

## ***Introduction***

The Monroe County Office of Probation and Community Corrections (Probation) - Sex Offenders Supervision Unit (SOU) was selected for a risk assessment by the Office of Public Integrity (OPI) subsequent to an incident where a probationer being supervised by the SOU committed sexual assault within his place of employment which was within 1,000 feet of an elementary school. Monroe County Executive Adam Bello mandated that an investigation be conducted jointly between Probation, OPI, and independent contractor George Market of Empire Risk Resolutions Inc. with a goal of determining the following:

- 1) What happened in this particular case?
- 2) Are the 239 Registered Sex offender cases currently in compliance with applicable statutes, regulations, and policies?
- 3) Are there any additional internal controls that could help prevent this type of incident?

OPI has been directed to work cooperatively with Empire Risk Resolutions to this end.

In addition to providing assistance to Empire Risk Resolutions, OPI completed this risk assessment of the SOU. This report provides the aspects of a risk assessment, a brief overview of the SOU, our conclusion, and our recommendations.

## ***The Risk Assessment - Methodology, Scope, and Objectives***

An OPI risk assessment is intended to be a candid, free-flowing discussion between a department and OPI with the intent of identifying and evaluating the risks applicable to the department, and identifying the internal controls that are in place or that could be useful to mitigate those risks.

For a risk assessment, OPI's scope is the following aspects of an operating unit:

- Compliance with laws, regulations, and contracts
- Accomplishment of goals and objectives
- Reliability and integrity of operational information
- Effectiveness and efficiency of operations

OPI's objectives were to:

- 1) Determine whether management has identified the risks applicable to the SOU and has identified the internal controls that mitigate those risks
- 2) Perform test work to corroborate management's identification of the internal controls
- 3) Make recommendations to enhance the internal controls for mitigating risks
- 4) Identify and document any residual risk that remains despite the current and recommended internal controls
- 5) Determine whether Probation's SOU is in compliance with requirements for home visits and monitoring compliance with the 1000-foot rule for residences and places of employment of probationers.

### ***Overview of the Office of Probation***

The Monroe County Office of Probation and Community Corrections (Probation) is a division of the Monroe County Department of Public Safety. Its goal is to enhance community safety by fostering positive change for community members who have come into contact with the Criminal Justice System, and to identify services and programs that encourage the offender to become a law-abiding citizen.

Probation provides a multitude of state mandated services including: preliminary services and investigations of all eligible clients of Family Court, investigation services to the Criminal Courts, and supervision and treatment services to all clients sentenced to probation. Officers enforce the conditions of the probation sentence, refer clients to treatment, monitor progress, and report violations to the sentencing court.

Probation is organized into four sections: Administration, Central Services, Family Services, and Criminal Services. The Criminal Services Section conducts presentence investigations based on court orders, and supervises probation officers enforcing the orders and conditions of probation as imposed by the sentencing judges. Probation officers work to manage offender risk through: regular contact with the probationer, home visits, surveillance, and collateral contacts with family, police and other persons, urinalysis and breath testing, referrals for substance abuse and mental health treatment, educational or vocational programming, job placement, and housing.

In 2020, the Criminal Services Section received 1,193 new cases, and had 5,067 active cases at year-end.<sup>1</sup>

### ***Overview of the Sex Offenders Supervision Unit***

The Sex Offenders Supervision Unit (SOU) resides within the Criminal Services Section of Probation, and is led by a Probation Supervisor, who is assisted by a Senior Probation Officer and 6 Probation Officers. The Unit currently supervises 317 offenders, including 9 absconders and 3 in custody. Specialized caseloads, such as sex offenders, require higher levels of supervision, and officers regularly work evenings and weekends to conduct curfew checks and surveillance.

