



Old ways  
won't open  
new doors.

# CATTARAUGUS COUNTY PROBATION DEPARTMENT

ANNUAL REPORT

2013



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Cattaraugus County began providing probation services in 1933.

The first probation officer in Cattaraugus County was Hiland W. Martin who was compensated at a rate of \$900.00 per year

## **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.**

## **Director's Message**

2013 marked the 80th year of existence for the Cattaraugus County Probation Department. Throughout the previous 80 years, the Probation Department has remained committed to Public Safety and the rehabilitation of offenders in a cost effective manner while allowing these offenders to remain within the community.

However, some things have changed in the last 80 years.

The Cattaraugus County Probation Department has had three Probation Directors, Stanley W. Stowell serving from 1949 to 1983, William C. Keenan serving from 1983 to 2000, and your current Probation Director serving from 2000 to the present.

The Probation Department was designated the county restitution collection agency through action of the Cattaraugus County Legislature in 1984.

In 1990, the department began the movement toward a computerized probation caseload management system, with the department becoming totally computerized in 2000.

The Probation Department separated into two units, adult and juvenile in 1994. During 1997, juvenile probation began a collaborative effort with the Department of Social Services, the Youth Bureau, and the Mental Health Department, working with each juvenile case on an individual basis, in an attempt to provide successful interventions for youth while still maintaining them in their homes and communities. Through the years this has led to substantial success with youth and cost containment for the County. In 2003-4 the juvenile unit became a school-based probation unit, with all juvenile probation officers housed in schools throughout the county.

The adult unit has also experienced many changes, with the institution of drug testing for offenders in 1990, the use of electronic monitoring from 1995 through 2005, and several grant supported programs for TANF eligible clients, Mental Health involved offenders, and with Domestic Violence cases.

The Probation Department also began its commitment to Evidence based probation practices and programming in 1994 with staff being trained in *Aggression Replacement Training*, a program for youth, and with the first adult unit staff being trained in *Thinking For a Change*, a cognitive intervention program for adult offenders in March of 2000. This commitment continued with the first staff member being trained and certified as an ***Offender Workforce Development Specialist (OWDS)*** in 2008. Currently, all professional staff are trained in the use of at least one evidence based practice, with several staff members trained in the delivery of as many as 4 evidence based programs.

As the Probation Department moves forward into the next 80 years, changes in the delivery of services will continue, with the department committed to using all the tools available to best intervene in the lives of offenders, keeping our county community safe and secure. What will not change will be the commitment of the department to its mission: the creation and maintenance of safe and peaceful communities.

## NYS Probation Supervision Rule

On June 1, 2013, the Probation Supervision Rule (9 NYCRR Part 351) took effect. This newly promulgated supervision rule is the result of three years of collaborative work involving probation practitioners, OPCA staff and national experts. The statewide work group reviewed national research on the latest evidence-based practices, explored various state and local probation practices, and met regularly to develop 18 drafts before finalizing the final rule (e-Focus, Issue Number 116, June 21, 2013).

The effects of the new Supervision Rule have been multi-faceted. One of the first effects was the introduction of a new classification system which replaced 3 supervision levels, with 4 risk classification levels and two categories - active and administrative. The probation reporting requirements for each of these levels and categories has also changed, with a greater number of contacts and "positive home contacts" required for the higher risk levels. The new supervision rule also provides incentives to probationers for merit credit activities. Examples of merit activities are educational achievement, employment retention, program completion, and victim restoration activities. Implementation of the new requirements of the supervision rule has been made easier due to the department's long-standing commitment to evidence based practices, although reporting requirements have placed a greater burden upon the supervising probation officers.

Additionally, contacts through technological means are now acceptable under the new rule. A new software program, CE check-in, will allow the department to have lower risk offenders reporting through technology, rather than relying entirely upon face-to-face meetings.

In all, the new supervision rule has provided new challenges to the Probation Department, and has strained our resources.

