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OFFICE OF THE ERIE COUNTY DISTRICT ATTORNEY

JOHN J. FLYNN
DISTRICT ATTORNEY

MICHAEL J. KEANE
FIRST DEPUTY DISTRICT ATTORNEY

July 20, 2021

The Honorable
Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

Re: District Attorney's Office – Authorization to Contract/Issue PO
Immediate Consideration Requested

Dear Honorable Members:

The attached resolution requests authorization to contract with Hyland Software. The contract will help the District Attorney's Office staff utilize OnBase to continue meeting our discovery obligations required by the NYS Discovery Law, C.P.L. Article 245 changes that went into effect in 2020.

Thank you for your immediate consideration of this matter. If your Honorable Body requires any further information, kindly contact our office and we will be happy to accommodate your request.

Very truly yours,

A handwritten signature in blue ink, appearing to read "John J. Flynn".

JOHN J. FLYNN
DISTRICT ATTORNEY

JJF/lh

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: John J. Flynn, District Attorney
Date: July 20, 2021
Re: Authorization to Issue Contract/Issue PO
Immediate Consideration Requested

I. Summary of Recommended Action

The attached resolution requests authorization to contract with Hyland Software for additional features and licenses to the County's current contract for the OnBase program. Some software consulting and/or training might be required as the project is implemented, therefore we are also requesting authorization for funding for professional services to be used as needed, in an amount not to exceed \$30,000.

II. Fiscal Implications of Proposal

There is no additional cost to the County as there are sufficient funds available in the District Attorney's 2021 budget.

III. Reason for Recommendation and Background of Proposal

On January 1, 2020 sweeping criminal justice reforms went into effect that made significant changes to the way prosecutors handle discoverable material. In June, 2020, the New York State Legislature repealed Civil Rights Law §50-a which allowed for the confidentiality of police disciplinary records. At that time, the Legislature also modified the Public Officer's Law resulting in the public disclosure of the disciplinary files of law enforcement officers with limited exceptions. As a result of the aforementioned legislative history, courts are now examining how the public disclosure of law enforcement disciplinary files intersects with the discovery obligations of prosecutors.

In a recent County Court case, the Judge held that the People were imputed with the knowledge of the entire disciplinary file of an officer regardless of whether it was in our actual possession. In addition, the court found that all disciplinary determinations, including unfounded and exonerated decisions, had to be disclosed to the defense. Further, the Judge would not accept our declaration of trial readiness until we disclosed these records; such a decision results in speedy trial time being attributed to the People.

Given this court decision, the Erie County District Attorney's Office is now in a position of having to receive, review, redact and disclose thousands of law enforcement disciplinary files. In order to effectively and efficiently manage this effort, we have identified a system that will allow us to accomplish this utilizing one platform.

Currently, we receive these files in paper format, email, discs, hard drives and other electronic medium. Upon receipt, we upload the files into a separate database, make copies of the files to redact by hand, upload the redacted versions into the same database, and then transfer the files into our case management system to share them with the defense. This is

an incredibly time-consuming effort which has required us to reallocate already limited staff resources in order to comply with this additional discovery requirement. The Hyland/OnBase system will streamline this process and ensure a more efficient use of County resources.

Erie County has already contracted with Hyland for their Unity Client and OnBase services. They would be adding additional licenses for OnBase and developing a Unity form whereby law enforcement will submit all records directly through this portal into OnBase. Our office would access OnBase, redact and store every personnel record received. This resolution would allow the County to use the ShareBase component where our office would then be able to share the redacted files directly with defense attorneys. The entire process would be much more efficient and streamlined.

IV. Consequences of Negative Action

Failure to approve this request would result in a cumbersome and labor-intensive procedure to manually gather agency records and would pose a hindrance to our discovery obligations. If time constraints are not met there is potential for case dismissal.

V. Steps Following Approval of Measure

The District Attorney's Office will work with the Division of Purchase and the Division of Budget and Management to make the necessary adjustments.

**RESOLUTION
SUBMITTED BY THE DISTRICT ATTORNEY**

Re: District Attorney's Office
Authorization to Issue Contract/Issue PO

WHEREAS, the Office of the District Attorney needs an efficient and streamlined method to meet its discovery obligations under Criminal Procedure Law Article 245 as it relates to Civil Rights Law §50-a – the acquiring and sharing of law enforcement personnel records with defense attorneys; and

WHEREAS, the Office of the District Attorney has identified the OnBase and ShareBase, products of Hyland Software, Inc., as the most efficient and cost-effective programs to help this office meet the above need; and

WHEREAS, Erie County is already contracted with Hyland Software Inc. for use of their OnBase software, which is used throughout County departments;

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for Erie County to work with Hyland Software Inc to provide access and licenses necessary for the District Attorney's Office to use OnBase, Unity Client and ShareBase features to meet ongoing discovery obligations, and be it further

RESOLVED, that authorization is hereby provided to the Director of Purchasing to issue a purchase order(s) to Hyland Software Inc. for the following services:

- One-time licensing costs for OnBase/Unity Client services;
- Annual OnBase and ShareBase maintenance/licensing costs;
- Consulting/training/implementation costs as may be needed in an amount not to exceed \$30,000, and be it further

RESOLVED, that authorization is provided to adjust budgets as follows in the 2021 District Attorney's Office's fund 110, fund center 11400:

Appropriation	
516020 - Professional Services	\$ 30,000
516030 - Maintenance Contracts	16,000
561410 - Lab & Technical Equipment	38,000
559000 - County Share Contribution	(84,000)

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make any technical adjustments necessary to implement this resolution, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County District Attorney, the Division of Budget and Management, the Office of the Comptroller, the Division of Purchase, and the Division of Information and Support Services.