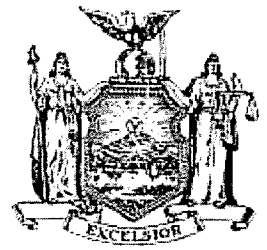




NEW YORK STATE
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2017 POSITION PAPER

Increase Aid to Localities 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 also previously been calculated as a percentage rather than in dollar figures. Currently, since local budgets increase yearly, counties have had to compensate for the decreasing State funds. This steady decline has resulted in approximately 10% reimbursement to local Probation Departments.

The proposed 2017-18 Executive Budget continues this trend, by recommending 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.

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 for which a single Probation Officer is responsible. Some Probation Officers conduct investigations, some supervise offenders, and some do both investigations and supervision. Yet others have specialized caseloads. In addition, officers are assigned to either the Adult or Juvenile Division of their respective department. 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. We encourage the Legislature to conduct a study, with input from the NYSPOA, to determine what such standards would constitute.

NEW YORK STATE PROBATION OFFICERS ASSOCIATION

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 sixteen).

The proposed 2017-18 Executive Budget recommends that the incremental implementation of Juvenile Justice Reform eventually be funded approximately 50% by the Localities (in relation to compliance with the tax cap). This is a drastic "step-back" from the 100% State funding of the added costs of providing services to 16 and 17 year-olds, which had previously been proposed.

Whether the creation of a new part of the court system 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.

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." There would be no fiscal impact to the State in extending this authorization to all County Probation Departments.

The NYSPOA supports Senate Bill # 2516 (Gallivan) and Assembly Bill # 473 (Paulin), which would allow all Counties the option of offering disability coverage to their Probation Officers.

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 agree, 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 # 2934 (Gallivan), which would allow any jurisdiction in New York State to utilize this option. (NOTE: Youthful Offender adjudications would still require a presentence investigation).

NEW YORK STATE PROBATION OFFICERS ASSOCIATION

Combating the Heroin Epidemic

Probation Officers are on the front lines in battling the heroin epidemic. Many Probation Officers are equipped with Narcan and many departments mandate officers receive training and carry it. 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.

Restoration of Funding for Ignition Interlock Monitoring

As mandated by Leandra's Law, Local Probation Departments monitor Ignition Interlock Devices required for individuals convicted of Driving While Intoxicated. This frequently includes Conditional Discharges, as well as Probation. Reimbursement to Local Probation Departments had been \$135 per case, but has been reduced to \$63 per case.

The NYSPOA supports the restoration of \$135 for each Ignition Interlock Monitoring Court Order to Local Probation Departments.

Impact of Reducing Unnecessary PreTrial Detention

The NYSPOA supports the Governor's initiative to ensure that unnecessary PreTrial incarceration is not occurring in County Jails. However, much of this responsibility will be shouldered by County PreTrial Release Services, generally provided in local Probation Departments. These services include assessments, referrals, Pre-Trial Release Supervision and providing reports to the various Courts. The additional workload will likely necessitate the hiring of additional personnel in some jurisdictions.

The NYSPOA supports the initiative to minimize unnecessary PreTrial Detention, but Local Probation Departments should be reimbursed for the additional services they will provide.

Designates Offenses Against Probation Officers as Hate Crimes

In recent years, there have been tragic incidents where first responders and law enforcement officers have been targeted. This legislation would elevate such criminal behavior, including targeting of Probation Officers, to a Hate Crime.

The NYSPOA supports Senate Bill # 1114-A (Akshar) and Assembly Bill # 2962-A (Abbate).

Larry S. Evans
Legislative Chair

January 2017 (revised)