



Strengthening Probation Services and Public Safety

Problem

Recent changes to New York State's criminal justice system, including raising the age of criminal responsibility, bail reform, and Leandra's Law have added new responsibilities and challenges for county probation departments and staff without providing the flexibility needed to maximize available resources, promote public safety and reduce recidivism.

Background

All 57 counties and the City of New York have local probation departments that serve both the criminal and juvenile justice systems and play a critical role in maintaining safe communities. County probation departments perform services for adult and juvenile probationers that include pre-trial/intake services, pre-sentence/pre-dispositional reports, supervision, conciliation/restitution services, and social treatment. Meeting the unique challenges of an effective criminal and juvenile justice system requires effective assessment, supervision, and management of services, as well as the administration of community sanctions, dependent on certain risk and protective factors. Our focus remains on the reduction of reoffending and to minimize harm to the public by promoting positive behavior change.

RECOMMENDATIONS

Policy Recommendations to Enhance County Probation Department Services:

- **Eliminate the mandate that pre-sentence investigations (PSI's) must be conducted when a sentence of up to 364 days in jail has been negotiated.**
 - This reform amends Criminal Procedure Law (CPL) 390.20 (5) to create parity throughout the State concerning the Waiver of Pre-Sentence Investigations (PSI) when a negotiated sentence of incarceration for a term of 365 days or less has been mutually agreed upon by the parties, with consent of the Judge, as a result of a conviction of a felony or misdemeanor or revocation of a sentence of probation.

A similar bill was passed in 2014 that applied to New York City only. A post implementation study determined that this did not cause an increase in incarceration for defendants.
 - Counties believe this bill will ensure a common statement practice for the use of PSIs across New York State when there is a plea agreement in place for local incarceration of up to 364 days and will aid in expediting sentencing those defendants who are incarcerated in county jails.



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- **Grant county probation departments the flexibility to quickly make an application for a temporary Order of Protection as a part of the adjustment process.**
 - Many times, during the Juvenile Delinquent (JD) diversion process, a stay away order of protection is needed to ensure safety and compliance. The main purposes of diversion are having a youth avoid being petitioned into Family Court while resolving the matter at hand and providing services to the youth. Unfortunately, when an Order of Protection is needed there aren't any mechanisms to obtain such an order without bringing the youth into court unnecessarily and expending county and state resources.
- **Eliminate the requirement that there be a sentence of a conditional discharge or probation for Leandra's Law cases when a defendant has been sentenced to a term of imprisonment.**
- **Authorize law enforcement agencies to issue appearance tickets, instead of arrest and immediate arraignment, when Adolescent Offenders are charged with most Class D Felonies.**
 - This proposal would allow law enforcement officers more flexibility with issuing appearance tickets rather than arresting an individual and accessing an on-call magistrate who may not be familiar with the logistics of laws that raised the age of criminal responsibility (RTA Laws). Further, this would alleviate county agencies from attempting to find secure and specialized secure detention beds in a system that routinely has little or no availability.
- **Allow law enforcement agencies to deliver Adolescent Offenders, Juvenile Offenders and Juvenile Delinquents to detention facilities after business hours without a securing order until the next business day or until court is in session.**

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