

To The Honorable Members of
The Wayne County Board of Supervisors

I submit, for your review, the 69th Annual Report of the Wayne County Department of Probation and Correctional Alternatives for the year ending December 31, 2017. This report is essentially a statistical overview of the major departmental activities during 2017.

The cost to incarcerate adults and to place juveniles in residential programs continues to escalate. In as much as Probation is the most cost effective disposition available to the Criminal/Juvenile Justice systems, it is under an ever-increasing demand to provide viable and affordable programs.

Several relatively new initiatives were maintained during 2017. It should be noted that no increases in Probation personnel have been requested to continue these programs. However, New York State did mandate that Wayne County Probation come into compliance with the Appendix H-10 Standard which specifies that each Supervisor is to only supervise between 4-7 Probation Officers. As a result, Wayne County Probation added an additional staff member in order to become compliant in 2017. The first program involved the continued modification of the specialized Juvenile Unit so that we were eligible to receive preventive funds through the Offices of Children and Family Services (OCFS) (DSS). The advantage to Wayne County is that reimbursement through OCFS is at 63.5% compared to the approximate 11% received through the New York State Division of Probation and Correctional Alternatives. The second initiative has been the continued collaboration with Wayne Behavioral to expand an Intensive Sex Offender Treatment Program. This program involves extensive (two year) group counseling, polygraph examinations and intensive supervision by Probation staff. Major departmental efforts have been made to incorporate validated risk assessments for both adult and juvenile populations. Assessments used are the Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) and the Youth Assessment and Screening Instrument (YASI). In 2017 the Department continued developing protocols involving the domestic violence/family offense population. It is felt that through timely notification and program coordination a dramatic impact could be realized in reducing the rate of domestic violence. Minimally, Probation should be able to more closely monitor the population under our authority. Also in 2017, the Director and Deputy Director met with the Ontario County Director and Supervisors involved in their ATI Program. After meeting with Ontario County, we determined we have equal resources available to us and that we need to meet with Mental Health Director, Jim Haitz. Several meetings have taken place to identify resources and methods to communicate to local Magistrates to ensure they are on board. This effort will be continued throughout 2018 until established. The Department, in 2009, enhanced the Electronic Home Monitoring Program by adding GPS technology and in 2013 continued to offer both conventional Electronic Home Monitoring and GPS monitoring. By 2016, Wayne County Probation contracted with two different companies that provide yet more enhanced electronic monitoring services. The first is SCRAM. Scram provides an enhanced alcohol testing option known as "CAM", Continuous Alcohol Monitoring. This allows for 24-hour a day monitoring of alcohol. GPS monitoring was also enhanced by switching from BI Inc., a passive GPS System, to STOP, LLC, "Satellite Tracking of People" (STOP). This system uses Active GPS Tracking allowing the Officers to pinpoint the location of their offenders upon demand. In 2017, Probation also utilized the option of a hand held remote alcohol sensor that monitors the sobriety of an offender via breath test that is verified with a picture of the offender blowing into the device at the time of the breath test. This device allows for alcohol monitoring of the Probationer without the more restrictive component of electronic monitoring. The Director of Probation, was forced in 2017, to consider a change in the Department's current Data Base, (Fe) to the States standard data base, Caseload Explorer (Ce). This change is due to the impending

retirement of the Programmer at Wayne County Information Technology Department that developed and maintained our current database. Fe has reached the capacity of its function and a change was needed. The Caseload Explorer database is provided and maintained by Automon LLC. Myself and IT Director Matt Ury reviewed the outline from Automon and came up with an estimate of \$125,000.00. This amount was included in the budget for 2018 and was approved by the board unanimously.

In 2010 the Department entered into an agreement with the U.S. Secret Service and a staff member completed a five-week computer forensic training program. As a result of the training/certification, Probation is now able to perform in-depth forensic examinations of computers used by probationers and has also extended those services to the District Attorney's Office and area Law Enforcement agencies. In 2011 a second staff member completed the one-week introduction course offered by the Secret Service, and in 2014 completed the five-week Basic Certification Program. Additionally, two staff members attended a training to complete forensic exams of "smart phones" during 2011 with additional staff completing cell phone training in 2013. The computer forensic staff person completed a more in-depth training for smart phone examinations in 2012. In 2015, both forensic officers completed a one-week training program on new forensic investigative software (NUIX). In 2016 the same two staff members both attended an additional training for Nuix Windows Investigations; one attending the Mobile Device Examiner (MDE) and the other attending Network Intrusion Response Program (NITRO). It is noted that much of the continuing training in the field of forensics has been paid for by either the Secret Service or through our departmental forfeiture fund; established under the U.S. Department of Justice Equitable Sharing Program. In 2017, Probation Supervisor, Jason Mills, attended Hoover, Alabama for a one-week training course on Social Networking. Also in 2017, the Department upgraded the Forensics Software to include Magnet Axiom with monies from the forfeiture account.

