



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

December 22, 2014

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

IMMEDIATE CONSIDERATION REQUESTED

Re: Personnel Adjustment – Erie County Department of Probation

Dear Honorable Members:

Please find enclosed a proposed resolution and an accompanying memorandum from the Erie County Department of Probation requesting authorization to fund a Probation Officer - Spanish Speaking position in 2015. This position was shown in the 2015 Budget funded in part by federal funds in the BE-SAFE grant. However, the US Department of Justice declined to award funds to the County and in order to continue the important domestic violence initiatives in our community, we are requesting authorization for the position utilizing other funding sources. This request is similar to the recently-approved request to re-establish three positions in the Office of the District Attorney for 2015.

This position will be funded in 2015 with unanticipated state aid and existing appropriations within the Probation Department's 2015 adopted budget.

The creation of the position will avoid the layoff of a Probation Officer and will allow the Department of Probation to continue to supervise an existing Domestic Violence Specific caseload and keep the caseload at a manageable size

Should your Honorable Body require further information, I encourage you to contact Commissioner Brian McLaughlin at the Probation Department. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/bm
Enclosure

cc: Brian McLaughlin, Commissioner Probation Department

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Probation Department
Re: Personnel Adjustment – Erie County Department of Probation
Date: December 22, 2014

SUMMARY

Legislative authorization is sought to create one Probation Officer - Spanish Speaking position within the Erie County Department of Probation. The position is funded with unanticipated state aid from the New York State Governor's Traffic Safety Committee (GTSC) Ignition Interlock Device Monitoring award, expected state aid from the New York State Division of Criminal Justice Services Office of Probation and Correctional Alternatives (NYS DCJS) and existing appropriations within the 2015 Erie County Probation Department's Adopted Budget.

If this request is not honored, a probation officer previously funded by the federal BE-SAFE grant will be laid-off and certain domestic violence initiatives will be limited.

FISCAL IMPLICATIONS

No additional county funding is required.

REASONS FOR RECOMMENDATION

The 2014 and 2015 Erie County Adopted Budgets included the continuation of an existing grant for Buffalo & Erie County Stopping Abuse in the Family Environment (BE-SAFE) which was designed to develop a comprehensive approach and strengthen multi-disciplinary cooperation between the District Attorney's Office, the Probation Department, law enforcement and victim services to ensure safety of domestic violence victims. The grant funded a Probation Officer and a Probation Assistant assigned to the Department's Domestic Violence Unit. BE-SAFE allowed the Probation Department to increase the level of supervision available for probationers with a domestic violence history by funding one of three officers, dedicated to the supervision of three domestic violence caseloads with a current shared caseload of 162 medium to high risk offenders.

However, after the 2015 Budget was finished, the District Attorney's Office received notice from the US Department of Justice that federal funding for this grant was not renewed.

Creation and funding of this position will avoid the layoff of a Probation Officer and will allow the Department of Probation to continue to service an existing Domestic Violence caseload. This will enable appropriate compliance monitoring of domestic violence offenders and ensure the safety of domestic violence victims.

BACKGROUND INFORMATION

The Department of Probation is requesting this position to avoid the layoff of a Probation Officer and to cover an existing Domestic Violence specific caseload. The Department of Probation has worked dutifully to stabilize caseload sizes in recent years, and cannot afford to lose any probation supervision staff. The Erie County Probation Department staff was reduced by 34 positions in 2011. Thirteen of those positions represented Probation Officers eliminated from the Fund 110 operating budget, although three Probation Officer positions were added in the 2012 budget. These cutbacks significantly increased caseloads in the Probation Department.

The Probation Department's current staffing level is still below the 2004 level of ten years ago, in spite of increased supervisory requirements from NYS DCJS.

Erie County has received an award notice of \$148,000 in Aid for Ignition Interlock for the 2014-15 Federal Fiscal Year. The Erie County Probation Department is expected to receive \$34,155 of this award as unanticipated revenue which was not included the Erie County 2015 Adopted Budget.

The Erie County Probation Department also is expected to have \$28,725 in available State Aid from the New York State Division of Criminal Justice Services Office of Probation and Correctional Alternatives. Furthermore \$11,687 in existing appropriations in account 559000 County Share – Grant for 2015-16 BE-SAFE funding that is included in the 2015 Erie County Probation Department's Adopted Budget will also be used to fund this position.

The Erie County Probation Department is requesting to utilize these three sources to fund a domestic violence probation officer to replace the position not funded under the 2014-15 BE-SAFE grant.

NEGATIVE ACTION

Without the addition of the Probation Officer the Probation department will not have a Probation Officer to be assigned an existing domestic violence caseload, formerly covered by the BE-SAFE grant. Non-creation of this position will subject an existing staff member to layoff.

STEPS FOLLOWING APPROVAL

The Erie County Probation Department will work with the Division of Budget and Management and Department of Personnel to implement this request.

**A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PROBATION**

RE: Personnel Adjustment – Erie County Department of Probation

WHEREAS, the attached resolution requests authorization to create one Probation Officer - Spanish Speaking position within the Erie County Department of Probation; and

WHEREAS, the 2014 Erie County Adopted Budget included the continuation of an existing 2014-15 grant for Buffalo & Erie County Stopping Abuse in the Family Environment (BE-SAFE) which was designed to develop a comprehensive approach and strengthen multi-disciplinary cooperation between the District Attorney's Office, the Probation Department, law enforcement and victim services to ensure safety of domestic violence victims; and

WHEREAS, the BE-SAFE grant had allowed the Probation Department to increase the level of supervision available for probationers with a domestic violence history; and

WHEREAS, the BE-SAFE grant was not funded by Department of Justice and the County became aware of this fact after the 2015 Budget had been completed and introduced to the County Legislature; and

WHEREAS, the creation of a Probation Officer – Spanish Speaking position will enable the Probation Department to maintain a manageable caseload size, providing appropriate supervision of Domestic Violence offenders sentenced to Probation; and

WHEREAS, the creation of the position will avoid the layoff of a Probation Officer and will allow the Department of Probation to continue to service an existing Domestic Violence specific caseload to ensure safety of domestic violence victims and compliance of offenders to the conditions of their probation; and

WHEREAS, the Probation Department has received notice of unanticipated state aid from the New York State Governor's Traffic Safety Committee (GTSC) Ignition Interlock Device Monitoring award, expects the same from the New York State Division of Criminal Justice Services Office of Probation and Correctional Alternatives (NYS DCJS-OPCA) Probation State Aid and also has existing available appropriations within account #559000 County Share – Grant for the 2015-16 BE-SAFE grant included in the Department of Probation's 2015 Adopted Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget adjustment is hereby authorized in order to establish the creation of one Probation Officer - Spanish Speaking position in the Department of Probation effective January 1, 2015:

2015 Budget - Fund 110

Probation - Fund Center 12610

Revenue	Increase
Account 406000 State Aid Probation Services	28,725
Account 409020 Miscellaneous State Aid- Ignition Interlock	<u>34,155</u>
Total Revenue Increase	62,880

Probation - Fund Center 12610

Appropriation	Increase/(Decrease)
Account 500000 Full Time Salary	47,314
Account 502000 Fringe Benefits	27,253
Account 559000 County Share Grants	<u>-11,687</u>
Total Appropriation Increase	62,880

; and be it further

RESOLVED, that one position of Probation Officer - Spanish Speaking is created within the Department of Probation operating fund (B100 #8074) effective January 1, 2015; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to establish and adjust budgets as required to comply with State approved funding levels; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the County Comptroller, the County Attorney, the Personnel Department and the Probation Department c/o Dina Connors Room 112, 1 Niagara Plaza.