

New York State Council
Interstate Compact for Adult Offender Supervision
NYS Division of Criminal Justice Services
Alfred E. Smith Office Building
80 S. Swan Street
Albany, NY 12210
Thursday, November 13, 2025

Welcome and Opening Remarks:

Matthew Charton, New York State (NYS) Division of Criminal Justice Services (DCJS) Office of Probation and Correctional Alternatives (OPCA) Deputy Commissioner and Director, Compact Administrator (CA) and Interstate Commissioner welcomed everyone to the Interstate Compact for Adult Offender Supervision State Council meeting. CA Charton asked Council Members and guests present to introduce themselves.

State Council Members Present:

Matthew Charton, Division of Criminal Justice (DCJS), Office of Probation and Correctional Alternatives (OPCA) Deputy Commissioner and Director, Compact Administrator
Dean Defruscio, DCJS Deputy Commissioner of Policy and Planning, representing NYS DCJS
Commissioner Rossana Rosado
Honorable Julia Salazar, NYS Senator
Honorable Edwin Novillo, Queens County Criminal Court, Judicial Representative
Don Arras, Assistant Commissioner, representing NYS DOCCS Commissioner, Daniel Martuscello III
Melissa Paquette, General Counsel for NYS Office of Victim Services (OVS) representing Bea Hanson, OVS Director.
Lisa Good, Victim Rights Representative
Darryl Towns, Chairman, NYS Board of Parole

State Council Members Not Present:

Honorable David Weprin, Assemblymember
Honorable Erik Dilan, Assemblymember
Senate Appointment – vacant

Guests Present:

Chelsea Vizvary, Executive Deputy Director, NYS Board of Parole
John Watson, DCJS Office of Legal Services
Kelly Palmateer, Manager of the Interstate Compact Unit at DCJS-OPCA and ICAOS NYS DCA – Probation
Shaina Kern, Compact Office Coordinator, DCJS-OPCA Interstate Compact Unit

Review and Approval of the Agenda:

CA Charton asked council members to review agenda included with their meeting materials. Agenda approved.

Review and Approval of May 15, 2025, Meeting Minutes:

CA Charton asked council members to review the minutes from the May 15, 2025, meeting of the NYS Council of the ICAOS and asked for a motion to approve the meeting minutes. Motion approved.

Mission Statement:

CA Charton read the mission statement aloud to council members.

Review ICAOS Probation and Parole Compliance Measures:

CA Charton explained the role of the ICAOS National Office in auditing metrics, in certain areas, for compact member states on a quarterly basis. CA Charton noted that NY is a bifurcated state, meaning that probation and parole are separate agencies, so metrics for probation, parole and the state in its entirety have been included in the meeting materials. CA Charton requested that DCA Palmateer review the metrics for NYS as those metrics are what the Interstate Commission considers in their audit. CA Charton added that NYS is traditionally one of the top eight busiest compact offices nationwide and since probation is administered at the county level in NYS, there are 58 probation departments that the compact office must ensure comply with the rules and regulations of the interstate compact.

DCA Palmateer explained each audit measure and NYS's compliance percentages in the six key areas, comparing NY's numbers to the national average.

CA Charton acknowledged the good work of both compact offices.

CA Charton provided an example of an interstate transfer to council members explaining in detail each of the metrics and their practical application to the transfer of supervision. CA Charton gave an example of an individual who is in Florida on vacation and was arrested and convicted of a felony DWI in a Florida court. Explained that an individual on supervision for a felony offense cannot be in the receiving state without an approved transfer request, which can take up to 45 days to complete. CA Charton noted that reporting instructions allow the individual who was living in NY at the time of sentencing in Florida, to return home where they live, work and have support while their transfer request is pending. CA Charton further explained that the receiving state has 2 business days to respond to such requests. CA Charton communicated that the sentencing state always retains jurisdiction of the case, so Florida is going to want to know how the individual is doing on supervision in NY and that Florida can request a progress report from NY, which is where the progress report metric comes into play. CA Charton stated that, If

the individual is not doing well on supervision, NY can submit a violation report to Florida. CA Charton described that Florida must respond to the violation advising as to how they will proceed. CA Charton notes that a case closure notice is submitted when the case reached its maximum expiration date, and that Florida must respond to the case closure. CA Charton explained how these processes all have time frames associated with them, and this is where the metrics come from.

Melissa Paquette thanked CA Charton for the example and asked what the consequences might be if NY were to fall below the 80% threshold for compliance. CA Charton noted that the Interstate Commission has a Compliance Committee, whose membership consists of individuals from select states. CA Charton outlined the steps that would be taken by the Committee to address a non-compliant state, beginning with a letter noting non-compliance and requesting a plan to action to address the non-compliance. CA Charton further explained that if a state is continuously found to be non-compliant, the National Office can, and has, for a variety of reasons, sanctioned a state financially. CA Charton noted that in most instances, fines have been held in obeyance in terms of a state giving a plan of action to correct, however there has been a state that has not been able to come into compliance and had to pay the fine. CA Charton explained that if a state disputes the sanction, the venue would be Federal District Court.

