

August 10, 2011

20920

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 \$605,438 AND SUBCONTRACT, WHERE APPROPRIATE, WITH THE LISTED AGENCIES, TO IMPLEMENT THE WESTCHESTER COUNTY ALTERNATIVES TO INCARCERATION SERVICE PLAN FOR THE PERIOD JANUARY 1, 2011 TO DECEMBER 31, 2011, PURSUANT TO AN APPROVED BUDGET AND IN ACCORDANCE WITH STATE APPROVAL**

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 \$605,438 and subcontract, where appropriate, with the listed agencies, to implement the Westchester County Alternatives To Incarceration Service Plan for the period January 1, 2011 to December 31, 2011, pursuant to an approved budget and in accordance with State approval.

The Westchester County Alternatives to Incarceration Service Plan encompasses funding for the period January 1-December 31, 2011 for the following:

| | |
|--|-----------|
| • Pre-Trial Services Institute of Westchester, Inc. | |
| Release on Recognizance (ROR) Program | \$67,784 |
| Bail Expediting Program | 26,019 |
| Monitored Release Program | 19,865 |
| • Department of Probation Community Service Program | 62,088 |
| • St. John's Riverside Hospital, Phelps Memorial Hospital Center and Westchester County Probation Department | |
| Direct Treatment Alternative To Incarceration (DTATI) Program | 210,116 |
| • Department of Community Mental Health Treatment Alternatives for Safer Communities (TASC) | 173,292 |
| • Department of Correction Young Offender Program | 46,274 |
| TOTAL | \$605,438 |

In 2010, the above referenced Alternatives to Incarceration (ATI) Programs successfully diverted over 6,000 offenders from incarceration. All ATI programs met and surpassed all goals and milestones for the year.

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

1. Fiscal Responsibility – The Alternative to Incarceration programs provide many services to Westchester County. These programs are primarily funded through New York State Division of Probation and Correctional Alternatives and in 2010 there was an estimated cost savings of over \$75 million to Westchester County.
2. Safety and Security - The contract with the New York State Division of Probation and Correctional Alternatives and the listed subcontract agencies promote public safety to the residents of Westchester by utilizing graduated sanctions for convicted offenders and providing intensive supervision and treatment.

The requirements of the Westchester County Procurement Policy were followed. The primary agreement is a grant agreement with the State of New York and is not a procurement. Thus, it is not subject to the procedures of the Procurement Policy. The subcontracts are procurements, but are exempt from the procedures of the Procurement Policy in accordance with the following exemptions set forth in Section 3(a) of said Policy:

Pre-Trial Services Institute of Westchester, Inc.-Section 3(a)xii, which provides for the exception "...procurements which involve expenditures of federal or state assistance where and to the extent that federal or state law, rules or regulations conflict with the provision of this policy." The County has an agreement in place with Pre-Trial Services Institute of Westchester, Inc. The State reimbursement provided to the County under the Alternatives To Incarceration Service Plan is contingent upon the existence of the aforementioned agreement and a requirement of the grant.

St. John's Riverside Hospital-Section – Section 3(a)xvii which provides for the exception "...care, treatment, counseling...for the mentally ill...and those suffering from the disease of alcoholism or substance abuse."

Phelps Memorial Hospital Center-Section 3(a)xvii which provides for the exception "...care, treatment, counseling...to the mentally ill...and those suffering from the disease of alcoholism or substance abuse."

These programs are intensely monitored by Westchester County's Criminal Justice Advisory Board. The Board meets on a quarterly basis to review and formally approve written Program Reports detailing milestones, activities and savings. Upon Board approval, these Quarterly Reports are transmitted to the State.

Wherefore, authority is respectfully sought for the County to enter into an agreement with the New York State Office of Probation and Correctional Alternatives, and, subsequently, enter into agreements with the above listed agencies.

LR
Attachment

RESOLUTION

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

RESOLVED, that authority is hereby 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 \$605,438 and subcontract, where appropriate, with the listed agencies, to implement the Westchester County Alternatives To Incarceration Service Plan for the period January 1, 2011 to December 31, 2011, pursuant to an approved budget and in accordance with State approval;

| <u>Agency</u> | <u>Program</u> | <u>Amount</u> |
|---|--|------------------|
| Pre-Trial Services Institute of Westchester, Inc. | Release on Recognizance | \$ 67,784 |
| Pre-Trial Services Institute of Westchester, Inc. | Bail Expediting | 26,019 |
| Pre-Trial Services Institute of Westchester, Inc. | Monitored Release | 19,865 |
| Department of Probation | Community Service | 62,088 |
| St. John's Riverside Hospital. | Direct Treatment Alternative To Incarceration-Greenburgh and Yonkers Sites | 77,742 |
| Phelps Memorial Hospital Center | Direct Treatment Alternative To Incarceration-Ossining Site | 37,821 |
| Department of Probation | Direct Treatment Alternative To Incarceration | 94,553 |
| Department of Community Mental Health | Treatment Alternatives for Safer Communities (TASC) | 173,292 |
| Department of Correction | Young Offender | 46,274 |
| TOTAL | | \$605,438 |

and it is further

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

Agreement #

Account to be Charged/Credited

| Fund | Dept. | Major Program, Program & Phase or Unit | Revenue/ Object | Trust Account | Dollars |
|------|-------|--|-----------------|---------------|------------|
| 101 | 35 | 1000 | 9734 | | \$ 67,784 |
| 263 | 39 | 028L | 9854 | T028 | \$ 26,019 |
| 263 | 39 | 029L | 9854 | T029 | \$ 19,865 |
| 101 | 39 | 1000 | 9771 | | \$ 62,088 |
| 101 | 39 | 1000 | 9771 | | \$ 94,553 |
| 263 | 39 | 121L | 9854 | T121 | \$ 77,742 |
| 263 | 39 | 122L | 9854 | T122 | \$ 37,821 |
| 101 | 26 | 2000 | 9713 | | \$ 173,292 |
| 263 | 35 | 619L | 9854 | T619 | \$ 46,274 |
| 101 | 35 | 1000 | 4944 | | \$ 67,784 |
| 263 | 39 | 028L | 4380 | T028 | \$ 26,019 |
| 263 | 39 | 029L | 4380 | T029 | \$ 19,865 |
| 101 | 39 | 1000 | 1010 | | \$ 62,088 |
| 101 | 39 | 1000 | 1010 | | \$ 94,553 |
| 263 | 39 | 121L | 4380 | T121 | \$ 77,742 |
| 263 | 39 | 122L | 4380 | T122 | \$ 37,821 |
| 101 | 26 | 2000 | Various | | \$ 173,292 |
| 263 | 35 | 619L | various | T619 | \$ 46,274 |

Budget Funding Year(s) 2011 Start Date January 1, 2011 End Date December 31, 2011
 (must match resolution)

Tax Dollars: _____

Funding Source

State Aid: N.Y.S. Div. Criminal Justice Services — \$605,438

Federal Aid -0-

Other _____

\$605,438
 (must match resolution)