

New York City Council

Christine C. Quinn, Speaker

Finance Division

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Hearing on the Mayor's Fiscal Year 2012 Preliminary Budget & the Fiscal Year 2011 Preliminary Mayor's Management Report

Department of Probation

March 11, 2011

Committee on Fire and Criminal Justice Services

Hon. Elizabeth Crowley, Chair

Andy Grossman, Deputy Director, Finance Division Eisha Wright, Supervising Legislative Financial Analyst

Summary and Highlights

Department of Probation Financial Summary

Dollars in Thousands

	2009	2010	2011	2011	2012	Difference
	Actual	Actual	Adopted	Feb Plan	Feb Plan	2011 – 2012*
Personal Services	\$68,844	\$69,395	\$70,000	\$68,685	\$65,787	(\$4,213)
Other Than Personal Services	13,290	13,579	10,720	13,467	9,929	(791)
Total	\$82,134	\$82,973	\$80,720	\$82,152	\$75,716	(\$5,004)

st Difference refers to the variance between the Fiscal 2011 Adopted Budget and the Fiscal 2012 Preliminary Budget

- Adult Operations, Juvenile Operations & Administrative Layoffs. The November Plan proposed savings associated with the elimination of 57 positions through layoffs. These layoffs will occur in Adult Operations (3), Juvenile Operations (43), and Administration (11). The combined layoffs are estimated to generate savings of approximately \$810,000 in Fiscal 2011, \$2.7 million in Fiscal 2012 and 2013, and \$2.8 million in Fiscal 2014 and 2015.
- **Juvenile and Adult Operations Attrition**. The November Plan included savings of the following amounts stemming from the elimination of 15 positions through attrition: approximately \$548,000 in Fiscal 2011, \$834,000 in Fiscal 2012, \$848,000 in Fiscal 2013, \$863,000 in Fiscal 2014 and \$879,000 in Fiscal 2015. Of these 15 eliminated positions, two will occur in Juvenile Operations and 13 will occur in Adult Operations.
- **Weekend Arraignment**. Funds totaling \$593,000 in Fiscal 2011 and \$1.55 million in Fiscal 2012 are added to the February Plan to fund DOP's staffing of weekend arraignment. This new need is required to offset the loss of federal funding which will run out in Fiscal 2011.
- **CEO Funding Adjustment.** The February Plan adds one-time funding of \$1.6 million to DOP's budget to fund a new Adolescent Re-Entry Program. This program is part of the Mayor's CEO initiative (Center for Economic Opportunity) and is funded through a transfer from the City's Miscellaneous Budget.

Department of Probation

The Department of Probation (DOP) promotes public safety by providing community-oriented criminal justice sanctions. The Department supplies the Supreme, Criminal and Family Courts with information and recommendations for court dispositions; supervises offenders by monitoring and enforcing compliance with conditions of probation; and provides access to rehabilitation services and counseling. The Department services approximately 60,000 adult probationers and 20,000 juveniles each year.

Key Public Services Areas

- Monitor and enforce the conditions of probation
- Maximize appropriate use of alternatives to Family Court and detention and out-of-home placement for juveniles.

SOURCE: Preliminary Mayor's Management Report

Critical Objectives

- Reduce the number of crimes committed by probationers.
- Reduce detention and out-of-home placement of juvenile probationers.
- Reduce reliance on Family Court for intervention in juvenile delinquency cases.

