

# ATI Advisory Board Newsletter

## MESSAGE FROM ATI CHAIRPERSON

By Georgia Delaney

I have just reviewed the 2002 Annual Report concerning Ontario County's Alternatives to Incarceration Program. It is factual and proves how successful this endeavor has become for all the persons involved.

I have served on the ATI Advisory Board since 1994 and was appointed by Board of Supervisors' resolution in 1999 as Chairperson. I am extremely proud of the individuals who make up the Advisory Board. Each member is committed to contribute to the success of the program—and each member does so.

The following is evidence of the fact that alternatives to

incarceration are successful (the facts listed are contained in the 2002 Annual Report):

**PRETRIAL RELEASE PROGRAM:** a non-monetary opportunity for offenders to be released from jail and for those offenders who do not have access to cash bail. Of the 94 cases successfully closed during 2002, total jail days saved were 8175 (average 86 days per case) x \$80 per day = \$654,000.00!!

**COMMUNITY SERVICE PROGRAM:** non-violent, low risk offenders performing community service work at government or charitable not-for-profit organizations. 86 participants successfully completed 6398 hours of community service work, thereby saving



1919 days in jail. At \$80 per day this results in a savings of \$153,520.00!!

**PROBATION:** Probation is the largest and longest operating ATI Program in Ontario County. The Probation Department's core services include the Family Court, Intake Unit, the Investigation Unit, the Supervision Unit and Collections. The department also provides information to the Local Release Commission who is authorized to determine which offenders are to be released from jail to the supervision of

(Continued on page 3)



### Inside this issue:

<i>Board Membership &amp; Mission Statement</i>	2
<i>Pretrial Release Success Story</i>	4
<i>Welcome New Board Members</i>	5&6
<i>Felony Drug Court</i>	6
<i>Essay to Drug Court</i>	7
<i>Probation Day Reporting</i>	8
<i>Message from ATI Coordinator</i>	8
<i>Community Service Success Story</i>	9
<i>Contact Information</i>	10



## ATI ADVISORY BOARD MEMBERS

Georgia Delaney, Chairperson  
 Donald Ninestine  
 Hon. James R. Harvey  
 Hon. Craig Doran  
 Hon. Frederick Reed  
 Hon. Stephen Aronson  
 Hon. Timothy Buckley  
 Hon. Margaret Hilton  
 Michael Tantillo  
 Ronald Lippincott  
 Philip C. Povero  
 Alice G. Haskins  
 Lt. William Hastings  
 William Swingly  
 Martin Teller  
 Stephen Sherry  
 Ginny Gumaer-Muller  
 Scarlett Emerson  
 Jane Bentsen  
 Sarah Utter  
 June Fisher  
 Kevin Case  
 Det. Daniel Ball  
 David Tillman  
 Robert Zimmerman  
 Chris Goverts

Ontario County Board of Supervisors  
 Ontario County Board of Supervisors, Chairman  
 Ontario County Judge  
 Ontario County Judge  
 Ontario County Judge  
 Canandaigua City Court Judge  
 Geneva City Court Judge  
 Hopewell Town Justice  
 Ontario County District Attorney  
 Ontario County Probation  
 Ontario County Sheriff  
 Ontario County Chief Correction Officer  
 Geneva City Police Dept.  
 Ontario County Mental Health  
 Finger Lakes Alcohol Counseling & Referral Agency  
 Ontario County Community Service Program  
 Ontario County ATI Coordinator  
 Catholic Charities of the Finger Lakes  
 League of Women Voters  
 Victims Assistance Coordinator  
 Substance Abuse Services  
 Ontario County PTR Officer  
 Cdga. City Police Dept.  
 Ontario County Undersheriff  
 Public Defender Representative  
 Community Representative



## MISSION STATEMENT ALTERNATIVES TO INCARCERATION

**T**he Ontario County Alternatives to Incarceration Advisory Board, an advisory board for the County Board of Supervisors, has a mission to explore, develop and evaluate alternatives to incarceration that will promote and maintain public safety and confidence, support appropriate sanctioning of offenders, provide victim empathy, reduce our reliance on incarceration and increase services to offenders, while being efficient with the use of financial resources. To that end, the ATI Board seeks to foster cooperation and coordination of activities and programs with agencies and individuals involved with the criminal justice system as well as the larger community in Ontario County.

