

THE COUNCIL OF THE CITY OF NEW YORK

Hon. Melissa Mark-Viverito
Speaker of the Council

Hon. Elizabeth Crowley
Chair, Committee on Fire and Criminal Justice Services



Report of the Finance Division on the
Fiscal 2018 Preliminary Budget and the
Fiscal 2017 Preliminary Mayor's Management Report for the
Department of Probation

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Department of Probation Overview

The Department of Probation (DOP or the Department) helps build stronger and safer communities by supervising people on probation, fostering positive change in their decision-making and behavior through research-based practices. DOP offers probationers opportunities to move out of the criminal and juvenile justice systems through education, employment, health and behavioral health services, family engagement and civic participation. The Department supplies information and recommendations to the courts on both adult and juvenile cases to help inform sentencing and disposition decisions. In Family Courts, reports are also provided in family offense, custody, child support, visitation, adoption and guardianship cases. In total, DOP provides intake services, investigations and supervision for more than 60,000 adult and juvenile cases per year and supervises approximately 21,000 adults and 1,000 juveniles on any given day.

This report provides a review of DOP's Preliminary Budget for Fiscal 2018. The first section presents highlights of the \$100.6 million Fiscal 2018 expense budget, the Department's Contract Budget, followed by a presentation of the Department's two program budgets and relevant sections of the Preliminary Mayor's Management Report for Fiscal 2017. Finally, Appendix A lists the budget actions in the November and Preliminary Financial Plans.

Financial Plan Summary

DOP's budget consists of four units of appropriation (UA). The UAs are 001 and 002 for Personal Services (PS), and 003 and 004 for Other Than Personal Services (OTPS). The following table provides an overview of DOP's actual expenditures for Fiscal 2015 and Fiscal 2016, the Adopted Budget for Fiscal 2016, and planned expenditures for Fiscal 2017 and Fiscal 2018 as proposed in the Fiscal 2018 Preliminary Plan.

DOP Financial Summary						
<i>Dollars in Thousands</i>						
	2015 Actual	2016 Actual	2017 Adopted	Preliminary Plan		*Difference
				2017	2018	2017 - 2018
Spending						
Personal Services	\$63,270	\$62,955	\$71,175	\$72,886	\$73,798	\$2,623
Other Than Personal Services	26,673	26,094	29,489	31,699	26,842	(2,648)
TOTAL	\$89,942	\$89,049	\$100,664	\$104,585	\$100,639	(\$25)
Budget by Program Area						
Executive Management	\$6,974	\$7,346	\$9,455	\$9,455	\$9,569	\$114
Probation Services	82,969	81,702	91,209	95,130	91,071	(139)
TOTAL	\$89,942	\$89,049	\$100,664	\$104,585	\$100,639	(\$25)
Funding						
City Funds			\$79,372	\$77,920	\$79,425	\$52
State			14,605	14,803	14,803	198
Federal - Other			358	358	74	(285)
Intra City			6,329	11,504	6,338	9
TOTAL	\$89,942	\$89,049	\$100,664	\$104,585	\$100,639	(\$25)
Budgeted Headcount						
Total Full-Time Positions	941	921	1,043	1,071	1,051	8

*The difference of Fiscal 2017 Adopted Budget compared to Fiscal 2018 Preliminary Budget.

The Department of Probation's Fiscal 2018 Preliminary Budget totals \$100.6 million (including City and non-City funds). DOP's Fiscal 2018 Preliminary Budget decreased by \$25,000 when compared to the Fiscal 2017 Adopted Budget of \$100.6 million. This includes an increase of \$2.6 million in Personal Services (PS) and a decrease of \$2.6 million in Other Than Personal Services (OTPS). Of note, 90 percent of DOP's budget supports the Probation Services program area. Of the total budget, \$79.4 million, or 79 percent of the budget, is comprised of City funds. In addition, the Preliminary Budget included eight positions to DOP's budgeted headcount; all are administrative positions. Of the total 1,501 budgeted headcount for DOP, 569 are Probation Officers (PO); 173 are Supervising Probation Officers (SPO); and 41 are Assistant Probation Officers (APO). According to DOP, the Department's current PO to SPO ratio is 1:4 as of January 2017. Additionally, 14 staff assigned to the Mayor's Office of Criminal Justice (MOCJ) managed community-justice initiatives are part of DOP's headcount. DOP is currently 76 positions below the Fiscal 2017 Adopted Budget headcount.

