

# Niagara County Probation Department

## Annual Report 2022

April 2023

## **OVERVIEW**

### **PROBATION:**

Is an integral part of the Criminal Justice System and operates within the legal framework of the Criminal Procedure Law, the Penal Law, and the Family Court Act. It is our mission to protect the community through intervention in the lives of those under supervision by facilitating compliance with court orders and serving as a catalyst for positive change. We operate in collaboration with our criminal justice partners and the community. We provide services to the courts, help strengthen families and give victims a voice in the justice system. We provide leadership and services in a cost effective community based setting.

### **COMMUNITY-BASED CORRECTIONS:**

Probation is the largest community corrections program in the world. In New York State there are more people under probation supervision than in prison and on parole combined. Probation Officers supervise Probationers in the community using graduated sanctions and rehabilitative services.

### **LEGAL AUTHORITY:**

Probation is a mandated service. Pursuant to article 12-A, Section 256, of the Executive Law, "each County shall maintain, or provide a probation agency or agencies to perform services therein including intake, investigations, pre-sentence reports, supervision conciliation, social treatment and such other functions as are assigned to probation agencies pursuant to law."

### **PRIMARY FUNCTIONS:**

- 1) Protection of the community.
- 2) Rehabilitation of the offender.
- 3) Preservation of family life.

### **PROBATION OFFICERS ARE PEACE OFFICERS...**

And, when acting pursuant to their special duties, may be required to exercise certain police-like powers. A Probation Officer may carry and possess firearms when duly trained, and specifically authorized, by the Probation Director.

Probation provides the following primary services:

- 1) **INTAKE/DIVERSION** - A Family Court Law mandated process whereby the probation officer examines and evaluates the circumstances of each case and, where possible and permitted by law, attempts to resolve the problem without the necessity of formal Court action. Said process includes the informal supervision of Juvenile Delinquents (JD) and Persons in Need of Supervision (PINS) in the community. Officers assess risk, needs, and protective factors; screen for mental health concerns; engage the youth and their family in case planning; and connect youth and families with needed services.
- 2) **PRE-DISPOSITIONAL SUPERVISION** – Family Court ordered services for JD and PINS youth while a case is pending in Family Court between initial appearance in front of the judge and final disposition of the case. Officers provide assessment, case planning, connection to needed services, and electronic monitoring as ordered by Court.
- 3) **INVESTIGATION** – includes the gathering, recording, and interpretation of facts regarding the legal, personal and social history of individuals as well as assessment of risk in order to assist the Court in making an appropriate plan of treatment and disposition. The Probation Department services, among others, the following major Courts: Supreme, Family, County, City and Justice. In addition, this department, upon request, provides services to various Courts both outside of Niagara County and New York State. The Probation Department completes the following major types of investigations: Criminal Pre-Sentence Investigations (PSI's) and Pre-Plea Investigations; Interim Probation Updates; Juvenile Delinquency (JD) and Persons In Need of Supervision (PINS) Pre-Dispositional Investigations (PDI's); Visitation, Custody and Adoption Home Studies.
- 4) **SUPERVISION** – services involve the supervision and guidance of a probationer in the community by a probation officer to assist the probationer in complying with court ordered conditions. This includes individuals sentenced to a period of supervision and those ordered to interim supervision prior to final sentencing. The overall goal is reducing the risk of recidivism thereby having a positive impact on reducing crime. Various case management techniques such as the use of evidence based practices, cognitive behavioral interventions, periodic reassessment, collaborative case plans, connection to needed services, and use of electronic monitoring when ordered by Court.
- 5) **ADOLESCENT OFFENDERS/YOUTH PART** – services for Youth Part of Criminal Court provided to 16 and 17-year old youth charged with a Felony level offense. Assistance includes engagement of the youth in voluntary services, pretrial release under supervision, Court ordered

electronic monitoring services, and facilitating the transition to the Family Court process when cases are removed from Criminal Court.

