

TIMOTHY B. HOWARD
SHERIFF

MARK N. WIPPERMAN
UNDERSHERIFF



SHERIFF OF ERIE COUNTY

ADMINISTRATIVE OFFICES
10 DELAWARE AVENUE
BUFFALO, NEW YORK 14202-3013
(716) 858-7618
FAX: (716) 858-7600

POLICE SERVICES
45 ELM STREET
BUFFALO, NEW YORK 14203
(716) 858-7618
FAX: (716) 858-3277
WEBSITE: <http://www.erie.gov/sheriff>

Legislator Howard Johnson
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

RE: Overtime Expenses in the Erie County Sheriff's Office during the COVID-19 Outbreak

Legislator Johnson:

I have been tasked by Sheriff Howard to respond to your April 27, 2020 letter regarding overtime expenses in the Erie County Sheriff's Office during the COVID-19 global pandemic.

In your correspondence, you questioned the numbers provided to you by the Poloncarz Administration for overtime in the Sheriff's Division as well as the Jail Management Division (JMD). Specifically, you questioned the absence of overtime information for the Correctional Health Division. While this office was not part of providing those numbers to the Legislature, I can tell you that the Correctional Health OT figures were included in the \$207,050 figure for the Jail Management Division.

Additionally, you requested detailed information regarding overtime expenses incurred by our divisions during the COVID-19 pandemic. Below you will find detailed, by division, a summary of operations during this unprecedented public health crisis.

Before detailing each division, it is important to understand that, as a result of the ongoing emergency, the ECSO has implemented alternative platoon schedules for both the Sheriff's Division and the Jail Management Division. These alternative platoon schedules have been created to require a portion of our workforce to be at home for a two week period on a rotating basis. The purpose of this is to make sure that should one specific platoon be hit with COVID-19, a healthy platoon is available and prepared to take its place. Unlike most county government operations, law enforcement operations cannot shut down and are required seven days a week and twenty-four hours a day. This implementation of these platoons has automatically generated OT in both divisions of our operations.

Sheriff's Division:

The Sheriff's Division, which includes the Road Patrol, the Detective Bureau, Special Services, Civil, Narcotics Bureau, and the Reserves have played an essential role in providing assistance throughout the COVID-19 pandemic all across Erie County but with substantial emphasis on the City of Buffalo.

Erie County Special Services Division Justification for COVID-19 Expenditures

Beginning on March 16, 2020, personnel assigned to the Erie County Sheriff's Office Special Services Division (ECSOSD) were mobilized to assist with local operations related to the global COVID-19 pandemic. Based on projections that were being given at the national, state, and local levels, an operations plan was formulated to best utilize the occupational capabilities of ECSOSD personnel to the fullest extent.

In addition to ensuring operational capability, the plan had to encompass operational sustainability and continuity of operations based on a worst-case scenario. Wherein front line, first responders were believed to be at an extremely elevated risk of succumbing to the illness due to proximity to and frequent interaction with the population at large.

Based on this belief, it was determined that the most prudent course of action would be a two fold approach. First, to have several self-sustaining, highly trained, and highly skilled sub-elements of the Erie County Sheriff's Office Special Services Division available to respond to any type of call throughout the entirety of Erie County. Second, to ensure those sub-elements were segregated both internally and externally, so operational capability and continuity of operations were not compromised.

Now that a realistic course of action with attainable goals had been determined, an operations plan was put into effect with great success. Sub-elements of the ECSOSD have been available 24-hours per day, 7-days per week, to respond to a variety of high risk and special occupational capacity type calls, both criminal and public health-related.

During the course of the COVID-19 Pandemic, personnel from the Erie County Sheriff's Office Special Services Division have assisted the Erie County Department of Health on numerous occasions with ensuring quarantine enforcement of high-risk individuals in the interest of public health. Further aid to county and city governments has included the security and overwatch of government facilities during planned protests. Additionally, personnel from the ECSOSD have assisted non-specialized front line first responders in a variety of capacities for which they are not capable of safely or efficiently handling to a conclusion. A short and non-inclusive list includes: gaining entry into buildings with sick and injured elderly patients; responding to high-risk rescue operations requiring special training and equipment; ensuring that a large commercial business that had been illegally entered and burglarized was clear of suspect(s) before conventional police officers and detectives could begin their investigation.

In conclusion, the formulation of a functional operations plan based on scientific projections has been incredibly successful, and a model of how the Erie County Sheriff's Office Special Services Division should operate in similar types of future crises.

Erie County Sheriff's Office Narcotics and Intelligence Unit

The ECSO Narcotics and Intelligence Unit has maintained its normal course of business throughout the COVID-19 Pandemic. We continue to interview/debrief informants, investigate drug complaints, conduct surveillance, conduct undercover operations, and make arrests. We have maintained our relationship with our federal partners and conferred with them daily. This approach has preserved our ability to receive asset forfeiture now and into the future.

Specific to the COVID-19 Pandemic.

The division Chief, four Detectives, and one Undercover Deputy have been utilized to assist the Erie County Department of Health and the NYS Attorney General's Office with the enforcement of New York State Governor Cuomo's PAUSE Order.

These duties include but are not limited to:

- Receive, compile, disseminate, and investigate valid complaints.
- Surveillance of alleged locations throughout Erie County suspected of being in violation.
- Interviewing owners/managers of alleged locations throughout Erie County suspected of being in violation.
- Assisting the DOH with the closing of businesses throughout Erie County found in violation.
- Outfitting our personnel with PPE gear and addressing officer safety issues.
- Pre-protest site visit, social media monitoring, assignment of personnel.

