



WAYNE COUNTY DISTRICT ATTORNEY'S  
OFFICE

30 CHURCH ST.

LYONS, NEW YORK 14489

MICHAEL D. CALARCO  
District Attorney

2020

ANNUAL REPORT

## **DISTRICT ATTORNEY'S 2020 ANNUAL REPORT**

### **MESSAGE**

2020 was a challenging year for everyone, and the Wayne County District Attorney's Office was no exception. The COVID-19 emergency struck New York State and our law enforcement partners were still adjusting to the "reforms" to the bail system and to the rules by which prosecutors are required to disclose information to the defense. Additionally, new procedures mandated by the New York State Office of Court Administration for arraigning defendants outside of normal court hours has increased demands on staff. Arraignments are now regularly occurring early in the morning and mid evening. Like many other agencies, we had to find new ways to conduct business, which the Office accomplished by leveraging technology to interact with witnesses, victims, and police officers to continue to serve Wayne County residents and keep our community safe. In 2020, we began conducting court appearances through video computer links, and even litigated some hearings without judges, defendants, defense attorneys, or prosecutors together in the same room. Those situations were challenging. My office has continued to meet those challenges even though we remain understaffed. In addition, my office was relocated to 30 Church Street in January, which again has presented challenges and caused some delays.

In 2021, I look forward to building on our successes and aggressively litigating the cases that the pandemic made it impossible for us to try in 2020. I and my office remain dedicated and committed to protecting the citizens of Wayne County.

Thank you for allowing me the privilege of being Wayne County's District Attorney.

*Mike Calarco*

### **STAFF**

The District Attorney and four full-time Assistant District Attorneys handling felony prosecution in the Grand Jury and County Court. One full time ADA has resigned. That position remains vacant.

Currently Three part-time Assistant District Attorneys and my full time staff including myself are handling misdemeanor, vehicle and traffic and petty offenses in the County's 28 Town and

Village justice courts. Through January 31<sup>st</sup> of this year, there are over 1400 cases pending in Justice Courts. This number is based on a partial number of Courts providing reports.

Two confidential secretaries, 2 Sr. clerk typists, a victim-witness coordinator and a part-time criminal investigator.

Due to the vacancy in the full time ADA position, my 2 confidential secretaries continue to handle approximately 90% of the Discovery requirements. This is in addition to their normal work functions. Due to the time involved they often come in early and or bring work home resulting in additional uncompensated time.

## **PROSECUTIONS**

The number of DMV cases as of October was 6581. I would guess that number is probably close to 10,000 now.

The full-time Assistant District Attorneys reviewed all felony arrests that totaled 190 through June. There were 97 Felony indictments and approximately 40 Superior Court Indictments. These numbers reflect only 55% of courts reporting statistics through June of 2020.

It is important to keep in mind that due to COVID all courts have been on a holding pattern and continue to be.

In 2021, I am planning on meeting with School Superintendents of every district in the County. My goal is to improve communication and build trust with the schools.

I am optimistic that the Child Advocacy Center will be up and functional this year. This will be a very important tool in prosecuting child sex crimes.

Police Reform as part of the Governor's plan continues to move forward both on the local and county level.

## **BUDGET**

The tentative annual budget for 2021 is \$1,326,528.72. This figure is projected as I will have unanticipated costs due to the relocation and potential personnel changes. This includes \$130,686.00 of revenues including \$ 40,147.00 State Aid to Prosecution grant and \$72,189 District Attorney Salary reimbursement for 2021.

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ASSISTANT DISTRICT ATTORNEYS FULL TIME

- Christine Callanan, 1st Asst.  
County Court
- Scott Kadien 2<sup>nd</sup> Asst.  
County Court
- Matt Tantillo  
County Court
- Tracey Fox  
Justice Courts.

ARCADIA  
ARCADIA  
NEWARK VILLAGE  
WOLCOTT TOWN  
WOLCOTT VILLAGE  
HURON  
ONTARIO  
ONTARIO  
ROSE  
ROSE

PART TIME ADA'S

ELIZA HEATON  
WILLIAMSON  
GALEN  
WILLIAMSON  
BUTLER  
MARION  
SAVANNAH

KEITH LORD  
MARION  
SODUS  
WALWORTH  
LYONS TOWN  
LYONS TOWN

JEANNIE MICHALSKI  
MACEDON TOWN  
MACEDON TOWN  
VG./TOWN PALMYRA  
WALWORTH  
GALEN

ADMINISTRATIVE STAFF

DARCEY KOLLER: CONFIDENTIAL SECRETARY

LORI TYLER: CONFIDENTIAL SECRETARY

DEB BURGESS: SR. CLERK/TYPIST

CINDY RODEN: SR. CLERK TYPIST; SPLIT POSITION TWO THIRDS MY OFFICE ONE THIRD VICTIMS  
COORDINATOR'S OFFICE

INVESTIGATOR: RICHARD PISCIOTTI.

**APPEALS**

Appellate work continues to be out sourced due to the vacant full time ADA position. I again will be actively seeking to fill this position with an Attorney with Appellate experience. That Attorney would also oversee and handle some Discovery.

**2020 Victim/Witness Services Statistics:**

See attached report.

