



THE ERIE COUNTY LEGISLATURE

**PUBLIC SAFETY
COMMITTEE**

Howard J. Johnson, Jr.
Chair

John J. Gilmour
Vice-Chair

Meeting No. 5–April 22, 2021 – 11:00 AM

TAB R&F APP

1.	<u>LL INTRO. 1-1 (2020)</u> Session 3	MEYERS, VINAL, BASKIN, JOHNSON, CHIMERA & HARDWICK <i>“A LL titled, "The Jail Management Transparency and Accountability Act"”</i>			
2.	<u>INTRO. 17-5 (2020)</u> Session 17	GILMOUR, CHIMERA & BASKIN <i>“Supporting a New Approach to Coordinating & Providing Mental Health Professionals & Social Workers for Assisting Law Enforcement in Crisis Situations & 911 Calls”</i>			
3.	<u>COMM. 21E-5 (2020)</u> Session 21	SHERIFF <i>“Increase TASER Deployment & Expand De- Escalation Training”</i>			
4.	<u>COMM. 24E-9 (2020)</u> Session 24	SHERIFF <i>“Authorization to Award Professional Services Contract for Correctional Health Comprehensive Occupational Health Software”</i>			

5.	<u>COMM. 5E-20 (2021)</u> Session 5	COUNTY EXECUTIVE <i>“Final Report & Recommendations Relating to the EC Sheriff’s Office Police Services Division - 3/2/2021”</i>			
6.	<u>COMM. 5M-4 (2021)</u> Session 5	ECCSAB <i>“Letter to Superintendent of Jails Requesting Input on Proposed Draft Pre-Release Plan”</i>			
7.	<u>COMM. 6E-7 (2021)</u> Session 6	JOHNSON <i>“Letter Seeking Clarification on State-Ready Prisoners and Parolees’ Status During COVID Pandemic”</i>			
8.	<u>COMM. 6E-22 (2021)</u> Session 6	LORIGO <i>“Board Appointment Recommendation for EC Bar Association Aid to Indigent Prisoners Society, Inc.”</i>			
9.	<u>COMM. 6M-2 (2021)</u> Session 6	CIVIL RIGHTS & TRANSPARENCY CLINIC <i>“Public Comment in Response to Police Reform Citizen Task Force’s Preliminary Report & Recommendations”</i>			
10.	<u>COMM. 8E-1 (2021)</u> Session 8	SHERIFF <i>“K9 Retirement & Transfer”</i>			
11.	<u>COMM. 8E-4 (2021)</u> Session 8	COUNTY EXECUTIVE <i>“Appointment to the EC Central Police Services Board of Trustees”</i>			

12.	<u>COMM. 8E-10 (2021)</u> Session 8	VINAL <i>“Letter to Sheriff Concerning Transparency & Working with Government Partners”</i>			
13.	<u>COMM. 8E-13 (2021)</u> Session 8	SHERIFF <i>“Transfer of Seized Asset Funds - Narco & Rope Rescue Team Vehicles”</i>			
14.	<u>COMM. 8E-25 (2021)</u> Session 8	COUNTY EXECUTIVE <i>“EC Paging Contract - I Am Responding, Maintenance Contract”</i>			
15.	<u>COMM. 8M-7 (2021)</u> Session 8	HABIB JOHNSON <i>“Letter to EC Legislature Regarding the Elimination of the ECHC & ECCF's Informal Grievance Process”</i>			
16.	<u>COMM. 8M-8 (2021)</u> Session 8	ECCSAB <i>“Letter to Sheriff Concerning Staff Changes in Correctional Health Division”</i>			
17.	<u>COMM. 8M-12 (2021)</u> Session 8	NYS CORRECTIONS & COMMUNITY SUPERVISION <i>“Letter to Chair of Public Safety Committee Responding to Inquiries Regarding Suspension of Intakes”</i>			

COUNTY OF ERIE

LOCAL LAW INTRO. NO. 1-1 -2020

LOCAL LAW NO. _____-2020

THE JAIL MANAGEMENT TRANSPARENCY AND ACCOUNTABILITY ACT

Be it enacted by the Legislature of the County of Erie as follows:

Section 1. Legislative Findings and Intent.

Since 1998, 45 prisoners/detainees, including both men and women, incarcerated or detained in the Erie County Holding Center and Correctional Facility or discharged from custody or receiving treatment in a hospital setting due to their incarceration have died. 30 of these deaths have occurred since June 20, 2005 alone.

Many of these deaths have been due to suicide, while others have been due to improper medical care or malpractice by medical staff, improper actions by Sheriff Office deputies/correctional officers and a few due to natural causes or accidents. In most instances, this Honorable Body and the public do not know the circumstances, details or cause of death of deceased prisoners.

Over the past decade, the New York State Commission of Correction, which has authority under New York State Correction Law for regulating and overseeing local jails and holding centers, has issued a series of critical reports over the Erie County Holding Center and Correctional Facility due to inmate escapes from custody, facility conditions, assaults on prisoners, mental health and healthcare deficiencies, and the deaths of prisoners or detainees in the custody of the Erie County Division of Jail Management. This includes a February 2018 report entitled *The Worst Offenders Report: The Most Problematic Local Correctional Facilities of New York State* that characterized the Holding Center and Correctional Facility as two of the “worst offenders for being in violation of state law.”

Under New York State law and Commission of Correction regulations, when a prisoner/detainee in a local jail or holding center dies or is injured while in custody, the local county sheriff office/police agency is required to submit a report(s) and documentation to the Commission for review and investigation by the State.

However, the sheriff office is not required to, and does not notify or provide any reporting whatsoever to the local legislative body which has oversight responsibility for the actions of the county government and its officers, including the sheriff.

In Erie County, efforts by this legislative body to receive a copy of the report(s) submitted by the Erie County Sheriff to the Commission of Correction – either by requesting the Sheriff to provide it to the Erie County Legislature, or asking the Commission of Correction to provide such reports and/or their own reports, have been unsuccessful. This has been due to the refusal of the Erie County Sheriff and the

Commission of Correction to provide the reports to this body and/or to testify in public at Legislature committees concerning these issues. In fact, the Sheriff Office does not even notify the Legislature when a death or serious medical situation involving a prisoner has occurred, let alone provide details or data.

This has led to a situation in which Erie County legislators have had to rely on media accounts to find out about the deaths of, or serious medical issues involving prisoners and has made it very difficult to find out details about what happened and what actions were being taken to ensure such events did not reoccur with prisoners.

This is indefensible and unacceptable. Legislators and the public demand and deserve transparency, accountability and integrity from the Sheriff's Jail Management Division and the activities therein when persons' lives are at stake and taxpayer funds are involved.

Section 2. Definitions.

The Erie County Division of Jail Management refers to the Erie County Sheriff Office's division which controls and administers the Erie County Holding Center and Correctional Facility.

The Erie County Division of Correctional Health refers to the Erie County Sheriff Office's division which controls and administers healthcare for prisoners/detainees in the Erie County Holding Center and Correctional Facility.

Section 3. Policy.

1. Whenever a prisoner/detainee in the custody of the Erie County Sheriff **dies** in the Erie County Holding Center or Correctional Facility, or dies subsequently at a hospital or healthcare/nursing facility or elsewhere demonstrably due or related to their incarceration in the Erie County Holding Center or Correctional Facility (whether in the "custody" of the Sheriff Office at that time or not), the Erie County Sheriff shall issue a formal written report to the Erie County Legislature regarding the death.

That report shall contain all the of the same information/facts/data required to be submitted by the Sheriff Office to the New York State Commission of Correction and may, if the Sheriff so choses, come in the form of sending the same report/data as submitted to the Commission in its SCOC M-187 form process.

2. Whenever a prisoner/detainee in the custody of the Erie County Sheriff is **seriously injured** in the Erie County Holding Center or Correctional Facility, and subsequently receives medical care at a hospital or healthcare facility demonstrably due or related to their incarceration in the Erie County Holding Center or Correctional Facility (whether in the "custody" of the Sheriff Office at that time or not), the Erie County Sheriff shall issue a formal written report to the Erie County Legislature regarding the injuries and hospitalization/medical care and the reasons for the injury and medical treatment – whether due to an accident,

prisoner self-injury, prisoner-on-prisoner violence, or the actions of an employee of the Sheriff Office.

That report shall contain all the of the same information/facts/data required to be submitted by the Sheriff Office to the New York State Commission of Correction and may, if the Sheriff so choses, come in the form of sending the same report/data as submitted to the Commission. The definition of serious injury shall follow the guidelines established by the Commission in its "General Incident Category: Physical Injury/Hospitalization" definition in its *Reportable Incident Manual for County Jails and The New York City Department of Correction* policy document.

3. These reports shall be submitted to the Chair of the Erie County Legislature and clocked-in with the Clerk of the Legislature within 48 hours (business days) of the death or injury and/or hospitalization or discharge from Sheriff custody.

Section 4. Violations and Penalties.

In any case where the Sheriff or a person in charge or control of the Holding Center or Correctional Facility or an officer or employee thereof shall fail to comply with this law and fail to submit the required reports/documentation to the Clerk of the Legislature within 48 hours (business days), the Erie County Legislature may apply to the New York State Supreme Court for an order directed to such person requiring compliance therewith. Upon such application the court may issue such order as may be just and a failure to comply with the order of the court shall be a contempt of court and punishable as such.

Section 5: Effective Date

This Local Law shall take effect upon filing with the New York State Secretary of State.

Section 6: Severability

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, or business shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its specific application.