Another new program that began in 2010 was a result of New York State enacting Leandra's Law, requiring individuals convicted of DWI to have Ignition Interlock Devices (IID) installed in vehicles that they own or operate. At years end, this Department was supervising/monitoring 381 IID cases (Probation and Conditional Discharges) with 82 IID's installed. In December, 2016, Albany advised that the original reimbursement for IID was being reduced from 28,500.00 to \$13,556.00. This notification came after the budget was approved for 2017. The 2018 reimbursement was unchanged at \$13,556.00.

During 2013 four staff members completed certification as facilitators for the evidence based cognitive skills program, "Thinking for a Change" (T4C). During 2015 these officers conducted two 13-week (26) group sessions in an attempt to positively modify probationers' actions and further reduce recidivism. In 2016, there were no groups conducted. In 2017, the Director of Probation sent two (2) additional Probation Officers to T4C training to become certified instructors along with the original 4 Probation Officers. Probation now has 6 certified T4C instructors. Two Officers conducted one 13-week session consisting of 26 two-hour classes in 2017. In 2018, we should be able to facilitate a few more with the additional trainers.

The Department's Probation Supervision caseload as of December 31, 2017 was 703. Total cases including Conditional Discharges, Community Service, Money Judgments, Ignition Interlock and transfer cases in which jurisdiction was retained totaled 2330. A breakdown of Probation's Supervision Caseload is as follows: County Court (felons) 364 (52%), Justice Court (misdemeanants) 247 (35%), Family Court 25 (3%), juveniles supervised in Diversion Programs 28 (4%) and Interim Supervision cases 39 (6%).

Probation has been and continues to be a major participant in Wayne County's Drug Court Program. Initial Probation involvement in Drug Court required approximately .5 fte to meet that Court's needs. Due to the increased enrollment in Drug Court by the second year, Probation staff obligations became the equivalent of one (1) full-time position. In 2009 the New York State Legislature enacted the Rockefeller Drug Law Reform which has enabled more defendants to be Probation eligible. Drug Court, during 2017, had forty-three (43) participants of which sixteen (16) successfully completed (graduated) from the program and three (3) were transferred to another county; four (4) participants were unsuccessful. Due to the nature in which probationer's problems are introduced to the Court, 20 Violations of Interim Probation Supervision that include multiple amendments on each violation were filed, and 9 updated Pre-Sentence Investigations were generated. Effective December 31, 2017 twenty one (21) probationers were active in the Drug Court Program.

The Wayne County Department of Probation and Correctional Alternatives employs the theories of graduated sanctions. As a result, the Department participates in programs of: Diversion, Restitution Collection, Community Service, required In-Patient and Out-Patient Programs, Electronic Monitoring, Cognitive Skills Training (T4C) and OWDS (Offender Workforce Development Specialist), Specialized D.W.I. Unit, Intensive Supervision for Adults and Juveniles, Shock Probation Program, Conditional Release, Interim Probation Supervision, Enhanced Sex Offender Program, Drug Court participation and supervision/monitoring of Ignition Interlock Devices. Additionally, this Department has recognized the need for networking with other agencies. As a result, both the administration and line staff have taken an active role in planning groups and task forces centering on such areas as alcohol/drug offenses, domestic/family violence, sexual offenses, juvenile offenders, runaway and homeless youth, victims, jail protocols, crime coordination, etc.

The Intake Division processed a total of 69 Juvenile Delinquency Appearance Tickets, 36 Person In Need of Supervision referrals and 256 Family Offense cases during 2017.