The Preliminary Fiscal 2018 Budget includes \$1.8 million in new needs. The key actions affecting the agency's proposed budget include the following:

- **Credible Messenger Institute.** The Fiscal 2018 Preliminary Plan includes a new need of \$230,000 in Fiscal 2017 and baseline funding of \$1.1 million and two positions in Fiscal 2018 and in the outyears for additional mentoring hours, and structured training and support for the credible messenger program. (see page 6)
- **Next STEPS Contract Increase.** The Fiscal 2018 Preliminary Plan includes baseline funding of \$660,000 starting in Fiscal 2017 to increase programming sites, each with a full-time Program Coordinator for the Next STEPS (Striving Toward Engagement and Peaceful Solutions) mentoring program. (see page 6)

Contract Budget

DOP Fiscal 2018 Preliminary Contract Budget <i>Dollars in Thousands</i>				
Category	Fiscal 2017 Adopted	Number of Contracts	Fiscal 2018 Preliminary	Number of Contracts
Contractual Services - General	21,851	4	19,374	5
Other Contractual Services	1,601	19	1,590	19
TOTAL	\$23,452	23	\$20,964	24

As of the Fiscal 2018 Preliminary Plan, DOP's contract budget decreased by \$2.5 million since the Fiscal 2017 Adopted Budget. According to the DOP, this is due to the termination of contracts for the Justice Scholars program as of December 2016. Of the approximately \$21 million for contractual services in Fiscal 2018, \$19.4 million or 92 percent is comprised of funding for 'Contractual Services – General.' Contract spending is 21 percent of DOP's budget in Fiscal 2018.

Program Areas

In general, agency program areas can provide insight into what programs are priorities and on how the budget impacts program outcome. The DOP's functions are broken down into two program areas, which are Probation Services and Executive Management. These program areas are funded with a combination of City tax-levy funds and other resources. DOP's program areas are defined by units of appropriation. Of the Department's program areas, funding for Probation Services constitutes 90 percent of total funding in Fiscal 2018.

Probation Services

Probation Services administers investigations of most adult and juvenile offenders before sentencing and supervises those sentenced to probation in adult and family courts. Probation Services also operates several related supervision programs for adult probation clients, and alternative to placement programs for juvenile probation clients.

Probation Services						
<i>Dollars in Thousands</i>						
	2015	2016	2017	Preliminary Plan		*Difference
	Actual	Actual	Adopted	2017	2018	2017 - 2018
Spending						
Personal Services						
Full-Time Salaried - Civilian	\$50,964	\$51,087	\$59,263	\$60,975	\$61,782	\$2,519
Other Salaried and Unsalaries	142	142	7	7	8	0
Additional Gross Pay	4,782	4,001	3,515	3,515	3,515	0
Overtime - Civilian	445	431	516	516	516	0
Fringe Benefits	0	0	14	14	4	(11)
Amounts to be Scheduled	0	0	(1,470)	(1,470)	(1,470)	0
Subtotal	\$56,334	\$55,661	\$61,846	\$63,557	\$64,355	\$2,509
Other Than Personal Services						
Supplies and Materials	\$774	\$826	\$1,178	\$1,263	\$1,118	(\$60)
Fixed and Misc Charges	1,073	296	11	781	11	0
Property and Equipment	460	763	983	1,063	885	(98)
Other Services and Charges	9,178	8,298	4,567	4,989	4,565	(2)
Contractual Services	15,149	15,858	22,625	23,477	20,137	(2,488)
Subtotal	\$26,635	\$26,041	\$29,364	\$31,573	\$26,716	(\$2,648)
TOTAL	\$82,969	\$81,702	\$91,209	\$95,130	\$91,071	(\$139)
Funding						
City Funds			\$69,978	\$68,525	\$69,916	(\$62)
State			14,545	14,743	14,743	\$198
Federal - Other			358	358	74	(\$285)
Intra City			6,329	11,504	6,338	\$9
TOTAL	\$82,969	\$81,702	\$91,209	\$95,130	\$91,071	(\$139)
Budgeted Headcount						
Total Full-Time Positions	860	839	921	949	929	8

**The difference of Fiscal 2017 Adopted Budget compared to Fiscal 2018 Preliminary Budget.*

The Department's Fiscal 2018 Probation Services budget shows a decrease of \$139,000 from the Fiscal 2017 Adopted Budget and a headcount increase of eight positions. The headcount increase is attributed to two positions for the Credible Messenger Institute and six positions for High Crime Areas. All new needs for Fiscal 2018 are reflected in this program area. While the PS budget increased by \$2.5 million, this is offset by a decrease of \$2.6 million in the OTPS

budget. The increase in the PS budget is due to a \$2.5 million increase in spending on full-time positions.

