

New York State Council
Interstate Compact for Adult Offender Supervision
NYS Division of Criminal Justice Services
Alfred E. Smith Office Building
80 S. Swan Street
Albany, NY 12210
Tuesday, May 19, 2026

Welcome and Opening Remarks:

Matthew Charton, New York State (NYS) Division of Criminal Justice Services (DCJS) Office of Probation and Correctional Alternatives (OPCA) Deputy Commissioner and Director, Compact Administrator (CA) and Interstate Commissioner welcomed everyone to the spring Interstate Compact for Adult Offender Supervision State Council meeting. CA Charton asked Council Members and guests present to introduce themselves.

State Council Members Present:

Matthew Charton, Division of Criminal Justice (DCJS), Office of Probation and Correctional Alternatives (OPCA) Deputy Commissioner and Director, Compact Administrator
Mark Mishler, Counsel to Senator Julia Salazar, representing Honorable Julia Salazar, NYS Senator
Honorable Edwin Novillo, Queens County Criminal Court, Judicial Representative
Honorable David Weprin, Assemblymember
Scott Hurteau, representing NYS DOCCS Commissioner, Daniel Martuscello III
Melissa Paquette, General Counsel for NYS Office of Victim Services (OVS) representing Bea Hanson, OVS Director.

State Council Members Not Present:

Rossana Rosado, Commissioner, NYS DCJS
Honorable Erik Dilan, Assemblymember
Lisa Good, Victim Rights Representative
Darryl Towns, Chairman, NYS Board of Parole
Senate Appointment – vacant

Guests Present:

Tasha Brown, Assistant Director, NYS DCJS-OPCA
John Watson, DCJS Office of Legal Services
Kelly Palmateer, Manager of the Interstate Compact Unit at DCJS-OPCA and ICAOS NYS DCA – Probation
Shaina Kern, Compact Office Coordinator, DCJS-OPCA Interstate Compact Unit
Tyrone Catoe, DCJS Compact Office Staff

Review and Approval of the Agenda:

CA Charton asked council members to review agenda included with their meeting materials. Mark Mishler made a motion to approve the agenda. The motion was seconded by Judge Novillo. Motion approved.

Review and Approval of November 13, 2025, Meeting Minutes:

CA Charton asked council members to review the minutes from the November 13, 2025, meeting of the NYS Council of the ICAOS and asked for a motion to approve the meeting minutes. Assemblymember Weprin made a motion to approve the meeting minutes from the fall 2025 meeting. The motion was seconded by Judge Novillo. Motion approved.

Mission Statement:

CA Charton read the mission statement aloud to council members. CA Charton advised council members that Robert Lusi, Director, Warren County Probation Department, will be joining the meeting at 11:30 to speak with council members about what probation looks like today compared to the past.

Review of ICAOS Probation and Parole Compliance Measures:

CA Charton explained the role of the ICAOS National Office and the Compliance Committee in auditing metrics, in certain areas, for compact member states on a quarterly basis. CA Charton noted that a compliance rate of 80% or higher is compliant in that area. CA Charton requested that DCA Palmateer review the metrics for NYS as those metrics are what the Interstate Commission considers in their audit.

DCA Palmateer explained each audit measure and NYS's compliance percentages in the six key areas, comparing NY's numbers to the national average.

Mark Mishler questioned the difference in probation and parole compliance percentages and why probation's compliance is lower than that of parole. DCA Palmateer explained that the correspondence submitted in each compliance area is not completed by staff at the interstate office but by the supervising officers in the local probation departments. DCA Palmateer further explained that staff in the interstate office must work with the 58 local probation departments across the state to have the required reports submitted. DCA Palmateer also noted that the New York City Department of Probation makes up nearly 50% of NY probation's interstate business and presents a challenge based on the volume of cases and staffing challenges there. DCA Hurteau explained that at parole they are much more centralized. Parole deals with the entire state, however they have multiple layers of monitoring within the parole office and parole compact staff can submit the reports themselves. DCA Hurteau also noted the difference in the volume of cases between NY Probation and NY Parole.

CA Charton agreed that there are two primary issues for the lower probation compliance rates. One, probation is administered at the county level and there is no direct oversight between the compact office and the county probation department and two, the volume of cases.

Mark Mishler asked if New York City was not included in the compliance percentage, would the compliance percentage for probation be higher. DCA Palmateer stated that the percentage in each area would likely be higher.

Probation Practice Overview – Robert Lusi, Director, Warren County Probation Department

CA Charton introduced Director Lusi to council members and thanked Director Lusi for taking the time to speak to the council about what probation looks like today and the focus of probation service in the community.

Director Lusi introduced himself and said that he has been the Director of the Warren County Probation Department for 27 years and has been involved with probation for nearly 40 years. Director Lusi noted that probation is administered at the county level in New York State and, in the past, had three core functions: intake, investigation and supervision. Director Lusi went on to explain intake in the family court and probation's role in diverting cases from the court system. Director Lusi detailed the importance of the PSI and what information is included in the PSI report. Director Lusi proceeded by stating that when people think about probation, they think that people report to probation and that probation is conducting home visits which are the core functions of what probation does however this has evolved over time.

Director Lusi explains that probation departments all have specialized caseloads and while probation departments might function a little differently across NY, most departments have the core functions with regards to the specialized caseloads. Director Lusi mentioned the specialized courts in Warren County and how the court system is looking for other ways to resolve pending matters and when they do that, probation is always a possibility.

Director Lusi informed council members that probation departments are involved in community service programs and have school-based probation officers. Probation Officers in the school are doing pre-PINS work, so children are not being brought into the system, and they are able to deal with family type issues.

