AMENDMENT TO COMM. 19D-5 (2011)
May 3, 2012

Delete the Item in its Entirety and Replace with the Following:

A RESOLUTION TO RECOMMEND CREATION OF THE POSITION OF OMBUDSMAN FOR THE ERIE COUNTY HOLDING CENTER AND THE ERIE COUNTY CORRECTIONAL FACILITY

WHEREAS, the Erie County Community Corrections Advisory Board (Advisory Board) is charged with offering suggestions to the Erie County Legislature for the improvement of programs and services at Erie County Holding Center in Buffalo, and the Erie County Correctional Facility in Alden (the Correctional Facilities in Erie County); and

WHEREAS, the Advisory Board is authorized to make formal recommendations to the Erie County Legislature on the comprehensive plan for the programs and services at the Correctional Facilities in Erie County, complete with a budgetary analysis and identification of possible sources of funding for initiatives that require additional funding not specified in the County's budget; and

WHEREAS, to fulfill its mission, the Advisory Board needs to learn from members of the community about any complaints, concerns, and suggestions they have about the facilities; and

WHEREAS, there is no individual responsible for reaching to members of the community, including inmates to ask for complaints, concerns, and suggestions about programs and services at the Correctional Facilities in Erie County; and

WHEREAS, in accordance with New York State Correction Law, section 45(6), and 9 New York Code Rules and Regulations 7016.1 profits resulting from commissary sales to inmates of the Correctional Facilities in Erie County "shall be deposited in a separate bank account and shall be utilized only for the purpose of prisoner welfare and rehabilitation"; and

WHEREAS, an ombudsman charged with reaching to members of the community, including inmates to ask for complaints, concerns, and suggestions about programs and services at the Correctional Facilities in Erie County and advising the Advisory Board of such complaints, concerns, and suggestions would advance prisoner welfare and rehabilitation; and

WHEREAS, unresolved complaints about programs and services at the Correctional Facilities in Erie County may lead to costly litigation against the County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Community Corrections Advisory Board officially recommends to the Executive, Sheriff, and the Legislature that the position of Ombudsman for the Correctional Facilities in Erie County be created in the upcoming 2012 County Budget; and be it further

RESOLVED, that the position of Ombudsman for the Correctional Facilities in Erie County shall be created; and be it further

RESOLVED, that the Ombudsman shall establish, maintain and organize procedures for the receipt of complaints, concerns, and suggestions about the Correctional Facilities in Erie

County from all interested parties, including inmates, their families and all other members of the public; and be it further

RESOLVED, that the Ombudsman shall establish a procedure for the maintenance, and organization of all such complaints, concerns, and suggestions; and be it further

RESOLVED, that the Ombudsman shall report monthly to the Erie County Community Corrections Advisory Board about the content of all such complaints, concerns, and suggestions; and be it further

RESOLVED, that the Ombudsman may investigate complaints and facilitate fair settlements among willing participants; and be it further

RESOLVED, that any employee of the Erie County Sheriff's Office who participates in any settlement discussions would have fill confidentiality; and be it further

RESOLVED, that the Ombudsman may not be an employee or member of the Erie County Sheriff's Office; and be it further

RESOLVED, that the Ombudsman will be appointed by the Erie County Community Corrections Advisory Board; and be it further

RESOLVED, that the funding for the Ombudsman will be from either the commissary fund provided by 9 New York Code Rules and Regulations 7016.1(c); inmate telephone funds; or any other funding source the Legislature chooses.