



New York City Council

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Finance Division

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Hearing on the Mayor's Fiscal Year 2011 Preliminary Budget

Department of Probation

March 10, 2010

Committee on Fire and Criminal Justice Services

Hon. Elizabeth Crowley, Chair

Andy Grossman, Deputy Director, Finance Division

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Summary and Highlights

Department of Probation Financial Summary

Dollars in Thousands

	2008 Actual	2009 Actual	2010 Adopted	2010 Jan. Plan	2011 Preliminary	Difference, 2010 – 2011*
Personal Services	\$67,825	\$68,844	\$68,978	\$73,956	\$69,572	\$594
Other than Personal Services	13,765	13,290	12,463	13,171	10,816	(1,647)
Table Total	\$81,589	\$82,134	\$81,440	\$87,127	\$80,387	(\$1,053)

* *Difference refers to the variance between the Fiscal 2010 Adopted Budget and the Fiscal 2011 Preliminary Budget*

- **Provisional Employee Layoffs.** The Department of Probation is planning to achieve annual savings by laying off 19 of its provisional employees. The Department will generate savings of approximately \$826,000 in Fiscal 2011 increasing to approximately \$928,000 in Fiscal 2014 (see page 7).
- **Vacancy Reductions.** The Department of Probation is planning to achieve annual savings of \$2.7 million beginning in Fiscal 2011 by not filling 38 vacant positions (see page 7).
- **Probation Aid** – The Governors Fiscal 2010-2011 Executive Budget includes a proposal to reduce Probation Aid to the City for both Fiscal 2010 and Fiscal 2011. This proposal if implemented in the State Adopted Budget would reduce Probation Aid by \$700,000 in Fiscal 2010 and \$2.7 million in Fiscal 2011. Such a cut would continue the downward level of support for Probation Services by the State (see page 8).

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

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

Critical Objectives

- Deliver timely and accurate investigation reports to the courts to assist in sentencing.
- Reduce the number of crimes committed by probationers.
- Reduce detention and out-of-home placement of juvenile delinquents.
- Reduce reliance on Family Court for intervention in juvenile delinquency cases.

SOURCE: Preliminary Mayor's Management Report

Department of Probation Financial Summary

Dollars in Thousands

	2008 Actual	2009 Actual	2010 Adopted	2010 Jan. Plan	2011 Preliminary	*Difference 2010-2011
Budget by Program Area						
Executive Management	\$7,501	\$7,115	\$6,129	\$6,403	\$6,456	\$328
Probation Services	74,089	75,019	75,312	80,724	73,931	(1,380)
TOTAL	\$81,589	\$82,134	\$81,440	\$87,127	\$80,387	(\$1,053)
Funding						
City Funds			\$61,949	\$61,787	\$58,216	(\$3,733)
State Funds			\$18,539	\$19,128	\$18,207	(\$332)
Federal – Other			\$0	\$5,259	\$3,012	\$3,012
Intra City			\$952	\$952	\$952	\$0
TOTAL			\$81,440	\$87,127	\$80,387	(\$1,053)
Positions						
Full-Time Positions - Civilian	1,219	1,147	1,193	1,193	1,218	25
TOTAL	1,219	1,147	1,193	1,193	1,218	25

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.

