



- The Chautauqua County Office of Probation is not only committed to holding court-referred offenders accountable for their actions, but also to working with them to facilitate positive change in their behavior, to contribute to a safer community, as well as advocating for victims' rights, all in a professional, effective, and financially responsible manner.

Chautauqua County Department Contact Information

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ADULT SUPERVISION UNIT

Probation Supervision

Probation is an alternative to incarceration that permits offenders to live and work in the community, support their families, receive rehabilitative services and make restitution to the victims of their crimes. The length of time a person is supervised on Probation is determined by the type of crime that a Probationer is convicted of (misdemeanor or felony). Probation Officers review the conditions of Probation with each Probationer, offering instruction and keeping informed of the probationer's compliance with the terms and conditions of Probation; monitoring and holding a probationer accountable for his or her conduct, habits, associates, employment and whereabouts.

Interim Supervision

When the court determines that a person is eligible for a probation sentence and the defendant (who has been convicted by plea or by trial) agrees, the court may adjourn the sentencing for up to one year from the date of the conviction and place a defendant under interim probation supervision as a "test" to see if the person might be successful on probation. If successful, when the person returns to court, they are generally sentenced to probation (rather than jail or prison). Interim supervision may be terminated prior to the end of the term and may result in a sentence to incarceration based on the individual's performance while under interim supervision.

Pre-Sentence Investigations (PSI) and Pre-Plea Investigations

The Adult Supervision Unit provides pre-sentence and pre-plea reports to the local Criminal Courts and the Chautauqua County Court. These reports provide the Courts with background information on the defendant's prior legal history, family make-up, employment history, treatment needs and current situation. The officers in this unit contact any victims in the matter to ensure that the Court is informed of the damage done to victims and what steps need to be taken to assist victims to restore their losses.

The Department of Probation is required by the State to submit a Pre-Sentence Investigation (PSI) for any defendant who has been convicted of a felony or certain misdemeanors that result in 1) probation;

2) incarceration for a term longer than 180 days; or 3) aggregating consecutive sentences longer than 90 days. The PSI is prepared at the direction of the Court.

After a thorough investigation and formal assessments, the Department provides the judge with a sentence recommendation. In addition to helping the Court with sentencing, the PSI forms the basis of the Probation Supervision process.

Release Under Supervision (RUS)

Pre-trial defendants and/or detainees may be Released under Supervision (RUS). The Office of Probation is responsible for the supervision of these persons. RUS is an alternative to bail. Persons RUS'd will be responsible for reporting as directed (usually weekly) to the designated staff person. The defendant will be responsible for reporting changes in employment, address and case status. RUS does not provide the same level of supervision as a probation supervision case. The intent of RUS is to ensure the person's appearance in court.

The Release Under Supervision will continue throughout the pending court proceeding. Once there is a final disposition, the RUS case will be closed.

Employment Focused Services

The “Employment Focused Services Program” is designed to provide support to probationers that need to obtain verifiable employment. EFS includes “Thinking for a Change” which is a cognitive skills training program and “Ready Set Work” which is an employability skills training program. The Program provides one on one services with an Employment Specialist from Chautauqua Works and ongoing support from EFS staff to obtain employment and job retention.

The Chautauqua County Probation Department recognizes the importance of sustained employment for individuals under community supervision. Employment provides individuals a means to support their families, as well as the capacity to structure their time in positive ways. Probation also understands the needs of area employers and their ability to ask questions of probation officers about work schedules and other work environment related issues. Accordingly, the Chautauqua County Probation Department has designated a single point of contact or Probation Employment Liaison officer to communicate with area employers.

Please feel free to contact Probation Supervisor Julie Bell at 716-661-8001 if you are an area employer who has any general questions about probation conditions relating to employment, employment opportunities for individuals on probation, or if you have any other employment related questions or concerns.

Juvenile Delinquent

The Probation Department can provide intervention and services for individuals and families, and be a meaningful resource to the community through the prevention of further delinquency. Probation as an adequate community alternative to placement, reduces the need for Court involvement, lessening the effects of stigmatization, and a cost savings to the community.

A juvenile Delinquent is a person between the ages of 12 and 17, who commits an act which would be a crime if committed by an adult.

Family Court

The Family Court Act provides for case review by Probation Department staff to determine eligibility for adjustment services, diversion programming, or coordination of filing a petition with Family Court. This service is based on the belief that certain juveniles can and should be diverted from the formal Court process

Th Probation Department works cooperatively with community agencies to access community resources, which are designed to meet the needs of the individual. The objective is to provide information and coordination of services outside the formal adjudicatory process.

