

# GENESEE COUNTY PROBATION DEPARTMENT NEWSLETTER

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## GENESEE COUNTY PROBATION DEPARTMENT A COLLECTION AGENCY FOR GENESEE COUNTY COURTS

In addition to providing community protection through the supervision of individuals who receive a community-based sentence, the Genesee County Probation Department (GCPD) also serves as a collection agency for local courts. Initially GCPD only collected restitution on cases that were being supervised while on probation. On November, 28, 1984, the Genesee County Legislature designated the GCPD as the restitution collection agency for Genesee County, thereby directing our Department to collect and disburse all restitution in the County. In addition, pursuant to Section 60.27 of the Penal Law, Courts must direct defendants to pay a designated surcharge of 5% of the restitution amount to GCPD to cover the costs associated with collection. Restitution ordered for drug buys is not subject to a surcharge.

It is the Court's responsibility to determine the victim/s and supply contact information for the victim, the amount of restitution, the amount and rate of payment and to make paying restitution a condition of probation if the defendant receives a probation sentence. It is the responsibility of GCPD to notify the victim of his/her restitution award, collect and disburse monies and notify the Court of noncompliance. In addition GCPD must send collection information on a

monthly basis to the New York State Office of Probation and Correctional Alternatives.

As a courtesy, GCPD also collects fines for the Courts on probation cases. Once the fine has been paid in full,

*Section 420.10 (8) (a) of the Criminal Procedures Law (CPL) states that the chief elected official in each county, shall designate an official or organization to be responsible for the collection and administration of restitution and reparation payments...*

*"The main measure of success: the beneficiary receives the money and the offender is held accountable."*

**Internal Control Guide for Collection  
NYSDFCA**

monies are disbursed to the Court or the Clerk's office. GCPD does not receive a surcharge on fines. All monies are deposited in interest-bearing accounts. Accumulated interest and unclaimed funds are used to pay off restitution orders that have remained unsatisfied for the longest period of time. A concerted effort is made to locate victims before funds are determined to be unclaimed. In 2012 a total of \$6,132.09 was disbursed to close three cases as paid in full.

It should be noted that in most cases, long before the Court issues a restitution order, GCPD is given the task of contacting victims and obtaining the extent of their damages or injury. Claims for restitution must include proof of the financial loss the victim has suffered. This information is sent to the Court as part of the PreSentence Investigation process. In some cases restitution may be made to the victim directly or through the Public Defender or District Attorney before sentence. Victims may also pursue restitution civilly.

### Contact Information:

Genesee County Probation Department  
County Building No. 1,  
15 Main Street, Batavia, NY 14020  
(585)344-2550, Ext 2257  
probation@co.genesee.ny.us



### 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*

### INSIDE THIS ISSUE:

GCPD- A COLLECTION AGENCY FOR GENESEE COUNTY	1
FAVORTIE PROBATIONER QUOTES	2
SEX OFFENDERS IN THE COMMUNITY	2
DIRECTOR'S CORNER	3
CAPTURED!	3
GENESEE COUNTY PROBATION'S MOST WANTED	3
EMPLOYEE NEWS	4
PROBATION NEWS	4
CONGRATULATIONS TO JUDGE GARY GRABER	4
COLLECTION-CONTINUED	4

Favorite Probationer  
Quotes



During a PSI interview with a defendant:

“I love doing Ecstasy, but I can’t do it anymore because when I do it I see leprechauns and ever since I watched that movie (Leprechauns), they freak me out. My girlfriend has a 3 year-old that lives with us and he’s short. I’m afraid I’ll mistake him for a leprechaun....”



To PO Bill Bogan



Client: "It wasn't me."

PO: "Well then who was it?"

Client: "I don't know, maybe it was a ghost."

To PO Kevin Forsyth



**SEX OFFENDERS IN THE COMMUNITY**  
BY JEREMY BARBER, SR. PROBATION OFFICER

We recognize that Crime is an unfortunate and naturally occurring part of society. When the crime is of a sexual nature and particularly if a child is involved, citizens want to know that law enforcement is doing all it can to protect the community.