## **Focal Issues**

On December 31, 2013, the Probation Department was supervising a total of 740 adult probationers. According to information analysis provided by the NYS Division of Criminal Justice Services, this represented a 5.7% increase in the number of formal adult supervision cases.

A further analysis of caseload data locally indicates other areas where attention will need to be placed in the coming years as follows:

### **Employment:**

Of 740 probationers, 75% (558) are considered to be employable. Of those probationers who are employable 65% (360) were employed on 12/31/2013. Additional resources and strategies to move more probationers into employment will need to be found in the coming years.

### **Mental Health:**

Of 740 probationers, 36% (264) are found to have an Axis I diagnosis. While suffering from mental illness is not a crime, the scarcity of mental health resources in the area does impact on how those who are mentally ill are treated in our communities. Communities which lack adequate mental health resources may respond to those issues by turning to the criminal justice system.

### **Domestic Violence:**

4% (33) of the adult probation caseload are identified as Domestic Violence offenders. Yet the Family Court unit of the Probation Department handled 147 Family Offense intakes during 2013. The discrepancy between the numbers of individuals seeking assistance to deal with family offenses, and those offenders who are actually being supervised as a domestic violence case, indicates that there may be a serious underrepresentation of the actual numbers of domestic violence cases that might benefit from formal probation supervision.



## Youthful Offenders:

11% (81) of the probation supervision cases are classified as Youthful Offenders. These offenders must be under the age of 19 at the time of the commission of their offense. These youthful offenders represent a unique population which has high needs in the probation system, and may be the area where the probation system may have the greatest impact upon future offending behavior.

## Driving While Intoxicated:

The Probation Department identifies 34% (253) of the adult supervision caseload as drinking/driving offenders. These offences represent the greatest number of offenders under probation supervision in Cattaraugus County.

## Native American Representation:

On 12/31/2013, the Native American representation in the adult probation supervision system stood at 12% (86). This is a number that the probation department began tracking in early 2013, and it is noted that this percentage remains in the 12-15% range. This number is significant as only 4% of the county population, according to the most recent census, is Native American. The causes for this disproportionate representation in the probation system are unknown at this time. It is believed that a similar disproportionality also exists within other portions of the criminal justice system without an adequate explanation. This represents an area that should have further examination to determine the root causes and also to determine if different interventions throughout the criminal justice system are called for.

## Age of Criminal Responsibility

NYS continues to look at raising the age of criminal responsibility. The

changes proposed would affect those offenders who are under the age of 19. These offenders, who are currently handled in either our Justice Courts, or the County Court systems, could be handled by either Family Court, or a new hybrid court, yet to be determined. Under any system being discussed, the role of probation with these offenders would be expanded, and many offenders who are never seen in the probation system at this time would become the responsibility of the probation system.

## Salamanca Probation Office



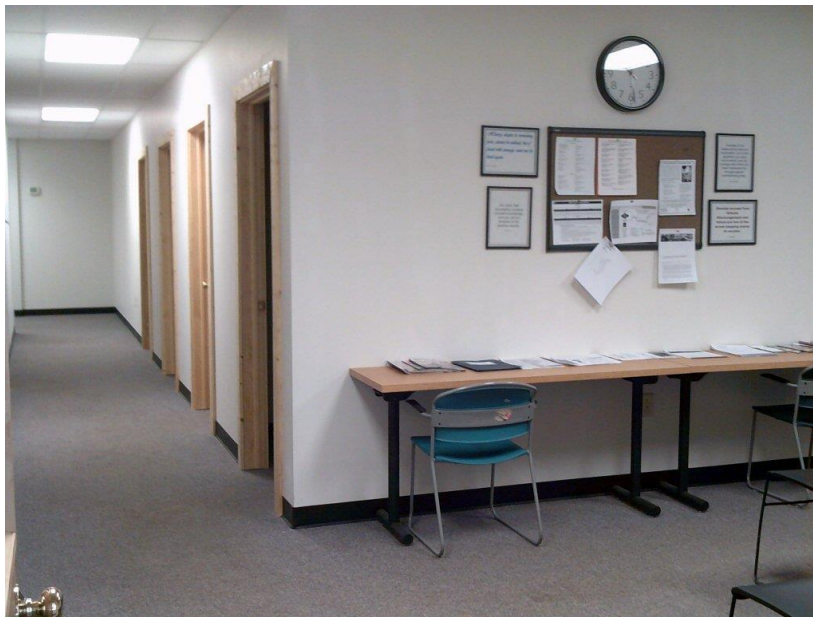
In June of 2013, the Probation Department moved the Salamanca Probation office to 225 Rochester Street in the City of Salamanca. This move was necessary as the Probation Department had out-