In 2016, the Probation Department continued as the County agency responsible for the coordination of juvenile detention and primary responsibility falls upon the Department's Intake/Juvenile Unit. Wayne County's adjusted bed day for non-secure detention in 1997 was 2312. In 1998, Probation's first full year of oversight, bed days totaled 1517. The number of bed days in 1999 was 1646, 1752 in 2000, 1203 in 2001, 1481 in 2002, 1154 in 2003, 834 in 2004, 668 in 2005, 944 in 2006, 396 in 2007, 342 in 2008, 452 in 2009 and 382 in 2010. In 2011, due to the severity of the juvenile cases and the decisions of the presiding magistrates, Wayne County experienced a significant increase to 735 bed nights of non-secure detention. In 2012 non-secure bed nights dropped to a more acceptable level of 488. The decrease in non-secure bed nights continued in 2013 utilizing 394, in 2014 the utilization of 328 and in 2015 utilizing 213. Wayne County does not have a dedicated secure bed as do many counties. Probation is extremely concerned with the potential of numbers/cost rising due to factors beyond Probation's control (i.e. Court adjournments, lack of resources, children with chronic needs.) In 2009, 131 bed nights of secure detention were purchased, 221 bed nights in 2010 and 35 in 2011. The year 2012 saw, due to several serious juvenile offenses, an increase to 410 secure bed nights, 278 bed nights were used in 2013 and 2014 realized a further reduction to 73. In 2015 we saw an increase to 123. Probation continues to collaborate with agencies to plan strategies to deal with Juvenile/PINS problems, placement cost and early intervention. The year 2016 brought yet another increase to

360 bed nights. Also, 2016 saw fewer juveniles actually placed in a non-secure setting, but, due to a few cases being adjourned for an excessive period of time, the number was elevated. In 2017 the total number of bed nights decreased from 360 in 2016, to 194 in 2017 with 0 secure bed placements. In 2017, the Probation Director opened up the Departments EM Program to include Juveniles in yet another way to reduce the number of juveniles being placed in non-secure detention facilities. EM was used in lieu of 526 days of detention. This resulted in significant savings to the County. The funds for delivering early intervention and common sense programs may be reduced or eliminated which will ultimately result in higher numbers and greater expense for the County. Additionally, New York State has passed legislation raising the age of criminal responsibility from 16 to 18. This change is scheduled to occur for 16 year olds on October 1, 2018 and 17 year olds on October 1, 2019. When this occurs a greater burden will be placed on the Juvenile Justice System, as 16 and 17 year olds will be dealt with as juveniles. Additional concerns arise due to the State's requirement for Specialized Secure Detention Facilities to house a new classification of juvenile offenders, Adolescent Offenders (AO's). Wayne County does not have a facility and will be required to contract with a contiguous County for beds. The exact cost for this is not known.

In addition to overseeing detention, the Intake/Juvenile Unit has provided expedited dispositional investigations to Family Court, in an attempt to shorten the length of placement along with supervision to the more intensive juvenile cases.

In 2017, Probation received 601 orders for pre-plea, pre-sentence and pre-dispositional investigations. A breakdown in the total number of "P.S.I.'s" ordered reveals that 22 investigations were ordered for Family Court, 359 ordered for Supreme and County Courts and 220 investigations ordered for Justice Courts.

The Wayne County Department of Probation and Correctional Alternatives is the agency designated to collect restitution payments ordered by the Courts and disperses those funds to the victims. Additionally, the Department collects fines, surcharges, Court ordered fees and imposes, as well as collects, fees for Supervision and Electronic Home Monitoring. The total collections for 2017 were as follows:

Restitution	\$ 63,662.16
Designated Surcharge	\$ 2,345.23
Fines	\$ 38,772.72
Mandatory Surcharge	\$ 28,479.02
EM Fees	\$ 6,554.00
Supervision Fees	\$ 28,465.19
Drug Testing Fees	\$ 11,339.25

The Person In Need of Supervision Diversion Program completed its nineteenth year in 2017. The overall P.I.N.S. intake numbers have stabilized due to the additional effort to keep this population from entering the Juvenile Justice System. It is believed that entering the "system" through Probation Intake dramatically increases the chance of adjudication and potential placement into an extremely expensive out-of-home placement. Probation, when possible, is diverting cases from intake and attempting to exhaust all program referral options before formal diversion or petitioning. During 2017, 32 PINS cases were open for service. If preventive funding for Probation services is dramatically reduced, or eliminated, the County will need to reconsider its current PINS structure and in all likelihood should remove the Lead Agency status

from Probation, moving that responsibility to Social Services (who would still be eligible for the enhanced preventive funds.)

The Community Service Program completed its thirtieth (30) year in 2017. This program oversees the Community Service placements ordered by County, Justice, and Family Courts and, in conjunction with the Sheriff's Department, operates the Weekend Work Program. The Weekend Work Program significantly reduces the number of intermittent (weekend) sentences by giving Courts an alternative to that disposition. In 2017, 103 referrals were made to the Community Service Program for a total of 6064 hours. If not for this program participants would have received a total of 1011 days of jail. Based on the 2017 per diem rate of \$224.77 for incarceration in the Wayne County Jail, this program realized a total County savings of \$227,242.47 in 2017. Cumulatively, since inception, the Community Service Program has produced savings of \$5,791,812.51

On December 31, 2017, there were 364 employable adult probationers, 320 (88%) were employed in some capacity. It should be noted, however, that a correlation between unemployment and recidivism are closely linked. In 2018 there will continue to be a Department wide effort to increase the number of employed probationers addressing both unemployment and under employment.

