SUSPENSION

ERIE COUNTY LEGISLATURE

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March 13, 2012

Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, NY 14202

Dear Mr. Graber:

For clock-in to the public record, I have attached a copy of an editorial published in the Buffalo News on March 12, 2012.

Please direct this communication to the Legislature's Public Safety Committee for discussion at an upcoming committee meeting.

Thank you.

Sincerely,

Betty Jean Grant

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BuffaloNewscom

Rebuild trust in jails

By **News editorial board**

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If you've paid even the slightest attention to the scandals and accusations of abuse coming out of the Erie County Holding Center in Buffalo and the Correctional Facility in Alden, then you will understand the need for a jail ombudsman.

Controversies under Sheriff Timothy B. Howard's watch range from a spate of inmate suicides and an investigation of conditions at the jails by the U.S. Justice Department to the infamous escape of Ralph "Bucky" Phillips from the Correctional Facility and the more recent shocking video that appears to show sheriff's deputies beating up an inmate. The inmate, Marquez Mack, is suing. Still, Howard has stated that he opposes the creation of a jail ombudsman.

The community has plenty of avenues, according to the sheriff, through which to lodge complaints. There is a formal jail grievance process -- that goes through the sheriff -- and the inmates' own attorneys. Or, they can go through community liaison deputies who work for the Sheriff's Office.

On the face of it, the sheriff is right -- avenues for complaints do exist. The problem is that these avenues all circle back through the Sheriff's Office that inmates and their families would be complaining about. In other words, the sheriff would be investigating himself. That arrangement reeks of conflict of interest.

The two part-time community liaison deputies, Donald Allen and Willie Stewart, were hired by the sheriff in 2010 after a spate of incidents at the facilities.

The ombudsman would work independently of the Sheriff's Office to review complaints and suggestions about the Holding Center and Correctional Facility.

The county's Community Corrections Advisory Board, created a year ago to make recommendations for improvements at the county jails, voted 12-1 to formally ask the Legislature to create the new position and to pay for it using commissary funds.

Only Cheryl A. Green, Erie County attorney under former County Executive Chris Collins, voted against. Clearly, this seems to be a good idea.

The problem is figuring out how to pay for the job. Using commissary funds, profits made by selling inmates toiletry and convenience items, seems to be a reasonable solution. Howard, who by state law controls this money, says he's not in favor of using commissary funds for an ombudsman. The State Commission on Correction has taken issue in the past with how the funds have been used by the sheriff.

The commissary funds are supposed to be used for the welfare and rehabilitation of the inmates. And having an apolitical advocate for inmates could directly improve the welfare of inmates.

Howard has said of the ombudsman, "It's an absolute redundancy that serves no purpose. Let those individuals who are supposedly out there with these complaints bring them to us. We investigate complaints on a regular basis that are brought to us."

Given this sheriff's appalling record of problems at the two county lockups, to think that the department can impartially investigate complaints is absurd. If the objective is a fair hearing of complaints, someone outside of the sheriff's control must be in charge.

The County Legislature should work to rebuild trust in jail operations by creating the post of ombudsman and allowing for an independent review of complaints at the jail.

Comments

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