



ANNUAL REPORT

For
2022

In 2022, despite continued COVID-19 inhibiting circumstances, the Greene County Probation Department continued to provide mandated services to adults and juveniles in the community. Unfortunately, the pandemic continued to cause a significant slowdown in the operation of courts in the state, which contributed to a decline in work sent to this department. Over the year, the department received 125 new adult probation sentences/interim probation placements from Greene County courts, and another 21 as transfers from other jurisdictions, including out-of-state. The 125 were a slight decrease from the 127 received in 2021, and down considerably from the 228 in 2019, the last pre-COVID year. Of the 125 new local cases received, 39 were interim probation terms. In most instances, the successful completion of an interim supervision term results in a lesser sentence ultimately imposed, and, possibly, a lesser ultimate conviction. In addition, 10 (2 of which were transfer cases) formal juvenile probationers were received, and another 4 in an informal capacity, after having been referred by the family court. At the end of the year, we were supervising 217 criminal court probationers, many of whom were serving more than one probation sentence. Of those 217 offenders, 100 were felons, an increase of 12 from the end of 2021. It should also be noted that, during the early part of 2020, this department fully transitioned persons in need of supervision (PINS) diversion efforts to the Greene County Department of Social Services, with that department now the designated “lead agency” for PINS diversion, under the NYS Family Court Act. Therefore, we are limited to supervising PINS activity that has reached the formal family court stage. This department is only aware of 1 PINS petition having been filed in the County from 2020-2022. Of the 3 PINS supervision cases remaining at the end of 2022, two were transfers from other counties, and the remaining 1 had been a long-term absconder from Greene County.

While the caseloads are significantly reduced from the highs experienced in the early 2010’s, it must also be pointed out that the epidemic of opiate and other substance abuse continues to impact the workload. A large number of offenders continue to demonstrate significant drug abuse issues. Unfortunately, the COVID crisis continued to make it difficult for many offenders to obtain assistance, as treatment facilities either reduced the number of people that they were seeing, or outright stopped taking new admissions. In a number of instances Greene County probation officers provided transportation for offenders who needed such in order to enter residential treatment.

Where appropriate, supervision included the requirements that offenders: maintain employment, pay restitution, engage in available educational, vocational, and/or treatment programs, provide urine, saliva, or breath samples (supervised by probation officers); and submit DNA samples (collected by this department and forwarded to the state repository), in order to remain at liberty. 2022 saw the continuation of the ignition interlock device requirement for DWI probationers who own or operate a vehicle, even if they have lost their driver’s licenses. While, similarly to the statewide occurrence, most Greene County probationers sentenced under

“Leandra’s Law” have avoided the interlock requirement by having disposed of their vehicles, this department’s officers remain responsible for reviewing those cases to ensure that offenders have disposed of the vehicles as claimed, with the offenders required to submit affidavits to support their claims, and as required by a law change late in 2013, state under oath in court that they had disposed of the vehicle. Reimbursements totaling \$2,443.50 were received in 2022 from the NYS “Leandra’s Law” grant for DWI probation cases received by this department, to help pay for ignition interlock device monitoring requirement. Per arrangement with the Greene County Sheriff’s Department/STOP-DWI, this department also submits the state reports for their monitoring of DWI cases that resulted in offenders being sentenced to a conditional discharge (possibly in conjunction with a jail or prison term), which resulted in \$2,081.50 in additional reimbursement to that office, for a grand total of \$4,525, a slight decrease from that received in 2021. The amount granted to the County, through the Governor’s Traffic Safety Committee, was based off of the 2019 and 2020 IID orders issued in the County, and is distributed in quarterly allotments once the required quarterly reports are submitted. Thereafter, the amounts are distributed between the Probation Department and the Sheriff’s Office/STOP-DWI in proportion to the number of IID orders each received during the prior year.

In 2022 the department’s main DWI (senior probation) officer, with the assistance of other department members and the District Attorney and his staff, continued the DWI victim impact panel, to further educate those offenders as to the effect their conduct has on others. Offenders who attended the panel were required to pay a \$35 fee each, which went toward STOP-DWI operations. Late-paying offenders were charged \$50. Thanks in no small part to the District Attorney’s Office expansion of those required to attend the panel to include not only DWI offenders, but also drug offenders, income from the 3 victim impact panels held in 2022 totaled \$6,400. All panels in 2022 were held “virtually.” COVID restrictions continued to prohibit the regular in-person programs that have been done at local high schools during prom season.