Director Lusi notes that many probation departments in NY are armed, have warrant squads and can execute their own warrants. Director Lusi goes on to state that probation departments are collecting DNA, monitoring ignition interlock cases and traditional discharge cases, operating pre-trial release programs and are involved in many ROR and RUS cases. Director Lusi explained that when there is new legislation that is passed related to criminal justice, 9 out of 10 times, probation is involved.

Director Lusi noted the impact that Raise the Age Legislation has had on probation departments in NYS and how probation is handling the increase in caseload. Probation is tasked with finding detention beds

when necessary and has partnered with different non-profits in their communities to prevent this population from being sent to detention if possible.

Director Lusi stated that most people do not realize that probation collects and distributes restitution ordered by the court. Many departments also collect DWI fees and fines to the court as well.

Director Lusi stated that probation is also responsible for sex offender verification. Probation works in conjunction with law enforcement, provides enhanced supervision, has groups in conjunction with treatment providers and conducts a lot more home visits to that population. Director Lusi noted that probation is also involved with the GIVE program and STRIVE. In conclusion Director Lusi said that in NYS, there are about 73,000 individuals under supervision (50% misdemeanor/50% felony), many not easy cases, are individuals who have been in an out of prison, and they remain in the community. Director Lusi noted that probation funding has not increased since 1990 and probation is always advocating for more money.

CA Charton added that probation is set up to prevent any further penetration into the juvenile or criminal justice system. Intake in NY is set up where, for most crimes, juveniles go directly to probation. Most cases are then diverted without any further penetration into the juvenile justice system. CA Charton notes this being an important piece of probation practice that is often overlooked. CA Charton stated that state aid has not increased since 1990 and one of the big pushes of the Council of Probation Administrators is looking at is getting an increase in state aid.

Melissa Paquette thanked Director Lusi and asked if the CBI is provided by probation staff or if it is contracted out. Director Lusi stated that probation has learned to do it, but they do partner with community representatives noting that the way to make the community better is to get everyone involved. Melissa Paquette asked how many individuals involved with probation have been victims of crimes in the past. Director Lusi advised that many, probably 25% or more.

Rule Amendment Proposals

DCA Palmateer reviewed the four rule proposals that will be voted on at the 2026 Annual Business Meeting. DCA Palmateer explained that the Chapter 5 rules changes being proposed are being voted on as a package, not individually. DCA Palmateer noted that the proposed changes in the Chapter 5 rules do two major things. They place a requirement on the supervising state to use a violation response tool that was created by the ICAOS RNR Workgroup and they move the violation report rules from Chapter 4 to Chapter 5. DCA Palmateer noted a concern with the rule proposal being approved including the requirement for states to utilize the violation response tool. DCA Palmateer was concerned that requiring the tool usage may prevent states from being able to treat an individual transferred under the interstate compact in the same manner as a similarly sentenced individual in the receiving state. DCA Palmateer notes some other procedural concerns with the changes proposed in Chapter 5 Rules. DCA Hurteau agreed with the concerns noted by DCA Palmateer and added that the standards are different between probation and parole and to be mandated to use the tool for everyone is a concern.

CA Charton noted that the Commission saw in data that most individuals were being restored back to probation and transferred back to the receiving state after a violation of probation was filed. CA Charton noted that this is a good effort by the Commission to address that issue. Mark Mishler questioned if the impetus was to complete more retaking. CA Charton advised, it is the opposite, it is to reduce the number of retakings. Judge Novillo asked if we have considered implementing some sort of virtual procedure to do some preliminary hearing in those instances. CA Charton mentioned that there is supposed to be a probable cause hearing conducted prior to the submission of the violation report but that hearing has nothing to do with the courts in the sending state. CA Charton notes that some states may have an issue with the other state telling them what they need to do with their own supervised individual. DCA Palmateer added that remote violation hearings are allowed in certain cases under the current rules. DCA Hurteau noted the different process for parole cases and how they do not go before a court but before the parole board. Mark Mishler asked DCA Hurteau about the new rules regarding technical violations and how they apply to interstate cases. DCA Hurteau advised that, if the individual violated for something that NY Parole cannot file a violation for, they could order the individual to return to NY. If the individual does not return as directed, they would then be declared, and absconder and parole can issue a warrant. CA Charton advised, as a last point, that if the violation tool is completed, the receiving state does not need to follow the recommendation of the tool. Melissa Paquette questioned if NY has its own violation tool. DCA Hurteau advised there are certain rules for parole that dictate when they can issue warrants, but they do not have a tool. CA Charton notes that some probation departments have their own matrix which is used but there is not a statewide matrix that exists.

DCA Palmateer reviewed the proposed changes to the definitions, and the removal of the term graduated responses from the rules noting no concerns with the proposal.

DCA Palmateer reviewed the addition of language to two reporting instructions rule noting no issues with the proposed change as the language already exists in the other reporting instruction rules.

Finally, DCA Palmateer reviewing the proposal to add the Code of Conduct to the Compact bylaws noting no issues with the proposal.

Focal Issues/New Business

CA Charton proposed the idea of the council meeting once per year to be cognizant of members' time. CA Charton notes that we would include language to reserve the right to add additional meetings if necessary. CA Charton advised this would require a change to the council bylaws. CA Charton noted meetings would need to meet prior to Annual Business Meetings. DCA Palmateer noted that she would draft proposed changes to the bylaws which can be reviewed at the fall meeting. If a voting member will not be present at the fall council meeting, an official letter appointing another to represent them will be necessary.

Update from Council Members

None