The role of intake is to divert cases from Court involvement through mediation, supervision, and services during the adjustment process. Adjusted cases may involved referrals to local community-based agencies, supervision by Probation staff, reparation, and restitution. The precise form the intake adjustment process takes varies from case to case and county to county.

Intake

The main function of the probation intake is to determine whether cases should be referred to the presentment agent for petition or whether they can be adjusted. Presentment agencies are the local government agencies or authorities responsible for presenting JD petitions for prosecution. This function is parallel to the District Attorney's Office in Criminal Courts.

Under current law, the Family Court Act limits or prohibits Probation adjustment services in several ways.

First FCA prohibits Probation from adjusting an alleged designated felony offense without the approval of the Court. Second, FCA prohibits adjustment of the prior offense, without approval of the Court and the presentment agency.

The intake period is ninety days in length (the time during which adjustment can occur). A sixty-day extension can be permitted after application by the Probation Department to the Family Court Judge. Decisions must be made regarding adjustment or transfer to the presentment agent within this intake period.

When adjustment is not feasible, the case is transferred to the presentment agent. In Chautauqua County, the presentment agent is the Assistant County Attorney. The presentment agent may decline to prosecute a case. This is usually when the attorney determines that the case is legally insufficient. If there is sufficient evidence to proceed, the case is brought before the Family Court Judge. At this time a law guardian, an attorney appointed by the Court to represent the legal interest of juvenile, is assigned.

The Probation Department does not become involved in the case again unless ordered by the Court to reopen the intake period for further mediation or to conduct a probation investigation for dispositional hearing. This renewed involvement comes after a fact-finding hearing. If adjudicated a Juvenile Delinquent, the youth may be sentenced to probation, placed with DHSS, or placed with Office of Children and Family Services (OCFS).

Raise the Age Implementation

Effective 10/1/2018, New York State rolled out the Raise the Age (RTA) legislation for 16 year old offenders. The Probation Department is pivotal entity in providing services to the RTA population.

16 year old offenders arrested for Misdemeanor level offenses will now be issued appearance tickets to appear at the Probation Department for Adjustment Services and be handled in the Family Court system rather than being prosecuted in the criminal justice system. Effective 10/1/2019, 17 year old offenders will be included in this process.

Effective 12/31/2022 the lower age for juvenile delinquents is 12 years old.

Adolescent Offender (AO) is another new category created by the Raise the Age legislation. AOs are 16 or 17 year old youth that commit a felony-level crime. These individuals have their cases heard in the Youth Part of Criminal Court. If the judge determines there is a need for pre-trial detention, AOs will be held in the newly created “specialized secure juvenile detention facilities for older youth”.

There is a presumption of removal to Family Court for AOs, which can be accomplished in two ways. First, if the AO committed a violent felony, he/she must pass a three part test in order for the case to be removed to Family Court. Removal depends on whether the defendant used a firearm or deadly weapon, whether the offense was a sex crime, or the individual caused significant physical injury. Second, if the AO committed a non-violent felony, the District Attorney can prove extraordinary circumstances to prevent the removal of the case to Family Court. If none of these issue apply, the case will be processed in Family Court within 30 days.

AOs in Family Court will be treated the same as current juvenile cases.

Chautauqua County Family Court Forms/ Petitions are available at:

Chautauqua Municipal Building
2 Academy Street (Suite 5) Mayville, NY 14757
Phone: 716-753-4351

Chautauqua County Probation Department
110 E. Fourth Street Jamestown, NY 14701
Phone: 716-661-8011

Chautauqua County Probation Department
60-62 Franklin Avenue Dunkirk, NY 14048
Phone: 716-363-3640

Or <http://ww2.nycourts.gov/forms/familycourt/index.shtml>

Forms/Petitions available but not limited to:

- Custody or Visitation (New , Modification and Violation)
- Child support (New, Modification and Violation)
- Paternity and Family Offense Petitions
- Others available online

What is "Leandra's Law"?

Leandra's Law was signed into law on November 18, 2009 in honor of Leandra Rosado. Leandra was an 11-year old killed while she rode in a vehicle with the intoxicated mother of one of her friends. In response to this tragedy, the NY State Legislature made several changes to the Vehicle and Traffic Law (VTL). The law strengthened the penalties against motorists who drink and drive, and requires that any person sentenced for Driving While Intoxicated on or after August 15, 2010 must have an ignition interlock device installed on any vehicle they own or operate. The driver will have an "ignition interlock" restriction added to their driver license.

See additional information about Leandra's Law at the NY State Governor's Traffic Safety Committee Alcohol, Drugs and Impaired Driving page.