Message from ATI Chairman (continued)

*(Continued from page 1)*

Probation prior to the completion of their sentence. Special services are also provided by the Probation Department including, Adult Intensive Supervision Program, Felony Division Program, Day Reporting Program, Specialized STOP DWI Caseload, Sex Offender Treatment Program, First Offender Program, Youth in Crisis Program, juvenile Intensive Supervision Program, Respite Shelter, Electronic Monitoring via Global Positioning and Drug Testing. 7068 jail days saved x \$80 per day = \$565,440.00!!

FINGER LAKES DRUG COURT: (misdemeanors) This Court started in August of 2000 and is open to ALL misdemeanor Courts in Ontario County. 9305 jail days saved x \$80 per day = \$744,400.00!!

ONTARIO COUNTY FELONY DRUG COURT: This Court started in June of 2002. The total jail savings and prison cost avoidance, should all current participants successfully complete the program, ranges from \$1,160,559 (assuming they all serve minimum sentence before release) AND \$2,747,901 (assuming they all serve maximum sentence before release)

Other programs being pursued include:

The S.T.A.R (Students in Transition and Recovery)

Program. This program started in Ontario County in April of 2001 and operates under the Department of Social Services. It is an educational program that uses strict military style discipline to enforce rules. The students must attend their regular schools and must follow the STAR Code of Conduct at all times. All School Districts, except one, are participating in the Program. One success story concerns the fact that students participating in the STAR Program, who had been failing in school, became honor students following their involvement in the STAR Program!

Principles of Restorative Justice. This Program is victim centered, not just offender centered. The Restorative Justice Center in Albany is currently assisting the Committee to develop an action plan that will serve as a guide for the Committee in its efforts to keep victims of crime as a primary focus and to allow them the opportunity for healing and being made whole following their victimization. Also, when restorative justice practices are used in the justice system, the offenders gain a secondary benefit from the experience.

The Juvenile Crime Enforcement Coalition. The members of this Coalition include school personnel, community members, juvenile law enforcement officers, Probation, Mental Health, Social Services, Substance

Abuse Services, the Youth Court, STAR Program and ATI. Grant money is received for this Coalition and, currently, it is in its second year of a three-year project. The goal of the Coalition is to develop a system of early identification and intervention for at risk youth, ages 7-15.

Of course, the Ontario County Jail plays a very important role in alternatives to incarceration. The Sheriff, and his staff, guarantees that the inmates will be transported to the necessary jail programs recommended by the Probation Department, such as Drug Court, Victim Impact Panel, etc.

The Jail provides programming and treatment that allows the inmates to be successful in the community. Components include education, substance abuse treatment, parenting, job search, mental health treatment and support programs. Through a partnership with BOCES, inmates are able to complete a resume, participate in a job skill analysis, obtain job leads and receive transition support.

The success of these programs can be seen through numbers as over 100 inmates were released from jail during 2002 with the opportunity for employment. 43 inmates were placed in new positions an increase of six over the previous year. Additional inmates were assisted in returning to former employment or achieved agency placement.

*(Continued on page 4)*

## Message from ATI Chairperson (continued)

*(Continued from page 3)*

The substance abuse program was provided through a contract with FLACRA. Due to funding cuts in 2002, the resources available were not sufficient to meet the needs of the inmate population. 459 clients were served which was about half of the number of eligible clients.

Several new programs were added in 2002 – Literacy Volunteers provided a reading group for female inmates – Catholic Charities restored a transition program which helps inmates find housing and, if necessary, link with Social Services upon release – and there are more – all of

which certainly help in preventing recidivism.

It is important to state, once again, that the Alternatives to Incarceration Program apply only to LOW-RISK, NON-VIOLENT OFFENDERS. There will always be a need for a jail for the more serious offenders. The safety of the people must be maintained.

The new Ontario County Jail is expected to be completed and opened in October of 2003. The new jail's maximum population will be 276, which has been approved by the New York State Correction Department.

With the continued success of alternatives to incarceration, hopefully, the County will not

have to consider additions to the new jail – at least not in the near future. The money that has been saved by ATI programs, and will be saved in the future, is vitally important to the taxpayers.

Significantly important is the opportunity to assist individuals who, due to no fault of their own, never had the advantage of everyday living, who have been unable to manage their own life and those of their family. There are many such persons in Ontario County. Many of the ATI programs offer help, and guidance, to these people thus enabling them to become productive, valuable members of our society.

