

**Orleans County Probation Department  
Summary 2016  
Goals 2017**

**New York State Mandate:**

The mandates for the Department's duties derive from New York State Law. Section 256, paragraph 1 of the New York State Executive Law provides for the establishment of county probation agencies. "Each county shall maintain or provide for a probation agency or agencies to perform probation services therein, including intake, investigations, pre-sentence reports, supervision, conciliation, social treatment, and other such functions as are assigned to probation agencies pursuant to law." Subsequently, the department is a county agency operating under the mandates of the New York State Division Criminal Justice Services: Office of Probation and Correctional Alternatives.

**Structure:**

The Orleans County Probation Department is comprised of thirteen (13) full time employees and one (1) part time employee:

Director (1)  
Supervisor (1)  
Senior Probation Officer (2)  
Probation Officers (5)  
Probation Assistant (2)  
Account Clerk Typist (1)  
Secretary II (1)  
**\*Crime Victims Coordinator (1)**

**\*The Orleans Crime Victim's Coordinator works approximately eight (8) hours per week in the Probation Department.**

The Director and Secretary II positions are the only management positions within the department.

An Organizational Chart is attached to this document.

**Departmental Mission Statement:**

The Orleans County Probation Department is an integral part of the Criminal Justice System aimed at promoting offender accountability through referrals, direction and monitoring for the overall benefit and protection of the community.

**Who Do We Serve ?:**

The department provides probation services to all of the courts within the County served by the 8th Judicial District. Within Orleans County, this represents the New York State Surrogates Court, Family Court, Supreme Court, the Orleans County Court (felony cases), and town and village courts (misdemeanors and violations). Additional services are provided to victims of crime, Persons In Need of Supervision (PINS), Juvenile Delinquents (JD's) and individuals who are in pre-trial status. Despite numerous new responsibilities and programs, our three main functions remain intake, investigation and supervision.

**Intake:**

In collaboration with our County Departments of Social Services, Youth Bureau and Mental Health, the Juvenile Adjustment Services Program (JASC) was developed to serve our juvenile population. The Department of Social Services has assigned a full time Juvenile Adjustment Services Coordinator and one full time Caseworker to provide intake services to the PINS population. In addition, we received funding in the amount of \$15,630 from the Youth Bureau to offset personnel expenses for our Probation Officer assigned to the unit. The Intake Unit of Probation provides a wide range of services to the families of Orleans County. Services rendered to the PINS population include in-depth family assessment, mental health services, alcohol/substance abuse treatment, Preventative Services and various community service programs. Funding from the Youth Bureau for 2017 is uncertain but we anticipate it will remain at present levels.

A Juvenile Delinquent is defined as a child over the age of 7 but less than 16 accused of committing an act which if committed by an adult would be a crime. Juvenile Delinquent cases are assigned to a Juvenile Probation Officer for a period of 60 to 120 days. During that time, risk assessment, supervision (with strict conditions), appropriate referrals and follow up are completed. If restitution is deemed appropriate it will be sought and become part of the supervision plan. If we can not “successfully adjust” the case within the time frame allowed the case must be petitioned to family court and the end result may be a sentence of Conditional Discharge, a probation term, foster care, or residential care.

A Person In Need of Supervision is a person less than eighteen years of age who does not attend school or who is incorrigible, ungovernable or habitually disobedient and beyond the lawful control of a parent or other person legally responsible for such child’s care, or who violates section 221.05 of the Penal Law (Unlawful Possession of Marihuana). Only a parent, school district or police agency can refer a child for PINS services. PINS cases can be open indefinitely (before 18th birthday) until our office determines the youth and their family no longer will benefit from services. Services include risk assessment, supervision (with very specific conditions), and appropriate referrals/follow up. Community Service work is a mandated part of the program. If the case can not be “successfully adjusted” the case will be petitioned to family court and the outcome may be a probation term, foster care or residential care.

