



**Robert P. Astorino**  
County Executive

Department of Probation

Rocco A. Pozzi  
Commissioner

**Date: January 8, 2010**

**To: The Honorable Board of Acquisition and Contract**

**From: Rocco A. Pozzi**  
**Commissioner of Probation**

**Subject: Authority for the County of Westchester to enter into an agreement with The Children's Village, Inc, to operate a Family Court Assistance Program and an Alternative to Detention Program for the provision of diagnostic, educational and non-secure detention services for the period from January 1, 2010 through December 31, 2010 in an amount not to exceed \$2,917,446 to be paid pursuant to an approved budget and subject to appropriation.**

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Authorization is requested for the County of Westchester to enter into an agreement with The Children's Village, Inc. for the provision of a Family Court Assistance Program ("FCAP") and an Alternative to Detention Program ("ATD") which provides diagnostic, educational and non-secure detention ("NSD") services for the period from January 1, 2010 through December 31, 2010 in an amount not to exceed \$2,917,446 to be paid pursuant to an approved budget and subject to appropriation.

Pursuant to this Agreement, The Children's Village, Inc. will provide diagnostic, educational and NSD services for all youths referred to The Children's Village, Inc., who are Persons In Need of Supervision ("PINS") and Juvenile Delinquents ("JDs"). During this contract year, The Children's Village, Inc. will continue the Alternative to Detention Program component for individuals ages 7 to 17, who are PINS and JDs referred by the Westchester County Family Court. These individuals will be awaiting pre- or post-disposition or fact finding with the Westchester County Family Court. This includes youths who are being considered for NSD or Detention, but who have yet to be remanded, or youths who have been remanded to NSD or Detention, but for whom a further determination has been made to reduce the days in the facility in favor of community supervision under the ATD Program. The ATD Program will be a close collaboration between the Probation Department and The Children's Village, Inc. The Probation Department will provide supervision while the ATD program staff will assist the probation officers to insure compliance and community safety by monitoring the youth's

activities in the community. Youths who are compliant may be graduated to a lesser level of probation supervision commensurate with their risk and need.

The Children's Village, Inc. receives one hundred percent of all of the referrals for youths remanded to NSD by all Westchester County Family Courts. The Children's Village, Inc., the only NSD provider in Westchester County, is a 24-bed facility (12 female and 12 male) and will serve an estimated total of 300 youths annually. The contractor cannot refuse acceptance of a remand even if it is at maximum capacity, and must assist the Department in coordinating the transporting of youths to NSD services at other locations out of county until they can be returned to Children's Village.

The services to be provided pursuant to this agreement will serve a **public purpose** by providing an appropriate residential facility and necessary services to ensure the health, safety and well being of youths remanded to NSD in an environment that encourages positive behavior while discouraging problem behavior. The ATD component will help reduce the reliance of bed care days for certain youths pending disposition, fact finding and/or placement. The ATD program will give youths who are remanded to NSD and who are doing well in the non-secure detention facility an "alternative to detention" while waiting return to court.

The **goals and objectives** of this contract are to provide the required diagnostic, educational and NSD services to youths remanded to NSD by Family Court as well as support services for their families. The ATD Program will help reduce the number of bed care days, therefore impacting the need to rely on NSD "over-census" beds out of County and the associated costs, while maintaining comparable levels of youth and community safety, youth appearance at court dates, and compliance with other related court orders, such as court ordered evaluations. The Program will maintain or reduce the number of youths placed into our foster care system from NSD, both from the facility and the ATD Program.

