



NEW YORK STATE  
PROBATION OFFICERS ASSOCIATION, INC.  
P.O. BOX 1537  
PLATTSBURGH, New York 12901  
www.nyspoa.com

## 2021 POSITION PAPER

### EXECUTIVE BOARD STATEWIDE OFFICERS

#### Executive Committee

Gladys E. Larson (Tompkins)  
*President*

Rosario Zocco (Monroe)  
*Vice President*

Pamela Cole (Orange)  
*Secretary*

Laura Provost (Clinton)  
*Treasurer*

Joseph A. Wargo (Jefferson)  
*Immediate Past President*

#### Regional Vice-Presidents

1. Ronald Rowe (Suffolk)
2. Darlene Paolini (Nassau)
3. Dalvanle K. Powell (NYC)
4. Sylvester Price, III (Westchester)
5. Pamela Cole (Orange)
6. Sara Cecce (Delaware)
7. Vacant
8. Vacant
9. Daniel Connor (Jefferson)
10. Julie Smithers (Oswego)
11. Teri Rosenberger (Tioga)
12. Tarra Cicconi (Chemung)  
James Warriner (Steuben)
13. William "Andy" Meaney (Monroe)  
Teena Sebastiano (Wayne)
14. Deborah LaRock (Niagara)  
Collin Quigley (Cattaraugus)

#### Committee Chairpersons

##### Conference

Gladys Larson (Tompkins)  
Pamela Cole (Orange)

##### Health and Safety

Daniel Connor (Jefferson)

##### Legislation

Vacant

##### Membership

Deborah LaRock (Niagara)

##### Nominations and Elections

Joseph A. Wargo (Jefferson)

##### Professional Education/Public Relations

Gladys E. Larson (Tompkins)

##### Publications

Sara Cecce (Delaware)

##### Quartermaster

Daniel Connor (Jefferson)  
Pam Cole (Orange)

Currently, there are several Criminal Justice reforms and discussions taking place within New York State and around the country. Many Law Enforcement agencies including Probation Departments have been asked to review their policies & procedures, current practices along with training curriculum. The Probation Profession is in the heart of the Criminal Justice System and is positioned to address some of the on-going changes taking place. The NYSPOA welcomes any opportunity to meet with legislators and provide any information that could assist in making those changes.

### **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.

This is not simply a "home rule" issue that can be granted through the local bargaining process. It must also be codified in the General Municipal Law.

### **The NYSPOA supports Assembly Bill # 994 (Paulin) and Senate Bill # 2633 (Gallivan).**

### **Providing a Testimonial Privilege to Critical Incident Stress Management / Crisis Response / Peer Support Team Members**

Throughout the state, Probation Officers have been trained to become Critical Incident and Peer Support team members, providing necessary services not only to their departments, but also as a part of larger teams, partnering with other law enforcement agencies. These programs have been established to ensure the health and wellbeing of public safety officers involved in a critical incident, experiencing vicarious trauma or post-traumatic stress, and other related issues. The current legislation does not provide testimonial privilege to critical incident stress management / crisis response / peer support team members.

NEW YORK STATE  
PROBATION OFFICERS ASSOCIATION, INC.  
P.O. BOX 1537  
PLATTSBURGH, New York 12901  
www.nyspoa.com

Testimonial privilege is necessary to protect those in need of this service and those who provide this service. By establishing this privilege, it will encourage those in need of this service to seek and utilize it without fear of potential repercussions for doing so.

**The NYSPOA supports Senate Bill 1945 (Akshar).**

### **Workload Standards**

Although there are supervision standards established for individuals placed on/sentenced to probation (i.e., Probation Supervision Rule – Part 351 of Title 9 NYCRR) and there is a maximum number of Probation Officers who can be the responsibility of a single Supervisor (i.e. Appendix H-10), there are no workload standards for Probation Officers. Some Probation Officers conduct investigations, some supervise offenders, and some do both. Yet others have specialized caseloads. The amount of responsibility from case to case differs, since they have various risk levels. Thus, the “units” or “hours” of work each Probation Officer is responsible for is not just a sum of the investigations and cases they are assigned. In some counties, workloads are critically high, which means that Officers, offenders, and communities are placed at risk. A risk that would otherwise be reduced with the implementation of workload standards and at the same time allow more thorough supervision and services to be provided.

