

# GENESEE COUNTY PROBATION DEPARTMENT NEWSLETTER

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## LOU GEHRIG, PAROLE OFFICER?

By William Bogan II



When someone hears the name Lou Gehrig, what comes to mind? Star player for the Yankee's? A horrible disease? Parole Officer? Most people will likely give one of the first two answers; however, a little known part of baseball's original "Iron Man" was his appointment as a New York City Parole Commissioner following his retirement from baseball after the 1939 season.

After taking office on January 2, 1940, Gehrig went to work with the same quiet steady work ethic that served him so well during his playing days. Determined to keep his celebrity from overshadowing his official duties, he would refuse to allow press coverage when he was visiting the City's correctional facilities. In addition all official references to his position were to refer to his given name of Henry L. Gehrig.

Unfortunately, Amyotrophic Lateral Sclerosis (ALS), the disease that now carries his name, progressed quickly, and about a month before his death on June 2, 1941, Gehrig quietly resigned his position. In a continuation of the position's connection to history, his replacement was Samuel Jesse Battle, who 30 years earlier had broken down barriers to become New York's first black police officer.

While Lou Gehrig's tenure as a Parole Commissioner was unfortunately brief, 70 years after his death he still serves as a reminder that no matter how high a pedestal society puts you on, you can still find fulfillment in serving some of the most troubled in society.

**Source:**

<http://www.correctionhistory.org/html/chronical/nycparole/parolelist.html>



### Mission Statement

*The Mission of the Genesee County Probation Department is to enhance the safety of victims and communities through the fair and effective supervision of*

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## 2011 PROBATION STATS

### Investigations

The Genesee County Probation Department provided a total of 725 investigations to the Courts.

Of those reports, 79 were prepared for Family Court and 646 were prepared for criminal courts.

### Monies Collected

Total: \$260,239.10

### Supervision

In 2011, 389 new cases were put on probation. Of those, 38 were family court cases and 351 were criminal court cases.

In addition GCPD's intake service processed 35 Juvenile Delinquent and 99 Person In Need of Supervision cases.

### Probation Violations

GCPD filed 222 violation petitions with the Courts in 2011 and disposed of 181.

Of those, 59 were continued on probation— 33 with jail and 113 were revoked, of which 98 received an incarceration sentence.

Favorite Probationer  
Quotes



Client to PO:

“I don’t do drugs,  
I’m on  
Probation.”

... after being  
confronted with a  
drug test positive  
for cocaine and  
marijuana.

*PO J. Sutherland*



**FELONY INTERIM SUPERVISION - PROBATION ELIGIBLE DIVERSION**  
**BY KEVIN R. WRIGHT, PROBATION SUPERVISOR**



Genesee County has continued to participate in the Felony Interim Probation Supervision Program dating back to the program’s reinstatement by then Governor George Pataki in 1998.

The program provides for a convicted felon to be placed under pre-sentence intensive supervision of the probation department, generally for a period not to exceed one year. During that time the felon has the opportunity to demonstrate his or her motivation to comply with certain terms and conditions, often in exchange for some sentence promise from the District Attorney. Frequently this is the opportunity to obtain a sentence less than incarceration in state prison, and on occasion the opportunity to withdraw a felony guilty plea and enter a plea of guilty to a misdemeanor. Conversely, failure to comply with the program often leads to a significant term of incarceration.

From 2005 to 2010 there were a total of 75 offenders placed on

Interim Probation Supervision and of those, 45 (60%) successfully completed the program. The balance were terminated from the program prior to scheduled completion due to non-compliance and sentenced to either incarceration or a combination of incarceration and probation. Many were sentenced to state prison.

A recent example of a successful offender: In September of 2010 a 21 year-old female, convicted of Driving While Intoxicated as a class E Felony in violation of Leandra’s Law by having a minor child in the vehicle at the time of her offense, was placed on Interim Probation Supervision. She successfully completed the program in August of this year and as a result, the District Attorney and the Court permitted her to withdraw her guilty plea to the Felony and enter a plea of guilty to Misdemeanor Driving While Intoxicated. She was subsequently sentenced to 3 years probation. It is

significant to note that this offender was a resident of Orleans County but voluntarily established a temporary residence in Genesee County to be eligible for the potential benefit of the Program.

This case further highlights one inadequacy in the current laws governing Interim Probation Supervision, that being there is no legal authority to transfer a case from one county to another when the offender resides in a county other than the one where they committed the offense. This has barred numerous individuals from eligibility for this program over the years. This is especially true in Genesee County due to the number of potential offenses which result from the NYS Thruway and Darien Lake Theme Park and Camping Resort. Hopefully, at some point the State Legislature will seek to modify the law and make it consistent with the intrastate transfer provision for regular probation cases.



**DIRECTOR’S CORNER**

JULIE A. SMITH, PROBATION DIRECTOR



As we enter 2012, we wish you much health and happiness.

