

Robert P. Astorino  
County Executive

Department of Probation

Rocco A. Pozzi  
Commissioner

**15630**

DATE: November 29, 2010

TO: The Honorable Board of Acquisition and Contract

FROM: Rocco A. Pozzi  
Commissioner, Department of Probation

RE: **AUTHORITY TO ENTER INTO AN AGREEMENT WITH THE MENTAL HEALTH ASSOCIATION OF WESTCHESTER COUNTY, INC. ("MHA") TO PROVIDE AND CONDUCT SEX OFFENDER TREATMENT AT THE OFFICES OF THE DEPARTMENT OF PROBATION FOR THE PERIOD JANUARY 1, 2011 THROUGH DECEMBER 31, 2011, IN AN AMOUNT NOT-TO-EXCEED \$154,500.00, TO BE PAID IN ACCORDANCE WITH AN APPROVED BUDGET**

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Authority is requested for the County of Westchester, acting by and through its Department of Probation, to enter into an agreement with the Mental Health Association of Westchester County, Inc., having an office and place of business at 2269 Saw Mill River Road, Building 1A, Elmsford, New York 10523 ("MHA"), for the provision of a Sex Offender Treatment Program for the period January 1, 2011 through December 31, 2011, in an amount not to exceed \$154,500.00 (the "Agreement") to be paid in accordance with an approved budget.

MHA, founded in 1946, is a voluntary, not-for-profit organization dedicated to promoting mental health through advocacy, community education and direct services. MHA's treatment modality has been proven to be highly effective in the remediation of the sex offender population. The program begins with an evaluation of each sex offender probationer to determine if they are appropriate for weekly group treatment sessions. Group treatment sessions meet approximately 46 weeks out of the 52-week calendar year due to holidays, weather complications, etc. and are 75 minutes each with a 15 minute follow up discussion between the co-facilitators, i.e. the clinician and probation officers. Participation in group sessions are a required condition of probation for the full duration of the term of probation unless otherwise indicated. At least two groups are conducted entirely in Spanish to

Administrative Office

accommodate referrals. A specialized group for seriously mentally ill offenders is run by a clinician skilled in this area. Each group has a maximum of 9 participants. Group topics include, but are not limited to: levels and types of denial, triggers and cues of inappropriate behavior, identification of risky situations, acquiring new social skills, anger management, victim empathy, assumption of responsibility and countering cognitive distortions. Offenders may be required to keep journals of sexual behavior and other assignments. Co-facilitators read all material written by offenders and will at times share the information in the groups.

It is recognized by those conducting best practices in the field of sex offender treatment that polygraph examinations are an integral component of treatment. MHA staff will prepare and refer offenders for polygraph testing as arranged for by the Probation Department, although MHA is not responsible for polygraph services.

MHA reserves the right to terminate participation in groups for an individual who is not utilizing sessions appropriately and thus increasing the probability of re-lapse or re-offense. The Department of Probation will be notified of any dismissal within 24 hours followed by a standard discharge form indicating the reason for discharge. Both MHA and the Department of Probation must reach agreement to return an individual to MHA treatment.

MHA provides weekly progress notes, submitted on a monthly basis, on each probationer to the Department of Probation. For each new probationer, a twelve-week evaluation will be included in the third month's progress report. Group leaders will meet with the clinical program director on an individual or group basis for clinical supervision of cases. Clinician co-facilitators will have a minimum of monthly communication with the supervision probation officers to provide feedback on individual probationers. Probation officers responsible for offenders in the program will be invited to attend the Sex Offender Communication Rounds weekly for feedback. Communication Rounds take place on site and are scheduled weekly for a minimum of 30 minutes with program staff present. Furthermore, monthly conferences for MHA clinicians and/or probation staff will be scheduled for the duration of two hours in order to provide feedback on probationers' progress and problems and/or to discuss current research findings regarding sex offender management and related issues.

As of November 23<sup>rd</sup>, 2010, the Adult Sex Offender Treatment Program admitted 40 adult males and discharged 44 males. Two of these probationers were admitted and discharged twice in 2009. At any given time, approximately 75-85 men attend group treatment. Of the probationers who were discharged, the length of time that each individual spent in treatment varied greatly from 4 months to 5.5 years. Of the 44 men discharged in 2010, 11 were due to the expiration of their sentence, this is considered a "successful discharge". The number of discharges due to denial (regarding instant offense) was reduced by 75%, only one male was discharged for this reason. The remaining discharges in 2010 were for one or more of these reasons: lack of progress in treatment, excessive number of absences, deportation, transferred out of County, medical condition and/or incarceration.