<i>Dollars in Thousands</i>	2008 Actual	2009 Actual	2010 Adopted	2010 Jan. Plan	2011 Preliminary	Difference, 2010 – 2011
Spending						
Personal Services	\$60,501	\$61,752	\$62,982	\$67,666	\$63,241	\$259
Full-Time Salaried – Civilian	56,201	57,171	60,122	62,556	59,670	(452)
Other Salaried & Unsalariated	57	23	2	2	2	1
Additional Gross Pay	4,036	4,296	3,498	3,757	3,580	82
Overtime - Civilian	208	262	482	567	503	21
Fringe	0	0	349	784	956	607
Amounts to be Scheduled	0	0	(1,470)	0	(1,470)	0
Other Than Personal Services	\$13,587	\$13,267	\$12,329	\$13,058	\$10,690	(\$1,639)
Supplies and Materials	737	931	1,183	1,332	1,271	88
Property and Equipment	802	795	619	830	619	0
Other Services and Charges	6,710	6,976	6,792	6,763	5,240	(1,552)
Contractual Services	5,337	4,562	3,735	4,125	3,559	(176)
Fixed and Misc. Charges	2	3	1	7	1	0
TOTAL	\$74,089	\$75,019	\$75,312	\$80,724	\$73,931	(\$1,380)
Funding						
<i>City Funds</i>			\$55,932	\$55,548	\$51,892	(\$4,040)
<i>State</i>			18,427	19,016	18,092	(335)
<i>Federal</i>			0	5,208	2,995	2,995
<i>Intra City</i>			952	952	952	0
TOTAL			\$75,312	\$80,724	\$73,931	(\$1,380)
Positions						
Full-Time Positions - Civilian	1,118	1,053	1,089	1,092	1,117	28
TOTAL	1,118	1,053	1,089	1,092	1,117	28

Performance Measures

	FY 07	FY 08	FY 09	4-Month Actual FY 09	4-Month Actual FY 10	Target FY 11
Pre-Sentence Investigation Reports on adult cases submitted within 24 hours prior to scheduled hearing	98.8 %	98.8%	100.0%	100.0%	99.9%	*
Family Court juvenile cases with Investigations & Reports submitted on time - At Liberty Cases (%)	78.3%	90.0%	99.0%	99.0%	98.0%	*
Remand cases (%)		98.0%	99.9%	100.0%	100.0%	*
High-risk probationers supervised per Probation Officer	57	59	57	58	62	65
Juvenile Delinquency cases diverted from court through adjustment (%)	26%	30%	28%	32%	28%	*
Youth enrolled in Esperanza (monthly average)	79	51	67	59	79	*
Total probationers supervised in Enhanced Supervision Program (ESP)	988	1,083	1,197	796	837	*

Relevant Preliminary Mayor's Management Report (PMMR) Indicators

According to the PMMR, the Department's on-time delivery rate for adult investigations remained stable at 99.9 percent in the first four months of Fiscal 2010. The juvenile on-time rate declined one percentage point to 98 percent for "At Liberty" cases, and remained at 100 percent for "Remand" cases.

The number of high-risk cases supervised per probation officer increased to 62 cases, but remained below the Department's maximum case ratio standard of 65:1, allowing the Department to exceed its goal for contacts with these probationers.

The rate of juvenile delinquency cases diverted from court through adjustment decreased four percentage points to 28 percent of all cases during the reporting period. This drop in the juvenile adjustment rate follows increases for three consecutive fiscal years. The Department continues to be aggressive in identifying cases suitable for adjustment, and based on its close monitoring of adjustment practice, attributes the decline to a decrease in cases suitable for adjustment services.

During the first four months of Fiscal 2010, the number of youth served by the Enhanced Supervision Program increased by five percent to 837. Average daily enrollment in Esperanza, the City's first home-based, alternative-to-placement program, increased by 34 percent to 79. The increases reflect the Department's continuing efforts to work with local courts to find appropriate alternatives to placement

Performance Measures

	FY 07	FY 08	FY 09	4-Month Actual FY 09	4-Month Actual FY 10	Target FY 10
Adult probationer rearrest rate (monthly average) (%)	2.5%	2.7%	2.8%	2.8%	3.0%	*
Adult probationer Arrested Citywide as a Percentage of the NYPD arrest report (monthly average)	2.9%	2.8%	2.7%	2.9%	2.8%	*
Juvenile probationer rearrest rate (monthly average) (%)						*
Juvenile Probationers Arrested Citywide as a Percentage of the NYPD arrest report (monthly average)						

According to the PMMR, the average monthly rearrest rates 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 declined slightly, while juvenile probationer arrests remained stable.

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 the January Plan, the Department would 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 would generate the savings by charging a monthly fee for probationers who have been found guilty of driving while intoxicated or institute a sliding scale for indigent probationers who have court ordered investigations. However, any institution of fees would require a change in local law prior to implementation.

