



EC LEG SEP 3 '21 PM12:14

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

September 3, 2021

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

Re: Authorization for Equipment Purchase using Unanticipated Revenue

Dear Honorable Members:

Please find enclosed a proposed resolution and an accompanying memorandum from the Erie County Department of Probation requesting authorization to appropriate available unanticipated revenue from the Division of Criminal Justice Services (DCJS) for the purchase of replacement equipment. The Probation Department needs to replace electronic monitoring equipment and desk chairs for employees.

The purchases will be made using unanticipated state revenue from the DCJS through a Discovery Reform Grant.

Should your Honorable Body require further information, I encourage you to contact Commissioner Michelle A. Olszowy of the Probation Department. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/mo
Enclosure

cc: Michelle A. Olszowy, Commissioner Probation Department

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Probation Department
Re: Authorization for Equipment Purchase
using Unanticipated Revenue
Date: September 3, 2021

SUMMARY

The attached resolution and accompanying memorandum requests authorization to appropriate available Unanticipated Revenue for the purchase of 45 electronic monitoring units, and 50 replacement desk chairs for staff members working in the Probation Department. This will address immediate issues with the technological aging and availability of existing electronic monitoring equipment as well as replace desk seating that has been in use well beyond its expected life span, is damaged, and not ergonomically appropriate for employees seated throughout the business day.

FISCAL IMPLICATIONS

No additional county funding is required.

REASONS FOR RECOMMENDATION/BACKGROUND INFORMATION

The HomeGuard 206 electronic monitoring equipment currently owned by the Probation Department is only compatible with Verizon Wireless older generation Code Division Multiple Access (CDMA) networks. This network is scheduled to be decommissioned in 2022 making it necessary for the department to replace the units with newer technology.

In addition, while we have taken advantage of county Purchase surplus whenever possible, we have a number of staff using desk chairs on a daily basis that are broken, not adjustable for ergonomic supports, and aged years beyond their expected usability.

The Erie County Probation Department's 2021 actuals includes unanticipated revenue received from NYS Division of Criminal Justice Services in the amount of \$397,691 via the Criminal Justice Discovery Reform Grant. A portion of this revenue can be used to immediately address these identified needs and as such were not included in our 2022 budget request.

Electronic Monitoring:

The Erie County Probation Department is mandated to monitor the compliance of both adult and juvenile probationers with court-ordered home confinement/curfew conditions. To accomplish this, the department utilizes radio frequency (RF) electronic monitoring units to assist Officers in monitoring these court-ordered conditions. The department purchased 25 HomeGuard 206 RF monitoring units in 2012 and another 25 units in 2015. These new units supplemented the department's existing HomeGuard 200 (landline telephone-based units) and operate using cellular phone technology.

In 2019 the Erie County Probation Department enhanced the electronic monitoring equipment inventory with 10 rented HomeGuard 206 units. Additional HomeGuard 206 units were needed due to the reduced use of the landline equipment, the loss and damage of owned HomeGuard 206 units and the increased demand by the courts for electronic monitoring of probationers.

Due to evolving technology and upgrades to the cellular networks nationally, effective 09/30/21, the extended warranty equipment maintenance contract between BI Incorporated (electronic monitoring vendor) and the Probation department for the existing HomeGuard 206 units will end. There is a limited inventory of HomeGuard 206 units and replacement parts available. BI Incorporated is able to provide wireless data telecommunication service on a month to month basis after 09/30/21 for continued use of the HomeGuard 206 units by the Probation department. However, such constitutes an interim plan as the HomeGuard 206 units are only compatible with the Verizon Wireless older generation CDMA networks scheduled to be decommissioned in 2022. The new technology that will operate with upgraded cellular networks are BI HomeGuard 20/20 RF monitoring units.

In 2021, the Erie County Probation Department purchased seven HomeGuard 20/20 RF monitoring units for exclusive use in our GIVE (Gun Involved Violence Elimination) program and are satisfied with design and features of this new model.

A cost analysis of renting versus purchasing BI HomeGuard 20/20 RF monitoring units was conducted by the Probation department. When considering 45 units at 95% usage rate, at the 5 years/9 month mark, the rental cost will exceed the purchase cost. When considering 45 units at 90% usage rate, at the 6 year/8 month mark, the rental cost will exceed the purchase cost.

The costs associated with purchasing a BI HomeGuard 20/20 RF monitoring unit include: \$1,850 for each unit (\$1,500 for receiver and \$350 for transmitter), \$250 annual wireless data fee (only first year), \$372 annual maintenance agreement (starting in year two) and \$1.00 per day monitoring service fee. While the costs associated with renting a BI HomeGuard 20/20 unit include: \$3.06 per day rental/monitoring fee.

The department needs to purchase 45 units to meet court ordered demand for monitoring.

Desk Chairs:

The department has taken inventory of the existing desk chairs used by its staff members and determined that 50 chairs need to be replaced. Many of the existing chairs are decades old, have visible and mechanical damage, and most are not ergonomically adjustable. While we have made use of county surplus first before purchasing, chairs are scarce and often have more of the same issues. Chairs are estimated to be \$325 per chair.

CONSEQUENCES OF NEGATIVE ACTION

Electronic Monitoring units

The Probation Department will not have adequate supply of equipment to meet court ordered electronic monitoring.

Desk Chairs:

Affected staff will continue to sit on damaged and non-supportive desk chairs.

STEPS FOLLOWING APPROVAL

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

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PROBATION

Re: Authorization for Equipment
Purchase using Unanticipated Revenue

WHEREAS, the attached resolution requests authorization to purchase electronic monitoring equipment and replacement desk chairs for the Erie County Department of Probation; and

WHEREAS, the Erie County Probation Department is mandated to monitor the compliance of both adult and juvenile probationers with court-ordered home confinement/curfew conditions; and

WHEREAS, the Erie County Probation Department uses electronic monitoring units to comply with that mandate; and

WHEREAS, the currently owned HomeGuard 206 units provided by sole source vendor, BI Incorporated, are being phased out due to cellular network upgrades; and

WHEREAS, the Erie County Probation Department needs to replace desk chairs for members of its staff; and

WHEREAS, these purchases will not facilitate an increase in County funding for the existing 2021 Erie County Adopted Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature approves the appropriation of State Aid Other funds and authorizes the following budgetary transfers in the 2021 Budget of the Probation Department, fund center 12610 fund 110:

REVENUE	
409010 State Aid Other	<u>\$ 110,750</u>
REVENUE TOTAL:	<u>\$ 110,750</u>

APPROPRIATION	
561410 Lab and Technical Equipment	\$ 94,500
561420 Office Furniture	<u>\$ 16,250</u>
APPROPRIATION TOTAL:	<u>\$110,750</u>

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, provided there are no changes to county share amounts; and be it further

RESOLVED, that certified copies of this resolution be sent to the: County Executive's Office, Division of Budget and Management, County Comptroller, County

Attorney and the Probation Department c/o Dolla Khoury-Sobon, Room 112, 1 Niagara Plaza.