- 6) **PRETRIAL RELEASE SERVICES** – The criminal justice reform legislation enacted in 2020 requires counties to provide pretrial release services for individuals charged with a crime. The Probation Department is Niagara County’s designated agency for providing these services. Probation Officers and Treatment Alternatives for Safer Communities (TASC) Case Managers work with individuals in the community while their cases are pending in Criminal Court. Probation Officers mainly work with individuals in Niagara Falls City Court as well as County Court referrals that reside in Niagara Falls. Other jurisdictions within Niagara County are served mainly by TASC. Pretrial staff encourage the individual’s appearance in Court and monitor any conditions of release imposed by the Court. Services include, but are not limited to, assessment for risk of failure to appear at court, reminders of court dates, case planning, linkage to needed services, updates to the Court regarding progress/compliance with conditions of release imposed by the Court, notifications to Court of additional arrests/charges, and electronic monitoring services as ordered by the Court.
  
- 7) **TREATMENT ALTERNATIVES FOR SAFER COMMUNITIES (TASC)** - The Niagara County TASC Program is an alternative to incarceration program designed to reduce the burdens on the criminal justice system by providing eligible defendants with access to substance abuse treatment, among other services, with the aim of reducing the likelihood of recidivism and enhancing public safety. The TASC Program has two main components: Traditional TASC and Alternatives to Jail Detention (AJD). Traditional TASC services Niagara County residents with felony offenses/convictions who have substance problems and for whom an alternative to incarceration plan is appropriate. The TASC Program supplements probation supervision and treatment court programs by providing enhanced case management services to individuals with high need substance abuse/behavioral health concerns. The AJD Program provides pretrial release services, mainly serving Courts other than Niagara Falls City Court. The TASC Supervisor coordinates pretrial release services in Niagara County.
  
- 8) **IGNITION INTERLOCK DEVICE COMPLIANCE MONITORING** – Niagara County Probation is the County’s monitoring agency for individuals required to comply with New York State’s Leandra’s Law. Generally, the law prohibits individuals convicted of certain drinking and driving offenses from operating a motor vehicle without the installation of an authorized Ignition Interlock Device (IID) on the vehicle. Probation works with the NYS Department of Motor Vehicles, IID vendors, IID installation sites, and law enforcement partners to monitor compliance of

people sentenced to Probation and those sentenced to a Conditional Discharge who are required to have an IID installed.

- 9) **GUN INVOLVED VIOLENCE ELIMINATION (GIVE) INITIATIVE**  
– The Probation Department partners with the Niagara Falls Police Department, the Niagara County Sheriff’s Office, and the Niagara County District Attorney’s Office on this initiative to help control gun violence in Niagara Falls, NY. The partnership involves administrative level cooperation between agencies to implement evidence based strategies designed to impact gun violence. Implementation of the strategies involves interagency cooperation on the front lines to share field intelligence, coordinate and carry out operations, and track outcomes.
- 10) **EMPLOYMENT FOCUSED SERVICES (EFS) PROGRAM** – This program is a partnership between the Probation Department and Niagara County Employment and Training Department. The program focuses on Medium to High-Risk individuals with high employment needs, those who are able work but are unemployed or under-employed. Participants complete a Cognitive Behavior Intervention proven to reduce recidivism, complete Ready, Set, Work! - an employment readiness class, and work with an Employment Counselor to develop job searching and interview skills, to procure gainful employment, and use what they have learned to maintain employment.
- 11) **NIAGARA COUNTY REENTRY TASK FORCE (CRTF)** – This initiative is a multi-agency task force to coordinate services for offenders transitioning from prison back into the community. This program is intended to reduce recidivism and increase public safety through improved coordination and collaboration among criminal justice, social services, educational, health and mental health systems. The Probation Department manages a grant through NYS Office of Probation and Correctional Alternatives for the CRTF program. Probation contracts with Community Missions of Western NY, Inc. to provide case management services for participants of this program. Additionally, the Probation Director and the Reentry Services Manager from NYS DOCCS co-chair the task force meetings.
- 12) **ENHANCED SUPERVISION OF SEX OFFENDERS (ESSO)** – Probation maintains a specialized caseload to facilitate enhanced supervision of sex offenders on probation. Officers assigned to this caseload receive specialized training in risk assessments designed for this population, facilitate compliance with the Sex Offender Registration Act (SORA), facilitate offender clinical evaluations and approved treatment, monitor sex offender’s compliance with Court imposed conditions while they are under supervision, including computer and Internet searches, facilitate polygraph examinations for SORA Risk Levels 2 and 3 Sex

Offenders, and conduct quarterly address verification and supervise “Change of Address” verification to the Sex Offender Registry.

