

NYAPSA NEWS

A Publication of the New York Association of Pretrial Service Agencies
Established in 1976



PRESIDENT'S LETTER

By Craig McNair

I hope everyone is enjoying 2008!!! My, how time flies when you are having fun. As this issue goes to press, The NYAPSA Board has been hard at work on several things including discussions about planning our own pretrial conference in the near future. I have spoken to a number of colleagues across the state that miss the annual conference. The NYAPSA board has been having preliminary discussions on pulling together a training day or two for pretrial professionals to come together and discuss important issues.

During the summer of 2007, Robert MacCarone, State Director for the State Division of Probation and Correctional Alternatives (DPCA) asked me as NYAPSA President, to sit on the *Subcommittee on Supervision in the Community of the New York State Commission on Sentencing Reform*. I was proud to accept on behalf of our Association, and honored that NYAPSA was asked to provide pretrial information for this important topic. The subcommittee had four back-to-back, but very comprehensive, meetings to review key areas of community corrections including pretrial. DPCA put together a wonderfully written report to the Governor's full committee on sentencing reform that included many pretrial recommendations including the following:

*NYS Commission on Sentencing Reform
Subcommittee on Supervision in the Community*

Executive Summary: Listing of Recommendations

I. Pretrial Release Services

1. Amend state law to ensure the statewide establishment of pretrial services. This will involve expansion of pretrial services to eight additional counties where no such services exist. Amend CPL Article 510 or Executive Law Article 13A.
2. Amend state law to ensure the establishment of a continuum of graduated restrictions for pretrial release statewide. This will ensure that counties statewide use a range

of pretrial services, including release on recognizance and various forms of supervised release. Amend CPL Article 510 or Executive Law Article 13A.

3. Amend state law to empower the State Director (DPCA) to establish regulations to require the use of a validated "risk of flight" instrument statewide to promote a reduction in the disparity of defendants released from jails. Amend Executive Law Section 243.
4. Amend state law to provide state aid funding to support and establish pretrial services statewide, regardless of whether the service is provided through probation departments of private non-for-profit agencies. This will address disparity in services statewide. Amend Executive Law Section 246.
5. Establish and fund a research and evaluation capacity (unit) at DPCA to provide on-going analyses of pretrial service programs and community supervision services to determine program effectiveness, offender displacement, recidivism rates and cost-benefits analyses.

This was a wonderful process to be involved with, and I would like to personally thank Robert MacCarone, on behalf of NYAPSA, for recognizing the field of pretrial as essential in this process.

It is for reasons such as this that your participation and support of NYAPSA has tangible impact in statewide forums and fosters a viable presence in the state. I encourage your further participation in 2008, and encourage you to renew your membership if you have not done so already. Please encourage your friends in the pretrial field to join as well.

Lastly, visit our web site often. It has links and important information about pretrial from around the state. NYAPSA works for you. If you have any questions, or would like to have some input, please email me at: cmcnair@monroecounty.gov.

Thanks and best wishes for 2008!



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NYAPSA NEWS is published annually. Articles for submission relating to pretrial release and diversion are always welcome.

Send your article (in MS Word format), along with your full name, title, and organization, on a disk or via e-mail to:

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NYAPSA WELCOMES NEW BOARD MEMBERS

By Charlene Leistman
Release/Assessment Coordinator, Pre-Trial Services Corp.

Congratulations to Christina Vanasco and Anne Mangeri who were elected to the NYAPSA Board in May 2007 to represent Regions II and IV, respectively.

Christina Vanasco is an Assistant Deputy Director at the Nassau County Probation Department. She began her career with the Nassau County Probation Department in 1983 as a line Probation Officer. After a promotion to the rank of Supervisor, Ms. Vanasco supervised an Intensive Supervision Unit.

She was promoted to the rank of Assistant Deputy Director in 2005. In this capacity Ms. Vanasco oversees several operations, including the Intensive Supervision Unit, Court Liaison and Pretrial Services. She has been actively involved in the recent expansion of the Pretrial Services Program in Nassau County.

