

2018

# CATTARAUGUS COUNTY PROBATION DEPARTMENT ANNUAL REPORT

*"Promoting safe and peaceful communities throughout Cattaraugus County"*



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## **INTRODUCTION**

This annual report details and summarizes the work of the Cattaraugus County Probation Department in carrying out its duties to create and maintain safe and peaceful communities. Included are statistics regarding adult and juvenile offenders under intake, investigation, and supervision, as well as collection efforts undertaken by the department in efforts to provide needed revenue to the County and restitution and reparation to innocent victims of crime.

Additionally, each year brings new and different challenges to the Probation Department, the criminal justice system, and the County as a whole. New York State routinely passes legislation directly affecting probation, and changing demographic and sociological factors continue to impact the delivery of services to the community. Significant efforts have been made over the previous year to adapt to and effectively address issues relating to implementation of the “Raise the Age” legislation, disproportionate representation of Native Americans in the criminal justice system, and Officer Safety.

The Probation Department continues to recognize that employment is the single greatest factor in reducing recidivism in the criminal justice system, and remains committed to training all Officers in Offender Workforce Development. Cattaraugus County is the only county in New York State where all Officers are so trained.

In addition, Officers in this department enhance the supervision and rehabilitation of offenders through use of several cognitive based interventions, including 'Thinking for a Change,' 'Ready, Set, Work,' 'Aggression Replacement Training,' and a series of 'Courage to Change' interactive journals, which has recently been expanded to include a journal on 'Strengthening the Spirit,' specifically designed for our justice involved Native American population.

In the coming year, preparations will be made to address the Governor's Bail Reform bill, which will eliminate monetary bail to secure most defendants, and will necessitate many defendants being released pre-trial under the supervision of the Probation Department's Alternatives to Incarceration program. Also, successful adjustment of juvenile PINS (Persons in Need of Supervision) cases will become a priority, as after next year, the state will no longer fund placement of any juvenile PINS.

## **MISSION STATEMENT**

The mission of the Cattaraugus County Probation Department is the creation and maintenance of safe and peaceful communities through the enforcement of criminal and juvenile justice sanctions, through the rehabilitation of offenders, through services to victims of crime, and through the provision of assistance to the courts.

## **STATISTICS**

### **INTAKE**

Intake is defined as preliminary probation procedures authorized by law to evaluate all complaints regarding juveniles, either Juvenile Delinquent (JD), or Persons In Need of Supervision (PINS) and adjust such complaints through voluntary participation in informal probation supervision. Through these efforts, the department attempts to divert JD or PINS complaints out of the Family Court process, and successfully address with the youth and their families the problems that led to the JD or PINS behaviors. Towards these ends, the Probation Department has reviewed and modified the Cattaraugus County Focus Team to divert more cases away from Court and formal probation supervision, to refer to more appropriate service providers, and track the success of these referrals.

Additionally, the Probation Department assists victims of domestic violence in seeking Orders of Protection through Family Court through the review and referral of Family Offense complaints, where the victim is unable to pursue an Order through criminal court.

The following chart lists the intakes received by this department in 2018.

Intake Opened	PINS	JD	Family Offense
Jan	3	4	13
Feb	1	6	13
Mar	3	3	17
Apr	1	4	13
May	4	7	14
Jun	6	5	18
Jul	3	10	13
Aug	1	4	21
Sep	2	5	10
Oct	4	8	19
Nov	2	7	14
Dec	5	4	13
<b>Total</b>	<b>35</b>	<b>67</b>	<b>178</b>

## **INVESTIGATION**

Investigation is the conduct of background investigations as ordered by the Court (County, City, Justice, and Family) on convicted or adjudicated defendants and respondents scheduled for sentence. These investigations contain verified information on the individual's criminal history, history of education and employment, family, residence, substance use and treatment, in addition to input from any victims and arresting officers. Several validated risk and needs assessment tools are also employed by investigating Officers. These fair, factual, and analytical investigations are of paramount importance, as Courts have a wide range of sentencing options on convicted/adjudicated individuals, and this department's investigations aid the Court in making the most appropriate decision for each individual, in the interests of justice and community safety. These investigations also assist in tailoring specific conditions of probation for those individuals sentenced to probation supervision.

The following chart shows the number of investigations ordered during 2018.



