



THE ERIE COUNTY LEGISLATURE

**PUBLIC SAFETY  
COMMITTEE**

Howard J. Johnson, Jr.  
*Chair*

John J. Gilmour  
*Vice-Chair*

Meeting No. 7 – June 17, 2021 – 11:20 AM

TAB R&F APP

1.	<a href="#"><u>LL INTRO. 1-1 (2020)</u></a> Session 3	<b>MEYERS, VINAL, BASKIN, JOHNSON, CHIMERA &amp; HARDWICK</b> <i>“A LL titled, “The Jail Management Transparency and Accountability Act” ”</i>			
2.	<a href="#"><u>INTRO. 17-5 (2020)</u></a> Session 17	<b>GILMOUR, CHIMERA &amp; BASKIN</b> <i>“Supporting a New Approach to Coordinating &amp; Providing Mental Health Professionals &amp; Social Workers for Assisting Law Enforcement in Crisis Situations &amp; 911 Calls”</i>			
3.	<a href="#"><u>COMM. 24E-9 (2020)</u></a> Session 24	<b>SHERIFF</b> <i>“Authorization to Award Professional Services Contract for Correctional Health Comprehensive Occupational Health Software”</i>			
4.	<a href="#"><u>COMM. 8E-10 (2021)</u></a> Session 8	<b>VINAL</b> <i>“Letter to Sheriff Concerning Transparency &amp; Working with Government Partners”</i>			

5.	<a href="#"><u>COMM. 10D-2 (2021)</u></a> Session 10	<b>SUPERINTENDENT OF JAILS</b> <i>“Letter to Legislator Gilmour Regarding Completion of Implicit Bias Training”</i>			
6.	<a href="#"><u>COMM. 10D-5 (2021)</u></a> Session 10	<b>COUNTY EXECUTIVE'S OFFICE</b> <i>“County Executive's Statement on 2021 Homeland Security Conference”</i>			
7.	<a href="#"><u>COMM. 10D-10 (2021)</u></a> Session 10	<b>SUPERINTENDENT OF JAILS</b> <i>“Letter to Legislature Majority Leader Regarding Communications Between Legislature &amp; Sheriff's Department”</i>			
8.	<a href="#"><u>COMM. 11D-2 (2021)</u></a> Session 11	<b>DEPT. OF HOMELAND SECURITY &amp; EMERGENCY SERVICES</b> <i>“Letter to Chair of Legislature Concerning 2021 National Homeland Security Conference”</i>			
9.	<a href="#"><u>COMM. 11D-3 (2021)</u></a> Session 11	<b>COMPTROLLER'S OFFICE</b> <i>“Audit of Dept. of Homeland Security &amp; Emergency Services”</i>			
10.	<a href="#"><u>COMM. 12E-1 (2021)</u></a> Session 12	<b>COUNTY EXECUTIVE</b> <i>“Authorization to Accept TANF Funds to Enhance Non-Residential Services to Victims of Domestic Violence”</i>			

TAB R&F APP

11.	<b><u>COMM. 12E-15 (2021)</u></b> Session 12	<b>COUNTY EXECUTIVE</b> <i>“Authorization to Accept Grant Funding for FY19 Technical Rescue &amp; Urban Search &amp; Rescue Grant”</i>			
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## 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

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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.

# ERIE COUNTY LEGISLATURE

HON. JEANNE M. VINAL, ESQ.  
5<sup>TH</sup> DISTRICT LEGISLATOR



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(716) 836-0198  
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92 Franklin St., 4th Fl.  
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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](http://www.erie.gov/vinal) • E-Mail: [Jeanne.Vinal@erie.gov](mailto:Jeanne.Vinal@erie.gov)

TIMOTHY B. HOWARD  
SHERIFF

JOHN W. GREENAN  
UNDERSHERIFF



## SHERIFF OF ERIE COUNTY

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April 27, 2021

Legislator John Gilmour  
Erie County Legislature  
92 Franklin Street – 4<sup>th</sup> Floor  
Buffalo, NY 14202

RE: Implicit Bias Training

Dear Legislator Gilmour:

Please allow this letter to serve as official notification that all active members of the Erie County Sheriff's Office have completed the Implicit Bias Training provided by Ragan and Amos Consulting. Additionally, County Department of Mental Health personnel assigned to roles within the Jail Management Division were trained. We greatly appreciate the Legislature's assistance in approving the funding request to facilitate this important training initiative. Please do not hesitate to contact me if you have any questions or need any additional information.

