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DCJS Advances the Implementation of Caseload Explorer Programs

Special points of interest:

- > Peer Support & Officer Wellness
- > Training Unit Updates
- > Probation Practice Tips
- > Research In Brief

Included in the plan for Raise the Age in New York State was the implementation of Caseload Explorer Programs—a web-based application that will be used to collect youth participation in community-based programs. Caseload Explorer Programs was designed to relieve probation officers of the burden of manually collecting and recording information about youth program participation and sending it to DCJS for analysis. In recent months, departments have been submitting Excel spreadsheets with this information to the DCJS Office of Justice Research and Performance. Caseload Explorer Programs will allow either probation officers or community-based programs to enter client participation information directly into the application which DCJS can then download and analyze. Program utilization will enable DCJS to share program outcomes with probation departments and counties to better assess the fidelity of programs and return on investment from evidence-based programs. Client enrollment and participation information will populate the Caseload Explorer system so probation officers will have firsthand information on clients engaged in community-based programs, and they will be better able to assess program effectiveness.

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DCJS Regulation 9 NYCRR Part 357 to be Amended

Recent changes in New York State Law have necessitated the review and amendment of *DCJS Regulation 9 NYCRR §357—Intake for Article 7—Persons in Need of Supervision (PINS)*. The proposed amendments to Part 357 are very straightforward and are intended to address the following:

- Amendments to the definition of PINS under Family Court Act (FCA) §712(a) by removing the violation of Penal Law §221.05 (unlawful possession of marijuana in the second degree) as a qualifying offense for PINS.
- Amendments due to the repeal of Penal Law §240.37 (loitering for the purpose of engaging in a prostitution offense).

In addition, OPCA has proposed additional language to inform and provide guidance to probation professionals with respect to the use of electronic monitoring of PINS youth. Probation professionals know that electronic monitoring is a management tool; it is not treatment. While the research associated with electronic monitoring is very limited, probation officers know that compliance dissipates with time. In light of ongoing concern over the use of electronic monitoring with youth who have been neither charged nor adjudicated of any offense that would constitute a crime, our review of its use is timely. On balance, the stigma associated with electronic monitoring with PINS youth may outweigh any benefit. Nevertheless, we understand that electronic monitoring may be ordered by the courts and employed for case management purposes. In view of the above, OPCA believes it may be helpful to provide guidance to probation departments in limiting the duration of electronic monitoring to no longer than 90 days.

New Interstate Commission for Adult Offender Supervision Rules effective April 1, 2022

On Sept. 29, the Interstate Commission for Adult Offender Supervision held its 2021 Annual Business Meeting virtually. Commission members voted and approved changes to the definition of “resident” and to the rules related to the retaking of individuals. The rule changes take effect April 1, 2022. New York State was instrumental in developing the new definition of “resident,” to reflect the individual’s place of residence prior to sentencing/supervision start dates. The new definition allows those who have resided in a receiving state for an extended period, between the commission of the offense and placement on supervision, to qualify for mandatory transfer as a “resident”. The approved changes surrounding the retaking/return of individuals transferred under the interstate compact provide a standard 15-day timeframe during which all warrants must be signed and uploaded into the National Crime Information Center by the sending state. The OPCA Interstate Unit will be conducting training on the rule amendments March 10, 10:30 a.m. - 11:30 a.m., and March 24, 2:00 p.m. - 3:00 p.m. Staff may access the upcoming March 10 training [here](#).

Previously we informed you that OPCA had acquired the Blackboard Learning Management System. This New York State Probation Learning Management System will become the central repository for training announcements, enrollments, record keeping and certificate issuance. This state-of-the-art platform will transform the way in which we develop, store, and deliver training and education to the community corrections professionals we serve. Some of the main features of this system also include curriculum development, on-demand course offerings, automated registration and record keeping, and an online library of resources. In addition, the new system has an interactive web conferencing tool which will result in a smoother classroom experience. A team of instructors within OPCA are completing training on the platform and all its uses and plan to begin advertising courses before the end of 2022. This is an exciting development for all of us, and we look forward to the future of training!

