

Introduction

On May 31, 2022, the Monroe County Office of Public Integrity (OPI) issued its Risk Assessment on the Monroe County Office of Probation and Community Corrections (Probation) - Sex Offenders Supervision Unit (SOU). This report provides the implementation status of each recommendation made in the Risk Assessment.

This report is intended for management of the SOU. For other readers of this report, to obtain an overview of the SOU and the original findings that prompted the recommendations that are listed below, please reference the initial risk assessment for the SOU, which can be found on OPI’s website at <https://monroecountyny-opi.gov/risk-assessment>.

Summary of Recommendations and Implementation Status

Of the 13 recommendations, 9 (69%) have been implemented, 2 are in process of being implemented, and 2 have not been implemented.

#	Description	Implemented?
1	Cross Training and Dual Supervision	Yes
2	Software – Offender Watch – Begin using	Yes
3a	Software – Caseload Explorer – Highlighting Special Conditions	Yes
3b	Software – Caseload Explorer – Scanning documents	No
3c	Software – Caseload Explorer – Employment address field	Yes
4	Software – The Work Number – Begin using	No
5	Software - Social Media – Provide access to Probation Officers	Yes
6a	Field Visits – Residence and Work Location – 90 days	Yes
6b	Field Visits – Residence and Work Location – Physical Verification of Employment	Partial
7	Operating Memoranda – Update regularly	Yes
8	Office and Field Attire – Update OM	Partial
9	Assignment of Cases	Yes
10	Staffing – Senior Probation Officer – assign one to SOU	Yes

Details of Recommendations and Implementation Status

The following section contains a recap of each original recommendation, along with OPI’s latest observations and comments regarding management’s implementation of the recommendations.

Recommendation #1 – Cross Training and Dual Supervision

When assigning probationers with multiple offense conditions to a specialized unit, administration must clearly communicate all conditions to the responsible Probation Officers. To enhance the appropriate knowledge base between specialized units, we recommended that Probation consider cross training of all supervisors and Senior Probation Officers in specialized units.

In addition, we recommended that Probation consider having dual supervision for probationers with multiple special offenses, such as Driving While Intoxicated (DWI), domestic violence, sex-related crimes, and gun charges. We also recommended that supervision should primarily reside with the Probation Officer in the higher risk probation unit, with a secondary Probation Officer assigned in a multiple-offense case, so that the additional unique compliance conditions can be communicated between the two supervision units. We recommended that the two units involved in the case hold regular meetings to ensure that specialized conditions are being met by the probationer.

Status of Recommendation #1 - Implemented

Per our interview with Probation Supervisor Carolyn Burke (Supervisor Burke), every Senior Probation Officer has received one-day, in-person cross-training. Senior Probation Officers now hold the multi-unit cases. If the Senior Probation Officer has questions about compliance conditions, that Officer requests advice from the SOU's Senior Probation Officer.

Recommendation #2 – Software – Offender Watch

We recommended Probation obtain and utilize a service called Offender Watch, which is used by many law enforcement agencies around the country and locally, including the Monroe County Sheriff's Office and the Rochester Police Department. Offender Watch is updated automatically when new schools and daycare centers open.

Status of Recommendation #2 – Implemented

Per our interview with Supervisor Burke, the SOU is now using Offender Watch; all Probation Officers are fully trained and up to speed. During our discussion with Senior Probation Officer Dan Allen, OPI learned that Offender Watch does not always accurately display the locations of charter schools and lists some traditional public schools as being open, when they are actually closed for renovation. As a result, Probation Officers still augment the information in Offender Watch with an in-person "drive around" to verify that probationers are complying with residential and workplace restrictions.

Recommendation #3a - Software – Caseload Explorer

We recommended that any special conditions outside of the normal terms and conditions of probation be highlighted on the first page of Caseload Explorer (CE). This recommendation was intended to allow any Probation Officer reviewing the case file to quickly become aware of these special conditions, which may include items such as:

- Residence or work required to be 1000 feet from a school
- No access to the internet or social media
- No driving or a requirement for an ignition interlock device on their vehicle

Status of Recommendation #3a – Implemented

Per our interview with Supervisor Burke, this has been implemented.

Recommendation #3b - Software – Caseload Explorer – Scanning documents

We recommended that Probation scan all physical documents into the CE system. This would enhance operating efficiency by providing one location for all information pertaining to each probationer. This recommendation was designed to eliminate the need to search a paper file for some information while other information required a search of the CE.

Status of Recommendation #3b – Not Implemented

Probation Officers continue to maintain documents in both paper files and electronic files.

OPI reviewed a sample of 35 paper files (5 randomly-selected files from each of the 7 Probation Officers on the unit). Based on this sampling, OPI believes there has been a general improvement in the quality of record-keeping in the paper files.