	<b><u>2015</u></b>	<b><u>2016 Estimated.</u></b>	<b><u>2017 Estimated</u></b>
<b><u>INTAKES</u></b>			
JD Intakes completed	<b>40</b>	<b>80</b>	<b>81</b>
PINS Intakes completed	<b>84</b>	<b>76</b>	<b>80</b>
<b><u>CLOSINGS</u></b>			
Petitioned Immediately	<b>18</b>	<b>8</b>	<b>9</b>
Closed Successfully	<b>58</b>	<b>70</b>	<b>75</b>
Closed Unsuccessfully	<b>8</b>	<b>6</b>	<b>9</b>
Closed Community Resources	<b>31</b>	<b>54</b>	<b>59</b>

### **Investigation:**

The department is court ordered to perform Pre-Sentence Investigations (PSI) on individuals who have been convicted/adjudicated or found guilty by the court for offenses in Family Court or Criminal Court. The PSI provides the Judges with a factual history to assist in deciding appropriate sentences. In addition to gathering information on the defendant, an important aspect of the PSI is the Victim Impact Statement. This provides the court with the victim's account of the crime as well as a summary of financial and/or other hardships suffered. PSI's must be completed on all convictions/adjudications as a result of crimes committed within the confines of Albion/Orleans Correctional Facilities and the Orleans County Jail. These PSI's are processed by our department as well. Investigations/Reports can take up to 4-12 weeks to complete depending on type. To assist in alleviating jail overcrowding we will expedite investigations of incarcerated individuals as needed to move them through the justice system as quickly as possible.

#### **PRE-Dispositional INV. (PDI) Family Court**

	<b><u>Actual</u></b> <b><u>'15</u></b>	<b><u>Estimated</u></b> <b><u>'16</u></b>	<b><u>Estimated</u></b> <b><u>'17</u></b>
<b>Adult</b>	<b>2</b>	<b>2</b>	<b>2</b>
<b>Juvenile/PINS</b>	<b>17</b>	<b>16</b>	<b>16</b>

#### **Pre-Sentence INV. (PSI) Criminal Court**

<b>Felonies</b>	<b>99</b>	<b>104</b>	<b>101</b>
<b>Misdemeanors</b>	<b>224</b>	<b>264</b>	<b>235</b>
<b>Total</b>	<b>342</b>	<b>386</b>	<b>354</b>

### **Supervision:**

Probation Officers provide supervision to those individuals who have been placed on probation ranging from a period of 1 to 10 years and provide Pre-Trial supervision as needed. We currently run two specialized Pre-Trial Programs; House Arrest and Pre-Trial Release. House Arrest is a release option for individuals who have been ordered to the confines of their home while their court case is pending. House Arrest Clients are only given permission to leave their homes for medical, educational and court appointments. Pre-trial Release (RUS) is made up of defendants awaiting sentencing and Drug Court Participants who require some level of monitoring while their court case is moving through the court process. Drug Court has stopped accepting cases and the future of Drug Court in 2017 is uncertain. Judicial Diversion cases continue to come in and County Court is assessing on a case by case basis.

It is the goal of probation by way of referrals and monitoring to assist a defendant in becoming a law abiding and productive member of the community. We supervise all misdemeanants and felons sentenced to probation. This includes but is not limited to Family Offenses, DWI, Vehicular Manslaughter, Sex Offenses, Animal Cruelty, Domestic Violence, Burglary, Assault, Weapons charges, DEC Crimes etc... There are four levels of probation supervision. Each level has its own defined level of intensity. Each probationer is assigned a supervision level after a risk assessment tool is completed. This process allows resources to be allocated according to risk.