13) **DNA COLLECTION AND REGISTRATION** – The Probation Department has the legal responsibility to collect DNA samples from offenders sentenced to probation supervision for most Misdemeanor and all Felony level offenses as well as offenders ordered to submit a sample as part of their Interim Probation Order. Once collected and the associated forms are completed, the samples are sent to DCJS for entry into the DNA data bank.

14) **JUVENILE RISK INTERVENTION SERVICES COORDINATION (JRISC)** – this program involves the use of established research-supported interventions that target the high risk and need factors among Juvenile Delinquent (JD) and Persons In Need of Supervision (PINS) youth. The Probation Department works collaboratively with Community Missions of Western NY, Inc. to provide Family Solutions Program (FSP) and with Catholic Charities of Western NY to provide Multi-Systemic Therapy (MST). These are evidence based programs which teach the youth and their families means by which to change negative behaviors while keeping the youth within the community, negating the need for placement of the youth outside of the home.

15) **E-CONNECT** – The E-Connect project was initiated as a response to higher than average juvenile suicide rates in Niagara County. The project is a partnership including the Probation Department, Niagara County Department of Mental Health (NCMH), and Monsignor Carr Clinic, along with Columbia University. Each youth receiving intake services from the Probation Department completes the GAIN-SS instrument, which measures potential indicators for suicide risk. Youth that score as high risk are connected to NCMH Crises Services staff immediately for further assessment of the need for hospitalization, assisting with transport of the youth to the hospital if warranted. Those at moderate risk are scheduled for an appointment with a mental health counselor within 72 hours of the initial screening. Youth at low risk of suicide are connected with the Clinic Plus program of NCMH for further assessment of any service need, and linkage to needed services as appropriate.

## **CRIMINAL COURT STATISTICS**

### Investigations Completed

Felony Cases	330
Misdemeanor Cases	713
<b>TOTAL</b>	<b>1,043</b>

### Supervision Cases

Total Cases Opened in 2022	547
Felony	129
Misdemeanor	314
Other	4
Interim Supervision	100

Total Cases Closed in 2022	509
Max. Expiration	156
Early Discharge	58
Death	5
Revoked – Technical Violation	71
Revoked – New Conviction	14
Other	12
Interim Supervision Ended	193

### Caseload Size

Felony Caseload (12/31/22)	386
Misdemeanor Caseload (12/31/22)	513
Other Caseload (12/31/22)	15
Interim Caseload (12/31/22)	77
<b>TOTAL</b>	<b>961</b>

GIVE Caseload (12/31/22)	61
Sex Offender Caseload (12/31/22)	64
Violent Felony Offenders (12/31/22)	83
Probation eligible VTL cases (DWI, DWAI, AUO) (12/31/22)	259

Ignition Interlock Device Conditional Discharge cases received during 2022	191
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Ignition Interlock Devices – Conditional Discharge Monitoring

IID – CD Monitoring Caseload	191
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**FAMILY COURT STATISTICS**

Intake Cases

PINS Intakes Opened	129
PINS Intakes Closed	133
Referred to Petition Immediately	1
Successfully Diverted	97
Complaint Withdrawn	9
Terminated with No Bar to Petition	2
Terminated with Bar to Petition	24

JD Intakes Opened	206
JD Intakes Closed	192
Referred to Petition Immediately	56
Intakes Adjusted	125
Terminated without Adjustment and referred to Petition	11

Pre-Dispositional Supervision

Opened	76
Closed	68

Investigations

PINS	1
JD	34
Adoptions	23
Custody	59
Visitation	9
<b>TOTAL</b>	<b>126</b>



### Supervision

Total JD Opened	26
Total JD Closed	19
Max. Expiration	9
Revoked or New Offense	8
Transferred Out	2

