

31803

DATE: January 17, 2013

TO: Honorable Members
Board of Acquisition and Contract

FROM: Rocco A. Pozzi
Commissioner of Probation

RE: **RESOLUTION AUTHORIZING THE COUNTY OF WESTCHESTER TO ENTER INTO AN AGREEMENT WITH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES IN AN AMOUNT NOT TO EXCEED \$150,216 TO OPERATE AS THE WESTCHESTER COUNTY MONITORING AGENCY FOR LEANDRA'S LAW FROM OCTOBER 1, 2012 TO SEPTEMBER 30, 2013, PURSUANT TO AN APPROVED BUDGET**

Authority is sought for the County of Westchester to enter into an agreement with the New York State Division of Criminal Justice Services in an amount not to exceed \$150,216 for the Department of Probation to act as monitoring agency for Leandra's Law from October 1, 2012 to September 30, 2013, pursuant to an approved budget.

The objective of this program is to enhance public safety by engaging in Breath Alcohol Ignition Interlock Device (BAIID) monitoring activities for adult DWI offenders who have been sentenced, pursuant to Chapter 496 of the 2009 Laws of New York State, and whose sentence requires the installation and maintenance of Ignition Interlock Devices in vehicles owned or operated by the offender.

The funding for this program will provide reimbursement for services rendered to every individual referred to the Department for an Ignition interlock device by the courts (sentence to Probation or Conditional Discharge).

The performance measures established by the Division of Criminal Justice Services include:

- The number of Probation and/or Conditional Discharge sentencing orders having BAIID-related conditions received by the county's designated BAIID monitor(s) from all criminal courts within Westchester County. In the previous term, 678 Probation and/or Conditional Discharge sentencing orders received had BAIID-related conditions.
- During the reporting period for each quarter of the contract year, Westchester County will submit the required fiscal paperwork including vouchers and supporting documentation. In the previous term, the Probation department submitted all appropriate reports quarterly.

- Number of reports submitted to the courts verifying successful ignition interlock installations as well as any notices of violations by individuals in the program. In the previous term, the number of reports submitted to the courts was as follows: 201 interlock installations, 102 violations. It should be noted that the overwhelming number of violations noted on Conditional Discharge cases (85) resulted in administrative adjustment by the court and continuance in the community. Additionally, the violations also take into account individuals who were placed on the monitor prior to the term but whose supervision overlapped into the new time period.

These performance measures will be tracked on a quarterly basis by the completion and submission of mandated reports designed by the New York State Division of Criminal Justice Services.

It should be noted that the difference between the number of interlock devices ordered and number installed is mostly caused by the fact that many courts will order the device, but the probationer or CD case does not own a vehicle or gives their vehicle up. A higher percentage of CD cases have installed interlocks since they must provide proof of same to the court prior to receiving the CD sentence. On the probation cases, we also make sure that the probationer does not have undue access to another vehicle he/she plans to use covertly. If and when a probationer obtains a vehicle under orders to install interlock, we make sure that they do so. Additionally, Westchester County Probation was far ahead of the state law with regard to interlock. Our DWI conditions of probation have long provided for the interlock aside from any Leandra's law requirements.

This contract impacts the County's critical priority areas in the following manner:

- Fiscal Responsibility – The County will be able to enjoy reimbursement for activities performed by the Department pursuant to Leandra's Law responsibilities.

This contract has the public purpose of promoting public safety while monitoring DWI offenders in the Community.

The requirements of the Westchester County Procurement Policy were followed. The procurement is exempt under Section 3(a)iii of the Procurement Policy.

I certify that my department, a) has copies of, or access to, all applicable laws, rules, regulations, grant applications, and grant agreements (including any master grant agreement), as well as any guidance or instructions received from the agency making the grant (the "Grant Terms"), b) has reviewed the Grant Terms, c) is aware of and understands all of the Grant Terms, and d) can and will comply with all of the Grant Terms.

Wherefore, authority is respectfully sought for the County to enter this agreement.

EV/LR

Attachment

RESOLUTION

Upon a communication from the Commissioner of Probation,

be it hereby

RESOLVED, that authority is granted to the County of Westchester to enter into an agreement with the New York State Division of Criminal Justice Services in an amount not to exceed \$150,216 to act as the monitoring agency for Leandra's Law from October 1, 2012 to September 30, 2013, pursuant to an approved budget; and it is further

RESOLVED, that the County Executive or his duly authorized designee be and hereby is authorized and empowered to enter into this agreement for the County of Westchester.

Account To Be
Charged/Credited

Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub- Object	Trust Account	Dollars
101	39	226M	9854	T226	\$150,216

Budget Funding Year(s) 2012/2013 Start Date October 1, 2012 End Date September 30, 2013
(must match resolution)

	Tax Dollars	
Funding Source	State Aid	\$150,216
	Federal Aid	
<u>\$150,216</u>	Other	
(must match resolution)		