

GENESEE COUNTY PROBATION DEPARTMENT

NEWSLETTER

VOLUME 3: ISSUE 2 JULY 2010

VIOLATION OF PROBATION & HOME CONFINEMENT BY PROBATION SUPERVISOR KEVIN WRIGHT



Individuals sentenced to probation supervision in Criminal Court or placed on probation supervision in Family Court are required to abide by specific Conditions of Probation as imposed by the Court. When a probationer fails to abide by those Conditions the Court is notified and a recommendation is made to the Court by the Probation Department. This recommendation may include a number of graduated sanctions. Those range from no action at this time to a Violation of Probation Petition being filed with the Court; between those options are Administrative and Judicial Reprimands, and the addition (called an enlargement) of more Conditions of Probation. When a Violation of Probation Petition is filed and the Court subsequently finds that the probationer did in fact violate the Conditions, the Court may either continue the probationer under supervision (which may include additional jail time or make modifications to the Conditions), or revoke the probation sentence and impose a period of imprisonment.

In January of 2009 the Confinement Option Program ("COP") was developed and implemented by Probation Director Julie A. Smith in an effort to provide an additional dispositional alternative for Violations of Probation in Criminal Court. In addition this would help to address concerns from the Criminal Justice Advisory Committee regarding jail population. Criminal court probationers are considered for this program after a finding of a Violation of Probation by the Court and only when the probationer does not present a significant danger to the community and is

making positive efforts to comply with the Conditions. If recommended by the Probation Department and then so ordered by the Court, the probationer is continued under supervision with the enlargement of the Conditions to include that they comply with the COP.

During the COP, a probationer is confined to their residence for 90 days on a felony probation term or 30 days on a misdemeanor probation term, in lieu of incarceration in local jail. The probationer is permitted to leave their residence only for pre-approved purposes such as employment, school, treatment programs and reporting to the Probation Department. All Probation Officers make random visits to the probationer's residence to insure that they are compliant.

During the calendar year 2009 there were thirteen probationers placed in the COP, seven for a felony and six for a misdemeanor. There were nine males and four females. Eleven of those successfully completed the program and the two who failed had a further Violation of Probation filed resulting in a revocation from probation supervision. In addition to the seven felonies from Genesee County Court, the misdemeanors were from the City Court of Batavia and the Town Courts of Batavia, Bergen, LeRoy and Oakfield. The convictions which originally resulted in the probation sentence included Driving While Intoxicated, Criminal Possession of a Controlled Substance, Sexual Abuse, Failure to Register as a Sex Offender, Burglary, Criminal Trespass and Criminal Contempt.

In 2010 we look forward to maintaining this program to provide continued cost-effective supervision of offenders.

Contact Information:
Genesee County Probation Department
County Building No.1,
15 Main Street, Batavia, NY 14020
(585)344-2550, Ext 2257
prob@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 community-based offenders, community partnerships, and results-driven management practices.

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Favorite Probationer
Quotes



"I've **got** to get my license back. My doctor actually told me I'm losing some of my hearing in my left ear. I think that's from all the b*#@ing my wife does when I'm in the passenger seat."

PO S. Babcock



After placing a sign in the payment window stating that we are unable to accept bills over \$20, a probationer asked the secretary, "Do I need to come to the window five separate times with a \$20 each time in order to make a \$100 payment?"

PFC Carrie Everett



After telling this PO a story how she almost got in a fight with her sister's baby's father and his pregnant girlfriend in Kmart and how she didn't get a chance to go to visit her baby's father in prison because his wife couldn't drive her..... she stated, "I've really got Jerry Springer going on in my life."

PO S. Babcock

LEVEL ONE SUPERVISION

JEREMY BARBER, SR. PROBATION OFFICER



After working in general supervision for three years I was excited when I was offered a chance to take a position as a Sr. Probation Officer and supervise Level 1 high-risk offenders. Working with high-risk offenders means more than working with "career criminals".

A number of offenders have significant mental health and substance abuse problems that if are left unattended can drastically impact their recidivistic characteristics. In addition, a great number of offenders are young and have previously been involved in some sort of Juvenile Supervision Program. These offenders offer the unique challenge of trying to impact their lives while they are on the brink between adolescence and becoming a young adult.

Supervision levels are typical determined at the time of the Pre-Sentence Investigation by utilizing COMPAS which is a risk and needs assessment. A Level 1 supervision case requires 50% or more contacts than a Level 2 super-

vision case and 75% or more contacts than a Level 3 supervision case.

Level 1 offenders are at an increased risk to re-offend based on a number of factors. Many offenders lack educational/vocational skills, have a lengthy criminal history and typically display significant substance abuse or mental health problems. Furthermore, many Level 1 offenders lack positive support networks and often look for support with the peers that originally got them in trouble.