Total PINS Opened	1
Total PINS Closed	1
Max. Expiration	1
Revoked or New Offense	0
Transferred Out	0

### Caseload Size

Intake Caseload (12/31/22)	67
Pre-Dispositional Services (12/31/22)	24
Supervision Caseload (12/31/22)	37
<b>TOTAL</b>	<b>128</b>

### **TASC PROGRAM STATISTICS**

Intakes	80
Successful Completions	54
Caseload Size	139

### **EFS PROGRAM STATISTICS**

Program Intakes	83
Services Mid-Point	56
Services Completion	41
Job Placement	44
90-Day Job Retention	35

### **PRETRIAL RELEASE STATISTICS**

Number of Pretrial Release cases Released Under Supervision during 2022	570
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See Appendix 1 for detailed information on the pretrial release population.

## **2022 HOME VISITS/COMPLIANCE CHECKS**

Total Attempted	Positive (contact with offender)	Negative (attempted but no contact)
2,650	2,459	191

## **COLLECTIONS**

Pursuant to the law, the Probation Department is authorized to collect monies including surcharges, fees, fines and restitution. Said monies are disbursed to various sources including crime victims, County of Niagara (Revenue), and other government agencies. The totals for 2022 are:

Restitution		\$127,980
Fines		\$102,539
Fees (County Revenue)		
	Supervision Fees	\$166,742
	Drug Test Fees	\$1,330
	Electronic Monitoring Fees	\$1,440
	Restitution Surcharge	\$10,893
	Total County Revenue	\$180,405
	<b>Total Collections</b>	<b>\$410,924</b>

## **PROBATION STAFFING**

The Niagara County Probation Department has the following positions:

Clerical I	2
Clerical II	3
Stenographers	1
Account Clerical II	1
Probation Officer-Community Liaison	1
Probation Officers	27
Probation Supervisors	5
Clerical Part/Time (TASC)	1
Clerical II (TASC)	1
TASC Case Manager	4
Supervising Social Worker (TASC)	1
Deputy Probation Director	1
Probation Director	1
Total Personnel	49

## CONTACT INFORMATION

John J. Cicchetti, Probation Director  
Niagara County Probation Department  
111 Main Street, Suite 201  
Lockport, NY 14094  
716-438-4055  
[john.cicchetti@niagaracounty.com](mailto:john.cicchetti@niagaracounty.com)

Deborah LaRock, Deputy Probation Director  
Niagara County Probation Department  
Trott Access Center  
1001 – 11<sup>th</sup> Street  
Niagara Falls, NY 14301  
716-278-8122  
[deborah.larock@niagaracounty.com](mailto:deborah.larock@niagaracounty.com)

Angela Beightol, TASC Supervisor  
TASC Unit/Pretrial Release Services  
716-439-3381  
[angela.beightol@niagaracounty.com](mailto:angela.beightol@niagaracounty.com)

William E. Collins, Probation Supervisor  
Lockport Criminal Court Unit  
716-438-4055  
[william.collins@niagaracounty.com](mailto:william.collins@niagaracounty.com)

Jeffrey Sheehan, Probation Supervisor  
Niagara Falls Criminal Court Unit  
716-278-8122  
[jeffrey.sheehan@niagaracounty.com](mailto:jeffrey.sheehan@niagaracounty.com)

Amanda Shirback, Probation Supervisor  
Niagara Falls Family Court Unit  
716-278-8122  
[amanda.shirback@niagaracounty.com](mailto:amanda.shirback@niagaracounty.com)

Jerome Sperrazza, Probation Supervisor  
Niagara Falls Criminal Court Unit  
716-278-8122  
[jerome.sperrazza@niagaracounty.com](mailto:jerome.sperrazza@niagaracounty.com)

Susan Woock, Probation Supervisor  
North Tonawanda Criminal/Lockport Family Court Unit  
716-743-4526  
[susan.woock@niagaracounty.com](mailto:susan.woock@niagaracounty.com)