The January Plan includes annual savings in the amount of approximately \$1 million beginning in Fiscal 2011. However, OMB indicates that the savings for this initiative may not be achieved because this Program to Eliminate the Gap (PEG) proposal was introduced prior to the new Commissioner taking office. The Commissioner is opposed to such fees because the vast majority of probationers are indigent and the administrative costs for collecting such fees may neutralize any revenues received. The Commissioner will work with OMB to find alternative PEG savings for the agency.

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
 * As of February 19, 2010

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.

Juvenile Supervision

- **State Preventative Services Revenue for Esperanza.** According to the January Plan, 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 January Plan removes from DOPs budget City tax-levy funding in the amount of approximately \$932,000 in Fiscal 2010 and \$1.9 million in Fiscal 2011 and the outyears.
- **Esperanza Funding.** The January Plan includes a technical adjustment to the agency’s Esperanza budget in order to match the programs contract amount. As such, funding in the amount of \$240,000 will be added to the Departments Budget for Fiscal 2010 and the outyears.
- **Enhanced Supervision Program Funding.** According to the January Plan, the Department of Probation will receive approximately \$1.7 million in Fiscal 2010 to support its Enhanced Supervision Program.

Other Actions

- **Vacancy Reduction.** The January Plan assumes that the Department will generate savings annually by not filling vacant positions. For Fiscal 2010, the Plan assumes the elimination of 77 vacant positions to generate savings of approximately \$2.2 million. For Fiscal 2011 and the outyears, 38 vacant positions would be eliminated to generate savings of approximately \$2.7 million. For Fiscal 2010, although the amount of vacancies is higher, the amount of savings is lower because it is calculated for a partial-year value.

According to OMB, the savings for this initiative may not be achieved because this Program to Eliminate the Gap (PEG) proposal was introduced prior to the new Commissioner taking office and he would like, to the extent possible preserve agency headcount. The Commissioner will work with OMB to find alternative PEG savings for the agency.

- **Provisional Employee Layoffs.** According to the January Plan, the Department will generate savings annually by laying off 19 of its provisional employees. The Department will remove three positions from its Executive Management Unit of Appropriation and 16 positions from its Probation Services Unit of Appropriation. For Fiscal 2010, the Department will generate savings in the amount of \$73,000. The Department will generate savings of approximately \$826,000 in Fiscal 2011 increasing to

approximately \$928,000 in Fiscal 2014. For Fiscal 2010, the amount of \$73,000 represents two months of savings and the amount in Fiscal 2011 and the outyears represents the full-year value.

- **Telephone Service Reductions.** The January Plan recognizes that the Department will achieve savings by reducing its mobile device usage. For Fiscal 2010 the Department will generate savings in the amount of \$23,000. For Fiscal 2011 and the outyears the amount will increase to \$45,000. The amount of savings increases in Fiscal 2011 and the outyears because it represents the full- year value.

State Probation Aid

- **Probation Aid** – The Governors Fiscal 2010-2011 Executive Budget includes a proposal to reduce Probation Aid to the City for both Fiscal 2010 and Fiscal 2011. This proposal if implemented in the State Adopted Budget would reduce Probation Aid by \$700,000 in Fiscal 2010 and \$2.7 million in Fiscal 2011. Such a cut would continue the downward level of support for Probation Services by the State. According to IBO, “As recently as 1986, New York State reimbursed county probation departments for nearly 47 percent of their total budgets. However, the amount of state funding has dropped significantly over the years, and in recent years the state has reimbursed New York City for only about 19 percent of approved expenditures. At the same time, the responsibilities of the city’s Department of Probation have increased in areas such as DNA testing and sex-offender registration. Restoring the state’s contribution to 50 percent would provide \$23 million each year for New York City probation services, and making ATD and ATP programs eligible for reimbursement would save the city another \$4 million. The support of New York’s Governor and Legislature would be required to implement this proposal.