Sincerely,

Thomas Diina  
Superintendent

Cc: Sheriff Timothy B. Howard  
Undersheriff John Greenan



News from the Office of  
**ERIE COUNTY EXECUTIVE MARK POLONCARZ**

**NEWS RELEASE**

**May 5, 2021**

**CONTACT:** Peter Anderson / Peter.Anderson@erie.gov  
Phone: (716)858-8500 / Mobile: (716) 270-7842

**POLONCARZ STATEMENT ON 2021 HOMELAND SECURITY CONFERENCE**

**ERIE COUNTY, NY—** Today, Erie County Executive Mark C. Poloncarz issued the following statement on the importance of county personnel attending the 2021 National Homeland Security Conference in Las Vegas:

“The annual Homeland Security Conference, organized by the National Homeland Security Association (“NHSA”), provides an opportunity for emergency services’ personnel, health personnel, county and municipal managers and other public servants to join together with counterparts from across the country to examine, review, and discuss security responses to a wide range of potential hazards and situations that may arise in our community. As the organizing body, NHSA moves the Conference around the country each year, allowing selected local Homeland Security departments to spotlight their communities and play an active role in organizing this popular conference.

When this same Conference came to Buffalo June 6-8, 2017, presentations included lessons learned from mass shooting events (the Pulse Nightclub shooting, the Dallas Police Ambush); Counterterrorism: Protecting the Homeland; Whole Community Preparedness; Port and Transit Security; and many more. This event brought thousands of emergency managers and personnel from across the country and as far away as Hawaii to Buffalo for the three-day event, generating more than 3,000 hotel room nights and millions of dollars for the local economy while giving many participants their first-ever experience of our area. The 2017 conference was very well-received by all and our local efforts were applauded by the NHSA, and it is now our goal to work with partners in Niagara County to return the conference here again. The only way that happens, and the conference’s multi-million-dollar impact is brought back to Erie County in the future, is for our representatives to attend the current conference and advocate for our region.

Furthermore, in regards to the substance of the 2021 Conference, some of the informational sessions already planned include: Best Practices Established During COVID-19 Response; Crisis Leadership and Decision Making; COVID, CARES, CASH: a COVID-19 Financial Recovery Workshop; Combating Domestic Violent Extremism; and others. More will be added as the schedule expands prior to the event. Thousands of emergency managers and personnel from across the country, all interested in protecting their communities by employing the lessons they learn at the Conference, are expected to attend.

The Conference serves as a professional development and learning tool, underscoring the importance of sharing knowledge and lessons learned from professional colleagues and then applying those lessons in our own community. Much as our Erie County team is at the forefront of COVID-19 response locally, we will also be at the front of whatever the next crisis or hazard affecting our community is. Preparedness is critical to response and participation in the Conference greatly enhances preparedness.

While the comptroller is always eager to attack the people trying to protect our community, in reality his ignorance of the Conference, its recent positive multi-million-dollar impact for Erie County, and its goals is disappointing and shows that he has not taken the time to learn more. Purposely misrepresenting the Conference, distorting the facts and smearing the dedicated public servant first responders taking part demonstrates once again that he puts scoring political points above protecting the safety of the county he ostensibly represents. Erie County deserves much better."

# # #



**TIMOTHY B. HOWARD**  
SHERIFF

**JOHN W. GREENAN**  
UNDERSHERIFF



**SHERIFF OF ERIE COUNTY**

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May 7, 2021

Legislator Timothy Meyers  
Erie County Legislature  
92 Franklin Street – 4<sup>th</sup> Floor  
Buffalo, NY 14202

RE: Recent Comments

Dear Legislator Meyers:

I am writing in response to your comments from last night's news story on the Jail Management Division by WIVB Channel 4, where you stated that the Legislature does not become aware of incidents until "two months, three months, five years, six years down the road."

