

July 18, 2019

PUBLIC SAFETY COMMITTEE
REPORT NO. 13

ALL MEMBERS PRESENT.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 14E-4 (2019)

SHERIFF

WHEREAS, the Erie County Sheriff's Motorcycle Unit has a long history of providing public and traffic safety; and

WHEREAS, the Motorcycle Unit provides traffic and escort services for visiting dignitaries and during special events; and

WHEREAS, the Motorcycle Unit allows the Erie County Sheriff's Office (ECSO) to utilize these fast and maneuverable vehicles to lead motorcades and conduct traffic control duties, which frees additional road patrol vehicles for other posts and duties; and

WHEREAS, the ECSO's current fleet consists of six motorcycle, four of which are 4-years-old or younger; and

WHEREAS, the ECSO will replace a 16-year-old motorcycle which is experiencing more mechanical issues as well increasing costs to maintain; and

WHEREAS, the agency planned to include the new motorcycle in the coming 2020 budget, but due to a necessary major repair and the upcoming NFL season, the Sheriff's Office seeks to utilize seized asset funds to replace the 16-year-old motorcycle; and

WHEREAS, the Asset Forfeiture Trust Account balance as of June 10, 2019, is \$425,582.00; and

WHEREAS, this acquisition will not have any fiscal impact on the 2019 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 \$30,000.00 from the Asset Forfeiture Trust Account #421550 to accounts #561440 – Motor Vehicles, #561440 – Maintenance and Repair, and #505200 – Clothing:

ERIE COUNTY SHERIFF'S OFFICE

Sheriff – SAFS Funded Program

REVENUE		<u>DECREASE</u>
421550	Forfeiture Crime Proceeds	<u>\$30,000.00</u>

APPROPRIATION		<u>INCREASE</u>
561440	Motor Vehicles	\$27,500.00
506200	Maintenance and Repair	\$500.00
505200	Clothing Supplies	\$2,000.00
Total Revenue		<u>\$30,000.00</u>

and be it further

RESOLVED, the designated Seized Asset Fund expenditure meets the criteria established by the U.S. Department of Justice Equitable Shared Funds use; and be it further

RESOLVED, the Division of Budget and Management is authorized to make any technical adjustments necessary to effectuate this acquisition should there be any unforeseen issues; 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 funding either remain in the designated account or returned to the Asset Forfeiture Trust Account; and be it further

RESOLVED, the Erie County Comptroller's Office is hereby authorized to release the designated funds and make any payments necessary to complete the acquisition of the vehicle following the bidding process; and be it further

RESOLVED, certified copies of this resolution will be forwarded to the County Executive, County Comptroller, Division of Budget and Finance, Division of Purchasing, and the Sheriff's Office for implementation.

(6-0)

2. INTRO. 15-3 (2019)

LORIGO, MILLS, DIXON & RATH AS AMENDED

WHEREAS, the Sheriff has indicated a willingness to pursue a body camera program for some of the officers within the Sheriff's Office; and

WHEREAS, on May 23, 2019, this Honorable Body appropriated \$600,000 in funding in the 2018 Budget Balancing Amendments into the 2019 Budget to the Division of Information and Support Services ("DISS") for the purpose of developing a body camera program in the Erie County Sheriff Office; and

WHEREAS, in deliberately appropriating these funds in DISS, the Legislature hoped and expected that the Erie County Sheriff Office would work in conjunction with DISS, the County's information technology department which oversees and implements all County departments' technology, computer and hardware and software projects, on the development and issuance of a request for proposals ("RFP") for the body camera project; and

WHEREAS, on June 27, 2019, Legislature Chairwoman April Baskin sent a letter to Sheriff Timothy Howard and County Executive Mark Poloncarz requesting a status update on the RFP process, resulting in Sheriff Timothy Howard sending a response letter on July 8, 2019 stating his office had already issued a RFP and responses were due on July 10, 2019, and requesting that the Legislature transfer the funding from DISS to the Sheriff Office "as not to create any delays in the implementation of the Erie County Sheriff's body camera program"; and

WHEREAS, on July 11, 2019, at the Legislature's joint caucus a Sheriff representative admitted, under questioning, that their office had not been in contact with, or attempted to work with DISS on the body camera RFP and project; and

WHEREAS, on July 11, 2019, in comments at the Legislature joint caucus, the Sheriff Office stated that they received eight (8) responses to their body camera RFP but insisted that they could not, and would not open the RFP responses or act to advance the body camera program until such time as the funding was transferred to their budget and stated that legally they could not move the body camera project forward without the funding being moved from DISS; and

WHEREAS, on July 11, 2019, the Erie County Attorney's Office issued a legal opinion noting that such an assertion or claim was not accurate or true and no prohibitions exist whatsoever that limited or inhibited the Sheriff Office from opening and reviewing the responses and continuing the RFP process; and

