

April 18, 2002

PUBLIC SAFETY  
COMMITTEE  
REPORT NO. 4

ALL MEMBERS PRESENT. CHAIRMAN DeBENEDETTI PRESENT AS EX-OFFICIO MEMBER.

1. Item Page -2002 (Comm. 5E-48)  
**COUNTY EXECUTIVE**

WHEREAS, the District Attorney through the Internet Crimes Against Children Program Grant provides needed services to the residents of Erie County, and

WHEREAS, the District Attorney's Office has been granted approval from state funding sources to reallocate funds within said grant,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby provide authorization to reallocate funds within the Internet Crimes Against Children Grant to match final state authorized funding levels, to be adjusted as follows:

INTERNET CRIMES AGAINST CHILDREN GRANT- Project 478  
March 1, 2000 - September 30, 2001

<u>Revenue</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
Acct. 627 State Aid	<u>\$60,000</u>	<u>\$ 0</u>	<u>\$60,000</u>
Total Revenue	\$60,000	\$ 0	\$60,000
 <u>Appropriation</u>			
Acct. 800 Personal Services	\$ 4,440	\$12,821	\$17,261
Acct. 805 Fringe Benefits	5,377	0	5,377
Acct. 810 Office Supplies	3,000	0	3,000
Acct. 824 Travel & Mileage	400	(400)	0
Acct. 825 Out of Area Travel	10,000	(7,631)	2,369
Acct. 826 Other Expenses	8,116	(4,790)	3,326
Acct. 933 Lab & Tech. Equip.	<u>28,667</u>	<u>0</u>	<u>28,667</u>
Total Appropriations	\$60,000	\$ 0	\$60,000

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County District Attorney, the Erie County Comptroller and the Director of Budget, Management and Finance.

(6-0) Chairman DeBenedetti present as Ex-Officio Member.

2. Item Page -2002 (Comm. 7E-17)

**COUNTY EXECUTIVE**

WHEREAS, the District Attorney through the Internet Crimes Against Children Grant provides needed services to the residents of Erie County, and

WHEREAS, the Erie County Legislature has already approved the District Attorney's Grant Budgets in Book B for 2002, and

WHEREAS, the contract received from the New York State Government authorizes funding levels different from the adopted budget,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby provide authorization to reallocate funds within the Internet Crimes Against Children Grant to match final state authorized funding levels, to be adjusted as follows:

INTERNET CRIMES AGAINST CHILDREN GRANT- Project 615  
January 1, 2002 - December 31, 2002

<u>Revenue</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
Acct. 627 State Aid	\$ 60,000	\$ - 0 -	\$ 60,000
Total Revenue	<u>\$ 60,000</u>	<u>\$ - 0 -</u>	<u>\$ 60,000</u>
 <u>Appropriation</u>	 <u>ORIGINAL</u>	 <u>CHANGE</u>	 <u>FINAL</u>
Acct. 800 Personal Services	\$ 5,000	\$ 23,551	\$ 28,551
Acct. 805 Fringe Benefits	1,181	9,501	10,682
Acct. 810 Office Supplies	3,000	367	3,367
Acct. 824 Local Travel	400	- 0 -	400
Acct. 825 Out of Area Travel	10,000	( 3,000)	7,000
Acct. 826 Other Expenses	8,000	( 1,000)	7,000
Acct. 933 Lab & Tech Equip.	<u>32,419</u>	<u>(29,419)</u>	<u>3,000</u>
Total Appropriations	<u>\$ 60,000</u>	<u>\$ - 0 -</u>	<u>\$ 60,000</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County District Attorney, the Erie County Comptroller and the Director of Budget, Management and Finance.

(6-0) Chairman DeBenedetti present as Ex-Officio Member.

3. Item Page -2002 (Comm. 7E-18)

**COUNTY EXECUTIVE**

WHEREAS, it is necessary to transfer funds from the Erie County District Attorney's Asset Forfeiture Trust Fund prior to their being expended, and

WHEREAS, it is necessary to provide matching funds for the District Attorney's Multi-Jurisdictional Grant which can be accomplished through enacting this resolution, and

WHEREAS, it is desirable to replace one investigative automobile with an odometer reading of over 100,000 miles, to update the District Attorney's Office technology with the purchase of computer printers and a scanner to improve the efficiency of the office,

NOW, THEREFORE, BE IT

RESOLVED, that \$18,936 in available balances in the Erie County District Attorney's Assets Forfeiture Trust Fund is hereby transferred to the District Attorney's Assets Forfeiture Grant, SFG Project 333, and be it further

RESOLVED, that the following budgetary transactions are hereby authorized to provide funding for investigative, surveillance and prosecutorial purposes to benefit the District Attorney's Office:

DISTRICT ATTORNEY ASSET FORFEITURE GRANT  
PROJECT 333 - FUND 280

<u>Revenue</u>	<u>Increase</u>
Acct. 502 District Attorney Asset Forfeitures	<u>\$18,936</u>
Total Revenue	<u>\$18,936</u>
<u>Appropriation</u>	
Acct. 930 Automotive Equipment	\$15,850
Acct. 933 Laboratory and Technical Equipment	<u>3,086</u>
Total Appropriations	<u>\$18,936</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County District Attorney, the Erie County Comptroller and the Director of Budget, Management and Finance.