In addition to the formal, i.e., court ordered, supervision cases, 2022 saw a total of 37 juvenile cases referred to the department. Because of the PINS diversion changes, all of the matters involved Juvenile Delinquency offenses (which, until late December included matters involving youth from 7-17, inclusive, for what would be crimes if they were adults. Late last year, the minimum age of responsibility was raised to 12 for all but the most serious offenses). A total of 23 cases were successfully diverted from the family court system through participation with the department’s intake/diversion supervision program. For juvenile delinquency matters, a successfully diverted case is the legal equivalent of a court dismissal, and results in a mandatory sealing of the case. The “Raise the Age” initiative implemented in the last quarter of 2018 continues to produce little impact for the department, given the relatively low number of arrests for offenders in that category. 5 cases were actively handled by the department after initial

prosecution in the Youth Part of the Greene County Court and the matter then having been referred to the Family Court, and then to our office for intake/diversion services. Continued COVID-caused remote schooling resulted in the primary juvenile officer having to make extra effort in getting offenders to complete school work, given the unfortunate lack of adequate parental supervision in a lot of instances.

Another significant part of this department's tasks include the preparation of pre-plea/pre-sentence/certificate of relief from disabilities (criminal court) and pre-dispositional (family court) investigations/reports. These reports, which require a probation officer to make assessments of an offender based on legal history/delinquent behavior and social circumstances, are utilized by the courts as an aid in determining which offenders should remain in the community and which should have certain privileges, which were lost as a result of their convictions, restored. In 2022, 166 investigation cases were opened, and 151 completed/closed (including some having been ordered in the prior year) for the criminal courts. One probation officer completed the bulk of the pre-sentence investigations, as their primary task. The primary juvenile officer remains highly involved in the family court process, from initial referral through formal adjudication, and in most instances, as a result of the involvement, a possible pre-dispositional investigation is waived by the court. Consequently, our number of the latter investigations remains quite low, with only 1 completed in 2022.

The department also continued to oversee an Alternatives to Incarceration (ATI) program, which placed a variety of offenders at community service work sites throughout the county, as ordered by the various criminal courts. This year saw 27 individuals assigned to the work sites, with 13 (which included ones referred in 2020) having satisfactorily completing their obligations. A total of \$4,703.04 was received in total. In addition to reducing the cost of confining such offenders, their presence at the work sites helped to show the community that offenders are being held accountable for their actions. A probation assistant oversees the program for the department. In addition to that aspect of Alternatives to Incarceration, the department's utilization of various forms of electronic devices, including transdermal alcohol monitoring, resulted in a total of 39 offenders (2 with transdermal alcohol monitoring and another 37 (no juvenile cases received) with GPS monitoring. The offenders had such devices for a total of 2,936 service days (149- transdermal, 2,787- GPS) which, at a would-be jail rate of \$85/day, amounts to projected savings of \$249,560 (\$12,665 -transdermal, \$236,895- GPS). Senior probation officers, primarily, oversee this aspect of alternatives to incarceration.

The collection of restitution also remained a significant activity for the department. This obligation not only includes the collection of restitution from people who are under our direct supervision, but also from those who have been incarcerated/released on parole or have been otherwise conditionally discharged and still obligated to pay, despite no other tie to this department. In 2022, we opened 17 adult restitution cases, either as a condition of probation or

simply as the designated restitution collection agency for Greene County, regardless of the sentence; and 7 juvenile cases. For the year, the department collected a total of \$29,471.33 in criminal restitution/surcharge to Greene County. Additionally, another \$5,693.66 was collected from juvenile offenders. By statute, juvenile restitution does not include a surcharge. For 2022, \$5,910.52 in collected restitution was payable to public or non-profit agencies, including \$168 in welfare fraud reimbursement. It has been a number of years since we have had a local individual ordered to pay welfare fraud reimbursement, therefore, this number has been significantly reduced from prior years. The surcharge, which, in this county, is collected after a victim has been made whole, is paid by this department to the Greene County Treasurer. For 2022, that amount was \$2,490.90.

The department continued to participate in a variety of collaborative efforts designed to enhance services to those in need. Those efforts, both in the juvenile and adult spheres, included the Greene County (criminal) Drug Treatment Court program, to which a probation supervisor has been assigned and for many years has been a valuable asset to the Drug Court team; the Single Point of Access for troubled youth, and participation in the local Child Abuse Review Team meetings. Polygraph examinations for certain sex offenders were continued in 2022. At year's end we had 8 registered sex offenders under supervision, 4 of which were either Levels 2 or 3 and thus on the public registry. The probation supervisor assigned to the sex offender caseload is required to personally verify an offender's address on a quarterly basis, at least, depending upon the offender's risk level.