Offenders are typically reclassified to the general supervision case load when they have demonstrated a pattern of stability. Obviously all of their goals and objectives are not going to have been met at this point, rather they have entered into the appropriate treatment programs and have shown signs of short-term improvement.

Over the years I have developed

multiple supervision styles in order to adjust to individual offenders. What works during one situation does not necessarily mean that it is going to work in the future. This forces you to remain creative and on your toes. In addition, field work is conducted during all hours of the day and not just during the traditional business hours.

Surveillance is also conducted depending on the circumstances. Surveillance is typically conducted on DWI offenders who are suspected to be driving outside of their Conditions of Probation. It is not uncommon to follow a DWI offender after a reporting appointment only to view them attempting to drive away. In these situations the offender is typically arrested for Aggravated Unlicensed Operation of a Motor Vehicle by the local police department and a Departmental decision is made on what action will be taken.

DIRECTOR'S CORNER

JULIE A. SMITH, PROBATION DIRECTOR



Leandra Rosado, an 11 year old girl, was killed in New York City on October 11,2009, when her friend's mother, Carmen Huertas, flipped the car they were riding in while allegedly under the influence of alcohol. Six other children were also injured during the incident.

As a result of this tragic accident, Leandra's Law was passed November 18, 2009. Under the law, it is now a felony when an intoxicated driver has a child under the age of 15 years in the vehicle. An additional component to this new law is the requirement for all individuals convicted of DWI and sentenced

on or after August 15, 2010, to a period of probation supervision or a conditional discharge, to have an ignition interlock device installed on every vehicle they own and operate. The installation and monitoring fees for these devices average approximately \$100.00 per month, per vehicle. If a household has three vehicles which are capable of being operated by the offender then the cost would be approximately \$300.00 per month. This cost is the responsibility of the offender unless the sentencing Court finds the imposition of an ignition interlock device to be unaffordable for

the offender. If deemed to be unaffordable, the manufacturer absorbs the cost of the device and the installation.

While the spirit of this new law is commendable the unilateral imposition of this device on every vehicle owned and operated by the offender, at this time, is impractical.

New York State should recognize that measures to eliminate DWI and DWI accidents need further attention and perhaps ignition interlock devices should be a mandatory life safety device, as are seat belts and air bags, on all vehicles manufactured after a specific date. Only then will DWI and its tragic results be truly eliminated.



EMPLOYEE SPOTLIGHT- RACHEL MATHERS

Congratulations to Juvenile Probation Officer Rachel Mathers! Rachel was the recipient of the "Above and Beyond" award presented by Genesee Valley BOCES. Rachel was selected out of 22 districts after being nominated by Rachel Slobert, Principal of Genesee Valley BOCES here in Batavia.

The award recognizes creativity and risk-taking among employees in the workplace with an emphasis on encouraging all employees to identify a problem or need and to seek creative solutions. The criteria that define this strategy are: "Demonstrating creativity, challenging the systems, exhibiting leadership qualities, working above and beyond the regular job duties and supporting and extending the Genesee Valley Educational Partnership mission."

In her nomination, Ms. Slobert

states, "Rachel Mathers is a beacon of light in the bureaucratic world of public service. She is a sincere advocate for kids and always considers all points before making decisions. She is not only a Probation Officer but looks at the bigger picture when making difficult decisions that will have long term consequences.

Rachel is a friend to the districts and a person I have grown to count on for support regarding countless Academy students. She makes my job easier by eliciting feedback from my faculty and staff and has made a difference to many students. It is an honor to acknowledge Rachel for the great work she does for kids and the endless support she supplies to teachers, administrators and community members."

Rachel was presented an "Above and Beyond" plaque by

Joelle Lyman and Ms. Slobert at a special Staff Meeting. Along with the presenters, two students whom Rachel has been involved with were present. One of the students expressed gratitude for Rachel's help and guidance even after she was no longer on probation.



Rachel has been a PO with Genesee County since October of 2005 where she began her career with adult supervision. She moved into the juvenile area in January of 2007.

A graduate of SUNY Brockport, she holds two Bachelor of Science degrees in Sociology and Criminal Justice and previously worked at DSS as a youth worker.



DWI Case Study - John Doe Update

In the last issue, Mr. Doe had pled Guilty to a Violation of Probation that was filed when he was found out of county and intoxicated. In the Updated Investigation ordered by the Court before sentencing, the Probation Officer had recommended continued probation with a period of intermittent incarceration.

As sentencing approached, Mr. Doe was preparing himself for the reality that he might have to go to jail. The Judge followed the recommendation of this Department and imposed a 30-day sentence of intermittent incarceration which allowed Mr. Doe to retain employment.

