

February 14, 2019

PUBLIC SAFETY COMMITTEE
REPORT NO. 3

ALL MEMBERS PRESENT.

1. RESOLVED, the following item is hereby received and filed:
- a. INTRO. 4-4 (2018)

LORIGO, RATH & MILLS: “Opposition to the Provision of Free Tablets to Prisoners in NYS” (Chair’s ruling)
2. COMM. 3E-21 (2019)
- COUNTY EXECUTIVE**
WHEREAS, the Department of Homeland Security through the NYS Department of Homeland Security & Emergency Services has agreed to provide funding in Federal assistance to continue the implementation of programs to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, the Erie County Legislature needs to authorize the County Executive to enter into a contract for \$14,660 with Spec Rescue International Service to conduct a structural collapse training; and

WHEREAS, there is funding available in FY 17 Technical Rescue & Urban Search and Rescue Grant Program to cover the costs incurred for this training; and

WHEREAS, the contract will be managed by the Erie County Department of Homeland Security & Emergency Services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with Spec Rescue International Service to conduct a structural collapse training in the amount of \$14,660 from available funds and budget modifications for the remainder of funding from Account 516020 in grant HS167TECHRESCUE1720; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the Department of Homeland Security & Emergency Services c/o Melissa Calhoun, the County Comptroller, and the County Attorney.
(5-0)

3. COMM. 3E-24 (2019)
- SHERIFF**
WHEREAS, Governor Cuomo and the majority leaders in the state senate and assembly have indicated a desire to pass legislation by April 1, which authorizes the use and possession of legal recreational marijuana; and

WHEREAS, one of the unforeseen consequences of legal marijuana is the costs handed down to sheriff’s offices and municipal law enforcement agencies who maintain a narcotics detection canine(s) which a new legal-marijuana law would render these work dogs obsolete; and

WHEREAS, the Erie County Sheriff’s Office has four narcotics detection canines assigned to the Polices Services Division; and

WHEREAS, all four K9s are trained and certified to detect and alert on the positive presence of marijuana; and

WHEREAS, once marijuana is made legal in New York, the canines positive indication for narcotics odor can no longer provide probable cause to obtain search warrants because the Deputy cannot testify to the fact the work dog alerted on the presence of marijuana or of another illicit drug, such as heroin; and

WHEREAS, this new law will make all active narcotics detection canines trained to detect marijuana obsolete and these canines can no longer be utilized in narcotics eradication operations; and

WHEREAS, numerous law enforcement agencies will be in the same situation once recreational marijuana is legalized, and those agencies will face the choice of ending its narcotics detection K9 units or acquire new work dogs that won’t be trained to alert on the presence of marijuana; and

WHEREAS, the Erie County Sheriff’s Office expresses its desire and intent to continue to stem the trafficking of illicit drugs like heroin into Erie County; and

WHEREAS, one of the best tools the Erie County Sheriff’s Office has is the remarkable odor detection capabilities of a well trained and certified work dog; and

WHEREAS, the Sheriff’s Office wants to be position to acquire new work dogs as soon as possible to allow for proper training and New York State Department of Criminal Justice Services’ certification; and

WHEREAS, the Sheriff’s Office seeks to transfer \$40,000.00 from the Asset Forfeiture Trust Account to Account #53000 (Other Expenses) account to purchase new canines for narcotics detection; and

WHEREAS, these canines will also be trained for tracking and police services; and

WHEREAS, as of January 22, 2019, the Sheriff’s Asset Forfeiture Trust Account balance is \$138,283.00; and

WHEREAS, the Erie County Sheriff’s Office would utilize Asset Forfeiture Trust Account funds to purchase the four work dogs which will eliminate any burden to the taxpayer or affect the 2019 Erie County Budget; and

WHEREAS, the Sheriff’s Office also see transfer \$24,000.00 from the Telephone Revenue Account to Account #53000 (Other Expenses) as to purchase new work dogs for the Jail Management Division to be trained for narcotics detection; and

WHEREAS, the Telephone Revenue Account has nearly \$400,000.00, and the Sheriff’s Office is authorized to utilize these funds for facility operations; and

WHEREAS, the Sheriff of Erie County and the County Executive agree that this expenditure is appropriate for to the enhancement and security of the Erie County Holding Center and Correctional Facility; and

WHEREAS, three of the current JMD narcotics detection K9s have been diagnosed with a terminal illness; and

WHEREAS, narcotics detection canines are a valuable asset for facility security; and

WHEREAS, the JMD narcotics detection canines work on a daily basis to prevent the smuggling illicit drugs into the facilities; and

WHEREAS, drug contraband presents major security and health risks to the inmates and the staff because of its high value as “jailhouse currency;” and

WHEREAS, the JMD K9 unit conducts frequent and random searches of the facilities for the presence of illegal narcotics within housing units and on the persons entering the facilities; and

WHEREAS, without narcotics detection canines on duty, the facilities could not prevent the introduction of deadly contraband from visitors or other methods; and

WHEREAS, the Erie County Sheriff’s Office would utilize Telephone Revenue Account funds to purchase the four work dogs which will eliminate any burden to the taxpayer or affect the 2019 Erie County Budget.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature authorizes the Erie County Sheriff’s Office and Division of Budget and Management to transfer \$40,000.00 from the Asset Forfeiture Trust Account to Account #53000 (Other Expenses)

ERIE COUNTY SHERIFF'S OFFICE

Sheriff – SAFS Funded Program		
<u>REVENUE</u>		<u>DECREASE</u>
421550	Forfeiture Crime Proceeds	<u>\$40,000.00</u>
<u>APPROPRIATION</u>		<u>INCREASE</u>
530000	Other Expenses	\$40,000.00
	Total Revenue	<u>\$40,000.00</u>

and be it further

RESOLVED, the Erie County Legislature authorizes the Erie County Sheriff’s Office and Division of Budget and Management to transfer \$24,000.00 from the Telephone Revenue Account to Account #530000 (Other Expenses)

ERIE COUNTY SHERIFF'S OFFICE

Sheriff – Telephone Revenue Account		
<u>REVENUE</u>		<u>DECREASE</u>
415622	Telephone Revenue	<u>\$24,000.00</u>
<u>APPROPRIATION</u>		<u>INCREASE</u>
530000	Other Expenses	\$24,000.00
	Total Revenue	<u>\$24,000.00</u>

and be it further

RESOLVED, the designated Asset Forfeiture Trust Account fund expenditure meets the criteria established by the U.S. Department of Justice for the use of equitable shared funds; and be it further

RESOLVED, the Sheriff of Erie County and the County Executive agree that the purchase of new K9s for the Jail Management Division is an allowable and appropriate expenditure which enhances the safety of the facilities, its staff, and the inmates; and be it further

RESOLVED, that the Erie County Sheriff's Office and the Division of Budget and Management are authorized to have any unused funds either remain in or returned to Telephone Revenue account; and be it further

RESOLVED, the Division of Budget and Management is authorized to make any technical adjustments necessary to effectuate the two transfers should there be any unforeseen issues; and be it further

RESOLVED, that certified copies of the approved resolution are sent to the County Executive, the County Attorney, the Division of Budget and Management, the Division of Purchasing, the Erie County Comptroller's Office, and the Chief of Administration of the Sheriff's Office for implementation.
(5-0)

APRIL N.M. BASKIN
CHAIR