

66780

Date: December 18, 2018

To: The Honorable Board of Acquisition and Contract

From: Joseph K. Spano
Commissioner, Department of Corrections

Re: Request for authority for the County of Westchester (the "County") to enter into an agreement with Pre-Trial Services Institute of Westchester, Inc. ("PTSI") pursuant to which PTSI will provide pre-trial programs for a term commencing on January 1, 2019 and expiring on December 31, 2019 for an amount not to exceed \$476,928.

Authority of your Honorable Board is hereby requested for the County to enter into an agreement (the "Agreement") with PTSI pursuant to which PTSI will provide pre-trial programs to evaluate criminal defendants ("Defendants") for potential pre-trial release from prison and ensure Defendants' return for future court appearances through PTSI's structured follow-up during the pre-trial release period, for a term commencing January 1, 2019 and expiring on December 31, 2019 for an amount not to exceed \$476,928, payable pursuant to an approved budget.

The proposed Agreement will serve a public purpose by allowing certain Defendants, qualifying pursuant to PTSI's evaluation, to obtain pre-trial release from prison pursuant to a release on their own recognizance ("ROR") arrangement which shall thereby reduce 1) the necessity for costly and administratively disruptive arrest warrants, and 2) the significant expense of unnecessary pre-trial detention. The Agreement also will serve a public purpose by enabling Defendants qualifying for pre-trial release who have only been charged and therefore not convicted, with the ability to maintain their family and community relationships as well as their employment during such time period.

This proposed Agreement's goals and objectives shall be to:

1. Identify which Defendants are acceptable risk candidates for pre-trial release from prison without bail pursuant to a ROR arrangement;
2. Reduce the number of outstanding arrest warrants for defendant failures to appear in court by ensuring their reappearance through PTSI's structured follow-up services with Defendants;
3. Provide County residents with a more equitable alternative to the bail system; and
4. Promote a more streamlined and efficient movement of the court calendar.

PTSI will conduct interviews with Defendants awaiting arraignment to verify community ties, which has been proven to be a more reliable predictor of a Defendant's return to attend future court appearances as opposed to a Defendant's ability to post bail.

PTSI will then use an objective measure based upon interview findings to make a ROR recommendation which PRSI then will provide to the presiding judge, assistant district attorney and Defendant's attorney. Upon the court granting pre-trial release to a Defendant pursuant to PTSI's recommendation, PTSI shall then provide ongoing follow-up services with Defendant to ensure Defendant will attend all future scheduled court appearances.

In addition to assisting the criminal justice system by reducing the necessity for arrest warrants and pre-trial detention, PTSI assists Defendants by 1) giving low-income Defendants an equal opportunity to secure pre-trial release; 2) providing follow-up services to help Defendants overcome obstacles to court appearances, as well as 3) providing release recommendations to permit Defendants, if released, to maintain family and community relationships and their employment.

The proposed Agreement is in the County's best interests regarding fiscal responsibility as the appropriately determined pre-trial release of Defendants and the subsequent ensuring of their attendance at future court appearances through PTSI structured follow up, reduces the necessity for costly and administratively disruptive arrest warrants as well as the significant expense of unnecessary detention.

The proposed Agreement is also in the County's best interests regarding public health and safety by fostering social stability as the pre-trial release of qualifying Defendants shall allow them to maintain their family and community relationships and employment during the pre-trial time period as well as fortify their ability to re-obtain employment, if necessary, upon conclusion of their involvement with the criminal justice system upon warranted circumstances. The proposed Agreement also provides County residents with a more equitable alternative to the bail system as PTSI's evaluative services focusing on a Defendant's ties to his or her family and community and employment status enables a more detailed analysis of Defendant flight risk than the bail system's reliance on a Defendant's incentive to return to court to avoid bail forfeiture. Such services are therefore crucial to lesser economic resource Defendants who may be unjustly denied pre-trial release solely due to economic circumstances when their release may be justified by having a behavioral disposition non-conducive to flight risk that is evidenced from the PTSI evaluation interview.

The proposed Agreement's goals and objectives shall be tracked and monitored by PTSI tracking each case and submitting a report to the County Department of Correction stating the number of Defendants screened, the number of Defendants interviewed, the number of Defendant's released and the number of warrants issued. The report also includes male and female demographics, a breakdown of program participant ages at program entry as well as their ethnicity and race. Categories of criminal charges against the program participants are also included.

Without the benefit of PTSI, the County's Department of Correction would surely see an increase in its monthly jail population and all associated expenses, causing municipalities to assuredly incur increases in:

1. The number of Failure-to-Appear warrants;
2. Local lock-up and defendant transportation costs; and
3. Socio-economic issues (i.e. unemployment, homelessness).

The County receives financial assistance for the aforementioned pre-trial program pursuant to a grant from the New York State Department of Criminal Justice Services (the "DCJS").

As PTSI is a vendor of record with the DCJS pursuant to its submission to the County of a pre-trial program Services Plan that comprises part of the County's DCJS grant application, the County would be ineligible for such grant from the DCJS if a vendor other than PTSI provided such services. Additionally, the County must be in compliance with all pre-trial standards as designated by the DCJS's Division of Probation and Correctional Alternatives as a condition to obtaining such grant proceeds.

Therefore, this Agreement is exempt from the Westchester County Procurement Policy (the "Policy") pursuant to Policy Section 3(a)(xii) providing for an exception to Policy requirements for procurements involving the expenditure of federal or state assistance where and to the extent that federal or state rules or regulations conflict with the Policy.

Accordingly, I recommend adoption of the annexed Resolution.

APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION
JOAN COCCIARDI, SECRETARY

RESOLUTION

Upon a communication from the Commissioner of Correction, be it hereby

RESOLVED, that the County of Westchester (“County”) is authorized to enter into an agreement with Pre-Trial Services of Westchester, Inc. (“PTSI”) pursuant to which PTSI will provide pre-trial programs to evaluate criminal defendants for potential pre-trial release from prison to ensure defendants’ return for future court appearances through PTSI’s structured follow-up during the pre-trial release period; for a term commencing January 1, 2019 and expiring on December 31, 2019 and for an amount not to exceed \$476,928.00, payable pursuant to an approved budget; and be it further

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

RESOLVED, that 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 of time after such release(s) or adoption(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 to either 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 duly authorized designee is hereby authorized to execute any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this Resolution.

Account to be Charged/credited	Fund	Agency	Capital Project Or Org	Object/ Sub Object	Trust Account	Activity	Dollars
	101	35	1000	4944			\$476,928

Budget Funding Year(s) 2019 Start Date 01/01/2019 End Date 12/31/2019
 (must match resolution)

\$476,928

Funding Source:

Tax Dollars: \$ 411,089
 State Aid: \$65,913
 Federal Aid: _____
 Other: _____