Ignition interlock requirement

A court must sentence a person convicted of either Aggravated DWI/Child in Vehicle or Aggravated DWI/Driving with a Blood Alcohol Content (BAC) of .18 or more to a period of probation or to a conditional discharge. The court must require the installation and use of an ignition interlock device in any motor vehicle owned or operated by a person convicted under this law. The ignition interlock device must remain in the vehicle for at least 12 months, unless otherwise permitted by the court.

A court that sentences a person for a Driving While Intoxicated conviction on or after August 15, 2010 must impose a conditional discharge or probation, and a condition of the sentence must be the installation and use of an ignition interlock device in any motor vehicle the person owns or operates. The ignition interlock device must remain in the vehicle for at least 12 months, unless otherwise permitted by the court.

Ignition Interlock (IID)

An IID connects to a motor vehicle ignition system and measures the alcohol content in the breath of the person driving. The driver exhales into the IID. If the driver's blood alcohol concentration is .05% or higher, the IID prevents the vehicle's engine from starting. When an engine is running, at random times, the IID requires the driver to provide more breath samples. If the driver doesn't exhale into the IID, the IID records this, warns the driver and then the vehicle starts honking or an alarm goes off until the ignition is turned off or a clean breath sample is provided. IID's used in Chautauqua County are required to have a built-in camera.

Driving without an IID against a court order and helping someone drive without a court ordered IID, are Class A misdemeanors punishable by up to 1 year in jail.

The ignition interlock restriction will be added to the driver license record even if the license is revoked. The restriction will appear on the back of the driver license document as "interlock device."

Installation Process

After Sentencing you have 10 days to install the IID. The sooner you install the IID, the sooner your time starts to run. If you are sentenced to a prison term, the 10 days starts to run from the date of your release. You will have a monitor (Chautauqua County STOP DWI program, or probation department) to make sure that you install and comply with the IID. Your monitor will give you a list of approved vendors that install the IID. You can also find a list of vendors on the NYS Division of Criminal Justice Services website. When you set-up your appointment, you will need to know information about the criminal case and who is your monitor. If you do not own the car that needs to have the IID, get a notarized statement from the owner that says you can install the device. Once the IID is installed you should give proof to the court within 3 days of the installation.

Costs and Fee Waiver

An IID costs money. There is a fee to install the IID, a monthly charge and a fee to remove the IID. If you own or operate multiple vehicles, you have to install an IID in each one.

If you don't have the money to pay for the device, you can ask the court to waive the fee or part of the fee by filling out the Financial Disclosure Form. The form and 3 copies need to be provided to the court that sentenced you. Apply as soon as possible because you only have 10 days after sentencing to install the IID.

Employer Exception

There is a limited exception to the rule that allows you to drive without an IID installed if you drive a vehicle in the scope of your job and your boss knows about the IID requirement. Your boss must give written approval that you may drive the vehicle for work. Speak to your attorney if you think this applies to you.

Removing the IID Restriction from Your Driver License

When your IID time is up, your ignition interlock monitor (either the county STOP DWI program, or the probation department) must give you a form signed by the judge that says that you are no longer required to install and maintain the IID in motor vehicles you own or use. You must take this form to a local DMV office.

Restitution/Fines/Fees

The Chautauqua County Probation Department is required by law to collect monies from probationers for various reasons.

- Restitution for victims when ordered
- Fines are collected for the Courts it serves, if ordered.
- All adult Probationers are assessed a monthly supervision fee that they are required to pay.
- Alcohol and Drug Testing fees

Cash, money orders and cashier's checks are accepted at both offices. Money orders and Cashier's Checks must be made payable to: Chautauqua County Department of Probation.

Frequently Asked Questions

1. What is the difference between Probation and Parole?

Probation is a sentence or disposition imposed by a criminal court or family court. In general, probationers are released in the community without serving a period of local incarceration, although in certain circumstances they may be sentenced to both imprisonment (local) and probation; the sentence of incarceration shall be a condition of and run concurrently with a sentence of Probation. Probation is a county function in NYS, except for New York City where it is run by the city government.

Parole is a portion of a correctional sentence served in the community following a term of incarceration in state prison. For offenders serving an “indeterminate” sentence, the NYS Board of Parole makes decisions whether an eligible state inmate is granted or denied parole. Offenders sentenced to a “determinate” prison term generally are released after serving 6/7 of their sentence. The period of supervised release following incarceration for such offenders is known as “Post-Release Supervision.” Parole or Post-Release Supervision is intended to assist offenders in returning to society. These offenders are supervised in the community by parole officers, who are state officials employed by the NYS Division of Parole.

2. What is the contact information to the local Parole office?

Address: 460 Main Street Suite 1 Buffalo NY 14202

Phone #: 716-847-3481

3. When does my probation supervision start?

Probation supervision, and the Conditions of Probation, are in effective the day of sentencing after the Conditions of Probation are signed by judge. It is recommended that you review your Conditions of Probation with your attorney prior to signing them.