Sponsors:

Timothy J. Meyers
Jeanne Vinal
April N.M. Baskin
Howard Johnson
Lisa Chimera
Kevin Hardwick

**A RESOLUTION SUBMITTED BY
LEGISLATORS GILMOUR, CHIMERA AND BASKIN**

Re: Supporting a New Approach to Coordinating and Providing Mental Health Professionals and Social Workers for Assisting Law Enforcement in Crisis Situations and 911 Calls

WHEREAS, for many decades in the United States, law enforcement professionals have been forced by circumstances to deal with mental health problems and addiction among persons in our communities; and

WHEREAS, most law enforcement professionals are not trained to serve as a drug addiction specialist or mental health counselor and having police officers perform the work of mental health professionals is not appropriate; and

WHEREAS, a Washington Post database reports that Americans with mental illnesses comprise nearly 25% of those killed by police officers, and as a corollary, since the 1970s, 115 police officers have been killed by individuals with serious mental illnesses; and

WHEREAS, communities across the country could better address many societal issues that become the domain of law enforcement, such as through 911 calls, if more resources and attention were dedicated to hiring professionals trained for that specialized work such as social workers, mental health professionals and civilian crisis intervention experts; and

WHEREAS, as certain events have occurred in this country this year involving injuries and deaths of persons involving law enforcers, we have learned more about crisis intervention teams that replace, supplant or assist police intervention in cases of people who are in crisis and allow mental health experts to defuse situations instead of armed police; and

WHEREAS, commentators have stated that in situations lacking a criminal issue and in which there is no emergent threat to the safety of an individual or a neighborhood, police might not be needed to respond or be the principal responders, but instead, other trained civilian professionals working in concert with the police; and

WHEREAS, in Monroe County, for instance, which has experienced trauma and upheaval in the wake of the death of Daniel Prude when being detained by City of Rochester police, that county government has responded by expanding its forensic intervention team to allow its mental-health clinicians to be on duty 24 hours a day, 7 days a week, using a mix of new county and City of Rochester funding; and

WHEREAS, the Monroe County Forensic Intervention Team pairs mental-health experts with police officers responding to crisis calls, works with people to whom they have been referred by police and can be sent to scenes where officers who are interacting with someone suffering mental-health problems; and

WHEREAS, the Team's role is to deescalate any crisis and help the person in question receive treatment, and it has worked with 24,000 people since it was created three years ago, but unfortunately, the Team was not on duty and available on the night of Mr. Prude's arrest; and

WHEREAS, Monroe County is also going further and creating a new task force to reexamine the county's entire mental-health budget to try and find ways to provide better service to people suffering mental-health, domestic violence or other problems, working in conjunction with the Commission on Racial and Structural Equity; and

WHEREAS, our community currently has a crisis team, Emergency Mobile Outreach Services, which is administered by Crisis Services and is staffed with social workers and other mental health professionals, but the team was not at the scene on Saturday and it is not clear if they were contacted by Buffalo Police; and

WHEREAS, on Saturday, September 12, 2020, a mentally ill homeless man was shot by Buffalo police after an incident that is being investigated by the Buffalo Police Department and the Erie County District Attorney's Office; and

WHEREAS, the shooting in Buffalo led more to outcry and calls by various community groups and activists to transfer law enforcement funding or allocate new funding for a mental health intervention team in our community; and

WHEREAS, separate from the September 12nd incident, the City of Buffalo has announced that the Buffalo Police Department and its union, the Buffalo Police Benevolent Association, have reached an agreement on creating a new Behavior Health Team to provide a mix of sworn and civilian mental health resources for incidents in Buffalo; and

WHEREAS, these events and other incidents locally have demonstrated the need for a new approach for law enforcement dealing with mental illness and addiction issues and persons afflicted with these illnesses.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby expresses its support for, and calls on the Erie County Executive and Sheriff to work with the Legislature and community partners and agencies such as Crisis Services, to enhance or support the existing Emergency Mobile Outreach Services program at Crisis Services, or to develop a new model and program to provide civilian mental health staffing and support for law enforcement; and be it further

RESOLVED, that this Honorable Body calls on the Erie County Department of Central Police Services and the Department of Mental Health to work with law enforcement and community partners and civic activists to develop resources to support 911 call takers and dispatchers with new ways and approaches to handling 911 calls that may more appropriately require a mental health response, supported by law enforcement, but not principally handled by armed police officers; and be it further

RESOLVED, that this Honorable Body commits to holding hearings and discussion in our Public Safety and Health and Human Services Committees with law enforcers, first responders, mental health experts, social workers, and civic activists concerning this issue; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Sheriff, Commissioners of Health, Mental Health and Central Police Services, and to the Executive Director of Crisis Services.

Fiscal Impact: None at this time.

TIMOTHY B. HOWARD
SHERIFF

JOHN W. GREENAN
UNDERSHERIFF



SHERIFF OF ERIE COUNTY

ADMINISTRATIVE OFFICES

10 DELAWARE AVENUE
BUFFALO, NEW YORK 14202-3913
(716) 858-7618
FAX: (716)858-7680

POLICE SERVICES

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

November 16, 2020

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

Re: Increase TASER Deployment and Expand De-escalation Training

Dear Honorable Members:

The attached resolution requests authorization to enter into a contract with Axon Enterprises, Inc. to purchase TASERs for the Erie County Sheriff's Office. This contract also provides de-escalation training for all certified TASER users.

The resolution also requests authorization to waive Section 19.08 of the Erie County Administrative Code because Axon Enterprises, Inc. is the sole manufacturer and distributor of TASER in New York. A sole source letter is attached.

Representatives from the Sheriff's Office will be available to answer any questions.

Very truly yours,

TIMOTHY B. HOWARD
SHERIFF OF ERIE COUNTY

Attachments

ACCOMPANYING MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Sheriff's Office
Re: Increase TASER Deployment and Expand De-escalation Training
Date: November 17, 2020

Summary of Recommended Action

The attached resolution seeks authorization for the Erie County Sheriff's Office to enter into a five-year agreement with Axon Enterprises, Inc. to purchase 100 TASERs. The contract includes holsters, training cartridges, docking stations, annual certification supplies, warranty, and de-escalation training.

The terms of the contract are:

- 5-years;
- Payments in each year of the contract;
- Access to quarterly de-escalation training, which includes the following scenarios:
 - Hearing-impaired;
 - Autism;
 - Schizophrenia;
 - Suicidal ideation;
 - Alzheimer's/Dementia;
 - Peer intervention;
 - Post-Traumatic Stress Injury (PTSI).

Additionally, the resolution seeks authorization to waive Section 19.08 of the Erie County Administrative Code because Axon is the sole manufacturer and distributor of all TASER brand products in New York.

Fiscal Implications of Proposal

Funds for the purchase are encumbered and will not affect the budget.

Reasons for Recommendation

The Sheriff's current inventory of TASER is nearing its useful life span and the warranty terms.

In addition to replacing old TASERs, the Sheriff's Office is expanding TASER inventory to equip road and Rath patrol Deputies with new and safer TASERs. This purchase will double the number of Deputies assigned a TASER and provide greater officer safety and increase the number of Deputies with the latest less than lethal equipment.

The TASER provides Deputies with a safe and effective less-than-lethal option in situations where the use of force is necessary. And the newest version offers greater capabilities with better accuracy, which provides a safer resolution to tense situations.

With 7-10% of all police encounters involving a mentally ill subject and up to half of all

fatal police shootings involving individuals with severe mental illness. Today's Deputies need comprehensive training that can help them address ever-changing scenarios in the field. The quarterly training covers various scenarios that empower Deputies to respond with greater confidence to individuals in crisis.

Consequences of Negative Action

Failure to approve this request will prevent the Sheriff's Office from purchasing new TASERS, replacing the aging equipment nearing its life span.

Steps Following Approval of Measure

The Clerk of the Legislature shall send certified copies of the approved resolution to the County Executive, the County Attorney's Office, the Division of Purchasing, the Erie County Comptroller's Office, and the Chief of Administration of the Sheriff's Office for implementation.

**A RESOLUTION SUBMITTED BY:
ERIE COUNTY SHERIFF'S OFFICE**

Re: Increase TASER Deployment and Expand De-escalation Training

WHEREAS, the Erie County Sheriff's Office has deployed the TASER for several years; and

WHEREAS, the agency sees the benefit of equipping Deputies with less than lethal tools to end tense situations safely; and

WHEREAS, the TASER platform has proven to be a safe and effective tool when deployed; and

WHEREAS, the Sheriff's Office is utilizing crisis intervention training and de-escalation techniques with TASER deployments; and

WHEREAS, Deputies will have access to additional training to help deal with certain situations to help resolve and incident peacefully and safely; and

WHEREAS, the quarterly training for all Deputies certified to carry a TASER is required, and the training modules include:

- Hearing-impaired;
- Autism;
- Schizophrenia;
- Suicidal ideation;
- Alzheimer's/Dementia;
- Peer intervention;
- Post-Traumatic Stress Injury (PTSI); and

WHEREAS, this resolution seeks authorization to enter into a 5-year agreement with Axon Enterprises, Inc. to purchase 100 TASERs; and

WHEREAS, the agreement includes holsters, training cartridges, docking stations, annual certification supplies, warranty, and de-escalation training; and

WHEREAS, the resolution seeks authorization to waive Section 19.08 of the Erie County Administrative Code because Axon is the sole manufacturer and distributor of all TASER brand products in New York; and

WHEREAS, funds for the purchase are encumbered and will not affect the budget.

NOW, THEREFORE, BE IT

RESOLVED, Axon is the sole manufacturer and distributor of all TASER brand products in New York, and the Erie County Legislature hereby waives the procedures, as impractical,

provided for in Section 19.08 of the Erie County Administrative Code for purposes of acquiring TASERS; and be it further

RESOLVED, the Legislature authorizes the County Executive and the Erie County Sheriff's Office to enter into a five (5) year agreement with Axon Enterprises, Inc., 17800 N 85th Street, Scottsdale, Arizona 85255, to purchase 100 TASERS and accompanying equipment and supplies for the Erie County Sheriff's Office; 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, the Clerk of the Legislature shall send certified copies of the approved resolution to the County Executive, the County Attorney's Office, the Division of Purchasing, the Erie County Comptroller's Office, and the Chief of Administration of the Sheriff's Office for implementation.