Mr. Doe completed his jail time without incident. We received confirmation that he completed alcohol treatment. All tests for alcohol use have been negative and Mr. Doe states he it has been more than 6 months since he had a drink. He remains employed.

Although all seems to be going well, this Department is in contact with various community resources that provide information on Mr. Doe's daily activities. For some time we have been receiving conflicting information as to whether Mr. Doe is in compliance. In recent weeks information indicates that, once again, Mr. Doe is leaving the county to abuse alcohol. While the destination appears to have changed, the drinking partners allegedly have not.

Mr. Doe adamantly denies any instances of traveling outside of Genesee County and/or consuming alcohol, yet the same resources who accurately identified his past non-compliant behaviors state that is simply untrue.

Unknown to him, Mr. Doe finds himself under very close scrutiny by this Department. The allegations are currently being investigated and if we discover they are true, he may find himself facing a much more severe sanction when he appears before the Court on another, very similar Violation.

Stay tuned to see who is telling the truth...

GENESEE COUNTY PROBATION'S MOST WANTED

WANTED
By Genesee County Probation Department

Harvey J. Horton
For Violation of Probation (DWI)
Contact Genesee Co Probation 585-344-2550 Ext. 2257 with information

WANTED
By Genesee County Probation Department

Rodney Laframboise
For Violation of Probation (DWI)
Contact Genesee Co Probation 585-344-2550 Ext. 2257 with information

WANTED
By Genesee County Probation Department

Angela K. Williamson
For Violation of Probation (PETIT LARCENY)
Contact Genesee Co Probation 585-344-2550 Ext. 2257 with information

WANTED
By Genesee County Probation Department

Shane D. Vandenberg
For Violation of Probation (MENACING, 3RD)
Contact Genesee Co Probation 585-344-2550 Ext. 2257 with information

WANTED
By Genesee County Probation Department

Charles J. Pipes
For Violation of Probation (DWI)
Contact Genesee Co Probation 585-344-2550 Ext. 2257 with information

WANTED
By Genesee County Probation Department

James H. Rowcliffe
For Violation of Probation (DWI)
Contact Genesee Co Probation 585-344-2550 Ext. 2257 with information

WANTED
By Genesee County Probation Department

Ann Sumeriski
For Violation of Probation (FAMILY BUSINESS RECORDS)
Contact Genesee Co Probation 585-344-2550 Ext. 2257 with information

WE'RE ON THE WEB!

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

PROTECTING GENESEE COUNTY

GENESEE COUNTY PROBATION
DEPARTMENT
IN THE NEWS



BATAVIA — Thomas K. Lee, 46, of 4 MacArthur Drive, Apt. 10, Batavia was charged with two counts of felony first-degree criminal contempt and three counts of second-degree harassment at 3:46 p.m. Friday at his residence, city police said.

Lee was charged after a Probation Department residence check. He allegedly violated an order of protection twice on Friday. Two of the harassment counts involved his actions toward the protected person and one count was for his actions toward a probation officer, city police said.

Lee was arraigned and jailed pending an appearance in Batavia City Court at 1 p.m. Tuesday.

NEWS

Police check leads to arrests

By Scott DeSmit sdesmit@batavianews.com

February 29, 2010 10:25 AM EST

Police from several agencies conducted an investigation of registered sex offenders and people on probation and parole Thursday night, finding nine people not in compliance and arresting five people on outstanding warrants.

Officers from the city of Batavia Police Department, Genesee County Sheriff's Department, the county Probation Department, state Division of Parole and Genesee County Drug Task Force visited dozens of people throughout the county.

The addresses of 50 registered sex offenders were verified and all were found to be in compliance, police said.

Sixteen defendants who have been released under supervision of Genesee Justice were checked to see if they were complying with terms of the release. Three were found to be in violation and their cases will be sent to Genesee Justice for review.

Two out of 15 people on probation also were found in violation of terms set by a judge.

Those cases also will be reviewed before charges are filed. Four parolees out of 18 checked were also out of compliance, police said.

Five people were charged in outstanding warrants: Gary Amaroso, 52, Thomas Kennelly, 26, Raquel Ramos, 29, Ballard Maye, 23 and Kirk Frye, 20, all of Batavia.

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EMPLOYEE NEWS



Welcome to
Jennifer A. Sutherland
who joins GCPD
as a Probation Officer!



Welcome to
Samantha S. Fisher
who joins GCPD
as a Probation Officer!

Probation Trivia:



Q. Where does the word
"handcuff" come from?



A. From the Anglo-Saxon
"handcop"
(i.e., that which "cops" or
catches "the hands")

PROBATION, PAROLE AND COMMUNITY SUPERVISION

Support for a Second Chance

WEEK
JULY 18-24,
2010



A Force for Positive
CHANGE.

www.appa-net.org