



**Division of Criminal  
Justice Services**

**ANDREW M. CUOMO**  
Governor

**MICHAEL C. GREEN**  
Executive Deputy Commissioner

**ROBERT M. MACCARONE**  
Deputy Commissioner and Director

**STATE DIRECTOR'S MEMORANDUM #2020-6**

**TO: Probation Directors and Commissioners  
Staff Development Officers**

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

**DATE: April 17, 2020**

**RE: DCJS Rule Part 346 — Staff Development and Training of New Probation Officers and  
Peace Officer Requirements**

As a result of the COVID-19 public health emergency, it is important to reduce social interaction and to provide certain relief and flexibility to the requirements found in DCJS Regulations 9 NYCRR Part 346—Staff Development. Probation Directors are encouraged to consult with their public health departments regarding the virus and effective practices that minimize exposure, to ensure the safety of probation staff and the public.

*9 NYCRR 346.5 provides that: “(a) All probation officers shall successfully complete, within the first six months of service, a basic program in the fundamentals of probation practice, which conforms to guidelines as issued by the State Director of Probation and Correctional Alternatives.”*

The requirements contained in §346.5 are suspended until such time the County/City of New York Probation Departments return to regular operations and the DCJS and local training academies can provide the required training.

*Criminal Procedure Law § 2.30 (2) provides that “no person appointed as a peace officer shall exercise the powers of a peace officer, unless he or she has received such certification within twelve months of employment.”*

Accordingly, Probation Directors should ensure that these probation officers are more intensively supervised and whenever possible, paired with more experienced probation officers or senior probation officers, who have completed all required peace officer training. Probation Officers without the required peace officer training cannot be assigned peace officer tasks expected of fully trained probation officers.

*9 NYCRR 346.6 provides that:  
“(a) All probation officers shall, after the first year of service, annually complete a minimum of 21 hours of continuing probation education credit in advanced probation practice (no more than 10 of which shall be firearms recertification training), which conform to guidelines as issued by the State Director of Probation and Correctional Alternatives.*

*(b) This training shall be designed to broaden and enhance the officer's professional skills by introducing new techniques in resolving problems and managing changes encountered in the officer's daily practice.*  
*(c) All probation officers shall comply with appropriate peace officer training provisions as specified in applicable State law and rules and regulations."*

In-Service training requirements contained in 346.6 remain in effect, as there are numerous online training opportunities for new and experienced probation officers. Probation Officers are encouraged to access the training materials located in the IJ Portal Probation Suite, including the pre-requisite curricula for recruit probation officers on DWI, Mental Health, and Domestic Violence. Eight Distance Learning modules on evidence-based practices, developed in cooperation with the University of Cincinnati School of Criminal Justice, are also available in the IJ Portal.

Thank you all for your understanding and cooperation during this difficult time. Please feel free to contact OPCA Training Director Patricia Clements at [Patricia.Clements@dcjs.ny.gov](mailto:Patricia.Clements@dcjs.ny.gov) if you have any questions.