The 2020 NYS "bail reform" initiatives has resulted in this department designated to perform pre-trial supervision for certain offenders. Some of those ordered to participate in pre-trial services were required to have either a GPS tracking device or a transdermal alcohol monitoring device, with the County entering into arrangements with a private vendor for them to provide the devices, at County cost. Prior to these initiatives, the use of such devices was at expense of the offenders. In 2022 39 offenders were ordered to participate in pre-trial services, with 34 of those ordered to have electronic monitoring. County cost for the devices was \$20,850.

The attachments to this narrative should help to understand the level at which the department operated during 2022, with 2021 comparisons.

Respectfully Submitted,



Alan Frisbee
Probation Director

March 31, 2023

Informal family court supervision

Juvenile intake supervision	JD-8
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Pre-adjudicatory supervision	JD-2
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<u>Total persons supervised (formal and informal) as of 12/31/22</u>	240
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2021

Adult criminal- Felony- 88	Misdemeanor- 133	Total	221
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Juvenile- Juvenile Delinquent-7	Person In Need of Supervision-6	Total	13
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<u>Total formal probation supervision as of 12/31/21 (person count, not case count)</u>	234
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Informal family court supervision

Juvenile intake supervision	JD-12,
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Pre-adjudicatory supervision	JD- 3,
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<u>Total persons supervised (formal and informal) as of 12/31/21</u>	249
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INVESTIGATIONS**2021****2022**

Total Completed/Closed	118	151
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(116 criminal, 2 family)

(151 criminal, 1 family)

JUVENILE DELINQUENT (JD) & PERSONS IN NEED OF SUPERVISION (PINS)**2021****2022**

Total referred to Probation	38	37
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(All JD)

(All JD)

In 2020 PINS diversion “lead agency” status changed from Probation to DSS, therefore, we no longer receive referrals from other agencies for diversion services for those status offense matters.

Total diverted from family court	12	23
	(All JD)	(All JD)

SEX OFFENDER SUPERVISION

	<u>As of 12/31/21</u>	<u>As of 12/31/22</u>
<u>Total</u>	10*	8**
Cases on public registry	4	4
	(Two Level 3, Two Level 2)	(One Level 3, Three Level 2)

*One offender had a prior sex offense, and was residing and being supervised in Maine, with Greene County retaining jurisdiction. His supervision was terminated in 2021, via marijuana reform.** Another offender was being supervised in Vermont, as a result of a Greene County sex offense conviction, with Greene County retaining jurisdiction. Supervision for both offenders was done by those states via the Interstate Compact for Adult Offender Supervision. The offender living in Vermont reached maximum expiration in September of 2022.

FINANCIAL INFORMATION

RESTITUTION (probation sentence or otherwise)

	<u>2021</u>	<u>2022</u>
Total Collected	\$68,098.03	\$35,164.99

(\$66,494.28 -criminal/surcharge)	(\$29,471.33-criminal/surcharge)
(\$1,603.75 -family court)	(\$5,693.66-family court)

RESTITUTION COLLECTED FOR

DISBURSEMENT TO PUBLIC/NON-PROFIT AGENCIES-2022

Delaware County Department of Social Services	\$	100.00
Ulster County Department of Social Services	\$	68.00
NYS Department of Labor	\$	540.00
Saugerties Town Police	\$	577.10
Greene County District Attorney's Office	\$	740.00
Greene County Sheriff's Office	\$	1,417.99
Total	\$	3,443.09
Greene County Treasurer (surcharge)	\$	2,490.90
TOTAL	\$	5,933.99

RESTITUTION COLLECTED FOR

DISBURSEMENT TO PUBLIC/NON-PROFIT AGENCIES-2021

Delaware County Department of Social Services	\$	1,000.00
Ulster County Department of Social Services	\$	530.00
NYS Department of Labor	\$	6,014.50
Saugerties Town Police	\$	3,385.00
Hunter Tannersville School	\$	35.00
Greene County District Attorney's Office	\$	338.02

Total	\$	11,302.52
Greene County Treasurer (surcharge)	\$	3,480.34
TOTAL	\$	14,782.86

ALTERNATIVES TO INCARCERATION (COMMUNITY SERVICE)-2022

27 adults were assigned to perform community service, 13 completed their assignments**

** The New York State Office of Probation and Correctional Alternatives/Division of Criminal Justice Services provide different levels of reimbursement for each assigned adult and each completed adult. For 2022 the department received \$4,703.04 in reimbursement. Certain offenders who completed in 2022 had entered the program in 2021.

