



Memorandum  
Department of Probation

18730

DATE: April 21, 2011

TO: The Honorable Board of Acquisition and Contract

FROM: Rocco A. Pozzi  
Commissioner of Probation

RE: **Resolution authorizing the County of Westchester to enter into agreements with the Berkshire Hills and the Hope for the Future programs for the provision of alternative non-secure detention facilities and related services for eligible children for the period May 1, 2011 through April 30, 2012 in an aggregate amount not to exceed \$200,000 payable monthly based on utilization pursuant to an approved budget or at an approximated per diem**

Authorization is requested for the County of Westchester to enter into agreements with the Berkshire Hills and the Hope for the Future programs for the provision of alternative non-secure detention facilities and related services for eligible children for the period May 1, 2011 through April 30, 2012 in an aggregate amount not to exceed \$200,000 to be paid monthly based on utilization pursuant to an approved budget or at an approximated per diem. The agencies will provide educational and non-secure detention facilities and related services in the event that the County's need for non-secure detention services exceeds the capacity of the County's primary provider for such services, currently The Children's Village, Inc. There has been no increase in the amount requested for this program under the new agreements.

The Department of Probation (the "Department") is required, pursuant to Social Services Law and New York State Office of Children and Families Services ("NYS OCFS") regulations, 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").

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 youth remanded to NSD in an environment that encourages positive behavior while discouraging problem behavior.

**The goals and objectives** of these contracts are to ensure the safety of the youth and of the community in the event that a Person in Need of Supervision / Juvenile Delinquent ("PINS/JD") youth is brought to or remanded to non-secure detention ("NSD") pending disposition of their Family Court case. These back-up NSD facility agreements are needed to ensure adequate bed space for all Westchester County PINS/JD youth brought or remanded to non-secure detention when our local contracted NSD facility at Children's Village is full.

These agreements are in the **best interests of the County in terms of health and safety** as they serve the purpose of temporarily caring for and maintaining PINS AND JDs away from their own homes immediately prior to and during judicial proceedings in relation to such persons, as required by the New York State Office of Children and Family Service Regulations. It meets these objectives by providing:

- A warm, caring and structured environment for the children
- Availability of responsive staff 24 hours a day
- Educational testing, assessment and instruction
- Vocational and career counseling for adolescents
- Medical and mental health services
- Recreational activities

The goals and objectives of these contracts are in the **best interest of the County in terms of fiscal responsibility** because these facilities are only utilized when our primary local provider for such services, The Children's Village, Inc., is full. These are fee for service contracts and the established rates are competitive and negotiated between the agencies and the Department.

**If this Resolution were not approved by your Honorable Board**, then Westchester County will be out of compliance with New York State Office of Children and Family Service Regulations that require the Department to provide diagnostic, educational and / or Non-Secure Detention services ("NSD") for all youths who are Persons in Need of Supervision ("PINS") and Juvenile Delinquents ("JDs"). Furthermore, without these contracts, our County's primary non-secure detention services provider, The Children's Village, Inc. will exceed it's capacity and will be forced to accept referrals over census that will not only be in violation of New York State regulations, but will put the children's health and safety at risk. Besides, these are the only agencies that provide NSD services and are available to accept Westchester children.

The **goals and objectives of this contract will be tracked and monitored** by the Department using the Performance Measurement Indicators adopted by the Department and approved by the Westchester County Budget Office. Monthly and quarterly reports will be submitted by the vendor. The Program Office will be responsible for evaluating the effectiveness of the program.

**During May 1, 2010 to April 30, 2011** "overflow" NSD programs provided educational services, recreational services, casework services and health services to 15 Juvenile Delinquents and 35 Persons In Need of Supervision for a total of 50 youth. These agencies did not turn away any referrals that Westchester sent to them.

These agreements are exempt from the Westchester County Procurement Policy pursuant of Section 3 (a) xviii of said policy.

I recommend your favorable consideration of the annexed proposed Resolution.

**RESOLUTION**

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

**RESOLVED**, that the County of Westchester is authorized to enter into agreements with the Berkshire Hills and the Hope for the Future programs for the provision of alternative non-secure detention facilities and related services for eligible children for the period May 1, 2011 through April 30, 2012 in an aggregate amount not to exceed \$200,000 to be paid monthly based on utilization pursuant to an approved budget or at an approximated per diem as indicated in Schedule "A"; attached herewith and made a part hereof; and be it further

**RESOLVED**, that the Agreements are subject to County appropriations; and be it further

**RESOLVED**, that these Agreements are 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 these Agreements. 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 these Agreements 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.