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>	2008 Actual	2009 Actual	2010 Adopted	2010 Jan. Plan	2011 Preliminary	Difference, 2010 – 2011
Spending						
Personal Services	\$7,323	\$7,093	\$5,995	\$6,290	\$6,331	\$335
Full-Time Salaried – Civilian	6,903	6,718	5,814	6,109	6,197	383
Other Salaried & Unsalariated	45	31	3	4	4	0
Additional Gross Pay	301	234	161	161	114	(48)
Overtime – Civilian	79	108	16	16	16	0
P.S. Other	(5)	2	0	0	0	0
Other Than Personal Services	\$177	\$22	\$133	\$113	\$126	(\$8)
Supplies and Materials	62	4	39	39	42	3
Property and Equipment	61	0	21	21	21	0
Other Services and Charges	54	18	28	33	17	(11)
Contractual Services	0	0	43	18	43	0
Fixed and Misc. Charges	0	0	2	2	2	0
TOTAL	\$7,501	\$7,115	\$6,129	\$6,403	\$6,456	\$328
Funding						
<i>City Funds</i>			\$6,016	\$6,239	\$6,323	\$307
<i>State</i>			112	112	116	3
<i>Federal</i>			0	51	17	17
TOTAL			\$6,129	\$6,403	\$6,456	\$328
Positions						
Full-Time Positions - Civilian	101	94	104	101	101	(3)
TOTAL	101	94	104	101	101	(3)

- **Other Than Personal Services Restoration.** The January Plan includes a partial restoration to a previously proposed reduction to the Departments OTPS Budget. For Fiscal 2011 and the outyears, the Department proposed two initiatives that would generate savings. First, the Department proposed the merger of two of its facilities in the Borough of Queens, and second, the Department, along with the Department of Citywide Administrative Services, was working to merge two of its floors in its Manhattan location. In anticipation of this, the 2009 January Plan recognized annual savings in the amount of \$704,600 beginning in Fiscal 2011.

The January 2010 Plan now restores approximately \$478,000 of the anticipated savings to cover the one-year lease for the Manhattan location at 60 Broad Street.

Appendix A: Budget Actions in the November and January Plans

Description	Fiscal 2010			Fiscal 2011		
	City	Non-City	Total	City	Non-City	Total
Agency Budget as per June 2009 Plan	\$61,949	\$19,492	\$81,441	\$61,415	\$19,160	\$80,575
Program to Eliminate the Gap (PEGs)						
State Preventative Services Revenue for Esperanza	(\$932)		(\$932)	(\$1,864)		(\$1,864)
Provisional Employee Layoffs	(73)		(73)	(826)		(826)
Telephone Service Reductions	(23)		(23)	(45)		(45)
Vacancy Reduction	(2,179)		(2,179)	(2,661)		(2,661)
Total PEGs	(\$3,207)	\$0	(\$3,207)	(\$5,396)	\$0	(\$5,396)
New Needs						
DOP Commissioner Salary Funding	\$83		\$83	\$250		\$250
Total New Needs	\$83	\$0	\$83	\$250	\$0	\$250
Other Adjustments						
Esperanza Funding	\$240		\$240	\$240		\$240
ESP Funding	1,691		1,691	0		0
Collective Bargaining - CWA	7	0	\$7	7		7
Collective Bargaining - Managers and Original Jurisdiction	452		\$452	452		452
PS Accruals and Fringe Savings	441		\$441	770		770
Lease Adjustment	132		\$132			0
Non-City Grants	0	48	\$48	0	0	0
Non-City Grants (November Plan)	0	5,800	\$5,800	0	3,012	3,012
Total Other Adjustments	\$2,963	\$5,848	\$8,811	\$1,468	\$3,012	\$4,480
PEG Restorations and Substitutions (PRS)						
<i>OTPS Reduction</i>	0		\$0	\$478		\$478
Total PEG Restorations and Substitutions (PRS)	\$0	\$0	\$0	\$478		\$478
Total January Plan Budget Changes	(\$162)	\$5,848	\$5,687	(\$3,199)	\$3,012	-\$187
Agency Budget as per the January 2010 Plan	\$61,787	\$25,340	\$87,128	\$58,216	\$22,172	\$80,388