ALTERNATIVES TO INCARCERATION (COMMUNITY SERVICE)-2021

8 adults were assigned to perform community service, 15 completed their assignments**

** The New York State Office of Probation and Correctional Alternatives/Division of Criminal Justice Services provide different levels of reimbursement for each assigned adult and each completed adult. For 2021 the department received \$5,847.86 in reimbursement. Of that amount, \$3,220.54 were funds tied to 2020 that weren't received until 2021, due to the program contact having expired in mid-2020, but not renewed by NYS until 2021, leading to a reimbursement delay. Certain offenders who completed in 2021 had entered the program in 2020.

ALTERNATIVES TO INCARCERATION (ELECTRONIC MONITORING)-2022

34 offenders (2 transdermal alcohol monitoring, 32 GPS), 2,936 service days (149 transdermal, 2,787 GPS), which, at a would-be jail rate of \$85/day, amounts to projected savings of \$249,560 (\$12,665 transdermal, \$236,895- GPS)

ALTERNATIVES TO INCARCERATION (ELECTRONIC MONITORING)-2021

40 offenders (15 transdermal alcohol monitoring, 25 GPS), 3,607 service days (2,066 transdermal, 1,541 GPS), which, at a would-be jail rate of \$85/day, amounts to projected savings of \$306,595 (\$175,610 transdermal, \$130,985- GPS)

IGNITION INTERLOCK DEVICE MONITORING- 2022

\$ 2,443.50 was received, via the NYS Governor’s Traffic Safety Grant, for probation cases, and another \$2,801.50 by the Sheriff/STOP-DWI for conditional discharge cases, for a total of \$4,525.

IGNITION INTERLOCK DEVICE MONITORING- 2021

\$2,207.04 was received, via the NYS Governor’s Traffic Safety Grant, for probation cases, and another \$2,390.96 by the Sheriff/STOP-DWI for conditional discharge cases, for a total of \$4,598.

VICTIM IMPACT PANEL - 3 panels held each year

<u>2021</u>	<u>2022</u>
\$6,935	\$6,400

These amounts include additional donations made by offenders beyond the standard \$35 (or, if late, \$50) fee.

Department Revenues 2022

Restitution surcharge	\$	2,467.43
Probation Officer- DWI (partial salary)	\$	27,000.00
STOP-DWI- ATI/Community Service (partial salary)	\$	17,000.00
State Block Grant	\$	122,328.00
DOCCS pre-sentence investigation reimbursement	\$	3,018.65
Ignition Interlock supervision reimbursement	\$	2,443.50
Bail poundage	\$	179.50
NYS Community Service reimbursement	\$	4,703.04

Department Revenues 2021

Restitution surcharge	\$	3,480.34
Probation Officer- DWI (partial salary)	\$	15,500
STOP-DWI- ATI/Community Service (partial salary)	\$	9,500
State Block Grant	\$	122,328.00
DOCCS pre-sentence investigation reimbursement	\$	509.53
Ignition Interlock supervision reimbursement	\$	2,207.04
Bail poundage	\$	21
NYS Community Service reimbursement	\$	5,847.46*

*This amount includes monies held over from the prior year due to delays in renewal of the state contract.

DRUG TESTS CONDUCTED-2022

Test Type	Pos	Neg	SA
Alcohol	36	924	33
Amphetamine	38	539	26
Barbiturate	0	219	1
Benzodiazapene	10	535	8
Cocaine	36	746	22
Morphine	5	351	1
Opiate	15	667	6
Other	36	318	3
Psychedelic	4	398	0
THC	126	566	75
Site Total All Tests:	306	5263	175

SA= offender admitted to results

*Figures do not include tests performed on 42 adults, per Greene County Family Court order, who were engaged in court actions not involving this department.

DRUG TESTS CONDUCTED -2021* **

Test Type	Pos	Neg	SA
Alcohol	21	668	17
Amphetamine	28	379	15
Barbiturate	0	205	0
Benzodiazepine	14	432	4
Cocaine	31	625	12
Morphine	3	267	1
Opiate	11	525	3
Other	29	210	3
Psychedelic	1	286	0
THC	92	511	48
Site Total All Tests:	230	4108	103

SA= offender admitted to results

*Figures do not include tests performed on 43 adults, per Greene County Family Court order, who were engaged in court actions not involving this department.

**Modification of state probation supervision rules during the COVID-19 outbreak allowed for reduced office reporting and drug testing.