

**A RESOLUTION TO BE SUBMITTED
BY LEGISLATORS MILLER-WILLIAMS, GRANT & BURKE**

RE: Exploring Re-Establishment of the Erie County Conditional Release Commission

WHEREAS, New York law enables counties to establish a Local Conditional Release Commission, and Erie County did empanel a Conditional Release Commission from 1992 until 2005, when serious budget difficulties curtailed the Commission due to the elimination of a probation officer position within the Probation Department that was necessary to administer the program; and

WHEREAS, the law empowering conditional release affords eligible inmates serving a sentence in a local facility early release from incarceration before the expiration of a full term, providing that the inmate is sentenced to more than 120 days and having served at least 60 days, among other criteria, including agreeing to extended supervision by a probation officer; and

WHEREAS, people are eligible for conditional release only if their crime was non-violent, did not involve obscenity and/or disseminating indecent material to minors, or any form of domestic abuse; inmates also must have a verifiable tie to the local community, which includes either employment, permanent residence, and/or family; and

WHEREAS, the benefits to both the County's taxpayers and the low-risk inmates through the utilization of this program are worthy of consideration in terms of significant savings for taxpayers and released inmates who may be better served through extended supervision; and

WHEREAS, there is an estimated cost of \$175 per day for incarceration per inmate, conditional release where appropriate could save \$57,305 per year, and at the same time afford non-violent inmates – such as veterans affected by PTSD, people with mental health conditions where appropriate services could provide better outcomes than incarceration; and

WHEREAS, people granted conditional release are paroled only when the Commission is convinced that they are committed to becoming productive members of society, have a plan to not return to prison, and agree to a strict set of criteria promulgated by the Commission; and

WHEREAS, the Erie County Community Corrections Advisory Board discussed the re-establishment of the Erie County Conditional Release Commission and determined that reviving the commission was viable and appropriate, and submitted to the Legislature a resolution unanimously adopted by the ECCAB supporting re-establishment of the program; and

WHEREAS, the Director of the Department of Probation also weighed in, with a letter to the Chair of the ECCAB indicating support for reviving the Conditional Release Commission: "The members of the Probation Department strongly believe in the benefits of community corrections, and the Program would be a nice addition to our mission," Director Brian McLaughlin wrote last year; and

WHEREAS, it would be appropriate to discuss the issues surrounding re-establishing the Erie County Conditional Release Commission in this Legislature's Public Safety Committee, invite stakeholders to speak, and consider reviving the program.

NOW, THEREFORE, BE IT

RESOLVED, that this Legislature believes that the re-establishment of the Erie County Conditional Release Commission warrants discussion; and be it further

RESOLVED, that the Public Safety Committee make serious consideration through discussions of this matter at its earliest possible convenience, and that the appropriate persons be invited to address the committee; and be it further

RESOLVED, that the Clerk of the Legislature forward certified copies of this resolution to the Erie County Executive, the Honorable Mark C. Poloncarz; the Sheriff of Erie County, the Honorable Timothy B. Howard; to the Director of the Department of Probation, Brian McLaughlin; the Erie County Community Corrections Advisory Board; stakeholder organizations including VOICE Buffalo and Prisoners Are People Too; and any other individual or organization deemed appropriate.

FISCAL IMPACT: None for resolution.

ERIE COUNTY LEGISLATURE



OLD COUNTY HALL
92 Franklin St., 4th Floor
Buffalo, NY 14202
Switchboard: 716/858-7500

Community Corrections Advisory Board

Reverend Eugene L. Pierce, *Chair*
Nan Haynes, *Vice-Chair*
Joseph Sacco, *Secretary*

July 15, 2013

Members:
Karima Amin
Lavonne Ansari
James Balys
Joseph Cercone
Kenneth Colon
Barry Covert
Charles Cullhane
Brendon Dickman
Thomas Diina
David Marciniak
Michael Ranney
William Schultz

Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

Dear Honorable Legislators –

Attached for the public record is a resolution approved by the Erie County Community Corrections Advisory Board concerning the re-establishment of the Erie County Conditional Release Commission.

This resolution was adopted on July 9, 2013 at the monthly meeting of the Erie County Community Corrections Advisory Board, by unanimous vote.