Department of Probation Financial Summary

Dollars in Thousands

	2009	2010	2011	2011	2012	Difference
	Actual	Actual	Adopted	Feb Plan	Feb Plan	2011-2012
Budget by Program Area						
Executive Management	\$7,115	\$7,082	\$6,985	\$7,016	\$6,829	(\$156)
Probation Services	75,019	75,892	73,735	75,136	68,887	(4,848)
TOTAL	\$82,134	\$82,973	\$80,720	\$82,152	\$75,716	(\$5,004)
Funding						
City Funds			\$61,650	\$62,187	\$59,658	(\$1,992)
State Funds			15,105	15,647	15,105	0
Federal – Other			3,012	3,366	0	(3,012)
Intra City			952	952	952	0
TOTAL			\$80,720	\$82,152	\$75,716	(\$5,004)
Positions						
Full-Time Positions – Civilian	1,147	1,168	1,233	1,189	1,092	(141)
TOTAL	1,147	1,168	1,233	1,189	1,092	(141)

Fiscal 2012 Preliminary Contracts Budget

Category	Number	Budgeted	Pct. of DOP Total	Pct. of City Total	Pct. Change from 2011 Adopted
Contractual Services General	4	\$1,911,803	45.8%	0.38%	72.7%
Telecommunications Maintenance	1	2,500	0.1%	0.01%	0.0%
Maint. & Repair, General	1	120,561	2.9%	0.12%	0.0%
Office Equipment Maintenance	2	118,457	2.8%	0.83%	0.0%
Data Processing Equipment	2	881,056	21.1%	0.66%	0.0%
Printing Contracts	1	20,000	0.5%	0.06%	0.0%
Security Services	1	493,685	11.8%	0.57%	-0.9%
Temporary Services	1	13,000	0.3%	0.04%	0.0%
Cleaning Services	1	26,606	0.6%	0.13%	0.0%
Hospital Contracts	3	220,511	5.3%	0.18%	0.0%
Training Programs for City Employees	2	24,676	0.6%	0.17%	0.0%
Professional Services: Other	4	342,060	8.2%	0.27%	0.0%
Preliminary Budget	23	\$4,174,915	100.0%	0.04%	23.7%

Program Areas

Probation Services

Administers investigations of most adult and juvenile offenders before sentencing and supervision of those sentenced to probation in adult and family courts as well as several related supervision programs for adult probationers, and alternative-to-placement program for juvenile probationers.

	2009	2010	2011	2011	2012	Difference
Dollars in Thousands	Actual	Actual	Adopted	Feb Plan	Feb Plan	2011 – 2012
Spending						
Personal Services	\$61,752	\$62,351	\$63,141	\$61,795	\$59,084	(\$4,057)
Full-Time Salaried – Civilian	57,171	57,838	59,535	56,202	56,291	(3,244)
Other Salaried & Unsalaried	23	28	2	82	2	0
Additional Gross Pay	4,296	4,294	3,605	4,480	3,429	(176)
Overtime – Civilian	262	191	512	491	482	(30)
Fringe	0	0	956	540	349	(607)
Amounts to be Scheduled	0	0	(1,470)	0	(1,470)	0
Other Than Personal Services	\$13,267	\$13,541	\$10,594	\$13,341	\$9,804	(\$791)
Supplies and Materials	931	836	1,278	1,113	1,041	(238)
Property and Equipment	795	804	667	662	554	(112)
Other Services and Charges	6,976	6,853	5,318	5,875	4,077	(1,241)
Contractual Services	4,562	5,041	3,331	5,686	4,131	801
Fixed and Misc. Charges	3	6	1	5	1	0
TOTAL	\$75,019	\$75,892	\$73,735	\$75,136	\$68,887	(\$4,848)
Funding						
City Funds			\$54,742	\$55,299	\$52,889	(\$1,853)
State			15,045	15,587	15,045	0
Federal			2,995	3,297	0	(2,995)
Intra City			952	952	952	0
TOTAL			\$73,735	\$75,136	\$68,887	(\$4,848)
Positions						
Full-Time Positions - Civilian	1,053	1,079	1,125	1,085	988	(137)
TOTAL	1,053	1,079	1,125	1,085	988	(137)

