

New York State Council Virtual Meeting  
Interstate Compact for Adult Offender Supervision  
NYS Division of Criminal Justice Services  
Alfred E. Smith Office Building  
80 S. Swan Street  
Albany, New York State  
Tuesday, May 24, 2022

**Welcome and Opening Remarks**

Robert Maccarone, New York State (NYS) Deputy Commissioner and Compact Administrator (CA) welcomed members and guests to the May 24, 2022, NYS Council Meeting of the Interstate Compact for Adult Offender Supervision (ICAOS). CA Maccarone acknowledged that once again due to Covid-19, the NY Council Meeting was being convened virtually.

**Introduction of State Council members:**

Rossana Rosado, Commissioner, NYS Division of Criminal Justice Services (DCJS)  
Robert Maccarone, NYS Deputy Commissioner & Director, NYS DCJS – Office of Probation and Correctional Alternatives (OPCA) and Compact Administrator  
Kathy Kiley Legal Counsel, NYS Board of Parole, designee for Tina Stanford, Chairwoman, NYS Board of Parole  
James Carswell, NYS Department of Corrections and Community Supervision (DOCCS)-designee for Acting Commissioner Anthony Annucci  
John Watson, General Counsel, NYS Office of Victim Services-designee for Elizabeth Cronin, Director NYS Office of Victim Services  
Dennis Houdek, Esq.  
Honorable David Weprin, NYS Assembly  
Honorable Robert Mandelbaum, Acting Supreme Court Justice, NY County

NYS DCJS Commissioner Rossana Rosado welcomed the members of the State Council and thanked them for their efforts and looks forward to working with everyone in the future.

CA Maccarone thanked Commissioner Rosado for her welcome and comments.

**State Council members not present:**

Elizabeth Cronin, Director, NYS Office of Victim Services  
Honorable Phillip Ramos, NYS Assemblyman  
Honorable Luis Sepulveda, NYS Senator

**Introduction of Guests:**

Joseph Popcun, Executive Deputy Commissioner, NYS DCJS  
Matthew Charton, Deputy Compact Administrator (DCA) - Probation, NYS DCJS-OPCA  
Kelly Palmateer, Juvenile DCA – Probation NYS DCJS-OPCA  
Jeffrey Kirker, Regional Director, NYS DOCCS

**Review and Approval of the Agenda:**

CA Maccarone asked the members to review today’s meeting agenda and the minutes from the November 10, 2021 meeting of the NYS Council. CA Maccarone asked for a motion to approve both. Motion to approve was made by Dennis Houdek and seconded by Judge Robert Mendelbaum. Motion to approve was 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 asked DCA Matthew Charton to provide a brief history and update on the Interstate Commission’s promulgation and subsequent rescission of ICAOS Rule 2.111-Emergency Suspension of Enforcement. DCA Charton advised that the Executive Commission had voted to grant relief to state/territories in relaxing the required timeframes for compliance with ICAOS Rules. On March 17, 2021 the ICAOS Executive Committee voted to rescind the emergency procedures and reinstitute required compliance, effective April 1, 2021. DCA Charton informed the Council that throughout the emergency suspension, NYS, both probation and parole-maintained compliance with the timeframes that are associated with certain rules. return. DCA Charton mentioned that although some counties have seen a recent increase in Covid transmission, the number of incoming and outgoing interstate transfers are steadily increasing.

**Presentation of ICAOS Compliance Data:**

Probation DCA Charton presented the compliance data for probation and parole for the last 12 months to the Council. It was noted that NYS is 90% compliant in all categories over the last 12 months. DCA Charton and DCA Carswell thanked the Compact Office staff for continuing to meet high standards.

### **Update on the April 1, 2022 implementation of the approved Rule Amendments**

DCA Charton provided an overview on probation's implementation of the new ICAOS rules that were passed in September 2021 and took effect April 1, 2022.

DCA Charton discussed how the change in the definition of "resident" provides opportunities for those who have established a residence in another state, to remain in that state where they may have housing, employment, stable social networks and family. He related this change will have a positive impact on those individuals who were seeking a new start in another state where they are most likely to succeed.

DCA Charton briefly discussed the changes to the Probable Cause Hearing rule with the focus on the violation that would result in the retaking and not violations that can be addressed by the receiving state through graduated responses.

DCA Charton then discussed the changes in the warrant timeframes. He related that this rule change has the biggest impact for states. It now requires for violations requiring retaking where a warrant is required, a standard 15 business day timeframe for that warrant to be issued and uploaded in NCIC. DCA Charton outlined DCJS – OPCA previous work in this area with local probation departments, courts, and police agencies, as well as the "warrant tracker" which allows the probation compact office to track warrant issuance and upload, as well as follow up with courts and police agencies when a warrant is not available in the required timeframe. Lastly, DCA Charton gave a brief overview of the Commission's plan to automate the warrant tracking system within the Interstate Compact offender Tracking System (ICOTS).

### **NYS DOCCS Update- "Less is More" Law – impact on the interstate transfer of individuals under parole supervision**

CA Maccarone asked DCA Carswell to provide a brief description of NYS DOCCS "less is more" initiative and its impact on interstate transfers

DCA Carswell provided a brief overview of the initiative/law, which allows individuals under parole supervision, when compliant with conditions of supervision, the opportunity to "trade in" their supervision time for early release from parole. He related that the impact this has had on interstate transfers is that outgoing interstate transfers have

declined dramatically. DCA Carswell provided a statistical analysis showing this decline.

### **Changing our approach- reviewing the Compact name, language and forms**

CA Maccarone introduced his plan to spearhead change in language used by the ICAOS in its name, rules, and forms. CA Maccarone noted that NYS changed the law to eliminate the term “inmate” in its laws. In this same spirit, CA Maccarone feels that the term “offender” used by the ICAOS, burdens individuals by negatively labeling them throughout their term of supervision. In changing the term “offender” to “individual”, it may provide that person with a sense of dignity and recognition that they are not being labeled for mistakes they have made in life. CA Maccarone also believes that by treating each person as an individual, it can promote positive change in their lives. He will be addressing the ICAOS full commission on this subject in September 2022.

### **2022 ICAOS Annual Business Meeting 20th Anniversary – New York City September 26th-28th**

CA Maccarone reminded council members that the 2022 ICAOS Annual Business Meeting will be held in NYC in September. The NYS DOCCS Color Guard will serve as Color Guard and open the Business Meeting on Wednesday, September 28, 2022. CA Maccarone thanked DCA Carswell, DOCCS Regional Director Jeff Kirker and Acting NYS DOCCS Commissioner Anthony Annucci for their assistance in having their Color Guard appear.

DCA Carswell announced that effective June 2022, he will be retiring from NYS DOCCS. He thanked the NYS Council, as well as NYS Parole Chair Tina Stafford, DOCCS Acting Commissioner Anthony Annucci, Compact Administrator Robert Maccarone and DCA Matt Charton. DCA Carswell states that the NYS DOCCS is actively recruiting for his position and Senior Parole Officer’s Ronald Hotaling and Randy Blais will be available if needed.

CA Maccarone thanked DCA Carswell for his work at the NYS and National levels. On behalf of the State Council and DCJS Commissioner Rosado, well wishes on his retirement.

### **Closing Remarks**

CA Maccarone thanked the State Council members for their continued participation and support and asked if any member had further comments or questions. Hearing none, CA Maccarone closed the Spring 2022 NYS ICAOS State Council meeting.

The Fall 2022 State Council meeting is scheduled for **Tuesday, October 25, 2022**