17800 N. 85th St., Scottsdale, Arizona 85255 * 480-991-0797 * Fax 480-991-0791 * www.axon.com

April 5, 2019

To: United States state, local and municipal law enforcement agencies

Re: Sole Manufacturer Letter for Axon Enterprise, Inc.'s Conducted Electrical Weapons, on-Officer Cameras, and Evidence.com Data Management Solutions

Axon Enterprise, Inc. (Axon), is the sole manufacturer for TASER brand conducted electrical weapons (CEWs) and Axon brand products. Axon is also the sole distributor of all Axon brand products in the USA and the sole distributor of all TASER brand products in the States of AR, CT, DE, FL, GA, HI, IA, IL, IN, KS, LA, MA, MD, ME, MN, MO, MS, NC, ND, NE, NH, NJ, NY, OK, OR, PA, RI, SC, SD, VA, VI, VT, WI, WV, and the District of Columbia. Axon is also the sole developer and offeror of the Evidence.com data management services.¹



TASER CEW Descriptions

TASER 7 CEW

- Multiple-shot CEW
- High-efficiency flashlight
- Close Quarter and Standoff cartridges
- Green LASER and dual red LASERs that adjust for cartridge angle
- Arc switch enables drive-stun with or without a Smart Cartridge installed
- Central Information Display (CID): Displays mission critical data such as remaining battery energy, burst time, and cartridge status.
- Weapon logs
- TASER 7 Dock connected to Axon Evidence (Evidence.com) services
- Onboard self-diagnostic and system status monitoring and reporting
- Real-time clock updated when the battery pack is plugged into the TASER 7 Dock
- Ambidextrous safety switch
- Can be configured by the agency to alert Axon camera systems
- The trigger activates a single cycle (approximately five seconds). Holding the trigger down will continue the discharge beyond the standard cycle (unless configured by the agency to stop at five seconds). The CEW cycle can be stopped by placing the safety switch in the down (SAFE) position.
- Compatible with TASER 7 Cartridges only

X2 CEW

- Multiple-shot CEW
- High efficiency flashlight
- Static dual LASERs (used for target acquisition)
- ARC switch enables drive-stun with or without a Smart Cartridge installed
- Central Information Display (CID): Displays mission-critical data such as remaining battery energy, burst time, operating mode, and user menu to change settings and view data on a yellow-on-black display
- The Trilogy log system records information from a variety of sensors into three data logs: Event log, Pulse log, and Engineering log. Data can be downloaded using a universal serial bus (USB) data interface module connected to a personal computer (PC). Data may be transferred to Evidence.com services.

¹ Evidence.com is both a division of Axon and a data management product solution offered by Axon. Evidence.com is not a separate corporate entity.

- Real-time clock with back-up battery
- Onboard self-diagnostic and system status monitoring and reporting
- Ambidextrous safety switch
- Capable of audio/video recording with optional TASER CAM HD recorder
- The trigger activates a single cycle (approximately five seconds). Holding the trigger down will continue the discharge beyond the standard cycle (except when used with an APPM or TASER CAM HD AS). The CEW cycle can be stopped by placing the safety switch in the down (SAFE) position.
- Compatible with TASER Smart Cartridges only

X26P CEW

- High efficiency flashlight
- Red LASER (used for target acquisition)
- Central Information Display (CID): Displays data such as calculated remaining energy, burst time, and notifications
- The Trilogy log system records information from a variety of sensors into three data logs: Event log, Pulse log, and Engineering log. Data can be downloaded using a universal serial bus (USB) data interface module connected to a personal computer (PC). Data may be transferred to Evidence.com services.
- Real-time clock with back-up battery
- Onboard self-diagnostic and system status monitoring and reporting
- Ambidextrous safety switch
- Capable of audio/video recording with optional TASER CAM HD recorder
- The trigger activates a single cycle (approximately five seconds). Holding the trigger down will continue the discharge beyond the standard cycle (except when used with an APPM or TASER CAM HD AS). The CEW cycle can be stopped by placing the safety switch in the down (SAFE) position.
- Compatible with TASER standard series cartridges

Axon Signal Performance Power Magazine (SPPM)

- Battery pack for the TASER X2 and X26P conducted electrical weapons
- Shifting the safety switch from the down (SAFE) to the up (ARMED) positions sends a signal from the SPPM. Upon processing the signal, an Axon system equipped with Axon Signal technology transitions from the BUFFERING to EVENT mode. Axon Signal technology only works with Axon cameras.

Axon Signal Sidearm Sensor

- Can be installed on common duty holsters
- Drawing a service handgun from the holster sends a signal from the Axon Signal Sidearm sensor. Upon processing the signal, an Axon system equipped with Axon Signal technology transitions from the BUFFERING to EVENT mode.

TASER Brand CEW Model Numbers

1. Conducted Electrical Weapons (CEWs):
 - TASER X2 Models: 22002 and 22003
 - TASER X26P Models: 11002 and 11003
2. Optional Extended Warranties for CEWs:
 - X2 - 4-year extended warranty, item number 22014
 - X26P - 2-year extended warranty, item number 11008
 - X26P - 4-year extended warranty, item number 11004
3. TASER standard cartridges (compatible with the X26P; required for this CEW to function in the probe deployment mode):
 - 15-foot Model: 34200
 - 21-foot Model: 44200

- 21-foot non-conductive Model: 44205
 - 25-foot Model: 44203
 - 35-foot Model: 44206
4. TASER Smart Cartridges (compatible with the X2; required for this CEW to function in the probe deployment mode):
 - 15-foot Model: 22150
 - 25-foot Model: 22151
 - 25-foot inert simulation Model: 22155
 - 25-foot non-conductive Model: 22157
 - 35-foot Model: 22152
 - Inert Smart Cartridge Model: 22153
 5. TASER CAM HD recorder Model: 26810 (full HD video and audio) and TASER CAM HD with AS (automatic shut-down feature) Model: 26820. The TASER CAM HD is compatible with both the X26P and X2 CEWs.
 - TASER CAM HD replacement battery Model: 26764
 - TASER CAM HD Download Kit Model: 26762
 - TASER CAM HD optional 4-year extended warranty, item number 26763
 6. Power Modules (Battery Packs) for X26P and X2 CEWs:
 - Performance Power Magazine (PPM) Model: 22010
 - Tactical Performance Power Magazine (TPPM) Model: 22012
 - Automatic Shut-Down Performance Power Magazine (APPM) Model: 22011
 - eXtended Performance Power Magazine (XPPM) Model: 11010
 - eXtended Automatic Shut-Down Performance Power Magazine (XAPPM) Model: 11015
 - Axon Signal Performance Power Magazine (SPPM) Model: 70116
 7. TASER Dataport Download Kits:
 - Dataport Download Kit for the X2 and X26P Model: 22013
 8. TASER Blast Door Repair Kit Model 44019 and TASER Blast Door Replenishment Kit Model 44023
 9. TASER Simulation Suit II Model 44550

Axon Digital Evidence Solution Description

Axon Body 3 Video Camera (DVR)

- Improved video quality with reduced motion blur and better low-light performance
- Multi-mic audio—four built-in microphones
- Wireless upload option
- Gunshot detection and alerts
- Streaming audio and video capability
- "Find my camera" feature
- Verbal transcription with Axon Records (coming soon)
- End-to-end encryption
- Twelve-hour battery
- Up to 120-second buffering period to record footage before pressing record button

Axon Flex 2 Video Camera

- Video playback on mobile devices in the field via Bluetooth pairing
- Retina Low Light capability sensitive to less than 0.1 lux
- Audio tones to alert user of usage
- Low SD, high SD, low HD, and high HD resolution (customizable by the agency)
- Up to 120-second buffering period to record footage before pressing record button

- Multiple mounting options using magnetic attachment: head, collar, shoulder, helmet, ball cap, car dash, and Oakley sunglass mounts available
- 120-degree diagonal field of view camera lens. 102-degree horizontal field of view, and 55-degree vertical field of view

Axon Flex 2 Controller

- 12+ hours of battery operation per shift (even in recording mode)
- LED lights to show current battery level and operating mode
- Haptic notification available
- Tactical beveled button design for use in pocket
- Compatible with Axon Signal technology

Axon Body 2 Video Camera

- Video playback on mobile devices in the field via Bluetooth pairing
- Retina Low Light capability sensitive to less than 1 lux
- Audio tones and haptic (vibration) notification to alert user of usage
- Audio mute during event option
- Wi-Fi capability
- High, medium, and low quality recording available (customizable by the agency)
- Up to two-minute buffering period to record footage before pressing record button
- Multiple mounting options using holster attachment: shirt, vest, belt, and dash mounts available
- 12+ hours of battery operation per shift (even in recording mode)
- LED lights to show current battery level and operating mode
- 143-degree lens
- Includes Axon Signal technology

Axon Fleet 2 Camera

- High-definition video system with wide field of view, zoom, infrared for the back seat and wireless microphone integration
- Intuitive mobile data terminal app, Axon View XL, for quick tagging, uploads and more on the fly
- Ability to efficiently categorize, play back and share all video alongside other digital files on Evidence.com
- Multi-cam playback, for reviewing up to four videos, including body-worn and in-car footage, at the same time
- Best-in-class install times and quick remote troubleshooting
- Fully integrated with Evidence.com services and Axon devices
- Automatic time synchronization with other Axon Fleet and Axon on-officer cameras allows for multi-camera playback on Evidence.com.
- Immediate upload to Evidence.com of critical event videos via 4G/LTE
- Wireless alerts from the TASER CEW Signal Performance Power Magazine (SPPM).
- Automatic transition from BUFFERING to EVENT mode in an emergency vehicle equipped with the Axon Signal Unit

Axon Fleet Camera

- In-car camera with the technological advantages of the Axon Body 2 camera
- Flexible mount that enables pointing the camera in multiple directions
- Automatic transition from buffering to event mode in an emergency vehicle equipped with the Axon Signal Unit

Axon Signal Unit (ASU)

- Communications device that can be installed in emergency vehicles.
- With emergency vehicle light bar activation, or other activation triggers, the Axon Signal Unit sends a signal. Upon processing the signal, an Axon system equipped with Axon Signal technology transitions from the BUFFERING to EVENT mode.