Budget cuts have impacted households and governments throughout this nation. Specifically, the Probation Department saw staffing reductions as a part of the county budget process.

A vacant Probation Officer position was not able to be filled for 2012 and a Financial Clerk Typist position was eliminated. Despite these cuts, no one faced a lay off as the employee was allowed to transfer to another department.

As we proceed through 2012 adult supervision caseloads at

Probation have reached to 120 per officer. Our Senior POs in charge of sex offenders and high risk offenders are managing caseloads approaching 50 each. Our juvenile unit comprised of a Senior PO and a PO are collectively supervising nearly 85 troubled youths.

Three POs are now responsible

for all Court Ordered Investigations which total approximately 750 per year.

Despite the impact to our department, we will continue to endeavor to provide the most effective and cost efficient alternative to incarceration program available to the Criminal and Juvenile Justice Systems.

# PROBATION SEARCH CONDITIONS

By Sarah Welker



Being on probation does not mean that a Probation Officer has a right to search through all of your belongings at any time. Certain cases or convictions bring about the need for the Court to include in the Conditions of Probation a search provision which gives a Probation Officer the ability to search the offender, their immediate surroundings, their residence or car for specific items and or to obtain samples for drug and alcohol testing without a warrant.

During the search process Officer safety is top priority. It is imperative that the Officer is aware of their immediate surroundings and safety hazards. Typically on a home search the first thing completed is to make yourself and your intention known to the offender and to obtain information about any other individuals currently in the immediate area and ask them to leave if appropriate. Next is a

pat search of the offender to make sure that they are not carrying anything that could be used as a weapon against others. Once you have assessed and are comfortable with immediate safety, you can begin your search.

During the search process you are often looking in different areas which could present various hazards such as bathrooms, attics, basements, crawl spaces, holes in a wall, and many others. It is necessary to always be prepared with the appropriate equipment (gloves, glasses, flashlights, containers, drug tests, and bags) to aid in your search. At times the search conditions can be specific about what you are looking for or whose property it is that you can search.

In this Department we are often searching rooms belonging to offenders as opposed to

whole houses. However, there are some individuals on probation who do own a house and it is necessary to search the entire home.

In addition, Sex Offenders also have search conditions for computers and other electronic storage devices.

We all know people live in all kinds of conditions and it the responsibility of this Department to be aware of the living conditions of offenders and their families and to report concerns to the proper authorities or agencies such as the Housing Authority, Department of Social Services, Child Protective Services, or Law Enforcement when necessary.

Most recently I was at a home in which the offender did not have search conditions but the mother had been through the offender's bedroom and found needles, burnt spoons, straws, and pipes. As the offender did not have a

search condition, I was not allowed to search his room, but his mother did and turned the items over to this Department. The offender has a severe drug problem and is in the early stages of getting help.

While searches can be time consuming and sometimes occur in odd places, they are essential to monitoring the offender's compliance and in keeping the community safe.



## GENESEEE COUNTY PROBATION'S MOST WANTED

<p><b>WANTED</b></p> <p>By Genesee County Probation Department</p> <p><b>Harvey J. Horton</b></p> <p>For Violation of Probation (DWI)</p> <p>Contact Genesee Co Probation 585-344-2550 Ext. 2257 with information</p>	<p><b>WANTED</b></p> <p>By Genesee County Probation Department</p> <p><b>Rodney Laframboise</b></p> <p>For Violation of Probation (DWI)</p> <p>Contact Genesee Co Probation 585-344-2550 Ext. 2257 with information</p>	<p><b>WANTED</b></p> <p>By Genesee County Probation Department</p> <p><b>Angela K. Williamsom</b></p> <p>For Violation of Probation (PETI LABELS)</p> <p>Contact Genesee Co Probation 585-344-2550 Ext. 2257 with information</p>	<p><b>WANTED</b></p> <p>By Genesee County Probation Department</p> <p><b>Charles J. Pipes</b></p> <p>For Violation of Probation (DWI)</p> <p>Contact Genesee Co Probation 585-344-2550 Ext. 2257 with information</p>	<p><b>WANTED</b></p> <p>By Genesee County Probation Department</p> <p><b>James H. Rowcliffe</b></p> <p>For Violation of Probation (DWI)</p> <p>Contact Genesee Co Probation 585-344-2550 Ext. 2257 with information</p>	<p><b>WANTED</b></p> <p>By Genesee County Probation Department</p> <p><b>Cara L. Skye</b></p> <p>For Violation of Probation (PETI LABELS)</p> <p>Contact Genesee Co Probation 585-344-2550 Ext. 2257 with information</p>	<p><b>WANTED</b></p> <p>By Genesee County Probation Department</p> <p><b>D. Gallagher</b></p> <p>For Violation of Probation (CPS, 7)</p> <p>Contact Genesee Co Probation 585-344-2550 Ext. 2257 with information</p>
<p><b>WANTED</b></p> <p>By Genesee County Probation Department</p> <p><b>Shane D. Vandenberg</b></p> <p>For Violation of Probation (MIS.MIG. 350)</p> <p>Contact Genesee Co Probation 585-344-2550 Ext. 2257 with information</p>	<p><b>WANTED</b></p> <p>By Genesee County Probation Department</p> <p><b>Michael W. Mairose</b></p> <p>For Violation of Probation (DWI)</p> <p>Contact Genesee Co Probation 585-344-2550 Ext. 2257 with information</p>	<p><b>WANTED</b></p> <p>By Genesee County Probation Department</p> <p><b>Brandt L. Arnold Jr.</b></p> <p>For Violation of Probation (DWI F)</p> <p>Contact Genesee Co Probation 585-344-2550 Ext. 2257 with information</p>	<p><b>WANTED</b></p> <p>By Genesee County Probation Department</p> <p><b>David L. Williams</b></p> <p>For Violation of Probation (CRIMINAL CONTEMPT)</p> <p>Contact Genesee Co Probation 585-344-2550 Ext. 2257 with information</p>	<p><b>WANTED</b></p> <p>By Genesee County Probation Department</p> <p><b>Kate E. Brozic</b></p> <p>For Violation of Probation (DWI)</p> <p>Contact Genesee Co Probation 585-344-2550 Ext. 2257 with information</p>	<p><b>WANTED</b></p> <p>By Genesee County Probation Department</p> <p><b>Allen S. Dockstader</b></p> <p>For Violation of Probation (MIS. 351)</p> <p>Contact Genesee Co Probation 585-344-2550 Ext. 2257 with information</p>	<p><b>CAPTURED</b></p>