4. Item Page -2002 (Comm. 7E-39)

**COUNTY EXECUTIVE**

WHEREAS, Erie County has been awarded funding by the New York State Division of Criminal Justice Services under the Edward Byrne Memorial program, and

WHEREAS, the New York State Office of the Attorney General has provided funding to support this project, and

WHEREAS, said funds will enable Central Police Services to provide training and equipment for the Regional Computer Forensic Facility (RCFL). The RCFL is a voluntary association of federal, state and local law enforcement agencies which provides the computer forensic needs for the law enforcement agencies in Erie County and Western New York,

NOW, THEREFORE BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into a contract and accept funding in the amount of \$90,000 with the New York State Division of Criminal Justice Services, and be it further

RESOLVED, that authorization is also provided for the County Executive to accept funding in the amount of \$17,500 from the New York State Office of the Attorney General, and be it further

RESOLVED, that authorization is hereby provided to establish the grant in the budget of the Department of Central Police Services as follows:

Grant Fund - Department 650  
Central Police Services  
Regional Computer Forensic Facility  
3/1/02 – 2/28/03

<u>Revenue</u>	<u>Increase</u>
Acct. 627 State Aid	\$ 90,000
Acct. 444 Other Local Source	<u>17,500</u>
Total Revenue	\$107,500
<u>Appropriation</u>	
Acct. 810 Office Supplies	\$ 26,950
Acct. 820 Utilities	2,300
Acct. 821 Dues & Fees	36,400
Acct. 825 Out of Area Travel	18,465
Acct. 933 Lab & Tech. Equipment	<u>23,385</u>
Total Appropriation	\$107,500

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, Office of the Comptroller and the Department of Central Police Services.

(6-0) Chairman DeBenedetti present as Ex-Officio Member.

**AS AMENDED**

5. Item Page -2002 (Intro. 7-9)  
**CHASE, DeBENEDETTI, GREENAN, McCARVILLE, CUSACK, WEINSTEIN, RANZENHOFER, LARSON, SWANICK, KUWIK, SCHROEDER, HOLT, FISHER, DALE, PEOPLES, DUSZA & MARINELLI**

WHEREAS, in cases of domestic violence, victims are often still quite vulnerable even after an order of protection has been issued on their behalf, and

WHEREAS, telephone directories that list phone numbers of domestic violence victims are an easy way for abusers to continue to make contact with their victims, and

WHEREAS, many victims of domestic violence have limited financial means, and they cannot afford to pay for the charge by telecommunications companies to ensure that their telephone number remains unlisted and unattainable by their abusers, and

WHEREAS, local exchange telephone corporations have the ability to waive the charges and omit from any directory of telephone numbers published by it or, any affiliated company, the listing of any person who is a victim of domestic violence, as defined in section four hundred fifty-nine-a of the social services law, and for whose benefit any order of protection, other than a temporary order of protection, has been issued by a court of competent jurisdiction.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby recognize the necessity to assist victims of domestic violence from their abusers, and be it further

RESOLVED, that this Honorable Body does hereby memorialize the New York State Legislature to pass and the Governor to sign into law S.6427 and A.1669 thereby providing unlisted telephone directory numbers without charge for victims of domestic violence for whose benefit an order of protection has been issued by a court of competent jurisdiction, and be it further

RESOLVED, that certified copies of this resolution be sent to Governor George E. Pataki, the members of the Western New York State Delegation to the State Legislature, Erie County Sheriff Patrick Gallivan, Erie County Sheriff Deputy Patricia Bowen, Judge Sharon Townsend, 1 Niagara Plaza, Buffalo, NY 14202, District Attorney Frank J. Clark, 25 Delaware Ave., Buffalo, NY 14202, and Katey Joyce, Haven House, P.O. Box 451 Ellicott Station, NY 14202.

Financial Impact: None

(6-0) Chairman DeBenedetti present as Ex-Officio Member.

6. Item Page -2002 (Comm. 8E-11)  
**COUNTY EXECUTIVE**

WHEREAS, it is the desire of the County of Erie, Department of Central Police Services to retain a grants consultant in order to acquire outside sources of revenue for constructing a Regional Public Safety Campus, and

WHEREAS, the Department of Central Police Services issued a Request for Proposal (RFP) on November 30, 2001 associated with the Regional Public Safety Campus project; and

WHEREAS, four (4) proposals were submitted by various grants consulting firms on December 13, 2001; and

WHEREAS, the firm of Lucy Curley & Company was deemed to have submitted the best overall proposal by the selection committee; and

WHEREAS, the RFP, evaluation of responses and selection procedure were done in accordance with Section 19.08 of the Erie County Administrative Code:

NOW, THEREFORE, BE IT

RESOLVED, that an agreement with Lucy Curley & Company, 370 Franklin Street, Buffalo, New York 14202 at a cost not to exceed \$123,000 to provide grant consulting services for the proposed Regional Public Safety Campus is hereby approved; and be it further

RESOLVED, that funds for this agreement will be allocated from the County's 2001 Budget Capital Project Account 441 191650821; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an agreement with Lucy Curley & Company subject to approval as to form by the County Attorney; and be it further

RESOLVED, that certified copies of this resolution are to be forwarded to the County Executive, Director of Budget, Management and Finance, Comptroller, Commissioner of Public Works and Commissioner of Central Police Services.  
(6-0) Chairman DeBenedetti present as Ex-Officio Member.