Of the 35 paper files that we reviewed:

- 94% had Orders and Conditions that could be easily located.
- 82% had general organization that was consistent and logical.
- Regarding employment documentation:
 - a) 20% had easy-to-find verification that the probationer was exempt from employment requirements.
 - b) 43% had acceptable verification of at least one source of recent employment.
 - c) 11% had partial documentation of employment (for instance, paystubs that were more than six months old or recent paystubs that listed the address of corporate headquarters rather than the local physical site).

Electronic files in the CE system were not available for review, but may have addressed some of the gaps in employment verification. As OPI did not sample or test the quality of electronic record-keeping, our assessment of improvements in this area are based solely on reporting by the leadership of the SOU.

Recommendation #3c - Software – Caseload Explorer – Employment address field

We recommend that an employment address field be added to the first page of Caseload Explorer, hyperlinked to a mapping service in the same manner as the residence address.

Status of Recommendation #3c – Implemented.

Employment details can be accessed on a secondary tab, which is on the main screen

Recommendation #4 - Software – The Work Number

We recommended that Probation obtain and utilize The Work Number, a service currently being used by the Monroe County Department of Social Services. The Work Number is a centralized commercial database of income and employment information for more than 2 million employers. Users enter Social Security numbers in order to obtain up-to-date income verification and employment records.

Status of Recommendation #4 – Not Implemented

Per our interview with Supervisor Burke, the SOU does not have access to The Work Number, but is trying to obtain it. If the SOU cannot obtain access to The Work Number, OPI urges the leadership to explore other avenues of employment verification, such as a Memorandum of Understanding (MOU) with the New York State (NYS) Department of Taxation in order to obtain New Hire reports driven by W-4 activity.

Recommendation #5 - Software – Social Media

We recommended that all Probation Officers should have access to social media, so that they can track and monitor internet and social media access and usage by their probationers.

Status of Recommendation #5 – Implemented

Per our interview with Supervisor Burke, all SOU Probation Officers are now able to view social media activity on their County-issued computers.

Recommendation #6a - Field Visits – Residence and Work Location – 90 Days

To ensure more regular contact with high-risk probationers, we recommended that Probation conduct home visits closer to every 90 days. To maintain a surprise effect on the probationer, visits could be on average anywhere from 80 to 100 days. OPI made this recommendation in order to maintain compliance with New York State Division of Criminal Justice Services (DCJS) regulations while enhancing supervision of probationers.

Status of Recommendation #6a – Implemented.

The discrepancy between the internal scoring and the New York State Sex Offender Registration Act (NYSSORA) scoring has been eliminated. The offender cannot be scored as high-risk by one method and then low-risk by the other method. Thus, Probation Officers (PO's) are expected to make a home visit monthly, not every 90 days. Since unscheduled home visits will not always result in contact with probationers, PO's are expected to make contact with each probationer at least twice per 90-day cycle. However, this has not been formalized in the new Operating Memoranda.

Recommendation #6b - Field Visits – Residence and Work Location – Physical Verification of Employment

Based on our assessment of best practices from our interviews with probation supervisors from other counties of similar size and demographics, in 2022 we recommended that Probation also conduct periodic physical verifications of employment in order to complement documentation of employment through pay stubs.

Status of Recommendation #6b – Partially Implemented.

There has been a renewed emphasis on obtaining up-to-date pay stubs. Primary responsibility for employment verification has been assigned to a Senior PO, who visits the reported work site to make sure it exists and is located at an acceptable distance from protected entities such as schools and day care centers. The Senior PO has not been visually verifying the presence of the probationer at the work site, but when coupled with the focus on obtaining up-to-date paystubs, the current practice offers increased safeguards against the SOU inadvertently condoning employment at a location near protected entities.

Recommendation #7 - Operating Memoranda (OM)

We recommended that all operating memoranda be reviewed and updated on a regular basis.

Status of Recommendation #7 – Implemented

General Order #450, Sex Offender Management and Supervision, has been issued and is in effect as of 05/25/23. The General Order is broken down into 15 sections and covers investigations and assessments, supervision, housing and employment checks, polygraphs and Global Positioning System (GPS), treatment services, compliance with the Sex Offender Registration Act, incarceration, graduated sanctions, and warrants.

Recommendation #8 - Office and Field Attire

We recommended that Probation review and update its OM regarding proper attire for being in the office and being in the field and enforce such requirements. When performing office work, Probation Officers should dress in a professional manner. For field visits, they should wear tactical clothing, or similar functional clothing, with articles that identify them as Monroe County Probation Officers.

Status of Recommendation #8 – Partially Implemented

Per our discussion with Supervisor Burke, Probation Officers are no longer allowed to wear yoga pants when carrying firearms. Probation Officers who elect to carry firearms are required to wear clothing that will keep the holster in place in the event that the firearm needs to be drawn.

Per Public Safety Deputy Director George Markert, the “yoga pant issue” was addressed utilizing the current dress code, Occupational Safety and Health Administration (OSHA) regulations and office safety policies; also, Probation is finalizing a \$40,000 purchase of logo shirts and tactical pants, which PO’s will be expected to wear when performing field work. The OM regarding dress-code has not been changed. It is on the list to be reviewed after more pertinent OM’s are addressed.