grown the space previously used at the Salamanca transfer station, and the previous space was not suitable for the programs being offered.

The new Probation office boasts adequate space for the provision of the group programming that has become essential for the provision of probation services, as well as individual interview rooms for those times that a probation officer needs to meet individually with a probationer.



The new office also allows each staff member to have an individual work space, away from the area used to meet with probationers, which is secure and adequately designed to allow them to accomplish all their tasks.



The Salamanca Probation office also provides a comfortable waiting area, which is also utilized to make materials available to probationers for their betterment. One useful addition to the new office is the addition of a restroom which is also used by the staff for the administration of drug testing.

The Salamanca Probation office currently houses a Probation Supervisor, 3 Probation Officers, 1 Probation Assistant, 2 part-time Correctional Alternatives Specialists, and a Keyboard Specialist. The office is also utilized two days per month by the parole officers from the NYS Department of Corrections and Community Supervision.

The Salamanca Probation office was completed at a cost of \$55,000.00 through a capital improvement fund within the Probation Department. This has provided the Probation Department with a long-term solution to space needs in the Salamanca area. This office provides services to approximately 240 adult probationers and is also the base of operations for the Pretrial Program.

## **PROGRAMS**

### **School-Based Probation**

The school-based probation unit has the primary responsibility to handle Person in Need of Supervision (PINS) and Juvenile Delinquency (JD) cases from the level of Intake through investigation and supervision. Each of the school-based probation officers is placed in a particular school district and is responsible for providing probation services to children and families in that district and surrounding districts.

Along with assisting youth and their families in solving problems that have led to their involvement in the juvenile justice system, the school-based probation unit is also tasked with providing for community safety and assisting in controlling the costs for detention and out-of home placements.

### **Adult Probation Supervision**

The adult probation unit is responsible for conducting criminal court investigations, and for the supervision of adult offenders who are placed under probation supervision by the courts. As reported earlier, at the end of December 2013, the probation department was actively supervising 740 adult probationers.

Supervision efforts by probation officers include group work through our evidence based programs, as well as supervision and monitoring within the community. Probation officers not only meet with probationers, but also maintain contact with police, employers, treatment providers, family members and others in the community to ensure that all possible efforts are utilized to keep the community safe, and to rehabilitate the probationer.

Probationers are assessed for risk levels using assessment tools that have been made available through the NYS Division of Criminal Justice

Services, and their supervision contacts are determined through the use of these assessments. Programming and referrals to other agencies are also governed by the needs identified in the assessment process. Reassessments are regularly scheduled to ensure that the probation program changes to meet the current needs of each individual probationer.

### Pretrial Release

The Pretrial Release Program is designed to allow the courts to make informed decisions regarding the need to detain offenders prior to their trial and sentencing. Using specific assessment tools, a Correctional Alternative Specialist determines if a particular offender presents a flight risk if released, and reports this information to the courts, along with a recommendation regarding whether or not the offender should be released under recognizance (ROR), released under supervision (RUS), or if a reduction in bail is appropriate.