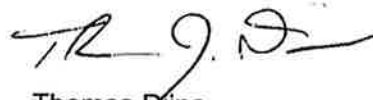
You are correct that open communication by all stakeholders is critical. However, your statement about withholding information couldn't be further from the truth. It has been acknowledged numerous times during sessions of the Public Safety Committee, Health and Human Services Committee as well as with the full Legislative body, that I have and continue to conduct weekly meetings with Legislator Johnson and representatives from the Corrections Specialist Advisory Board since March of 2020. During these meetings relevant happenings within our facilities, including critical incidents are routinely discussed. In addition, statistics related to facility census, Covid-19 cases and testing, NYSDOCCS datapoints, and constituent concerns are all reviewed. I believe this is the exact type of information you falsely claim the Legislature is not receiving.

In addition to my weekly calls with Legislator Johnson, I regularly communicate with other members of the Legislature. Legislator Vinal was instrumental in implementing the recently approved contract with Literacy Buffalo to provide training within the JMD. Legislator Gilmour has attended our most recent graduation ceremony for our Ready, Set, Work! program and has most recently taken on the added responsibility for accepting the Stepping Up Initiative's invitation for the JMD to be designated as an Innovator County. Legislator Chimera, who as chair of the Health and Human Services Committee, has worked tirelessly with us in implementing a MAT program. Finally, Undersheriff Greenan and I have attended nearly all meetings of the Corrections Specialist Advisory Board since its inception and will continue to do so. I along with our PREA coordinator have also met at length the CSAB subcommittee to discuss our trainings, protocols, and policies and procedures around PREA and incident reporting.

There is no barrier to access with the Jail Management Division and I have enjoyed the progress that has been made as a result. It is my sincere hope that you will follow the example set by your colleagues and reach out to me directly with any concerns or ideas that you have to enhance the services provided within the Jail Management Division. I believe that yesterday's Public Safety Committee meeting serves as proof of the positive impact and effectiveness of open and honest communication.

Please do not hesitate to reach out if you would like to discuss these matters any further.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Diina". The signature is stylized with a large initial "T" and a long horizontal stroke.

Thomas Diina  
Superintendent

Cc: Sheriff Timothy B. Howard  
Undersheriff John Greenan



# COUNTY OF ERIE

MARK POLONCARZ  
COUNTY EXECUTIVE

**Daniel Neaverth Jr.**  
Commissioner

## DEPARTMENT OF HOMELAND SECURITY & EMERGENCY SERVICES

45 Elm Street – Buffalo, NY 14203  
716 858-6578 – FAX 858-7937  
www.erie.gov/emergency

**Gregory J. Butcher**  
Deputy Commissioner  
Homeland Security/ Preparedness

**Gregory Gill**  
Deputy Commissioner  
Emergency Medical Services

**Christopher Couell**  
Deputy Commissioner  
Fire Safety

May 18, 2021

Hon. April Baskin, Chairwoman  
Erie County Legislature  
92 Franklin St. -4<sup>th</sup> Floor  
Buffalo, New York 14202

Chairwoman Baskin:

I'm writing in response to the recent refusal of the Comptroller's office to submit registration payment for the 2021 National Homeland Security Conference. In addition to this inexplicable and unprecedented refusal the Comptroller also made several inaccurate and accusatory statements regarding this event, to which I feel compelled to respond in order to provide a factual presentation of the event and process to your Honorable Body.

Each year I come before this Honorable Body with a resolution seeking approval to enter into a contract with New York State for the State Homeland Security Program (SHSP) and many other grants. Within each resolution or contract seeking approval there are designated lines for a number of items, including travel. This approval, however, does not "rubber stamp" our attendance at the event as we are then required to provide NYS a detailed description of the event, location, budget, justification and connection to deliverables.

Following approval from NYS administrators a requisition is entered into SAP which comprises costs associated with the trip, such as registrations and other anticipated expenses consistent with those provided to the state. This is followed by several layers of necessary internal approvals, including two levels within my own department and then a review from the county Budget office before the items are moved to the Comptroller's office for payment. The Comptroller's insulting and lazy misrepresentation of this important annual event as a "junket" demonstrates his alarming ignorance of both the established systematic levels of approval required in order to attend this conference and the important role it plays in keeping our personnel ready to respond to emergencies.