Citizens read about a horrific offense and believe the offender has been taken to jail and will be removed from society. But are they?

What actually happens to these offenders? Odds are they were not hauled off to jail and the key thrown away. Over the years there have been many different methodologies and models to deal with sex offenders in our society. With the continuously rising cost to incarcerate offenders and the increase in services available in our communities, they are often sentenced to a community-based sanction. Such sanctions could include a conditional discharge, treatment court or probation supervision.

As a Probation Officer, I have had the opportunity to interact with a wide variety of offenders. Supervising convicted sex offenders by far has proven to be my most challenging and rewarding task to date. The biggest hurdle for me to overcome was realizing that we cannot hide sex offenders in seclusion. In my role as a Probation Officer I am working as an “agent of change” with the offenders using specific treatment and behavior modifi-

cations while also providing for community safety. Working with my veteran partner, our local sex offender treatment program and after attending training, I soon became familiar with the requirements for supervising this particular group of offenders. Probation supervision reaches far beyond the probation officer and sexual offender.

Many sexual offenders are sentenced to probation supervision or have been released to parole after a period of imprisonment and have strict guidelines and conditions to follow while residing in the community. With the increased notification and laws surrounding sexual offenders, I field numerous phone calls from concerned citizens regarding offenders under probation supervision as well as those that have paid their debt to society and are no longer being supervised.

If a concerned citizen calls regarding a sexual offender under probation supervision it is fairly easy to provide them with a general understanding of the service that our Department provides to the community. In addition, our Department has taken proactive measures to ensure community safety by monitoring parks, playgrounds, parades and other community events in order to deter and detect offenders that might be in violation.

Our Department fields phone calls on a regular basis in regards to sexual offenders who are no longer under probation or parole supervision. These calls often include “John Doe is a registered sex offender and he lives down the street from a school.” In jurisdictions where local laws exist prohibiting any convicted sex offenders from residing in specific areas, these matters can easily be addressed by the local police department.

There has been much debate among legal scholars and professionals on the local laws regarding sexual offenders. Some feel it is of great benefit to the community and others argue that these laws provide a false sense of security to the public and may encourage offenders to lie about their address in order to obtain available or affordable housing.

In Genesee County no such local law exists and offenders are only required to remain compliant with the New York State Sex Offender Registration Act (SORA) which requires them to update any change of address with New York State.

In short, there is probably no right or wrong answer and perhaps community education will prove to be one of the most useful tools for our local law enforcement agencies to use when dealing with sexual offenders to promote safety in our communities.





# DIRECTOR'S CORNER

By JULIE A. SMITH, PROBATION DIRECTOR

*As another year begins please accept our best wishes for health and happiness for you and your families.*

This year will see the restoration of a Probation Officer position to our staff. In difficult economic times I appreciate having received the support of the Genesee County Legislature and the County Manager, Jay Gsell, in allowing me to hire a Probation Officer.

With the addition of this officer, caseloads will

return to a more manageable number that is consistent with public safety, offender accountability and victim protection.

In 2013 every New York State Probation Department will be required to follow new supervision guidelines. This supervision rule has been adopted and will become effective June 1, 2013. The new rule significantly changes and streamlines supervision procedures in New York State to promote best probation professional practices. All staff members will continue to train for this transition.

During 2012 all staff completed their required minimum 21 hours of continued training in areas including: annual firearms re-qualifications, ASP Baton, Aerosol Subject Restraint, Motivational Interviewing, Bath Salts, Forensic Interviewing, Officer Safety & Survival, Bivona Summit on Child Abuse, and Effectiveness of New York State Sex Offender Management.

As a result of this training, our officers and staff continue to excel in the supervision of nearly 700 offenders within our county.



## CAPTURED!

Probation absconder Anna M. Spencer was located by City of Batavia Police Detective Kevin Czora in the State of Kentucky on November 14, 2012, where she was arrested by Kentucky authorities on a Genesee County Court Violation of Probation warrant.