MONTH	Family Court Investigations ordered	Criminal Court Investigations ordered
Jan	2	60
Feb	4	46
Mar	1	62
Apr	3	43
May	5	54
Jun	2	50
Jul	0	43
Aug	2	52
Sep	1	48
Oct	3	50
Nov	4	32
Dec	0	37
<b>Total</b>	<b>27</b>	<b>577</b>

## **SUPERVISION**

Supervision is the ongoing monitoring and case management activities of those individuals sentenced to probation. This is the most visible activity of a Probation Officer as it relates directly to the public safety aspect of our mission. Supervision involves the monitoring of adherence to specific conditions of probation as ordered by the courts, and may include residence and employment checks, drug testing, monitoring of compliance with treatment, provision of appropriate cognitive based interventions, computer and internet monitoring, and collection of fines, fees, and restitution to victims. If an individual fails to comply with court orders, supervision efforts also include

implementation of graduated sanctions, and returning the case to court for further action.

The following chart shows the number of individuals supervised by this department at the end of 2018.

Supervision (12/31/2018)	Family Court	Criminal Court
	31	644

### **COLLECTION**

The Probation Department is the legally designated restitution collection agency for Cattaraugus County. The department is responsible for the collection of court-ordered restitution from convicted/adjudicated individuals, and the disbursement of this restitution to crime victims. This department employs a Victim Specialist, who reaches out to crime victims during the investigation process to recommend appropriate restitution be ordered by the courts, and notifies victims of the disposition of cases. Following disposition, a Probation Officer enforces collection of restitution from those sentenced to probation, and a Collections Clerk collects from those sentenced to jail or prison, or granted conditional discharges. The department's Collections Clerk currently monitors over 700 collection cases.

Additionally, the Probation Department collects fines for the Courts, and fees for drug testing, monitoring, and supervision.

The following chart details the collection efforts made by the department in 2018.

COLLECTIONS 2018 - PROBATION DEPARTMENT													
	FAMILY CT	COUNTY CT	COUNTY CT	JUSTICE CT							SCRAM/ POLYGRAPH	Totals	Int. Earned
Month	Restitution	Stop-DWI	Reg Fines	Fines	Restitution	Surcharge	S.F.	A.F.	Drug Tests				
January	0.00	825.00	760.00	460.00	8,979.75	705.33	3,985.86	5,888.93	228.50	10.00	21,843.37	0.17	
February	73.23	1,050.00	710.00	4,530.00	11,163.18	727.90	5,650.00	8,009.88	454.00	140.00	32,508.19	0.18	
March	0.00	170.00	1,750.00	1,449.00	13,482.47	1,063.82	4,830.00	9,386.92	375.90	0.00	32,508.11	0.25	
April	0.00	445.00	170.00	1,650.00	17,812.61	1,448.44	4,339.00	5,189.63	205.00	275.00	31,534.68	0.25	
May	0.00	100.00	1,480.00	1,600.00	8,395.20	647.09	3,595.00	4,233.97	283.00	0.00	20,334.26	0.18	
June	624.41	1,060.00	280.00	1,598.00	10,360.57	659.49	3,259.00	4,402.32	215.00	200.00	22,658.79	0.17	
July	1,248.80	1,485.00	225.00	875.00	11,832.22	642.00	5,755.00	4,013.75	437.00	65.00	26,578.77	0.18	
August	102.00	2,250.00	380.00	1,988.00	11,262.76	584.51	4,043.00	6,186.78	366.00	10.00	27,173.05	0.21	
September	5.00	1,025.00	845.00	1,873.00	13,386.13	638.92	4,121.00	4,166.29	240.00	0.00	26,300.34	0.22	
October	0.00	1,362.00	400.00	876.00	8,778.84	650.00	3,398.00	3,476.00	274.00	0.00	19,214.84	0.18	
November	10.00	60.00	210.00	530.00	6,119.60	555.48	3,662.00	4,017.00	177.00	250.00	15,591.08	0.14	
December	26.00	90.00	170.00	170.00	6,933.15	635.06	3,256.00	4,320.00	170.00	0.00	15,770.21	0.14	
	\$ 2,089.44	\$ 9,922.00	\$ 7,380.00	\$17,599.00	\$ 128,506.48	\$ 8,958.04	\$ 49,893.86	\$63,291.47	\$ 3,425.40	\$ 950.00	\$ 292,015.69	\$ 2.27	

Of the almost \$300,000 collected by the Probation Department, over \$130,000 has been returned to crime victims.