Erie County Sheriff's Office Road Patrol Division

In addition to the standard patrol services provided by this Division, a substantial amount of the COVID-19 OT costs by the Sheriff's Division have been generated by Road Patrol providing the following details that are specific to the pandemic and are at the request of the County Executive's Emergency Operations staff:

Health Office Center Command Post:

March 16 to present: 8 am-10 pm handled by Captains generated approximately 434 hours of OT.

308 William St., County Warehouse:

March 17 to present: 24-hours a day for one (1) Deputy generated approximately 744 hours of OT

Health Office Runner-Delivery Units for the Department of Health:

March 20 to present: 8 am-10 pm 14 hours a day generated approximately 378 hours of overtime

St. Joe's Hospital:

March 24 to present: two (2) deputies at 24 hours a day generated approximately 1,152 hours of overtime.

Burt Flickinger Center:

March 29 to present: 10 six-hour shifts, each day generated approximately 1,200 hours of overtime.

Amherst Remote Testing Site:

Monday, Wednesday, Friday, 8 am – 2 pm, two (2) Deputies generated approximately 108 hours of overtime.

Townline Testing Site:

March 29 to present: M/W/F 8 am-2 pm, two (2) Deputies generated approximately 108 hours of overtime.

Delevan Remote Testing Site:

April 24 to present: M/W/F - overtime to be determined.

1500 Broadway:

March 16 to present 7 am-7 pm. 2 Deputies generated approximately 600 hours of overtime.

Supervisor Detail to Supervise ALL details:

April 10 to present: One (1) supervisor 24 hours a day generated approximately 408 hours of overtime.

Erie County Sheriff's Reserve Unit

Implementation of the Governor's pause order and the closing of most retail establishments immediately created a substantial increase in the demand for services amongst our community's most vulnerable populations. The ECSO quickly saw a major problem with Meals on Wheels getting food to our vulnerable population throughout the City of Buffalo. Initially, the Sheriff's Office Command Staff, led by Undersheriff Wipperman and the Chiefs of each division, picked up the slack and delivered meals to 60 homes in the City of Buffalo. As the length of the mission became clear, the daily operation of the Meals on Wheels was turned over to the Sheriff's Reserve Unit. Currently, 11 Reserve Deputies deliver 12 meals each 5-days a week to every corner of the City of Buffalo.

Jail Management Division:

In an effort to mitigate the risk of the COVID-19 infection from infiltrating the Holding Center and Correctional Facility, the Jail Management Division began planning in earnest on March 11, 2020. Since that time, twenty-seven (27) Special Orders (both operational and administrative) specific to combating the current pandemic have been issued, with great success. As of this date, there remain zero positive cases of COVID-19 among the inmate population. These orders are summarized as follows:

1. Visitor Screening 3/8/20
 - An order issued to prospective visitors mandating that any individual seeking a contact visit with an incarcerated individual would be required to pass a screening prior to being granted entry.
2. Visitor Screening 3/9/20
 - An order issued to staff giving the specific screening questions and criteria to be used to determine whether or not a prospective visitor will be permitted a contact visit.
3. Contact Visitation Suspension 3/11/20

- An order suspending contact visitation at both JMD facilities and criteria/guidelines for professional visits.
4. Payroll 3/15/20
 - An administrative order issued describing the protocols to be followed with respect to payroll coding relevant to the declared State of Emergency.
 5. Line-Up Suspension 3/15/20
 - An order suspending congregate Line-Up and description of new protocols to be followed to facilitate shift change, staff assignment, and briefing.
 6. General COVID-19 Response Order 03/16/20
 - An order to JMD Command Team describing newly developed procedures and action items relevant to the division's response to the pandemic.
 7. Court Operations Order 03/17/20
 - An order describing procedures to be followed with respect to inmate court appearances, and advising JMD personnel that no non-essential court business will be conducted unless at the specific request of the NYS Office of Court Administration.
 8. Intake and Housing Order (EHC) 3/18/20
 - An order to EHC personnel regarding new protocols to be followed for Intake, Booking, and the procedures to be followed if an inmate is suspected of being infected at any point during their incarceration. Housing locations identified for both suspected and confirmed cases of COVID-19.
 9. Housing Order (ECCF) 3/18/20
 - An order to ECCF personnel regarding newly implemented protocols to be followed for inmates identified as being suspected or confirmed of having the COVID-19 virus. Housing locations identified at ECCF for the same purpose.
 10. Staff Screening Order 03/19/20
 - An order issued to all JMD personnel mandating the screening of all employees (including the taking of temperatures) prior to being permitted to report for duty.
 11. Release Notification Order 03/19/20
 - An order dictating the process to be followed when an inmate housed on either the designated suspected or confirmed housing areas is released from custody.
 12. Suspension of Cell Searches Order 03/19/20
 - An order suspending the conducting of individual or housing area cell searches without authorization of the Superintendent.
 13. Facility Lobby Order 03/19/20
 - An order closing the lobbies of both JMD facilities to the general public, except for bails.
 14. Out of State Transport Order 03/20/20
 - An order suspending all out of state transports (pick-ups or drop-offs) without the authorization of the Superintendent or higher authority.
 15. Foxtrot and Charlie Level Assignments Order 03/21/20
 - An order directing facility watch commanders that the assignment to these areas (designated locations for suspected and confirmed cases of COVID-19) will be at the sole discretion of management, and that previous assignment preferences for same will not be honored.
 16. Payroll (Emergency Closing – Offsite) Order 03/21/20
 - An order describing payroll for coding for those employees directed to work from home.
 17. Swapping Privilege Suspension Order (EHC) 3/23/20
 - An order suspending swapping privileges for EHC personnel.