The warrant was issued after she absconded from supervision shortly after sentencing on September 6, 2012, for her Conviction of Custodial Interference, 1<sup>st</sup> and Attempted Identity Theft, 1<sup>st</sup>.

On November 28, 2012, Detective Czora and Senior Probation Officer Michele Tucci drove to the Boyd County Jail in Ashland, Kentucky, to transport Spencer back to New York. She was arraigned on the Violation of Probation the next day and committed to jail on no bail until sentencing.

*Note: At her Court appearance for violating probation, Ms. Spencer was sentenced to 1-3 years with the NYS Department of Corrections.*

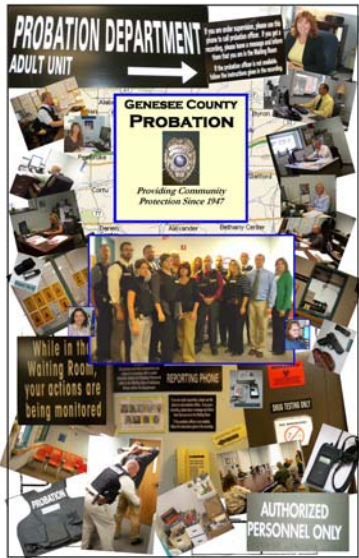
## GENESEE COUNTY PROBATION'S MOST WANTED

<p><b>WANTED</b> By Genesee County Probation Department</p> <p><b>Brandt L. Arnold Jr.</b> For Violation of Probation (991) Contact Genesee Co Probation 585-344-2550 Ext. 2257 with information.</p>	<p><b>WANTED</b> By Genesee County Probation Department</p> <p><b>Harvey J. Horton</b> For Violation of Probation (991) Contact Genesee Co Probation 585-344-2550 Ext. 2257 with information.</p>	<p><b>WANTED</b> By Genesee County Probation Department</p> <p><b>Rodney Laframboise</b> For Violation of Probation (991) Contact Genesee Co Probation 585-344-2550 Ext. 2257 with information.</p>	<p><b>WANTED</b> By Genesee County Probation Department</p> <p><b>Michael W. Mairese</b> For Violation of Probation (991) Contact Genesee Co Probation 585-344-2550 Ext. 2257 with information.</p>	<p><b>WANTED</b> By Genesee County Probation Department</p> <p><b>Charles J. Pipes</b> For Violation of Probation (991) Contact Genesee Co Probation 585-344-2550 Ext. 2257 with information.</p>	<p><b>WANTED</b> By Genesee County Probation Department</p> <p><b>Shane R. Reisman</b> For Violation of Probation (991, 310) Contact Genesee Co Probation 585-344-2550 Ext. 2257 with information.</p>	<p><b>WANTED</b> By Genesee County Probation Department <b>NEW</b></p> <p><b>Michelle Richmond</b> For Violation of Probation (991, 310) Contact Genesee Co Probation 585-344-2550 Ext. 2257 with information.</p>
<p><b>WANTED</b> By Genesee County Probation Department</p> <p><b>Cara L. Skye</b> For Violation of Probation (PETIT LARCENY) Contact Genesee Co Probation 585-344-2550 Ext. 2257 with information.</p>	<p><b>WANTED</b> By Genesee County Probation Department</p> <p><b>John J. Smalley</b> For Violation of Probation (BIG BIRD ENDANGEMENT, 3) Contact Genesee Co Probation 585-344-2550 Ext. 2257 with information.</p>	<p><b>WANTED</b> By Genesee County Probation Department</p> <p><b>David L. Williams</b> For Violation of Probation (CRIMINAL CONTEMPT) Contact Genesee Co Probation 585-344-2550 Ext. 2257 with information.</p>	<p><b>WANTED</b> By Genesee County Probation Department</p> <p><b>Angela K. Williamson</b> For Violation of Probation (PETIT LARCENY) Contact Genesee Co Probation 585-344-2550 Ext. 2257 with information.</p>	<p><b>WANTED</b> By Genesee County Probation Department</p> <p><b>James H. Rowcliffe</b> For Violation of Probation (991) Contact Genesee Co Probation 585-344-2550 Ext. 2257 with information.</p>	<p><b>WANTED</b> By Genesee County Probation Department <b>NEW</b></p> <p><b>Tyler P. Schroeder</b> For Violation of Probation (PETIT LARCENY) Contact Genesee Co Probation 585-344-2550 Ext. 2257 with information.</p>	
<p><b>WANTED</b> By Genesee County Probation Department</p> <p><b>Anna M. Spencer</b> For Violation of Probation (ATTY IN DEBT; CRIMINAL INTERFERENCE) Contact Genesee Co Probation 585-344-2550 Ext. 2257 with information.</p>	<p><b>WANTED</b> By Genesee County Probation Department</p> <p><b>Benjamin Santiago Jr.</b> For Violation of Probation (CRIMINAL INTERFERENCE) Contact Genesee Co Probation 585-344-2550 Ext. 2257 with information.</p>	<p><b>CAPTURED Continued:</b> Benjamin Santiago, Jr., was located in Rochester, NY, with the help of Monroe County Probation Officers Joel Root, Dave Fluellen and James Carr. (PO Root is a former Genesee County Probation Officer.) At Mr. Santiago's Court appearance for violating probation, he was sentenced to 2 1/2 years with the NYS Department of Corrections. He also faces a new charge for Bail Jumping.</p> <p>PO Kevin Forsyth and Senior PO Jeremy Barber traveled to Pennsylvania to pick up a YO who had absconded to that state and was being held on our warrant for a Violation of Probation. His sentencing is pending.</p>				

