

George Latimer
County Executive

Department of Probation
Rocco A. Pozzi
Commissioner

80349

DATE: October 21, 2020

TO: Honorable Members
Board of Acquisition and Contract

FROM: Rocco A. Pozzi
Commissioner of Probation

RE: Request for authority for the County of Westchester (the “County”) to retroactively enter into an agreement with The Pre-Trial Services Institute of Westchester, Inc. (“PTSI”) pursuant to which PTSI will provide pre-trial programs for a term commencing on January 1, 2020 and expiring on December 31, 2020 for an amount not to exceed \$733,664.

Authority of your Honorable Board is hereby requested for the County, acting by and through the Department of Probation, to retroactively 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, 2020 and expiring on December 31, 2020 for an amount not to exceed \$733,664, payable pursuant to an approved budget.

Under the proposed Agreement, 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 pre-trial release recommendation which PTSI 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.

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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 qualifying Defendants to maintain family and community relationships and their employment.

The proposed Agreement will serve a public purpose by allowing qualifying Defendants 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.

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 in that it fosters social stability. 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 criminal case. The proposed Agreement also provides County residents with a more equitable alternative to the bail system as PTSI’s evaluative services enable a more detailed analysis of Defendant’s flight risk by focusing on a Defendant’s ties to his or her family and community and employment status rather than relying on a Defendant’s incentive to return to court to avoid bail forfeiture. Such services are therefore crucial to lesser economic resourced Defendants who may be unjustly denied pre-trial release solely due to economic circumstances.

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.

With the benefit of PTSI’s services, the County’s Department of Correction will see a decrease in its monthly jail population and all associated expenses, causing decreases to municipalities in:

1. The number of warrants for failure to appear;
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").

A separate resolution seeking the exemption of this proposed agreement in accordance with Section 3 (a) xxi of the County's Procurement Policy has been submitted to your Honorable Board for approval.

Accordingly, I recommend adoption of the annexed Resolution.

RAP/DJ/SXP/jrc
Enclosure

RESOLUTION

Upon a communication from Rocco A. Pozzi, Commissioner of Probation, be it hereby

RESOLVED, that the County of Westchester (“County”) is authorized to retroactively enter into an agreement with The 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, 2020 and expiring on December 31, 2020 and for an amount not to exceed \$733,664 payable pursuant to an approved budget; and be it further

RESOLVED, that this Agreement is subject to the 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 appointed designee, is hereby authorized and empowered to execute any documents and take such actions as may be necessary and appropriate to effectuate the purposes hereof.

**Account to be
Charged/Credited**

Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub- Object	Trust Account	Dollars
101	39	1000/1200	4944		733,664

Budget Funding Year(s) 2020 Start Date 01/01/2020 End Date 12/31/2020
(must match resolution)

Funding Source Tax Dollars **\$667,751**
State Aid **\$65,913**
Federal Aid _____
Other _____

\$733,664
(must match resolution)