18. COVID-19 Related Sick Call Order 3/24/20
 - An order dictating the process to be followed by facility watch commanders for reporting COVID-19 related sick calls to the Occupational Health a division of Correctional Health.
19. Use of Tablets for Mental Health Contact Order (EHC) 3/24/20
 - An order establishing the immediate use of tablets for facilitating remote contact between inmates and mental health clinicians at EHC and procedures governing their use by same.
20. Inter-Facility Transfer Order 03/24/20
 - An order advising JMD Classification Staff that there shall be no interfacility inmate transfers conducted unless specifically authorized by the Superintendent.
21. Contact Investigation Order 3/27/20
 - An order directing JMD Command Staff that epidemiological investigations will be conducted solely by Occupational Health and prohibiting them from engaging in same unless directed to do so by Occupational Health Administration.
22. Use of Tablets for Mental Health Contact Order (ECCF) 03/28/20
 - An order establishing the immediate use of tablets for facilitating remote contact between inmates and mental health clinicians at ECCF, and procedures governing their use.
23. Personal Protective Equipment Order 04/3/20
 - Orders advising JMD personnel of the specific PPE requirements of the various posts within JMD, as well as procedures to be followed if any staff member encounters a shortage in necessary supplies.
24. Personal Protective Equipment Order (Revised) 04/4/20
 - Minor revision to above referenced PPE Order.
25. Payroll Order (Revised) 04/11/20
 - Revised order regarding payroll coding and submission as necessitated by new protocols supplied by the County Personnel Department.
26. ECMC Returns Order 04/17/20
 - Order dictating the process to be followed for inmates being discharged back to the JMD from the Erie County Medical Center.
27. Facility Access Order 04/18/20
 - An Order advising facility watch commanders that only those JMD personnel, officially on-duty, are permitted access to the secure portion of either facility.

Beyond these twenty-seven (27) Special Orders, it was necessary to create Emergency Post Orders that would govern the operation of the previously identified housing areas which were to be utilized for the housing of individuals either suspected of or confirmed as being infected with the COVID-19 virus. As these orders would touch on security, physical, and mental health needs for this unique subset of incarcerated individuals, all three entities played a role in their creation. These orders were meticulously worded to ensure that those assigned to care for these individuals were in the best position possible to maintain a safe, secure, and healthy environment. These Post Orders included but were not limited to the following critical areas of inmate care:

1. PPE requirements for staff and inmates.
2. Supervision requirements.
3. Inmate movement requirements and procedures.
4. Rules and procedures governing inmate activity when allowed access to the housing area day space.

5. Delivery of essential services.
6. Contact with medical staff.
7. Procedures for the delivery of meals.
8. Detailed procedures regarding hygiene and sanitation.
9. Rules governing the use of telephones and video visitation terminals.
10. Rules governing requirements for discharge from these areas.

In addition to the above Special Orders, and Emergency Post Orders, the Jail Management Division Command team is working with our partners in government since before the declaration of a state of emergency due to this pandemic. There is no clearer example of this than our collaboration with the Office of Court Administration, which assisted us in suspending the imposition of all intermittent sentences (those individuals remanded to custody solely on weekends) for a period of at least forty-five (45) days, effective Friday, March 13, 2020. Our team correctly identified early on that the single greatest threat to the health, safety, and well-being of the inmate population was the introduction of new people to the inmate population who had been out in the community. By precluding these "weekenders" from entering into custody every Friday, we eliminated a tangible threat to the facilities.

While addressing the unique threat posed by intermittent sentences was the first issue addressed, it certainly was not the last. With the subsequent shutting down of all courtrooms within the 8th Judicial District, with the exception of Part 27 in Erie County Court, the Jail Management Division had to establish a new method of facilitating court appearances virtually. This method involved many hours of discussion with OCA District Executive Andrew Isenberg, as well as other related agencies, to ensure that all individuals currently remanded to custody were afforded their right to due process. New technology was put into service with policies, procedures, and manpower dedicated to ensuring the efficient conducting of court business. Our efforts in this regard helped us to expand the use of technology beyond court proceedings to the safe and effective delivery of essential services to the inmate population, including Parole Hearings and remote contact with mental health providers.

Also of critical importance during this time was the immediate need to lawfully and responsibly make every effort to reduce the size of the inmate population. Daily contact with the District Attorney's Office, Court Administration, and Legal Aid Bureau (as well as the defense bar at large) began during the second week of March to accomplish this critical task. As our Jail Management System captures all data relevant to an inmate's incarceration, we became the nexus for all data pertinent requests to inmate releases. Dozens of custom reports were created from scratch to ensure that those responsible for considering and affecting the release of inmates had the necessary information to do so. Factors such as age, length of sentence, nature of charges, time served on any given sentence, parole detainers, and a myriad of other relevant factors were crafted into these custom reports and provided upon request.