The goals and objectives of this agreement are in the **best interest of the County as they are designated to ensure the health, safety and well being of youths** remanded to NSD. The Children's Village, Inc., not only provides security for the youths in their care, but they are also committed to maintaining a high level of security that ensures the safety of the local community. Pursuant to the Agreement, The Children's Village, Inc. will provide diagnostic, educational and NSD services for all youths referred to The Children's Village, Inc., who are Persons In Need of Supervision ("PINS") and Juvenile Delinquents (JDs). This program operates on a highly renowned Positive Behavioral Interventions and Support (PBIS) model that develops a culture that presents positive adult models for children in a safe environment where they can build self-esteem, develop positive relationships, and improve their social and academic abilities. The foundation of this approach emphasizes teaching children appropriate behaviors through modeling that will result in youths adopting these traits. The Children's Village, Inc. also provides a comprehensive aftercare service program when dispositions have been secured for youths who are discharged home.

The goals and objectives of this contract **are in the best interest of the County in terms of fiscal responsibility** because the ATD component will result in reduced reliance on bed care days for identified youths pending disposition, fact finding and/or placement while maintaining a comparable degree of safety of the youth and the community. Stepping down from the FCAP facility where the per diem cost is approximately \$317.96 to the lower cost ATD program where the per diem cost is approximately \$183.96, results in a potential cost savings of \$134 per day per child.

This reduced bed care day usage is expected to have improved outcomes for ATD youth resulting in a lower rate of foster care placement (foster care placement in a residential facility can cost as high as \$800 per diem per child). The ATD program can also result in cost savings by freeing up beds in The Children's Village, Inc. FCAP facility that will reduce the usage of bed care days at the NSD out of County "over census" detention facilities such as Astor Home for Children and Leadership Training Institute.

**The negative consequences of not entering into this contract would be that** Westchester County will be out of compliance with New York State Office of Children and Family Services Regulations that require the department to provide diagnostic, educational and/or Non-Secure Detention services ("NSD") for all youth who are Persons In Need of Supervision ("PINS") and Juvenile Delinquents ("JDs"). Furthermore, without this contract, the Department will have no in-County, non-secure detention services provider and will be forced to transport youths to the out-of-County over census NSD providers who do not have the capacity to absorb all the referrals.

**The goals and objectives of this contract will be tracked and monitored** by the Department of Probation using the Performance Measurement Indicators adopted by the Department and approved by the Westchester County Budget Office. Weekly, monthly and quarterly reports will be submitted by the vendor. Site visits will be conducted by Probation program staff. The program office will be responsible for evaluating the effectiveness of the program.

The Department is able to report based on the performance measures that the vendor has exceeded the performance goals during the 2009 contract year. To date, the NSD program had 482 admissions, for a total of 7,283 care days. Of the 482 youth admitted to the program, all received educational services, recreational services, casework services and health services. A total of 110 psychological evaluations and 116 psychiatric evaluations and 23 other specialized evaluations were completed during this period.

The proposed Agreement is exempt from the Westchester County Procurement Policy pursuant to Section 3(a) (xviii) of said policy.

I recommend your favorable consideration of the annexed Resolution.

## RESOLUTION

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

**RESOLVED**, that the County of Westchester is hereby authorized to enter into an agreement with The Children's Village, Inc., for the provision of a Family Court Assistance Program and an Alternative to Detention Program which provide diagnostic, educational and non-secure detention services for the period commencing on January 1, 2010 and terminating on December 31, 2010 in the not to exceed amount of \$2,917,446 to be paid pursuant to an approved budget; and be it further

**RESOLVED**, that this Agreement is subject to County Appropriation; 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 authorized designee is authorized to execute all documents necessary to effectuate the purposes of this resolution.

APPROVED BOARD OF ACQUISITION & CONTRACTS  
2009-2010 JUMP/WIEIRA, SECRETAR

Account to be  
Charged/Credited

Year	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
2010	101	39	2000	4380	_____	\$2,917,446

Budget Funding Year(s): 2010 Start Date: 01/01/10 End Date: 12/31/10  
(must match resolution)

Funding Source

**\$2,917,446**  
(Must match resolution)

Tax Dollars 51%  
State Aid 49%  
Federal Aid \_\_\_\_\_  
Other \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 2-4-2010 - JOMARY VIEIRA, SECRETARY