Dutchess County Probation and Project MORE Implement “Ready, Set, Work!” - Specialized Curriculum for Individuals Convicted of Sex Offenses

Dutchess County Probation and Project MORE Employment, a DCJS funded Focused Employment Services program, facilitated their first **“Ready, Set, Work!” Curriculum for Individuals Convicted of Sex Offenses**. This group began on Dec. 13, and completed on Dec. 29, and was held at the probation department. Since this was the first group of this type, and due to COVID-19 safety regulations, the group size was capped at four participants, all of whom completed the curriculum requirements and received their completion certificates.

Dutchess County Probation Department Director Mary Ellen Still indicated that the group participants were very engaged in this process and seemed appreciative of the opportunity to be involved in these groups. Director Still also indicated that the Project MORE Employment-Focused Services Program itself is part of a comprehensive approach that includes treatment for individuals convicted of sex offenses, and the local treatment provider for individuals in Dutchess County convicted of these offenses has been very supportive of this program.

Employment readiness interventions such as this curriculum can assist specialized caseloads, such as individuals convicted of sex offenses, by addressing specific employment-related barriers and developing job interviewing skills related to disclosing criminal history, as well as informing this population about effective employment search and retention strategies. These components will assist this population to obtain and maintain gainful employment, helping them to become more productive members of the community.

Warren County Probation Department Unveils New Interactive Resource Map

In January, the Warren County Probation Department unveiled a new interactive resource map to assist both clients and probation staff with identifying service providers in the area. The resource map contains more than 500 locations of various education, substance abuse, family services, vocation, medical/insurance, behavioral health/mental health and specialized programs and services. The map is live and available [here](#).

Congratulations to Probation Supervisor Amy Secor and Director of Probation Robert F. Iusi, Jr., for creating a very valuable resource for probation clients and staff.

State Director's Memoranda

The following State Director's Memorandum is available through the IJP: Resources > Reference Library > Probation > Director's Memoranda

- **State Director's Memorandum #2022-1:** "Leandra's Law" Implementation- Ignition Interlock Program Annual Report January 1- December 31, 2021

Probation Officer Wellness and Peer Support Program Updates

Officer Wellness

Try to start a new habit to a ritual that you already perform—this is known as “habit stacking.” For example, while your coffee brews, you could drink a large cup of water to start the day hydrated. For more tips to a healthier lifestyle click [here](#).

Peer Support

Peer Support Teams function as a support and debriefing resource for employees experiencing personal and work-related stress and following critical or traumatic incidents. They assist officers in managing stress, increase productivity, and build a positive culture of physical and emotional health. Additional information and resources can also be located on the IJ Portal: Resources > Reference Library > Probation > Peer Support & Wellness.

Interested in learning more about peer support and officer wellness, please contact Danielle Brendese at Danielle.Brendese@dcjs.ny.gov or 518-457-1671.

Many thanks to all the peer team specialists for their continued commitment in providing peer support services!

Judicial Response to Violations of Probation

As a means of encouraging positive behavioral change, holding individuals accountable, and promoting public safety, Violations of Probation (VOPs) are necessary. Departments are encouraged to utilize the use of Graduated Responses, consistent with Part 352 and Uniform Court Reports prior to filing a violation. In 2019, violations were filed on 10,578 criminal court probation cases, or just 8 percent of all criminal court probation cases. Prompt judicial response to violations is essential to the aforementioned goals of behavioral change, accountability and public safety.

[Criminal Procedure Law \(CPL\) §410.30](#) requires that, “When the court receives a request for a declaration of delinquency by a probation officer, it shall make a decision on such request within seventy-two hours of its receipt of the request.” To promote prompt judicial response to violations, probation departments are encouraged to incorporate this statutory language into cover memoranda or other documentation when submitting requests for declarations of delinquency, notices to appear, and probation warrants to the courts.

