

# NYAPSA NEWS



Winter 2005

## President's Letter

Peter C. Kiers

There has been much happening over the last few months in the field of pretrial....

The NAPSA Committee on Pretrial Standards has completed the final version of the newly revised National Pretrial Release Standards, which has been approved by the National Association of Pretrial Services Agencies' (NAPSA) Board of Directors. The final document is impressive and is the culmination of two years of work by the committee. With the completion of these Standards, in conjunction with the American Bar Association Pretrial Standards (2002) and the New York State Pretrial Release Standards, we in New York have a foundation upon which to plan, assess, and evaluate our pretrial programs. The *National Standards* will be available on the NAPSA website ([www.napsa.org](http://www.napsa.org)). The *New York State Standards* are available on the Division of Probation and Correctional Alternatives (DPCA) website ([www.dpca.state.ny.us](http://www.dpca.state.ny.us)) and will be available soon on our website ([www.nyapsa.org](http://www.nyapsa.org)).

One of our highpoints each year was the joint NYAPSA / NYAASP Conference in Albany. For the past few years however, NYAPSA has not had a yearly conference. This, of course, was due to state and local budget cuts where agencies cut training and travel opportunities for staff. With budgets still cut in our state, NYAPSA has been attempting to provide innovative opportunities for members to participate in some informative training. Last year, we teamed up with DPCA to participate in a statewide video presentation entitled, *Advancing the Effectiveness of*

*Community Corrections through Science*. Those who were not able to see the live broadcast may obtain a free copy (DVD) from DPCA. This year, we will be partnering with the Association of Drug Court Professionals to represent pretrial workshops at their annual conference, which will be held in Rochester, New York (in March 2005).

In 2006, however, the NYAPSA Board has voted to host a 30th NYAPSA Anniversary conference in Albany. The feedback we have been receiving demonstrates that pretrial and community correction practitioners around the state desire more training and networking with peers.

Our yearly periodical, NYAPSA News, will continue to be printed in hardcopy and mailed to members. In addition, we will be posting quarterly updates on our website in order to keep our members abreast of developments around New York State. Members, it is important that you send us your e-mail address so that we can notify you when updates are available, and send you conference information and special news. Please know that no e-mail information will be shared. To ensure that you receive the updates, please send your e-mail address to [yreece@nycja.org](mailto:yreece@nycja.org).

At its most recent conference in Tulsa, Oklahoma, the National Association of Pretrial Services Agencies (NAPSA) announced an exciting new project. It will begin a certification program which will allow pretrial practitioners around the country to become *Certified Pretrial Professionals*. It is anticipated that there will be 5 levels of certification; the exact nature of which will be announced. Level I -- a basic understanding of pretrial and its history -- is being

developed at this time.

Certification allows programs to train staff in the basics of good pretrial practice, demonstrates professionalism, and may be used as a criterion for program and staff development. It is anticipated that NAPSA will provide all study materials, application processes, and assessment tests online. Additionally, state affiliates such as NYAPSA will be able to provide training to agencies and jurisdictions. Please check [www.napsa.org](http://www.napsa.org) for details.

Lastly, I would like to thank you for your continued membership in NYAPSA. For those who are not members please consider joining. Your support fosters the advancement of pretrial issues in New York and around the country. For example, we provide training and conferences to practitioners around the state; participate in the creation of pretrial standards in New York state; have a representative say in the national association (NAPSA); and provide a special non-voting affiliate membership of \$20 to our members that allows them to receive quarterly NAPSA News newsletters and special member registration rates at NAPSA's annual nationwide conference (to be held next year in Houston). Membership in our professional organization also demonstrates to local and state officials the importance of our profession. All of this for a tax-deductible \$25 per year!

Thanks for all your participation.

Until next time. . .



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## Ontario County Merges With Probation

By Kevin Case

In June 2004, the Ontario County Alternatives-to-Incarceration Program (ATI), which oversees pretrial release and community service programs for Ontario County, merged with the probation department.

The merger is intended to strengthen community corrections within Ontario County by allowing for greater cooperation between the departments and permitting the sharing of resources. For example, the Pretrial (PTR) program will now have access to Electronic Monitoring (EHM), the "Sobriator" (a unit installed in a defendant's residence

that can periodically and randomly test the defendant's blood alcohol content), and urine screens. Additionally, the ATI Officer who supervises the PTR program will be reclassified as a probation officer, but will continue with the same duties and responsibilities.