WHEREAS, on July 11, 2019, Chairwoman Baskin sent a letter to Sheriff Howard noting that no prohibitions limited his office from working on the RFP, and urged him to move forward with the RFP review and selection process with the County's Chief Information Officer from DISS, to which no reply has been made by the Sheriff; and

WHEREAS, in testimony at a Legislature Committee hearing on July 17, 2019, a different representative from the Sheriff Office stated that they had not yet opened the eight RFP responses or convened a review committee for the body camera project, and stated that they could not do so until such time as the funding was moved from DISS; and

WHEREAS, there is a strong sentiment in the Legislature that the body camera project should be moving forward without delay and that the Sheriff Office should, as it agreed it would in the Sheriff's July 8th letter, immediately work with DISS and the County's CIO on the RFP review and selection process; and

WHEREAS, this resolution expresses the Legislature's support for the body camera project and its immediate implementation following an RFP review and selection process involving the Sheriff Office and DISS and urges the Sheriff to act without delay on the RFP review.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for, and intention to transfer the \$600,000 in funding for the Sheriff Office body camera project at a legislative session in September 2019 from the Division of Information and Support Services to the Sheriff Office, contingent upon the Sheriff Office: (1) fully including DISS in the request for proposal review and selection process in July and August 2019; (2) sending a request to enter into contract with the recommended body camera vendor by the Legislature's September 26, 2019 legislative session, which corresponds with the Sheriff's RFP timetable that planned their selection of a winning vendor on August 30, 2019, during the Legislature's recess; and be it further

RESOLVED, that the \$600,000 in funding to be transferred from DISS to the Sheriff Office, subject to the above-conditions being satisfied, shall be specifically reserved and utilized only for a program to implement body cameras for Sheriff deputies controlled by the Erie County Sheriff Office, and for no other purpose unless otherwise approved by the Erie County Legislature; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make any required 2018 and 2019 budgetary adjustments to implement the budgetary amendments authorized in this resolution; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive Mark Poloncarz, the Erie County Sheriff Timothy Howard, the Department of Budget and Management, the Department of Information and Support Services, and any other party deemed necessary and proper. (5-1) Legislator Rath voted in the negative.

3. COMM. 15E-6 (2019)
SHERIFF AS AMENDED

WHEREAS, School Resource Officers (SRO) are vital to the safety of students, teachers, and staff, in that SRO promote a safe environment in schools so the focus can be on instruction; and

WHEREAS, SRO serves a multifaceted purpose in our schools including serving as first responders for incidents that occur on school campuses; and

WHEREAS, over the past few years the Erie County Sheriff's Office has entered into agreements with the Alden and Holland, North Collins and Springville school districts, to include SROs in their budgets; and

WHEREAS, the Erie County Sheriff's Office has applied for and has been awarded a grant for the SRO positions for the 2018/2019 school year; and

WHEREAS, the Sheriff's Office has conferred with the districts, and has agreed to provide and assign one uniformed Deputy/SRO for the 2018/2019 school year; and

WHEREAS, this funding will have a positive impact to Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive and the Erie County Sheriff's Office to enter into an agreement with the New York State Department of Criminal Justice Services to accept \$27,500.00 in grant funding for the SRO unit; and be it further

RESOLVED, the Erie County Legislature authorizes the Erie County Sheriff's Office and Division of Budget and Management adjust accounts NYS Miscellaneous #409020 and Full Time Salaries #500000 as follows:

ERIE COUNTY SHERIFF'S OFFICE

Sheriff – SAFS Funded Program

REVENUE

409020 NYS Miscellaneous

INCREASE

\$27,500.00

APPROPRIATION

500000 Full Time Salaries

Total Revenue

INCREASE

\$27,500.00

\$27,500.00

and be it further

RESOLVED, this agreement is for the period of September 1, 2018, through June 30, 2019; and be it further

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

RESOLVED, Certified copies of this resolution shall be forwarded to the County Executive, County Attorney, County Comptroller, Division of Budget and Finance, and the Sheriff's Office for implementation.