Where prompt response is not provided, it is recommended that the probation department which has requested the declaration of delinquency, notice to appear, or warrant, follow-up with the court prior to the conclusion of this 72-hour period, as necessary. For additional information, please refer to Fundamentals of Probation Practice Module 22, Evidence-Based Supervision. In addition, there is a report available in Caseload Explorer to help probation departments track judicial response to violations. Please see the Court Response to DOD/VOP section of the Caseload Explorer System: IID Reports and Enhancements webinar, which was offered on Nov. 30, 2020. The recorded webinar can be found [here](#).

Arrests for crimes occurring prior to supervision sentence

Probation departments may encounter situations in which individuals on supervision are arrested for various crimes which occurred prior to the imposition of the probation sentence/placement. Questions arise as to the applicability of [DCJS Regulation 9 NYCRR §352.7 Procedures for new offense violations for criminal supervision cases](#), particularly with respect to court notification for the new arrest. While a Violation of Probation should not be filed as a crime related to the new arrest that occurred prior to commencement of the period of supervision, the court still must be notified of such arrest. It is important for the court to be aware of the totality of the individual’s legal history for consideration of any future court action regarding the probation sentence. Further, the new arrest may well receive media or other attention, so it is important that the court is promptly notified of the arrest, as well as the supervision status of the individual. Finally, there may be cause for the probation department to subsequently request action by the court, even if the new offense occurred prior to the period of probation. For example, under the conditions set forth in [PL 65.15 \(3\)](#), a person who is under a sentence of probation or of conditional discharge and is also under an indeterminate sentence of imprisonment, or a reformatory sentence of imprisonment, authorized by section 75.00, the service of the sentence of imprisonment shall satisfy

the sentence of probation or of conditional discharge – unless the sentence of probation or conditional discharge is revoked prior to the next to occurrence of parole or conditional release under, or in satisfaction of, the sentence of imprisonment.

Recognizing Invalid Sentences

Probation departments may learn that an individual has been sentenced to a period of probation supervision with an illegal sentence. Departments are encouraged to review the following: [DCJS Regulation 9 NYCRR §351.4 —Case Assignment--](#) during the case assignment window, staff shall “review the probation disposition or interim probation supervision conditions to confirm their legality.” In addition, if it is learned the plea agreement called for an illegal sentence (i.e. incorrect length of supervision sentence), the probation department should promptly recognize and address the matter within the context of the pre-sentence investigation. If an invalid sentence has been identified, [CPL § 440.60 “Notification of invalid sentences of probation”](#) outlines a process where the probation department shall notify the district attorney of the county in which the person was convicted. If this has not been successful, departments may wish to consult with the county attorney, as the legal representative of the probation department, to discuss bringing this situation to the attention of the sentencing judge or, if necessary, the supervising/ administrative judge.

Automated Notices of Adjustment

Departments are encouraged to periodically view the Automated Notice of Adjustment Transmissions report in Caseload Explorer to ensure transmissions to DCJS are being made as intended. The functionality was introduced several years ago, and periodic checks will help to ensure that those youth who were charged with a finger printable offense, and whose cases have been successfully adjusted, are recorded appropriately. For the transmission to be successful the Family Case Folder must include the following:

- At least one charge of type arrest or petition which is a felony;
- For offenders 11 or 12 years old, the felony charge must be class A or B
- For offenders 13 years or older, the felony charge must be class A, B, C, D or E
- The case must have a valid value for Criminal Justice Tracking Number on the Family Case Folder;
- The individual associated with the case must have a valid NYSID; and
- The Intake Juvenile Delinquency case is being closed as adjusted.

Youth Justice Institute – New Resources

The Youth Justice Institute (YJI), a collaboration of DCJS, Office of Children and Family Services, and SUNY, works to improve the outcomes of justice involved youth. The YJI has launched changes/additions to its website. Some topics of interest are listed and linked below.