The JMD Command Team worked with our Correctional Health Division and the County Office of Mental Health to identify "high needs" inmates who were determined to be at greater risk of a negative outcome due to infection. These circumstances were communicated accordingly, so that the responsible agencies could ascertain whether or not that person could be lawfully released from custody. To this day, these daily contacts occur and must continue in order to ensure that this process does not cease. In further service of this goal, telephone conversations took place between the Superintendent and the judges assigned to hear release motions related to the COVID-19 pandemic to provide them with the information necessary for them to make informed decisions on individual cases. These conversations continue as needed, with the Superintendent being available at all times.

Of specific note with regard to these efforts is the ongoing dialogue with NYS Parole. On or about March 13th, the Superintendent made an official request to the NYS Parole Bureau Chief to immediately cease the practice of remanding low-level technical violators to the custody of the Sheriff. Again, this was in an effort to reduce the inmate population at both the Holding Center and Correctional Facility as much as possible. While our request was purportedly forwarded on to the highest levels of Parole Administration, a formal response was never received. Sustained effort in this regard is required, as demonstrated by the fact that as of this writing, there remain 73 individuals in custody whose sole detainer is a primary parole violation. While we do not have access to the specific circumstances surrounding these individuals, attention must be paid to ensure that only those who are a legitimate threat to public safety are incarcerated.

Compounding the above referenced issue is the fact that the NYS Department of Corrections has not accepted any new intakes from any county jail in NYS since March 19, 2020. As of April 22, 2020, Erie County continues housing 52 individuals who are eligible for transfer to State Prison at County expense. The Superintendent has been working with the NYS Sheriff's Association to pressure DOCCS to implement procedures that would allow the safe transfer of healthy inmates into the state prison system, further reducing the inmate population within the Jail Management Division. Efforts in this regard are ongoing.

Further, at around this same time, the Superintendent reached out to the Supervising Parole Judge to suspend the conducting of on-site parole hearings (which are held at the Correctional Facility) and move to a virtual platform. Again, this involved the implementation of new procedures and technology not previously utilized for this purpose. Erie County was the first in New York State to implement this and was used as a model for the rest of the State.

Communications with the NYS Commission of Correction has been a requirement as well as a valuable component of our efforts in dealing with this pandemic. As you can no doubt imagine, the COC has instituted comprehensive reporting requirements in order to gauge the spread of the COVID-19 virus throughout all County Jails in NYS. This requirement requires daily discussion by Jail Management Division administrators with their counterparts at the COC. Each morning since the start of the state and local response to the pandemic, the COC contacts JMD Administration for a status report. Further, on March 21, 2020, the COC issued a blanket requirement for each County to provide the measures that they have taken in response to the pandemic. This response was subsequently reviewed by COC and discussed at length. It should be noted that there were no substantive comments or concerns voiced by COC with respect to Erie County's handling of this crisis.

Along with the above, numerous initiatives and innovative concepts with respect to managing the inmate population have been discussed with the COC. These include, but are not limited to, allowing the use of electronic signatures in an effort to reduce the risk of infection inherent in standard pen and paper, as well as variance requests aimed at providing safe housing outside of the Jail Management Division for those individuals that refuse to comply with an order from the Health Commissioner to remain in isolation in the community. With respect to this, it should be noted that while not responsible for this, as these individuals cannot lawfully be remanded to a jail, the Jail Management Division Superintendent made himself available for discussions with the County Health and Law Departments in an effort to find a suitable solution for this issue.

Communication with our partners in government as well as community agencies who provide services to incarcerated individuals and those recently released from custody has proven invaluable to our efforts at successfully navigating this pandemic. One of the main concerns identified early on by the JMD Administration was the lack of services available to those released from custody. With so many people being released from custody as a result of the pandemic, access to critical transitional services became even more important to ensure not only that those released do not recidivate, but that they are able to safely transition back to the community without putting themselves at risk of infection. As many among the inmate population are homeless, the JMD Command Team engaged with the Department of Social Services to assist them in preparing for the increased demand on their limited shelter space. Beyond that, the JMD Command Team recognized that many County residents were understandably concerned for the well-being of their loved ones who remain incarcerated during this pandemic. To assist our colleagues in county government, the Superintendent has been hosting regular virtual meetings with representatives of the County Legislature in order to keep them informed as to the conditions within the facilities, as well as protective measures and innovative solutions put into effect to assist those in custody. A mutual exchange of information and ideas has proven immensely valuable and is expected to continue.

Erie County is fortunate to have a comprehensive re-entry program in place at the Holding Center. In partnership with Peaceprints of WNY, this program provides intensive case management and transition plans for enrolled inmates. While originally designed to target those individuals identified as being medium to high risk to re-offend and return to custody, the program was expanded to include any individual who seeks access to services prior to release. Without physical access to the facilities, the JMD was able to increase our capacity to provide these services virtually, ensuring that caseworkers had sufficient access to begin planning for their clients release from custody. As of this writing, there are 34 inmates who have taken advantage of this opportunity, which is higher than the average participation level of 21-24. Further, arrangements were made to ensure that Peaceprints' comprehensive Resource Guide is available to all inmates on the housing areas kiosks and at the point of release. Along with this Resource Guide is an informational booklet pertaining to COVID-19, which is offered to all inmates at the time of release to assist them in safely transitioning back to the community.

