



Best Practice 2-2015

Bylaws of the New York State Council

Issued: July 29, 2015
Revised: N/A

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State Council**

+ **ISSUED:** July 29, 2015
+ **REVISED:** N/A

+ **TYPE:** Procedure
+ **SUBJECT:** Administration

+ **CONTACT:**
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Bylaws of the New York State Council

Revised Draft February 3, 2015

BYLAWS OF THE NEW YORK STATE COUNCIL
FOR
INTERSTATE ADULT OFFENDER SUPERVISION

Article I – Name and Location

The name of this State Council is formally the New York State Council for Interstate Adult Offender Supervision. The address for the State Council is New York State Council for Interstate Adult Offender Supervision c/o New York State (NYS) Division of Criminal Justice Services—Office of Probation and Correctional Alternatives, Alfred E. Smith Office Building 3rd Floor, 80 South Swan Street, Albany, New York 12210.

Article II – Legal Authority

The authority for establishing the New York State Council for Interstate Adult Offender Supervision (the State Council) is derived from the Interstate Compact for Adult Offender Supervision (the Compact), in accordance with Executive Law Article 12-B, Section 259-mm.

Article III – Purpose

The State Council is established pursuant to Article IV of the Compact. The general purpose of the Compact is delineated in Article I of the Compact. Among its provisions is to “provide the framework for the promotion of public safety and protect the rights of victims through the control and regulation of the interstate movement of offenders in the community” and “to provide for the effective tracking, supervision, and rehabilitation of these offenders by the sending and receiving states.” The State Council brings together key stakeholders at the State level to serve as an advisory body with respect to Compact operations.

Article IV – Powers and Duties

The State Council in New York State (NYS) shall have the following powers and duties:

Oversight and advocacy concerning the State’s participation in the national Interstate Commission of Adult Offender Supervision activities, and other duties as may be determined by the State Council including, but not limited to: advising on the development of policy concerning the operations and procedures of the Compact within NYS; promoting collaboration among state and local law enforcement agencies and the judiciary in NYS to achieve greater compliance with the Compact and its governing rules,



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making recommendations concerning Compact operations and procedures to achieve offender accountability, and safeguarding the public, including victims of crime.

Article V – State Council Membership and Operation

Pursuant to Article IV of the Compact, the State Council must include at least one representative from the legislative, executive and judicial branches of government, victim groups, and the Compact Administrator.

Each appointed member of the State Council shall serve a term of five years. Any member chosen to fill a vacancy created other than by expiration of term shall be appointed for the unexpired term of the member whom he or she is to succeed. Vacancies caused by the expiration of a term shall be filled in the same manner as the original appointments and for a term of five years.

In accordance with Part E of Section 21 of Chapter 55 of the Laws of 2013, the membership of the State Council shall consist of the following:

- A Compact Administrator, to be appointed by the Governor, in consultation with the Speaker of the Assembly, the Temporary President of the Senate and the Chief Judge of the Court of Appeals;
- Two (2) Legislative representatives to be appointed by the Speaker of the Assembly;
- Two (2) Legislative representatives to be appointed by the Temporary President of the Senate;
- A judicial representative to be appointed by the Governor upon recommendation of the Chief Judge of the Court of Appeals;
- The Commissioner of the Department of Corrections and Community Supervision or his or her designee;
- The Chairperson of the Board of Parole or his or her designee;
- The Director of Probation and Correctional Alternatives or his or her designee;
- The Director of the Office of Victim Services or his or her designee;
- The Commissioner of the Division of Criminal Justice Services or his or her designee; and
- A victims rights representative, to be appointed by the Governor.

The Governor of the State of New York has appointed the Deputy Commissioner of the Division of Criminal Justice Services and Director of the Office of Probation and Correctional Alternatives as NYS' Compact Administrator with respect to the Interstate Compact for Adult Offender Supervision. The Compact Administrator shall also serve as the New York Commissioner to the Interstate Commission for Adult Offender Supervision.



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The Compact Administrator, in consultation with the heads of the Division of Criminal Justice Services and the Department of Corrections and Community Supervision, shall appoint two Deputy Compact Administrators—one from the Division of Criminal Justice Services-Office of Probation and Correctional Alternatives and one from the Department of Corrections and Community Supervision—one of whom the Compact Administrator shall designate to serve as an alternate in the event the Compact Administrator is unavailable or unable to attend or participate in the business of the Interstate Commission.

The Compact Administrator shall designate one of the Deputy Compact Administrators to preside over meetings of the State Council in his or her absence and in such an event, said designee shall serve as a voting member of the State Council.

Article VI – Chairperson of State Council Meetings

The Compact Administrator will preside at all meetings of the State Council except where a Deputy Compact Administrator serves in such capacity in accordance with Article V.

Article VII – Quorum, Meetings, Minutes

Formal actions of the State Council, including, but not limited to, any recommendation, decision, or opinion of the State Council requires a quorum of all members, and a majority vote of the State Council.

All records or minutes of meetings, decisions, recommendations or opinions will be retained by the State Council at the address in Article I of these Bylaws.

The Division of Criminal Justice Services will be responsible for preparing all agendas and meeting minutes for the State Council.

The State Council shall meet two (2) times a year or as otherwise called by Commissioner/Compact Administrator. Meetings or appearances may be conducted by videoconferencing.

State Council meetings shall be open to the public, except where an executive session is convened, and meeting notices shall be provided consistent with NYS' Open Meetings Law (Public Officers Law Article 7, Sections 100-111).

Article VIII – Finance

The State Council members shall serve without salary, but shall be entitled to receive reimbursement for reasonable travel and other related expenses associated with participation in the work of the State Council.



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Article IX – Confidentiality

All matters brought before the State Council concerning adult offenders and their case problems or issues shall be conducted in executive session to the extent provided by law, and shall be safeguarded in accordance with all applicable NYS or federal laws governing such records.

Any decision or vote of the State Council concerning adult offenders and their case problems or issues shall be kept confidential and exempt from disclosure, as provided by law, provided that the record, or portions thereof, shall be made available upon request for all lawful purposes or as required by order of a court.

Distribution of any confidential record by a member of the State Council, or by an employee of any of the aforementioned state agencies whose head or designee serves on the State Council, to any person or entity not specifically allowed by law to receive or read such material may result in disciplinary action by their respective agencies and/or such other actions as may be deemed appropriate and necessary and authorized by law.

Article X – Amendments to the Bylaws

Amendments to these Bylaws shall be developed in coordination with the Compact Administrator and shall be approved in accordance with Article VII.

Proposed amendments to these Bylaws must be in writing and be presented to the membership at least two (2) weeks prior to the meeting at which review of and action on the amendments are scheduled.

Unless otherwise specified by the State Council and/or prohibited by the Interstate Commission for Adult Offender Supervision, these Bylaws and all Bylaw amendments shall become effective immediately once adopted and signed by the Compact Administrator.

Approved/Adopted by State Council on this ____ day of _____, 2015

Effective: this ____ day of _____, 2015

By: _____ Date: _____

Robert M. Maccarone

Compact Administrator/Commissioner

Deputy Commissioner and Director of Probation and Correctional Alternatives