Here are the facts: room rates and per diem for this event are established by the General Services Administration (GSA). In the case of Las Vegas, that rate is \$120 plus taxes and fees for the room while per diem is \$56 and is broken down as \$14 for breakfast, \$16 for lunch and \$26 for dinner. By comparison, the event our group attended in New York City

allowed for a GSA room rate of \$230 and was routinely approved by the Comptroller. It should be noted that only the event registration fee is paid in advance. It should also be noted that this year's conference in Nevada meets all the approvals required for participation, including federal, state and county.

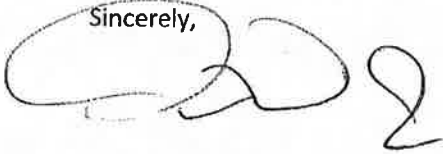
Another travel-related accountability item carefully ignored by the Comptroller is that prior to submission of our expense reports for reimbursement our departmental budget analyst scrutinizes them and eliminates anything exceeding the approved per diem budget, including items deemed unacceptable per the travel policy such as alcoholic beverages. Failure to do this detailed examination of expenditures submitting only allowable costs is essential for our NYS Fiscal Cost Reporting (FCR).

The Erie County Department of Homeland Security and Emergency Services along with teammates from other county departments including Purchasing, Health, Public Works, ECSO and the Executive Branch have attended this very conference for over a decade. All of those planning to attend the 2021 event were instrumental in the collaborative effort required to attract and host the event in Buffalo in 2017, an event that pumped millions of dollars into the local economy and cast our region in a positive light.

Additionally, each team member has taken an active role in the incident command process during our ongoing COVID-19 response and other declared disasters. Attending the National Homeland Security Conference has paid dividends by enhancing planning, training and equipment strategies and providing direct engagement in funding discussions, interfacing with vendors and gaining insights on the next generation of targeted grants.

The Comptroller has no charter-mandated power or authority to block these registration payments. We followed the rules by following the established, multi-layer process for obtaining approvals to attend this event. I am asking your Honorable Body to intervene and ensure that the Comptroller also follows the rules and does his job.

Sincerely,

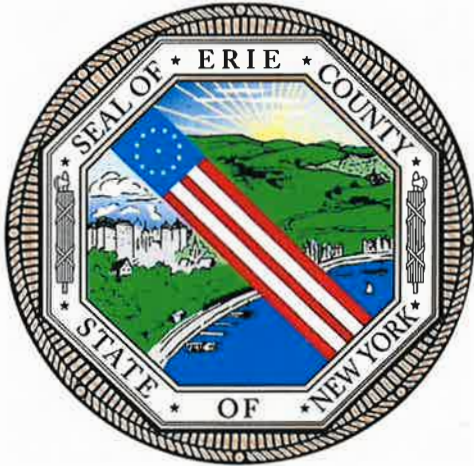


Daniel J. Neaverth Jr.  
Commissioner Homeland Security & Emergency Services

CC: Michael Siragusa, County Attorney

**May 2021**

**Audit of the Department of Homeland Security and  
Emergency Services  
Operating Budget Expenditures  
January 1, 2020 through May 31, 2020**



**STEFANI. MYCHAJLIW  
ERIE COUNTY COMPTROLLER**

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**HON. STEFAN I. MYCHAJLIW  
ERIE COUNTY COMPTROLLER'S OFFICE  
DIVISION OF AUDIT & CONTROL  
95 FRANKLIN STREET  
BUFFALO, NEW YORK 14202**



April 1, 2021

Erie County Legislature  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, New York 14202

Dear Honorable Members:

The Erie County Comptroller's Office has completed an audit of Erie County's Department of Homeland Security and Emergency Services expenditures for the period of January 1, 2020 through May 31, 2020.

Management of the Department of Homeland Security and Emergency Services is responsible for establishing and maintaining a system of internal controls. The objectives of such a system are to provide management with reasonable, but not absolute, assurance that transactions are executed in accordance with management's authorization and are recorded properly. Because of inherent limitations in the system of internal controls, errors or irregularities may nevertheless occur and not be detected.

Our responsibility is to express an opinion based on our audit. We conducted our audit in accordance with Generally Accepted Government Auditing Standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions. Our objectives were to test and evaluate expenditure transactions in the operating budget and evaluate the internal controls over expenditure transactions. We believe that the evidence obtained provides a reasonable basis for our findings and recommendations based on our audit objectives.