(6-0)

4. COMM. 15E-7 (2019)

SHERIFF

WHEREAS, the Erie County Sheriff's Office trains and qualifies over 550 sworn employees each year for firearms; and

WHEREAS, in 2018, the Sheriff's Weapons and Ordinance Unit (WOU) trained and qualified approximately 800 sworn personnel, peace officers, retired law enforcement officers, and EMS personnel; and

WHEREAS, the Weapons and Ordinance Unit is responsible for maintaining and repairing 500 Glock pistols – the standard issue for the Erie County Sheriff's Office; and

WHEREAS, with the number of personnel and the hours necessary for training and qualifying the Weapons and Ordinance Unit constantly maintains and repairs the weapon system to ensure safe and proper operation; and

WHEREAS, the Glock pistols are approximately 8-years old and need replacement parts as operating system parts wear out and additional cleaning and repair items; and

WHEREAS, the Sheriff's Office also needs to replace and add gun lights for Police Services Deputies; and

WHEREAS, the Asset Forfeiture Trust Account balance as of June 28, 2019, is \$425,582.00; and

WHEREAS, this acquisition will not have any fiscal impact on the 2019 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 \$14,000.00 from the Asset Forfeiture Trust Account #421550 to accounts #560200 – Maintenance and Repair and #505200 – Clothing:

ERIE COUNTY SHERIFF'S OFFICE

Sheriff – SAFS Funded Program

REVENUE

421550 Forfeiture Crime Proceeds

DECREASE

\$14,000.00

APPROPRIATION

506200 Maintenance and Repair

505200 Clothing Supplies

Total Revenue

INCREASE

\$9,600.00

\$4,400.00

\$14,000.00

and be it further

RESOLVED, the designated Seized Asset Fund expenditure meets the criteria established by the U.S. Department of Justice Equitable Shared Funds use; and be it further

RESOLVED, the Division of Budget and Management is authorized to make any technical adjustments necessary to effectuate this acquisition should there be any unforeseen issues; 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 funding either remain in the designated account or returned to the Asset Forfeiture Trust Account; and be it further

RESOLVED, the Erie County Comptroller's Office is hereby authorized to release the designated funds and make any payments necessary to complete the necessary purchases; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Executive, County Comptroller, Division of Budget and Finance, Division of Purchasing, and the Sheriff's Office for implementation.

(6-0)

5. COMM. 15E-8 (2019)

SHERIFF

WHEREAS, the Erie County Sheriff's Office along with its BEN/UASI partners have agreed to use these funds to advance the capabilities of first responders to acts of terrorism; and

WHEREAS, in an effort to maintain a highly trained and effective response, units from the BEN/UASI working group will partake in specialized training offered by DCO-US that will provide trained and prepared first responders capable of handling a multitude of events; and

WHEREAS, the funds used for this training originate from the NYSDHSES grant which this Honorable Body accepted by passing COMM. 11E-16 (2018); and

WHEREAS, D-CO.US is a recognized and approved vendor by the NYSDHSES for specialized training in Maneuver Tactics, Bomb Squad Integration, Active Shooter, and Tactical Casualty Care during Mass Casualty Incident; and

WHEREAS, there will be no impact on County tax dollars.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office and the County Executive are hereby authorized to enter into an agreement with D-CO.US for specialized training in the amount of \$91,500.00 and utilized accepted FY2018 NYSDHSES grant funding; and be it further

RESOLVED, that all payments will be paid from budget G/L account 516020 – Professional Contacts and Fees; and be it further

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

RESOLVED, the Erie County Comptroller's Office is hereby authorized to release the designated funds and make payments as necessary; and be it further

RESOLVED, that the Clerk of the Legislature send certified copies the County Executive Office, the Division of Budget and Management, the County Attorney, the Office of the Comptroller, Department of Homeland Security and Emergency Services, and the Office of the Sheriff for implementation.
(6-0)

6. COMM. 15E-45 (2019)
SHERIFF

WHEREAS, due to industry standards as well as the safety of the Police Services Deputy's family and pets, the Erie County Sheriff's Office (ECSO) is seeking to acquire two all-weather kennels for the new law enforcement working dogs; and

WHEREAS, with the addition of two new K9s, the ECSO needs to purchase two in-vehicle kennels for the handler vehicles; and

WHEREAS, the Sheriff's Office seeks to transfer \$17,200.00 from the Asset Forfeiture Trust Account to purchase two in-vehicle and two residential kennels for Police Services K9 handlers; and

WHEREAS, the balance of the Asset Forfeiture Trust account as of July 8 is \$504,376.00; and

WHEREAS, the ECSO is currently utilizing four vehicles that have been reassigned to the Jail Management Division's K9 Unit that are approximately 10-years old; and

WHEREAS, the in-vehicle kennels and equipment cannot be utilized in the new Ford Explorers body style, and therefore, the ECSO must purchase new in-vehicle kennels as the county upgrades its fleet through the Enterprise agreement; and

WHEREAS, the Sheriff's Office also seeks to transfer \$34,800.00 from the Telephone Revenue Account to purchase in-vehicle kennels and necessary installation parts for the Jail Management Division K9 handler vehicles; and

WHEREAS, the Telephone Revenue Account has a balance of \$730,924.00 as of July 8 and the Sheriff's Office is authorized to utilize these funds for facilities and operations; and

