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COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

September 29, 2016

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

Re: Authorization to enter into a memorandum of understanding with Rocky Mountain Offender Management Systems, LLC for Secure Continuous Remote Alcohol Monitoring

Dear Honorable Members:

Attached, please find a proposed resolution and an accompanying memorandum from the Erie County Probation Department requesting authorization for the County Executive to sign a Memorandum of Agreement with Rocky Mountain Offender Management Systems, LLC (RMOMS) for electronic monitoring of alcohol use.

The Probation Department is working with RMOMS on the implementation of an offender funded services model for Secure Continuous Remote Alcohol Monitoring (SCRAM) monitoring of persons on probation. This program will enable the Probation Department to monitor the alcohol use of probationers prohibited from doing so, using state of the art technology at no cost to the county.

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

Sincerely yours,

Maria R. Whyte
Mark C. Poloncarz, Esq.
Dpty Erie County Executive

MCP/lb
Enclosure

cc:

MEMORANDUM

To:	Honorable Members of the Erie County Legislature
From:	Erie County Probation Department
Re:	Authorization to enter into a memorandum of understanding with Rocky Mountain Offender Management Systems, LLC for Secure Continuous Remote Alcohol Monitoring
Date:	September 29, 2016

SUMMARY

The proposed resolution and accompanying memorandum from the Erie County Probation Department requests authorization for the County Executive to sign a Memorandum of Agreement, with the Rocky Mountain Offender Management Systems, LLC (RMOMS) for a full service electronic alcohol monitoring program.

FISCAL IMPLICATIONS

There are no fiscal implications. There are no costs to the county. Probationers will contract directly with RMOMS for service, in the same way they do for Ignition Interlock Devices (IID). Billing will be handled between RMOMS and the probationer.

REASONS FOR RECOMMENDATION

The Erie County Probation Department (ECPD) is responsible for the supervision of offenders ordered to refrain from alcohol consumption while serving their probation sentences. Electronic monitoring technology in the form of Secure Continuous Remote Alcohol Monitoring (SCRAM) devices allows for 24/7 monitoring of alcohol consumption. The offender funded services model offered is more cost effective than other equipment purchase models available.

BACKGROUND INFORMATION

The Erie County Probation Department (ECPD) supervises 1,800 DWI offenders annually. Probationers serving probation sentences for DWI are often prohibited from consuming alcohol while under supervision. There is a need to assure compliance with these conditions of probation. To date SCRAM or transdermal electronic alcohol monitoring has been available on a limited basis through a court administered program.
This type of monitoring senses when alcohol consumption has occurred in real time. The equipment is sophisticated enough to tell the difference between consumed alcohol and alcohol poured on the device and operates 24/7. The ECPD seeks to expand use of the SCRAM device tool to ensure compliance with court orders prohibiting alcohol consumption. This device can also be incorporated as a graduated sanction.

Using an Offender Funded- Services Model, ECPD will refer probationers, who have been court ordered to be monitored for alcohol use, to Rocky Mountain Offender Management Systems, LLC (RMOMS). The probationer will contract with RMOMS directly for services and to make arrangements for installation. Per day rate plans have been agreed to by ECPD and RMOMS. A similar model program is used for the IID (Ignition Interlock Devices) that are required for

vehicles registered to people convicted under Leandra's Law. The RMOMS products will include SCRAM devices: for secure continuous remote alcohol monitoring (24/7 monitoring), for alcohol and curfew monitoring, remote breath portable hand-held Breathalyzer with photo imaging and Soberlink portable hand-held Breathalyzer with photo imaging.

RMOMS will perform all: installations, maintenance, removals, equipment as well as explain device operation to offenders, report all alerts, and collect payment from probationer. ECPD will identify and refer probationers to RMOMS, notify RMOMS of any status change for probationers, and act promptly upon notification of violation. There will be no charges to the county for services.

CONSEQUENCES OF NEGATIVE ACTION

The county will be unable to make use of the most current technology to monitor alcohol consumption.

STEPS FOLLOWING APPROVAL

The Department of Probation will execute a MOU with Rocky Mountain Offender Management Systems, LLC.

A RESOLUTION SUBMITTED BY:
Erie County Probation Department

RE: Authorization to enter into a memorandum of understanding with Rocky Mountain Offender Management Systems, LLC for Secure Continuous Remote Alcohol Monitoring

WHEREAS, the Department of Probation is responsible for providing community supervision services for those sentenced to probation in our community; and

WHEREAS, some probationers who are convicted of DWI offenses have as a condition of probation, a directive to refrain from alcohol consumption; and

WHEREAS, the Department of Probation requires a mechanism to monitor probationer alcohol consumption in an efficient and cost effective manner; and

WHEREAS, the Rocky Mountain Offender Management Systems, LLC (RMOMS) has prepared a Memorandum of Understanding for an offender funded service model for a full service electronic alcohol monitoring program that will be of no cost to the county.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into a Memorandum of Understanding and execute amendments if needed to this Memorandum of Understanding with Rocky Mountain Offender Management Systems, LLC (RMOMS) 147 Prince Street Brooklyn NY, 11201 to provide electronic alcohol monitoring services to probationers at no cost to the county; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the Division of Budget & Management, the Office of the Comptroller, the County Attorney, and the Probation Department c/o Christina Schrader Room 112, 1 Niagara Plaza.