## A Pretrial Release Success Story

*By Kevin Case*

**T**rying to pick one former client who would be representative of all the “Success Stories” for Pretrial Release was difficult. There have been many people on pretrial release who could be and should be considered “success stories” in that they did not violate any conditions of their release and their case was closed successfully upon final disposition of their criminal case in court.

There are many former pretrial release clients who used their release as an opportunity to make positive changes in their lives and understood this

was an opportunity to show their 2 children in Geneva, NY for themselves and the court that they about 5 years, his parents lived in the were capable of making positive area and for 5 years, he'd been changes and wanted to avoid any employed full time with a business in future incarceration. Here are just Geneva.

two examples of these success stories:

“Jim” (not is real name) was arrested on January 16, 2003 and charged with felony Driving While Intoxicated and Leaving Scene Property Damage Accident. Upon his arrest, he was incarcerated in the Ontario County Jail in lieu of bail.

After interviewing him at the jail and verifying information, Jim was determined to meet the eligibility criteria for possible release. This determination based upon the following information: He had resided with his girlfriend and

At the time of his arrest, Jim was on probation for a misdemeanor Driving While Intoxicated conviction. His probation officer did not object to release on pretrial release because prior to this incident, Jim was doing extremely well and was very close to being successfully discharged from probation. However, due to the arrest a violation of probation was now to be filed.

On January 21, 2003, Jim was granted pretrial release and eventually he was admitted to the Felony Drug Court Program on March 28, 2003.

*(Continued on page 5)*

*Pretrial Release Continued from page 3*

The entire time Jim was on pretrial release (59 days), he complied with all the requirements of his release. While on pretrial release, he maintained employment, continued with probation, obtained substance abuse services, reported in exactly as required and appeared at every scheduled court date. His release had also given him the opportunity to continue to support his family while his case was processing through the court system.

On May 11, 2001, "Heather" (not her real name) was arrested and charged with Menacing 3<sup>rd</sup> and Criminal Mischief 3<sup>rd</sup>. Upon her arrest she was committed to the Ontario

County Jail in lieu of \$500 cash bail or \$1000.00 bond.

She was interviewed at the jail and later determined to be an appropriate candidate for possible release on pretrial release. She was residing with her partner in Manchester and the partner's child. She was employed full time at a manufacturing business in Canandaigua and she also had no prior criminal convictions.

Heather was subsequently released to Pretrial Release on May 16, 2001. In addition to obeying the standard release conditions, specific conditions were attached to Heather's release. She had to obtain a substance abuse evaluation and follow through with treatment if treatment was recommended. She also had to maintain regular telephone contact

with me.

On August 8, 2001, she was sentenced to 3 years probation. While on pretrial release, (84 days), she complied fully with all the conditions of her release. Unfortunately, she lost her employment at the manufacturing business in Canandaigua but she eventually located part time employment. She made all her court appearances and she reported in as required. She also complied with obtaining a substance abuse evaluation. Outpatient treatment was recommended for her and she began treatment prior to her sentencing.

I believe, due to limited financial resources, if pretrial release was not granted, it was unlikely that bail would have been posted for Heather.

## Welcome New Board Members

David Tillman is a 24 year member of the Ontario County Sheriff's Office, having begun his career working in the jail. One year later he began working the road patrol and three years later he was promoted to Sergeant. In 1998, David was promoted to Lieutenant and in February 2003, he was appointed Undersheriff. David is also an adjunct instructor at Finger Lakes Community College, where he teaches the Drinking Driver Program. David and his wife have three children and live on a small family farm in Phelps.



Justice Margaret Hilton is currently serving her 12th year as Town Justice for the Town of Hopewell. She is a past President and active member of the Ontario-Yates County Magistrates Association. She is also a volunteer for the Ontario County Youth Court. She and her husband, Richard, operate a dairy farm, along with their children, Lisa and Ryan.



## FELONY DRUG TREATMENT COURT

By Betsey Lee, Drug Court Coord.