## WE'RE ON THE WEB!

WWW.CO.GENESEE.NY.US/DPT/  
PROBATION

# PROTECTING GENESEE COUNTY

### Probation Trivia:



Q. How many probation cases were transferred in from another county or state in 2011?

A. 55

## GENESEE COUNTY PROBATION DEPARTMENT NEWS

### Chili Thanksgiving



The Genesee County Probation Department held a "Chili Thanksgiving" to benefit the Salvation Army Thanksgiving fund. Staff members provided several chili recipes, sides and desserts and also donated to the cause. Monies raised were used by the Salvation Army to provide Thanksgiving dinners to needy families and the Genesee County Probation Department was able to warm their bellies *and their hearts!*



### GENESEE COUNTY PROBATION'S MOST WANTED- CONTINUED

**WANTED**  
by Genesee County Probation Department  
**ADAM MCGILL**  
For Violation of Probation (CPS, 7)  
Contact Genesee Co Probation 585-344-2550 Ext. 2257 with information.

**WANTED**  
by Genesee County Probation Department  
**ROBERTO R. AYALA**  
For Violation of Probation (ASSAULT)  
Contact Genesee Co Probation 585-344-2550 Ext. 2257 with information.

## EMPLOYEE NEWS



GCPD said goodbye to PO Ed Engle in August of 2011. Ed moved to Monroe County and joined the Monroe County Probation Department. Best Wishes Ed!



GCPD said goodbye to Financial Clerk Typist Linda Palazyinski in November of 2011. Linda transferred to Genesee County's Mental Health Department. Best Wishes Linda!



Merry Christmas to Clarissa and Dominick! —our Angel Tags for 2011

## PRE-SENTENCE INVESTIGATIONS- MORE THAN JUST INTERESTING READING BY SAMANTHA FISHER

Pre-Sentence investigations (PSI) are an intricate part of the Criminal Justice System. By law a defendant convicted of a felony is required to have a PSI completed. Misdemeanor convictions require PSIs only if the defendant will be sentenced to Probation Supervision, incarceration greater than 180 days, or consecutive sentences of incarceration totaling more than 90 days. PSIs may be waived if both parties and the Court agree. PSIs provide the Court with detailed, relevant, and reliable information regarding the background of the defendant prior to their sentencing. This information assists the Court in ensuring the

defendant is sentenced appropriately.

An interview with the defendant is usually conducted at the Probation Department or the jail. A home visit is required prior to the completion of an investigation for a sex offense.

The information provided in a PSI covers several topics such as legal history, the defendant's description of the offense, arresting officer, defendant and victim statements, social and family history, education and the department's recommendations for sentencing. The defendant's family relationships, mental health, substance abuse, employment, and living situation are discussed as well. Information about the defendant is gathered from community agencies to help the Court get a

better picture of the defendant's needs.

Victim Impact Statements are a very important part of the Investigation. Victims are contacted and their thoughts and feelings as well as any damages or losses they may have suffered at the hands of the defendant are conveyed to the Court.

The information is analyzed and our Department makes a recommendation regarding sentencing. The data is entered into the computer and the PSI is generated.

Completing a PSI can be a lengthy process and sometimes challenging. The Probation Officer has the ability to talk with the defendant, hear their side of the story, what has brought them to this juncture in their life, and how they feel about the crime they have committed.