Christina Vanasco has a Master's Degree with a Specialty in Substance Abuse Counseling. She has been a member of several professional organizations including NYAPSA, the National Association of Pretrial Services Agencies (NAPSA), the American Academy for Professional Law Enforcement (AAPLE), the American Probation and Parole Association (APPA), and the Nassau County Probation Officer's Association (POA). She recently sat on the committee involved in updating the NYAPSA Standards.

Anne Mangeri started working at Pre-Trial Services in Westchester County in the fall of 1976, over 30 years ago. She began as an interviewer and two years later was promoted to Supervisor. A very short time later, she became Assistant Director; a position she held for approximately three years.

For the last 25 years, Ms. Mangeri has been the Director of Pre-Trial Services in Westchester County. Having worked her way up through the ranks, she is quite familiar with all aspects of her work. To this day, when needed, she continues to do field work as an interviewer. An opportunity that she believes, keeps her in touch with her staff and the day-to-day performance of the services her agency provides.

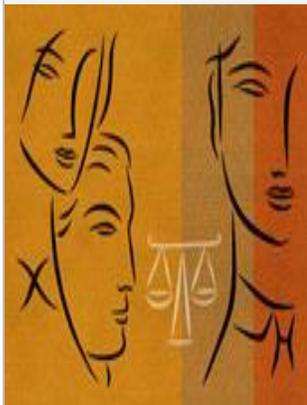
Ms. Mangeri is a past president of the New York Association for Alternative Sentencing Programs (NYAASP) and she currently sits on the board of the Westchester County Criminal Justice Advisory Board.

Both Ms. Vanasco and Ms. Mangeri are excited about their new roles. Congratulations again!

NYAPSA's on the web!

Visit us at:
www.NYAPSA.org

To list your organization's website as a link on our site contact:
atejaratchi@nycja.org



NAPSA INTRODUCES CERTIFICATION PROGRAM

By Peter C. Kiers
NAPSA Vice-President and Education Chair

The National Association of Pretrial Services Agencies (NAPSA) is pleased to announce the initiation of its certification program for pretrial practitioners. The certification program provides a method by which individuals will gain national recognition as qualified pretrial practitioners. Persons who successfully complete certification will become a *Certified Pretrial Services Professional* (CPSP). Individuals who work in the pretrial field may apply for this certification through the NAPSA website www.napsa.org. Certification exams will be available twice a year, in the fall and spring. Applications for the December 2007 test have already been received. Those with appropriate qualifications applying after November 30th will be eligible to take the exam in May 2008.

Achieving *Certified Pretrial Services Professional* status involves qualifying in occupational experience and education, and passing an examination which deals with both general legal and court issues and practices, and issues specific to the individual's pretrial area. Persons obtaining *Level One Certification* demonstrate a basic understanding of the Pretrial movement and the history upon which it is based. To maintain this status, individuals must be re-certified when the three-year certification term expires. Re-certification requires that an applicant meet qualifying criteria concerning his or her current position, and acquires 25 hours of continuing education.

The certification program is designed to advance the overall knowledge level of practitioners in the pretrial field, and help ensure that they are aware of the most current information and best practices. Further, it promotes the capabilities of pretrial professionals -- both within the program and to the public in general -- by demonstrating their adherence to the **NAPSA Code of Ethics**, and enhancing their public image thereby aiding in the recruitment and formation of new and talented staff.

There are three major phases to the certification program: 1) candidate status, 2) certification status, and 3) re-certification. The **FIRST PHASE** has three steps: (a) applying for certification, (b) qualifying, and (c) passing an examination. All three steps must be completed within two years from the date the application is received by Certification Staff. An individual employed full-time in pretrial release or diversion who wishes to become certified begins the process by submitting the completed electronic application for certification available at www.napsa.org within the specified application period. Submitting a completed application, along with required documentation, constitutes entering the certification program. After the application material has been reviewed and approved by the Certification Staff, the now-qualified candidate must take and pass an exam. This exam will be offered twice each calendar year.