The purpose of having a Drug Court is to work with folks that have committed non-violent, drug driven crimes and assist them in becoming clean and sober, productive, law-abiding citizens. This is good for our community and good for society, but what effect does this "rehabilitation" process have on individual lives? How about the lives of two 16-year-old participants... these are very young people who are seen by the eyes of the law as adults but, few would disagree, are still just teenagers. These two teens indeed each committed a felony in order to be eligible for the Ontario County Felony Drug Treatment Court. The families of both teens were upset, angry, and confused. Their sons were in trouble and out of control, using drugs and committing crimes to continue to use drugs. What has becoming a drug court participant done for these two teens? One, admittedly, struggled in the first months of treatment. He did not go back to using, but felt the using was better than dealing with his personal, family and mental health issues. Yet he hung on. Drug Court stuck beside him and worked to get him placed in a facility that would address his needs. Finally he was placed in an excellent facility in Rochester and being clean and sober started to feel good to him. He has goals for his future; he wants to

pursue more education. His family no longer worries each night that their son would rather OD than live life without drugs. His mother no longer calls the Coordinator in tears terrified her son will give up on life. The other teen also struggled with treatment in the first months of being in drug court. The treatment facility he was placed in recognized his ambivalence and kept working with him to show him his potential as a clean and sober person. Upon return from his inpatient treatment this young man re-enrolled in high school in an alternative setting. He came to court reporting that for the first time he loves school, and he even got a 100 on a recent global history test. This is a teen who once wrote,

"An emptiness behind all bars  
Inside a cell their lives torn scars

Surplus of extra time to think  
Not knowing why you're scared to blink

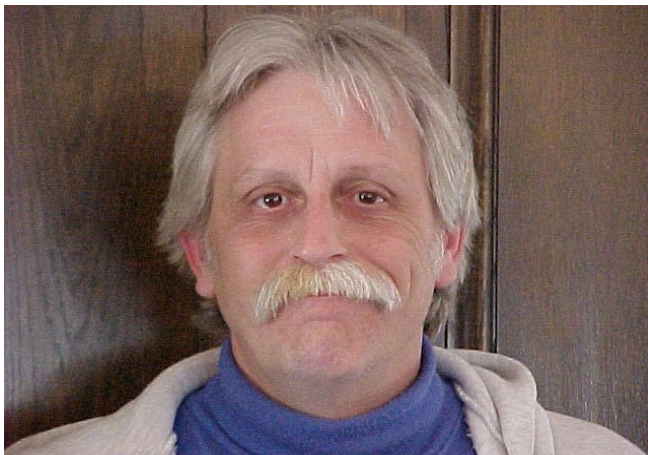
You cry at night those salty tears  
Of foolish things that put you here

And now you wonder what went wrong  
Just where has all your freedom gone..."

Now he too talks of further education and plans for his future.

What has drug court done for a 35-year-old father of two who has a felony DWI? He has been drinking heavily for the past 10 years and had both inpatient and outpatient treatment. He told the Drug Court Coordinator that the structure of drug court and the support of the drug court team have helped him embrace recovery this time around. He reports that when you feel that someone really cares what happens to you, you feel better about yourself and are more motivated to try. He is now very active in AA groups and his church, and he is becoming much closer to his children.

Drug court saves individual lives, not just in physiological terms but also in sociological terms. Teens who could not see a future, whose families could not communicate with them, are planning and looking forward to a tomorrow that involves positive behaviors and renewed connections with family members. A father who centered his life around drugs and alcohol, now spends his time helping others in recovery, renewing his faith in God, and becoming the father his children can look up to. Three participants, many lives positively affected. That is what drug court does to individual lives...



### Welcome New Member

Chris Goverts has lived in the Town of Canandaigua for the last 20 years and was a resident at 74 Ontario St. in 1999. Since then he has returned to the jail as a volunteer in two rehabilitation programs. He is currently employed in the maintenance departments of the Wood Library and the Messenger Post. Chris is a volunteer at Sonnenberg Gardens and Literacy Volunteers of Ontario County.

## ESSAY TO THE FINGER LAKES DRUG COURT

By S.H.

*(This letter was written in preparation for moving from Phase 1 to Phase 2 in the Drug Court program. It is edited for space purposes)*

“This essay is about what I have accomplished in Phase I [of Drug Court]. First and foremost, I have been clean for 5 months from cocaine. At first, coming back into the program, I had a major reservation and that was ‘why even try again? I’ve been through this before and the results will be the same’. I get clean for a while and then I just want to get high again – it’s been my pattern for 19 years – what’s going to be different this time? Well, what’s different is I want to live and not die. My whole life, that is all I wanted. Right now, I want life more than anything else in this world. What I feel this time is total surrender. I’ve used drugs not because I liked them or what they did for me, but I used them [because I wanted] to die. I have tried 7 times and have not been successful. They were cries for help, even though at the time I thought I would be successful. What I’ve also learned is that I am not afraid of

dying – I’m afraid of living. That’s the hard part... life on life’s terms.