During this pandemic, the Jail Management Superintendent has maintained his role as the Co-Chair of the Erie County Re-Entry Coalition, recently facilitating a virtual meeting of over 50 community providers. In addition to exploring new and innovative ways to coordinate community efforts at bringing additional services to bear, Coalition meetings provide an opportunity to keep the public informed as to the state of the County's Holding Center and Correctional Facility. The ongoing efforts of the Re-Entry Coalition have resulted in numerous grant opportunities being made available to Erie County, with the most recent application being filed this past week. By continuing to leverage the resources provided by the Community Foundation of Greater Buffalo (who facilitates the operation of the Coalition), Erie County has been able to apply and support grant applications without interruption. Further, the current grant operated by the Jail Management Division in collaboration with Best Self Behavioral Services has continued uninterrupted. The success of the above-mentioned "Project Blue" speaks for itself. It is proving to be an exceptional lifeline for those individuals being released from custody and in need of critical transitional services.

Inmate access to programming has been an unfortunate consequence of our response to this public health crisis, requiring us to preclude service providers from entering either facility. Specifically, the closing of the Buffalo Public Schools on March 16, 2020, has presented a challenge with respect to maintaining an individual's education while in custody. On March 18,

2020, JMD Administration contacted the Buffalo Public Schools, the Adult Learning Center, and the BPS Office of State and Federal programs to begin discussions regarding continuity of educational services during the COVID-19 closure.

The Erie County Holding Center operates two separate and distinctively different educational programs, in cooperation with the Buffalo Public Schools. First, the ECHC is designated at Buffalo Public School #381. We operate a fully functioning, staffed, and equipped high school, which serves students who have not yet reached their 22nd birthday and who could still potentially graduate from high school, provided that they meet all educational requirements in time. Secondly, we operate a High School Equivalency (HSE) program. This program serves students under 22-year-old, who cannot possibly graduate from high school, and who have not received a high school equivalency diploma. It also serves students over the age of 22 who did not graduate from high school and who have not received a high school equivalency diploma. BPS #381 is staffed by certified teachers, augmented and supported by certified special education teachers, tutors, a school psychologist, guidance counseling, transition counseling, and career counseling. The HSE program is supported by HSE teachers, certified special education teachers, tutors, transition counseling, and guidance counseling.

Two efforts were discussed. The first is physical packets of work individually tailored to the needs of each student, and the second involved live streaming, interactive, distance learning.

Physical packets were easily achieved, and the first individualized packets were delivered to the facility and distributed to students on March 23, 2020. Special Education teachers and tutors were made available to students by telephone, or by non-contact visit, if necessary. At the end of each week, physical packets are collected and exchanged for the next set of materials, which are distributed Monday mornings.

Virtual distance learning is challenging due to limited internet access, bandwidth limitation, and concerns over internet security and inmate access. We continue to work through these issues in hopes of being able to utilize some sort of video technology for instruction, and support from special education teachers, tutors, guidance counselors, transition counselors, 504 and IAP meetings, etc. While it is difficult to achieve, significant time and effort has and will continue to be invested in enhancing educational services during the pandemic.

In addition to providing alternative means to provide programming to the inmate population during the pandemic, considerable efforts have been made to ensure that the institutional atmosphere remains safe, secure, and calm. With the necessary closure of inmate visitation, arrangements were immediately made with our service provider to allow each inmate in custody 2 hours per week of video visitation at no cost. Further, \$10 was deposited into each inmate's trust account to ensure that they were able to notify their loved ones of the changes necessitated by the pandemic. Recently, inmate commissary bags were purchased for each individual in our custody for immediate distribution. Finally, arrangements were made with a local coalition of citizens to efficiently deposit additional donated funds into each inmate's trust account in the amount of \$15.75 per inmate. The Sheriff's Office has rounded up that number to allow each inmate an even \$20. The deposits are being facilitated at this time.

The challenges presented by this crisis has understandably necessitated considerable effort on the part of the Correctional Health Division (described in detail in the section below) and has involved direct and daily communication with the JMD Administration to discuss, train, and implement the comprehensive recommendations set forth. In addition to the operational

procedures created and modified as a result of these recommendations, JMD Administration facilitated fit-testing for N95 masks of all personnel within the division, a considerable undertaking considering the size of the workforce. Managing those employees being monitored for possible infection and facilitating their return to duty after clearance by our Chief Medical Officer is also a daily occurrence that has taken place since day one.

A crucial component of the Jail Management Division's response to this crisis is regular communication with Labor. The two unions representing the Corrections Officers and Deputies are tasked with ensuring that their members are working in a safe environment, and a crisis of this magnitude understandably creates a degree of concern amongst same. JMD Administration has maintained regular contact with union leadership and responded immediately and appropriately to all identified concerns. Further, Administration worked with both unions to create a rotating platoon of offsite employees to reduce the amount of staff reporting to the facilities on a daily basis. Doing so ensured that the risk of a staff member introducing an infection to the facilities were minimized and that JMD maintained a healthy reserve of employees at home to be directed to report in the event of a staffing emergency created by illness.

Remaining informed as to not only the ever-changing guidelines from the NYS Department of Health and National Center for Disease Control, but also the measures put into place by other jails nationally has been helpful in informing and validating what has been implemented thus far in Erie County.

The JMD Command Team is participating in numerous national webinars facilitated by the American Jail Association, the National Sheriff's Association, the Council of State Governments, and other organizations. This participation is to ensure that everything that can be done is being done to maintain the health and well-being of inmates. These webinars have focused on corrections related topics, to include access to re-entry services, medical care, operational innovations, and other related initiatives. What has been readily apparent during these discussions is not only the fact that the situation is evolving, but that the measures implemented the ECSO Jail Management Division are commensurate with those implemented by others nationally. The Sheriff's Office has done so far in advance of many other corrections institutions.

