

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
Thursday, May 18, 2023

Welcome and Opening Remarks

Robert Maccarone, New York State Deputy Commissioner and Compact Administrator welcomed everyone to the ICAOS Council meeting.

Introduction of State Council members:

Dean Defruscio, Executive Deputy Commissioner of Strategic Planning NYS DCJS – representing DCJS Commissioner Rossana Rosado

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

Scott Hurteau, Interstate Bureau Chief for Community Supervision, NYS Deputy Compact Administrator (DCA) – Parole, Interstate Compact for Adult Offender Supervision (ICAOS), representing Anthony Annucci, Acting Commissioner, NYS Department of Corrections and Community Supervision

John Watson, Counsel, NYS Office of Victim Services (OVS), representing OVS Director Elizabeth Cronin

Lisa Good, Victim Rights Representative

Darryl Towns, Chair, NYS Board of Parole

Mark Mishler, Counsel and Legislative Director, Office of Senator Julia Salazar, representing the Honorable Julia Salazar

State Council members not present:

Honorable David Weprin, Assemblyman

Honorable Erik Dilan, Assemblyman

Judicial Appointment – vacant

Senate Appointment – vacant

Introduction of Guests:

Matthew Charton, Assistant Director, NYS DCJS –OPCA
Kelly Palmateer, NYS DCA – Probation, ICAOS
Shaina Kern, Compact Office Coordinator, OPCA Interstate Compact Unit
Penney Belcher, Adult Unit Supervisor, OPCA Interstate Compact Unit
Tyrone Catoe, Program Aide, OPCA Interstate Compact Unit

Review and Approval of the Agenda:

Compact Administrator (CA) Robert Maccarone reviewed the May 18, 2023, NYS Council of the Interstate Compact for Adult Offender Supervision (ICAOS) meeting agenda with members. CA Maccarone did not ask for a formal motion to approve the meeting agenda.

CA Maccarone acknowledged the retirement of Tina Stanford as Chairwoman of the NYS Board of Parole and her service to the Council and New York State. Chair Towns noted that Acting Commissioner Annucci announced his planned retirement in August. CA Maccarone asked council members to review the minutes from the October 25, 2022, meeting of the NYS Council of the ICAOS and asked for a motion to approve the meeting minutes. The motion was made by John Watson and seconded by Mark Mishler. Motion passed.

Mission Statement:

CA Maccarone spoke regarding the formation of the interstate compact and how it allows for the orderly process and legal transfer of individuals on community supervision between states. CA Maccarone asked DCA Palmateer to read the Mission Statement aloud, noting the statement reinforces the purpose and focus of the council. DCA Palmateer read the mission statement.

ICAOS Data Integrity Audit and Review ICAOS Probation and Parole Compliance Measures:

CA Maccarone asked DCA Palmateer to walk council members through the results of the FY23 ICAOS Data Integrity Audit – National Report which includes New York

State's findings as well as the findings of the other ICAOS member states. CA Maccarone noted the dated and stigmatizing language being used by the ICAOS and that a national workgroup has been formed to examine the language being used in the federal regulations and processes. Specifically, the term 'offender'. DCA Palmateer explained to the group that the Audit was conducted by the National Office to assess the accuracy and reliability of the data entered by State's in the Interstate Compact Offender Tracking System (ICOTS), and to provide states with strategies on how to improve practice. The FY23 ICAOS Data Integrity Audit – National Report was released to the Commission in February 2023.