The Correctional Alternative Specialist reviews, on a daily basis, every new admission to the jail to determine if they are eligible for Pretrial Services. The primary purpose of Pretrial Services is to avoid the detention of offenders who do not present a flight risk, as well as assisting the jail in reducing the number of individuals detained.

Pretrial services are a required part of the jail classification system, and the failure to provide these services would put great strain upon the jail to provide adequate resources for the county's needs.

## **Staff**

2013 was a year during which the Probation Department underwent several changes. In February 2013, Probation Supervisor Raymond Green retired and that vacant supervisory position was filled through the promotion of Denise Lengvarsky. Denise currently supervises the staff and operations of the Salamanca Probation office.

With the promotion of Denise Lengvarsky, a vacant probation officer position and a new Probation Officer position which had been created by the Legislature through the budget were filled by Ashlee Forrest (1/2/2013) and Richard Blemel (2/11/2014).

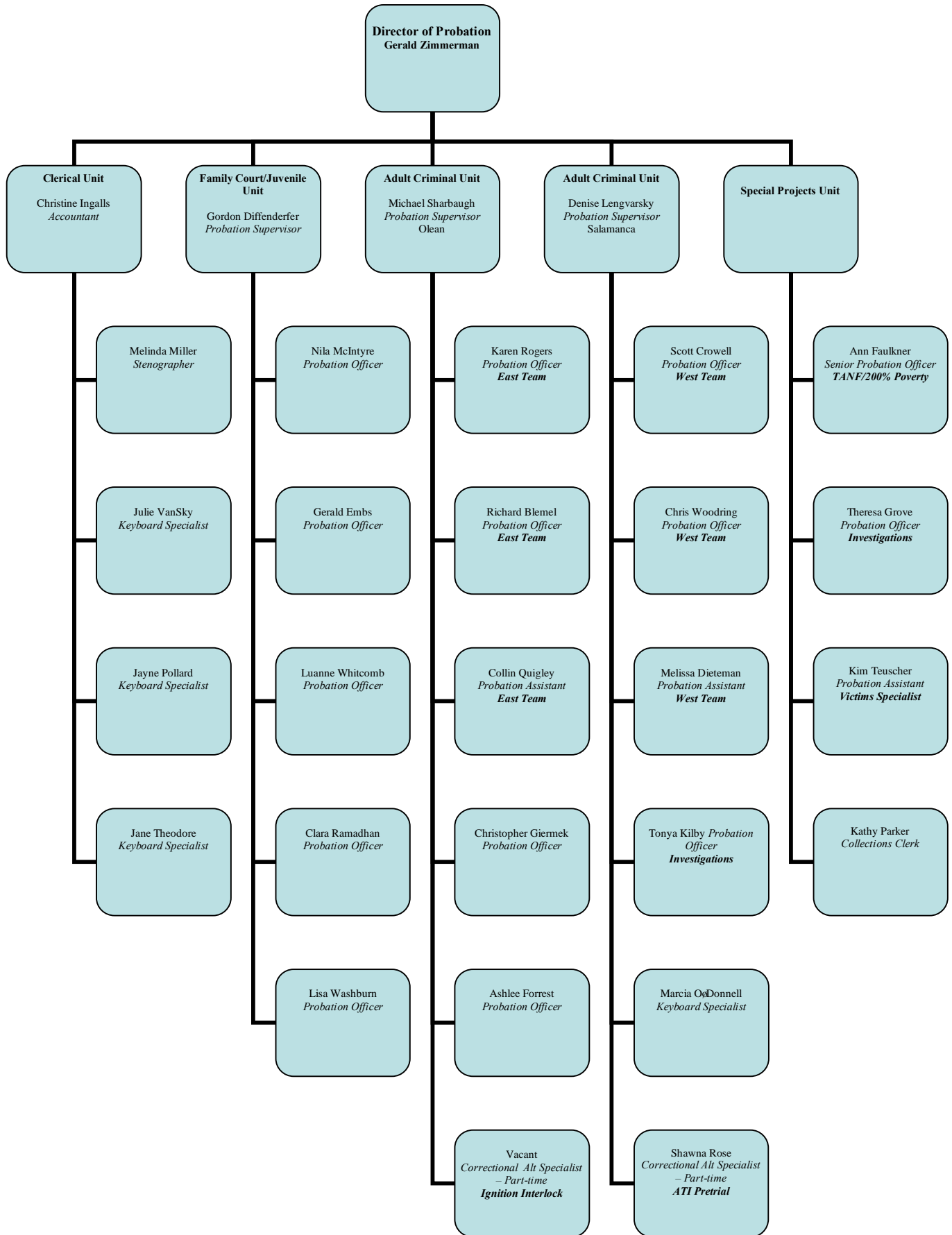
The grant funded Reentry Program continued through 2013 and was filled with 2 new hires, Mary Elizabeth Palumbo as a Reentry Specialist, and Gloria Rosenthal as an Employment Specialist in July 2013. Both these positions were eliminated with the grant funding ending in December of 2013.