A candidate who passes the exam enters the **SECOND PHASE** and will become a *Certified Pretrial Services Professional, Level One*. His or her pretrial career has received the highest level of national peer recognition in that certification category. This **SECOND PHASE** lasts for three (3) years.

To continue as a *Certified Pretrial Services Professional Level One* beyond the three year period, the CPSP must be re-certified -- which constitutes the program's **THIRD PHASE**. Re-certification requires the individual to have attended 25 hours of continuing education (that is pertinent to pretrial and the law) and to hold a position equal to, or higher than, his or her position at the time the original certification was issued. (Persons, who are in a lesser position than the position held at the original certification, may appeal to the Chair of the Education Committee to be re-certified. Appeals will be reviewed on a case-by-case basis.)

For details on the certification process, how to apply, and forms and fees, visit the NAPSA website at www.napsa.org, and click on the Pretrial Certification overview.



SAVE THE DATES!

NAPSA 36TH ANNUAL CONFERENCE & TRAINING INSTITUTE

SEPTEMBER 28 THROUGH
OCTOBER 1, 2008

THE STAGE HAS BEEN
SET FOR NAPSA'S 36TH
ANNUAL CONFERENCE &
TRAINING INSTITUTE!
THE 2008 CONFERENCE
WILL BE HELD IN
MILWAUKEE, WI ON THE
SHORES OF GREAT
LAKE MICHIGAN.

For more information,
visit WWW.NAPSA.ORG

NATIONAL INSTITUTE OF CORRECTIONS' PRETRIAL EXECUTIVES TRAINING A SUCCESS

By Sonia Crooks-Archer
Regional Director, NYC Criminal Justice Agency

The National Institute of Corrections (NIC) conducted a training session titled "**Orientation for New Pretrial Executives**" during October 21 – 26, 2007. The goal of this training was to develop and enhance the leadership capabilities of high-level management personnel in the pretrial field. The program was a 40-hour course which encouraged a participatory atmosphere of discussion and problem sharing.

Fifteen participants with varying levels of experience as executives in the pretrial field met in Aurora, Colorado. Attendees came from Arizona, the District of Columbia, Florida, Maine, Michigan, New York, Ohio, Pennsylvania, Texas, and Virginia. There was also varying degrees of size and tenure of programs, with large well established and small and fledgling programs being represented. This allowed for an excellent learning experience, not only from the faculty presentations but the participants learning from each other and sharing ideas.

The faculty was culled from some of the most experienced and well-regarded professionals in the national pretrial field. The faculty's style was geared towards soliciting the optimum level of participation from attendees, and they were very successful in their efforts. Discussions were stimulating and informative.

Prior to meeting in Aurora, participants were requested to exchange the mission statements of their programs, as well as identify and share the key challenges they face in their organizations. During the training, participants were asked to orally present their challenges. A similarity in issues transcended each jurisdiction and made for interesting exchanges. There was invaluable discussion on the steps that were necessary to address the problem issues. Participants broke out into groups based on the similarity of the problems that were outlined. An Action Plan for resolving each key element was one of the important activities that occurred during this training, with participants requested to post their individual Action Plan on the NIC Website within a month of returning home.

Another focus of the orientation was a discussion of the key elements of the NAPSA Standards, and their relationship to the programs that were represented at the training. Participants were introduced to twelve key elements of the Standards, for example:

Key Element #1: *The Pretrial Program should interview all detainees over whom the Court has jurisdiction to set conditions of release or detention and should communicate accurate and objective information to the court at first appearance, and*

Key Element #6: *The Pretrial Program should not recommend financial conditions of release unless no condition or combination of conditions will reasonably assure appearance. The Program should not recommend financial conditions to address public safety issues nor an amount that is beyond the capability of the defendant to raise.*

Another focus of the training was to understand the nature of leadership and managing change. Participants were introduced to the *Situational Leadership Model*, where leaders not only identified their own style but the style and readiness, or ability and willingness of their subordinates. Role playing illustrated the need for managers to know who they are supervising. Different leadership styles were linked to varying "follower readiness." The need to adjust managerial styles based on status of the subordinates was outlined.

