

# SUSPENSION



## COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

April 27, 2015

Erie County Legislature  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, New York 14202

### **IMMEDIATE CONSIDERATION**

**Re: Erie County Conditional Release Program**

Dear Honorable Members:

Please find enclosed a proposed resolution and an accompanying memorandum from the Erie County Department of Probation, with support from the Office of Sheriff, requesting authorization to re-establish the Erie County Conditional Release Program ("Program") and to solicit and accept, if awarded, funding from the John R. Oishei Foundation.

The decision to re-establish the Program was made based on the recommendation of the Erie County Community Corrections Advisory Board, the Erie County Probation Department, the Erie County Sheriff's Office, the Oishei Foundation, and concerned community groups. These partners are working collaboratively to implement the Program and provide funding. The formal re-establishment of the Program and the Erie County Conditional Release Commission is also subject to approval by your Honorable Body of a local law, which is being introduced separately.

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

Sincerely yours,

A handwritten signature in black ink that reads "Mark Poloncarz".

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/tc  
Enclosure

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## MEMORANDUM

**To:** Honorable Members of the Erie County Legislature  
**From:** Erie County Probation Department  
**Re:** Erie County Conditional Release Program  
**Date:** April 27, 2015

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### **SUMMARY**

Legislative authorization is sought to re-establish the Erie County Conditional Release Program. To effectuate the re-creation of the Program, it is necessary to appropriate \$53,200 in County funds into the 2015 Budget.

In addition, to assist in the reestablishment of the Program the John R. Oishei Foundation has indicated an interest in providing funding, as has the Office of the Erie County Sheriff. Legislative approval is requested to accept a \$90,000 grant award from the John R. Oishei Foundation for the purpose of reestablishing the Conditional Release Program in Erie County upon receipt of an award letter.

### **FISCAL IMPLICATIONS**

The project cost for one year is \$170,200. The Erie County Sheriff's Department has committed \$27,000 of Jail Telephone monies and the John R. Oishei Foundation has invited the Probation Department to apply for \$90,000 in grant funds for the project. The County share of funds at this time based on the expected Oishei funds will be approximately \$53,200 and will come from a designation and rollover of 2014 funds into the 2015 Budget.

### **REASONS FOR RECOMMENDATION**

There has been community interest in re-establishing this program. Last year the Erie County Community Corrections Advisory Board unanimously endorsed a resolution calling for the re-establishment of the program. Other community group leaders have approached the Probation Department and County elected officials expressing their desire to assist with the implementation.

### **BACKGROUND INFORMATION**

Erie County operated a Conditional Release Program from 1992-2005. During the 2005 budget crisis this program was eliminated. The program was not State-mandated and many non-mandated programs were not continued. In the intervening period, New York State administered its own conditional release program and process.

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Conditional release allows an eligible offender serving a sentence in the Erie County Correctional Facility to be released early on the condition that the offender remains on Probation Supervision for one year. The process for release is conducted by a Conditional Release Commission. The commission sets conditions for release, which can include employment, and participation in educational or job training programs. Failure to abide by the conditions can result in a return to jail for the remainder of the original sentence. Completing these requirements maximizes their re-integration and strongly reduces their chance of recidivism.

## **CONSEQUENCES OF NEGATIVE ACTION**

Prisoners will be required to complete their full sentence with no obligation to engage in re-entry services. Prisoners will leave the Correctional Facility without the benefit of Probation supervision or supportive services and an opportunity to reduce jail population will be foregone.

## **STEPS FOLLOWING APPROVAL**

The final application to the Oishei Foundation will be completed and submitted. Upon receipt of an award letter the County Executive will enter into contract with the Foundation for funding. The Probation Department, Sheriff's Office and Executive Office will establish the Conditional Release Commission and draft the operating guidelines for the Program, including membership, regulations and procedures.

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## A RESOLUTION SUBMITTED BY: DEPARTMENT OF PROBATION

Re: Erie County Conditional Release Program

WHEREAS, under Section 273(1) of the New York State Correction Law, “any inmate who is eligible for conditional release by a commission pursuant to subdivision two of section 70.40 of the penal law and who has served a minimum period of sixty days in a local correctional facility may apply for conditional release”; and

WHEREAS, a proposed local law establishing the Erie County Conditional Release Commission has been drafted and is being introduced in the Erie County Legislature; and

WHEREAS, the Erie County Department of Probation in collaboration with the Erie County Sheriff’s Office, and the John R. Oishei Foundation are working toward the re-establishment of the Erie County Conditional Release Program; and

WHEREAS, the Erie County Community Corrections Advisory Board has endorsed and other community groups have expressed interest in the re-establishment of the Erie County Conditional Release Program; and

WHEREAS, the purpose of the Conditional Release Program is to grant eligible prisoners held in the Erie County Correctional Facility an early release conditioned on a period of one year of Probation Supervision; and

WHEREAS, the Erie County Sheriff’s office has agreed to allocate \$27,000 in Jail Telephone monies for the Conditional Release Program; and

WHEREAS, The John R. Oishei Foundation has accepted a Letter of Intent and invited the Erie County Probation Department to apply for \$90,000 of funding for the purpose of re-establishing the conditional release program.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby support the re-establishment of the Erie County Conditional Release Program, subject to this Honorable Body’s approval of the appropriate proposed Local Law; and be it further

RESOLVED, pending an award letter from the John R. Oishei Foundation committing \$90,000 in grant funds, the Erie County Legislature authorizes up to \$53,200 in County share appropriations to support the Conditional Release Program in 2015, which shall come from a designation of 2014 funds into the 2015 Budget; and be it further

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RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with the Oishei Foundation to receive \$90,000 in grant funding pending the issuance of an award letter for the purpose of establishing a Conditional Release Program; and be it further

RESOLVED, that the Legislature does hereby approve of the use of \$27,000 in Jail Telephone monies from the Office of Sheriff for the Conditional Release Program; and be it further

RESOLVED, that the following budgetary accounts are established by the Division of Budget and Management for the grant as follows:

Erie County Probation Department, Fund 281 – Business Area 126  
Conditional Release Program (126CRP1516)  
July 1, 2015 to June 30, 2016

<b>Revenue</b>		<b>Increase</b>
479100	Other Contributions - Oishei Foundation	\$ 90,000
415622	Jail Phone Revenue	27,000
479000	County Share Contribution	<u>53,200</u>
	<b>Total</b>	<b>170,200</b>

<b>Expense</b>		
500000	Full Time Salaries	\$ 93,218
501000	Overtime	4,600
502000	Fringe Benefits	59,014
505000	Office Supplies	113
505200	Clothing Supplies	249
506200	Maintenance and Repair	560
510000	Local Mileage	1,026
510100	Out of Area Travel	1,410
510200	Training & Education	650
516020	Professional Services and Fees	47
561410	Lab & Tech Equip	2,179
561420	Office Equipment	456
980000	ID DISS Services	<u>6,678</u>
	<b>Total</b>	<b>\$ 170,200</b>

and be it further

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RESOLVED, that a Probation Officer, JG-11 and a Probation Assistant, JG 7 are created within the Probation Department as shown in B-100 control numbers 8045 and 8046; 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 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, Personnel Department, Sheriff's Department, and the Probation Department c/o Christina Schrader.