### **Opinion**

In our opinion, the internal controls over the expenditures in the operating budget are adequately designed and operating effectively.

No other specific matters adversely affecting compliance and procedures came to our attention. Our audit was made for the purpose previously discussed, and would not necessarily disclose all instances of noncompliance with respect to areas of operations not audited.



## REPORTING REQUIREMENTS

A draft copy of this report was provided to the Department of Homeland Security and Emergency Services for their review. Their comments were considered in the preparation of this report. A copy of their response to this report is included in Appendix B.

## BACKGROUND

The Department of Homeland Security and Emergency Services works with the emergency services and public safety community in Erie County, serving the public and first responders. Fire Safety, Emergency Medical Services, Homeland Security/Emergency Management/Disaster Preparedness are all divisions of this department. This audit focused on expenditure transactions for the Department of Homeland Security and Emergency Services in the General Ledger ("GL") Accounts 516080 Life and Safety Contracts and 561410 Lab and Technical Equipment. These accounts were budgeted in fund 110, business area 167 and transactions were recorded in fund 110 and business area 167.

## AUDIT RESULTS AND RECOMMENDATIONS

### 1. Life and Safety Contracts – GL Account 516080:

During the audit period all 12 expenditure transactions recorded in SAP. 100% were tested. The transactions were tested by tracing the source documents to transactions recorded in SAP including related subsequent payments. No exceptions were noted.

### 2. Lab and Technical Equipment – GL Account 561410:

During the audit period 11 expenditure transactions were recorded in SAP. 100% were tested. The transactions were tested by tracing the source documents to transactions recorded in SAP including related subsequent payments. No exceptions were noted.

## RESULTS OF EXIT CONFERENCE

An exit conference was held on May 3, 2021 with the Commissioner, Accountant and other staff members from the Department of Homeland Security and Emergency Services. The draft of the audit report was reviewed and included a discussion of the audit results and comments. The Auditee, including the Commissioner, has reviewed the draft report and is in general agreement with our findings and had no further questions or comments.

The Erie County Comptroller's Office would like to thank the Commissioner and staff of the Department of Homeland Security and Emergency Services for the courtesy extended to us during the audit.

### ERIE COUNTY COMPTROLLER'S OFFICE

Cc: Hon. Mark C. Poloncarz, County Executive  
Daniel J. Neaverth, Jr., Commissioner  
Robert W. Keating, Director of Budget and Management  
Erie County Fiscal Stability Authority

## APPENDIX

### Appendix A:

#### Audit Methodology

The goals of this audit were to test and evaluate expenditure transactions in the operating budget and evaluate the internal controls over expenditure transactions.

To achieve these goals, we assessed the internal controls in place over the transactions in two general ledger accounts – Lab and Technical Equipment and Life and Safety Contracts. Questionnaires were utilized to document discussions with staff related to the accounting system and procedures used to process and record financial transactions. Tests of controls were designed and executed, and then reviewed for adequacy.

Testing was performed by analyzing invoices, contracts, purchase orders and check payments. All transactions were inspected by reviewing supporting documentation. These documents included the invoice amounts, dates and reference numbers. The invoices were tested to ensure that they agreed with the check amounts, purchase orders, vendor and contract conditions.

This evidence, taken as a whole, was used to form an opinion based on our objectives.



**Appendix B: The Commissioner's written response to the draft report.**



**COUNTY OF ERIE**

MARK POLONCARZ  
County Executive

**DEPARTMENT OF HOMELAND SECURITY &  
EMERGENCY SERVICES**

45 Elm Street – Buffalo, NY 14203  
716 858-6578 – FAX 858-7937  
www.erie.gov/emergency

Daniel Neaverth Jr.  
Commissioner

Gregory Butcher  
Deputy Commissioner  
Civil Defense/Disaster Preparedness

Gregory Gill  
Deputy Commissioner  
Emergency Medical Services

Christopher Couell  
Deputy Commissioner  
Fire Safety

Tuesday, May 4, 2021

Hon. Stefan I. Mychajliw  
Erie County Comptroller's Office  
Division of Audit & Control  
95 Franklin St.  
Buffalo, New York 14202

**Re: Audit of the Erie County Department of Homeland Security and Emergency Services  
Operating Budget Expenditures January 1, 2020 through May 31, 2020**

Dear Comptroller Mychajliw:

I am writing in response to the draft audit report for your office's audit of the Department of Homeland Security and Emergency Services DHSES. My team and I are pleased that per your draft and subsequent exit briefing findings, that "internal controls over the expenditures in the operating budget are adequately designed and operating effectively".

