

THE COUNCIL OF THE CITY OF NEW YORK

Speaker of the Council
Christine C. Quinn



Hon. Elizabeth Crowley, Chair, Fire and Criminal Justice
Services Committee

Hearing on the Mayor's Fiscal 2013 Preliminary Budget & the Fiscal 2012 Preliminary Mayor's Management Report

Department of Probation

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Department of Probation Overview

The New York City Department of Probation (DOP) helps build stronger and safer communities by working with and supervising people on probation, fostering positive change in their decision-making and behavior, and expanding opportunities for them to move out of the criminal and juvenile justice systems through meaningful education, employment, health services, family engagement and civic participation. The Department is required to supply information and recommendations to the courts on both adult and juvenile cases. DOP completes Pre-Sentence Investigations of all convicted adults to aid in sentencing. Investigations and Recommendations Reports are prepared for the Family Court to aid in the decision making on delinquency, custody, visitation, neglect and adoption cases. The Department provides intake services and investigations for more than 30,000 adults and 15,000 juveniles each year, and supervises approximately 24,500 adults and 2,000 juveniles on any given day.

Fiscal 2013 Preliminary Budget Highlights

<i>Dollars in Thousands</i>	2011 Actual	2012 Adopted	2012 Feb. Plan	2013 Feb. Plan	*Difference 2012 - 2013
Personal Services	\$67,232	\$64,861	\$66,200	\$61,638	(\$3,223)
Other Than Personal Services	14,657	13,022	15,990	14,503	1,481
Agency Total	\$81,890	\$77,883	\$82,190	\$76,141	(\$1,742)

**The difference of Fiscal 2012 Adopted compared to Fiscal 2013 February Plan funding.*

The Department of Probation's Fiscal 2013 Preliminary Budget of \$76.1 million is \$1.7 million less than its Fiscal 2012 Adopted Budget of \$77.8 million. The \$1.7 million decrease is due to a \$3.2 million drop in the Personal Services (PS) budget and a \$1.4 million increase in the Other Than Personal Services (OTPS) budget.

In June 2011, DOP's projected Fiscal 2013 budget was \$72.8 million, \$5 million less than the Adopted Fiscal 2012 budget of \$77.8 million. Since Fiscal 2012 Adoption several initiatives have increased the Fiscal 2013 Budget to \$76.1 million. These changes include new needs of \$4.6 million, other adjustments of \$1.1 million, and PEGs totaling \$2.3 million. Combined, the above actions reconcile the agency to its current budget of \$76.1 million for Fiscal 2013 which accounts for the difference of \$1.7 million. (See Appendix A for a list of all of the changes to the Fiscal 2012 and Fiscal 2013 Budgets since Adoption.) Highlights of the Fiscal 2013 Budget are listed below.

- **Young Men's Initiative (YMI).** The November 2011 Plan added \$4.6 million in Fiscal 2013 to support two YMI Programs. Of that amount, \$2 million will support the Advocate, Intervene, Mentor (AIM) program and \$2.6 million will support the Justice Scholars and Justice Community program. (See page 6)
- **CEO Funding Adjustment.** The February Plan adds one-time funding of \$1.6 million to DOP's budget in Fiscal 2013 to fund the Justice Scholars program. This program, which is also funded by YMI, was introduced as part of the Mayor's CEO initiative (Center for Economic Opportunity). (See page 7)

- **Adult Operations and Juvenile Operations Vacancy Reductions.** The November Plan proposed budget reductions for Fiscal 2013 associated with the elimination of 23 vacant operational positions. The Department will remove six vacancies within juvenile operations and 17 vacancies within adult operations to cut spending by \$1.4 million annually beginning in Fiscal 2013. According to the Office of Management and Budget, no service impact is anticipated because the responsibilities of these positions will be absorbed by the current staff.

Department of Probation Financial Summary

<i>Dollars in Thousands</i>	2011 Actual	2012 Adopted	2012 Feb. Plan	2012 Feb. Plan	*Difference 2012 - 2013
Budget by Program Area					
Executive Management	\$7,056	\$6,830	\$7,130	\$7,133	\$303
Probation Services	74,834	71,053	75,060	69,008	(2,045)
TOTAL	\$81,890	\$77,883	\$82,190	\$76,141	(\$1,742)
Funding					
City Funds	NA	\$62,623	\$60,018	\$60,034	(\$2,589)
State	NA	14,307	14,728	14,896	589
Federal - Other	NA	0	460	258	258
Intra City	NA	952	6,985	952	0
TOTAL	\$81,890	\$77,883	\$82,190	\$76,141	(\$1,742)
Positions					
Executive Management	94	104	104	104	0
Probation Services	929	960	996	903	(57)
TOTAL	1,023	1,064	1,100	1,007	57

**The difference of Fiscal 2012 Adopted compared to Fiscal 2013 February Plan funding.*

The Department of Probation's Budget has only two program areas and each includes a unit of appropriation for Personal Services (PS) and Other Than Personal Services (OTPS). The Financial Plan Summary table provides an overview of spending by program area, funding source and headcount. The Financial Plan shows little change in spending however; there are significant changes in headcount for Probation Services.