The dramatic and unprecedented changes to policies, procedures, and the daily operation of both facilities operated by the Jail Management Division require consistent, and hands-on attention by the JMD Administration. Introducing such sweeping changes to an operation as complex as a corrections environment without appropriate levels of support can result in disastrous consequences. With multiple layers between Administration and Line Staff, it is the responsibility of the JMD Command Team to ensure that every new directive implemented is adhered to appropriately, without deviation, and absent any unintentional mischaracterization of anything contained therein. Countless hours have been successfully dedicated to this pursuit, as evidenced by the fact that there remain zero inmates who have contracted the COVID-19 virus. The Command Team will continue to adapt and modify directives as dictated by the evolution of the pandemic. It will also maintain regular contact with all involved individuals, government agencies, and community partners to ensure the Holding Center and Correctional Facility remain in the best position to guard against the infiltration of the virus.

Correctional Health Division

The Erie County Sheriff's Office is dedicated to ensuring protection and safety for all employees, inmates, and visitors. The purpose of the recommendations from the Correctional Health Division is to ensure a safe environment and by reducing the risk of potential exposure to staff, incarcerated individuals, and the public at large.

The ECSO has shown dedication to the COVID-19 pandemic since March 4, 2020. The measures implemented by the ECSO to protect our employees, the public, and inmates during this unprecedented event are outlined below:

- Development of COVID-19 Task Force; The team is organized under the direction of Undersheriff Mark Wipperman and includes Christa Cutrona RN, MSN, Correctional Health Director, Dr. Kevin McGee, 1st Deputy Superintendent Michael Reardon as well as sworn and civilian personnel.
- The ECSO developed a new sub-division, Occupational Health Office, for all personnel of the ECSO.
- The Occupational Health Office administration became certified in fit-testing to conduct fit-testing for nearly 1,200 employees of the ECSO. Due to limited supply, each employee was provided the appropriate N-95 mask and was provided education pertaining to OSHA/PESH and prevention strategies regarding COVID-19. A copy of the ECSO Respiratory Protection Plan is available upon request.

March 11, 2020, the ECSO Correctional Health Division provided the entire ECSO Command Staff with recommendations regarding COVID-19. These included:

- Recommendations for education and training of all ECSO employees.
- Recommendations for personal protective equipment (PPE) for each division and hand hygiene education.
- Recommendations for newly remanded inmates into both JMD facilities.
- Recommendations for Inter-facility transfers were extended out to a minimum of 14 days within the Holding Center to reduce the potential of cross facility contamination.
- Recommendations for inmates presenting at both facilities with influenza-like illness and procedures to ensure the reduction of transmission.
- Recommendations for an infection control liaison in each facility to work with the Correctional Health Division. The goal of this recommendation was to ensure all ECSO personnel had the appropriate PPE and monitoring of the disinfection of all areas.
- Medical evaluation forms were disseminated to all divisions of the ECSO for Fit-Testing.
- The Correctional Health Division conducted a material inventory for all required PPE supplies and began reaching out to vendors to obtain further supplies.
- The Correctional Health Division has supplied ongoing education for COVID-19, with the ongoing recommendations of the WHO, CDC, and local DOH.

March 13, 2020, the Correctional Health Division provided guidelines and recommendations for employees identified as being ill. The fit-testing schedule was set and disseminated to all divisions to assure that all employees have required fit-testing and an appropriate N95 mask.

- The Correctional Health Division recommended that all intermittent (WEEKENDER) sentences be suspended at this time.

March 17, 2020, the Correctional Health Division developed the following for the ECSO:

- Epidemiologic Risk Factor Assessment. This assessment was disseminated to all divisions of the ECSO.
- COVID-19 N95 reuse and storage education as per the CDC.
- Employee Respiratory Fit-Test Preparation education.
- A memo was provided to all ECSO outlining the OSHA Standard 29 CFR 1910.134
- A memo was provided to all ECSO with education regarding alternatives to N95 masks when they fail the fit testing with an N95 mask.
- Housing locations for the Erie County Holding Center and the Correctional Facility were designated for "Suspected Cases" and "Confirmed Cases."

On March 19, 2020, the Correctional Health Division opened the Occupational Health Office to perform fit testing to all ECSO employees.

- A memo was provided regarding the new recommendations for sick employees.
- All ECSO employees will have a temperature check before gaining access to the facility. The Correctional Health Division provided guidelines for temperatures and procedures for employees that are identified as having a fever or influenza-like illness.

On March 21, 2020, the Correctional Health Division provided the ECSO Exposure Plan, this exposure plan was developed to monitor all employees.

When SARS-CoV-2 is spreading in a community, it is also not feasible to identify all people with symptoms compatible with COVID-19 or identify all potentially exposed contacts. Applying stringent containment measures to people who are tested and have laboratory confirmation and their contacts, but not to others who are not tested and their contacts, would have no public health benefit. Such an approach could hamper surveillance efforts and the ability of public health authorities to make data-driven decisions for the implementation of community mitigation measures.

The Occupational Health Office put a procedure in place to monitor all employees reporting signs and symptoms of influenza-like illness. Each ECSO division provides the Occupational Health with the employee name that has called off sick. Occupational Health staff will contact the employee and obtain relevant information to determine the epidemiologic risk factor and determine if quarantine is required. All determinations will be based as per the current CDC/ DOH recommendations.

For employees who have been placed on quarantine, the Occupational Health staff will be in contact with the employee daily to obtain temperature checks and relevant symptoms. The Occupational Health staff will maintain a log of all communication with employees.

