowledged both probation and parole work in maintaining NYS compliance percentages, especially during this difficult time.

ICAOS Warrant Timeframe Workgroup

CA Maccarone informed the Council of his work through the ICAOS Rules Committee on the recommendation for a standardized timeframe for the issuance of interstate warrants. CA Maccarone asked DCA Charton to provide a brief overview of the workgroup's progress in this area.

DCA Charton began by reminding the Council of the ICAOS office's recent "informal" audit on states issuance and uploading of warrants for interstate absconders. DCA Charton noted that the Commission found probation in NY did not meet the 15-day timeframe in three of the ten cases the ICAOS National Office had chosen for the "informal" audit. DCA Charton indicated that all three cases were out of one jurisdiction and DCJS is addressing the issue with both the probation department and the judiciary in that jurisdiction. The results of the "informal" audit led the ICAOS Rules Committee to form a workgroup to review the issue and make recommendations to the Rules Committee which would then be brought to the full Commission for a vote. The workgroup met several times and the result was to recommend a 15-day time period for the courts to issue a warrant and upload it into NCIC. CA Maccarone spoke about the critical need for a standardized timeframe to inform the courts and address public safety needs. The recommendation will be reviewed by the ICAOS Rules Committee, which CA Maccarone is a member of, in the near future. CA Maccarone acknowledged the work of Judge Michael Yavinsky and his assistance with addressing the jurisdictions

that needed help in meeting this potential new timeframe. Council guest Anthony Perri, OCA Counsel remarked that any assistance courts may receive in understanding the rules of the Compact would be helpful. CA Maccarone welcomed the comment and suggested DCA Charton resend the DCJS Bench Card for Judges and the DCJS Jail Administrators Card to the council members.

Victim Notification

CA Maccarone raised the subject of victim notification, acknowledging the long road it has been for NYS and the Council in this area. However, CA Maccarone was pleased to announce that DCJS is making progress in this area with an exciting potential partnership with a vendor that provides the probation automated case management system. CA Maccarone asked DCA Charton to provide the Council with an update.

DCA Charton began by providing a brief history of the Commission's attempts at providing states with a victim notification system and where those attempts have come up short. During a prior State Council meeting, Council member and DCJS Executive Deputy Commissioner Michael Green asked OPCA to review what options they may have in providing victim notification in NYS. CA Maccarone and OPCA Executive Deputy Director John Adams and DCA Charton worked to find alternative solutions to victim notification and are in the early stages of designing a victim notification system that would send notifications through the Caseload Explorer (CE) system. CE is a computerized case management system used by all but one county in NYS. This system also has the capability to provide telephone and/or text messages to victims in those instances where inter and intra state probationers move their residence. DCA Charton identified five areas where interstate probation victims may be notified.

Assemblyman Phillip Ramos asked if a probationer under supervision through the compact is arrested in the receiving state and the victim has registered for notification, would they receive an alert? DCA Charton explained that arrests alone are not a notification the victim would receive, but if the arrest was for a violent offense or it resulted in a felony conviction and the probationer received 180 days or more of incarceration as a disposition, the receiving state would close their interest in the probation transfer and the victim would be notified of that. CA Maccarone noted this project was in its infancy but has real potential to expand to new areas to inform victims of probationer movement and/or non-compliance. CA Maccarone promised to update the Council in the spring 2021 meeting.

New Business

CA Maccarone asked if any Council member had new business they would like to bring up. Hearing none, CA Maccarone thanked the members for their attendance and contributions and advised the spring Council meeting will take place Tuesday, May 18, 2021. CA Maccarone wished everyone a Happy Thanksgiving and asked for a motion to close the meeting. Assemblyman Weprin made the motion and was seconded by Senator Sepulveda, ending the fall 2020 NYS ICAOS State Council meeting.