Performance Measures

	FY 08	FY 09	FY10	4-Month Actual FY 10	4-Month Actual FY 11	Target FY 12
Avg. monthly violation rate for adult probationers (%)	NA	NA	1.6%	1.7%	1.3%	*
Avg. monthly violation rate for juvenile probationers (%)	NA	NA	2.7%	3.0%	1.9%	*
Juvenile Delinquency cases eligible for adjustment (%)	NA	NA	27.4%	25.0%	39.0%	*
Youth enrolled in Esperanza (monthly average)	51	67	79	79	76	*
Total probationers supervised in Enhanced Supervision						
Program (ESP)	1,083	1,197	1,290	837	909	*

Relevant Preliminary Mayor's Management Report (PMMR) Indicators

According to the PMMR, "The Department now reports the average monthly violation rate for adult and juvenile probationers as a measure of compliance with probation supervision requirements. This indicator is derived from the number of violation proceedings filed with local courts for a rearrest or other serious misconduct, relative to the total number of probationers supervised. The average monthly violation rate for both adults and juveniles fell in the first four months of Fiscal 2011 compared to 2010; the adult rate fell from 1.7 to 1.3 percent, while the juvenile rate fell from 3.0 percent to 1.9 percent. DOP is now utilizing a graduated responses protocol to intervene before misconduct is referred to court, and more proactively reaching out to probationers in jeopardy of a violation."

"The Department revised its methodology for calculating the juvenile delinquency intake adjustment rate; the rate is now based on the percentage of cases opened for adjustment services rather than cases closed through adjustment. Using this new method, the adjustment rate was 39 percent during the first four months of Fiscal 2011, compared to 25 percent during the same period in Fiscal 2010."

"During the first four months of Fiscal 2011, the number of youth served by the Enhanced Supervision Program increased by nine percent to 909. Average daily enrollment in Esperanza, the City's first home-based alternative to placement program, decreased four percent to 77."

Performance Measures

				4-Month	4-Month	
				Actual	Actual	Target
	FY 08	FY 09	FY 10	FY 10	FY 11	FY 12
Adult probationer rearrest rate (monthly average) (%)	2.7%	2.8%	3.0%	3.0%	3.2%	*
Adult probationer Arrested Citywide as a Percentage						
of the NYPD arrest report (monthly average)	2.8%	2.7%	2.7%	2.8%	2.8%	*
Juvenile probationer rearrest rate (monthly average)						
(%)	2.1%	2.5%	3.0%	2.9%	3.3%	*
Juvenile Probationers Arrested Citywide as a						
Percentage of the NYPD arrest report (monthly						
average)	0.21%	0.24%	0.28%	0.27%	0.32%	*

The PMMR reports that, "The average monthly rearrest rate for adult and juvenile probationers rose slightly during the reporting period, consistent with increased arrests citywide. When viewed as a percentage of all NYPD arrests, adult probationer rearrests remained stable, while juvenile probationer rearrests rose by five hundredths of a percentage point."

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Trend Analysis for Probation Officer Caseloads for Adults

The Department of Probation provides services to more than 60,000 adults each year. The services rendered include, intake services, investigation services, and probation supervision. Adults sentenced to probation can range from one to three years for a misdemeanor and up to five years for a felony. Adult probationers fall into one of four different categories:

Adult Supervision Caseload Per Case Bearing Officer								
Calendar Year	2006	2007	2008	2009	2010*			
Special Offender	49	49	56	50	48			
High Risk	54	55	59	59	56			
Intensive Supervision Program	19	23	23	25	27			
Reporting Track (No community Supervision)	484	473	469	474	465			

Source: Department of Probation As of February 19, 2010

- **High Risk**, in which the probationer represents a high risk to commit violent crimes.
- **Special Offender**, a subset of High Risk in which the probationer represents an increased threat to public safety.
- **Intensive Supervision**, in which, "carefully selected felony offenders" are provided with comprehensive alternative-to-sentencing plans. Procedures and requirements for Intensive Supervision are strictly enforced by the State because the probationer would otherwise be incarcerated.
- **Reporting**, in which the probationer is not considered a high risk for committing crimes or a threat to public safety. Probationers in the Reporting Track are permitted to report monthly to a kiosk as opposed to being supervised by a probation officer.