As of 3/1/22, New York State (NYS) Division of Criminal Justice Services (DCJS) reported 42,611 active sex offender registries. Monroe County had 1,657 (3.89%) of the total, broken out as follows: Level 1 – 597, Level 2 – 674, Level 3 – 378, and 8 pending classification.<sup>2</sup>

### ***Conclusion***

At the time of this risk assessment, based on the above incident, the SOU's management team had identified certain risks applicable to its operations, and had also identified certain internal controls to mitigate those risks. In addition, the SOU was in compliance with the requirements for home visits and monitoring compliance with the 1000-foot rule for residences of probationers. We were not able to assess whether the SOU was in compliance with monitoring probationers' adherence

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<sup>1</sup> 2022 Monroe County Adopted Budget

<sup>2</sup> [https://www.criminaljustice.ny.gov/nsor/stats\\_by\\_county.htm](https://www.criminaljustice.ny.gov/nsor/stats_by_county.htm)

to the 1000-foot rule for work locations. There are no Federal, New York State, or local statutes, regulations, policies, or guidelines regarding verification of employment.

Our objective was not to give an opinion on the internal controls. However, based on our observations and procedures, we have 13 recommendations to improve the internal controls.

### ***Observations and Recommendations***

#### **Cross Training and Dual Supervision**

##### **Observation #1**

In the case that prompted our risk assessment and the County Executive's request for an investigation, the probationer had [REDACTED] and a sex offense charge. In order to enhance the supervision level of this probationer, Probation assigned supervision to the Gun Unit, which has the ability to perform more field visits than the Sex Offender Unit. While this allowed for a greater number of field visits, the Probation Officers in the Gun Unit are not trained on the specific conditions related to Sex Offender cases, including the 1000-foot rule for residency and work addresses.

##### **Recommendation #1**

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 recommend that Probation consider cross training of all supervisors and Senior Probation Officers in specialized units.

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

##### **Management's Response #1**

**The Monroe County Probation Dept. will develop "Cross Training Modules" for all probation personnel who handle dual client assignments in those areas under review. This cross training component will also include Supervisory personnel to ensure that all aspects of the assigned caseloads are under review for all Probation Conditions that may apply.**

### Software – Offender Watch

#### Observation #2

Probation currently uses mapping software called Eagle View. This software requires users to physically input addresses. The SOU utilizes this software to input schools and daycare centers to track and determine the distance between their probationers' homes and places of employment to ensure compliance with the terms and conditions of probation. However, Eagle View information has not been updated since 2018. In this time frame, new schools and day care centers may have been established that fall within the 1000-foot rule for some sex offenders.

#### Recommendation #2

We recommend Probation obtain and utilize a service called Offender Watch. Offender Watch 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 allows its users to input addresses and provide parameters such as the 1000-foot rule. The software will provide proximity warnings pertaining to all predetermined banned establishments, such as schools and day care centers, and it is updated automatically when new establishments open.

#### Management's Response #2

**The Monroe County Probation Dept. will utilize "Offender Watch" or similar software to enhance our ability to monitor Probationers designated as Sex Offenders and under the supervision of the Probation Dept.**

### Software – Caseload Explorer

#### Observation #3

While reviewing the 305 case files within the SOU, we observed that information is stored in two different formats: as a hard copy in a physical paper file, and digitally in the client case management system, Caseload Explorer (CE). Caseload Explorer is recommended by the NYS DCJS as it allows county Probation offices to manage all aspects of a probationers' terms and conditions of probation including financial obligations-restitution, fines, and supervision fees. The CE system allows for progress notes and for document uploads such as: court orders, criminal history, terms and conditions of probation, and other pertinent documents.

#### Recommendation #3a

We recommend that any special conditions outside of the normal terms and conditions of probation be highlighted on the first page of Caseload Explorer. This would allow any Probation Officer that is 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

#### Management's Response #3a

**The Monroe County Probation Dept. will adopt the recommendation listed above and will seek to enhance the Caseload Explorer program and current Probation casefile review. Conditions of Probation and pertinent information on a case file cover sheet will provide important data as personnel review a file.**

#### Recommendation #3b

We recommend 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 would prevent the need to search a paper file for some information while needing to search the CE system for other information.

#### Management's Response #3b

**The Monroe County Probation Dept. will refine resources with the County Information Services Dept. to accomplish this recommendation.**

#### Recommendation #3c

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.

#### Management's Response #3c

**The Monroe County Probation Dept. will review the ability to enhance this reporting system so that the recommended data can be added.**

### Software – The Work Number

#### Observation #4

The employment verification process is not consistent. While reviewing the SOU case files (paper files and CE), we noted the following:

1. Outdated pay stubs
2. Pay stub contained no employer address or information pertinent to the probationer such as name or home address
3. Certain pay stubs contained addresses of corporate headquarters, with some being out of state

4. No documentation of physical or investigative verification of work location
5. Verification of work conducted during a home visit by simply asking if they were, “Are you still working?”
6. Verification of work by copy and pasting information obtained through Ejustice.

