

# GENESEE COUNTY PROBATION DEPARTMENT NEWSLETTER

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## PROBATION SUPERVISION DWI — A CASE STUDY



### 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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Probation supervision of Felony DWI Offenders is a serious matter. Typically these offenders have a high tolerance to alcohol and try to manipulate their way through their term of probation supervision. The role of the Probation Officer (P.O.) is to hold the offenders accountable and to gather information on the defendant's actions. Creative methods of supervision include observing the defendant's residence, place of employment and establishments he frequents. The following is a case study which depicts the typical supervision of a DWI offender.

December 2008: John Doe is placed on Probation. He is referred to the Victim Impact Panel and a letter is sent to the DMV notifying them that Mr. Doe is not to operate a motor vehicle. NYS DMV revokes his license if it has not been done already by the Court. Defendant enrolls in substance abuse treatment and correspondence is sent to the treatment provider to verify enrollment. Contacts with Mr. Doe show him to be somewhat manipulative in his responses and "less than truthful."

December 2008: Correspondence received from substance abuse provider indicates Mr. Doe was enrolled and recently completed substance abuse treatment.

January 2009: DWI Supervision fee is set up and Mr. Doe provides a driver's license as photo I.D. for his fee notarization. P.O. escorts him to the DMV where he surrenders the license.

Mr. Doe reports twice monthly and during office visits P.O. attempts to ascertain his daily routine and schedule. A home visit reveals Mr. Doe is not at his residence when he is not working. At the next office visit, P.O. questions him as to why he was not at his resi-

dence and Mr. Doe has no answer.

February 2009: Community sources indicate that the defendant is leaving the county and may be consuming alcohol. During office visits when Mr. Doe is questioned regarding this information, he adamantly denies leaving the county and becomes overly upset when questioned about his whereabouts on given days. He denies the use of alcohol and driving; however, at a later appointment he informs P.O. that his vehicle broke down at work and he's not going to fix it, but leave it there.

March 2009: Through P.O. surveillance and networking in the community, the residence Mr. Doe is visiting out of county is obtained with a strong indication that he is drinking as well. During an office visit Mr. Doe indicates that his community service hours are completed. However, further investigation proves he has not even started his hours. Mr. Doe continues to deny leaving the county and use of alcohol.

April 2009: Source indicates Mr. Doe is out of county but will be back in at a later time and will be intoxicated. An evening home visit is conducted which results in a positive Alco Sensor reading for alcohol. Mr. Doe is referred back to treatment and the Court is notified.

April 2009: Source indicates defendant continues to leave the county and consumes alcohol. During his office visits Mr. Doe continues to deny both accusations.

More information is received regarding Mr. Doe leaving the county and consuming alcohol.

Unknown to Mr. Doe, P.O. performs field visit to reported out of county residence.

... Continued on Page 3

# TOOLS OF THE TRADE

KEVIN R. WRIGHT, PROBATION SUPERVISOR



## Favorite Probationer Quotes

"I'll admit to attempted murder, why wouldn't I admit to a burglary?"

*To Probation Officer/PO Bogan*

"I've learned that stealing your card was definitely not worth a #6 from Burger King"

*In a letter of apology to the Victim/PO Pasquale*

"Probation Officers have the greatest job in the world; all they do is harass people."

*To Probation Officer/PO Engle*

"I don't have an alcohol problem, I've only had **two** DWI's"

*To Probation Officer/PO Bogan*



When a Probationer was asked why he had a positive Alco Sensor, the Probationer replied "Because I just ate a Boston Cream Doughnut at Tim Horton's."

*To Probation Officer/PO Mileham*

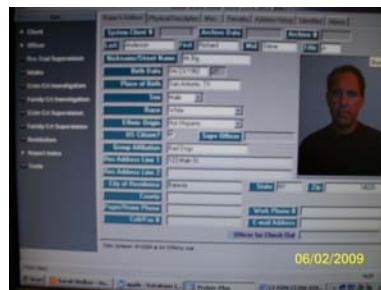
A probation officer uses many different tools everyday and Genesee County Probation Officers are well provided for, unlike many years ago when we had few tools beyond our communication skills, badge and identification.