The Yates County Board of Supervisors also approved a part-time position, within the probation department, to operate and supervise pretrial release. For further information please contact Michelle Flynn, of Yates County Probation, at 315-536-5155.

"The merger is intended to strengthen community corrections within Ontario County by allowing for greater cooperation between the departments..."



## Election Update

By Charlene Leistman

The spring newsletter contained an article concerning the handling of elections for 2003 and 2004. To summarize, it was proposed that Board Member terms (including President, Vice-President of Release, Secretary, and Region Directors 1, 2, and 4) scheduled to end in 2003 be extended until 2005. At that time, nominations and elections will be held in accordance with our By-laws.

The article also notified members that mail and e-mail will be utilized for the 2004 election. Nominations closed on March 19, and resulted in the following:

- Vice-President of Diversion – Craig McNair
- Treasurer – Aida Tejaratchi
- Director At-Large – Kevin Case
- Region Director 1 – No nominations
- Region Director 3 – Charlene Leistman

A ballot was enclosed with the newsletters of all members in good standing. Twenty responses were received. The 2003 election proposition passed 19 to 1, and all nominees on the 2004 slate were elected.

Thanks to all those whom participated in this process. Please consider becoming a member of the Board by running for office in 2005!

## NYS Developmental Disabilities Planning Council Criminal Justice Sub-Committee

By Catherine Lane

In May 2004, NYAPSA was represented at the NYS Developmental Disabilities Planning Council Criminal Justice Sub-Committee. The purpose of the committee is to identify the needs and available services for people with developmental disabilities who are involved in the criminal justice system. Attending the May 2004 meeting were Representatives from the NYS Office of Court Administration; NYS Office of Mental Health; OMRDD; NYS Defender's Association; NYS Department of Corrections; NYS Sheriff's Association; NYS DDPC; Division of Parole; Self Advocacy Association of NYS; along with NYAPSA and NYAASP.

Identified areas of need included cross-system education on developmental disabilities for staff in various entities, and improvement of early intervention and early identification of persons with developmental disabilities in the criminal justice system.

The sub-committee has also spent time familiarizing itself with each agency's functions and experiences with this population. The sub-committee is in the process of identifying potential priority areas to address for submission to the Developmental Disabilities Planning Council.

# The State's Standards for Pretrial Service Programs

By Jerome E. McElroy

Standards for the operation of pretrial services in New York State were promulgated by the Division of Probation and Correctional Alternatives (DPCA) about a year ago. As a member of two committees that periodically worked on these Standards since 1995, I extend my thanks to Sara Fasoldt and Bob Maccarone for advancing this effort to "maximize effectiveness and to increase fairness and equity with regard to pretrial release and detention."

The Standards are grounded in the principle that defendants are presumed to be innocent, and should be considered for release under the least restrictive non-financial alternative available to the court. Therefore, the Standards call for screening all defendants to determine eligibility for non-financial release, and thereby diminish the disadvantages imposed on the poor by the money bail system. In assessing eligibility for such release, pretrial programs are directed to do so by using an objective method for assessing the defendant's risk of non-appearance. I believe these Standards will provide valuable guidance to programs intent on pursuing that objective.

While the preparation and promulgation of these Standards is a significant accomplishment for New York State, it is important that they be given life in the field. Toward that end, DPCA might now consider how to create a capacity to review them against the Standards recently adopted by the American Bar Association and the National Association of Pretrial Service Agencies, as well as a capacity to monitor compliance with the Standards and to assist



## New Pretrial Services Unit Nassau County

By Catherine Schefer

The Nassau County Probation Department has announced that it is expanding the Pretrial Services Program. Additional State and County funding has enabled the department to add seven staff members to the Pretrial Unit.

The Probation Department's goal is to provide a more comprehensive program that will aid the judiciary in making bail, remand, and pretrial release decisions. The Department will also increase its capacity to provide post-release monitoring of defendants who can safely remain in the community pending the resolution of their criminal court cases. The expanded programs will now screen all pretrial detainees either prior to or shortly after their initial arraignment on criminal charges.