<u>Caseload</u>	<u>2016 Est.</u>	<u>2017 Est.</u>
Adult	208	210
Juvenile	7	8

**\*These caseload numbers do not include the following: Ignition Interlock Conditional Discharge Cases, House Arrest, Released Under Supervision, Interim Supervision Cases and Transfer In cases-during 1st 60 days. With the aforementioned cases being factored in, it would add approximately 80 cases to the raw adult numbers.**

<u>Criminal Court Violation</u>	<u>2016 Est.</u>	<u>2017 Est.</u>
New Charge	11	10
Absconded	5	2
Technical	27	20

<u>Discharge from Probation</u>	<u>Actual '15</u>	<u>Est. '16</u>
Revoked	30	28
Other/Transfers	0	1
Probation Continued after VOP	3	4

Probation is not a job where you sit behind a desk and conduct business. The job demands visibility and vigilance. To check offender compliance we conduct announced and unannounced field work. Officers check on offenders in their homes and at their place of employment. We sporadically conduct "Bar Checks" in conjunction with local law enforcement and parole and run weekend programs to ensure compliance with no alcohol/substance use conditions. On occasion we have assisted the Sheriff's Department and or the Albion Police Department with road block details. Many of our offenders continue to drive despite having a suspended/revoked licenses. This is one of many methods we can use to combat this problem. It is imperative that probation staff be visible within the community and collaborating with law enforcement and other agencies to be fully effective.

### **Designated Collections:**

The Probation Department has been named as the Designated Collection Agency for the collection of restitution for Orleans County. Our Department accepts monetary payments for restitution, fines and fees. Restitution is paid through our department and then distributed to victims. The money collected for restitution is distributed and the department collects an additional 5% surcharge. This 5% surcharge is important as it mandated by law (in most cases) and assists in offsetting costs to local taxpayers. In 2015 we collected \$87,856 in restitution payments. As of January 2014 we no longer accept any new fine collection cases at the department. We phased our fine collections out and our one remaining case has paid in full. In 2015 fine collection amounted to \$200.00. Failure to pay court ordered fines and restitution may result in the matter being returned to court for further sanction or revocation of their probation sentence. DWI offenders must pay a "Supervision Fee". This fee is authorized by the state legislature and sanctioned by local law. A DWI offender's income is assessed and a monthly fee is established. In addition, urine screen fees are charged to the defendant per test. Should the offender fail to pay the assessed DWI fees, we have little to no recourse to collect. All other fees collected in 2015 amounted to \$16,381. The total collected in 2015 amounts to \$104,437. As it was in 2016, the collection of monies will continue to be a major priority for all staff in 2017.

## **Pretrial Release (ATI):**

The purpose of the Pretrial Release Program is to identify and facilitate the release of defendants who are not able to make bail to reduce unnecessary incarceration and associated costs. Eligible defendant's are interviewed and investigated for possible release. The investigation process includes the offender being required to submit to a nationally recognized Risk Assessment. Information from that process is shared with the court and the decision to release lies solely with the court.

In the first six (6) months of 2016, nineteen (19) incarcerated offenders were eligible to be screened for Pre-Trial Release. Eleven (11) were eligible for either Released on own Recognizance (ROR), Bail Reduction or Released Under Supervision (RUS). Of the eleven (11), the courts released eight (8) defendants while their chargers were pending. In addition, we supervised eight (7) defendants under our House Arrest Program while they waited processing through the court system. There is a significant cost savings to the county to have individuals supervised by our ATI Program vs. incarceration at a rate of \$128.00 per day. This number does not include any extra expenses incurred by the county should the defendant have any medical or other specialized needs.

The department currently authorizes up to seven (7) Probation Officers to be armed. The department conducts psychological testing and state mandated training prior to authorization. The weapons authorized within the department are .45 caliber semi-automatic Glocks (full size and compact) and Pepper Spray. In 2015 we participated in the GLOCK Exchange Program and obtained 7 new weapons on trade in @ approx. \$199.00 per gun. Probation Officers are issued bullet proof vests and use weapons only for protection purposes (self or third party). Five (5) of the seven (7) weapons are currently being utilized. Bullet Proof Vests expire after 5 years of use and new vests must be purchased on the same cycle for all Probation Officers. A majority of our vests will need to be purchased again in 2017.