Axon Interview Solution

- High-definition cameras and microphones for interview rooms
- Covert or overt camera installations
- Touch-screen user interface
- Motion-based activation
- Up to 7-minute pre- and post-event buffering period
- Full hardware and software integration
- Upload to Evidence.com services
- Interview room files can be managed under the same case umbrella as files from Axon on-officer cameras and Axon Fleet cameras; i.e., Axon video of an arrest and interview room video are managed as part of the same case in Evidence.com
- Dual integration of on-officer camera and interview room camera with Evidence.com digital evidence solution

Axon Signal Technology

- Sends a broadcast of status that compatible devices recognize when certain status changes are detected.
- Only compatible with TASER and Axon products

Axon Dock

- Automated docking station uploads to Evidence.com services through Internet connection
- No computer necessary for secure upload to Evidence.com
- Charges and uploads simultaneously
- The Axon Dock is tested and certified by TUV Rheinland to be in compliance with UL 60950-1: 2007 R10.14 and CAN/ CSA-C22.2 N0.60950-I-07+A1:2011+A2:2014 Information Technology Equipment safety standards.

Evidence.com Data Management System

- Software as a Service (SaaS) delivery model that allows agencies to manage and share digital evidence without local storage infrastructure or software needed
- SaaS model reduces security and administration by local IT staff: no local installation required
- Automatic, timely security upgrades and enhancements deployed to application without the need for any local IT staff involvement
- Securely share digital evidence with other agencies or prosecutors without creating copies or requiring the data to leave your agency's domain of control
- Controlled access to evidence based on pre-defined roles and permissions and pre-defined individuals
- Password authentication includes customizable security parameters: customizable password complexity, IP-based access restrictions, and multi-factor authentication support
- Automated category-based evidence retention policies assists with efficient database management
- Ability to recover deleted evidence within 7 days of deletion
- Stores and supports all major digital file types: .mpeg, .doc, .pdf, .jpeg, etc.
- Requires NO proprietary file formats
- Ability to upload files directly from the computer to Evidence.com via an Internet browser
- Data Security: Robust Transport Layer Security (TLS) implementation for data in transit and 256-bit AES encryption for data in storage
- Security Testing: Independent security firms perform in-depth security and penetration testing
- Reliability: Fault- and disaster-tolerant infrastructure in at least four redundant data centers in both the East and West regions of the United States
- Chain-of-Custody: Audit logs automatically track all system and user activity. These logs cannot be edited or deleted, even by account administrators and IT staff
- Protection: With no on-site application, critical evidence stored in Evidence.com is protected from local malware that may penetrate agency infrastructure
- Stability: Axon Enterprise is a publicly traded company with stable finances and funding, reducing

- concerns of loss of application support or commercial viability
- Application and data protected by a CJIS and ISO 27001 compliant information security program
- Dedicated information security department that protects Evidence.com and data with security monitoring, centralized event log analysis and correlation, advanced threat and intrusion protection, and incident response capabilities
- Redact videos easily within the system, create tags, markers and clips, search seven fields in addition to five category-based fields, create cases for multiple evidence files

Evidence.com for Prosecutors

- All the benefits of the standard Evidence.com services
- Ability to share information during the discovery process
- Standard licenses available for free to prosecutors working with agencies already using Evidence.com services
- Unlimited storage for data collected by Axon cameras and Axon Capture

Axon Capture Application

- Free app for IOS and Android mobile devices
- Allows users to capture videos, audio recordings, and photos and upload these files to their Evidence.com account from the field
- Allows adding metadata to these files, such as: Category, Title, Case ID, and GPS data

Axon Commander Services

- On-premises data management platform
- Chain of custody reports with extensive audit trail
- Automated workflows, access control, storage, and retention
- Compatible with multiple file formats

Axon View Application

- Free app for IOS and Android mobile devices
- Allows user to view the camera feed from a paired Axon Body, Axon Body 2, Axon Flex, or Axon Flex 2 camera in real-time
- Allows for playback of videos stored on a paired Axon Body Axon Body 2, Axon Flex, or Axon Flex 2 system
- Allows adding meta-data to videos, such as: Category, Title, Case ID, and GPS data

Axon Professional Services

- Dedicated implementation team
- Project management and deployment best practices aid
- Training and train-the-trainer sessions
- Integration services with other systems

Axon Customer Support

- Online and email-based support available 24/7
- Human phone-based support available Monday–Friday 7:00 AM–5:00 PM MST; support is located in Scottsdale, AZ, USA
- Library of webinars available 24/7
- Remote-location troubleshooting



Axon Brand Model Numbers

1. Axon Body 3 Camera Model: 73202
2. Axon Flex 2 Cameras:
 - Axon Flex 2 Camera (online) Model: 11528
 - Axon Flex 2 Camera (offline) Model: 11529
3. Axon Flex 2 Controller Model: 11532
4. Axon Flex 2 USB Sync Cable Model: 11534
5. Axon Flex 2 Coiled Cable, Straight to Right Angle, 48" (1.2 m)
6. Axon Flex 2 Camera Mounts:
 - Oakley Flak Jacket Kit Model: 11544
 - Collar Mount Model: 11545
 - Oakley Clip Model: 11554
 - Epaulette Mount Model: 11546
 - Ballcap Mount Model: 11547
 - Ballistic Vest Mount Model: 11555
 - Universal Helmet Mount Model: 11548
7. Axon Body 2 Camera Model: 74001
8. Axon Flex 2 Controller and Axon Body 2 Camera Mounts:
 - Z-Bracket, Men's, Axon RapidLock Model: 74018
 - Z-Bracket, Women's Axon RapidLock Model: 74019
 - Magnet, Flexible, Axon RapidLock Model: 74020
 - Magnet, Outerwear, Axon RapidLock Model: 74021
 - Small Pocket, 4" (10.1 cm), Axon RapidLock Model: 74022
 - Large Pocket, 6" (15.2 cm), Axon RapidLock Model: 74023
 - MOLLE Mount, Single, Axon RapidLock Model: 11507
 - MOLLE Mount, Double, Axon RapidLock Model: 11508
 - Belt Clip Mount, Axon RapidLock Model: 11509
9. Axon Fleet Camera Model: 74001
10. Axon Signal Unit Model: 70112
11. Axon Dock Models:
 - Axon Dock – Individual Bay and Core for Axon Flex 2 Model: 11536
 - Axon Dock – 6-Bay and Core for Axon Flex 2 Model: 11537
 - Individual Bay for Axon Flex 2 Model: 11538
 - Core (compatible with all Individual Bays and 6-Bays) Model: 70027
 - Wall Mount Bracket Assembly for Axon Dock: 70033
 - Axon Dock – Individual Bay and Core for Axon Body 2 and Axon Fleet Model 74009
 - Axon Dock – 6-Bay and Core for Axon Body 2 and Axon Fleet Model 74008
 - Individual Bay for Axon Body 2 and Axon Fleet Model: 74011

TASER Product Packages

1. **Officer Safety Plan:** Includes an X2 or X26P conducted energy weapon (CEW), Axon camera and Dock upgrade, and Evidence.com license and storage. See your Sales Representative for further details and Model numbers.
2. **Officer Safety Plan 7:** Includes a TASER 7 conducted electrical weapon (CEW), Axon camera and Dock upgrade, Axon Evidence (Evidence.com) licenses and storage, and Axon Records Core.
3. **TASER 7 Certification:** Pays for TASER 7 program in installments over 5 years including access to Evidence.com for CEW program management, annual training cartridges, unlimited duty cartridges and online training content.
4. **TASER Certification Add-On:** Allows the agency to pay an annual fee to receive an annual allotment of training cartridges, unlimited duty cartridges and online training content.
5. **TASER Assurance Plan (TAP):** Hardware extended coverage, Spare Products (for Axon cameras), and Upgrade Models, for the Axon Flex camera and controller, Axon Body camera, and Axon Dock. (The TAP is available only through Axon Enterprise, Inc.)
6. **TASER 60:** Pay for X2 and X26P CEWs and Spare Products in installments over 5 years.
7. **Unlimited Cartridge Plan:** Allows the agency to pay an annual fee to received annual training cartridges, unlimited duty cartridges and unlimited batteries for the X2 and X26P.
8. **TASER 60 Unlimited:** Pays for X2 and X26P CEWs and Spare Products in installments over 5 years and receive unlimited cartridges and batteries.

Please contact your local Axon sales representative or call us at 1-800-978-2737 with any questions.

Sincerely,



Josh Isner
Chief Revenue Officer
Axon Enterprise, Inc.

Android is a trademark of Google, Inc., Bluetooth is a trademark of the Bluetooth SIG, Flak Jacket is a trademark of Oakley, Inc., iPod touch is a trademark of Apple Inc., IOS is a trademark of Cisco, Shoen is a trademark of Shoen Co., Ltd., VELCRO is a trademark of Velcro Industries, B.V., and Wi-Fi is a trademark of the Wi-Fi Alliance.

▲, ▲ AXON, Axon, Axon Body 2, Axon Body 3, Axon Capture, Axon Dock, Axon Evidence, Axon Fleet, Axon Fleet 2, Axon Flex 2, Axon Interview, Axon RapidLock, Axon Records, Axon Signal, Axon Signal Sidearm, Axon Signal Vehicle, Axon View, Evidence.com, Smart Cartridge, Trilogy, TASER CAM, X2, X26P, TASER 7, TASER, and Ⓢ are trademarks of Axon Enterprise, Inc., some of which are registered in the US and other countries. For more information, visit www.axon.com/legal. All rights reserved. © 2019 Axon Enterprise, Inc.

TIMOTHY B. HOWARD
SHERIFF

JOHN W. GREENAN
UNDERSHERIFF



SHERIFF OF ERIE COUNTY

ADMINISTRATIVE OFFICES

10 DELAWARE AVENUE
BUFFALO, NEW YORK 14202-3913
(716) 858-7618
FAX: (716)858-7680

POLICE SERVICES

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

December 2, 2020

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

Re: Award Professional Services Contract for Correctional Health Comprehensive Occupational Health Software.

Dear Honorable Members:

The attached resolution requests authorization to award Immuware RFP #2020-033VF for professional services to provide comprehensive Occupational Health Software to the Erie County Sheriff's Office – Division of Correctional Health for inmate health care needs.

