



EOLEO SEP28'11 #1044

County of Erie

MARK C. POLONCARZ
COMPTROLLER

September 26, 2011

Honorable Christopher Collins
County Executive
Edward A. Rath County Office Building
95 Franklin St, 16th Floor
Buffalo, NY 14202

Re: Review of Overtime at the Erie County Holding Center and Correctional Facility.

Dear Mr. Collins:

On September 21, 2011, my office released a report of overtime at the Erie County Holding Center and Correctional Facility. This review of overtime is a follow up of two audits performed by the Comptroller's office in 2007, which reviewed overtime and other costs at the Holding Center and Correctional Facility and was contained in a list of potential projects requested by the Erie County Fiscal Stability Authority ("Control Board").

After reviewing the factors contributing to unsustainable increases in overtime at both the Holding Center and Correctional Facility over the past several years, my office proposed the hiring of sixty-seven (67) additional deputies and corrections officers. We believe that in addition to saving the County a net of more than \$2.9 million over the next five years, hiring additional staff will dramatically increase the safety of both officers and inmates at these two facilities.

After reading your spokesman Grant Loomis' comments to the Buffalo News it is apparent that he, speaking on your behalf, either didn't take the time to read the report or failed to understand the calculations the auditors performed to substantiate these savings.

Despite your office's assertions, auditors took fringe benefit calculations for overtime (22 percent) and regular time (47 percent) into account as part of the report's analysis, and subsequent findings. For greater detail on how fringe benefit costs were calculated, please refer to page 14 of the report.

With that said, Mr. Loomis' general assertion that "overtime is always less expensive than hiring additional staff," is patently false. While we agree that the staffing levels required to eliminate all overtime within Jail Management would be prohibitively high—requiring over 109 new deputies/corrections officers—and at a cost far exceed any saving derived from the elimination, our analysis shows that hiring 67 additional staff would result in a net savings of more than \$2.9 million over the next 5 years.

Whether you choose to acknowledge it or not, the cost of overtime within Jail Management has skyrocketed over the past several years, primarily from a dramatic increase in the number of posts at the Holding Center and Correctional Facility as a result of a number of lawsuits and rulings by the U.S. Department of Justice ("DOJ") and New York State Commission on Corrections ("COC") since 2007. And while we cannot control the number of posts mandated by the DOJ or COC, we can control the number of deputies and correction officers used to man those posts.


Your refusal to significantly address this problem has cost taxpayers millions of dollars in unnecessary overtime costs. During the performance of this review our office was informed that the COC is performing an analysis of the posts at the Holding Center and preliminary discussions indicate they will recommend additional posts. If such a recommendation is made the already insufficient number of deputies will be stretched even thinner and overtime costs will continue to increase at an unsustainable rate.

If your administration's position remains "that using existing employees and having them work overtime is financially more beneficial to for the taxpayer," as Mr. Loomis stated, I would request you provide both the Control Board and my office with any evidence or analysis you have conducted to substantiate your claim.

As you have aptly pointed out on several occasions, while everyone is entitled to their own opinions, they are not entitled to their own facts. And the fact is, reducing overtime within Jail Management will not only result in tangible cost savings for the taxpayers but also increase safety for officers and inmates, who, through your failure to act, have been forced to content with increasingly dangerous conditions.

I hope that as you prepare to release your proposed 2012 Erie County Budget you would take the time to thoroughly read my office's report and consider its recommendations. In the meantime, if you have any questions on this or any other matter, please do not hesitate to contact my office.

Sincerely,



Mark C. Poloncarz, Esq.
Erie County Comptroller

MCP/nr

CC: Erie County Legislature
Erie County Fiscal Stability Authority
Gregory Gach, Director of Budget and Management