

2019

CATTARAUGUS COUNTY PROBATION DEPARTMENT

ANNUAL REPORT

"Promoting safe and peaceful communities throughout Cattaraugus County"



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INTRODUCTION

This annual report details and summarizes the work of the Cattaraugus County Probation Department in carrying out its duties to create and maintain safe and peaceful communities. Included are statistics regarding adult and juvenile offenders under intake, investigation, and supervision, as well as collection efforts undertaken by the Department in efforts to provide needed revenue to the County and restitution and reparation to innocent victims of crime.

Additionally, each year brings new and different challenges to the Probation Department, the criminal justice system, and the County as a whole. New York State routinely passes legislation directly affecting probation, and changing demographic and sociological factors continue to impact the delivery of services to the community. Significant efforts have been made over the previous year to adapt to and effectively address issues relating to implementation of the “Raise the Age” legislation, disproportionate representation of Native Americans in the criminal justice system, and Officer safety.

The Probation Department continues to recognize that employment is the single greatest factor in reducing recidivism in the criminal justice system, and remains committed to training all Officers in Offender Workforce Development. Cattaraugus County is the only county in New York State where all Officers are so trained.

In addition, Officers in this Department enhance the supervision and rehabilitation of offenders through use of several evidence-based cognitive interventions, including *'Thinking for a Change,' 'Ready, Set, Work,' 'Aggression Replacement Training,' 'Responsible Decisions for Impaired Drivers,'* and a series of *'Courage to Change'* interactive journals, which has recently been expanded to include a journal on *'Strengthening the Spirit,'* specifically designed for our justice-involved Native American population.

The Probation Department continues to work to address successful adjustment of juvenile PINS (Persons in Need of Supervision) as, after this year, the state will no longer fund placement of any juvenile PINS. As referenced in the statistics below, PINS intake cases were down 40% from 2018 to 2019.

MISSION STATEMENT

The mission of the Cattaraugus County Probation Department is the creation and maintenance of safe and peaceful communities through the enforcement of criminal and juvenile justice sanctions, through the rehabilitation of offenders, through services to victims of crime, and through the provision of assistance to the courts.



STATISTICS

INTAKE

Intake is defined as preliminary probation procedures authorized by law to evaluate all complaints regarding juveniles, either Juvenile Delinquent (JD), or Persons In Need of Supervision (PINS) and adjust such complaints through voluntary participation in informal probation supervision. Through these efforts, the Department attempts to divert JD or PINS complaints out of the Family Court process, and successfully address with the youth and their families the problems that led to the JD or PINS behaviors. Towards these ends, the Probation Department has reviewed and modified the Cattaraugus County Focus Team to divert more cases away from Court and formal probation supervision, to refer to more appropriate service providers, and track the success of these referrals.

Additionally, the Probation Department has historically assisted victims of domestic violence in seeking Orders of Protection through Family Court. Starting in 2020, this duty will be shifted to Cattaraugus Community Action Victim Services, who have more specifically-trained staff, and can assist victims in e-filing petitions more easily and more quickly, and provide follow-up services to victims.

The following chart lists the intakes received by this Department in 2019.

Intake Opened	PINS	JD	Family Offense
Jan	1	9	19
Feb	5	3	10
Mar	4	6	13
Apr	3	6	21
May	1	4	5
Jun	0	4	12
Jul	1	9	9
Aug	2	7	16
Sep	0	10	19
Oct	1	6	16
Nov	2	3	11
Dec	1	8	6
Total	21	75	157

INVESTIGATION

Investigation is the conduct of background investigations as ordered by the Court (County, City, Justice, and Family) on convicted or adjudicated defendants and respondents scheduled for sentence. These investigations contain verified information on the individual's criminal history, history of education and employment, family, residence, substance use and treatment, mental health, in addition to input from any victims and arresting officers. Several validated risk and needs assessment tools are also employed by investigating Officers. These fair, factual, and analytical investigations are of paramount importance, as Courts have a wide range of sentencing options on convicted/adjudicated individuals, and this Department's investigations aid the Court in making the most appropriate decision for each individual, in the interests of justice and community safety. These investigations also assist in tailoring specific conditions of probation for those individuals sentenced to probation supervision.

The following chart shows the number of investigations ordered during 2019.