Representatives of the Sheriff's Office will be available to answer any questions.

Very truly yours,

TIMOTHY B. HOWARD
SHERIFF OF ERIE COUNTY

Attachments

ACCOMPANYING MEMORANDUM

Re: Award Professional Services Contract for Correctional Health Division Comprehensive Occupational Health Software (RFP #2020-033VF).

I. Summary of Recommended Actions

The attached resolution has been requested by the Sheriff's Office seeking authorization to award Immuware, 55 W. Monroe Suite 1655, Chicago, IL 60603, the contract for RFP #2020-033VF for correctional health Occupational Health Software.

II. Fiscal Implications of Proposal

This resolution seeks approval to accept RFP and award a contract to Immuware Software, which will not require approval for additional funds.

Initial Setup for Immuware: \$62,750
Yearly Maintenance Fee: \$54,950

III. Reasons for Recommendation

The Erie County Sheriff's Office needs authorization to award RFP #2020-033VF and enter into a 3-year contract (2-years with an optional third year) with Immuware to provide Occupational Health Software to the Erie County Sheriff's Office – Division of Correctional Health for employee health. After a local, state, and nationwide search utilizing Legislature approved media for advertising purposes, the Division of Correctional Health received one submission.

IV. Consequences of Negative Action

Failure to approve this request will prevent the Sheriff's Office from awarding the RFP to the best-qualified company and leave the Division of Correctional Health; Occupational Health not following the community best practice guidelines.

V. Steps Following Approval of Measure

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

PROPOSED RESOLUTION

Re: Award Professional Services Contract for Correctional Health Division Comprehensive Laboratory Services (RFP #2020-033VF)

WHEREAS, The Erie County Sheriff's Office – Division of Correctional Health (DoCH) is committed to providing the highest level of inmate care at the Erie County Holding Center and the Erie County Correctional Facility; and

WHEREAS, the DoCH is utilizing a vendor from New York State's bidder list; and

WHEREAS, the DoCH has 1,200 employees and performs Respiratory fit testing to each employee as well as annual infectious disease screening; and

WHEREAS, since acquiring oversight of the DoCH, the Erie County Sheriff's Office has developed a robust occupational health office; and

WHEREAS, in accordance with OSHA/PESH, all employee injuries, compensation cases, infectious disease screening, drug screening, and wellness will be overseen by the DoCH, Occupational Health Office; and

WHEREAS, the Sheriff's Division of Correctional Health received one proposal for the RFP; and

WHEREAS, the company would provide 24/7, customer service for both Erie County Sheriff's Office Facilities; and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office is hereby authorized to award RFP #2020-033VF to Immuware Software for on-site employee health services; and be it further

RESOLVED, that authorization is granted to the County Executive and the Erie County Sheriff's Office, by the Erie County Legislature, to enter into a three (3) agreement with Immuware Software for on-site employee health services for 1,200 employees of the Erie County Sheriff's Office; and be it further

RESOLVED, the agreement states that after the second year of the three-year agreement, the Erie County Sheriff's Office – Division of Correctional Health and the County of Erie may opt out of the agreement with proper notification; and be it further

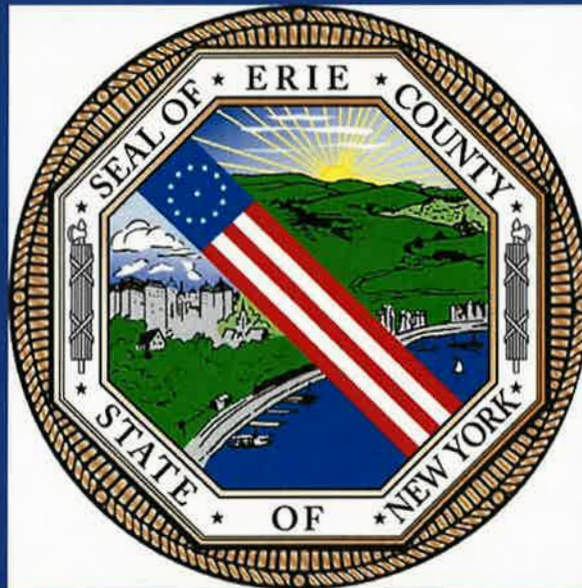
RESOLVED, certified copies of this resolution shall be forwarded to the County Executive, County Attorney, Division of Budget and Management, Erie County Comptroller, Division of Purchase, and the Sheriff's office for implementation.

**FULL ITEM CAN BE
ACCESSED HERE**

ERIE COUNTY, NEW YORK

POLICE REFORM CITIZEN TASK FORCE

**Final
REPORT AND RECOMMENDATIONS**



relating to

**THE ERIE COUNTY SHERIFF'S OFFICE
POLICE SERVICES DIVISION**

March 2, 2021

**Erie County Corrections
Specialist Advisory Board
Old County Hall**

92 Franklin St., 4th Floor
Buffalo, NY 14202
Switchboard: 716/858-7500



Jonathan Miles Gresham, Chair
Cindi McEachon, Vice Chair

Members:

Ysaías Feliz	Ann Venuto
George Baba Eng	Keisha Williams
Corey McCarthy	Heron Simmonds
Michael Ranney	Kenneth Colon
	Michael Deal

February 24, 2021

Thomas Diina, Superintendent
Jail Management Division
Erie County Sheriff's Office
10 Delaware Avenue
Buffalo, New York 14202

Re: Request for input on the proposed draft pre-release plan

Dear Superintendent Diina:

As per your electronic request dated December 4, 2020, the Erie County Corrections Specialist Advisory Board (ECCSAB) has reviewed the supplied ECSO draft Pre-Release Center proposal and is in support of bringing this proposed vision to reality. Overall, we believe the proposal to be written and thought out well however would recommend the use of updated annual data to reflect 2020 numbers, as well as current data on Project Blue and New Dawn's outcomes.

Below are additional comments/questions for consideration:

1. It would be helpful to understand sentenced versus unsentenced prisoners held within the Jail Management Division and how it might impact this proposal.
2. Suggest saying what ECSAAP stands for and clarify if it is still operating, as it was stopped in 2020.
3. The NYS Office of Addiction & Support Services OASAS has stated that they no longer partner with the pharmaceutical company Alkermes and that cost free Vivitrol is no longer provided.
 - a. Will this continue if the Vivitrol option is no longer free? Per OASAS, they support use of all 3 Medication Assisted Treatment medications.
 - b. Suggest strengthening the language and making this an action item rather than exploratory. This is common practice in the community, exists in several NYS jails and is being implemented in prisons too. We believe this will reduce ECSO liability-as this is a standard of care in the community.
4. Full support of a Virtual Learning Suite, we believe this is a great idea and is a major need.
5. We request consideration in addressing racial inequities and target engaging minority populations in prerelease programming.
6. In addition to case managers doing reentry services, who else uses the ACTS risk tool? If not already, can it be expanded for use with Security, Medical, and Mental Health staff?
7. Page 6 under "Broadening Scope"; are you looking to offer reentry services to those not incarcerated yet?
8. The proposal acknowledges the importance of family visitations on the inmates' well-being. Providing free or low-cost transportation should be implemented as soon as possible to prevent interruptions.
 - a. Is it possible to facilitate or expand virtual visitation for family members that are unable to do in-person visits?

- b. If the NFTA continues to not re-establish a bus to Alden, then what other avenue will the ECSO pursue to assure inmate contact with family and significant others?
- 9. Job training: do you intend to reassess current offerings?
 - a. Are there programs that are underutilized?
- 10. Page 10, 6. a. Have you considered this position being a qualified female Command Level Officer?
- 11. As a point of clarity, do you anticipate the proposed pre-release services to be mandatory for every prisoner?
 - a. If it is not mandatory, are there ways to incentivize participation in reentry programming?
 - b. Can eligibility status change? Risk assessment reevaluation – assess whether inmate is more or less of risk. This may encourage positive behavior.

Thank you for your consideration and please contact us if you have any additional questions or would like to discuss the matter further.

Sincerely,

Erie County Corrections Specialist Advisory Board

cc: Timothy Howard, Erie County Sheriff
Howard Johnson, Public Safety Committee Chair, Erie County Legislature

ERIE COUNTY LEGISLATURE

HON. HOWARD J. JOHNSON, JR.
1ST DISTRICT LEGISLATOR



☐ 427 William St.
Buffalo, NY 14204
716/842-0490
FAX: 716/854-5722
Howard.Johnson@erie.gov

☐ 92 Franklin St., 4th Fl.
Buffalo, NY 14202
716/858-8825
FAX: 716/858-8895

March 5, 2021

Anthony J. Annucci, Acting Commissioner
New York State Department of Corrections and Community Supervision
Building #2, 1220 Washington Avenue
Albany New York, 12226

Re: Clarification on State-Ready Prisoners and Parolees' Status During COVID Pandemic

Dear Commissioner Annucci:

I am writing to seek clarification from the New York State Department of Corrections and Community Supervision ("DOCCS") concerning State-ready prisoners and State-violated parole offenders who are in custody in the Erie County Sheriff's Office's Division of Jail Management.

I have been informed by the Erie County Sheriff's Office's Superintendent of Jail Management that there are 148 prisoners in their custody who have been sentenced by a court and are ready for transportation to incarceration in your custody in a State prison. The average length of stay in the Erie County Sheriff's custody for a state-ready prisoner in 2020 was 83 days.

There are also 228 State parolees who are in County custody for violating their State parole conditions, and who are also ready for State custody in the DOCCS. The average length of stay in the Erie County Sheriff's custody for a State parolee in 2020 was 100 days.

However, for whatever reason, DOCCS has not taken custody of these State prisoners, meaning that they are not only costing Erie County government \$333.17 per day, per prisoner, in expense, but most critically right now, these prisoners are at daily risk of COVID exposure in Erie County's facilities.

What are DOCCS' plans for either (1) taking custody of the Erie County prisoners; or (2) potentially releasing non-violent offenders and technical parole violators under Governor Andrew Cuomo's 2020 executive order to help avert and mitigate COVID risk and exposure in the prison environment?