Financial Plan Actions

The Fiscal 2018 Preliminary Budget included two new needs for the Department, and the November Plan included one additional new need. These budget actions increase the Fiscal 2018 budget by \$2.4 million.

- **Credible Messenger Institute.** The Fiscal 2018 Preliminary Plan includes \$230,000 in Fiscal 2017 and baseline funding of \$1.1 million beginning in Fiscal 2018 to support two new positions for DOP's Credible Messenger Institute. The Credible Messenger Institute provides mentoring for youth in the juvenile justice system by pairing individuals with credible messengers from similar backgrounds, especially men and women who were themselves system-involved. This increase in funding is to better train the credible messengers in order for them to become professional mentors, and provide necessary on-going support, training, and certification for credible messengers to promote professional development. The two positions include one institute administrator, who will oversee all programs and training for the credible messengers, and one chaplain acting as program coordinator for the credible messengers.
- **Next STEPS Contract Increase.** The Fiscal 2018 Preliminary Plan includes baseline funding of \$660,000 starting in Fiscal 2017 to increase the contract with current Next STEPS providers for the expansion of three standalone sites and additional sites at Red Hook, Brownsville, and East New York; each with a full-time Program Coordinator. Next STEPS is an initiative of the Mayor's Action Plan for Neighborhood Safety that offers one-on-one and group mentoring within a cognitive behavioral therapy-based curriculum designed to help young adults make the attitudinal and behavioral changes necessary to avoid criminal activity and reengage in education, work, and with the community.
- **High Crime Areas.** The November Plan included \$280,000 and six positions in Fiscal 2017 and baseline funding of \$560,000 and six positions in Fiscal 2018 and in the outyears for the high crime areas program. Pursuant to Local Law 55 of 2016, the City must identify, analyze, and report on social services that are available in high crime areas as identified by the New York City Policy Department (NYPD). According to DOP, this is managed by MOCJ. Some staff has been hired and work has begun, but additional hiring is underway.

Performance Measures

The DOP collects data on the number of individuals served, and on an annual basis reports the data in the PMMR. The following charts from the PMMR provide performance statistics for adult and juvenile probationers followed by a description of year-over-year changes. The charts show actual data for Fiscal 2014-2016, target data where applicable for Fiscal 2017 and Fiscal 2018, and four-month actual data for Fiscal 2016 and Fiscal 2017.

DOP lays out its services and goals in the PMMR, which are 1) contribute to optimal court processing and decision-making in delinquency and criminal justice matters; and 2) improve community safety through a combination of accountability and support activities with those under probation supervision.

Produce timely and accurate pre-sentence investigations

DOP Performance Indicators	Actual			Target		4-Month Actual	
	FY14	FY15	FY16	FY17	FY18	FY16	FY17
Adult investigation reports completed - total	18,452	15,546	15,421	*	*	4,960	4,838
Adult investigation reports - on time completion (%)	NA	NA	NA	*	*	NA	75.00%
Juvenile investigation reports completed	2,194	2,003	2,019	*	*	723	580
Juvenile investigation reports - on time completion (%)	77.00%	86.00%	81.00%	*	*	80.00%	87.00%

Source: Fiscal 2017 Preliminary Mayor's Management Report

- The Department completed 4,838 pre-sentence investigations (PSIs) for adults, a two percent decrease. Furthermore, the Department completed 580 juvenile investigation and reports, a 20 percent decrease when compared to Fiscal 2016, which is consistent with a year-to-year decline in NYPD arrests.
- The Department began recording on-time submission rates for adult PSIs in Fiscal 2017. The on-time completion rate for adults was 74 percent, and for juveniles it was 87 percent, compared to 80 percent in Fiscal 2016.