I’ve also learned that I have major codependent issues. I’ve always counted on others to make me feel good. When I help others and make sure their needs are met, that makes me happy... but somehow still knowing all along I wasn’t making myself happy...never doing for [my name]...good question, who am I? Well, I am learning to find out a little at a time. I’ve always run from myself, never wanting to sit in my own skin and being scared to death to be me. Well little by little I am trying to change all that.

My stepfather, who also told me that I wasn’t ‘anybody’, left me to die at the age of 7. Well I have news for him and everybody else - that I am somebody today - a beautiful, loving and strong woman. I am not a victim anymore; I am not a follower, I am a leader.

The biggest and hardest struggle for me now is forgiving myself – the fact that I stole and ended up with legal problems and most of all hurt my loved ones. I know that at the times I

did those things, I was under the influence of my drug. You know, I’m not a bad person; I’ve just made some bad choices in life. I know I am not responsible for my disease, but I am responsible for my recovery. That means taking responsibility for all my actions and that means being accountable and that means a lot of work [ahead of me]. I also can’t blame others for what has happened. I have to look at what part I played at the time and work, on a daily basis, to improve my life. I’ve now just started to break the ice and I have a long way to go. I am 38 years old and have been using for 19 years. There’s a lot of pain inside. You know, they say ‘it’s progress, not perfection’ and as long as I don’t use [drugs], anything is possible. As long as I remain honest, open-minded and willing, I am reachable and that is a beautiful thing today.

Phase two will just be a continuing process of phase one in making a life for me. You know, I never could have done this without my best friend, my hero, the one I admire more than anything else in this world and that is you, Mom. I love you.”

“Courage does not always roar. Sometimes it is the quiet voice at the end of the day saying, ‘I will try again tomorrow’ ”. - anonymous



## PROBATION DEPARTMENT DAY REPORTING PROGRAM

*By Rick Geno, Sr. Probation Ofc.*

In 1999, a subcommittee on Alternatives to Incarceration made of department heads from Probation, Mental Health and FLACRA developed components of the Day Reporting Program. The program was designed to meet the needs of difficult clients and repeat offenders. Components included intensive supervision, monitoring by a global positioning system, frequent toxicology screens employment enhancement, mental health screening on a case by case basis, and community service. In addition a cognitive therapy based program called "Commitment to Change" was deemed an integral part of the program.

Intensive supervision by an officer with a limited caseload allows for more frequent face-to-face visits, home visits and an increased opportunity for collateral contacts. More frequent screening for alcohol and drug

use decreases the opportunity to elude detection. Global position restricts movement and helps the client with scheduling. The therapy group is co-facilitated by a substance abuse counselor and the probation officer assigned to the program. This provides a better opportunity to follow up on issues that are addressed in group. The "Commitment to Change" program features nine videotapes and a week-by-week lesson plan with recommended assignments. Over twenty weeks the client's attention is focused on motivation to change with practical advice on how to accomplish change. Clients do work regarding the harmful effects their behaviors have on victims, family/friends and the community. They reflect on the development of attitudes, values and beliefs and examine how actions are strongly influenced by their thoughts. They are shown "thinking errors" in others by viewing video tapes of inmates and do exercises that help them recognize their own thinking errors. They are also shown examples of behaviors that

block one's ability to change and are required to provide examples of similar behaviors that they have used. All clients are required to participate in group discussion and oral presentation of homework assignments. Discussions focus on accepting responsibility and behaving in a responsible or less self-centered way.

Despite serving a group of clients who are at high risk, the probation department is recording better than expected results. Violations remain low and clients that return to regular supervision programs are often more compliant. Other treatment agencies have reported improvement in the client's ability to benefit from counseling once that have participated in this program. The probation department continues to monitor the long-range benefit of this program, but it appears to be an effective alternative in incarceration for both repeat offenders and those that have technical violations of probation.

## MESSAGE FROM THE ATI COORDINATOR

*By Ginny Gumaer-Muller*

Spring is here – the time of the year for "renewal". Flowers are starting to bloom again; the grass is turning green, the birds have returned so we now waken to their singing rather than the sound of snowplows out on the streets. It's one of my favorite times of year. Spring reminds me, every year, of hope. Do you notice how many people start to just feel better, emotionally and physically, when spring arrives? It's hope...it's like getting the chance to start over again, after a particularly long and difficult winter.