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Account to be Charged/Credited

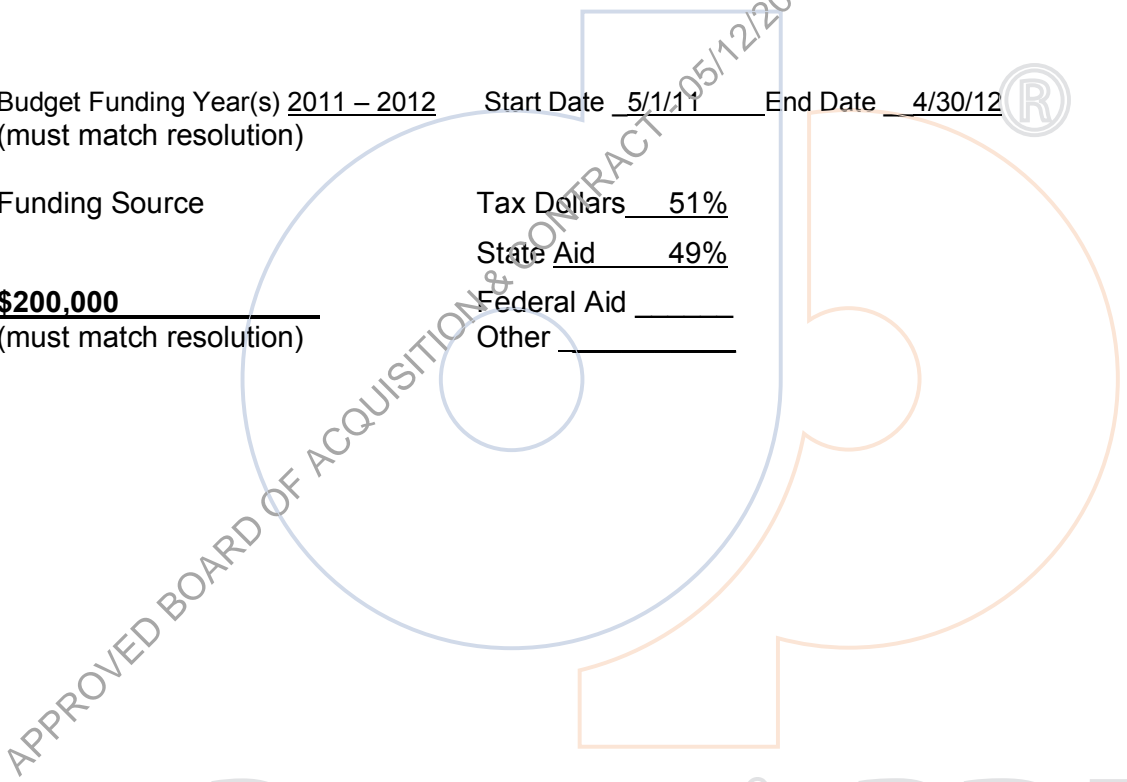
	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
2010	101	39	2000	4380		\$133,000
2011	101	39	2000	4380		\$ 67,000

Budget Funding Year(s) 2011 – 2012 Start Date 5/1/11 End Date 4/30/12 (must match resolution) 

Funding Source

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

**\$200,000**  
 (must match resolution)

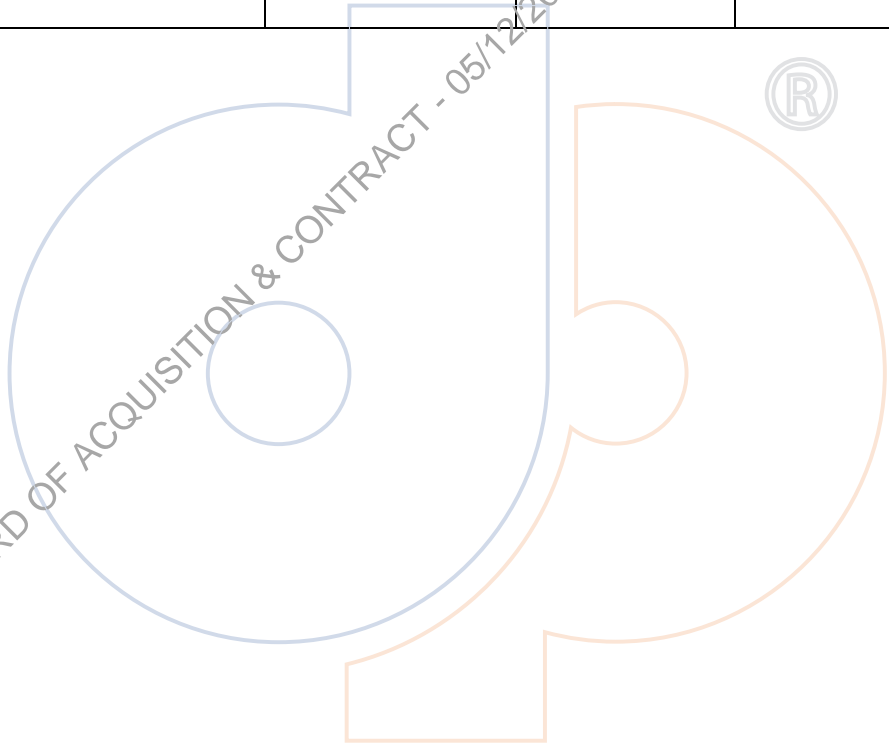


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**Schedule A  
Non Secure Detention Over Census Facilities**

<b>Agency</b>	<b>Street Address</b>	<b>City/State/Zip</b>	<b>Principal Offices</b>	<b>Approximate Per Diem</b>
Berkshire Hills	Rt. 22	Canaan, N.Y.	same	\$265.05
Hope for Youth	201 Dixon Avenue	Amityville, N.Y.	same	\$526.93

APPROVED BOARD OF ACQUISITION & CONTRACT - 05/12/2011 - JOMARY VEIRA, SECRETARY



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