The Alternative to Incarceration Programs (Pretrial and Ignition Interlock) were filled through 2013 by Tyler Peterson and on a temporary basis by Andrew Klice. Upon the certification of an eligibles list, Andrew left the department in November 2013, and was replaced by Alternatives to Incarceration Specialist Shawna Rose. Late in December 2013, Tyler Peterson informed the department that he would be leaving the department in January 2014 for a full time position with New York State. All Alternatives positions are part time positions.

2013 also saw two part time keyboard specialist positions abolished and replaced with one full time position, currently filled by Jane Theodore.

A complete listing of staff is shown on the following page in the Probation Organizational Chart.

# Organization Chart





## **COLLECTIONS**

The Cattaraugus County Probation Department is responsible for the collection of monies from probationers for various reasons. In 1984, the County Legislature designated the probation department to be the designated restitution/reparation collection agency in Cattaraugus County, pursuant to Criminal Procedure Law Section 420.10(7). The probation department also collects fines for the courts it serves, fees for drug testing, and supervision and administrative fees. A breakdown of the total collection effort for 2013 follows:

Fines	\$118,811.15
Restitution	\$91,151.08
Restitution surcharge	\$6,944.15
Drug Testing	\$7,235.00
DWI Supervision fees	\$65,104.00
Administrative fees	\$52,790.30
Total collections	\$342,036.45

Out of these total collections, \$91,151.08 has been returned to victims of crime in Cattaraugus County allowing for some restoration of crime victims. This restitution collection is just one of the many ways that offenders are being held accountable for their actions.

The Cattaraugus County Probation Department has strict policy and procedures in place to ensure that any monies collected are handled appropriately and credited to the proper victims and accounts.

The collection efforts of the probation officers are aided by a Collections Clerk located within the office. The probation staff works cooperatively with the NYS Department of Corrections (inmates in prison), the Division of Parole, the County Attorney's Office, the County Sheriff's Office and other agencies to pursue collections.

## Special Recognition



On August 8, 2013, Cattaraugus County Probation Officer Tonya R. Kilby was presented the New York State Probation Officers Association 2013 Jeannie C. Farrell Award of Achievement (photo).

The Jeannie C. Farrell Award of Achievement is presented annually to a single Probation Officer in New York State who, among the many, goes above and beyond required duties and achieves results which deserve special recognition. This award is a reflection upon Officer Kilby's extraordinary character and dedication, as well as a positive reflection upon the Cattaraugus County Probation Department. Officer Kilby continues the tradition of excellence established by this Department, garnering the Department's sixth state or national award since 1998.

On August 28, 2013, the Cattaraugus County Legislature officially recognized and commended Officer Kilby on winning this prestigious award.

Officer Kilby has demonstrated herself to be a credit to Cattaraugus County, to her department and to her profession.