

New York State Council Meeting (Virtual Meeting)

Interstate Compact for Adult Offender Supervision

NYS Division of Criminal Justice Services

Alfred E. Smith Office Building

80 S. Swan Street, Room 118

Albany, New York

Tuesday, May 19, 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.

**Introduction of State Council members:**

Robert Maccarone, Deputy Commissioner & Director, NYS DCJS – Office of Probation and Correctional Alternatives (OPCA) and NYS Commissioner and Compact Administrator

Honorable David Weprin, NYS Assembly member

Honorable Michal Yavinsky, Supervising Judge, Kings County Criminal Courts

Tina Stanford, Chairwoman, NYS Board of Parole

Michael Green, Executive Deputy Commissioner, NYS DCJS

Dennis Houdek, Esq

**State Council members not present:**

Honorable Philip Ramos, NYS Assembly member

Anthony Annucci, Acting Commissioner, NYS Department of Corrections and Community Supervision (DOCCS)

Elizabeth Cronin, Director, NYS Office of Victim Services

**Introduction of Guests:**

Matthew Charton, Probation Deputy Compact Administrator (DCA), NYS DCJS – OPCA

Jim Carswell, Parole Deputy Compact Administrator (DCA), NYS DOCCS

Jeff Kirker, Regional Manager, NYS DOCCS

Shelby Foster, NYS Office of Victim Services

CA Maccarone asked NYS Council Members to review today's agenda and the minutes from the November 13, 2019 Council meeting. CA Maccarone asked for a motion to approve the November 13, 2019 minutes. Council Member Stanford made a motion to approve the Council minutes of November

13, 2019, which was seconded. Motion to approve Council minutes of November 13, 2019 passed unanimously. CA Maccarone provided the Council an update on existing vacancies.

**Mission Statement:**

CA Maccarone requested DCA Charton read the Council Mission Statement aloud, which he did.

**ICAOS Commission Emergency Meeting and Passage of Emergency Regulation**

CA Maccarone reported on the convening of an Emergency Business Meeting of the ICAOS Commission. The ICAOS Emergency Business Meeting that was called due to Covid-19 and the challenges that it presented for states in maintaining compliance with the timeframes associated with ICAOS rules or audit timeframes. CA Maccarone asked Probation DCA Charton to review the ICAOS Emergency Regulation that was passed by unanimous call-in vote by all members states and territories of the Commission on April 21, 2020. DCA Charton reviewed ICAOS Rule 2.111 Emergency Suspension of Enforcement. Probation DCA Charton summarized the discussion emphasizing that the emergency rule only relaxed *enforcement* of the timeframes associated with the rules, not the obligation of states and territories to continue to follow the ICAOS rules and the transfer of probationers and parolees under supervision.

**NYS DCJS OPCA and DOCCS Interstate Units --Response to Covid-19 Pandemic**

CA Maccarone acknowledged the work of both probation and parole compact offices in responding to the Covid-19 pandemic. Probation DCA Charton stated that the OPCA Interstate Unit is working remotely from their homes and can complete all tasks associated with interstate transfer in continuing to use the electronic Interstate Compact Offender Tracking System (ICOTS). Probation DCA Charton stated that NY Probation has not posted any transfer or extradition restrictions with the ICAOS National Office. Parole DCA Jim Carswell stated the interstate parole office was deemed essential and remain working in their offices during the pandemic. He did state that clerical staff in his office were deemed non-essential and were working remotely from their homes, which has caused a slight backlog of cases. DCA Carswell also added that extraditions have been suspended and that his office was working with other states to find alternatives in returning parolees.

**ICAOS Regulations—Obtaining and Managing Absconder and Re-taking Warrants**

CA Maccarone began the discussion by reminding Council members that the ICAOS National Office conducted an informal audit of states' issuance and tracking of interstate warrants and retakes. DCA Charton added that in certain instances, when a receiving state files a Violation of Probation in ICOTS, it allows the case to be closed in ICOTS, even though the sending state is required to issue a warrant and subsequently retake the offender. Currently there is no national managed electronic system in ICOTS for tracking interstate warrants, and therefore no way to ensure the state issued the warrant and, if necessary, conducted the retake, unless manually tracked.

NYS DCJS OPCA Interstate Unit has in recent years implemented a Warrant Tracker, which is a manual way to track whether the sentencing court in NYS issued a warrant and the wanting agency uploaded the warrant in NCIC, which again are required by ICAOS rule. DCA Charton provided an overview of NYS compliance with the ICAOS Warrant Tracking Informal audit. CA Maccarone discussed recent work between OPCA, the NYC Department of Probation and NYC courts to implement protocols to ensure timely warrant issuance. CA Maccarone will keep the council updated on this issue. It is expected that

the ICAOS Rules Committee will undertake the subject of timely issuance of warrants for retaking at some time during the next year.

**Review ICAOS Compliance Categories & Agency Data Reports:**

The next item on the agenda discussed was a compliance review with the ICAOS audit measures. CA Maccarone asked DCA Charton to review NYS' probation compliance data. DCA Charton reviewed NYS compliance dashboards for both probation and parole with the Council. The compliance data showed that NYS is in full compliance and is 90% or higher in all categories that comprise the dashboard. DCA Charton reiterated DCJS' Office of Probation and Correctional Alternatives reviews the dashboard information on a monthly basis during its "report-out" review. Council Members were also provided the dashboard for parole transfer cases, which reflected full compliance with all benchmarks above 90%. DCA Charton then reviewed the information that is reported monthly, which covers not only the dashboard compliance data, but the number of interstate transfers into and out of NYS.

**Update - Victim Notification**

CA Maccarone informed the council that OPCA will pursue victim notification utilizing Caseload Explorer, which is a case management system that all but one county in New York State utilizes. DCA Charton and OPCA Executive Deputy Director John Adams have met several times to discuss what notifications should be sent to victims, the creation of a self-registration system and how Caseload Explorer could send notifications. CA Maccarone stated he would keep the council informed of further developments in this area.

**New Business:**

DCA Charton informed the council that WebEx trainings for field users will continue while working remotely.

**Closing Remarks:**

CA Maccarone adjourned the Spring 2020 NYS ICAOS State Council meeting, thanking all the council members and guests for their time and input and announced the Fall 2020 meeting will be held on Tuesday November 17, 2020.