Today officers carry a department issued firearm, handcuffs, expandable baton and pepper spray. Each officer is issued a ballistic vest and portable radio. Cellular phones and a handheld metal detector are available and the department has two radio equipped vehicles one of which also has a cage for transporting offenders.

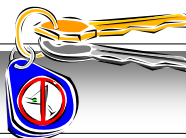
We have a search kit which contains Kevlar gloves, a drug identification kit, various items to label and secure evidence and the obvious flashlight. Breath and urine testing tools for alcohol and other drugs are used both in the office and the field.

With advanced technology the computer has become a more crucial tool in our everyday work. Based on the need to monitor probationers who are under supervision for sexually related offenses, we have software which is used to scan their computers for prohibited and unlawful activity. Caseloads are managed using software specifically designed for probation.

As required by the Division of Criminal Justice Services, we collect and submit DNA samples on required offenders. Although not directly operated by the Probation Department we monitor Ignition Interlock devices when Court Ordered. In addition, we have at times implemented electronic monitoring programs.



**DWI CASE STUDY**  
CONTINUED FROM COVER



At the out-of-county location, P.O. speaks with Mr. Doe's significant other on the phone. After first denying Mr. Doe was there, significant other informs P.O. that Mr. Doe is in the residence but refuses to exit. P.O. obtains permission to enter the residence and removes intoxicated Mr. Doe. Defendant is taken for a Data-Master to verify blood alcohol content in his system.

P.O. conferences Mr. Doe's non-compliance with Supervisor. Judicial Reprimand (first step in the viola-

tion process) is in order as the defendant is a fairly new case. As part of the Judicial Reprimand the defendant must agree to accomplish certain tasks within a certain period of time or a Violation of Probation will be filed.

May 2009: Defendant informed of his Judicial Reprimand. Denies the use of alcohol and denies leaving the county.

June 2009: Mr. Doe reports that he has engaged in substance abuse treatment. P.O. obtains a letter from the treatment provider indicating that,

despite this Department's referral in April of 2009, the defendant has yet to engage in substance abuse treatment. During an office visit Mr. Doe states that he has engaged in substance abuse treatment. When confronted with treatment provider information, Mr. Doe admits that he is lying to this Officer in an effort to not get into any more trouble. P.O. will continue to monitor his actions.

Next Issue: *Will Mr. Doe be in compliance with his Conditions or will a Violation be filed?*

**\*STAR**



The goal of the Student Transition and Recovery (STAR) program is to improve the student's GPA and school attendance, decrease the student's incidence of disruptive behavior, reduce the incidence of parent-child conflict, improve the parents' capability to fulfill their role, decrease the incidence of juvenile crime in the community, and decrease tardiness, absenteeism, and expulsions from school.

A child can only be referred to the STAR program by a Court, School, or Probation. The program consists of a 1-day, 30-day, or 24-week program. The daily routine of a STAR student is to arrive in uniform at the agency at 5:30am for physical training until school begins. The child returns to STAR upon the completion of their school day where they will remain to complete homework and take advantage of the tutoring lab. The program also offers mental health counseling twice a week, a parent support group with a mental health therapist, and random drug testing.

The student's day is complete at 6:00 pm. Further, STAR staff is available 24 hours a day to assist both the schools and parents should they have a problem with a student. STAR staff performs home visits and school visits on a weekly basis. The program has been a success for many students and their families.\*

\*Information provided by STAR brochure

**PINS PROGRAM**

RACHAEL MATHERS, PROBATION OFFICER



The Genesee County Probation Department offers a Person In Need Of Supervision (PINS) diversion program to help assist schools and families that may be having difficulties with a child. The juveniles are usually referred to our Department by the school or a parent because their behavior warrants additional monitoring and/or they are need in services offered in the community.

A parent is able to initiate a PINS diversion on behalf of their child if they are able to provide five instances of incorrigible and ungovernable behavior or if their child has run away. Parents are unable to initiate a PINS diversion based on their child's behavior problems if they occur solely in school. However, a school is able

to request a PINS diversion if a child has had five instances of incorrigible and ungovernable behavior or when the child is truant on five or more occasions. Once a parent or the school has submitted the appropriate documentation, a PINS diversion is initiated at this Department.