Recommendation #9 - Assignment of Cases

We recommended that Probation should reassign registered sex offenders on probation for new non-sex offenses to general probation officers.

Status of Recommendation #9 – Implemented

Per our discussion with Probation Supervisor Burke, the SOU added a general services Probation Officer to the SOU team. This Probation Officer is responsible for registered sex offenders on probation for new non-sex offenses. Probationers assigned to this officer are subject to address verification but are not subject to the residency and employment restrictions. As a result, this Probation Officer is able to manage a larger caseload than the other officers on the SOU.

Recommendation #10 - Staffing – Senior Probation Officer

We recommended that Probation consider assigning an additional Senior Probation Officer to the SOU. This would increase supervision and provide an outlet for work assistance and guidance.

Status of Recommendation #10 – Implemented

Another Senior Probation Officer (Sr. PO) has been added to the SOU. Per OPI’s phone interview with Sr. PO Allen, he was temporarily assigned to the SOU from July to September of 2022 and then permanently assigned to the unit in March of 2023. He has been reviewing best practices for employment verification. During the summer of 2023, he started requesting that Probation Officers e-mail him when a probationer reports new employment. He then performs a physical check to verify that the employer exists and, when terms and conditions warrant it, verifies that the employer’s operations are not located within 1000 feet of a school or daycare center. He also runs a monthly report and facilitates meetings where the SOU team, as a whole, discusses any deficiencies in employment verification protocols.

Additional Items for Consideration

As part of our 2022 risk assessment, OPI interviewed numerous Probation staff, including all Probation Officers in the SOU. Understanding that employees often have the best recommendations for improvements, we included their comments, concerns, and suggestions in the report. The SOU management has provided the status of these items, as follows:

Equipment

- Procured: updated bullet-resistant vests for all Probation Officers.
- Not procured: sufficient quantity of vehicles to perform increased field work.
- Not procured: SOU-issued cell phones for Probation Officers in the unit. More phones are being purchased, but will still not be assigned to each officer.
- Implemented alternative solution: a color printer was not dedicated to the SOU to use when printing sexually explicit photos for evidence packets. However, The SOU now has the ability to private-print on a color printer. After careful assessment of the infrequency that they print out materials to be used in Violations; it was determined that simply having the ability to private-print to an available color printer was sufficient.
- Not procured: an air-gapped computer to use when doing forensic examination of hard drives, computers or phones from sex offenders and when uploading sexually graphic information into the files of probationers.
- Not procured: voice stress analysis program for use in conjunction with polygraph testing
- Not procured: key stroke monitors and remote access to sex offender computers.

Training

- Not offered/completed: additional training opportunities for specific strategies for managing sex offenders, including searching a sex offender's social media, computers, and phones
- Offered: cross training for staff on basic conditions often seen in specialized units, such as the 1000 foot rule for sex offenders or common DWI conditions.

Staffing and Caseloads

- Not filled: Deputy Chief Probation Officer position. Probation has added an Assistant Chief PO and is looking to promote another. These positions are taking over the duties of the Deputy Chief PO.
- In process: Hire a dedicated grant writer for Probation, or possibly all departments within the public safety sector of County's operations. The Department of Public Safety (which encompasses Probation) is in the process of adding a grant writer who will perform this function for the entire department.
- Implemented: Authorize overtime – to properly complete all assigned tasks on the SOU
- In process: Explore policies or methods to make caseloads more manageable (30-35 per PO).

Dedicated Court for Sex Offenders

- Not implemented, and not in the power of Probation: Create a court specific to sex offenses, similar to other specialized courts for certain offenses (Drug Court, Domestic Violence Court).

Work Space Conditions

- Partially completed: enhancement of the safety and professional appearance of Probation's work space at City Place by making improvements to carpeting, painting, furniture, extreme variations in temperature on the second and third floors, and restoring hot water to the third floor restrooms.

Improvements have been made to the building: carpet is going in on October 2023, building temperatures were examined, and hot water has been restored.

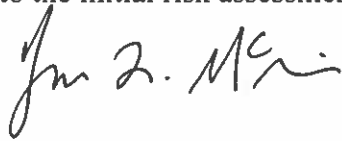
Recommendations Based on Follow-up by OPI

We recommend that Probation continue efforts to implement the following recommendations:

#	Description	Implemented?
3b	Software – Caseload Explorer – Scanning documents	No
4	Software – The Work Number – Begin using	No
6b	Field Visits – Residence and Work Location – Physical Verification of Employment	Partial
8	Office and Field Attire – Update OM	Partial

Final Notes

We would like to thank Probation Supervisor Carolyn Burke, Senior Probation Officer Dan Allen, and Public Safety Deputy Director George Markert for their assistance during our follow-up to the initial risk assessment.



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To report fraud, waste, or abuse, or to comment on this report, please contact the Monroe County Office of Public Integrity.

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