Headcount drops by 57 positions from Fiscal 2012 to Fiscal 2013. In June 2011, DOP's projected Fiscal 2013 headcount of 934 positions was 26 positions less than the Fiscal 2012 Adopted headcount of 960. The November Plan included two PEGs that removed 46 positions and two new needs that added five positions. These actions reconcile the agency to its current headcount of 903 probation services positions.

For Fiscal 2012 the Current Modified headcount of 996 probation services positions shows growth of 36 positions when compared to the Fiscal 2012 Adopted headcount of 960 positions. The increase of 36 positions for Fiscal 2012 is the result of internal agency budget modifications in November and February that added 49 positions and a PEG that removed 13 positions. The Department's budget did not increase as the headcount changes had a net zero effect on the agency's budget.

Probation Services

Probation Services carries out investigations of most adult and juvenile offenders before sentencing and supervises 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.

	2011	2012	2012	2013	*Difference
<i>Dollars in Thousands</i>	Actual	Adopted	Feb. Plan	Feb. Plan	2012 - 2013
Spending					
Personal Services					
Full-Time Salaried – Civilian	\$55,840	\$55,363	\$56,342	\$51,817	(\$3,546)
Additional Gross Pay	4,293	3,430	3,471	3,430	0
Overtime - Civilian	109	482	485	482	0
Other Salaried and Unsalaries	46	2	2	2	0
Amounts to be Scheduled	0	(1,470)	(1,470)	(1,470)	0
Fringe Benefits	0	349	365	369	20
Subtotal, PS	\$60,288	\$58,157	\$59,196	\$54,631	(\$3,526)
Other Than Personal Services					
Contractual Services	\$5,400	\$7,418	\$9,397	\$8,481	\$1,063
Fixed and Misc Charges	4	1	105	1	0
Other Services and Charges	7,405	4,038	4,820	4,208	169
Property and Equipment	993	529	494	554	25
Supplies and Materials	744	910	1,049	1,133	224
Subtotal, OTPS	\$14,545	\$12,896	\$15,864	\$14,377	\$1,481
TOTAL	\$74,834	\$71,053	\$75,060	\$69,008	(\$2,045)
Funding					
City Funds	NA	\$55,853	\$52,947	\$52,961	(\$2,892)
State	NA	14,247	14,668	14,836	589
Federal - Other	NA	0	460	258	258
Intra City	NA	952	6,985	952	0
TOTAL	\$74,834	\$71,053	\$75,060	\$69,008	(\$2,045)
Positions					
Probation Services	929	960	996	903	(57)
TOTAL	929	960	996	903	(57)

Programs to Elimination the Gap (PEGS)

- **State Prevention Services Revenue for Esperanza.** According to the Office of Management and Budget, the Department of Probation will receive additional State revenue through the Administration of Children Services for its Esperanza Program. In light of this State revenue, the November 2011 and February 2012 Plan included three budget actions related to the Esperanza program.

First, the November Plan included a technical adjustment that removed \$400,000 annually from DOP's Budget and second, an "other adjustment" that removed \$1.2 million annually. The February Plan now adds \$2.5 million in State revenue to offset the reduction for Fiscal 2012. It is anticipated that DOP will receive additional State revenue for the outyears.

- **Adult Operations and Juvenile Operations Vacancy Reductions.** The November Plan proposed budget reductions for Fiscal 2013 associated with the elimination of 23 vacant operational positions. The Department will remove six vacancies within juvenile operations and 17 vacancies within adult operations to cut spending by \$1.4 million annually beginning in Fiscal 2013. According to the Office of Management and Budget, no service impact is anticipated because the responsibilities of these positions will be absorbed by the current staff.
- **Administrative Vacancy Reductions.** The November Plan proposed budget reductions for Fiscal 2013 associated with the elimination of 13 administrative positions through attrition. The Department will remove 13 positions to cut spending by \$600,000 annually beginning in Fiscal 2013. According to the Office of Management and Budget, no service impact is anticipated because the responsibilities of these positions will be absorbed by the current staff.
- **Other Than Personal Services Reduction.** The November Plan recognized that the Department would reduce its OTPS budget for telecommunications and data processing by \$53,000 annually beginning in Fiscal 2012 by utilizing existing technological resources within the agency.