Thank you in advance for your assistance and consideration. I look forward to hearing from you.

Sincerely,

Howard Johnson, Jr.
Chair, Public Safety Committee



ERIE COUNTY LEGISLATURE

HON. JOSEPH C. LORIGO
10TH DISTRICT LEGISLATOR
MINORITY LEADER

March 4, 2021

Bar Association of Erie County
Mr. Oliver C. Young, Esq.
438 Main Street, 6th Floor
Buffalo, NY 14202

RE: Board Appointment Recommendation

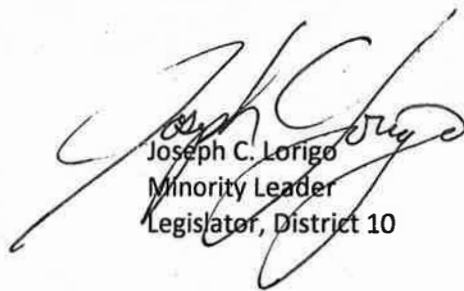
Dear Mr. Young:

I am writing in my capacity as the Minority Leader of the Erie County Legislature to fulfill my responsibility to recommend a board member to serve on the Board of Directors of the Erie County Bar Association Aid to Indigent Prisoners Society, Inc.

I would like to recommend Mr. Peter Vasilion, 4620 Boncrest Drive E, Williamsville, NY 14221, for reappointment for another one year term.

Thank you for your attention to this matter. If you have any questions regarding this recommendation, please feel free to contact me.

Sincerely,



Joseph C. Lorigo
Minority Leader
Legislator, District 10

cc: Peter Vasilion
Michelle M. Parker

Callan, Timothy

From: Graber, Robert
Sent: Wednesday, March 3, 2021 9:19 AM
To: Callan, Timothy; Mulligan, Sean
Subject: Fw: Erie County Police Reform Public Comment
Attachments: Civil Rights and Transparency Clinic Public Comment.pdf

From: Higgins, Michael <mh93@buffalo.edu>
Sent: Tuesday, March 2, 2021 9:54 PM
To: Graber, Robert
Cc: Abraham, Heather
Subject: Erie County Police Reform Public Comment

[Caution: this email is **not** from an Erie County employee: attachments or links **may not be safe.**]

Robert Graber, Clerk
Erie County Legislature

Mr. Graber:

Please accept the attached public comment in response to the Preliminary Report and Recommendations of the Police Reform Citizen Task Force.

The Civil Rights & Transparency Clinic submits this comment with the hope that the Erie County Legislature will direct the task force to reopen the public comment period to encourage more community participation or solicit additional public comment on its own.

Finally, we ask that you note that we attempted to submit these timely comments within the time period announced by the County as March 1, 2020, but the office closed the submission portal at 5pm on March 1, without notice. The task force declined to include this comment after we emailed its members later that day. Regrettably, this confirms our observation that the task force is disinterested in or discourages public comment. Accordingly, we are submitting our comments directly to the legislature, and ask that you include them among the publicly submitted comments.

Thank you for your consideration.

Michael F. Higgins
Assistant Director | Civil Rights and Transparency Clinic
Externships Director
516 O'Brian Hall, North Campus
University at Buffalo
Buffalo, NY 14260-1100
716-645-3041
Pronouns (he/him)

NOTICE: This message may contain legally privileged and confidential information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or use of information in this message is strictly prohibited. If you received this communication in error, please notify me by telephone or email immediately and destroy all printed and electronic copies.



Erie County Police Reform Citizen Task Force
Edward A. Rath County Office Building
95 Franklin Street
Buffalo, NY 14202

March 1, 2020

***Re: Public Comments to the Preliminary Report and Recommendations Relating to the
Erie County Sheriff's Office Police Services Division***

Erie County Police Reform Citizen Task Force:

Please accept the following comments in response to the open public comment period ending March 1, 2020 on the matter of the Preliminary Report and Recommendations of the Police Reform Citizen Task Force. The Civil Rights & Transparency Clinic timely submits these comments with the hope that the Task Force will reopen the public comment period to encourage more community participation for the reasons detailed below, as intended by Executive Order 203 (June 12, 2020). Thank you for your consideration.

**PUBLIC COMMENTS
March 1, 2020**

I. The Citizen Task Force Report Should Elevate the Voices of Individuals Harmed by Police Violence.

The purpose of Executive Order 203 is to “promote community engagement to foster trust, fairness, and legitimacy, and to address any racial bias and disproportionate policing of communities of color.”¹ Critical to this process is elevating the voices of individuals who have been the most harmed by past policing practices. This should include individuals who have experienced police violence and members of communities of color, who are disproportionately policed.² Individuals and communities who have experienced the effects of over-policing are more

507 O'Brian Hall, Buffalo, NY 14260
716.645.2167
law-clinic@buffalo.edu
www.law.buffalo.edu/clinics

¹ Executive Order 203 (June 12, 2020).

² See Monica C. Bell, *Police Reform and the Dismantling of Legal Estrangement*, 126 Yale L. J. 2051 (2017).

likely to identify facially neutral policies that have discriminatory impact and thereby generate solutions. Moreover, listening to and amplifying these voices will improve trust in the reform process and the ultimately legitimacy of any adopted reforms.

The preliminary report, and the process of developing it, raises serious concerns that the Task Force has not adequately engaged affected communities. One commenter expressed her genuine concern that the “task force does not truly represent those most affected by state sanctioned police violence.”³ To overcome distrust of those marginalized communities the Task Force should engage and elevate these experiences by actively seeking comment from people who have experienced police violence or live in a community most affected by policing. Specifically, the report should systematically analyze the community voices and add representative narrative passages to the report.⁴ As one illustration of its shortcomings, the report does not contain any analysis of responses to the open-ended questions in its community survey, yet it features responses from a survey of sheriff’s deputies. The report itself acknowledges that its community survey is of questionable relevance to conclusions about racial disparities in policing because the sample is overwhelmingly white. Thus, it appears that the Task Force recognizes that it needs to take more meaningful steps to elevate the voices of impacted communities. We strongly urge the Task Force to take those steps.

II. The Public Comment Period Should Be Extended.

The Task Force should recognize that the people most affected by policing often lack the resources and access necessary to comment on a report in a short period of time. The Task Force Draft report was published February 23, 2021 and requests that all public comment be submitted by March 1, 2021. In total, this marks a process of less than one week, which is not only inadequate time to review a 228-page report, but it also strongly suggests the Task Force is disinterested or otherwise discourages public response. In our observation, even some of our community’s most active and engage nonprofits and community groups strained to learn of the report’s release and submit comments by the deadline. At a minimum, the comment period should be extended.

Moreover, we strongly urge the Task Force to solicit comments from marginalized communities in a manner that recognizes the disproportionate burden of accessing and commenting on this digital report through an online portal. Additionally, the Task Force should adopt alternative methods to disseminate its report and accept comments through the following means:

- 1) Distributing printed copies,
- 2) Holding community forums to solicit comment on the report,
- 3) Soliciting and accepting comment by telephone, mail, and drop boxes in the most policed communities, and
- 4) Partnering with nonprofits that interact with people impacted by the criminal justice system to distribute the report and solicit comment.

³ Comment by Salena Raszewski, Erie County Police Reform & Reinvention Collaborative Task Force Meeting 3 (Oct. 26, 2020), recording available at www.youtube.com/watch?v=7PCYt_FtZ0.

⁴ See Cody Taylor, *Reimagining Policing: The City of Ithaca and Tompkins Offer Alternatives to Policing* (describing *Public Safety Reimagined*, a collaborative report designed pursuant to Executive Order 203 by the City of Ithaca & Tompkins County, NY, which provides a methodology for identifying and elevating community voices most impacted by over-policing, at page 25).

Thank you for your attention to these concerns. We the Task Force's report has the potential to impact our community for decades to come. We are confident reopening the public comment period and redesigning the process to solicit more public input will improve the report's impact toward its intended goal of promoting community engagement to foster trust, fairness, and legitimacy, and to address any racial bias and disproportionate policing of communities of color.⁵

Sincerely,

Heather Abraham
Director

Michael F. Higgins
Assistant Director

Civil Rights and Transparency Clinic
University at Buffalo School of Law

⁵ Executive Order 203 (June 12, 2020).

TIMOTHY B. HOWARD
SHERIFF

JOHN W. GREENAN
UNDERSHERIFF



ADMINISTRATIVE OFFICES

10 DELAWARE AVENUE
BUFFALO, NEW YORK 14202-3913
(716) 858-7618
FAX: (716)858-7680

POLICE SERVICES

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

SHERIFF OF ERIE COUNTY

April 7, 2021

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

Re: K9 Retirement and Transfer

Dear Honorable Members:

The attached resolution requests authorization to retire K9s, and transfer ownership to the handlers.

Representatives from the Sheriff's Office will be available to answer any questions.

Very truly yours,

TIMOTHY B. HOWARD
SHERIFF OF ERIE COUNTY

Attachments

ACCOMPANYING MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Sheriff's Office
Re: K9 Retirement and Transfer
Date: April 7, 2021

Summary of Recommended Action

The attached resolution seeks authorization to retire three K9s and transfer the dogs' ownership to the current handlers for \$1.00.

Fiscal Implications of Proposal

The transfer of the canines will have a positive effect on the 2021 Budget.

Reasons for Recommendation

The Erie County Sheriff's Office (ECSO) needs the authorization to transfer ownership of the canine to the current handlers for \$1.00.

Consequences of Negative Action

The Sheriff's Office could not retire the canines and transfer ownership.

Steps Following Approval of Measure

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

**A RESOLUTION SUBMITTED BY:
ERIE COUNTY SHERIFF'S OFFICE**

Re: K9 Retirement and Transfer

WHEREAS, the Erie County Sheriff's Office (ECSO) recently trained and certified new explosives detection K9 for the Police Services Division; and

WHEREAS, Deputy Bradley Girdler is retiring from the Sheriff's Office following more than twenty years of service to the citizens of Erie County; and

WHEREAS, since the handler/canine relationship is special and unique, it is appropriate to transfer ownership to the handler; and

WHEREAS, the Sheriff's Office, the County, and the Legislature have granted K9 transfers in the past, allowing the dog to remain with the family it has lived with for many years.

