

George Latimer
County Executive

Department of Probation
Rocco A. Pozzi
Commissioner

ONBASE # 91971

DATE: March 14, 2022

TO: The Honorable Board of Acquisition and Contract

FROM: Rocco A. Pozzi
Commissioner of Probation

RE: **AUTHORITY TO ENTER INTO AN AGREEMENT WITH THE MENTAL HEALTH ASSOCIATION OF WESTCHESTER COUNTY, INC. ("MHA") TO PROVIDE AND CONDUCT SEX OFFENDER TREATMENT AT THE OFFICES OF THE DEPARTMENT OF PROBATION FOR THE PERIOD FROM JANUARY 1, 2022 THROUGH DECEMBER 31, 2022, IN AN AMOUNT NOT-TO-EXCEED \$191,334.00, TO BE PAID IN ACCORDANCE WITH AN APPROVED BUDGET.**

Authority is requested for the County of Westchester, acting by and through its Department of Probation, to enter into an agreement (the "Agreement") with the Mental Health Association of Westchester County, Inc. ("MHA"), for the provision of Sex Offender Treatment Program for the period from January 1, 2022 through December 31, 2022 in an amount not to exceed \$191,334.00 (the "Agreement") to be paid in accordance with an approved budget.

MHA, founded in 1946, is a voluntary, not-for-profit organization dedicated to promoting mental health through advocacy, community education and direct services. MHA's treatment modality has been proven to be highly effective in the remediation of the sex offender population. The program begins with an evaluation of each sex offender probationer to determine if they are appropriate for weekly group treatment sessions. Group treatment sessions meet approximately 46 weeks out of the 52-week calendar year due to holidays, weather complications, etc. and are 75 minutes each with a 15 minute follow up discussion between the co-facilitators, i.e. the clinician and probation officers. Participation in groups sessions are a required condition of probation for the full duration of the term of probation unless otherwise indicated. At least two groups are conducted entirely in Spanish to accommodate referrals. A specialized group for seriously mentally ill offenders is run by a clinician skilled in this area. Each group has a maximum of 9 participants. Group topics include, but are not limited to: levels and types of denial, triggers and cues of inappropriate behavior, identification of risky situations, acquiring new social skills, anger management, victim empathy, assumption of

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responsibility, and countering cognitive distortions. Offenders may be required to keep journals of sexual behavior and other assignments. Co-facilitators read all material written by offenders and will at times share the information in the groups.

It is recognized by those conducting best practices in the field of sex offender treatment that polygraph examinations are an integral component of treatment. MHA staff will prepare and refer offenders for polygraph testing as arranged for by the Probation Department, although MHA is not responsible for polygraph services.

MHA reserves the right to terminate participation in groups for an individual who is not utilizing sessions appropriately and thus increasing the probability of re-lapse or re-offense. The Department of Probation will be notified of any dismissal within 24 hours followed by a standard discharge form indicating the reason for discharge. Both MHA and the Department of Probation must reach agreement to return an individual to MHA treatment.

MHA provides weekly progress notes, submitted on a monthly basis, on each probationer to the Department of Probation. For each new probationer, a twelve-week evaluation will be included in the third month's progress report. Group leaders will meet with the clinical program director on an individual or group basis for clinical supervision of cases. Clinician co-facilitators will have a minimum of monthly communication with the supervision probation officers to provide feedback on individual probationers. Probation officers responsible for offenders in the program will be invited to attend the Sex Offender Communication Rounds weekly for feedback. Communication Rounds take place on site and are scheduled weekly for a minimum of 30 minutes with program staff present. Furthermore, monthly conferences for MHA clinicians and/or probation staff will be scheduled for the duration of two hours in order to provide feedback on probationers' progress and problems and/or to discuss current research findings regarding sex offender management and related issues.

In 2019, the Adult Sex Offender Program admitted 38 adult males and discharged 35 males. Four of the admissions were second admissions into the program. At any given time, an average of 102 men attended group. In 2019, the ASO Program provided services for 135 men. Of the probationers who were discharged from group, 12 were discharged because their probation sentences had expired.

The Agreement serves a public purpose as it will promote the health, safety and welfare of the residents of Westchester County by providing effective cognitive restructuring and behavior modification treatment to sexual offenders which often prevents them from further victimizing in the future. The effect of the probationer's offensive acts has a wide social, emotional and financial impact on victims, their families and the larger community. A victim of this type of offense often suffers from great emotional and/or physical distress from the trauma, leading some victims unable to support themselves financially. Additionally, the younger generations who are exposed to the harmful behavior, even indirectly, have their potential future relationships and coping abilities severely compromised. It is in the interest of public safety and economic benefit to save lives and costs by preventing further anti-social and/or violent behavior.

The sentencing of sexual offenders to probation or incarceration does not, in and of itself, provide adequate incentives and reinforcements to change their behavior and prevent them from continuing to offend throughout their lives, causing harm and destruction and draining further financial and human resources. Through the services of the Agreement, some probationers will be transformed from

potentially lifelong offenders into law abiding, productive, non-threatening citizens whose deviance can be managed.

The procurement of the Agreement is exempt from the application of the Westchester County Procurement Policy and Procedures pursuant to Section 3(a) viii and Section 3(a)(xvii) thereof.

Accordingly, approval of the attached resolution is most respectfully requested.

RAP/SV
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/21/2022 - RAYMOND SCULKY, SECRETARY

RESOLUTION

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

RESOLVED, that the County of Westchester ("County"), acting by and through its Department of Probation, is authorized to enter into an agreement (the "Agreement") with the Mental Health Association of Westchester County, Inc. ("MHA") to provide a Sex Offender Treatment Program for the period from January 1, 2022 through December 31, 2022 (the "Agreement"); and be it further

RESOLVED, that in consideration for the services to be rendered pursuant to the Agreement, the County shall pay the MHA an amount not to exceed \$191,334.00, payable pursuant to an approved budget; and be it further

RESOLVED, that the Agreement is subject to County appropriations; and be it further

RESOLVED, that the Agreement is subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of the 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 after such release(s) or adoptions(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 either to terminate the 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 the Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the County Executive or his authorized designee is authorized and empowered to execute and deliver all instruments and take all action necessary and appropriate to effectuate the purpose hereof.

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
101	39	1000	4380		\$191,334.00

Budget Funding Year(s) 2022 Start Date: January 1, 2022 End Date: December 31, 2022
 (must match resolution)

Funding Source	Tax Dollars <u>\$191,334.00</u>
	State Aid <u>\$0</u>
<u>\$191,334.00</u>	Federal Aid <u>\$0</u>
(must match resolution)	Other <u>\$0</u>

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/21/2022 - RAYMOND SCULKY, SECRETARY