### ALTERNATIVES TO INCARCERATION (ATI)

In addition to the above, the Probation Department is also responsible for the County's Pretrial Release program. This program seeks to identify unsentenced individuals in the County Jail who may be eligible for release, and makes immediate recommendations to the Courts regarding release status – Release on Recognizance (ROR), Release Under Supervision (RUS), or bail reduction, based upon the

investigation of ATI personnel and the administration of a flight risk instrument. This alleviates the jail of the burden of unnecessary incarcerations, and allows for the more appropriate and efficient use of jail resources. This program is necessary for the jail to maintain its NYS classification.

Should the Court release an individual under the supervision of the pretrial program, this department is then responsible for the monitoring of this individual, including attempts to ensure appearance in Court and enforcement of any conditions of release set by the Court, often including drug testing, treatment, adherence to Orders of Protection, and obedience of the law.

## **RAISE THE AGE**

Effective October 1, 2018, the age of criminal responsibility in New York State was raised from 16 to 17, meaning that 16-year-olds could no longer be arrested, tried, or convicted as adults. The majority of 16 year old offenders will be dealt with as Juvenile Delinquents in Family Court. Certain 16 year old offenders, including those arrested for violent felonies or sex offenses, will be handled in a newly-created Court – the Youth Part of Superior Court, and will be assigned a new designation – Adolescent Offenders. The goals of this legislation are to effectively engage youth in community based services and programs to improve the outcomes for youth, to front load probation services and improve early engagement of juveniles, to increase the rates of

probation adjustment, reduce the need for Family Court adjudication, and reduce the reliance on detention and out of home placements

Regardless of designation, the Probation Department is tasked with providing additional, more effective services to these 16 year old offenders, in efforts to address underlying issues resulting in criminal behavior. This has necessitated the creation of a County-wide plan, in collaboration with the Department of Social Services, the Youth Bureau, and the Department of Community Services. This plan was submitted to the NYS Division of Criminal Justice Services for approval, which is still pending. In this plan, the Probation Department has asked for an additional Probation Assistant position, to handle the anticipated increased juvenile and adolescent offender caseload.

Prior to approval of the plan, in anticipation of the implementation of this legislation, the Probation Department was granted permission to upgrade an existing Probation Officer position to Senior Probation Officer, and fill this position with an Officer well-versed in the new legislation and responsible for its implementation within the department. Gerald Embs was promoted to Senior Probation Officer in August of 2018.

Effective October 1, 2019, the age of criminal responsibility will again be raised, this time to age 18, meaning that 17-year-olds will then be handled as 16-year-olds are currently. This will require additional expansion of services to that population. In the aforementioned plan, the Probation Department requested an additional Probation Officer to

handle this increase. New York State has stated that all costs incurred as a result of this legislation will be 100% reimbursable by the State.

## **NATIVE AMERICAN FOCUSED ALTERNATIVES TO INCARCERATION GRANT**

As has been previously stated in reports to the Legislature, the Probation Department has been keenly aware of the disproportionate incarceration of Native Americans in Cattaraugus County. In the most recent census, the percentage of the county population identified as Native American was 3%. However, the percentage of the Cattaraugus County Jail population identified as Native American in 2017 was regularly between 12% and 18% - meaning that Native Americans in Cattaraugus County were between four and five times more likely to be incarcerated than the remainder of the population.

In efforts to address this, the Probation Department applied for and was awarded a NYS Division of Criminal Justice Services grant, renewable for five years, to fund a Probation Officer position and a Seneca Strong Peer Advocate to work specifically with our Native population that is in danger of incarceration. The grant also funds appropriate, culturally specific training for both personnel, and materials and resources to aid in rehabilitation of this population. The Officer, Collin Quigley, and Peer Advocate, Darcy Scott, are stationed within the Seneca Strong building on the Allegany Territory, adjacent to the Seneca Nation Behavioral Health Unit, and regularly travel to the Cattaraugus Territory in efforts to aid engagement.

It is hoped that, through implementation of this program and engagement with a Seneca peer advocate, this department is able to bridge generations of gaps, and the inherent mistrust of white authority due to generational trauma passed on through decades of Native families. In receiving culturally appropriate treatment, it is hoped that recidivism and unnecessary incarceration of this population can be reduced.