Adult Supervision

• **Fees for Probation Services**. According to last year's January Plan, the Department planned to generate savings by establishing fees for court ordered investigations and the supervision of certain clients. According to the Office of Management and Budget (OMB), the Department was to have generated the savings by (a) charging a monthly fee for probationers who have been found guilty of driving while intoxicated and (b) instituting a sliding scale fee for Court Ordered Investigations (COIs) associated with custody and visitation matters. These fees required a change in local law prior.

The 2010 January Plan included annual revenue in the amount of approximately \$1 million beginning in Fiscal 2011. DOP now reports that only \$81,600 has been collected as of February 24, 2011, all which comes from the DWI probationers. The Department has been unable to collect the COI fees as this effort has required extensive collaboration with the Courts. According to DOP, the agency "continues to have on-going discussions with the judges regarding the collection protocol and expects implementation before the end of the fiscal year."

Trend Analysis for Probation Officer Caseloads for Juvenile Delinquents

The Department of Probation provides services to over 20,000 juveniles each year. The services rendered include, intake services, investigation services, and probation supervision. A juvenile delinquent is characterized as, "a person at least seven and less than 16 years of age who commits an act which would be a crime if he or she were an adult, and is also found in need of supervision, treatment or confinement."

Juvenile Delinquent Supervision Per Case bearing Officer								
Fiscal Year	2006	2007	2008	2009	2010*			
	48	42	39	38	38			

Source: Department of Probation

Juvenile Home Placement Programs - Alternatives-to-Placement

In recent years, the Department of Probation launched two alternatives-to-placement programs (the Esperanza/Hope Program and the Enhanced Supervision Program, or ESP) designed to provide an intensive level of community supervision for juveniles in lieu of placement within State Office of Children and Family Services (OCFS) facilities.

The Esperanza program, created in 2003 in conjunction with the Vera Institute of Justice and the State Office of Court Administration, is a four- to six-month program designed to offer youth a community-based, intensive family-centered supervision model. During this time, youth are on probation, and remain on probation for months after completion of the program. Since the program's inception in 2003, it has saved the City's Department of Juvenile Justice millions of dollars in placement costs that would otherwise have been paid to the New York State Office of Children and Family Services (OCFS).

The Enhanced Supervision Program, created in 2005 and run by the Department, targets the most serious juvenile offenders. The program is structured such that it, "promotes accountability and responsibility, and also increases self-esteem in probationers by building on the juveniles' strengths, addressing their service needs, and working effectively with their family support system." As this program is intended to provide uncompromising supervision to juvenile offenders, services include, but are not limited to: frequent contact with probation officers, unannounced home visits, community service, and work with the family on identifying problem areas impacting the juvenile. Since the program's inception, many youth have been diverted from State placement, again, saving the City millions of dollars.

Budget Reductions

• Adult Operations, Juvenile Operations & Administrative Layoffs. The November Plan proposed savings associated with the elimination of 57 positions through layoffs. These layoffs will occur in Adult Operations (3), Juvenile Operations (43), and Administration (11). The combined layoffs are estimated to generate savings of approximately \$810,000 in Fiscal 2011, \$2.7 million in Fiscal 2012 and 2013, and \$2.8 million in Fiscal 2014 and 2015.

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^{*} As of February 19, 2010

- **Juvenile and Adult Operations Attrition**. The November Plan included savings of the following amounts stemming from the elimination of 15 positions through attrition: approximately \$548,000 in Fiscal 2011, \$834,000 in Fiscal 2012, \$848,000 in Fiscal 2013, \$863,000 in Fiscal 2014 and \$879,000 in Fiscal 2015. Of these 15 eliminated positions, two will occur in Juvenile Operations and 13 will occur in Adult Operations.
- **OTPS Reduction.** According to the November Plan, DOP will extend its vehicle lifecycle and spend down its inventories of medical, surgical and other supplies.
- **PS Accruals**. The November Plan included attrition savings of \$2.4 million in Fiscal 2011 due to DOP's delays in hiring.