Participants learned that creating a value-driven organization was key to the proper management of their programs. Properly defined organizational values, vision and mission are integral to successfully functioning program. A good mission statement embodying the principles of the organization is important. Performance measures are derived from the mission statement and have to be well constructed with the agency's values in mind. Risk assessment formulation was discussed at this stage, as well as at several other stages during the entire training. Barriers to creating the value driven organization were also discussed.

Participants were presented with the legal groundings of the pretrial movement, and the landmark cases that contributed to present pretrial practices. Discussion ensued on protecting the presumption of innocence and insuring compliance in law amongst other legal aspects of the pretrial experience.

Managing the external environment and crisis management were also topics. Pretrial executives are often exposed to normal situations that sometimes get out of hand and result in media attention. Each participant was asked to outline three issues that resulted in media attention geared toward their program. Strategies for dealing with sometimes unpleasant press interaction as well as preparing press releases were discussed. Role playing with peer critique also aided participants in the acquisition of skills necessary to deal with media attention. The managers' performances were video taped for posterity.

The **Orientation for Pretrial Executives** was described by participants as one of the best training sessions they have attended. The practical was skillfully blended with the theoretical to present an experience that will positively affect the participants' pretrial career. The passion of working in the pretrial area was exhibited by every participant and faculty. There was a sense of kinship, of knowing that there were people with the same issues, and that there was support available when needed, whether for information on funding sources, risk assessment examples, and existing reports, or just to share experiences and ideas.

Community Agencies Awarded SAMHSA Grant for Jail Diversion

By Barbara Darbey
Executive Director, Pre-Trial Services Corporation

A consortium of the Monroe County Pre-Trial Services Corporation (PTSC), Catholic Family Services, and the Monroe County Office of Mental Health was recently awarded a three-year *Office of Substance Abuse and Mental Health Services Agency* (SAMHSA) grant to create a collaborative response to women in the local criminal justice system with co-occurring disorders of substance abuse and mental health problems. PTSC's work in the jail, through its assessment team, was the basis for the application. The data garnered from that process provided the foundation for the argument that this population was underserved in the community.

The 1.1 million dollar grant will provide funds to expand the capacity to screen, assess, and intervene effectively with those in the targeted population who have been held in jail after arraignment. The Pre-Trial Services Corporation will be providing screening and identification and will create a special track in their Day Reporting Center

for participants admitted to the program. PTSC will be adding an additional Day Reporting Counselor to address the criminal justice aspects of the participant's situation and work as part of the team who will be managing the intervention.

Catholic Family Services will be providing clinical services as well as case management. The types of services to be provided include trauma-informed integrated dual diagnosis treatment, psychiatric rehabilitative services, peer counseling, and intensive case management which will facilitate access to housing, employment, health care, family related services, and educational opportunities.

The grant will serve 175 women over three years. Its goal is to reduce the number of days spent in jail over the prior year and to retain two thirds in treatment for at least six months.

NAPSA PRETRIAL CERTIFICATION PROGRAM

PROFESSIONALISM - The pretrial certification program enhances professionalism among those who work in the field of Pretrial Services and, thereby, corrects the public's misunderstanding of our field. The pretrial certification program:

- increases credibility;
- promotes leadership;
- provides opportunity to attain expertise;
- attracts high-caliber recruits for advancement in the pretrial services field.

WHY GET CERTIFIED? - Many jurisdictions perceive the desirability of having their staff recognized by peers as having achieved the highest level of professionalism within the pretrial field. The pretrial certification program:

- acknowledges a lifetime of individual progressive achievement;
- establishes a standard of high performance;
- helps make professionalism throughout the field of pretrial a fact.