A Juvenile Probation Officer meets with the child and their parent(s) to discuss the behavior problems and to determine what services the child may benefit from. The services range from, but are not limited to, substance abuse treatment, mental health treatment, preventive services, mediation, and the Student Transition and Recovery (STAR\*) program.

Once the PINS diversion

is opened and the child is linked to the needed services, our Department will continue to monitor the child's compliance with the services as well as their ongoing behavior in school and at home. The Genesee County Family Court is only utilized in PINS diversion cases if the child continues to struggle and does not make improvements in their behavior or if a parent or child refuses to cooperate with any recommendations from our Department. Our Department's goal is that the child will make positive changes in their lifestyles to prevent future involvement with the Court system.





## EMPLOYEE NEWS



Welcome to  
**Paula Gillam!**  
 Paula is our new  
**Probation Officer/  
 Trainee**

**WE'RE ON THE WEB!**

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

## PROTECTING GENESEE COUNTY

### DIRECTOR'S CORNER

JULIE A. SMITH, PROBATION DIRECTOR



Nationwide, 1 in every 45 adults is under some form of community corrections such as probation and parole. This represents more than 5 million people in the United States.

Genesee County Probation has continued to see an increase in offenders under supervision. New York State contributes approximately 15% toward the budget for our department; which is far less than the statutory reimbursement of 50%. The con-

tinued reduction in state aid with a crushing load of laws, mandates and requirements requires our department to be cost conscious so that mandated services can be continued.

Probation still remains as the most cost effective form of community supervision with the cost of supervising a probationer at \$3.42 daily compared to \$78.95 daily for individuals who are incarcerated.

The PEW Center on the States March 2009

#### CONGRATULATIONS!



TO DIRECTOR JULIE SMITH FOR RECEIVING THE *MERITIOUS SERVICE AWARD* FROM THE GENESEE COUNTY MAGISTRATES ASSOCIATION &

TO JEFFREY MILEHAM FOR COMPLETING HIS INSTRUCTOR CERTIFICATION & FIREARMS INSTRUCTOR COURSES



### Probation Trivia:

Q. What Genesee Co Probation Officer Received 4H recognition for his prowess with Sheep?

A. Jeff Mileham



## GENESEE COUNTY PROBATION DEPARTMENT IN THE NEWS

*From the WBTA Website:*

An Oakfield man has been jailed on \$5,000 bail following his arrest on a felony drunk driving charge. 44-year-old Joseph Julyan of Shelby Road, Oakfield, was arrested last night on Jefferson Avenue in Batavia. BPD says that Julyan had just left an appointment with his probation officer. The probation officer tipped off city police.

Batavia Daily News 11/29/08

### POLICE BLOTTER

■ **OAKFIELD** — An Elba man was jailed after probation officers found him drinking in a bar on South Pearl Street Road Wednesday night, Genesee County sheriff's deputies said. Jon H. Bush Jr., 25, of 7614 Oak Orchard Rd., is not allowed in bars as part of his probation terms for DWI conviction. Bush was charged with criminal contempt of court and committed to Genesee County Jail in lieu of \$500 bail.



*From The  
 Batavia  
 Daily News:*

### SEX OFFENDER SUPERVISION

MICHELE TUCCI, SR PROBATION OFFICER



Although the conviction may not have resulted from the use of the internet, a majority of Probationers on for sexually offending behavior have a condition of probation that prohibits them from use of a computer and the internet. Those that are given permission to use a computer for school or employment, have a condition of probation that requires them to waive their Constitutional Right and submit to random searches of their computer drives, storage devices and media for pornographic material. Although it is not illegal on its own to possess adult pornographic images, individuals on probation for sex offenses are prohibited from having any form of pornography.

Currently our Department is equipped with software that allows us to search computer hard drives for such material. During the search, if any pornographic material is found, the computer is immediately shut down and taken to the Regional Computer Forensic Lab in Buffalo, NY. There a thorough search will be conducted by individuals who are specially trained in that field. Any child pornography that is found will most likely result in new criminal charges and possibly federal charges. However, any type of pornography, adult or child, that is found on a computer in a sex offender's home will result in a Violation of Probation being filed.

