

To The Honorable Members of  
The Wayne County Board of Supervisors

I submit, for your review, the 64th Annual Report of the Wayne County Department of Probation and Correctional Alternatives for the year ending December 31, 2012. This report is essentially a statistical overview of the major Departmental activities during 2012.

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. It should also be noted that Probation is being “asked” to provide this service with an annual decrease in the percentage of State Aid.

Several relatively new initiatives were maintained during 2012. It should be noted that no increases in Probation personnel have been requested to continue these programs. 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 2012 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. The Department, in 2009, enhanced the Electronic Home Monitoring Program by adding GPS technology and in 2012 continued to offer both conventional Electronic Home Monitoring and GPS monitoring. In 2010 the Department entered into an agreement with the U.S. Secret Service and a staff member completed a six-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 we anticipate this Officer will be attending the full training during 2013. Additionally, two staff members attended a training to complete forensic exams of “smart phones” during 2011. The computer forensic staff person completed a more in-depth training for smart phone examinations in 2012. Another new program to begin 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 410 cases (Probation and Conditional Discharges) with 107 IID’s installed.

The Department's Probation Supervision caseload as of December 31, 2012 was 905. Total cases including Conditional Discharges, Community Service, Money Judgments and transfer cases in which jurisdiction was retained totaled 2253. A breakdown of Probation's Supervision Caseload is as follows: County Court (felons) 500 (55%), Justice Court (misdemeanants) 295 (33%), Family Court 39 (4%), juveniles supervised in Diversion Programs 44 (5%) and Interim Supervision cases 27 (3%).

Probation has been and continues to be a major participant in Wayne County's highly successful 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. As a result of the reform, the number of participants in Drug Court has increased dramatically. Drug Court, during 2012, had fifty-one (51) participants of which eight (8) successfully completed (graduated) from the program and two (2) were transferred; one to Niagara County and the other to Monroe County Drug Court. Thirteen participants were unsuccessful with eight (8) being revoked and five (5) terminated. Due to the nature in which probationer's problems are introduced to the Court, 38 Violations of Probation (Interim Supervision) were filed and 11 updated Pre-Sentence Investigations were generated. Effective December 31, 2012 thirty (30) 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 Home Monitoring, 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. During 2012 the Probation Department again participated in "Operation 360", New York State's Felony Diversion Program. As a result of the efforts of the Probation Staff and the cooperation of the County Court Judges, Wayne County has been able to reduce the number of Probation eligible felons sentenced to the Department of Corrections. 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 95 Juvenile Delinquency Appearance Tickets, 42 Person In Need of Supervision referrals and 209 Family Offense cases during 2012.

In 2012, 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 days 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. 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. Probation continues to collaborate with agencies to plan strategies to deal with Juvenile/PINS problems, placement cost and early intervention. A repetitive theme for 2013 is the impact on County expenditures due to New York State's fiscal crisis. The funds for delivering early intervention and common sense programs may be severely reduced or eliminated which will ultimately result in higher numbers and greater expense for the County.

In addition to overseeing detention, the Intake/Juvenile Unit has provided expedited dispositional investigations to Family Court along with supervision to the more intensive juvenile cases.

In 2012, Probation received 715 orders for pre-plea, pre-sentence and pre-dispositional investigations. A breakdown in the total number of "P.S.I.'s" ordered reveals that 62 investigations were ordered for Family Court, 323 ordered for Supreme and County Courts and 330 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 2012 were as follows:

Restitution	\$ 106,428.69
Designated Surcharge	4,809.78
Fines	59,073.00
Mandatory Surcharge	73,808.78
EHM Fees	14,846.48
Supervision Fees	39,727.00

The Person In Need of Supervision Diversion Program completed its fourteenth year in 2012. The overall P.I.N.S. intake numbers continue to decrease 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 2012, 42 P.I.N.S. cases were open for service. If preventive funding for Probation services is dramatically reduced, or eliminated, the County will need to reconsider its current P.I.N.S. 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 twenty-fifth year in 2012. 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 2012, 161 referrals were made to the Community Service Program for a total of 7,436 hours. If not for this program participants would have received a total of 1,239 days of jail. Based on the projected 2011 per diem rate of \$162.86 for incarceration in the Wayne County Jail this program realized a total County savings of \$201,783.54 in 2012. Cumulatively, since inception, the Community Service Program has produced savings of \$4,873,487.64.

On December 31, 2012, there were 566 employable adult probationers, 435 (76.8%) were employed in some capacity. It should be noted, however, that a correlation between unemployment and recidivism are closely linked. In 2012, and to continue in 2013, there will be a Department wide effort to increase the number of employed probationers addressing both unemployment and under employment.

The Electronic Home Monitoring Program (E.H.M.) completed its twenty-fifth full year of operation in 2012. The E.H.M. Program has a total program capacity of 35 fm monitoring units and an unlimited (based on per diem contract with two vendors) number of Global Positioning Satellite (GPS) units. In addition to the monitoring units, this program has the capacity to screen up to 18 participants for alcohol consumption through the sobriety devices. During 2012 this extremely effective program saved a total of 8,370 jail days which reflects a daily program average of 22.93 participants. Further analysis reveals a daily average of 17.48 participants connected to the fm system and a daily average of 5.03 participants connected to the more intensive GPS systems. Per the Wayne County Sheriff's Department, the projected per diem cost of an inmate at the Wayne County Jail in 2012 will be approximately the same rate as 2011, \$162.86. Computing jail cost at \$162.86 per day per inmate, this program realized \$1,363,138.20 in savings to the County in 2012. Total program savings, since inception, stands at \$15,985,619.70.

The Drug Testing Program, in its nineteenth year of operation, 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 2012 over 1,700 tests were administered.

Training is an important aspect in the continued development of staff. I am pleased to report that the 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 2009 the Department was able to send two additional Officers to Instructor Development School with one securing enhanced training in Defensive Tactics. By increasing our in-house training capability we are and have been able to offer staff timely and appropriate training with minimal fiscal impact. 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 2011 consisted of: Richard O. Stevens, Director of Probation II; Deputy Director Dale E Mead; Probation Supervisors: Stephen D. Collward (retired 8/31/12), Mark Ameele and Pamela J. Phillips; Senior Probation Officers: Robert Trombino, Paul VanBortel (retired 7/31/12) Todd A. DeWispelaere, Jay A. DeWispelaere, Amy D. Wilcox (resigned 2/5/12), Christine A. Mierke, Scott D. D'Amato (resigned 8/27/12), Coriza Y. Rivera, Scott D. Verbridge; Probation Officers: Gregory M. Caster, Shannon Shear, Martha J. Trout, Nicole M. Chaffin (resigned 6/8/12), Paul K. Loveless, Jason E. Mills, Richard W. Herbst, Floud Alexander, Julie L. Foss, Elizabeth M. Card, Daniel J. Celso, Aaron J. Linderman, Stephen M. Gergely, Kimberly S. Cornwell, Teena M. Sebastiano; and Probation Officer Trainee Jeremy D. Poole . Probation Assistants are Rosemarie C. Lewis and Jessica L. Pike. The clerical staff consisted of Senior Account Clerk/Typist Nancy J. Haight; Senior Typist: Karen M. Brown; and Clerk/Typist: Sue E. Johnson.

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,

Richard O. Stevens  
Director of Probation and Correctional Alternatives

Dated at Lyons, New York  
February 6, 2013