This Agreement serves a public purpose as it will promote the health, safety and welfare of the residents of Westchester County by providing effective cognitive restructuring and behavior modification treatment to sexual offenders, which often prevents them from further victimizing

in the future. The effect of the probationer's offensive acts has a wide social, emotional and financial impact on victims, their families and the larger community. A victim of this type of offense often suffers from great emotional and/or physical distress from the trauma, leading some victims to be unable to support themselves financially. Additionally, the younger generations who are exposed to the harmful behavior, even indirectly, have their potential future relationships and coping abilities severely compromised. It is in the interest of public safety and economic benefit to save lives and costs by preventing further anti-social and/or violent behavior.

If this resolution were not approved then sexual offenders would likely serve probation or incarceration sentences without strong enough incentives and reinforcements to change their behavior, and they would likely continue offending to varying degrees causing harm and destruction, draining further financial and human resources throughout their lives. Through the services of this agreement some probationers will be transformed from potentially lifelong offenders into law abiding, productive, non-threatening citizens, whose deviance can be managed.

This Agreement is exempt from the Westchester County Procurement Policy pursuant to Section 3(a) viii and Section 3(a)(ix) there of.

Accordingly, approval of the attached resolution is most respectfully requested.

RAP/LR  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 11/22/2010 - JOMARY VEIRA, CLERK

## RESOLUTION

Upon a communication from the Commissioner, Department of Probation, be it hereby

**RESOLVED**, that the County of Westchester, acting by and through its Department of Probation, is authorized to enter into an agreement with the Mental Health Association of Westchester County, Inc. having an office and place of business at 2269 Saw Mill River Road, Building 1A, Elmsford, NY 10523 ("MHA") to provide a Sex Offender Treatment Program for the period January 1, 2011 through December 31, 2011 (the "Agreement"), as summarized in the attachment "Schedule A;" and be it further

**RESOLVED**, that in consideration for the services to be rendered, the County shall pay the MHA an amount not to exceed \$154,500.00 payable pursuant to an approved budget; and be it further

**RESOLVED**, that this Agreement is subject to County appropriations; and be it further

**RESOLVED**, that this Agreement is subject to County appropriations. This Agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period after such release(s) or adoptions(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right either to terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

**RESOLVED**, that the County Executive or his authorized designee is authorized and empowered to execute and deliver all instruments and take all action necessary and appropriate to effectuate the purpose hereof.

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars
101	39	1000	4380		\$154,500.00

Budget Funding Year(s) 2011 Start Date: January 1, 2011 End Date: December 31, 2011  
 (must match resolution)

Funding Source

\$154,500.00  
 (must match resolution)

Tax Dollars \$154,500.00  
 State Aid \_\_\_\_\_  
 Federal Aid \_\_\_\_\_  
 Other \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/22/2010 - JOMARY VIEIRA, SECRETARY

## SCHEDULE "A"

### THE MENTAL HEALTH ASSOCIATION OF WESTCHESTER COUNTY, INC. PROPOSAL FOR AN ADULT SEXUAL OFFENDERS TREATMENT PROGRAM; GROUP COMPONENT

#### Agency capability:

The **Mental Health Association of Westchester County, Inc.** (MHA) is a not-for-profit organization, founded in 1946, to promote mental health in Westchester County through **advocacy, community education and direct services**. MHA is the premiere advocate for mental health in the Westchester community and serves as a front-line resource for children, adults and families experiencing mental health issues. MHA's mission is to provide quality services to those in greatest need and who are least likely to receive help elsewhere. **MHA never turns anyone away due to an inability to pay.**

MHA's 60 years of partnership with the residents of Westchester has resulted in the evolution of a wide array of quality services that meet the changing needs of our diverse community. The mental health and well being of children and their families, seniors and adults with mental illnesses are priorities in our service provision. Dedicated staff and volunteers bring vital services to more than 11,000 members of our community every year.

MHA of Westchester operates licensed clinics which provide mental health treatment and support to hundreds of individuals and families. Professional staff provides support to people in crisis, children and adults affected by domestic violence and abuse, those with serious mental illnesses, as well as those coping with everyday stress. MHA's Northern Westchester Counseling Center specializes in providing these services to children and their families. All of our services are bilingual and accessible, both physically and financially, to all who seek help. For decades MHA has been a partner with Westchester County Department of Probation to provide psycho-educational groups for those who batter their intimate partners. MHA recently was selected to provide clinical treatment services for victims identified by the newly established Sex Offense Court.