Eligible defendants will be interviewed and rated on the New York State Division of Probation and Correctional Alternatives endorsed and validated COMPAS risk assessment tool. This computerized

assessment produces a score and rates each defendant's risk for "failure to return." Collateral contacts will be made with family and/or others with significant information regarding the defendant's situation. Whenever possible, reports will be prepared for the Court prior to the first court appearance.

The newly expanded program will offer the court a number of release options including Release In Own Custody, Bail Reduction, or Release with a graduated range of conditions. Among the monitored-release options will be the ability to monitor defendants with a series of computerized, voice-recognition-enabled phone calls that verify not only the individuals' identities but also their presence within the court's jurisdiction. In limited cases, electronic monitoring or "house arrest" would also be available. Program staff will engage in ongoing review of all cases to insure court appearances and promptly notify the Court of any violation of release conditions.

For further information Contact:  
Assistant Deputy Director Shannon  
Delfox 516-571-4739



## Monroe County Sponsors Conference for Mental Health Practitioners

By Barbara Darbey

Monroe County has a history of working collaboratively within the criminal justice system to address problems affecting the administration of justice. Its criminal justice committee, the Public Safety Sector, has taken on the challenging problem of dealing with arrested persons who have significant and active mental illness. The committee has made progress on several fronts, particularly with forging increased understanding and agreement among service providers, law enforcement, and the jail.

The committee has worked to obtain agreement among various law enforcement agencies to utilize a universal format for the processing of mental hygiene arrests (non-voluntary psychiatric evaluation for those at risk of injury to self or others), and to use local emergency rooms for those who are in crisis. The committee has been able to negotiate agreements with local residential psychiatric facilities regarding the use of the criminal justice system and incarceration when a client acts out.

To continue strengthening the relationships between psychiatric service providers and the criminal justice system, the Public Safety Sector is sponsoring a day-long conference on this matter. Many mental health practitioners are increasingly interacting with the criminal justice system, and report that they need a better understanding in order to be of real assistance.

The free conference on October 15 will offer an opportunity for practitioners to get information on: how cases are processed; perspectives of the judiciary, prosecutor, and defense on cases involving mental illness; resources within the system for the mentally ill; and the use of specialized dockets for the mentally ill. The three "P's" (Pretrial, Probation, and Parole) will be represented and offer participants an opportunity to talk about the differences between the agencies - often one of the most challenging issues for those outside the system.

The conference will allow time for participants to work on an agenda for the future, "what comes next," to increase communication and collaboration.

### NEW YORK ASSOCIATION OF PRETRIAL SERVICE AGENCIES ANNUAL TREASURER'S REPORT (January 1, 2004 through January 1, 2005)

	CHECKING ACCOUNT	MONEY MARKET ACCOUNT	COMBINED TOTAL
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<b><u>PRIOR ACCOUNT BALANCES:</u></b>	672.77	5164.71	5837.48
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<b><u>DEBITS:</u></b>			
Newsletter Printing & Copies	432.00	---	432.00
Payment for Newsletter Editor	500.00	---	500.00
2004-2005 NYS Directory	120.00	---	120.00
Postage (Membership Mailing)	93.98	---	93.98
NAPSA Affiliation Dues	100.00	---	100.00
Pretrial Reporter – (2 year subscription)	80.00	---	80.00
LAC Reception	150.00	---	150.00
Transfer to Checking	---	1000.00	1000.00
	-----	-----	-----
(-) <b><u>SUBTOTAL:</u></b>	1475.98	+ 1000.00	= 2475.98
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<b><u>CREDITS:</u></b>			
NYAPSA Dues	225.00	1205.00	1430.00
Interest	N/A	23.45	23.45
Deposit into Checking	1000.00	--	1000.00
	-----	-----	-----
(+) <b><u>SUBTOTAL:</u></b>	1225.00	+ 1228.45	= 2453.45
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<b><u>CURRENT ACCOUNT BALANCES:</u></b>			
<b>SUBTOTAL:</b>	421.79	5393.16	5814.95
<b>PETTY CASH:</b>			64.61
			-----
<b>TOTAL:</b>			5879.56

## Bronx County Courts Reorganized Supreme and Criminal Courts to Merge, Criminal Division Created

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By Peter Kiers

The Bronx Criminal and Supreme Courts have merged, effective fall 2004. The New Bronx Criminal Division will handle felony and misdemeanor proceedings (excluding summons offenses) that until this time were divided between Supreme Court and the New York City Criminal Court. It is anticipated that the newly consolidated Criminal Division will more efficiently use the resources of the two courts, and enhance the court system's response to the needs of the public. The Administrative Judge of the Supreme Court, Criminal Term, will oversee the day-to-day operations of the newly streamlined Criminal Division.

