



## Division of Criminal Justice Services

KATHY HOCHUL  
Governor

MICHAEL C. GREEN  
Executive Deputy Commissioner

ROBERT M. MACCARONE  
Deputy Commissioner and Director

### **STATE DIRECTOR'S MEMORANDUM #2021-8**

**TO:** Probation Directors

**FROM:** Robert M. Maccarone, Deputy Commissioner and Director *RMM*  
Office of Probation and Correctional Alternatives

**DATE:** September 1, 2021

**RE:** COVID19--Recission of Emergency Probation Procedures  
Effective Monday, September 27, 2021

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Through State Director's Memorandum #2020-3, effective March 16, 2020, the Division of Criminal Justice Services (DCJS) Office of Probation and Correctional (OPCA), authorized Emergency Probation Procedures regarding the Coronavirus of 2019 (COVID-19). In the interest of minimizing possible staff, client, and public exposure to COVID, Probation Directors, in consultation with their local chief elected official and local health professionals, could invoke the Emergency Probation Procedures, thereby suspending or modifying certain regulatory requirements including those related to in person contacts and home contacts. SDM #2020-3 required Probation Directors to advise DCJS in writing when the probation department suspended either in-person contacts and/or home contacts with respect to the specific probation population affected, and again when such contacts were restored. The SDM further advised that upon the Emergency Procedures being locally enacted, probation officers were to note the suspension, and subsequent restoration of such contacts in the case record.

In the nearly 18 months since the issuance of State Director's Memorandum # 2020-3, New York has made significant progress in combatting COVID 19. In fact on [June 15, 2021](#), the State announced that most COVID-19 Restrictions were lifted as 70% of adult New Yorkers had received at minimum their first dose of COVID-19 vaccine. In recent weeks, OPCA concluded outreach to each probation department across the state and found that they had returned to full pre-COVID operations. It has further been reported that probation professionals have found continued success in utilizing alternate reporting locations/arrangements, electronic reporting where authorized by regulation, and other techniques and strategies initially developed in response to the Pandemic.

**Accordingly, through this memorandum DCJS hereby rescinds the authority of Probation Directors to locally enact the Emergency Procedures outlined in State Director's Memorandum #2020-3.** Therefore, it is expected that probation departments shall perform, and appropriately document all probation services as required by [Title 9 NYCRR Subtitle H](#), effective [Monday, September 27, 2021](#).

While significant progress has been made in combatting COVID-19, all New Yorkers must remain vigilant given the persistence of the virus, and its emerging variants. Probation departments are strongly encouraged to remain informed regarding, and adhere to, current business operations guidance provided by New York State by regularly visiting:

<https://forward.ny.gov/>

*Importantly, DCJS will consider requests for time definite waivers to regulatory requirements should the need for local reinstatement of the Emergency Probation Procedures described in State Director's Memorandum #2020-3 due to COVID be identified by a probation director.* Such request for waiver should reflect the reasons a waiver is being requested (e.g. sharp escalation of COVID positivity in the county, intensive care beds in the community have reached capacity due to COVID related hospitalizations, etc.), a brief description of all relief from regulatory requirements being sought, the requested duration of waiver, statement that the request is being made following consultation with the chief elected official and local health professionals, and any further details which would inform DCJS' review and approval of such request. Upon receipt by this office, any such requests for such emergency action will be prioritized for prompt review and response. Requests for any such waivers which may become necessary should be directed to my attention at: [Robert.Maccarone@dcs.ny.gov](mailto:Robert.Maccarone@dcs.ny.gov)

I want to take this opportunity to express my appreciation to Probation Directors, Probation Officers and staff for their continued commitment to community safety during these past months. In addition to their official responsibilities, there have been numerous examples of probation officers providing needed services to members of their communities, in delivering medication, food, etc. to individuals who have been house bound during the pandemic. Thank you!

Should you have any questions, please contact Gary Govel, Community Correction Representative 3, at [Gary.Govel@dcjs.ny.gov](mailto:Gary.Govel@dcjs.ny.gov) or 518-457-4336.