4. What is ROR?

ROR stands for Released on Own Recognizance, which means an individual has been charged with a crime and has made at least an initial appearance before a judge and is permitted to remain within the community without bail or further guarantee to return to the same court for all future court dates.

5. Who must register with the State's Sex Offender Registry (SOR)?

The Sex Offender Registration Act (SORA) requires anyone on parole or probation or imprisoned for a sex offense from January 21, 1996 on, to register with the Division of Criminal Justice Services (DCJS). Also sex offenders sentenced to probation, local jail, or state prison after that date must register upon their return to the community.

6. How long will an offender be registered?

Sex offenders who have been designated a sexual predator, a sexually violent offender or a predicate sex offender remains on the Sex Offender Registry for life. Level 1 sex offenders must register for a period of twenty (20) years. However, offenders whose risk level status is a level 2 or 3 must also register for life unless judicially relieved of that obligation. There are three levels of risk, based on an offender's risk of re-offending: Level 1 (low), Level 2 (moderate), and Level 3 (high). As a general rule, the sentencing court will determine an offender's risk level either at the time of sentence (in probation cases) or when the offender is released from custody (in jail or prison cases).

7. What is a "Certificate of Relief from Civil Disabilities"?

Corrections Law, Section 701 provides that a certificate may relieve an eligible offender of any forfeiture or disability, or remove any bar to employment, automatically imposed by law by reason of conviction of the crime or the offense. A conviction for a crime specified in a certificate of relief from disabilities shall not cause automatic forfeiture of any license, permit, employment or franchise, including the right to register for or vote at an election, or automatic forfeiture of any other right or privilege, held by the eligible offender and covered by the certificate. However, a certificate cannot overcome automatic forfeiture resulting from convictions for violations of Section 2806 (5) of the Public Health Law or Section 1193 (2) of the Vehicle and Traffic Law. A certificate also does not permit the convicted person to retain or be eligible for public office, nor does it void the conviction as if it were a pardon (see Correction Law 701 and 706).

8. What are PINS- Persons in Need of Supervision?

A person less than eighteen years of age who does not attend school in accordance with the education law or who is incorrigible, ungovernable, or habitually disobedient and beyond the lawful control of a parent or other person legally responsible for such child's care, or who possesses or uses illegal or controlled substances. PINS is run by DHHS.

9. What is a JD- Juvenile Delinquent?

A person between the ages 12 and 17, who commit an act which if had been committed by an adult, _____ would have been a crime.

10. What is a Youthful Offender?

The Youthful Offender Statute was enacted to give defendants between 16 and 18 years of age a chance not to live with the stigma of criminal record because their transgressions were not those of hardened criminals, but instead are youthful mistakes. Basic guidelines for eligibility are for youths aged 16 through 18 years old charged with crimes. Age is determined at the time of the offense. If the judge grants the Defendant a Youthful Offender status, then the criminal conviction is set aside and a youthful adjudication is given. Some of the benefits to a Youthful Offender status granted by the court are:

- No criminal record. If you ever asked have you been convicted of a crime, the truthful answer would be no.
- Lesser sentence available
- The adjudication is limited to the people in any subsequent criminal proceedings.
- No DNA sample or accompanying DNA data bank fee

11. What Is the NYS Office of Child and Family Services Child Abuse and Maltreatment Hotline number?

1-800-342-3720

12. Are Probation Officers Peace Officers?

In New York State all probation officers are peace officers. Peace officer training requires basic peace officer training as well as a week of firearms qualification to be completed within the first year of employment. The decision as to whether or not probation officers carry firearms is made individually by each local county probation department.

13. What is an A.C.D.?

A.C.D. stands for Adjournment in Contemplation of Dismissal. Where an individual is accused of a crime in New York, and ACD may be offered as a way to settle the matter. Where an ACD entered, the matter is adjourned for a period of time (often 6 months, but can be up to a year). Certain terms and conditions are set forth that the accused not be rearrested, comply with community service or the entry of an order of protection. If those terms and conditions are complied with, when the ACD period expires the case is dismissed. An ACD is not a conviction. Typically an ACD is available where the accused is charged with relatively minor crimes and/or does not have an extensive criminal record, and frequently Probation is not even involved in this type of resolution but can be, depending on the court's disposition regarding the matter.

14. What do I do after Court?

You should bring the Terms and Conditions of Probation that you were given by the Court to one of the Probation offices within 72 hours of receiving them.

RESPECT

- R Remember
- E Every
- S Single
- P Person
- E Expects
- C Civil
- T Treatment