The Electronic Monitoring Program (EM) completed its thirtieth full year of operation in 2017. The EM Program has the ability to monitor alcohol consumption via a transdermal ankle bracelet which provides for continuous alcohol monitoring of the offender based on per diem contract with SCRAM. The program also entered into a per diem contract with STOP (Satellite Tracking of People, GPS units). During 2017 this extremely effective program saved a total of 6077 jail days which reflects a daily program average of 17.64 participants. Per the Wayne County Sheriff's Department, the projected per diem cost of an inmate at the Wayne County Jail in 2017 was \$224.77. Computing jail cost at \$224.77 per day per inmate, this program realized \$1,365,927.29 in savings to the County in 2017. Total program savings, since inception, stands at \$22,595,409.23

The Drug Testing Program is in its twenty-second year of operation and continues to offer a valuable tool to Probation's programs. It is commonly understood that an overwhelming number of crimes are committed with one of the major underlying problems being substance abuse by the defendant. This program, which is used to help ensure probationer compliance with sobriety, provides the Officers with the ability to test for T.H.C., cocaine, opiates, barbiturates, amphetamines, suboxone, methadone and ecstasy both in the office and in the field. In 2012 we added drug panels which allow staff to test for K2 spice and bupremorphine (fentanyl). During 2017 over 1,000 6-Panel tests, 100 Single ETG tests and 50 Premier Bio-Cups were administered. Probation will continue to drug screen the Probationers to ensure early detection of use which will assist in rehabilitative actions rather than the need for more violations resulting in increased incarcerations.

Training is an important aspect in the continued development of staff. In 2017, our Probation Staff was in 100% compliance with State Guidelines requiring 21 hours of training per officer annually. Many officers exceeded the required minimum number of hours and did so by taking advantage of local, free or low-cost training. In 2014 the Department was able to send two additional Officers to Instructor Development School. In 2015 we were able to have one officer attend and complete the NYS DCJS Firearms Instructor Course; which replaced our former firearms instructor who left Wayne County employment in 2014. In 2016 by increasing our in-house training capability we are and have been able to offer staff timely and appropriate training

with minimal fiscal impact. In 2017, the Director sent two Probation Officers to Instructor Development School so that in 2018, the same two officers will be able to attend Defensive Tactics Training. Probation lost its last defensive tactics trained officer to Parole in 2017. We can then complete training in-house for baton and self-defense. Additionally, Probation Staff has continued their enhanced training/certifications regarding forensic exams of technical devices (computers, iPads, smartphones, etc.) I anticipate that in the near future all Probation Officers will need this knowledge to effectively supervise their caseloads.

The Wayne County Department of Probation and Correctional Alternatives Staff in 2017 consisted of: Mark D. Ameele, Director of Probation; Coriza Rivera, Deputy Director; Probation Supervisors: Greg Caster, Todd DeWispelaere and Jason Mills; Senior Probation Officers: Christine A. VanDeWalle, Shannon Shear, Julie Foss, Elizabeth Card-Celso, Richard Herbst, Dan Celso, and Steve Gergely; Probation Officers: Paul Loveless, Aaron J. Linderman, Kimberly S. Cornwell, Teena M. Sebastiano, William M. Hammond, Jeremy D. Poole, Chad McAdoo, Andrea Murphy, Hulya Okdem, Mark Wartens and Marc Harper; Probation Officer Trainees: Ryan Wunder, Gerardo Vazquez and Alfred Brandt. Probation Assistants are Rosemarie C. Lewis, Lisa Warner, Nancy Haight and Karen Brown. The clerical staff consisted of Account Clerk/Typist: Janette Rogers and Senior Account Clerk: Tiffany DePauw (Sept. 2017)

In conclusion, I gratefully acknowledge the Wayne County Board of Supervisors' support of Probation Services. Additionally, I must also acknowledge the dedication, loyalty and hard work of the employees in the Probation Department who have made it possible for us to maintain the highest standards of service to the citizens of Wayne County.

Respectfully Submitted,

Mark Ameele
Director of Probation and Correctional Alternatives

Dated at Lyons, New York
February 15, 2018