For departments seeking evidence-based youth and family-focused programs and services, the YJI has compiled a directory of evidence-based programs (EBPs) and practices in youth justice. They are organized by challenge area, program setting, and specific goals. You can explore the EBPs and services found at the YJI website [here](#).

YJI's dashboard now includes Youth Justice News Coverage section that is searchable by youth justice topics ranging from Aftercare and Re-Entry to Trauma and Victimization. This section is searchable by U.S. and International News and can be found [here](#).

Additionally, YJI recently launched a microsite called "Racial Equity and Youth Justice." This site contains resources, New York State initiatives, and scholarly work regarding racial justice. You can find the microsite and additional information [here](#).

Juvenile Justice Reforms – Age of Legal Responsibility is Amended – Juvenile Delinquency

On Dec. 29, Governor Kathy Hochul, [signed legislation \(S4051\)](#) which raises the age of **juvenile delinquency** (JD) jurisdiction from seven to 12 years of age and establishes differential response programs for children under the age of 12. This statutory change, which takes effect on Dec. 29, 2022, still allows for youth as young as seven to be charged as a JD for certain very serious offenses.

The [DCJS statistics website](#) houses JD Probation Intake (a proxy for JD arrest volumes) data from 2019 and 2020, and jurisdictions may view these reports statewide, or by county, or for New York City data. The "JD Probation Intakes Opened" report distinguishes JD ages seven to 11, from other age groupings and accounted for 3 percent of statewide JD intakes in 2019 and 2 percent in 2020.

New York continues to redesign its youth legal systems and has implemented many of the 38 recommendations contained in the [2014 Governor's Commission on Youth, Public Safety and Justice](#). This is another step in realizing those recommendations. OPCA will continue to monitor activity in youth justice reforms and will support probation departments to implement these changes as they draw near. Please continue to feel free to reach out with inquiries to Juvenile Operations team at opcaRTATA@dcjs.ny.gov.

On Jan. 6, it was announced that the COMPAS Production Upgrade to 8.21.1 has been successfully completed. Departments were provided with an updated user guide, which could be very helpful in minimizing the number of incidents that are opened with the Office of Information Technology.

Convicted Offender DNA Databank Specimen Collection Kit Changed

On Jan. 5, the Office of Forensics Services announced that beginning Feb. 15, 2022, DCJS will be transitioning to an updated Convicted Offender DNA Databank Specimen Collection Kit. This is the first significant update to the collection kit in over 15 years. The updated kit should serve to streamline and simplify the DNA collection process, as well as help mitigate common collection errors. The update was informed by a review of national and state procedures and in collaboration with the New York State Police. The updates to the new submission form include:

- Pamphlet-style submission form with integrated instructions;
- Designated boxes for additional fingerprints on back of the submission form;
- DNA sample envelope attached to the submission form; and
- Reduced and reorganized data fields.

If you have any immediate questions or would like additional information regarding these changes, please contact DCJS OFS at kits@dcjs.ny.gov or 518-457-1901.

Training Updates

Below is a list of upcoming virtual trainings that OPCA's Training Unit has scheduled. In addition to these trainings below, OPCA's Training Unit is also planning to deliver additional virtual trainings for Motivational Interviewing, Interactive Journaling, DVSI-R Training for Trainers, Peer Support and Decision Points in 2022.

If you have any questions, reach out to OPCA's Training Unit at opcatraining@dcjs.ny.gov.