Internally the Probation Department has much strength. We have several dedicated, talented staff members who contribute immensely to the mission and goals of the department. The job requires you to be educated and passionate about helping people and aid the offender in recognizing the shortcomings which led them to probation in the first place. In addition, it is important to help offenders recognize strengths and build upon those strengths to obtain future success. It is a second (often more) chance at making changes to your life with the benefit of a "coach". In addition to the required four year degree, Probation Officers must complete 21 hours of continued education each year. Orleans County Probation customarily exceeds the 21 hours per officer each year. Unfortunately turn over in the past has been moderate due to salary issues and high burnout rates.

The most vexing challenge the department faces is funding. Probation is a mandated state function (Executive Law 256) who has been struggling financially since state aid started a steady decline in 1991. In my humble opinion we have become a jack of all trades and master of none. The state has high expectations of probation evidenced through growing mandates with little regard for the effect on the quality of service. If probation is going to continue to be an essential service to the community, it must be properly funded. Probation will not be successful with everyone who walks through its doors but it is no doubt the most utilized, cost effective criminal justice sanction available to the courts today. It really is mind boggling as to why probation remains to be the sanction of choice but continues to be grossly underfunded by New York State.

Each year it becomes more and more challenging to offer the same level of services with the cuts probation has suffered over the years. There is no question, further cuts and more mandates will affect our ability to continue business as usual and will cause very difficult decision to be made.

## **Key 2016 Accomplishments:**

1. Maintained partnerships with NYS Parole, local law enforcement and Human Service agencies.
2. Maintained partnerships with local Department of Social Services, Mental Health Dept. and Youth Bureau relative to Juvenile Justice (JD's) and Persons In Need of Supervision (PINS).
3. Continued to support compensatory time and flexible schedules to manage overtime and effectively monitor offenders during non-traditional business hours.
4. Continue to make public safety and officer safety a priority.
5. Purchased shirts for Probation Officers/Assistants to increase visibility, easy identification and safety.
6. Continued House Arrest and Released Under Supervision Programs to assist with jail population mgt.
7. Continue implementation of Leandra's Law and new laws updating Leandra's Law effective 11/1/13.
8. Continue to collect DNA on all Penal Law Misdemeanors and Felonies.
9. Continue implementation of OPCA New Supervision Rule effective 6/1/13.
10. Updated the Policy and Procedure Manual for the Department.
11. Continue to provide support to courts re: procedures.
12. Created/Implemented a Model Victim Policy.
13. Continue using ICS-Enforcer Intelligence when necessary.
14. Continue with Training/Implementing a DWI Assessment Tool.
15. Discontinued collecting monies (fines) that we were not statutorily required to collect.
16. Continue assessment of staffing needs and rightsize when necessary.
- 17.

## **Key 2017 GOALS**

1. Safety First; training, training, training.
2. Community protection.
3. Continue active participation in Council of Probation Administrators (COPA).  
Continue active participation in the Policy AND Research Committee (PARC).
4. Continue to seek viable funding opportunities.
5. Continue collaboration efforts with all Law Enforcement and other Human Service Agencies.
6. Continue to work diligently with the District Attorney's Office and the courts to Pursue Violation of Probation Petitions and CD Violations in a prompt and timely fashion.
7. Aggressively pursue the collection of monies owed to victims and the department and improve communications with victims of crime overall.
8. Maintain current staffing and programmatic levels.
9. Continue to implement Leandra's Law and amendments to Leandra's Law effective 11/1/13.
10. Continue flexible scheduling as an effective tool in monitoring offender compliance/ keep overtime costs within budget.

I thank you for the opportunity to address the legislature and the community at large and welcome any questions, comments or discussion.

Respectfully submitted,



Luci Welch  
Probation Director