NOW, THEREFORE, BE IT

RESOLVED, the Legislature hereby authorizes the Erie County Executive and the Erie County Sheriff's Office to enter into an agreement with Deputy Bradley Girdler for the consideration of one (1) U.S. Dollar for the transfer of ownership of Loki; and be it further

RESOLVED, the Legislature hereby authorizes the Erie County Executive and the Erie County Sheriff's Office to enter into an agreement with Deputy Bradley Girdler for the consideration of one (1) U.S. Dollar for the transfer of ownership of Leiche; and be it further

RESOLVED, the Legislature hereby authorizes the Erie County Executive and the Erie County Sheriff's Office to enter into an agreement with Sergeant Jordan Grabar for the consideration of one (1) U.S. Dollar for the transfer of ownership of Cort; and be it further

RESOLVED, the aforementioned Deputies shall assume full responsibility for the respective canine under such agreement and shall further hold the County of Erie and the Erie County Sheriff's Office harmless against any and all liability; be it further

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



FD-EG APR01 '21 11:10

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

March 25, 2021

The Honorable
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: Appointment to the Erie County Department Central Police Services Board of Trustees

Dear Honorable Members:

Pursuant to Section 15.03 of the Erie County Charter, I do hereby appoint the following individual to the Central Police Services Board of Trustees for a term expiring December 31, 2022.

Appointee

James P. Stauffiger

Chief of Police

Town of Tonawanda Police Department

1835 Sheridan Drive

Tonawanda, NY 14223

Should you have any questions regarding this appointment, please feel free to contact my office at (716) 858-8500.

Sincerely yours,

Mark C. Poloncarz

Erie County Executive

MCP/ks

cc: James A. Jancewicz, Commissioner of Central Police Services

James P. Stauffiger

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Comm. 8E-4

1 of 1

ERIE COUNTY LEGISLATURE

HON. JEANNE M. VINAL, ESQ.
5TH DISTRICT LEGISLATOR



13 Lincoln Rd.
Amherst, NY 14226
(716) 836-0198
Fax: (716) 836-0199

92 Franklin St., 4th Fl.
Buffalo, NY 14202
(716) 858-8856
Fax: (716) 858-8895

Christine Obringer
Chief of Staff
Christine.Obringer@erie.gov

March 23, 2021

Sheriff Timothy B. Howard
Erie County Sheriff's Department
10 Delaware Ave.
Buffalo, NY 14202

Re: Death; Transparency; and Working with Government Partners

Dear Sheriff Howard:

I am concerned as to the lack of communication with the Legislators as to the two deaths. I am a cosponsor of the Local Law requiring transparency. These two recent deaths highlight the need for transparency; silence breeds fear, uncertainty, and doubt.

Every person elected to serve in Erie County wants to work with the Sheriff to provide a safe place and to make sure every person's rights afforded by our State and US Constitution are met.

Please provide full information as to the circumstances and causes of death of both individuals, including who did medical and psych evaluation and if the recommended actions thereby were taken, and when last affirmatively checked before the adverse incident and when discovered having or had adverse event.

Thank you for your courtesies and cooperation in this matter.

Very truly yours,

Jeanne M. Vinal

JMV/co

Website: www.erie.gov/vinal • E-Mail: Jeanne.Vinal@erie.gov

TIMOTHY B. HOWARD
SHERIFF

JOHN W. GREENAN
UNDERSHERIFF



SHERIFF OF ERIE COUNTY

ADMINISTRATIVE OFFICES

10 DELAWARE AVENUE
BUFFALO, NEW YORK 14202-3913
(716) 858-7618
FAX: (716)858-7680

POLICE SERVICES

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

April 9, 2021

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

Re: Narco and Rope Rescue Team Vehicles – Transfer Seized Asset Funds

Dear Honorable Members:

The attached resolution requests authorization to allow the Erie County Sheriff’s Office to transfer funds from the Asset Forfeiture Trust Account to acquire vehicles for the Narcotics and Intelligence Unit and SWAT’s Rope Rescue Team. The Sheriff’s Office will also customize the rope rescue truck to carry the necessary life-saving equipment.

Representatives from the Sheriff’s Office will be available to answer any questions.

Very truly yours,

TIMOTHY B. HOWARD
SHERIFF OF ERIE COUNTY

Attachments

ACCOMPANYING MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Sheriff's Office
Re: Narco and Rope Rescue Vehicles-- Transfer Seized Asset Funds
Date: April 9, 2021

Summary of Recommended Action

The Legislature needs to approve the transfer of seized asset funds and approve the purchase of the vehicles and equipment.

Fiscal Implications of Proposal

This resolution will not have any impact on the 2021 County Budget.

Reasons for Recommendation

The Erie County Sheriff's Office Narcotics Unit currently uses patrol and undercover vehicles to transport illegal and deadly narcotics and seized weapons. This procedure exposes Deputies to the possibility of drug packaging opening or tearing and spilling into the vehicle's cabin. And, if this was fentanyl, this spill could kill the vehicle's driver and passengers. Additionally, the new pickup truck will be able to transport large caches of weapons in one trip.

An essential component of the SWAT Team is the Rope Rescue Team. The team has conducted rescues at Chestnut Ridge Park and within the Zoar Valley recreational area. Currently, the Sheriff's Office does not have a dedicated vehicle to carry the necessary equipment and supplies to a rescue. The team relies on multiple vehicles from across the county to transport equipment, and the vehicles may arrive at different times.

The team also seeks to purchase a specialized drone to enhance search and rescue operations along with the rope rescue truck. The drone can operate without access to the internet or Wi-Fi connections, and the unmanned unit can also work without communicating with a satellite. These capabilities allow for confined space searches and operate when digital connections are not available.

The ECSO is requesting authorization to transfer \$215,979.00 from the seized asset account to acquire the vehicles and equipment.

As of March 31, the balance of the account is \$536,660.00.

Consequences of Negative Action

Failure to approve this request will prevent the Sheriff's Office from utilizing seized assets to purchase life-saving vehicles and equipment.

Steps Following Approval of Measure

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.

**A RESOLUTION SUBMITTED BY:
ERIE COUNTY SHERIFF'S OFFICE**

Re: Narco and Rope Rescue Vehicles– Transfer Seized Asset Funds

WHEREAS, the Erie County Sheriff's Narcotics Unit will purchase a new vehicle to assist with investigations and seizure of dangerous narcotics and weapons; and

WHEREAS, this vehicle will be utilized to maintain the chain of custody for seized evidence; and

WHEREAS, the vehicle will also eliminate transportation of deadly narcotics, such as fentanyl, in the vehicle's cabin; and

WHEREAS, a component of the SWAT Team is the Rope Rescue unit, and

WHEREAS, the Rope Rescue Team performs dangerous rescues and extractions in Zoar Valley and Chestnut Ridge; and

WHEREAS, equipment and supplies are stored within multiple vehicles; and

WHEREAS, teams members respond from across the county and arrive with needed equipment at various times; and

WHEREAS, time is of the essence when dealing with injuries, weather conditions, and daylight; and

WHEREAS, a dedicated vehicle with all the necessary supplies and equipment will allow for quicker action at the scene; and

WHEREAS, the Sheriff's Office seeks to purchase a vehicle that would be dedicated to the Rope Rescue Team and carry all the needed equipment and supplies to a rescue scene; and

WHEREAS, the Sheriff's Office is seeking to acquire an unmanned aerial unit; and

WHEREAS, the drone would enhance search and rescue operations because the unmanned unit can operate without access to internet or Wi-Fi connections; and

WHEREAS, the unmanned unit can also operate without satellite communications, allowing for confined space search and rescue efforts, especially effective in adverse weather conditions; and

WHEREAS, the Sheriff's Office will work with the Purchasing Department to ensure the County adheres to proper bidding and purchasing procedures; and

WHEREAS, the Asset Forfeiture Trust Account balance as of March 31, 2021, is

\$536,660.00; and

WHEREAS, this acquisition will not have any fiscal impact on the 2021 County Budget; and

WHEREAS, the items requested meet the U.S Justice and Treasury department's guidelines outlined in the July 2018 Guide to Equitable Sharing. Each year, the Erie County Sheriff's Office recertifies with the departments to maintain its program eligibility.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature authorizes the Erie County Sheriff's Office and Division of Budget and Management to transfer \$215,979.00 from the Asset Forfeiture Trust Account #421550 to accounts #561440 – Motor Vehicles, #561410 – Lab and Tech:

**ERIE COUNTY SHERIFF'S OFFICE
Fund Center 11510**

Sheriff – SAFS Funded Program

REVENUE

421550 Forfeiture Crime Proceeds

DECREASE

\$215,979.00

APPROPRIATION

561440 Motor Vehicles

561410 Lab & Tech

Total Revenue

INCREASE

\$134,579.00

\$81,400.00

\$215,979.00

; and be it further

RESOLVED, the designated seized asset fund expenditures meet the U.S Justice and Treasury department's guidelines outlined in the July 2018 Guide to Equitable Sharing; 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 shall be forwarded to the County Executive, County Comptroller, Division of Budget and Finance, Division of Purchasing, and the

Sheriff's Office for implementation.



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

April 9, 2021

Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, New York 14202

Re: Erie County Paging Contract – I Am Responding Maintenance Contract

Dear Honorable Members:

Enclosed please find an accompanying memorandum and proposed resolution from the Department of Homeland Security & Emergency Services requesting authorization to continue the maintenance contract with I Am Responding to provide paging services to the First Responders of Erie County. The cost of the agreement to maintain the system is \$80,465.00 per year for 5 years. The contract period is March 1, 2021 – March 1, 2026.

If your Honorable Body requires any further information, please contact Commissioner Daniel Neaverth Jr at the Department of Homeland Security & Emergency Services. Thank you for your consideration of this request.

Sincerely yours,

A handwritten signature in blue ink that reads "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/cw
Enclosure

cc: Commissioner of Homeland Security & Emergency Services, Daniel Neaverth Jr.