*(Continued on page 9)*

*(ATI Message Continued from page 8)*

Many people struggle, for various reasons, but amidst the struggles of life most of us hang on to some sort of hope; hope that whatever we are dealing with gets better. People who find themselves in the midst of the criminal justice system are struggling too - some of them in ways that many people can't understand. Those of us who work in the criminal justice system are in a unique position to be a positive influence in the lives of people who need some sort of intervention or help and those who have lost hope. We should always strive for public safety, but beyond that we need to work so that, as often as is possible, people leave our criminal justice system in better shape than when they entered it. There are different measures of success for different offenders and different programs.

This newsletter is dedicated to highlighting the successes of some of the participants in various ATI programs across Ontario County, as well as the programs themselves. Kudos to all the excellent, dedicated employees working in ATI programs in our county to help people improve the quality of their lives and kudos to those offenders who have the courage to face their issues, whatever they may be, and work through them to become productive, healthy members of society. These are the people who have clung on to their hopes and worked to achieve them, sometimes against overwhelming odds. They, in turn, can give hope to others.

## A COMMUNITY SERVICE SUCCESS STORY

*By Kelly O'Donnell*

In Geneva City Court on 1/22/01, "Joseph" (not his real name) was sentenced to perform 125 hours of Community Service in satisfaction of a Disorderly Conduct (reduced from a Criminal Possession of a Forged Instrument – Fake ID) conviction.

Since Joseph was a Hobart student, he was assigned to the Boy's & Girl's Club Teen Center where he could assist Teen Center Director Laurie Fuchs with the Homework Program and also provide general

supervision for the youths.

Joseph completed his sentence for the Court in May of 2001, however, he continues to donate his time to the Teen Center. Ms. Fuchs was injured over the summer of 2001 and was unable to work for several months. Joseph's continuing to volunteer helped to keep things running smoothly until her return in November. According to Ms. Fuchs, Joseph has a genuine rapport with the teens and they would definitely miss him if he were to leave the Center prior to his graduation from Hobart. Joseph has also solicited donations of pens, pencils, and paper from the

Hobart student store the past two years. According to Ms. Fuchs, the Teen Center "doesn't know what it would do without Joseph's help." Although Joseph is a paid employee on an "as needed" basis, he is a regular at the Center whether he is called in or not.

Joseph "learned his lesson". He now helps others learn their lessons, too.



"I have an allergy.....every time I use, I break out in handcuffs" - M. L.-Drug Court



ALTERNATIVES TO INCARCERATION

**Contacts**

**Ontario County ATI  
3010 County Complex Dr.  
Canandaigua, NY 14424  
Ph: (585) 393-3061  
Fax: (585) 393-2904**

**Ginny Gumaer-Muller, Coordinator  
E-Mail: virginia.gumaer@co.ontario.ny.us**

**Kevin Case, Pretrial Release  
E-Mail: kevin.case@co.ontario.ny.us**

**Steve Sherry, Community Service  
E-Mail: stephen.sherry@co.ontario.ny.us**

**Kelly O'Donnell, Community Service  
E-Mail: kelly.odonnell@co.ontario.ny.us**



Courtesy of J.G. Murray "Scotty" Ross

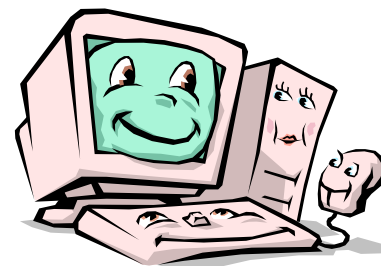
**Find us on the Web:**

**co.ontario.ny.us**

**-click "Departments"**

**Under Public Safety**

**-click "Alt. To Incarceration"**



**ATI VISION STATEMENT**

The vision of the Alternatives To Incarceration Advisory Board includes a future in which:

- ◆ The focus of our work is one of systemic change
- ◆ We are experienced in discerning which programs work effectively and are appropriate for different populations
- ◆ A range of comprehensive, integrated programs are enhancing core services
- ◆ Judges value the impact of alternatives as a public safety measure
- ◆ Our role as a policy board is clearly one of analysis and research
- ◆ We have a shared vision with the community: All people have dignity and worth. We are committed to rehabilitation, being aware that incarceration is necessary for some individuals.