DCA Palmateer explained to the group that the audit was broken down into five areas: Demographic Data, individual's photos, "Junk Records"/Duplicate Records maintenance, Rejected Case Cleanup, and Individuals Awaiting Retaking maintenance. DCA Palmateer advised that New York State received a satisfactory rating in all areas apart from two. In Area 1 & Area 2, the Demographic & Photo audits, NYS received a Satisfactory rating, with 99% compliance. For Area 3, the Junk/Duplicate Records audit, NYS received an Unsatisfactory rating. This rating was issued despite NYS only having 4 junk/duplicate records out of approximately 1,500 total records. Assistant Director Charton clarified that the rating was issued not on the number of records created but on the length of time the junk/duplicate records had existed. These junk/duplicate records have been rectified. CA Maccarone further clarified that just one duplicate record is enough to deem a state unsatisfactory. For Area 4, Rejected Case Clean-Up, NYS received a Satisfactory rating, with 0 rejected cases being active for more than 60 days without action. In Area 5, Offenders Awaiting Retaking, NYS received an Unsatisfactory rating. DCA Palmateer explained that this rating was received due to cases pending awaiting retaking for over 60 days and/or cases having documentation issues and pending action by sending states. DCA Palmateer further explained that the audit results and rating received in this area are misleading as New York State was taking necessary action in these cases.

CA Maccarone reported that he had written a letter to the Executive Director of the Interstate Commission regarding the FY23 Data Integrity Audit and NY's results. This letter outlined his concerns with the National Office's audit process, the rating system, and New York's findings. A meeting was scheduled with ICAOS National Office Staff, CA Maccarone, Assistant Director Charton, DCA Hurteau and DCA Palmateer. CA Maccarone noted that National Office Staff was receptive to the ideas presented to them regarding their audit process. Based on New York's performance in the FY23 Data Integrity Audit, New York was notified it will not be subject to a re-audit by the ICAOS National Office in 2024.

CA Maccarone next requested DCA Palmateer review the ICAOS Statewide dashboards. The dashboard reflects New York State's compliance with specific ICAOS audit measures between 4/15/2022-4/15/2023. DCA Palmateer explained that anything over 80% is considered compliant. A brief description of each measure was provided and New York State's compliance percentage versus the national average. New York State's compliance percentage exceeded 90% in all areas. Assistant Director Charton, commented on the measures, how they relate to public safety issues and stressed how they are important to individuals being successful on supervision while keeping victim and public safety issues in mind.

Review and Discuss Proposed 2023 ICAOS Rule Amendments

DCA Palmateer explained to the group the proposed amendment to Rule 5.108 – Probable Cause Hearing in Receiving State. The new proposed language in Rule 5.108 would allow a Receiving State, that is not able to make warrantless arrests, to remain compliant with ICAOS rules should probable cause be found. The Commission will vote on this proposed amendment at the Annual Business Meeting scheduled for September 20, 2023.

New Business

No new business.

Victim Representative Lisa Good inquired as to how non-compliance is identified on the ICAOS Dashboard. DCA Palmateer explained that anything less than 80% is considered non-compliant and that would be reflected in red in any single category.

Lisa Good requested clarification regarding the violation process and returning individuals to the sending state. Assistant Director Charton explained that the process is outlined in rule as well as how the process varies depending on the type of violation.

Lisa Good questioned how New York, as a receiving state, knows where a victim is located. DCA Palmateer explained that the PSI or victim impact statement is often included in the transfer request and described the interstate unit's process for reviewing domestic violence or sex related transfer requests including running criminal history

checks, checking for active orders of protection, and checking the domestic incident repository.

Lisa Good asked if a victim would receive notification when someone is transferring into New York. CA Maccarone stated that the DCJS Office of Probation and Correctional Alternatives has developed a technology proposal that builds on the Probation Case Management System—Caseload Explorer. He further advised that OPCA is exploring funding options for a victim notification system for interstate transfer cases in New York State. The notification system would allow for anonymous registration by victims. Notification of certain events in a case would be sent to the victim by email or text. Lisa Good noted that she would like to see this happen and would like to know how this might be extended to serve shooting victim survivors and survivors of victims of homicide.

CA Maccarone did not call for a formal motion to adjourn this meeting and wished everyone a great summer.

The next council meeting will be held October 24, 2023. (Please note here that the original date suggested at the Council meeting of November 14, 2023 has been changed to October 24, 2023)