For employees being ordered back to work, an email will be forwarded to the Chief/Superintendent dependent on division, who will then return the employee to duty and remove them from their employee quarantine list.

Personal Protective Equipment Efforts:

The ECSO has been working around the clock, trying to secure critical supplies. The ECSO is working with vendors on the local and national level. The ECSO has had many challenges obtaining these items. It is increasingly frustrating to see Erie County donating supplies to area private and for-profit hospitals. County Employees (ECSO) continue to struggle to find supplies essential to keep our employees, inmates, and the public protected.

The goal of the ECSO is to have secured enough PPE to sustain the implemented requirements of both Federal and local Governments. This effort has been and continues to be an uphill battle for all divisions of the ECSO.

04/03/2020, the CHD recommended to the ECSO Command Staff that all employees working wear surgical masks. The CHD, along with the Chief of Administrative Services, is the material management liaison, and each week the CHD distributes medical supplies required during the COVID-19 crisis. The ECSO/CHD starting making disinfecting wipes. These wipes are distributed to all ECSO divisions.

The CHD is monitoring all purchases and distribution of medical supplies.

04/24/2020, The CHD developed the ECSO Pandemic Plan.

Questions:

1. Why is the overtime expense occurring? Detailed information on the overtime expense incurred.

The CHD overtime expenditure since March 2020; was \$58,461.24. This overtime occurred due to the CHD opening up the Occupational Health Office (OHO). The OHO fit-tested nearly 1,200 ECSO employees. The OHO is also responsible for monitoring all employees that have called off sick with COVID-19 symptoms.

2. What functions/services and work is being performed?

The CHD has all functions and services running as per before COVID-19. These programs include.

Access to Care Program

The Correctional Health Division of the Erie County Sheriff's Office (ECSO) is dedicated to offering all incarcerated individuals Access to Comprehensive Medical and Dental Care. This is accomplished through the elimination of any and all unreasonable barriers, intentional and unintentional.

The incarcerated individual will see a Registered Nurse upon entering and completing the booking process. At this time, the individual will take part in an Intake Screen and Assessment. Through this initial appointment, the Registered Nurse will identify any Acute and/or Chronic Care Conditions, Substance Abuse Disorders, and Mental Health Disorders.

Based on the information provided by the individual, the RN schedules an appointment with the medical provider. If the individual reports mental health concerns, mental health medications, counseling, and or diagnoses, the RN will place a referral to forensic mental health for evaluation.

The Correctional Health Division (CHD) also provides the incarcerated individual the opportunity to be seen by both an RN or medical provider through a sick call process. This is accomplished by having the individual submit a request in writing on their housing unit into a secured box to protect the individual's HIPPA rights. These slips are collected daily, the nurse triages and schedules the appointment accordingly. In addition to the sick call process, the incarcerated individual has the ability to notify the housing deputy or corrections officer of an urgent need. At this time, the CHD staff is notified for timely evaluation and treatment if indicated.

Chronic Care Management

The goal of the Correctional Health Division is to provide a level of care that is equal to the community standard. When an incarcerated individual reports having a chronic care disease upon intake, the RN schedules the individual for a chronic care appointment with a medical provider. The medical provider will then document the identified disease process in the Electronic Medical Record (EMR) during the initial visit. The medical provider addresses each identified chronic care disease and implements individualized care based on their specific degree of control, compliance with medication, and current lifestyle. The medical provider continues to follow their chronic care management during the duration of their incarceration, modifying their care plan as needed.

Detoxification Program

The ECSO – Correctional Health Division is committed to helping individuals struggling with addiction. Upon screening and identification of substance abuse history by an RN, the individual is designated for detox housing. An RN monitors for signs of symptoms of withdrawal every eight hours utilizing the Clinical Institute Withdrawal Assessment (CIWA). The individual will be assessed within twenty-four hours from the medical intake by a medical provider, at which time a care plan is developed. If at any time an individual's withdrawal symptoms require a higher level of care, one will be provided for them. This individual will continue to be monitored until a determination is made by a medical provider for clearance from detox housing.

Pregnant individuals that are twenty weeks gestation or greater, has a viable pregnancy, and are currently undergoing alcohol, benzodiazepine, or opioid withdrawal will be transferred to ECMC for a higher level of care. Individuals less than twenty weeks pregnant and are maintained on Methadone or Suboxone, will also be transferred to ECMC for the continuance of their current medical therapy.

Erie County Sheriff's Addiction Assistance Program (ESCAAP)

The ECSO - Correctional Health Division is committed to collaborating with the community to establish a continuum of care for incarcerated individuals. The ECSO CHD; ESCAAP program is a volunteer program for individuals committed to becoming absent from addiction. The ESCAAP program was developed in 2017 in collaboration with OASIS and Bestself to provide individuals with the capability to embark on sobriety.

The ECSO CHD discharge planner reviews all individuals remanded to the custody of the ECSO for addiction. The CHD discharge planner meets with individuals identified for a formal

meeting that reviews the ESCAAP program and the requirements of the program. The discharge planner will review with the identified individual opiate addiction history and other abused substances, including the duration, pattern, and severity of opioid misuse; the patient's level of tolerance; results of previous attempts to discontinue opioids use; past experience with agonist therapies, the severity of withdrawal, date and time of last use, and current withdrawal status. If it is determined that the inmate is appropriate for participation in the ECSAAP Pre-Release Program, communication with the Erie County Office of Mental Health or communication with Bestself for post-release scheduling and treatment takes place.