Update and Discussion Regarding 2025 ICAOS Annual Business Meeting held in San Juan, Puerto Rico from September 30 – October 1, 2025

CA Charton advised council members of his, and DCA Palmateer's, attendance at the 2025 ICAOS Annual Business Meeting in San Juan, PR. CA Charton mentioned several rule changes being voted on at the 2025 Business Meeting and that each State/Territory has one voting member.

DCA Palmateer explained that every other year is a voting year where Commission members vote on proposed rules changes. DCA Palmateer informed council members of the process for the submission of rule proposals and how those proposals are vetted prior to voting at the annual business meeting. DCA Palmateer noted there being 20 total rules that were proposed and voted on in San Juan.

DCA Palmateer summarized the absconder rule package which was approved by the commission. DCA Palmateer explained that this vote was a yes or no vote on a total of 3 rules, packaged together. DCA Palmateer explained the impact this approved change would have on practice including there being a requirement on the receiving state to contact community agencies providing services to the individual and conducting record checks when declaring the individual an absconder. Additionally, there is a new obligation to wait 30 days to submit the absconder violation unless there are extenuating circumstances which the rule outlines in detail. DCA Palmateer noted that NY did not agree with this 30-day timeframe being added to declare the individual an absconder. DCA Palmateer further noted that there will now be a requirement on any state in which the individual is located on the sending state's warrant to conduct a probable cause hearing. Melissa Paquette questioned if NY agreed with the changes to these rules. DCA Palmateer advised that NY did not. CA Charton added that the Commission found that a lot of times, when violations are being submitted, the individuals are retaken and then sent right back to the receiving state. The Commission is trying to eliminate that back and forth. CA Charton noted that the Commission is also trying to make sure that an individual is truly an absconder before submitting the violation report. CA Charton clarified that NY voted no on this based on the timeframes being added for

the submission of the violation and NY maintaining supervision responsibility during this time. Melissa Paquette requested clarification on the voting process. CA Charton explained that Commission members meet in their regions to review and debate the rules. CA Charton noted that there is a very brief time at the annual business meeting for Commission members to discuss but not as much time as we would like to have.

DCA Palmateer summarized the approved changes to the definition of Compact Administrator, Relocate, and Revocation noting that none of the changes will have an impact on practice in NY.

DCA Palmateer explained the approved changes to Rule 2.106 – Deferred Sentences simply clarify which sentences qualify for transfer under the term of the interstate compact and is putting current practice into rule.

DCA Palmateer reviewed the approved changes to Rule 2.110 – Transfer of Supervised Individuals Under this Compact which will give discretion to all an individual who is in the receiving state in violation of the compact to remain in the receiving state on approved RIs pending the transfer investigation and response. DCA Palmateer added that this is current practice in NY as we work with other compact states when they reach out regarding this type of situation.

DCA Palmateer spoke about the approved changes to Rule 3.101-3 – Reporting Instructions for Sex Offenders and the New Rule regarding the transfer of Sex Offenders. DCA Palmateer noted how these rules separated the reporting instructions and transfer process into two separate rules. These approved changes require the sending state to provide a copy of the sentencing document(s) with their request for reporting instructions and accounts for remote sentencing. DCA Palmateer explained that the current rule regarding reporting instructions does not have a requirement to provide a copy of the sentencing document, and this change will be of assistance in notifying the Board of Examiners of Sex Offenders of an incoming transfer of supervision case.

DCA Palmateer reviewed the approved changes to Rule 3.102 – Submission of Transfer Request to a Receiving State and a new rule regarding individuals who were extradited to a receiving state, are being released from jail/prison and request transfer to the receiving state. DCA Palmateer explained that the approved changes would place an obligation on the sending state to document their verification of the address in the receiving state, would change the timeframe for submission of the request for reporting instructions and would give the receiving state the opportunity to deny the reporting instructions if the home plan is unsuitable. DCA Palmateer further explained that the receiving state will be obligated to assist the sending state in obtaining signatures on all forms necessary for transfer.

DCA Palmateer spoke of the approved changes to 3.103 – Mandatory Reporting Instructions for supervised individuals living in the receiving state at the time of sentencing or after the disposition of a violation or revocation proceeding and how the receiving state will now have an obligation to grant reporting instructions to an individual who absconded to the receiving state, will change the timeframe for the submission of the request from 7 business days to 10 business days and will change the eligibility for individuals who are being released from incarceration in the sending state. DCA Palmateer explained that currently individuals who are being released from incarceration of 6 months or less qualify for

mandatory reporting instructions however, that timeframe is being reduced to 90 days or less which means a practice change for local probation departments in NY. CA Charton elaborated on NY's no vote for this rule providing an example of a discretionary domestic violence case submitted to NY, how the individual absconded to NY after NY denied the case, and how the individual was then eligible for mandatory return to NY after he was located. CA Charton emphasized the obvious public safety concerns in cases such as these and noted that expedited reporting instructions should be used instead. CA Charton stated that expedited reporting instructions would allow the receiving state discretion in granting the reporting instructions and now the receiving state's discretion has been removed.