Young Men's Initiative Budget Actions

According to the PMMR, "the Department prepared to open the first of five Neighborhood Opportunity Network (NeON) offices, which are community centers designed to increase neighborhood involvement with probation clients. The NeON offices will include educational, mentoring, and workforce development services funded by the Mayor's Young Men's Initiative, a multi-agency effort to reduce disparities slowing the advancement of black and Latino males. The first NeON office opened in Brownsville in December 2011. Neons are also being developed in Harlem, Jamaica, East New York, and the South Bronx."

New Needs

- **Advocate, Intervene, Mentor (AIM) Program.** The November Plan included \$2 million for Fiscal 2013 and Fiscal 2014 to support the AIM program. The Advocate, Intervene and Mentor program is an intensive community-based program for high-risk youth on probation who are at risk of out of home placement. Youth and their family will be paired with an advocate who will be available 24 hours a day to mentor and support the young adult in an effort to change the attitudes and behaviors that led to criminal behavior. According to the Department of Probation the program is expected to serve 100 youth between the ages of 14 to 18 years of age.
- **Justice Scholars/Justice Community.** The November and February Plans added \$6.8 million to DOP's budget over the course of Fiscal 2013 and Fiscal 2014 to support two programs intended to expand education and career exploration opportunities for court-involved young adults. Similar goals of programs are to increase educational opportunities, sustain employment and increase community engagement in an effort to reduce crime and prevent recidivism.

The Justice Scholars program is an education based program that focuses on helping participants with all levels of their educational needs including but not limited to tutoring services, the attainment of their GED or entrance into college. It is a six month program with a six month follow-up and will annually serve 40-160 court-involved young adults' ages 16 to 18 years old.

The Justice Community program seeks to engage participants in programs and services within in their community. Some of the services provided include employment, skill building, case management and educational opportunities for youth. The Justice Community program is flexible and meets the needs of the individual by providing services for up to six months with and up to six month follow up. The program will serve 40-160 court-involved young adults' ages 19 to 24 years old.

Other Adjustments

- **Each Child Has an Opportunity to Excel and Succeed (ECHOES).** The February 2012 Plan added \$1.3 million in Intra City funds for Fiscal 2012 to support the ECHOES program. ECHOES, which provides the highest level of juvenile supervision is an alternative to placement program that will target youth ages 14 and older that have been adjudicated through Family Court and are in jeopardy of state placement. Although under the YMI umbrella, ECHOES is not a YMI Initiative. It does however meet and services the needs of the same population as YMI.
- **Evening Intake Services.** The February 2012 Plan includes \$300,000 in Intra City funds in Fiscal 2012 to support evening intake services for juvenile probationers.

Adult Monitoring and Enforcement Performance Measures

	FY 09	FY 10	FY 11	4-Month Actual FY 11	4-Month Actual FY 12	Target FY 13
Adult probationer rearrest rate (monthly average) (%)	2.8%	3.0%	3.1%	3.2%	2.9%	*
Adult probationer Arrested Citywide as a Percentage of the NYPD arrest report (monthly average)	2.7%	2.7%	2.6%	2.8%	2.6%	*
Avg. monthly violation rate for adult probationers (%)	NA	1.6%	1.0%	1.3%	1.0%	*

According to the PMMR, “The average monthly violation rate for adult probationers was 1.0 percent in the first four months of Fiscal 2012, down from 1.3 percent the previous fiscal year. DOP continues to utilize a graduated response protocol to intervene before misconduct is referred to court, and to more proactively reach out to probationers in jeopardy of a violation. The average monthly rearrest rate for adult probationers fell during the reporting period by 0.3 percentage points. When viewed as a percentage of all NYPD arrests, adult rearrests were down 0.2 percentage points. DOP continues to focus its resources on individuals who are at highest risk for recidivism.”