New Needs

• **Weekend Arraignment**. Funds totaling \$593,000 in Fiscal 2011 and \$1.55 million in Fiscal 2012 are added to the February Plan to fund DOP's staffing of weekend arraignment. This new need is required to offset the loss of federal funding which will run out in Fiscal 2011.

Restorations

- Maximize Alternative to Placement (ATP) Program Capacity. The February Plan makes a onetime restoration of approximately \$1.3 million to DOP's Fiscal 2011 budget to reflect the agency's inability to maximize ATP program capacity and State funding opportunities.
- Enhanced Supervision Program (ESP). Approximately \$1.7 million is being restored in the February Plan to reflect DOP's inability to secure a memorandum of understanding (MOU) with the Administration for Children's Services (ACS) relating to the State's Community Optional Preventive Services (COPS) program. The City's financial plan had previously anticipated that such an MOU would enable DOP to draw down additional COPS revenue. Last year's January Plan restored the \$1.7-million value for Fiscal 2010, and the current February Plan restores that value for Fiscal 2011. DOP now reports that it "is in the process of finalizing the MOU with ACS which will enable the agency to reduce" city funding by 63%.
- **Reusable Case Management System**. In the Fiscal 2011 Executive Plan, the Department was given net PEG credit of \$495,000 in Fiscal 2011 and \$1.245 million in Fiscal 2012 and the outyears for plans to lease the agency's proprietary case management system. This net credit recognized an annual investment of \$255,000 and revenues of \$750,000 in Fiscal 2011 and \$1.5 million in Fiscal 2012 and the outyears. The current February Plan now restores the \$750,000 revenue in Fiscal 2011 only as sales have not been attained. The anticipated annual receipt of \$1.5 million in revenue is still retained in the Plan.

Other Budget Actions

• **CEO Funding Adjustment.** The February Plan adds one-time funding of \$1.6 million to DOP's budget to fund a new Adolescent Re-Entry Program. This program is part of the Mayor's CEO initiative (Center for Economic Opportunity) and is funded through a transfer from the City's Miscellaneous Budget.

State Reimbursement

• According to DOP, "The Governor's Executive Budget proposes an 8% reduction of the Block Grant (Formerly: Aid to Probation, Intensive Supervision Program (ISP) and Enhanced Supervision of Sex Offenders (ESSO). This equates to a \$1.1 million loss in revenue."

Executive Management

Sets policies and develops short and long term plans and strategies; provides public information and media liaison; provides legislative review and legal analysis; coordinates with governmental oversight agencies. Under the supervision of the Deputy Commissioner of budget and administration, provides management of general support services.

	2009	2010	2011	2011	2012	Difference
Dollars in Thousands	Actual	Actual	Adopted	Feb Plan	Feb Plan	2011 – 2012
Spending						
Personal Services	\$7,093	\$7,044	\$6,859	\$6,891	\$6,703	(\$156)
Full-Time Salaried – Civilian	6,718	6,494	6,712	6,672	6,484	(228)
Other Salaried & Unsalaried	31	18	4	4	4	0
Additional Gross Pay	234	473	125	197	197	72
Overtime – Civilian	108	55	18	18	18	0
P.S. Other	2	3	0	0	0	0
Other Than Personal Services	\$22	\$38	\$126	\$126	\$126	0
Supplies and Materials	4	2	42	35	42	0
Property and Equipment	0	13	21	16	21	0
Other Services and Charges	18	14	17	29	17	0
Contractual Services	0	9	43	43	43	0
Fixed and Misc. Charges	0	0	2	2	2	0
TOTAL	\$7,115	\$7,082	\$6,985	\$7,016	\$6,829	(\$156)
Funding						
City Funds			\$6,908	\$6,888	\$6,769	(\$139)
State			60	60	60	0
Federal			17	69	0	(17)
TOTAL			\$6,985	\$7,016	\$6,829	(\$156)
Positions						
Full-Time Positions - Civilian	94	89	108	104	104	(4)
TOTAL	94	89	108	104	104	(4)