Chairman Towns asked if NY is generally more the receiving or sending state. CA Charton responded advising that NY is more often the receiving state. Lisa Good inquired as to what the supervision of the individual is the case example looked like. CA Charton advised that supervision was provided by NYC DOP, and we would need to inquire with the NYC DOP to get specifics. Lisa Good had a follow up question regarding victim notification. DCA Palmateer advised that under the compact rules, the sending state is responsible for victim notification.

DCA Palmateer explained the approved changes to 3.104-1 – Acceptance of Supervised Individual; Issuance of Reporting Instructions noting there would be no change to practice.

DCA Palmateer noted the approved changes to 3.108 – Victims' Right to be Heard and Comment noting that the sending state must inform victims of the supervised individual of their right to be heard and comment upon receiving a request for the transferred individual to return to the sending state. Melissa Paquette requested clarification on whom the victim is providing comment to, the sending state or the receiving state. CA Charton advised the sending state.

DCA Palmateer reviewed the approved changes to 3.110 - Travel Permits and Rule 4.XXX Travel Permits to the Sending State During Supervision explaining that this was simply a change in location within the rules and is no change to practice.

DCA Palmateer explained the approved changes to 4.101 - Manner and Degree of Supervision in the Receiving State noting there is no change to practice and these changes reinforce that the receiving state should be supervising an interstate case in the same manner as a similarly sentenced case in their state.

DCA Palmateer reviewed the approved changes to 4.105 – Arrival and Departure Notifications noting the timeframe change for the submission of the notice of departure. DCA Palmateer noted that the notice of departure is a tracking mechanism for the supervised individual and that being able to submit the notice of departure prior to their actual departure, does not allow for effective tracking of that individual. DCA Palmateer noted that NY voted no with regards to this rule, for that reason.

DCA Palmateer advised council members that 4.106 – Progress Reports on Supervised Individual Compliance and Non-Compliance, which imposed an annual progress report requirement on the receiving state, was not approved by the Commission.

DCA Palmateer reviewed the approved changes to 4.111 – Supervised Individuals Returning to the Sending State and 4.112 – Closing Supervision by the Receiving State noting that there will be no change to practice.

DCA Palmateer summarized the approved changes to 5.101-2 – Discretionary process for disposition of violation in the sending state for a new crime conviction noting that there will be a change in practice. DCA Palmateer outlined that the sending state must now conduct an electronic or in-person violation hearing if there is a new crime conviction or violation/revocation resulting in a sentence of incarceration or supervision outside of the sending state. DCA Palmateer explained that the sending state previously had the option to have the individual sign a waiver to the violation hearing. DCA Palmateer noted an additional change in practice which would allow the sending state to conduct an electronic or in-person violation hearing if there is a new crime conviction that results in a term of supervision only. CA Charton added that this will prevent a sending state from having to return an individual who will simply be sentenced to time served on a violation of probation. CA Charton indicated that the Commission has opened this up a bit to include a sentence of supervision which will require states to recognize the public and victim's safety concerns in each case prior to using this discretionary retaking process.

DCA Palmateer reviewed the approved changes to 5.108 – Probable Cause Hearing in Receiving State which will place a requirement on the receiving state to conduct a probable cause hearing within 30 calendar days of receiving the request for the hearing by the sending state.

DCA Palmateer explained the approved changes to 5.XXX – Retaking Procedures & 5.XXX – Sending State Transport & Authority During Retaking explaining these changes are simply consolidating six different rules regarding retaking procedures into two rules which no change to practice.

CA Charton reminded council members that these rules have the force of federal law and asked council members how the compact office can make this information more digestible for them on the front end so they have a full understanding of the impact that they might have on operations. CA Charton requested that council members think about this as they are an advisory body, and he wants NY's vote to reflect their feelings and opinions. Melissa Paquette indicated that she found examples helpful in understanding the complexities of the work. Lisa Good asked if the rules are revisited at the next annual business meeting to discuss issues and/or challenges. CA Charton advised that the approved changes will take effect April 1, 2026. CA Charton noted that a proposal can be made through a committee if we feel a rule isn't working properly, we think is being unfairly applied or is presenting a danger to the public. Lisa Good suggested that the compact office provide examples of current practices in NY and how the rule change might affect that practice. Judge suggested that the compact office provide their opinion on whether a rule change will be beneficial or not.

Focal Issues/New Business

None

Update from Council Members

Chairman Towns advised council members that if there is an interest in going to the parole board to observe their practices that is something that he would be open to do. Chairman Towns noted that the board is looking for best practices and any ideas on how to improve their operations. Chairman Towns suggested reaching out to Chelsea Vizvary to make arrangements.

Lisa Good advised council members that she has added an additional component to the work that she is doing. Lisa explained that she is creating a pathway to provide support and trauma informed care to families who are impacted on the other side of crime. Lisa noted she is working with these individuals, helping in navigating the systems, support groups, therapy, and peer support as a part of breaking the cycle of violence and harm. Lisa explained that a lot of individuals that are responsible for violence, and are in and out of detention and incarceration, have victimization histories. CA Charton expressed his thanks the Lisa for the difficult work she does.

CA Charton made closing remarks and thanked council members for their continued participation.