If New York State is committed to minimizing future victimization and demonstrate a reduction in crime, workload standards must be established. Every new crime that is committed by a probationer who cannot be supervised properly due to the lack of workload standards is not just the responsibility of individual Probation Officers. It is also the responsibility of the local Probation Services and State Government.

The NYSPOA supports the establishment of supervision and investigation “Workload Standards” for individual Probation Officers, with the goal of further reducing victimization due to preventable crime, while at the same time protecting the well-being of Probation Officers.

### **Bail Reform**

The NYSPOA supports limited use of cash bail to ensure that unnecessary Pre-Trial Detention is not occurring. However, significant revisions to the current legislation are needed. The NYSPOA supports a full review and reconsideration of crimes that are currently eligible for release or for which people are unable to be detained. Additionally, Judges need to have discretion when deciding if bail is appropriate to better ensure public safety. As it stands currently, there are several eligible crimes for which people are being released or not being detained for that are putting communities and victims at risk of continued victimization.

NEW YORK STATE  
PROBATION OFFICERS ASSOCIATION, INC.  
P.O. BOX 1537  
PLATTSBURGH, New York 12901  
www.nyspoa.com

With fewer people being remanded, much of the responsibility will be shouldered by County Pre-Trial Release Services, generally provided by local Probation Departments. These services include assessments for the various Courts and Pre-Trial Release supervision. It may also include the use of electronic or GPS monitoring. The additional workload will necessitate the hiring of additional personnel in most Counties to effectively provide these services.

The NYSPOA supports the initiative to minimize unnecessary Pre-Trial Detention, and strongly supports significant revisions to the current legislation to ensure public safety and prevent further victimization. Local Probation Departments play a pivotal role in Community Supervision and safety and require reimbursement for the additional services that they will be mandated to provide under this new law. Public Hearings to address these issues are encouraged and the NYSPOA would eagerly offer testimony if they were to occur.

### **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 approximately 46.5% and was considered a 50-50 State/Local partnership. It was calculated as a percentage rather than as a specific dollar amount, as it is now. Additionally, Alternatives to Incarceration Programs (ATIs), such as Intensive Supervision Probation, "360", were often funded at 100% by the State. In most counties, these programs have been discontinued because of the lack of state funding. Since local budgets increase yearly, counties have had to compensate for the decreasing State funds. This steady decline has resulted in current reimbursement to local Probation Departments of approximately 10%. Probation Officers are Peace Officers and are required to train 21 hours per year to maintain their status. As such, there is little funding, if any, to departments to support officers in this capacity.

The proposed 2021-22 Executive Budget continues this trend by recommending the same \$44,876,000 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, approximately 25% more annually than the current and recent proposals. Additionally, the high-risk criminals formerly supervised in ATIs with separate funding are now funded through the regular Block Grant.

Funding for "Raise the Age" was earmarked for five years. Implementation of "Raise the Age" began in 2018 and thus the funding is only guaranteed for three years. NYSPOA supports 100% continued funding for "Raise the Age," as Probation Departments hired additional staff and developed programming and/or contracted with community partners with the understanding that they would be reimbursed for their approved plans.

Probation Services will continue the trend of becoming little more than an "unfunded mandate" under the Proposed Executive Budget. The NYSPOA advocates for an incremental increase of

NEW YORK STATE  
PROBATION OFFICERS ASSOCIATION, INC.  
P.O. BOX 1537  
PLATTSBURGH, New York 12901  
www.nyspoa.com

allocations included in the Block Grant for Probation Services, beginning with a \$5 million increase in the 2021-22 Budget, with a goal of returning it to a true State/Local Partnership.

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

**Permit One Year Supervision from Date Placed on Interim Probation**

Under current statute, the one-year eligibility for Interim Probation Supervision commences on the date of conviction. Quite often, offenders are not placed on Interim Probation Supervision for a month or two later. This is frequently due to delays for presentence investigations to be conducted or issues with scheduling on dockets. By the time Interim Probation is ordered, valuable time has been lost to assess an offender's progress and compliance. This issue would be addressed by changing eligibility to one year from the date an offender is placed on Interim Probation Supervision as opposed to from the date of conviction.

**The NYSPOA supports Assembly Bill # 4835 (Miller, B).**

Respectfully,  
Acting Legislative Chair  
Rosario Zocco