Improve community safety through accountability and support activities with those under probation supervision

DOP Performance Indicators	Actual			Target		4-Month Actual	
	FY14	FY15	FY16	FY17	FY18	FY16	FY17
Juvenile supervision - Intake cases received	6,064	5,366	4,640	*	*	1,524	1,227
Juvenile delinquency cases eligible for adjustment (%)	28.00%	31.00%	28.40%	32.00%	30.00%	27.00%	23.00%
- low-risk (%)	37.00%	38.00%	40.00%	*	*	36.00%	32.00%
- medium-risk (%)	12.00%	13.00%	14.00%	*	*	15.00%	9.00%
- high-risk (%)	7.00%	6.00%	7.00%	*	*	5.00%	4.00%
Adult supervision cases - end of period	23,805	21,831	21,153	*	*	21,107	20,787
Juvenile supervision cases - end of period	1,781	1,430	1,347	*	*	1,398	1,159
Adult initial risk assessments completed	NA	NA	7,648	*	*	2,567	6,732
Juvenile initial risk assessments completed	NA	NA	1,117	*	*	430	855
Adult probationer rearrest rate (monthly average) (%)	3.20%	3.10%	3.40%	3.00%	3.00%	3.70%	3.40%
Adult probationers arrested citywide as a percentage of the NYPD arrest report (monthly average)	2.90%	3.10%	3.30%	2.60%	2.60%	3.30%	3.60%
Juvenile probationer rearrest rate (monthly average) (%)	3.50%	3.90%	4.80%	3.00%	3.50%	4.40%	4.50%

<i>Dollar in Thousands</i>	Actual			Target		4-Month Actual	
	FY14	FY15	FY16	FY17	FY18	FY16	FY17
Juvenile probationers arrested citywide as a percentage of the NYPD arrest report (monthly average)	0.30%	0.30%	0.30%	*	*	0.30%	0.30%
Average monthly violation rate for adult probationers (%)	0.80%	0.80%	0.90%	*	*	0.80%	1.00%
Average monthly violation rate for juvenile probationers (%)	3.00%	2.70%	3.00%	3.00%	3.00%	3.10%	3.20%
Probation violation proceedings ending in revocation for adult probationers (%)	44%	47%	54%	*	*	53%	53%
Probation violation proceedings ending in revocation for juvenile probationers (%)	NA	NA	NA	*	*	NA	40%
Revocation of juveniles not resulting in placement (%)	NA	NA	36.00%	*	*	42.00%	32.00%
Revocation of juveniles resulting in placement (%)	NA	NA	64.00%	*	*	58.00%	68.00%

Source: Fiscal 2017 Preliminary Mayor's Management Report

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- All youth arrested between the ages of seven and fifteen who fall under Family Court jurisdiction are processed post-arrest by DOP. The Department processed 1,227 juvenile intakes in Fiscal 2017, a 20 percent decrease from the number of youths referred to probation post-arrest in Fiscal 2016, consistent with the decline in arrests.
- During the intake process, probation officers make individual assessments for statutory eligibility and suitability for adjustment. The juvenile intake adjustment rate declined four percentage points to 23 percent. The number of eligible and suitable youth decreased based on the severity of arrest charges, assessed risk and prior history of arrest and court involvement.
- During the reporting period, probation officers completed 6,732 initial risk/need assessments for adults entering probation supervision, an increase of 162 percent. There were 855 initial assessments for juveniles, a 99 percent increase. These screenings identify criminogenic risk factors and programming needs and are used to develop individual actions plans (IAPs) for those on probation.
- The average monthly rearrest rate for adults on probation supervision decreased from 3.7 percent to 3.4 percent, while the juvenile rate increase from 4.4 percent to 4.5 percent. When viewed as a percentage of all NYPD arrests, the adult rearrest rate increased 0.3 percent and the juvenile rate was unchanged.
- The average monthly violation rate for adults on probation increased from 0.8 to 1 percent. Probation violation proceedings ending in revocation for adults was unchanged. The violation rate for juveniles increased from 3.1 to 3.2 percent. In Fiscal 2017, DOP began calculating the violation revocation rate for juveniles based on revocations that end in out-of-home placement, omitting decisions that result in continued probation supervision. The revocation rate resulting in placement for juvenile probationers during the first four months of Fiscal 2017 was 68 percent.

Maximize the use of evidence-based practices and community-based interventions

DOP Performance Indicators	Actual			Target		4-Month Actual	
	FY14	FY15	FY16	FY17	FY18	FY16	FY17
New enrollments in alternative-to-placement (ATP) programs	167	160	134	*	*	49	48
New enrollments in DOP-managed programs	NA	NA	2,270	*	*	NA	627
Adult probationer early completion rate (%)	11%	12%	10%	*	*	10%	12%
Adult probationer early completion approval rate (%)	76.00%	81.00%	75.00%	*	*	66.00%	72.00%
Successful completion rate for adult probationers (%)	59%	66%	68%	UP	UP	66%	68%
Successful completion rate for juvenile probationers (%)	NA	NA	NA	UP	UP	NA	64%

Source: Fiscal 2017 Preliminary Mayor's Management Report

- DOP enrolled 48 new juveniles in alternative-to-placement (ATP) programs, representing no significant change from Fiscal 2016, and 627 new probationers in DOP-managed programs. Services in DOP-guided programs include mentoring, education, employment and life skills.
- The rate of adults successfully completing their probation terms increased to 68 percent, up two percent from 66 percent the previous fiscal year. In Fiscal 2017, DOP began calculating the successful completion rate for juveniles based on a method that eliminates revocations that do not result in out-of-home placement as a negative outcome. The success rate for juveniles during the reporting period is 64 percent.