WHEREAS, the Sheriff of Erie County and the County Executive agree that this expenditure is appropriate for the safety and protection of the Jail Management Division K9 Unit; and

WHEREAS, this resolution will not have any fiscal impact on the 2019 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 \$17,200.00 from the Asset Forfeiture Trust Account #421550 to account #561410 (Lab and Tech):

ERIE COUNTY SHERIFF'S OFFICE
Sheriff – SAFS Funded Program

<u>REVENUE</u>		<u>DECREASE</u>
421550	Forfeiture Crime Proceeds	<u>\$17,200.00</u>
<u>APPROPRIATION</u>		<u>INCREASE</u>
561410	Lab & Tech	\$17,200.00
	Total Revenue	<u>\$17,200.00</u>

and be it further

RESOLVED, the designated Seized Asset Fund expenditure meets the criteria established by the U.S. Department of Justice Equitable Shared Funds use; and be it further

RESOLVED, the Division of Budget and Management is authorized to make any technical adjustments necessary to effectuate this acquisition should there be any unforeseen issues; 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 funding either remain in the designated account or returned to the Asset Forfeiture Trust Account; and be it further

RESOLVED, the Erie County Legislature authorizes the Erie County Sheriff's Office and Division of Budget and Management to transfer \$34,800.00 from the Telephone Revenue Account to account #561410 (Lab and Tech):

ERIE COUNTY SHERIFF'S OFFICE

Sheriff – Telephone Revenue Account

<u>REVENUE</u>		<u>DECREASE</u>
415622	Telephone Revenue	<u>\$34,800.00</u>
<u>APPROPRIATION</u>		<u>INCREASE</u>
561410	Lab & Tech	\$34,800.00
	Total Revenue	<u>\$34,800.00</u>

and be it further

RESOLVED, the Sheriff of Erie County and the County Executive agree that the purchase of new in-vehicle safety kennels for the Jail Management Division complies with COMM. 6E-24, 2013, and is an allowable, appropriate expenditure which enhances the safety of the facilities, its staff, the working dogs, and the inmates; and be it further

RESOLVED, the Erie County Comptroller's Office is hereby authorized to release the designated funds and make any payments necessary to complete the necessary purchases; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Executive, County Comptroller, Division of Budget and Finance, Division of Purchasing, and the Sheriff's Office for implementation.
(6-0)

7. COMM. 15E-46 (2019)

SHERIFF

WHEREAS, the US Department of Homeland Security through the NYS Division of Homeland Security and Emergency Services has awarded \$95,000.00 to the Erie County Sheriff's Office in funding specifically allocated to agencies with established Bomb Squads Units; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into contract and accept \$95,000.00 in federal resources to provide funds for specialized training and equipment to protect the residents of Erie County and the State of New York from terrorist attacks involving explosive devices; and

WHEREAS, at the time of the grant application the Erie County Sheriff's Office must submit a specific list of training modules and the NYSDHSES approved consultants; and

WHEREAS, the NYSDHSES must approve the training vendors prior to the award of the grant; and

WHEREAS, in an effort to maintain a highly trained and effective bomb squad, the Erie County Sheriff's Office use these funds to procure equipment and training critical to the advancement of this unit; and

WHEREAS, the NYSDHSES approved training and vendors for this grant are as follows:

Global Assets- Bomb Squad Response to a Mass Casualty Incident.
Direct Action Resource Center- Explosive Breacher Training.

and

WHEREAS, there will be no impact on County tax dollars.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office and the County Executive are hereby authorized to enter into an agreement with New York State Department of Homeland Security and Emergency Services for specialized training and equipment in the amount of \$95,000.00 and utilized accepted FY2018 NYSDHSES grant funding; and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management to establish funding for FY18 in the Grant Fund 281 and budget those funds as follows:

Erie County Sheriff's Office
FY 2018 Bomb Squad Grant
July 3, 2019 to August 31, 2021

<u>REVENUE</u>	<u>Increase</u>
Account 414000 – Federal Revenue	<u>\$95,000.00</u>
TOTAL REVENUE	<u>\$95,000.00</u>

<u>APPROPRIATIONS</u>	<u>Increase</u>
Account 561410 – Lab & Technical Equipment	\$46,000.00
Account 510200 – Training and Education	\$47,000.00
Account 510100 – Out of Area Travel	<u>\$2,000.00</u>
TOTAL APPROPRIATIONS	<u>\$95,000.00</u>

and be it further

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

RESOLVED, the Erie County Comptroller's Office is hereby authorized to release the designated funds and make payments as necessary; and be it further

RESOLVED, that the Clerk of the Legislature send certified copies the County Executive Office, the Division of Budget and Management, the County Attorney, the Office of the Comptroller and the Office of the Sheriff for implementation.
(6-0)

HOWARD J. JOHNSON, JR.
CHAIR