



The Erie County Legislature
92 Franklin St # 4
Buffalo, NY 14202

Re: Letter in Support of The Jail Management Transparency and Accountability Act
Local Law 1-1 (2020)

I write this letter in support of the proposed local law entitled the Jail Management Transparency and Accountability Act on behalf of the Buffalo Chapter of the National Lawyers Guild (NLG). NLG is an association of progressive lawyers who are committed to using the law to advance human rights, civil rights, and civil liberties. The Jail Management Transparency and Accountability Act protects the most important interest of Erie County: to protect the safety and wellbeing of its people. The Sheriff's Office under, Timothy Howard, abdicated this responsibility and fought against transparency and accountability at every opportunity.

The Sheriff's Office has no right to withhold SCOC M-187 forms from the Erie County Legislature. These are public records. As our litigation against the Sheriff demonstrated reports about what happens in the Jails are public records. *National Lawyers Guild, Buffalo Chapter v. Erie County Sheriff's Office*, Index No. 802573/2018 (Erie County Supreme, J. Montour). The Erie County Legislature is entitled to public documents from the Sheriff's Office. *See Matter of Kilgallon v City of Troy*, 53 AD2d 976 (3d Dept 1976) *see also* Erie County Charter § 2101 (requiring the Sheriff to exercise "additional and related duties as may be prescribed by local law."). Additionally, Erie County has its own independent need and authority to review documents in connection with its duty to provide and maintain the county jails. County Law § 217.

The Erie County Sheriff's Office has gone to extraordinary lengths to shield the conditions inside the Erie County Jails from public scrutiny. For instance, in 2017 the NLG requested basic information about the conditions inside the jails to further investigate the Sheriff's practice of concealing suicide attempts by people in the Sheriff's custody. The Sheriff's Office ignored our requests for information and took the legally unsupported position that jail incident reports were not public documents. Over 4 years later we are still litigating for basic information. The Sheriff's Office continues to stonewall and hinder our ability to investigate how many suicidal acts the Sheriff's Office concealed, what specific corrective measures the Sheriff or the County could take to improve conditions, and the efficacy of the Commission on Corrections' interventions. This costly and time-consuming litigation has stretched on so long that Sheriff Howard will no longer be Sheriff by its conclusion.

The Legislature has the power and resources to efficiently and effectively obtain and review information from the Sheriff. We urge you to pass this law so that future sheriffs can be held to account and future deaths and injuries can be prevented.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Higgins". The signature is written in a cursive style with a horizontal line extending from the end.

Michael F. Higgins
Assistant Director