MONTH	Family Court Investigations ordered	Criminal Court Investigations ordered
Jan	1	54
Feb	1	47
Mar	3	44
Apr	1	61
May	4	30
Jun	3	48
Jul	1	39
Aug	1	45
Sep	2	49
Oct	3	48
Nov	5	33
Dec	9	49
Total	34	547

SUPERVISION

Supervision is the ongoing monitoring and case management activities of those individuals sentenced to probation. This is the most visible activity of a Probation Officer as it relates directly to the public safety aspect of our mission. Supervision involves the monitoring of adherence to specific conditions of probation as ordered by the courts, and may include residence and employment checks, drug testing, monitoring of compliance with treatment, provision of appropriate evidence-based cognitive interventions, computer and internet monitoring, and collection of fines, fees, and restitution to victims. If an individual fails to comply with court orders, supervision efforts also

include implementation of graduated sanctions, and returning the case to court for further action.

The following chart shows the number of individuals supervised by this Department at the end of 2019.

Supervision (12/31/2019)	Family Court	Criminal Court
	50	605

COLLECTION

The Probation Department is the legally designated restitution collection agency for Cattaraugus County. The Department is responsible for the collection of court-ordered restitution from convicted/adjudicated individuals, and the disbursement of this restitution to crime victims. This Department employs a Victim Specialist, who reaches out to crime victims during the investigation process to recommend appropriate restitution be ordered by the courts, and notifies victims of the disposition of cases. Following disposition, a Probation Officer enforces collection of restitution from those sentenced to probation, and a Collections Clerk collects from those sentenced to jail or prison, or granted conditional discharges. The Department's Collections Clerk currently monitors over 700 collection cases.

Additionally, the Probation Department collects fines for the Courts, and fees for drug testing, monitoring, and supervision.

The following chart details the collection efforts made by the Department in 2019.

COLLECTIONS 2019 - PROBATION DEPARTMENT													
Month	FAMILY CT	COUNTY CT	COUNTY CT	JUSTICE CT	Restitution	Surcharge	S.F.	A.F.	Drug Tests	SCRAM/ POLYGRAPH	Totals	Int. Earned	
January	0.00	540.00	1,710.00	663.00	4,801.12	382.12	3,212.00	5,449.10	250.00	0.00	17,007.34	0.12	
February	0.00	0.00	1,175.00	1,257.00	10,893.96	960.20	2,719.00	6,486.40	312.60	142.20	23,946.36	0.16	
March	0.00	2030.00	750.00	1,645.00	15,300.12	1,295.48	6,492.00	9,330.80	604.20	379.80	37,827.40	0.27	
April	0.00	430.00	230.00	870.00	19,302.30	1,693.40	4,558.00	5,561.75	350.75	40.00	33,036.20	0.27	
May	0.00	0.00	250.00	1,135.00	10,054.80	1,225.68	2,637.00	5,232.50	397.55	75.00	21,007.53	0.24	
June	0.00	925.00	145.00	1,123.00	9,551.68	848.21	2,355.00	4,979.71	342.00	40.00	20,309.60	0.23	
July	0.00	100.00	130.00	1,065.00	10,043.70	821.22	3,399.00	3,845.00	260.00	250.00	19,913.92	0.18	
August	0.00	0.00	290.00	90.00	15,199.85	961.52	2,759.00	4,427.34	281.50	10.00	24,019.21	0.21	
September	0.00	400.00	340.00	1,124.00	14,850.55	1,036.51	3,238.83	4,438.10	388.00	42.00	25,857.99	0.23	
October	64.00	0.00	310.00	600.00	14,489.44	1,439.61	3,180.17	4,559.81	212.00	2.00	24,857.03	0.21	
November	0.00	0.00	170.00	390.00	6,972.80	552.50	2,600.00	5,861.45	537.00	289.00	17,372.75	0.22	
December	0.00	0.00	120.00	95.00	15,425.79	1,424.70	2,682.00	4,136.21	384.90	21.00	24,289.60	0.22	
	\$ 64.00	\$ 4,425.00	\$ 5,620.00	\$10,057.00	\$146,886.11	\$12,641.15	\$ 39,832.00	\$64,308.17	\$ 4,320.50	\$ 1,291.00	\$ 289,444.93	\$ 2.56	

Of the almost \$300,000 collected by the Probation Department, over \$145,000 has been returned to crime victims.

ALTERNATIVES TO INCARCERATION (ATI)

In addition to the above, the Probation Department is also responsible for the County’s Pretrial Release program. This program seeks to identify unsentenced individuals in the County Jail who may be eligible for release, and makes immediate recommendations to the Courts regarding release status – Release on Recognizance (ROR), Release Under Supervision (RUS), or bail reduction, based upon the investigation of ATI personnel and the administration of a flight risk assessment. This alleviates the jail of the burden of unnecessary incarcerations, and allows for the more appropriate and efficient use of

jail resources. This program is necessary for the jail to maintain its NYS classification.

Should the Court release an individual under the supervision of the pretrial program, this Department is then responsible for the monitoring of this individual, including attempts to ensure appearance in Court and enforcement of any conditions of release set by the Court, often including drug testing, treatment, adherence to Orders of Protection, and obedience of the law.

