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Parties in jail agreement seek federal judge's endorsement

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The U. S. Justice Department and Erie County asked a federal judge to sign off Friday on their agreement to better prevent suicides in the county jails.

U. S. District Judge William M. Skretny did not sign the order, but might do so in coming days. When he does, he will give the agreement the force of a court order and, in effect, endorse that the U. S. Constitution does not require the improvements, a clause that the county maintains must be included.

In order to sign the agreement, county officials would not admit violating the constitutional rights of inmates — so as not to weaken their position in pending and future lawsuits involving inmate conditions. Key clauses in legal documents were fine-tuned minutes before lawyers for both sides appeared before Skretny on Friday afternoon.

“Just being able to get this agreement done was excellent,” U. S. Attorney William J. Hochul Jr. said Friday. “We went into it, as our lawsuit states, to clean up some things. And the government believes that at least this aspect of the case has been resolved.

“There is just a whole host of things that the county has committed to begin doing as soon as the judge signs the agreement,” Hochul said.

The Justice Department filed suit against Erie County in September 2009, alleging that its Holding Center in downtown Buffalo and Correctional Facility in Alden fail to protect inmate rights in the areas of suicide prevention, medical care, mental health care, sanitation and the use of force.

The parties arrived at a settlement in one area of the lawsuit, suicide prevention, after three Holding Center hangings over 90 days made inmate suicides the front-burner concern.

Under the “Stipulated Settlement Agreement and Order,” County Executive Chris Collins, Sheriff Timothy B. Howard and their key officials agree to detailed measures to protect Holding Center inmates from suicide hazards.

Erie County will try to make it more difficult, if not impossible, for suicidal inmates to anchor nooses to air vents, bunks or window bars on 240 cells in the Holding Center's 1985 addition. Those cells are in fact small rooms that given suicidal inmates more privacy to take their own lives. Collins said the government has hired a contractor to retrofit the cells, and he expects the job to cost less than \$300,000.

The county also formalized efforts to better screen suicidal inmates, educate its jail staff in detoxification programs and provide annual refresher training on suicide-prevention to the staff. The county also agrees to engage in ongoing improvement efforts, to hire a deputy superintendent to implement details of the agreement and pay an outside consultant to monitor progress and report back to the court.

“The settlement appears to completely reverse the position of the Collins administration, whose county attorney once stated that the Justice Department's claim that it could offer advice on reducing suicides was ‘speculative at best,’ ” said Comptroller Mark C. Poloncarz.

“I am pleased that the administration finally got its head out of the sand and decided to work with the Justice Department on this issue instead of continuing litigation at significant taxpayer expense,” he added.

Comments

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