Shiana Denise Eve, *Clerk*
Ph.: 716/858-8853

As Clerk of the Erie County Community Corrections Advisory Board, I have been directed to submit this resolution to this Honorable Body.

The Erie County Community Corrections Advisory Board encourages that the resolution be sent to the Public Safety committee for discussion.

Thank you.

Shiana Denise Eve, Clerk
Erie County Community Corrections Advisory

RESOLUTION TO RECOMMEND RE-ESTABLISHING THE ERIE COUNTY EARLY
CONDITIONAL RELEASE COMMISSION

WHEREAS, under New York Corrections Law section 271, each county outside New York City, and the City of New York, may appoint a Commission consisting of at least five members who have the authority to offer "conditional release" to local jail inmates serving a sentence of one year or less; and

WHEREAS, the law makes prisoners eligible to obtain release from jail after serving at least 60 days of their sentence if they agree to serve a new sentence of probation supervision for a period of one year upon release from jail under the program; and

WHEREAS, Erie County had an Early Conditional Release Commission in effect until approximately 2005; and

WHEREAS, the Program was discontinued only as a result of the budget crisis of 2005; and

WHEREAS, the daily cost of imprisonment is \$175.50 per day per prisoner; and

WHEREAS, profits on prisoners' telephone calls are a significant source of the County's income (i.e. \$717,000.00 during the period January 1, 2011 – May 31, 2012);

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Community Corrections Board recommends to the Erie County Legislature, the Erie County Department of Probation, the Erie County Executive, and the Sheriff's Office that the Erie County Conditional Release Commission be re-established in accordance with New York Corrections Law section 271; and

RESOLVED, the Erie County Conditional Release Commission shall meet within one month of its establishment to adopt procedures for the review of applications for early release; and

RESOLVED, that the Legislature will fund the Erie County Conditional Release Commission with profits from prisoners' telephone calls, or any other funding source identified by the Legislature.



County of Erie

Mark C. Poloncarz
County Executive
Department of Probation

Brian McLaughlin
Director

Ysaías Feliz
Deputy Director

March 21, 2013

Rev. Eugene Pierce,
Chairman

Erie County Community Corrections Advisory Board
92 Franklin Street
Buffalo, NY 14202

Re: Erie County Conditional Release Program

Dear Reverend Pierce,

It has come to my attention the members of the Erie County Community Corrections Advisory Board are interested in reviving the Erie County Conditional Release Program (the "Program"). I am writing in order to provide some background and additional information regarding the resources that would be necessary to reinstitute the Program.

As you may be aware, the previous iteration of the Program was staffed by one Probation Officer. That officer was responsible for writing recommendations and reports about those inmates being considered for conditional release, and then supervising those inmates who were actually chosen for release by the Conditional Release Commission. The supervision caseload carried by the Probation Officer numbered between 20 and 25 individuals at any one time.

As currently constituted, the Probation Department would not be able to take on this responsibility without the creation of an officer position specifically dedicated to it. Were the position to be created and funded, the yearly cost of assigning an officer would be as follows:

Position	Salary	Fringe Benefits	Total Cost
Probation Officer JG 11 Step 5	\$54,945	\$36,813	\$91,758

In addition to the expenses related to personnel costs, a onetime expense of approximately \$3,000 would be required to supply the new officer with necessary equipment (gun, bulletproof vest, radio, etc.).


While the addition of a new officer would result in increased ongoing expenses on an annual basis (computer, phone, support services, training, etc.), and the new Program would also incur outlays for actual operations (mileage, additional drug tests, potential additional demands for electronic monitoring, etc.), the department would be able to absorb these expenses.

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The members of the Probation Department strongly believe in the benefits of community corrections, and the Program would be a nice addition to our mission. However, unless additional resources as described above are provided to the Probation Department it is unlikely the Program could be reinstated at this time due to current budgetary constraints.

I hope that this letter has provided worthwhile information that will be of assistance to you. Please don't hesitate to call (858 7031) or email (brian.mclaughlin@erie.gov) if you have any further questions.

Sincerely,


Brian McLaughlin
Director
Erie County Probation Department

cc: Hon. Mark C. Poloncarz
Robert Keating, Dir. of Budget and Management
Erie County Legislature
Erie County Community Corrections Advisory Board