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 receive terms that can range from one to three years for most misdemeanors and five years for most felonies. Clients convicted of sex offenses, and certain drug offenses receive longer probation sentences.” Adult probation clients fall into one of four different categories:

Adult Supervision Caseload Per Case Bearing Officer						
Calendar Year	2006	2007	2008	2009	2010	2011
Intensive Supervision Program	19	23	23	25	27	31
Special Offender	49	49	56	50	48	45
High Risk	54	55	59	59	56	42
Reporting Track (No community Supervision)	484	473	469	474	465	494

Source: Department of Probation

- **Intensive Supervision**, in which individuals convicted of felony offenses, who would otherwise have received a period of incarceration of one to three years in state prison, receive comprehensive alternative to incarceration plans. ISP is the highest level of probation and includes the highest number of contacts between probation officer and client.
- **Special Offender**, in which the probation client’s case meets one of the following criteria: sex offender, including those registered under the Sex Offender Registration Act (SORA); child abuse case; domestic violence or history of domestic violence; confirmed as a major drug dealer or known to have a major gang affiliation or involvement; known to both State and Federal witness protection programs..
- **High Risk**, in which the probation client is at a higher risk to recidivate, according to DOP’s risk assessment instrument.

- **Reporting**, in which the probation client is not considered a high risk for committing crimes or a threat to public safety. Probationers in the Reporting Track report monthly to a kiosk, but also have a probation officer.

Juvenile Monitoring and Enforcement Performance Measures

Fiscal 2012 PMMR Indicators

	FY 09	FY 10	FY 11	4-Month Actual FY 11	4-Month Actual FY 12	Target FY 13
Juvenile probationer rearrest rate (monthly average) (%)	2.5%	3.0%	3.0%	3.3%	2.5%	*
Juvenile Probationers Arrested Citywide as a Percentage of the NYPD arrest report (monthly average)	0.2%	0.3%	0.3%	0.3%	0.2%	*
Avg. monthly violation rate for juvenile probationers (%)	NA	2.7%	2.1%	1.9%	2.4%	*

According to the PMMR, “The average monthly violation rate for juveniles was 2.4 percent, compared to 1.9 percent during the first four months of Fiscal 2011. The Department diverted many low-risk juveniles to adjustment services, while opening supervision cases for higher-risk youth.

The average monthly rearrest rate for juvenile probationers fell during the reporting period by 0.8 percentage points. When viewed as a percentage of all NYPD arrests, juvenile rearrests decreased by 0.1 percentage points. DOP continues to focus its resources on individuals who are at highest risk for recidivism.”

Juvenile Alternative to Family Court and Detention and Out-of-Home Placement Performance Measures

Fiscal 2012 PMMR Indicators

	FY 09	FY 10	FY11	4-Month Actual FY 11	4-Month Actual FY 12	Target FY 13
Total probationers supervised in Enhanced Supervision Program (ESP)	1,197	1,290	1,287	909	709	*
Youth participating in Esperanza	67	79	77	76	93	*
Juvenile Delinquency cases eligible for adjustment (%)	NA	27.4%	40.0%	39.0%	36.0%	*

According to the PMMR, “The number of youth served by the Enhanced Supervision Program was 790, compared to 909 during the first four months of Fiscal 2011. A 12 percent decrease in the overall number of juveniles supervised accounts for this decline. The average daily enrollment in Esperanza, the City’s first home-based alternative to placement program, was 93 youth, up from 76 the previous fiscal year. The Department worked with local courts and service providers to identify youth appropriate for community supervision rather than placement. The juvenile intake

adjustment rate was 36 percent during the first four months of Fiscal 2012, a reduction of three percentage points from the previous fiscal year, based primarily on an increase in the number of cases that were not suitable for adjustment services and were referred to court.”

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.”

<i>Juvenile Delinquent Supervision Per Case bearing Officer</i>						
Fiscal Year	2006	2007	2008	2009	2010	2011
	48	42	39	38	38	35

Source: Department of Probation

Juvenile Home Placement Programs – Alternatives-to-Placement

Several years ago, the Department of Probation launched two alternatives-to-placement programs for juveniles the Esperanza/Hope Program and the Enhanced Supervision Program, or ESP they 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 that gives youth community-based, intensive family-centered supervision. Youth currently serving a probation term, remain on probation for months after completion of the Esperanza program. Since its inception Esperanza 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. It is structured to promote the accountability and responsibility of justice-involved youth in addition to increasing their self-esteem. The program provides intense supervision and 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.

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.