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Department of Homeland Security & Emergency Services
Re: Erie County Paging Contract – I Am Responding Maintenance Contract
Date: April 9, 2021

SUMMARY

The Department of Homeland Security & Emergency Services is seeking authorization to continue the maintenance contract for I Am Responding to provide paging services to the first responders of Erie County in the amount of \$80,465.00 per year. The timeline for the contract is March 1, 2021 – March 1, 2026. These funds will come out of our State Homeland Security Grant Program.

FISCAL IMPLICATIONS

There are no fiscal implications as the funds are a deliverable of the grant programs and have already been approved by New York State Department of Homeland Security & Emergency Services/US Department of Homeland Security.

REASONS FOR RECOMMENDATION/BACKGROUND

INFORMATION

The Department of Homeland Security & Emergency Services receives federal homeland security funds annually and competitively to purchase equipment/maintenance to assist in mitigating, protecting and recovering from natural and man-made disasters. This qualifies as an allowable purchase under the grant guidelines.

CONSEQUENCES OF NEGATIVE ACTION

Without this legislation, we will not be able to fulfill the deliverable of the grant that was identified and approved by the state.

STEPS FOLLOWING APPROVAL

The Department of Homeland Security & Emergency Services will enter into the contract and the system can continue to assist the First Responders of Erie County.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF HOMELAND SECURITY & EMERGENCY SERVICES

Re: Erie County Paging Contract – I Am Responding Maintenance Contract

WHEREAS, the US Department of homeland Security through the New York State Department of Homeland Security & Emergency Services has agreed to provide funding to continue the implementation of programs to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into a contract for five years (March 1, 2021-March 1, 2026) with I Am Responding to maintain the current paging system at an annual total cost of \$80,465.00 per year; and

WHEREAS, the contract will be managed by the Erie County Department of Homeland Security & Emergency Services; and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into a contract beginning March 1, 2021 with I Am Responding for the purpose of providing maintenance to the current paging system in the amount of \$80,465.00 per year; and be it further

RESOLVED, that the Department of Homeland Security & Emergency Services, Division of Budget & Management and Office of the Comptroller are hereby authorized to make all necessary budgetary and other entries to effectuate this action; and be it further

RESOLVED, that certified copies of this resolution be furnished to the Office of the County Executive, the Department of Homeland Security & Emergency Services c/o Melissa Calhoun, the County Attorney, the Office of the Comptroller, and the Division of Budget and Management.

Elimination of The Entire ECHC & The ECCF's Informal Grievance Process!

ECLEC MAR25 '21 PM 2:05

My name is Habib Johnson, and I write to you as a concerned citizen on behalf of prisoners residing at the Erie County Holding Center & the Erie County Correctional Facility. This Correctional Institution has an Informal grievance form process, that needs to be eliminated. Also, a directive needs to be created creating a Grievance Liaison Committee, made up of Prisoners charged with the duty of helping other prisoners with the Formal Grievance Process.

I write to you unfortunately from personal experience with the process. When dealing with the informal grievance form process, I was told by the dorms correction officer that I couldn't get a informal grievance form unless I first disclosed what was the subject matter of my grievance . I then asked for one for the grievance of being denied one for the basis of not wanting to disclose the request purpose.

Therefore, In this case I was denied access to a formal grievance due to the fact that current policy mandates that you go through the informal grievance form process with the Sgt. before you can access a formal grievance form from the Lt. Most instances of the informal grievance form process are intimidated out of going forward with the (official) formal grievance process, which I feel intimidates a lot of prisoners out of the formal grievance process as a whole, causing them to suffer what can be termed as cruel ad unusual punishment.

I write this Article to notify the public of this matter so that those who have interest can know of its existence. My last act concerning this matter was the filing of an official formal grievance with the Lt. attaching the informal grievance form I submitted as an exhibit etc.

As a resolution for said Formal Grievance I'm asking for the elimination of the entire Informal Grievance Form Process, for the provision of Formal Grievance Forms in the Law Library (as well as the minimum standards publication) on dorm area bulletin boards, so that prisoners can access official grievance forms freely without having to ask a prison guard.

I would like to also notify interested individuals that in the coming future, I will be submitting this matter to the Erie County Legislator for their notification as well. I look forward into notifying you on how the County Legislator deals with this matter. For copies of the Informal Grievance Form that I submitted contact in writing the Erie County Legislators Office 92 Franklin St., 4th Fl. Bflo new York, 14202.

1P.S. I ask you this, would you grieve the price of a single Ramen noodle being the price of a \$1.00 ?

Thank You,

Habib Johnson

(716) 605-1448

**Erie County Corrections
Specialist Advisory Board
Old County Hall**

92 Franklin St., 4th Floor
Buffalo, NY 14202
Switchboard: 716/858-7500



ECLEC MAR 17 2021 PM 12:01

Jonathan Miles Gresham, Chair

Cindi McEachon, Vice Chair

Members:

Ysaías Feliz

Ann Venuto

George Baba Eng

Keisha Williams

Corey McCarthy

Heron Simmonds

Michael Ranney

Kenneth Colon

Michael Deal

March 17, 2021

Timothy Howard, Erie County Sheriff
Erie County Sheriff's Office
10 Delaware, Avenue
Buffalo, New York 14202

RE: Staff Change in Correctional Health Division

Dear Sheriff Howard:

The Erie County Corrections Specialist Advisory Board has been made aware of your action that removed First Deputy Superintendent, Michael Reardon from his leadership position within your Correctional Health Division. The Board supports your decision and thanks you. Correctional Health has been under his leadership since 2016 when medical care was returned to the oversight and direct management of the Sheriff's Office. We acknowledge that the Sheriff's Office moved into compliance with the United States Department of Justice in October of 2019.

However, Mr. Reardon's longstanding reputation of tendencies to be obstructive, uncooperative, and resistant have thwarted and sabotaged your administration's efforts, as well as those of the Erie County Legislature, other County departments, and this Board to establish a jail-based Medication Assisted Treatment (MAT) Program for incarcerated individuals with an opiate use disorder. This would provide continuation of Methadone, Suboxone and Vivitrol to those who enter your facility who are prescribed these medications in the community. The current practice of detoxing individuals from Methadone and Suboxone is unnecessary and dangerous as it places individuals leaving the jail at risk of overdose and death. Despite the past efforts of Erie County Opiate Epidemic Task Force and other advocates, your Correctional Health Division has declined and refused to establish a complete MAT Program beyond the Vivitrol Program. Unfortunately, monies made available from New York State and other grant opportunities were unable to be utilized to establish use of Methadone and Suboxone to meet the needs of those struggling with opiate addiction. We do not want to see the opportunity created by the Erie County Legislature's allocation of one million dollars end.

Mr. Reardon's actions have also had a negative contagious effect on other leadership within the Correctional Health Division. The Correctional Health Division appears to choose to work in a vacuum. They claim to have no knowledge or information regarding addiction programming, the existence of this Board or reentry services that operate within both facilities over the past 2-3 years. An additional problem was that Mr. Reardon did not report directly to the Superintendent of the Jail Management Division and reported to the former Undersheriff who has since retired. It is this bodies recommendation to have Correctional Health to include the Chief Medical Officer and Director of Correctional Health, report directly to the Jail Management Division, Superintendent.

Of positive note, establishment of a MAT Program is strongly supported by Undersheriff John Greenan and Superintendent Thomas Diina. Both are willing to work collaboratively to establish an MAT Program within the facility. They recognize the importance, know it is a best practice in the community and understand that liability exists if the Sheriff's Office does not establish a program. MAT programs exist in several jail settings across New York State. As stated in our previous letter,

the Erie County Corrections Specialist Advisory Board supports establishment of a MAT Program that provide all 3 medications as well as substance abuse counseling and education to individuals incarcerated in the Holding Center and Correctional Facility.

We again thank you for your action in this matter and support of the establishment of a Medication Assisted Treatment Program within the Erie County Sheriff's Office.

Respectfully,

Erie County Corrections Specialist Advisory Board

CC:

EC Legislator Lisa Chimera

EC Executive Mark Poloncarz

ECDMH Commissioner Mark O'Brien



Corrections and Community Supervision

ECL CG MAR24'21 AM 10:13

ANDREW M. CUOMO
Governor

ANTHONY J. ANNUCCI
Acting Commissioner

March 18, 2021

Mr. Howard Johnson, Jr.
Chair, Public Safety Committee
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Johnson:

This is in response to your letter dated March 5, 2021, in which you expressed concerns about the recent suspension of the intake of state readies from county jails and the current number of state readies in Erie County.

Please be advised that Department officials have had ongoing communications with the New York State Sheriffs' Association. They have participated in multiple calls with sheriffs and jail administrators from around the state on a variety of topics, including the intake of state readies.

On February 25, 2021, DOCCS provided notification to the New York State Sheriffs' Association advising them that, since we had been seeing the numbers associated with COVID-19 across the state decrease in the community, local facilities and DOCCS, we would begin identifying individuals who have been declared state ready on or before March 15, 2021, with the first date of intake occurring on Tuesday, March 30, 2021. This will provide the counties and New York City with enough time to follow the previously identified protocols of testing and isolating individuals prior to transfer to state custody.

Correction Law § 601-C allows for the Department to reimburse counties for housing state readies, if more than ten days have elapsed since the county declared the individual state ready, which is germane to the timeframe for which intake was temporarily suspended. During the time intake was temporarily suspended, the Department continued to work with counties and has approved requests for substitute jail orders, in instances where the county could not safely provide for the care of an incarcerated individual, including individuals who received a local sentence, resulting in savings to the county.

Lastly, as part of our intake criteria, the county jail must not have any current COVID positive incarcerated individuals at the time of intake. Over the course of this pandemic, there have been a number of positive cases at both the Erie County facilities resulting in the inability for us to process intake. As of today, Erie County has 105 new commitments and 52 parole violators that have been declared state ready.

We appreciate your ongoing support of the Department, particularly around this issue.

Sincerely,



Anthony J. Annucci
Acting Commissioner