<i>Training Type</i>	<i>Dates</i>	<i>Application Deadline</i>
Basic Motivational Interviewing	March 22 & 24, 2022	Full
Basic Motivational Interviewing	March 29 & 31, 2022	Full
Basic Motivational Interviewing	May 10 & 12, 2022	Full
Advanced Motivational Interviewing	May 25-26, 2022	Full
Static-99R	March 9, 2022	Full
Stable 2007	March 16, 2022	February 23, 2022
Acute 2007	March 23, 2022	March 2, 2022
NYCOMPAS End-User (Probation)	March 15-16, 2022	March 1, 2022
NYCOMPAS End-User (ATI)	March 23-24, 2022	March 9, 2022

Training/Webinars Available

DCJS Law Enforcement Webinar Series – Use of social media

March 9: DCJS will be hosting part two of a webinar series, “HowDoISearchThat: Searching Social Media and Saving Data from Social Media Sites.” Social media sites are a treasure-trove of evidence but saving the data can be challenging. This workshop will demonstrate free, open-source tools that can be used to save data from profiles, videos and pages. Register [here](#).

Detention Risk Assessment Instrument System (DRAIS)

The Professional Development Program at the University of Albany (Rockefeller College) has announced their 2022 training schedule for the Detention Risk Assessment Instrument System (DRAIS). This two-hour webinar covers how to use DRAIS, a system that guides detention decisions in juvenile delinquent detention cases.

Topics include:

- Accessing DRAIS and searching for youth;
- Entering new DRAIS for youth with or without a preexisting DRAIS; and
- Running and customizing reports that guide decision making or provide information based on the detention considerations.

2022 Schedule: Register [here](#).

March 15, 10:00 a.m. to noon

May 4, 1:30 p.m. to 3:30 p.m.

July 8, 10:00 a.m. to noon

Sept. 28, 10:00 a.m. to noon

Nov. 21, 1:30 p.m. to 3:30 p.m.

Research in Brief

The Bureau of Justice Statistics of the U.S. Department of Justice released a new report titled “Stalking Victimization, 2019.” The report details information about stalking victims, as well as the type of stalking behaviors they experienced. In addition, it describes the characteristics of stalking victimization, including the victim-offender relationship, self-protective actions taken by the victim, patterns of reporting to police, and whether the victim contacted a victim service provider after the victimization. Read more [here](#).

The Success in Stages, an antibullying program, was rated promising by the National Institute of Justice Crime Solutions – for reducing the number of individuals participating in bullying-related roles. The treatment group also saw a reduction in bullying and victimization. Read more [here](#).



Click [here](#), for more information on the National Institute of Justice Crime Solutions research database.

Robert F. Kennedy National Resource Center & Juvenile Justice Podcast

On Jan. 31, the Robert F. Kennedy (RFK) National Resource Center released their new podcast, Youth Justice Transformation in Action. RFK’s podcasts will focus on improving youth outcomes in the juvenile justice system. The guests are experts in the field and will share their experiences, research, and impacts on youth. The introductory podcast features Cobb County Juvenile Court Administrator Adolphus Graves, of Georgia. Mr. Graves talks with RKF Executive Director John Tuell about his work and experiences with communities and families, as a probation practitioner, and making positive transformations within the youth justice system. You can access RFK’s podcast [here](#).

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www.criminaljustice.ny.gov/opca

If you are unable to view any of the links within this issue, please contact Taylor.Alfred@dcjs.ny.gov.

In Memoriam

Dr. Edward J. Latessa

On Jan. 11, after a courageous battle with cancer Dr. Edward J. Latessa passed away. He was a noted researcher, trainer, mentor, colleague and friend to DCJS, as well as the founder of the University of Cincinnati Corrections Institute. He influenced the expansion of evidence-based practices in virtually every field of criminal justice. DCJS sends deepest condolences to Dr. Latessa's family and university colleagues.

Dr. Alan Lizotte

On Jan. 24, Distinguished Professor Emeritus Alan Lizotte died suddenly while doing what he loved most: teaching. Professor Lizotte, former Dean of the School of Criminal Justice at the State University of New York, was a longtime member of the New York State Probation Commission. Professor Lizotte was passionate about criminal justice, and he was a valued member of the Probation Commission. His advice and support of the mission of probation in New York State will always be remembered. DCJS sends deepest condolences to Professor Lizotte's family, friends and colleagues.