Many positive changes are occurring in the mental health arena and the recognition that mental health is everyone's business has come to the forefront. Medication improvements, greater public understanding of mental illness and an increase in people seeking timely help has given individuals greater hope as they achieve rehabilitation in all aspects of their lives. MHA supports recovery by providing employment services, supportive housing and a clubhouse program that provide the opportunity for adults with psychiatric disabilities to live with greater independence and engage in meaningful social, educational, vocational, and recreational activities.

Professionally trained volunteers exemplify MHA's commitment to advocacy as they ensure that seniors in adult and nursing homes receive good care, and families in abusive situations have the information and support they need to navigate the Family Court System. MHA

volunteers also care for the young members in our community by helping those in foster care find a permanent home and mentoring at risk children who may not have positive role models in their lives. MHA truly champions the rights of the most vulnerable whose voices often go unheard.

MHA has taken a strong leadership role and is a valuable community resource providing information, education and support related to mental health and mental illness. We are an active player in bringing about positive changes. MHA directly advocates for people in need, and is also instrumental in advocating for improving access to care and increasing the public's understanding of mental illness. MHA strives to keep lawmakers informed, and sponsors educational conferences and lectures for professionals and community members on critical issues. In addition, programs on the identification and prevention of child sexual abuse are conducted throughout the Westchester schools.

Information and Referral and the Suicide and Domestic Violence hotlines demonstrate MHA's commitment to being the resource for mental health and wellness. More than 4,000 calls are received each year. The agency website, [www.mhawestchester.org](http://www.mhawestchester.org), containing a wealth of information on mental illness, treatment and other current issues, receives more than 15,000 visits monthly. A comprehensive community calendar of trainings, events and services can also be found on the site.

**Overview:** Probationers referred to this program will be screened by the MHA program director and the supervising probation officer for assignment to a specific group. Groups will be conducted on site at the Dept. of Probation, in both English and Spanish. A special group for seriously mentally disturbed (SMI) probationers will be provided when there is an adequate referral body. Each group will consist of a Masters level (or higher) clinician and probation officer serving as co-facilitators and a psychology student or social work intern, when available and as approved by the Probation Department. The program director will approve all referrals of probationers, when indicated, for individual or family treatment; psychiatric evaluation, including medication management; and psychological testing to local clinics or approved (mutually by Probation & MHA) licensed providers as available.

Probationers will be charged a sliding scale fee based upon income and ranging from \$35 to \$100 per session. Exceptions are made for those who are residing in homeless shelters (\$5) or collecting SSDI (\$15). Probationers who are unemployed are afforded a reduced fee of \$20 for up to 3 months in order to allow them the opportunity to seek employment. Probationers' fees will also be reassessed on an annual basis. Probationers not providing financial documentation will be charged the maximum fee. Third party medical coverage will not apply. According to the projected budget, MHA will require \$150,000 in deficit funding from the Westchester County Department of Probation. If MHA is able to collect more in fees than is anticipated or the expenses are less so that there is an excess of annual funding greater than \$10,000 - the amount of dollars requested from Probation will be reduced proportionately or applied to the next year's contract at the discretion of Probation. Conversely, if the anticipated fee income is more than \$10,000 less than projected and MHA has been diligent in fee collection, Probation will increase funding to cover expenses within the approved budget, up to \$150,000. MHA will report quarterly to Probation (within 30 days). Probation will make monthly

advances to MHA of \$12,500/per month. If payment is more than 30 days late from the beginning of a quarter, Probation shall pay a 10% penalty for every 30 days or fraction thereof of the advance due.

### **Program Design:**

#### **Key Definition: Sex Offender Treatment and Sex Offender Treatment Groups**

The term *Sex Offender Treatment*, as defined here, should not be taken to mean traditional mental health treatment. It is recognized that *Sex Offender Treatment and Sex Offender Treatment Groups* represent a unique form of a cognitive-behavioral approach emphasizing relapse prevention in which the ultimate goal is to prevent future re-offense. Unlike other modalities, *Sex Offender Treatment* does not rely on the self-reporting of the offender in treatment. Additionally, *Sex Offender Treatment* involves limited confidentiality for the offender in treatment.

#### **Group Format and Structure**

- ◆ MHA will provide on-site evaluation for services to convicted sex offenders currently on probation in Westchester County. The evaluation is a review of the pre-sentencing investigation and other relevant case material.
- ◆ MHA will provide group sessions, utilizing cognitive behavioral approaches for probationers who are deemed appropriate for this group modality. The sessions will occur on site at the Probation Department's Offices and group size will not exceed nine probationers.
- ◆ Probationers accepted for groups will be required to sign an agreement stating the goals and objectives of group participation, the fee agreement and a confirmation that information will be and may be exchanged between MHA and Westchester County Department of Probation. The agreement will confirm the group leader's ability to exchange information between themselves and within their agency or department.
- ◆ Probationers will be expected to abide by the conditions of their probation, rules for the group as established by MHA and the Probation Department, as well as any requirements set by co-facilitators as a component of the program. Violations of any of these will be reported, as soon as is reasonably possible to the individual's own probation officer.
- ◆ Group sessions will be 75 minutes in duration. Co-facilitators will meet for 15 minutes following each group to discuss issues, group and individual goals, and progress.
- ◆ At least 1 group will be conducted entirely in Spanish to accommodate referrals.
- ◆ A specialized group for seriously mentally ill offenders will be conducted by a clinician skilled in this area and a co-facilitating probation officer.



