



NEW YORK STATE  
PROBATION OFFICERS ASSOCIATION, INC.  
P.O. BOX 1537  
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**TESTIMONY SUBMITTED TO  
THE JOINT LEGISLATIVE PUBLIC HEARING  
ON PUBLIC PROTECTION**

**2020- 2021 EXECUTIVE BUDGET PROPOSAL**

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**February 12, 2020  
Legislative Office Building, Albany, NY**

The following written testimony is submitted by the New York State Probation Officers Association (NYSPOA). We're honored to have this opportunity to discuss the future of Probation Services in New York State.

The New York State Probation Officers Association is a professional organization that promotes public safety through the effective use of Community Corrections, within a comprehensive Criminal Justice System. Being at the front-end of the State's Correctional System, Probation Services are generally the first involvement offenders have with the Criminal Justice System. True *prevention* of victimization can best occur with the most effective use of Juvenile and Adult Probation Services.

The objective of this testimony is to discuss the impact the proposed 2020-21 Executive Budget and Bail Reform will have on Probation Departments including funding issues, increased workloads, and community safety issues.

The proposed 2020-21 Executive Budget recommends \$44,876,000 million Statewide for County and New York City Probation Services. This allocation to localities through the "Block Grant" has remained unchanged since fiscal year 2012-13. It represents a "reimbursement rate" to individual Counties and New York City of around 10 percent. As this reimbursement rate continues to dwindle, Probation Services are becoming less of a "State-Local" partnership and closer and closer to becoming an "unfunded mandate."

This has not always been the case. "Reimbursement to Localities" in 1990 was about \$55 million, which was approximately a 46.5 percent reimbursement rate. Specialized caseloads, such as the Intensive Supervision Program (i.e. diversion of felons from possible prison), were initially funded at nearly 100 percent by the State. This demonstrated the State's fiscal commitment to the "front-end" of the correctional system. Since reimbursement to localities has been being allocated by specific fiscal allocations instead of based on the percentage of reimbursement, the reimbursement rate has plummeted.

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The primary resources of any Probation Department are the Probation Officers who supervise offenders. Insufficient funding adversely effects their ability to hire an adequate number of Probation Officers, which in turn places us all at increased risk of being victimized. Furthermore, Workload Standards would be an integral part to determining how many Probation Officers each Department should hire. Currently, standards have been established for each individual probationer. Under the "Probation Supervision Rule," probationers are assigned a Risk Level (i.e. Greatest, High, Medium, or Low), as determined by the COMPAS Assessment. Similarly, juveniles are supervised as determined by the YASI Assessment. Appendix H-10 (Standard Specifications for Professional Probation Positions) mandates how many Probation Officers each Probation Supervisor can be responsible for. But where are the Workload Standards for Probation Officers? Each probationer, each Probation Supervisor has standards. But Probation Officer have no such standards. Thus, a Probation Officer can be supervising an unspecified number of probationers or be assigned a similarly unmanageable number of investigations. Most importantly, public safety is compromised.

The NYSPOA supports the establishment of Workload Standards for Probation Officers, which would likely necessitate the increasing of funding for the probation Block Grant. By establishing reasonable expectations for Probation Officers and increase funding through the Block Grant, beginning with a recommended \$5 million increase for the probation Block Grant in the 2020-21 final Budget, yearly incremental increases would undoubtedly enhance public safety.

The NYSPOA has reservations and concerns about the current Bail Reform law. The NYSPOA is not fundamentally opposed to the limited use of cash bail, but feels the current law needs significant revisions to ensure victims are protected from continued victimization and communities remain as safe as possible. The current law puts victims and the public at unnecessary risk and a collaborative effort is needed if criminal justice reform is going to work. 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. Particularly crimes related to domestic violence, crimes against children, and weapons related offenses.

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Additionally, Judges need to have discretion when deciding if bail is appropriate to better ensure public safety. As it stands currently, the law takes the judgment away from Judges in determining when and if bail is appropriate. They are also unable to take residency into account when determining if bail should be set, which forces Judges to release defendant's irrespective of their flight risk.

The NYSPOA also supports a review of Discovery reform to ensure victims and witness information is protected and that time lines for discovery are reasonable so that the District Attorney's office can do their jobs as effectively as possible.

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. There has not been any additional funding earmarked for Probation, despite this fact. Funding for Probation Departments needs to be increased for Probation Departments to more effectively handle the increasing workload and better ensure the safety of the public and Probation Officers.

In summation, the NYSPOA supports the incremental increase of funding for the Block Grant, commencing with a \$5 million increase for the 2020-21 final Budget. Probation is not a "local issue," but the front-end of the State's Criminal Justice System and needs to revert back to the previous "50-50" State-Local Partnership. In order not to compromise public safety, Probation Officers must have responsible caseload standards. Furthermore, the NYSPOA encourages the Legislature to revisit Bail Reform and suggests that Hearings be held to collect pertinent information from those agencies charged with its implementation, including Probation. Of paramount concern is funding for PreTrial Services, which are being directly impacted by the newly enacted Bail Reform Law.

The New York State Probation Officers Association has always been more than eager to be a part of the future direction of our profession and the Criminal Justice System as a whole. Most importantly, our goal is to minimize future victimization and protect the public through the most effective community corrections possible. We have consistently advocated for a Comprehensive Criminal Justice Plan that coordinates services and collaboration to ensure our communities are safe.

Thank you for holding this very important Public Hearing and the privilege to submit testimony before it.

Tom Holden  
Legislative Chair

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