NOW, IT'S UP TO YOU!

www.napsa.org

New York Association of Pretrial Service Agencies ANNUAL TREASURER'S REPORT

(reflects bank statements from January 6, 2007 through December 31, 2007)

	<u>CHECKING ACCOUNT</u>	<u>MONEY MARKET ACCOUNT</u>	<u>COMBINED TOTAL</u>
PRIOR BALANCES:	406.15	5254.70	5660.85
<hr/>			
<u>CREDITS:</u>			
NYAPSA Dues	1350.00	----	1350.00
Interest	N/A	162.40	162.40
	-----	-----	-----
(+) SUBTOTAL	1350.00	162.40	1512.40
<hr/>			
<u>DEBITS:</u>			
NAPSA Annual Affiliation Dues	100.00	-----	100.00
UPS overnight postage (re: new bank account forms)	24.53	-----	24.53
2007 Newsletter (editing, layout, etc.)	500.00	-----	500.00
2007 Newsletter - printing fee	183.94	-----	183.94
Dues letters - postage	62.01	-----	62.01
Election Notices - postage	17.55	-----	17.55
Miscellaneous: Flowers	87.98	-----	87.98
Travel Reimbursement	40.00	-----	40.00
	-----	-----	-----
(-) SUBTOTAL	1016.01	000.00	1016.01
<hr/>			
CURRENT ACCOUNT BALANCES:	740.14	5417.10	6157.24
PETTY CASH:			<u>64.61</u>
TOTAL:			6221.85

PRETRIAL OUTCOMES FOR DOMESTIC VIOLENCE DEFENDANTS IN NEW YORK CITY

By Richard Peterson
Associate Director for Research,
New York City Criminal Justice Agency

CJA has issued a report on pretrial outcomes in misdemeanor domestic violence (DV) cases in New York City. The report examines release status and pretrial misconduct among DV offenders arrested in the first quarter of 2001 and the third quarter of 2002.

In New York City, only about 2% of misdemeanor DV cases are disposed at arraignment, so an arraignment release decision is made in almost all DV cases. This allows the courts time to learn more about the details of these often complex cases and to transfer many of these cases to specialized DV court parts. Among cases that were not disposed at arraignment, just over two thirds of defendants were released on recognizance. A small proportion was released on bail (4%) and the remainder were not released at arraignment. An additional one sixth of defendants were released after arraignment. The median bail set at arraignment was \$1,000.

Figure 1 presents data on three types of pretrial misconduct. About 10% of DV defendants failed to appear for at least one court appearance. About 15% of released defendants were re-arrested for at least one new offense prior to the disposition of their case. If we consider only re-arrests for DV offenses, about 9% of DV defendants were re-arrested for at least one new DV offense during the pretrial period.

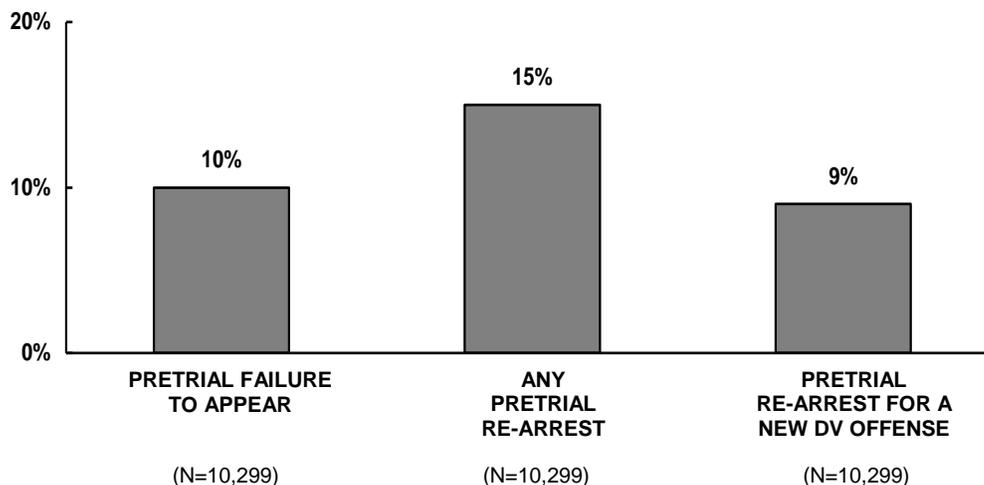
What factors affect failure to appear (FTA) and pretrial re-arrest for a new DV offense among DV offenders? Older defendants were less likely to FTA and less likely to be re-arrested for a new DV offense than younger defendants. Criminal history and weak community ties were also associated with both types of pretrial misconduct. Defendants released on bail were less likely to fail to appear than defendants released on recognizance. However, there was no difference in the likelihood of re-arrest between defendants released on bail and those released on recognizance. Similarly, defendants released after arraignment were more likely to FTA than those released at arraignment, while this variable had no impact on re-arrest. Defendants arraigned on "criminal contempt" charges (primarily violating an order of protection) were more likely to be re-arrested for a new DV offense.