The Criminal Court will continue to commence the persecution of all offenses in Bronx County. Any case that is disposed in Criminal Court will remain in Criminal Court for all post-disposition activity. Summons cases will remain in the Criminal Court for all purposes. All cases which are not disposed at their arraignment appearance in the Criminal Court will be transferred to the Supreme Court of the Criminal Division for all subsequent activity.

The Criminal Division will continue to operate six specialized parts:

- ◆ **DV (Domestic Violence)** will handle the combined calendars of the current Criminal Court DV Part, the Criminal Court DV TAP Part and Supreme Court's DV Part. DV trials will be conducted in a dedicated DV Trial Part or, when necessary, in a trial part. DV compliance calendaring will continue unchanged.
- ◆ **IDV (Integrated Domestic Violence)** will continue to handle related family, matrimonial and criminal cases pertaining to a single family where the underlying issue is domestic violence.
- ◆ **BXTC (Bronx Treatment Court)** will handle all eligible drug cases.
- ◆ **COMPLIANCE (Part C)** will monitor post-disposition cases. Upon entry of a conviction or plea, cases will be adjourned to Part C for monitoring and compliance updates. This part will also handle the calendar for the Mental Health Court.
- ◆ **VIOLATIONS OF PROBATION (VOP/Part 10)** will handle violation of probation cases and serve as an additional Motion Conference Part, processing an inventory of non-narcotics misdemeanor cases.

- ◆ **GUN PART (Gun Part/Part 3)** will handle pre-trial gun cases and serve as an additional Motion Conference Part processing an inventory of non-narcotics misdemeanor cases.

Except for cases going to the specialized parts, all cases not disposed of at intake will be adjourned to one of ten mixed felony-misdemeanor Motion Conference Parts. These parts will handle all pre-trial proceedings until cases are disposed of or ready for trial. Trial ready cases will be assigned from the Motion Conference Parts to the next available Trial Part.

The Supreme Court, Criminal Division Tier III, will consist of trial parts. The Trial Coordinator's Office will assign hearing and trial ready cases from the Motion Conference Parts to the Trial Parts. One trial part will be a dedicated Domestic Violence Trial Part. It will be available for trials on other types of cases when not engaged in a domestic violence trial.

For further information visit:  
[www.nycourts.gov](http://www.nycourts.gov)

## 2004 NAPSA Conference, Tulsa, Oklahoma



(from left to right) Catherine Alexander (NYAPSA Secretary), Sonia Crooks-Archer (CJA Borough Director), Aida Tejaratchi (NYAPSA Treasurer), Frederico Conde (Bronx CJA Operations Manager)



Wayne County Executive Director, Trey Lockhart with conference scholarship winner Carla Royale



Craig McNair, NYAPSA Region III Director, preparing for tour.

# New York Association of Pretrial Service Agencies Board of Directors



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for future  
correspondence.

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## MEMBERSHIP APPLICATION



NYAPSA is an organization of professionals who are dedicated to the advancement of pretrial release services and community-based, non-incarcerative alternatives for the disposition of criminal cases. Through its statewide Board of Directors, NYAPSA provides advocacy and education, hosts an annual conference on pretrial and alternatives to detention and incarceration issues, and releases an annual newsletter.

If you are interested in pretrial services, alternatives to incarceration, and community corrections, and would like to become a NYAPSA member or renew your membership, please fill-out the membership application below.

### MEMBERSHIP APPLICATION

Name \_\_\_\_\_

Title \_\_\_\_\_

Agency \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

Annual NYAPSA Membership Dues:

\$25 individual

\$10 student

Make check payable to NYAPSA and mail with this application form to:

Aida Tejaratchi

NYAPSA Treasurer

c/o NYC Criminal Justice Agency

52 Duane Street, 3rd floor

New York, New York 10007



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