- ◆ Sex Offender Treatment Groups will not be conducted as traditional mental health treatment, but will be based on the relapse prevention model with individualized goals for each probationer.
- ◆ Participation in the group sessions will be a required condition of probation for the full duration of the probationary period unless otherwise indicated. During this contractual year, MHA, in conjunction with the Department of Probation, will explore the need for advanced and/or modified sex offender treatment groups (step down groups, for example).

### **Group Process**

- ◆ The primary purpose of this group intervention with sex offenders is to stop current sex offending behavior, to prevent relapse of offending behavior and further victimization. This will be stated in the goals of all groups, and as such there will be an expectation that individual probationers will assume responsibility for their own behavior and assist others in their group's work.
- ◆ Group topics will include, but not be limited to: levels and types of denial; triggers cues of inappropriate behavior; identification of risky situations; acquiring new social skills; anger management; victim empathy; assumption of responsibility; countering cognitive distortions; relationship issues; emotional expression training; coping skills; addictions; and identifying deviant arousal.
- ◆ Offenders may be required to keep weekly journals of sexual behavior and other assignments guided by the co-facilitators. The co-facilitators will read all journals and information will be shared, at the discretion of the co-facilitators, with other members of the group and the supervision probation officer. The co-facilitators may also make notes in the individual journals.
- ◆ MHA reserves the right to terminate participation in groups for an individual who is not utilizing sessions appropriately and thus increasing the probability of relapse or re-offense. The program director, upon consultation with both co-facilitators will notify the Department of Probation of any dismissal within 24 hours, followed by a standard discharge form, briefly indicating in writing the reason for discharge, within two business days. After submitting the discharge form, a discharge report explaining in detail the reasons for termination will be submitted to the Department of Probation within five business days. Reinstatement to the group will be assessed by the MHA program director following recommendations made by the co-facilitators and supervision probation officer and their supervisor. Both MHA and the Department of Probation must reach agreement to return an individual.
- ◆ It is recognized by those conducting best practices within the field of sex offender treatment that Polygraph examinations are an integral component of sex offender treatment. MHA staff is to prepare and refer offenders for polygraph testing as arraigned for by the Probation Department. MHA is not responsible for Polygraph services. It is the

responsibility of the Probation Department to arrange for Polygraph testing services with APA (American Polygraph Association) certified Polygraph examiners.

### **Administrative and Communication Issues**

- ◆ In the absence of a clinician co-facilitator, a substitute clinician (knowledgeable in sex offender issues) selected by MHA with offender and group therapy training will be assigned. In the absence of a substitute, the Supervising Probation Officer and Probation Officers involved in the group will be notified as soon as possible to cancel the group meeting.
- ◆ MHA will provide weekly progress notes, submitted on a monthly basis, on each probationer to the Department of Probation.
- ◆ The group leaders will meet with the program director on an individual or group basis for clinical supervision of cases.
- ◆ Clinician co-facilitators will have a minimum of monthly communication with the supervision probation officers to provide feedback on individual probationers. Probation officers responsible for offenders in the program will be invited to attend the Sex Offender Communication Rounds for feedback. Communication Rounds take place on site and are scheduled on an as needed basis for a minimum of 30 minutes with all program staff present. Furthermore, monthly conferences for MHA clinicians and/or probation staff will be scheduled for duration of two hours in order to provide feedback on probationers' progress and problems and/or to discuss current research findings regarding sex offender management and related issues.
- ◆ Active probationer files will be kept at the Department of Probation. As clinical records are the responsibility of MHA, progress notes for those cases that have been terminated will be stored at MHA. All probation material for these closed cases will be returned to the Department of Probation.

### **Performance Measures**

- Groups will take place 46 weeks out of the 52-week year due to holidays, weather issues, and unforeseen reasons (e.g. therapist is ill and no available sub).
- The recidivism rate will not exceed 2% for new sex offenses.
- The recidivism rate will not exceed 6% for new crimes (other than sex crimes).
- Annual report detailing admissions and discharges, including a breakout of reason for discharge.