• Administrative Operations Reduction. The November Plan proposed that the Department "not backfill one Secretary and one Associate Staff Analyst from the Procurement Unit." Savings from this proposal was projected at \$105,000 in Fiscal 2011, \$159,000 in Fiscal 2012, \$160,000 in Fiscal 2013, \$162,000 in Fiscal 2014, and \$165,000 in Fiscal 2015. These two positions would be eliminated through attrition.

Appendix A: Budget Actions in the November and January Plans

		Fiscal 2011		Fiscal 2012			
Description	City	Non-City	Total	City	Non-City	Total	
Agency Budget as per June 2010 Plan	\$61,650	\$19,069	\$80,719	\$59,335	\$16,313	\$75,648	
Program to Eliminate the Gap (PEGs)							
Administration Operations Reduction	(\$105)		(\$105)	(\$159)		(\$159)	
Adult Operations, Juvenile Operations & Admin. Layoffs	(810)		(810)	(2,666)		(2,666)	
Juvenile and Adult Operations - Attrition	(548)		(548)	(834)		(834)	
OTPS Reduction	(67)		(67)	(338)		(338)	
PS Accruals	(2,400)		(2,400)				
Total PEGs	(\$3,930)	\$0	(\$3,930)	(\$3,997)	\$0	(\$3,997)	
New Needs							
Enhanced Supervision New Needs (Feb.)	\$1,691		\$1,691				
Weekend Arraignment (Feb.)	593		593	1,548		1,548	
Total New Needs	\$2,283	\$0	\$2,283	\$1,548	\$0	\$1,548	
Other Adjustments							
Admin. PEG Fringe	\$22		\$22	\$35		\$35	
Attrition Fringe	157		157	247		247	
Layoff Fringe	(77)		(77)	891		891	
Roll FY10 Balance into FY11 - BFB		6	6			0	
Roll FY10 Balance into FY11 - Byrne		1,038	1,038			0	
Roll FY10 Balance into FY11 - MH		20	20			0	
Roll FY10 Balance into FY11 - SO		32	32			0	
Roll FY10 Balance into FY11 - WA		18	18			0	
Roll FY10 Balance into FY11 - MHJJ		28	28			0	
Roll FY10 Balance into FY11 - KJOP		6	6			0	
Roll FY10 Balance into FY11 - RDL		149	149			0	
Roll FY10 Balance into FY11 - Byrne Admin.		250	250			0	
Roll FY10 Balance into FY11 - RDLR		280	280			0	
Roll FY10 Balance into FY11 - Byrne Bal.		51	51			0	
CEO Funding Adjustment (Feb.)			0	1,600		1,600	
Fund BPACT Program 2011 (Feb.)		267	267			0	
MHJJ Grant (Feb.)		242	242		242	242	
Takedown RDLR Grant FY 11 & 12 (Feb.)		(1,491)	(1,491)		(497)	(497)	
Total Other Adjustments	\$102	\$895	\$997	\$2,773	(\$255)	\$2,518	
PEG Restorations and Substitutions (PRS)	·			. ,	,, ,	<u> </u>	
Maximize Alternative-to-Placement (ATP) Program Capacity	\$1,332		\$1,332				
Reusable Case Management System	750		750				
Total PEG Restorations and Substitutions (PRS)	\$2,082	\$0	\$2,082	\$0	\$0	\$0	
Total January Plan Budget Changes	\$537	\$895	\$1,432	\$323	(\$255)	\$68	
Agency Budget as per the February 2011 Plan	\$62,187	\$19,965	\$82,152	\$59,658	\$16,057	\$75,715	

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