The Correctional Health Discharge Planner schedules an appointment with a medical provider for medical clearance and to discuss with the identified individual whether VIVITROL treatment is appropriate. Incorporated within the medical clearance, the identified individual is required to have a complete a Liver Function Test and a urine drug screen completed before administration of VIVITROL. Once the identified individual is medically cleared the discharge planner will arrange for VIVITROL administration and outreach to the community for an appointment for the day of release. The CHD discharge planner arranges with ECSO Jail Management Division for transportation of the identified individual to initial community appointments for the day of release of an identified individual.

The ESCAAP program is not forced upon any addicted individual but is a volunteer program and at any time during incarceration can enroll within the program. One of the key factors for the ESCAAP program is having individuals that desire and are committed to sobriety.

Women's Health

The ECSO CHD is dedicated to ensuring that all pregnant individuals receive timely and appropriate prenatal care, specialized obstetrical services when medically indicated, and postpartum care. All pregnant individuals will be referred to Oishei Children's Hospital for a prenatal evaluation and continued obstetrical care. Frequency of the prenatal visits will be determined by the obstetricians as medically necessary. Women who are in their last month of pregnancy, or who are identified as high risk, are housed at the Erie County Holding Center due to the close proximity to Oishei Children's Hospital.

Pharmaceuticals

The ECSO CHD conforms to the highest standards of ethical and professional practice. We are in strict compliance with State and Federal laws and regulations in regards to pharmaceutical services, ensuring that proper practices are adhered to, such as acquisition, storage, distribution, and administration of drugs and drug-related products.

All incarcerated individuals in the custody of the Erie County Sheriff's Office will have a comprehensive medical screening performed by an RN. All reported medication by incarcerated individuals during the medical screen is confirmed prior to the medical provider ordering reported medication. The verification process is validated through HealthElink and ISTOP and collaborating with local pharmacies to confirm reported medication prescribed. This is performed to ensure the continuation of the individual's medication prior to incarceration.

Community Outreach and Collaboration for a Higher Level of Care

The ECSO CHD is dedicated to providing a continuum of care for incarcerated individuals requiring acute or chronic disease maintenance through specialty services. When an individual requires a higher level of care or specialty services not provided within our facility, the medical provider will refer this request to the Chief Medical Officer and or designee for approval.

The Chief Medical Officer or designee will review the overall case and determine if there is justification for the requested service.

Diagnostic Imaging

The ECSO CHD provides diagnostic imaging to incarcerated individuals when a medical provider deems diagnostic imaging is medically necessary. All X-ray services are provided daily, along with STAT services via Buffalo Ultrasound. These services include plain films of the chest, ribs, extremity, abdomen, spine, Doppler's, and ultrasounds. If at any time, a higher level of imaging is required, an outside clinic will be scheduled to facilitate the need.

Laboratory Services

In order to ensure an overall health care delivery system, the ECSO CHD provides in-house laboratory services performed at each site and process daily through Quest Diagnostics.

Quality Assurance / Quality Improvement & Education

The ECSO CHD has developed a continuous Quality Improvement Program (QIP) tailored to monitor the systematic, ongoing, objective monitoring and evaluation of the quality and appropriateness of the health care delivery system to inmates. The QIP will pursue opportunities to improve patient care and resolve identified problems in an effort to achieve optimal health care in the correctional setting.

Infection Control & Immunizations

The ECSO CHD has established a comprehensive Infection Prevention and Control Program to ensure that the organization has a functioning coordinated process in place to minimize the risks of endemic within the incarcerated setting. Prevention is centered on the incarcerated patients, health care workers, Forensic Mental Health Employees, and Jail Management Staff to optimize the use of resources through a strong preventive program.

The CHD performs an infectious disease screen during the medical screen to identify any individual that either currently has an infectious disease or is considered high risk. Medical appointments are arranged promptly for all identified individuals to diffuse potential exposures to other incarcerated individuals and ECSO staff.

The CHD has established a flu program that is presented to all incarcerated individuals and staff to provide protection.

The CHD is currently working with the New York State Department of Health to enroll within the immunization program. Enrolling within this program will allow the CHD to capture incarcerated individuals that are not current with their immunizations. Once identified, the incarcerated individual would be offered immunizations.

Dental Program

The ECSO CHD provides all incarcerated individuals medically necessary dental care under the direction and supervision of a dentist licensed in New York. Dental care will include the full range of services that are necessary for proper mastication and not be limited to just palliative pain relief, antibiotics, filing of a sharp tooth, and extractions. All incarcerated individuals have access to the dental program through self-referral or by referral from a medical provider or RN.

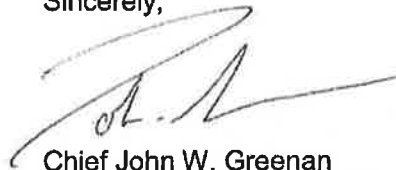
3. How many employees and in which units/functions are receiving this overtime?
The CHD currently has three locations operating:

Holding Center
Correctional Facility
Occupational Health Office

As a proactive measure, the CHD has worked with the Department of Justice to reduce staffing levels at the Holding Center and Correctional Facility.

I trust that this addresses your concerns and is responsive to your request. As you can see, the fine men and women of the Erie County Sheriff's Office have been hard at work protecting and serving this community during these unprecedented times. Should you need additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. W. Greenan', with a long horizontal flourish extending to the right.

Chief John W. Greenan
Administrative Services Division