



Probation officers are long arms of the law

By Rebecca Baker • rebaker@loud.com • September 6, 2009

Paula Andrews had seen his type before. "Knuckleheads," she calls them. She's dealt with plenty of them as a Westchester County probation officer.

So she wasn't about to let Samuel Perry, a 59-year-old New Rochelle man on probation for drug possession, make excuses for losing his driver's license.

"Your driving without a license is breaking the law," she said. "Why didn't you pay the fine?"

"I don't know," he said. "The judge gave me time. I just forgot."

"That's not acceptable."

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The encounter with Perry is just one of thousands of cases that county probation officers handle in the Lower Hudson Valley.

Probation is one of the busiest - and most misunderstood - parts of the criminal justice system. It is not the same as parole, which is supervision for inmates released early from state prison.

However, almost as many people are on probation as are incarcerated - 47 percent of statewide convictions get probation for crimes such as drug possession, theft and drunken driving.

Bennett Gershman, a professor at Pace University Law School, said some people see probation as a slap on the wrist for criminals, a free pass for what may be a serious offense.

"The public seems to see it as a person conning the system and getting an undeserved break," he said. "In some cases, it's true."

But others who work in criminal courts say probation is a tough sentence that lasts years longer than a jail or prison stint, with mandates that some defendants would rather not follow.

"As both a prosecutor and defense attorney, I've had people say, 'I'd rather go to jail,' " said Mayo Bartlett, who has a private practice in White Plains. "It's not easy. It requires commitment."

A judge hands down a probation sentence as an alternative to prison or jail, most often for nonviolent crimes. Some receive what's called "shock probation," serving several months in jail and several years on probation.

People get probation when judges deem they do not pose a serious risk of reoffending. Some of the most serious offenders have committed sex crimes, and they are monitored by specially trained probation officers who enforce some 30 special restrictions on their behavior.

Probation officers are considered peace officers; they can carry weapons and make arrests. Just last week, two probation officers in White Plains staked out and arrested a hit-and-run driver who violated his probation by getting behind the wheel.

Not only does probation track offenders longer than if they went to prison, it saves taxpayers money. A prisoner costs \$35,000 to \$40,000 a year; monitoring a probationer costs \$4,000 to \$5,000 a year, according to state statistics.

"It's probably the best tool we have to prevent recidivism," Bartlett said. "For people who are serious about not reoffending, it's a great opportunity. It's the best bang for our dollar."

Half of cases are DWI

Andrews, a 60-year-old Spring Valley resident, is one of 3,100 probation officers in New York state keeping track of 125,000 adults on probation, half of them felons.

She spends her week juggling office visits, paperwork and phone calls to treatment centers, social programs and other agencies that help her probationers. She also makes surprise home visits, especially with the 18- to 25-year-olds.

"One young man said, 'Oh, Ms. Andrews, I didn't know you make home visits!' I told him, 'You never know when I'm watching you.' "

Andrews saw her caseload increase from 60 to 92 after another probation officer left the department last month. She said she prioritizes high-risk offenders and puts one day a week aside for paperwork, but she might have probationers visiting her office three days a week, rather than two. Gershman said high caseloads can mean less monitoring overall, allowing probationers to slip back into bad habits.

"If you know your probation officer is not following up on the conditions of your probation, you may feel you can circumvent those conditions," he said. "A probationer seeking opportunities of abuse will take advantage of them."

Drunken driving and drug-related offenses are the most common probation convictions - 26,000 cases in each category statewide

In Putnam County, about half of the 600 probation cases are for drunken driving, said probation director Gene Funicelli.

The key to drunken driving probation, Funicelli said, is to make sure the probationers stay away from alcohol. They can't go to bars or have alcohol in their homes, because that violates the conditions of their probation.

To make sure they're following the rules, Putnam's probation officers don't hesitate to pay a visit or call their friends and family, Funicelli said.

"We don't go on the honor system," he said, "We go to their work. We go to their house. We do a lot of field work."

In Westchester, Andrews makes sure her probationers attend court-ordered drug- or alcohol-treatment programs, get jobs, enroll in parenting classes and any other services that can help them.

The most frustrating part of her job, she said, is not being able to find work for her "clients." Few businesses are eager to hire convicts, especially felons. But she tries to get them into counseling or volunteer work - anything to keep them busy and out of trouble.

"I don't want them to have idle hands or idle time," she said.

Officers who care

Probation officers typically track people for three years for misdemeanor cases, five years for felony cases and up to 10 years for sex crimes - far longer than convicts would be supervised if they went to prison.

Some offenders see their probation officers nine times a month, including office visits, home visits, and visits to where they work or receive treatment. They also have to undergo drug testing and show pay stubs or proof that they are trying to get work. As their probation continues, they see their probation officer less often.

Andrews meets every two weeks with Charles Sontag, a 54-year-old White Plains man serving a year on probation for drug possession. "Mr. Sontag, how are you?" she asked during a recent visit.

"A lot better than I was."

He then went into detail about his recent medical problems and the stress over selling his mother's house. Both situations are improving, he told Andrews, much like he would a friend.

"She listens," he said. "She seems like she's truly concerned."

For Andrews, being a probation officer is a chance to help people.

Many of her probationers are high school dropouts, so she helps enroll them in classes to get equivalency diplomas. Some have young children, so she gets them into parenting classes.

"I tell them, 'I'm no different than you. I've had different life experiences.' I try to make them think about their actions."

However well-behaved someone appears to be, no probation officer can force someone to follow the law if he or she is determined to break it.

"We don't have a crystal ball," said Kathleen Tower-Bernstein, Rockland County's deputy director of probation. "We can't be with people 24-7, as much as we would like to be."

'Tentacles' of justice

Probation does far more than keep tabs on convicts. It is the investigatory arm of the court system.

Probation officers interview criminals soon after they are convicted, either by a jury or by pleading guilty. Their pre-sentencing reports can influence judges' decisions on how much time an offender will serve behind bars.

Probation also plays a key role in Family Court, with officers interviewing parents seeking custody, and would-be parents wanting to adopt children.

Probation officers not only supervise juvenile delinquents but also truants and runaways who are acting out at home but have yet to get in trouble with the law.

They also collect restitution payments to victims, some \$14 million annually statewide.

"It's such a sprawling institution," Gershman said. "It has its tentacles everywhere. You talk about the criminal-justice system, you're talking about probation."

The cost of probation programs is paid largely by county government. While the state can reimburse counties up to 50 percent for probation, state funds cover only 15 percent of Westchester's probation budget.

The investment, county officials say, pays off. Of those sentenced to probation in Westchester County in 2005, three out of four stayed out of trouble through the end of 2007. In Rockland and Putnam counties, the figure was four out of five.

While her probationers are ambivalent or resistant to her at first, Andrews said, they eventually recognize that she wants to help them get through probation and have a better life.

"That's the best," she said, smiling. "When they don't come back."