Executive Management

DOP's Executive Management is responsible for setting policies and developing short and long term plans and strategies; providing legislative review and legal analysis; and coordinating with governmental oversight agencies. Under the supervision of the Deputy Commissioner of Budget and Administration, staff provides management of general support services.

Executive Management						
<i>Dollars in Thousands</i>						
	2015 Actual	2016 Actual	2017 Adopted	Preliminary Plan		*Difference 2017 - 2018
				2017	2018	
Spending						
Personal Services						
Full-Time Salaried - Civilian	\$6,514	\$6,860	\$9,109	\$9,109	\$9,223	\$114
Other Salaried and Unsalariated	25	26	4	4	4	0
Additional Gross Pay	332	271	198	198	198	0
Overtime - Civilian	59	132	18	18	18	0
P.S. Other	6	3	0	0	0	0
Subtotal	\$6,936	\$7,294	\$9,329	\$9,329	\$9,443	\$114
Other Than Personal Services						
Supplies and Materials	\$8	\$18	\$42	\$63	\$42	\$0
Fixed and Misc Charges	0	0	2	0	2	0
Property and Equipment	5	7	21	10	21	0

Other Services and Charges	25	28	32	52	32	0
Contractual Services	0	0	28	0	28	0
Subtotal	\$38	\$53	\$126	\$126	\$126	\$0
TOTAL	\$6,974	\$7,346	\$9,455	\$9,455	\$9,569	\$114
	2015	2016	2017	Preliminary Plan		*Difference
<i>Dollars in Thousands</i>	Actual	Actual	Adopted	2017	2018	2017 - 2018
Funding						
City Funds			\$9,395	\$9,395	\$9,509	\$114
State			60	60	60	0
TOTAL	\$6,974	\$7,346	\$9,455	\$9,455	\$9,569	\$114
Budgeted Headcount						
Total Full-Time Positions	81	82	122	122	122	0

*The difference of Fiscal 2017 Adopted Budget compared to Fiscal 2018 Preliminary Budget.

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The DOP's Fiscal 2018 Executive Management budget shows an increase of \$114,000 from the Fiscal 2017 Adopted Budget. This increase is due to an increase in full-time positions. Of the \$9.6 million budget for Executive Management, 99 percent of the funding is City tax-levy funds. Budgeted headcount is unchanged between Fiscal 2017 and Fiscal 2018.

Appendix A: Budget Actions in the November and the Preliminary Plans

<i>Dollars in Thousands</i>	FY 2017			FY 2018		
	City	Non-City	Total	City	Non-City	Total
DOP Budget as of the Adopted 2017 Budget	\$79,372	\$21,292	\$100,664	\$78,135	\$21,017	\$99,152
New Needs						
High Crime Areas	\$280	\$0	\$280	\$560	\$0	\$560
Credible Messenger Institute	230	0	230	1,130	0	1,130
Next STEPS Contract Increase	660	0	660	660	0	660
Subtotal, New Needs	\$1,170	\$0	\$1,170	\$2,350	\$0	\$2,350
Other Adjustments						
Fund New DCJS Grant	\$0	\$198	\$198	\$0	\$198	\$198
PS Accruals	(138)	0	(138)	0	0	0
Service Provider Wage Adjustment	0	0	0	3	0	3
CEO Funding Adjustment	(121)	0	(121)	(1,063)	0	(1,063)
Hiring Plan Adjustment	(397)	0	(397)	0	0	0
STSJP Funding Transfer	(1,967)	0	(1,967)	0	0	0
STSJP Transfer	0	5,175	5,175	0	0	0
Subtotal, Other Adjustments	(\$2,622)	\$5,373	\$2,751	(\$1,060)	\$198	(\$1,063)
TOTAL, All Changes	(\$1,452)	\$5,373	\$3,921	\$1,290	\$198	\$1,287
DOP Budget as of the Preliminary 2018 Budget	\$77,920	\$26,665	\$104,585	\$79,425	\$21,214	\$100,639