

11343

May 10, 2010

To: Honorable Board of Acquisition and Contract

From: Kevin M. Cheverko  
Acting Commissioner of Correction

Re: Authority for the County of Westchester to enter into an agreement with Pre-Trial Services of Westchester, Inc. to provide pre-trial programs related to the release and return for trial of criminal defendants for a term from January 1, 2010 through December 31, 2010, for an amount not to exceed \$550,082.00 payable pursuant to an approved budget.

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Authority of your Honorable Board is sought for the County of Westchester to enter into an agreement with Pre-Trial Services of Westchester, Inc. to provide pre-trial programs related to the release and return for trial of criminal defendants for a term January 1, 2010 through December 31, 2010, for an amount not to exceed \$550,082.00 payable pursuant to an approved budget.

*The best interests of the county* are served by this contract as it provides Westchester County residents a more equitable alternative to the bail system, promotes a smooth movement of the court calendar, reduces the incidence of disruptive and costly warrants; and when appropriate defendants are released, there is significant reduction in detention costs.

*Goals and objectives:*

1. Identify which defendants are good risks for release without bail or release on recognizance (ROR).
2. Reduce the number of outstanding warrants for failures to appear in court by ensuring reappearance in court, through structured follow-up with the defendant.
3. Provide Westchester residents a more equitable alternative to the bail system.
4. Promote a smooth movement of the court calendar.

PTSI conducts interviews with the accused defendants awaiting arraignment. The interview and subsequent verification of facts determine the defendant's ties to the community. These ties have been proven to be a more reliable predictor of court

reappearance than the ability to post bail. Based upon the findings, an objective measure is utilized to arrive at a recommendation regarding ROR, which is then provided to the judge, Assistant District Attorney and defense attorney. When a recommended defendant is released by the court, PTSI provides ongoing follow-up services to ensure that the defendant will meet every scheduled court appearance. The number of releases through the efforts of PTSI, for the year 2009, was 1,684. Using a formula of 31.7 days, average length of stay at the Department of Correction, it is estimated that over 50,396 days of incarceration and related costs were avoided through the use of Pre-Trial Services. PTSI's return to court rate, for this population is 96%.

In addition to the assistance given the criminal justice system, PTSI assists the defendant by recommending ROR when appropriate, giving the low-income defendant an equal opportunity to secure pre-trial release, provides follow-up services to help the defendant overcome obstacles to court appearances and the PTSI release recommendations permit the defendant, if released, to maintain family and employment ties.

*PTSI tracks and monitors* each case and submits to the Westchester County Department of Correction a report stating the number of screened defendants, the number of interviewed defendants and the number of releases. The numbers of warrants are additionally reported. The report also includes demographics of male and female, an age breakdown at program entry, ethnicity and race. Charge categories are also included.

Without the benefit of PTSI, the Department of Correction would surely see an increase in its monthly jail population and all associated expenses.

Municipalities would incur increases in:

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

This agreement is exempt from the Westchester County Procurement Policy and procedures under Section 3(a)(xii) which provides for an exception 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. The County receives New York State assistance for this pre-trial program. This assistance is contingent upon compliance with pre-trial standards required by the NYS Division of Probation and Correctional Alternatives. Pre-Trial Services of Westchester, Inc. is the sole agency within Westchester County that contracts with the State to provide this service.

Accordingly, I recommend adoption of the annexed Resolution.

KMC/DLV/dv

## **RESOLUTION**

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

RESOLVED, that the County of Westchester is authorized to enter into an agreement with Pre-Trial Services of Westchester, Inc. to provide pre-trial programs related to the release and return for trial of criminal defendants for the from January 1, 2010 through December 31, 2010, for an amount not to exceed \$550,082.00 payable pursuant to an approved budget; 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.

APPROVED BOARD OF ACQUISITION & CONTRACT - 5-27-2010 JAMES M. MURPHY, SECRETARY

Account to be Charged/credited

Fund	Agency	Capital Project Or Org	Object/ Sub Object	Trust Account	Activity	Dollars
101	35	1000	4944			\$550,082

Budget Funding Year(s) \_\_\_\_\_ Start Date 1/1/2010 End Date 12/31/2010  
(must match resolution)

Funding Source      Tax Dollars \$452,922  
                                 State Aid \$ 97,160  
                                 Federal Aid \_\_\_\_\_  
                                 Other \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 5-27-2010 - JOMARY VIEIRA, SECRETARY