<i>Dollars in Thousands</i>	2011 Actual	2012 Adopted	2012 Feb. Plan	2013 Feb. Plan	*Difference 2012 - 2013
Spending					
Personal Services					
Full-Time Salaried – Civilian	\$6,577	\$6,484	\$6,784	\$6,788	\$303
Additional Gross Pay	303	198	198	198	0
Overtime - Civilian	47	18	18	18	0
Other Salaried and Unsalariated	16	4	4	4	0
P.S. Other	1	0	0	0	0
Subtotal, PS	\$6,944	\$6,704	\$7,004	\$7,007	\$303
Other Than Personal Services					
Contractual Services	\$11	\$43	\$19	\$43	\$0
Fixed and Misc Charges	2	2	7	2	0
Other Services and Charges	27	17	31	17	0
Property and Equipment	32	21	21	21	0
Supplies and Materials	41	42	47	42	0
Subtotal, OTPS	\$112	\$126	\$126	\$126	\$0
TOTAL	\$7,056	\$6,830	\$7,130	\$7,133	\$303
Funding					
City Funds	NA	\$6,770	\$7,070	\$7,073	\$303
State	NA	60	60	60	0
TOTAL	\$7,056	\$6,830	\$7,130	\$7,133	\$303
Positions					
Executive Management	94	104	104	104	0
TOTAL	94	104	104	104	0

*The difference of Fiscal 2012 Adopted compared to Fiscal 2013 February Plan Funding.

Appendix A: Budget Actions in the November and February Plans

Dollars in Thousands	FY 2012			FY 2013		
	City	Non-City	Total	City	Non-City	Total
DOP Budget as of June 2011 Plan	\$62,624	\$15,259	\$77,883	\$56,965	\$15,816	\$72,781
Program to Eliminate the Gap (PEGs)						
Administrative Vacancy Reductions				(\$604)		(\$604)
Esperanza Funding	(400)		(400)	(400)		(400)
Operational Vacancy Reductions	(411)		(411)	(1,324)		(1,324)
OTPS Reduction	(53)		(53)	(53)		(53)
PS Accruals	(500)		(500)	0		0
TOTAL, PEGs	(\$1,364)	\$0	(\$1,364)	(\$2,381)	\$0	(\$2,381)
New Needs						
Young Men's Initiative: AIM (Advocate, Intervene, Mentor)				\$2,053		\$2,053
Young Men's Initiative: Justice Scholars/Community				2,578		2,578
TOTAL, New Needs	\$0	\$0	\$0	\$4,631	\$0	\$4,631
Other Adjustments						
Administrative Vacancy Reduction Fringe Adjustment				\$220		\$220
Operational Vacancy Reductions Fringe Adjustment	110		110	407		407
Esperanza Preventive Services	(1,237)	2,534	1,298	(1,237)		(1,237)
YMI Fringe Adjustment for FY12	(115)		(115)			
YMI AIM (Advocate, Intervene, Mentor) Fringe Adjustment				(53)		(53)
YMI: Justice Scholars/Community				(78)		(78)
CEO Funding Adjustment - Justice Scholars				1,600		1,600
ECHO		1,277	1,277			
Evening Intake		300	300			
HHS Connect Technical Adjustment				(39)		(39)
STSJP		1,921	1,921			
Various Non-City Grants		880	880		291	291
TOTAL, Other Adjustments	(\$1,242)	\$6,913	\$5,671	\$819	\$291	\$1,110
TOTAL, All Changes	(\$2,606)	\$6,913	\$4,307	\$3,069	\$291	\$3,360
DOP Budget as of February 2012 Plan	\$60,018	\$22,172	\$82,190	\$60,034	\$16,107	\$76,141

Appendix B: Contract Budget

The New York City Charter mandates the preparation of a Contract Budget to identify expenditures for contractual services, which are defined as any technical, consultant or personal service provided to the City by means of a contract. The Contract Budget is actually a subset of the Other Than Personal Services (OTPS) portion of the City’s Expense Budget. The Administration prepares a Contract Budget twice each fiscal year. In January, it is prepared with the Departmental Estimates, and in late April it is submitted to the Council with the Executive Budget.

Category	Number	Budgeted	Pct of (DOP) Total	Pct of City Total
Contractual Services General	4	\$6,555,297	76.90%	0.06%
Telecommunications Maintenance	1	2,500	0.03%	0.00%
Maint. & Repair, General	1	120,561	1.41%	0.00%
Office Equipment Maintenance	2	118,457	1.39%	0.00%
Data Processing Equipment	2	828,356	9.72%	0.01%
Printing Contracts	1	20,000	0.23%	0.00%
Security Services	1	493,685	5.79%	0.00%
Temporary Services	1	13,000	0.15%	0.00%
Cleaning Services	1	26,606	0.31%	0.00%
Hospital Contracts	3	220,511	2.59%	0.00%
Training Programs for City Employees	2	24,676	0.29%	0.00%
Professional Services: Other	4	100,500	1.18%	0.00%
Preliminary Budget	23	\$8,524,149	100.00%	0.08%