RAISE THE AGE

Effective October 1, 2018, the age of criminal responsibility in New York State was raised from 16 to 17, meaning that 16-year-olds could no longer be arrested, tried, or convicted as adults. Effective October 1, 2019, the age was raised from 17 to 18, meaning 17-year-olds could no longer be treated as adults. The majority of 16 and 17-year old offenders have been dealt with as Juvenile Delinquents in Family Court. Certain young offenders, including those arrested for violent felonies or sex offenses, have been handled in a newly-created Court – the Youth Part of Superior Court, and been assigned a new designation – Adolescent Offenders. The goals of this legislation were to effectively engage youth in community-based services and programs to improve the outcomes for youth, to front-load probation services and improve early engagement of juveniles, to increase the rates of probation adjustment, reduce the need for Criminal or Family Court adjudication, and reduce the reliance on detention and out-of-home placements.

Regardless of designation, the Probation Department is tasked with providing additional, more effective services to these 16 and 17-year old offenders, in efforts to address underlying issues resulting in criminal behavior. This has necessitated the creation of a County-wide plan, in collaboration with the Department of Social Services, the Youth Bureau, and the Department of Community Services, which was approved by New York State in 2019.

NATIVE AMERICAN FOCUSED ALTERNATIVES TO INCARCERATION GRANT

As has been previously stated in reports to the Legislature, the Probation Department has been keenly aware of the disproportionate incarceration of Native Americans in Cattaraugus County. In the most recent census, the percentage of the county population identified as Native American was 3%. However, the percentage of the Cattaraugus County Jail population identified as Native American in 2018 was regularly between 12% and 18% - meaning that Native Americans in Cattaraugus County were between four and five times more likely to be incarcerated than the remainder of the population.

In efforts to address this, the Probation Department applied for and was awarded a NYS Division of Criminal Justice Services grant, renewable for five years, to fund a Probation Officer position and a Seneca Strong Peer Advocate to work specifically with our Native population that is in danger of incarceration. The grant also funds

appropriate, culturally specific training for both personnel, and materials and resources to aid in rehabilitation of this population. The Officer, Collin Quigley, and Peer Advocate, Darcy Scott, are stationed within the Seneca Strong building on the Allegany Territory, adjacent to the Seneca Nation Behavioral Health Unit, and regularly travel to the Cattaraugus Territory in efforts to aid engagement.

It is hoped that, through implementation of this program and engagement with a Seneca peer advocate, this Department is able to bridge generations of gaps, and the inherent mistrust of white authority due to generational trauma passed on through generations of Native families. In receiving culturally appropriate treatment, it is hoped that recidivism and unnecessary incarceration of this population can be reduced.

Additionally, in 2019, the Department helped train several members of the Seneca Nation's Employment and Training Office in Offender Workforce Development and the delivery of *'Ready, Set, Work,'* an evidence-based employment program developed by the National Institute of Corrections (NIC). Patrick Johnson, retired Chautauqua County Jail Warden, NIC Master Trainer, and SUNY Professor of Criminal Justice and Sociology of Deviant Behavior, praised the Department's and the Nation's efforts.



Patrick Johnson



January 18 at 9:34 PM ·

Boy, what a phenomenal week of Offender Workforce Development Specialist training. This is the 6th time we have trained people to help former offenders find career paths to help them stay out of jail and prison. We have correctional officers, probation officers, mental health case worker, a nurse, a person who works with newly released prisoners, and for the first time, members from the Seneca Nation. The ideas and work they performed all week was amazing, as was our instruction staff. I am blessed to have them on our team. Next training is in mid March. Can't wait.



Patrick Johnson

They had so many good ideas, and the addition of the folks from the Seneca Nation is really wonderful. Usually we break the participants into separate groups and they develop programs or projects they want to see developed for their jurisdiction or interest. This happened with these participants as well, BUT...their projects are tied into one huge program that could be a model on a national level. They blew me away. They planted a seed that needs to grow into a flourishing tree, like the Seneca Nation's "Great Tree of Peace."



Cattaraugus County Probation Officers Collin Quigley and Ashlee Forrest instruct the NIC Offender Workforce Development class in January of 2019.



Olean Community Schools teacher Paula Bernstein, Cattaraugus County Probation Officer Trainee Amanda Hulbert, Seneca Strong Peer Advocate Darcy Scott, and Cattaraugus County Probation Assistant Lisa Schultz, present their project to fellow Offender Workforce Development participants in January 2019.