### **NYS COMPTROLLER'S AUDIT**

In 2018, the Probation Department was the subject of a NYS Comptroller's Office audit of the department's finances, including all monies collected, deposited, and disbursed.

After a weeks long investigation, the Comptroller's Office found no discrepancies or errors in the department's collection, deposit, or disbursement. All money was found to be properly accounted for, and the department's policies and procedures were found to be appropriate.

Only two recommendations were made; that the department continue to ensure that appropriate steps are taken to locate crime victims to whom restitution is owed, and to authorize disbursement of previously undisbursed restitution to other unpaid victims.



## **OFFICER SAFETY**

Following several years of efforts, Officers of the Cattaraugus County Probation Department were authorized to carry firearms, in addition to their other defensive equipment. In 2018, 12 Officers successfully completed the NYS Division of Criminal Justice Services Initial Course in Firearms and Deadly Physical Force.

This follows a continued rise in the number of officers killed by gunfire in the line of duty. In 2018, 52 law enforcement officers were killed by gunfire, a 12% rise over 2017. This represents the first time in over two decades that law enforcement officers were more likely to be killed by gunfire than by traffic accidents.

All new hires will be similarly trained and equipped, and all Officers will receive annual refresher training in firearms, weapons retention, handcuffs and OC spray, and defensive tactics.



*Cattaraugus County Probation Officers complete training in firearms and use of force at the Erie County Sheriff's Office tactical training center.*



## SALAMANCA OFFICE

In 2018, the Probation Department relocated the Salamanca satellite office from Rochester Street to 22 Broad Street, Salamanca, moving from a relatively remote industrial area to the center of the city's business district. This move allows for greater visibility within the community, and easier access for those being supervised by Probation. While smaller, this office maintains all equipment and resources necessary for the supervision and rehabilitation of offenders.



## COMMUNITY RELATIONS

The Probation Department continues to maintain a pro-social presence within the community it serves.



*Several Officers and other personnel participated in the 2018 Southern Tier Corporate Challenge 5K run, walk, and food drive, raising money for the Olean Sports Booster Club and donating over 100 boxes of cereal to the Olean Food Pantry.*



*In October 2018, probation staff display and distribute purple bracelets, honoring Domestic Violence Awareness month, in conjunction with Cattaraugus County Community Action Victim Services.*

## **PERSONNEL CHANGES AND SUCCESSION PLANNING**

In 2018, the Probation Department experienced significant losses due to retirement (a combined 95 years of service to the County), but was able to promote deserving individuals within the department and infuse the department with young, energetic, and qualified personnel.

Retiring this year were:

Collections Clerk Kathy Parker, January 2018 (26 years of service to the County)

Probation Officer Karen Rogers, July 2018 (18 years of service)

Sr Probation Officer Ann Faulkner, August 2018 (20 years)

Probation Officer Nila McIntyre, November 2018 (31 years)

The department promoted two well-deserving Probation Assistants, Melissa Dieteman and Kelly Jordan, to Probation Officer Trainee; and promoted Keyboard Specialist Lynn Dawson to Probation Assistant. Probation Officer Trainee Heather Snider and Probation Assistant Lisa Schultz were hired to fill the remaining gaps. Additionally, two Keyboard Specialists were brought on board – Kate Spencer and Lacey Watson.

Due to the collective age of the department and more anticipated retirements, the Probation Department remains committed to successful succession planning. As referenced in the below chart, the average age of supervisors and administrators in the department is 58.

Type of Position	Number of employees in position	Average age of group	# of staff with greater than 15
Clerical	6	41	1
Probation Officers	13	45	5
Sr. Probation Officer	1	49	1
Probation Supervisors	2	59	2
Accountant	1	47	0
Probation Assistant	4	47	1
Administrative	2	56	2

Succession planning enables the department to identify talented employees and provide education and experience to develop them for higher level responsibilities in the future. Towards this end, the department will continue to:

- Assess the potential for vacancies in leadership and other key positions;
- Assess the readiness of current staff to assume these positions and conduct yearly performance appraisals;
- Develop strategies to address these needs including mentoring, formal training in leadership and supervisory skills, working with staff to navigate the Civil Service System to assure appropriate promotional pools, developing strategies to retain current and potential staff, etc.

Attached below is the December 2018 departmental organizational chart.