7. Item Page -2002 (Comm. 8E-18)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Probation Department is an agency involved in Community Corrections, and

WHEREAS, the Erie County Probation Department believes that Community Corrections should take place within the various communities within Erie County that it serves, and

WHEREAS, in order to effect positive behavioral change and reduce the rates of recidivism, it is essential that the Erie County Probation Department partner with various service providers and community resources, and

WHEREAS, Horizon Health Services, a long established counseling agency, has agreed to help facilitate the presence of the Erie County Probation Department within its service community by providing office space at no cost to the County, and

WHEREAS, the office space would be located at 3020 Bailey Avenue, Buffalo, New York, 14215 and 158 Holden Street, Buffalo, New York, 14215, and

WHEREAS, the location would provide the Erie County Probation Department with a unique opportunity to service their client population in that area within their own community without imposing additional financial burdens (transportation, parking, etc.), and

WHEREAS, The Erie County Probation Department's presence at 3020 Bailey Avenue and 158 Holden Street, Buffalo, New York, 14215 will not only strengthen the counseling mandates as imposed by the various courts but will enhance visibility of the Erie County Probation Department within the respective community, and

WHEREAS, without this approach, the Erie County Probation Department will be forced to continue its "fortress" style supervision from its downtown location with very little community involvement.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Probation Department be allowed to enter into a "hold harmless" contractual agreement with Horizon Health Services, 3020 Bailey Avenue, Buffalo, New York, 14215 and 158 Holden Street, Buffalo, New York, 14215 for the purposes of establishing a satellite office of Erie County Probation Department at said address, and be it further

RESOLVED, that said contractual relationship be continued on a month to month basis with either party having the right to terminate this lease upon thirty (30) days written notice to the non-terminating party, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Comptroller's Office and the Erie County Probation Department.

**AS AMENDED**

8. Item Page -2002 (Intro. 8-2)  
**McCARVILLE, DeBENEDETTI, GREENAN, CHASE, CUSACK, WEINSTEIN,  
 RANZENHOFER & LARSON**

WHEREAS, a new breed of high-tech criminals, using cunningly concealed video cameras to surreptitiously spy on unsuspecting citizens, are escaping real punishment in New York State, and

WHEREAS, the incidences of such "video peeping" of people in states of undress or nudity or in places where there is an expectation of privacy have increased within the last decade due to the widespread availability of advanced video technology, and

WHEREAS, we believe that the unauthorized videotaping or video-viewing of people in states of undress or nudity or in places where there is an expectation of privacy should be made punishable, and

WHEREAS, legislation has been introduced in the New York State Assembly (A.07304) that provides for the creation of the crime of unlawful video surveillance of people in states of undress or nudity or in places where there is an expectation of privacy when such activity is for the amusement, entertainment, sexual arousal or gratification of the "video peeper" and makes such crime a class E felony, and

WHEREAS, this legislation also punishes for allowing another person to install equipment for the unlawful video surveillance of people in states of undress or nudity or in places where there is an expectation of privacy when such activity is for the amusement, entertainment, sexual arousal or gratification of the "video peeper" and makes such crime a class E felony, and

WHEREAS, this legislation further punishes the knowing sale, dissemination, distribution, or transmission of such material and makes such crime a class E felony, and

WHEREAS, exemptions from this law includes posted security systems, clearly obvious video surveillance, and law enforcement personnel engaged in the conduct of their authorized duties, and

WHEREAS, it is vital that we close the legal loopholes that make it all too easy for accused "video peepers" to escape appropriate punishment,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature recognizes the need to establish a new law that punishes people who use video cameras to surreptitiously spy on unsuspecting victims for amusement, entertainment, sexual arousal or gratification, and be it further

RESOLVED, that this Honorable Body strongly supports and endorses Assembly bill (A.07304) and calls upon the State Assembly and Senate to adopt and the Governor to sign into law this much needed legislation, and be it further

RESOLVED, that certified copies of tills resolution be forwarded to District Attorney Frank Clark, Sheriff Patrick Gallivan, Governor George Pataki, Senate Majority Leader Joseph Bruno, Assembly Speaker Sheldon Silver, Assembly Majority Leader Paul Tokasz, Assembly Minority Leader John Faso, and Assemblyman Robert Oaks.  
(6-0) Chairman DeBenedetti present as Ex-Officio Member.



**JEANNE Z. CHASE  
CHAIRPERSON**