TRAUMA-INFORMED CARE

In 2019, Probation Officers Tonya Kilby and Christopher Woodring participated in Salamanca's Trauma-Informed Care Community Learning Collaborative. This was a four-month endeavor lead by the University at Buffalo School of Social Work. Participants, referred to as "Champions," studied under the United States Substance Abuse and Mental Health Services Administration Implementation Domains for Trauma-Informed Care.

Trauma has been shown to have impacted, and continue to impact, many within the criminal and juvenile justice system, and has lasting adverse effects on individuals' functioning, and mental, physical, social, emotional, and spiritual well-being.

This collaborative was designed to be a launch pad for further progress in providing Trauma-Informed Care within the community. The goal of the collaborative was to assist leaders and stakeholders in the Salamanca community to become knowledgeable in Trauma-Informed Care and supply the tools to become a more trauma-informed agency/organization/system. This opportunity provided one of the Department's Certified Training Officers with knowledge which he can now impart upon the remainder of the Department, and with which we can improve our ongoing efforts to be trauma-informed in our approach to community members and those we supervise.

OFFICER SAFETY

Following several years of efforts, Officers of the Cattaraugus County Probation Department were authorized in 2018 to carry firearms, in addition to their other defensive equipment. In 2018, 12 Officers successfully completed the NYS Division of Criminal Justice Services Initial Course in Firearms and Deadly Physical Force. In 2019, that number is up to 14.

All new hires have been mandated to be similarly trained and equipped, and all Officers will receive annual refresher training in firearms, weapons retention, handcuffs and OC spray, and defensive tactics.



Cattaraugus County Probation Officers complete refresher training in firearms and use of force at the Dempsey Club in Olean in December 2019.

AWARDS

In August 2019, Probation Supervisor Gordon Diffenderfer and Probation Officer Melissa Dieteman were honored by the NYS Probation Officers Association with the Jeannie Farrell Award of Achievement. This award is given annually to a Probation Officer who, in the normal course of their duties, goes above and beyond the required limits and achieves results which deserve recognition. Diffenderfer and Dieteman were instrumental in the location and seizure of packets of heroin from the home of an offender, which were suspected in the overdose death of a county resident.



NYSPOA President Joseph Wargo (left) and NYS Office of Probation and Correctional Alternatives Director Robert MacCarone (right) present SPO Gordon Diffenderfer and PO Melissa Dieteman with the 2019 Jeannie Farrell Award of Achievement.

COMMUNITY RELATIONS

The Probation Department continues to maintain a pro-social presence within the community it serves.



Several Officers and other personnel participated in the 2019 Southern Tier Corporate Challenge 5K run, walk, and food drive, raising money for the Olean Sports Booster Club and donating over 100 boxes of cereal to the Olean Food Pantry.

PERSONNEL CHANGES AND SUCCESSION PLANNING

In 2019, the Probation Department experienced only one loss due to retirement, but it was the most significant loss experienced in decades. In June, Probation Director Gerry Zimmerman retired after almost 33 years of service to the Department, including almost 20 as Probation Director.



Gerald E. Zimmerman was appointed Probation Officer in 1986, promoted to Supervisor in 1994, and to Director in 2000. He organized and hosted the first annual NYS Probation Officers Association Conference in Olean in 1993, served as Executive Vice President of the NYSPOA from 1996 to 2000, was awarded the State Director's Award for Innovation in Probation by the NYS Division of Criminal Justice Services Office of Probation and Correctional Alternatives in 2016, and was officially recognized by the Cattaraugus County Legislature by resolution, June 26, 2019.

Following this well-deserved retirement, former Deputy Director Michael Sharbaugh was promoted to Director, former Supervisor Gordon Diffenderfer was promoted to Deputy Director, Officer Tonya Kilby was promoted to Supervisor, and Assistant Amanda Hulbert was promoted to Officer Trainee. Jennifer MacNeill was hired as a new Probation Assistant.

Due to the collective age of the Department and more anticipated retirements, the Probation Department remains committed to successful succession planning.

Type of Position	Number of employees in position	Average age of group	# of staff with greater than 15
Clerical	6	42	1
Probation Officers	13	46	4
Sr. Probation Officer	1	50	1
Probation Supervisors	2	52	2
Accountant	1	48	0
Probation Assistant	4	49	1
Administrative	2	53	2

Succession planning enables the Department to identify talented employees and provide education and experience to develop them for higher level responsibilities in the future. Towards this end, the Department will continue to:

- Assess the potential for vacancies in leadership and other key positions;
- Assess the readiness of current staff to assume these positions and conduct yearly performance appraisals;
- Develop strategies to address these needs, including mentoring, formal training in leadership and supervisory skills, working with staff to navigate the Civil Service System to assure appropriate promotional pools, developing strategies to retain current and potential staff, etc.

Attached below is the departmental organizational chart as of December 2019.