#### Recommendation #4

To consistently enhance the verification of employment, we recommend 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.

#### Management’s Response #4

**The Monroe County Probation Dept. will develop a process that is consistent in all aspects of “employment verification”. This will include policy enhancement, additional access to data and other sources of information that can strengthen our model.**

#### Software – Social Media

##### Observation #5

During our interviews with Probation, we noted that many probationers have restrictions concerning computers and usage of the internet and social media. However, Probation cannot easily verify compliance with these restrictions, as only probation supervisors have access to social media.

##### Recommendation #5

We recommend 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.

##### Management’s Response #5

**The County of Monroe will review its current Social Media Policy and seek to provide additional access and resources to Probation Personnel assigned to Special Investigations.**

#### Field Visits – Residence and Work Location

##### Observation #6

We reviewed all SOU cases with the Chief Probation Officer, Supervisors, and senior staff, and noted 317 total cases assigned to SOU, including 9 absconders and 3 in custody. These cases are

not all Registered Sex Offenders, and 138 cases were not subject to the 1000-foot rule for residencies.

Home visits had been done for all registered sex offender cases as required by DCJS. We noted that 68 home visits (21% of the SOU caseload) were completed within 14 days after the sexual assault incident. Prior to the incident, 89 home visits were completed, while a total of 39 were done in February 2022. Overall, 48% of the SOU caseload was visited in March 2022. We note that NYS regulations require that home visits be done with Sex Offender Registration Act (SORA) probationers once per calendar quarter. Thus, a visit could be done on January 1<sup>st</sup> and another done on June 30<sup>th</sup>, satisfying the quarterly visit requirement even though there would be nearly 6 months between home visits.

#### Recommendation #6a

To ensure more regular contact with high-risk probationers, we recommend 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. This would simply reduce the maximum possible time to visit a probationer from 180 days to 100 days, without changing the number of home visits. Thus, Probation would still be in compliance with DCJS regulations while also enhancing its supervision of probationers.

#### Management's Response #6a

**The Monroe County Probation Dept. will conduct these site visits on a regular basis with increased frequency. This will ensure timely information and additional connections with Probationers under our Supervision.**

#### Recommendation #6b

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

#### Management's Response #6b

**The Monroe County Probation Dept. will conduct these site visits on a regular basis with increased frequency. This will ensure timely information and connect with Probationers under our Supervision.**

## Operating Memoranda

### Observation #7

While examining how probation documents expectations for probation officers, OPI reviewed the Operational Memorandum System. The system is dated and does not indicate that the memorandums have been reviewed by anyone currently in management at Probation. Some SOU specific memos have not been updated, and possibly not reviewed, since 1995.

### Recommendation #7

We recommend that all of the operating memoranda should be reviewed and updated on a regular basis. At a minimum, they should be reviewed, updated, and dated as approved each time a new Chief Probation Officer is hired.

### Management's Response #7

**The Monroe County Probation Dept. will establish a review process for Operating Memorandums/Policies and Procedures, as well as adopting a schedule for review and assessment that meets “Best Practices” model for such review.**

## Office and Field Attire

### Observation #8

Probation does not have a standard uniform. The challenge is that Probation Officers spend a portion of their time performing field work and a portion of their time conducting office visits. The attire for each activity is considerably different. With office visits, PO's should be dressed in a professional manner to promote a respectful environment and serve as a role model. For field visits, either tactical clothing or something comparable should be worn with the articles that identify the PO's as Monroe County Probation Officers.

We observed PO's wearing various articles of clothing that would not promote a professional image or effective field performance. Such items included, but were not limited to, hoodies, yoga pants being worn with gun belts, and various casual footwear.

### Recommendation #8

We recommend that Probation review and update its OM regarding proper attire for being in the office and being in the field and enforce such requirements. Proper attire will facilitate a professional environment and also effective and professional field work.