Respectfully Submitted,

*Michael D. Calarco*

Michael D. Calarco, DA

## Victim/Witness Services Wayne County District Attorney's Office 2020 Annual Report

- A. Staffing:**      One full-time employee  
                          One part-time employee, approximately 10 hours a week  
                          One volunteer, approximately 12 hours per month

**B. Outcomes of current program:**

- Prepare and process reimbursement claims for crime-related expenses through OVS
- Coordinate victim access to prosecutors and the courts
- Prepare victims for grand jury and court appearances
- Accompany victims/witnesses to court
- Promote enhanced and informed decision-making for victims
- Support awareness of the criminal justice system and processes, victims' rights and options
- Connect victims with community supports and services
- Provide emotional support in order to decrease anxiety of victims/witnesses
- Promote crisis awareness and prevention strategies to victims
- Direct program feedback from victims to appropriate agencies and individuals
- Maintain electronic and paper files
- Prepare and submit periodic reports to funding agents and local administration

**C. Total Victims Served:**

- Yearly total: 410 victims with more than 3296 contacts. This represents an increase of 71 victims and 1196 contacts over 2019.
- Monthly average: 34 victims

**D. Victim Demographics:**

<b>Gender:</b>		Age 0-12	16
Male	80	Age 13-17	19
Female	306	Age 18-24	48
Not Reported	24	Age 25-59	241
		Age 60+	27
		Not Reported	59

**Age at time of Crime:**

**E. Special Classification – self reported:**

- Deaf/Hard of Hearing      1
- Homeless                      1
- Immigrants/Refugees      2
- LGBTQ                          6
- Veterans                        5
- Victims with Disabilities    21

**F. Individuals who received Services by Victimization Type:**

Adult physical assault	82	Elder abuse/neglect	5
Adult sexual assault	17	False imprisonment	5
Adult sexually abused as child	1	Fam/Domes violence	195
Arson	0	Identity theft/fraud	4
Bullying	0	Kidnapping-Non-custodial/adult	1
Burglary	22	Other vehicular	11
Child endangerment	49	Reckless Endangerment	3
Child physical abuse	12	Robbery	11
Child pornography	5	Stalking/harassment	80
Child sexual abuse	54	Survivors of homicide	12
Criminal mischief	43	Teen Dating Violence	3
Criminal trespass	7	Violation of court order	87
DUI/DWI incidents	10	Other	48

**G. Service Objectives:**

- Assistance with OVS Applications – *target of 7 victims served per month*
- Information and Referral/Follow-up – *target of 100 victims served per month*
- Personal Advocacy – *target of 22 times per month*
- Hotline/Crisis Counseling – *target of 60 times per month*
- Individual Counseling – *target of 20 times per month*
- Criminal Justice Advocacy – *target of 90 times per month*

**H. Services Provided – see chart on page 3**

2020	Goal	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Monthly Average
Number of Clients Served	--	93	142	76	47	45	78	77	100	89	109	88	92	<b>86</b>
Assistance with OVS Applications and Compensation Claim Information (# of Clients)	7	5	7	4	10	3	1	0	11	7	9	4	1	<b>5</b>
Information and Referral /Follow-up (Times provided)	<b>100</b>	133	79	76	74	68	137	129	187	175	100	68	98	<b>110</b>
Personal Advocacy (Times provided)	<b>22</b>	8	14	12	11	7	39	10	33	31	28	47	55	<b>25</b>
Hotline/Crisis Counseling (Times provided)	<b>60</b>	83	58	55	24	39	106	89	146	125	114	94	85	<b>85</b>
Individual Counseling (Times provided)	<b>20</b>	34	19	17	2	0	4	21	15	23	14	10	19	<b>15</b>
Criminal Justice Advocacy (Times provided)	<b>90</b>	227	175	146	76	126	281	197	292	309	247	191	170	<b>203</b>



## **I. SWOT Analysis:**

### **Internal Factors**

#### **Strengths:**

- Meeting and exceeding program goals and objectives
- Addition of part time Senior Clerk/Typist has helped to increase and enhance services provided.

#### **Weaknesses:**

- Limited staffing – one full-time employee working in all functions including administrative, fiscal and direct service. (Addition of part-time employee has helped but isn't enough.)
- There is no one cross-trained to meet the demands of the position
- Proximity to the District Attorney's main office in the Hall of Justice. Current location is not conducive with job demands, it hinders communication with prosecutors and is inconvenient for victims. (This should be rectified with the move of the DA's office and the ability to move this office into the same space as the DA's office.)
- Unsecured office space creates a safety concern. (Hopefully this will also be rectified with the move.)
- Administrative duties take away time from direct service to victims
- Database being used needs to be updated to more easily analysis information.
- Staff training needed to effectively use the database

### **External Factors**

#### **Strengths:**

- Office of Victim Services Funding stream is long standing
- Strong linkage with area agencies

#### **Threats:**

- Increasing administrative demands and directives from NYS Office of Victim Services regarding grant preparation and renewals, new fiscal and programmatic reporting requirements, newly required strategic planning, evaluation reports and desk audits.
- Bail reform act creates increased workload as victims try to understand the new laws.
- COVID 19 has negatively impacted our ability to serve victims face-to-face.

**J. Desirable Program Expansion:**

- Addition of a part-time Case Worker
- Anticipated achievements with expansion of clerk position:
  - Increase the number of victims served
  - Increase number of services provided to victims of crime
  - Assist in serving clients in a timely manner
  - Allow for more efficient implementation of reporting, administrative duties and fiscal responsibilities
  - Increase effectiveness of victim/witness preparation for prosecution purposes
  - Enable staff to engage in necessary training opportunities

Respectfully Submitted,

*Deborah Coons*

Deborah Coons

Victim/Witness Coordinator

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