# PROTECTING GENESEE COUNTY



## GENESEE COUNTY PROBATION DEPARTMENT NEWS



The Genesee County Probation Department celebrated Probation Week July 15-21, 2012, with food and fun. The celebration included the creation of a Probation Department poster, a Pizza and Wing party, awards, and treats throughout the week ending with a get-together at Probation Officer Sarah Welker's home.

### CONGRATULATIONS TO JUDGE GARY GRABER OF DARIEN TOWN COURT



Picture from *The Business Post* by Howard Owens (thebusinesspost.com)

The Genesee County Probation Department would like to congratulate Darien Town Justice Gary Graber on his appointment as President of the New York State Magistrates Association.

Judge Graber was sworn in on September 11, 2012.

*Well Done President Graber!*

## EMPLOYEE NEWS



### Help for the Victims of Hurricane Sandy

In past years, the Genesee County Probation Department has held fundraisers for Thanksgiving and Christmas to help out in our community.

This year GCPD used the "Chili Thanksgiving" and "Christmas Angel" funds raised (\$225.00) to benefit the victims of Hurricane Sandy.

Our thoughts and prayers are with our East Coast neighbors as they recover from the disaster.



## COLLECTION AGENCY CONTINUED FROM PAGE 1

The collection procedure begins with receipt of a Court Order. Payments from defendants who are being supervised for a probation sentence are monitored by the probation officer. Should the defendant not pay as directed, the probation officer notifies the Court of the noncompliance.

Restitution cases without a probation sentence are monitored by the administrative staff. Some defendants are in state prison with the requirement that they pay during and/or upon release. Administrative staff check on their status via the New York State VINE system or by contacting the correctional facilities directly.

Defendants receive an initial letter regarding payment and a series of three letters- one each month-reminding them of their obligation. If after receiving the final letter, payment is still not made, the Court is notified of the non-

compliance.

Victims are reminded that collection of restitution can be a lengthy process. Many defendants have limited resources and/or a limited interest in making payments.

In addition to restitution and fine collection, GCPD also collects an administrative DWI Supervision Fee from probationers who have been convicted of Driving While Intoxicated and sentenced to probation. The fee is determined on a sliding scale based on income and is paid on a monthly basis. This revenue helps to relieve the financial burden associated with monitoring DWI cases.

The GCPD has a robust policy regarding collection of financial obligations and in the last ten years has collected over \$2,656,954.04 in restitution and fines along with \$296,788.40 in supervision fees.