### Management's Response #8



**The Monroe County Probation Dept. will review uniform options that are best suited for Field Personnel and other assignments. This will provide consistency in attire and uniformity in our presence.**

### Assignment of Cases

#### Observation #9

In discussions with other Probation agencies in NYS, we noted that the Monroe County SOU is on the higher end of average caseloads. One tactic used by other counties to reduce caseload numbers on their specialized groups is to re-assign registered sex offenders on probation for new non-sex offenses to general population caseloads. While these probationers have to report address verification according to SORA, they do not fall under any residency or employment restrictions. A general case load probation officer could manage these duties and the “dual supervision” model could be employed to make certain SORA requirements are met.

#### Recommendation #9

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

#### Management’s Response #9

**The Monroe County Probation Dept. will conduct an assessment of case load assignments and how we can maximize resources and maintain a high level of consistency in our workload. A review by an outside consultant in this area will assist in our decision making model.**

### Staffing – Senior Probation Officer

#### Observation #10

Most Probation teams contain either one or two Senior Probation Officers (Sr. PO) and supervise the general population of probationers. The Special Operations Unit, which supervises probationers with gun charges, contains three Sr. PO’s. The Sex Offender Supervision Unit only contains two Sr. PO’s, with one being dedicated to transfer cases and not sex offenders. With the type of tasks required for supervising sex offenders, and the complexity of their court orders and conditions for supervision, having only one Sr. PO dedicated to sex offenders may not allow for proper supervision of this special population.

#### Recommendation #10

We recommend that Probation consider assigning an additional Sr. PO to the SOU. This would allow for enhanced communication between the SOU and other Probation units that may be

supervising probationers with orders and conditions related to sex offenses. It would also allow for a second position that could receive specialized training on computer and phone searches, and other strategies that enhance the supervision of sex offenders.

#### Management's Response #10

**The Monroe County Probation Dept. will add an additional Sr. Probation Officer to the Sex Offender Unit, this added resource will assist our staff in completing assignments and obtaining support with their assigned caseloads.**

#### Additional Items for Consideration

As part of our 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 have included their comments, concerns, and suggestions. Thus, we encourage Probation management to consider the following items as to their potential benefit (and cost) for impacting the effectiveness and efficiency of Probation and the SOU.

#### *Equipment*

- Bullet-resistant vests – ensure that they are current and not outdated.
- Vehicles – ensure a sufficient quantity for performing increased field work
- Cell phones – to enhance communication within the SOU and between other Probation Officers, rather than relying on landline desk phone or the e-mail system
- A dedicated color printer for the SOU– to ensure that sexually explicit images that the SOU has to print are not viewed by other staff in other parts of the building
- Air-gapped computer - to keep sexually graphic information off of the county network, and to prevent the network from potential exposure to malware or viruses when doing any forensic examination of hard drives, computers or phones from sex offenders
- Voice stress analysis program - for use in conjunction with polygraph testing
- Key stroke monitors and remote access to sex offender computers

#### *Training*

- Additional training opportunities for specific strategies for managing sex offenders, including searching a sex offender's social media, computers, and phones
- Cross train 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*

- Fill vacancy in the Deputy Chief Probation Officer position
- Hire a dedicated grant writer for Probation, or possibly all departments within public safety sector of County's operations
- Authorize overtime – to properly complete all assigned tasks on the SOU
- Explore policies or methods to make caseloads more manageable (30-35 per PO)

#### *Dedicated Court for Sex Offenders*

- Create a court specific to sex offenses, similar to other specialized courts for certain offenses (Drug Court, Domestic Violence Court)

*Work Space Conditions*

- Enhance 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

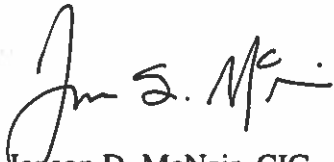
Management’s Response:

**The Monroe County Probation Dept. will work to prioritize the above listed items for action and utilize the services of the New York State Division of Criminal Justice Services – Office of Probation and Correctional Alternatives (OPCA). This State Agency can offer guidance and support with some of the initiatives listed in this report.**

*Final Notes*

It is evident from our observations and interviews with the Probation staff that they have continually attempted to perform more tasks within budgetary constraints and despite state cuts to reimbursement rates for county probation offices.

We would like to thank Probation’s management and staff for their assistance during our risk assessment.



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Director, Office of Public Integrity

***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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