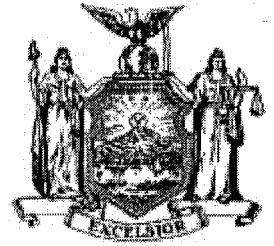




NEW YORK STATE
 PROBATION OFFICER'S ASSOCIATION, INC.
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2016 POSITION PAPER

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Increase Aid to Localities through the Block Grant for Probation Services

The State's fiscal commitment to Regular Probation Services has steadily dwindled since about 1990. Until then, reimbursement was generally 46.5% and was considered a 50-50 State/Local partnership. It had previously been calculated as a percentage rather than in dollar figures. Since local budgets increase yearly, counties have had to compensate for the decreasing State funds. This steady decline has resulted in reimbursement to local Probation Departments being approximately 10%.

The adopted 2016-17 Budget continues this trend, by approving the same \$45 million for the Statewide Block Grant it has allocated since the 2012-13 Enacted Budget. By comparison, in 2002-03, prior to the present Block Grant, Aid to Localities totaled over \$57 million, or approximately 25%. Additionally, higher rates were provided to numerous Alternatives to Incarceration Programs (including the Intensive Supervision Program), which have since been eliminated and these cases are now funded through the regular Block Grant.

Probation Services have all but become an "unfunded mandate". The NYSPOA advocates for an incremental increase of allocations included in the Block Grant for Probation Services, with a goal of returning it to a true State/Local Partnership.

Combating the Heroin Epidemic

Probation Officers are on the front lines in battling the heroin epidemic. Many Probation Officers are equipped with Narcan. Since reform of the Rockefeller Drug Laws, many offenders who had been incarcerated are now on probation. Although many offenders may be on probation for seemingly unrelated offenses, a root cause of their illegal behavior is frequently heroin addiction. Probation is a key component of many Drug Courts across the State. However, insufficient community resources frequently leave these individuals on the streets or in jails.

The NYSPOA encourages that community resources and Probation Services be enhanced to combat the heroin epidemic.

Optional Disability for Probation Officers

General Municipal Law 207-C authorizes disability coverage to Police Officers and numerous other titles, including Nassau County Probation Officers. As cited in the justification of previous legislation to amend this law, Probation Officers are "exposed on a daily basis to the risks and dangers involved in managing an increasingly violent criminal population." Furthermore, they "are regularly exposed to significant amounts of stress and aggravation, not to mention a high possibility of bodily injury that may result from the performance of their duties."

The NYSPOA supports Senate Bill # 7928 (Gallivan), which would allow all Counties the option of offering disability coverage to their Probation Officers. The duties of Probation Officers warrant such protection. There would be no fiscal impact to the State.

NEW YORK STATE PROBATION OFFICER'S ASSOCIATION

Caseload Standards

Although there are supervision standards established for individuals placed on/sentenced to probation (i.e. "Probation Supervision Rule") and the maximum number of Probation Officers who can be the responsibility of a single Supervisor (i.e. Appendix H-10), there are no standards establishing the maximum amount of work a single Probation Officer is responsible for. Some Probation Officers conduct investigations, some supervise offenders, and some do both investigations and supervision. Yet others have specialized caseloads. The amount of responsibility from case to case differs, since they have various risk levels. Thus, the "units" of work each Probation Officer is responsible for is not just a sum of the investigations and cases they are assigned.

The NYSPOA supports the establishment of supervision and investigation "Workload Standards" for individual Probation Officers.

Juvenile Justice Reform ("Raise the Age")

The NYSPOA has long supported the raising of the minimum age of delinquency to twelve (presently seven) and the maximum age of delinquency to eighteen (presently at sixteen).

Whether the previously proposed "Youth Part of the Superior Court" or perhaps a solution within the current Family Court structure is ultimately implemented, probation will have extra responsibilities for this population.

The NYSPOA supports 100% State funding for all expenditures local Probation Departments would assume resulting from "Raise the Age," with Maintenance of Effort.

Presentence Investigation Waiver for All Counties

Criminal Procedure Law 390.20 allows any city "having a population of one million or more" to waive presentence investigations on sentences up to one year in jail, if all parties are in agreement, resulting from a "conviction or revocation of probation." Ironically, it is permissible to impose a sentence of probation without a presentence investigation. However revocation of said sentence and the imposition of one year of jail requires a presentence investigation in all jurisdictions, except New York City.

The NYSPOA supports Senate Bill # 7658 (Gallivan), which would allow any jurisdiction in New York State to utilize this option.

The Veteran's Equity Act

Many veterans, especially women, are excluded from using their Federal Service towards credit in the New York State and Local Retirement System. "The Veteran's Equality Act" would allow any honorably discharged veteran to purchase up to three years credit towards retirement.

The NYSPOA supports passage of Senate Bill 7160 (Larkin) and Assembly Bill 9531 (Paulin).

NOTE: On 05/31/16, Governor Cuomo signed this legislation into law.

Larry S. Evans
Legislative Chair

05/10/16
Revised: 06/03/16