Policy Implications:

- Pretrial misconduct by DV defendants is a significant problem, but it is difficult to prevent. Judges are unlikely to set bail more often, or to set higher bail, for defendants in misdemeanor DV cases, because these cases are unlikely to end in conviction or jail sentences.
- Temporary Orders of Protection, restricting contact between the defendant and the victim, are issued in almost all DV cases, and remain important for preventing re-offending during the pretrial period.
- Preventive detention during the pretrial period, aimed at preventing new offenses, is not permitted in New York State. However, the law does allow the court to address concerns about safety through the conditions of release. Requiring supervised release for some DV defendants might be an effective way to address concerns about both FTA and pretrial re-arrest for new DV offenses.

The CJA report is available on the web at:
<http://www.cjareports.org/reports/brief12.pdf>

FIGURE 1
PRETRIAL FAILURE-TO-APPEAR AND RE-ARREST RATES
FOR DEFENDANTS RELEASED IN DV CASES



NEW YORK ASSOCIATION OF PRETRIAL SERVICE AGENCIES

Board of Directors



We'd like to know
your email address
for future
correspondence.

You can e-mail it to
us at
yreece@nycja.org

or visit our website
at
www.NYAPSA.org

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New York Association of Pretrial Service Agencies

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 conferences, participates in pretrial and alternatives to detention and incarceration workshops, and releases newsletters.

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

If you know anyone who may be interested in joining NYAPSA, please give them a copy of this form.

Annual **NYAPSA** Membership Dues:
 \$25 individual
 \$10 student

Mail this membership application form and check (payable to **NYAPSA**) to:

Aida Tejaratchi
NYAPSA Secretary
 c/o NYC Criminal Justice Agency
 52 Duane Street, 3rd floor
 New York, New York 10007

NYAPSA MEMBERSHIP APPLICATION:

Name _____

Title _____

Agency _____

Address _____

Phone _____

Email _____

SPECIAL OFFER TO NYAPSA MEMBERS!

Because **NYAPSA** is an Affiliate member of the National Association of Pretrial Services Agencies (NAPSA), as a member of **NYAPSA** you are eligible to join NAPSA at a special "affiliate" membership rate of \$20.00 annually -- that's \$55.00 off their annual rate for management and supervisor staff and \$30.00 for line staff! (The only difference in memberships is that you have limited voting eligibility.) You also are entitled to a discounted registration fee for NAPSA's Annual Conference and Training Institute. For more information regarding this special offer, **NYAPSA** members should contact Katie Green, NAPSA Affiliate Director, via e-mail at katieg@james-city.va.us, or by phone at 757-564-2312.



We're on the Web!

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www.nyapsa.org

NYAPSA NEWS

NEW YORK ASSOCIATION OF PRETRIAL SERVICE AGENCIES
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