As mentioned during our close out meeting I'm confident that our team approach of layered checks and balances, working within County procedures combined with additional measures developed for Federal Grant compliance has proven beneficial.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Daniel J. Neaverth Jr.", written over a horizontal line.

Daniel J. Neaverth Jr.  
Commissioner Department of Homeland Security



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

May 28, 2021

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

**Re: Authorization to Accept Temporary Assistance to Needy Families (TANF) funds to enhance non-residential services to victims of Domestic Violence**

Dear Honorable Members:

Please find attached a resolution requesting legislative authorization to accept TANF funding from the New York State Office of Children and Family Services and to increase contracts with current providers to enhance services for non-residential victims of Domestic Violence.

If your Honorable Body requires any further information, please contact Commissioner Marie Cannon at the Department of Social Services. Thank you for your consideration of this request.

Sincerely yours,

A handwritten signature in black ink that reads "Mark C. Poloncarz". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/mmk  
Enclosure

cc: Commissioner of Social Services, Marie Cannon

## **MEMORANDUM**

**To:** Honorable Members of the Erie County Legislature  
**From:** Erie County Department of Social Services  
**Re:** Authorization to Accept Temporary Assistance to Needy Families (TANF) funds to enhance non-residential services to victims of domestic violence  
**Date:** May 28, 2021

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### **SUMMARY**

Legislative authorization is requested to accept \$203,811 in funding from the New York State Office of Children and Family Services, to enhance non-residential services to victims of Domestic Violence.

### **FISCAL IMPLICATIONS**

The grant funding for this action is derived entirely from 100% Federal dollars. No County tax dollars are necessary to support this request.

### **REASONS FOR RECOMMENDATION**

The Department of Social Services through the New York State Office of Family Services, has been awarded \$203,811 of TANF funds to enhance non-residential services to victims of Domestic Violence. The provisions of the award specifically prohibit the sup-plantation of existing funding agreements. The Department of Social Services seeks to amend existing contracts with Child and Family Services, Crisis Services, Family Justice Center, and Hispanics United as well as the Interdepartmental Agreement with the Erie County District Attorney's Office. The funds are targeted toward Domestic Violence Survivor's with an income up to 200% of the federal poverty level.

### **CONSEQUENCES OF NEGATIVE ACTION**

We would be unable to provide enhanced services to Domestic Violence victims with an income up to 200% of the federal poverty level.

### **STEPS FOLLOWING APPROVAL**

The Department of Social Services will work with the Division of Budget and Management to amend the existing 2021 Adopted Budget amounts and will then amend contracts to Child and Family Services, Crisis Services, Family Justice Center, and Hispanics United as well as the Interdepartmental Agreement with the Erie County District Attorney's Office.

**A RESOLUTION SUBMITTED BY:  
DEPARTMENT OF SOCIAL SERVICES**

**RE:** Authorization to Accept Temporary Assistance to Needy Families (TANF) funds to enhance services to non-residential Domestic Violence Victims

WHEREAS, the Department of Social Services has been awarded an amount of \$203,811 in 100% federal share Temporary Assistance to Needy Families (TANF) funds to enhance non-residential services to victims of domestic violence; and

WHEREAS, the additional Federal TANF funding is awarded for contract expansion for vendors with existing State approval to deliver non-residential services to victims of domestic violence; and

WHEREAS, the provisions of the award specifically prohibit the sup-plantation of existing funding agreements and also prohibit the use of funds for County government operations; and

WHEREAS, only new contractual services or expansion of existing contractual services are eligible for this funding, and the vendors used must be among those named in the Department's Consolidated Services Plan (CSP) approved by the State.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Social Services and/or the County Executive are hereby authorized to enter into or amend contracts with Child and Family Services, Crisis Services, Family Justice Center, and Hispanics United for expanded non-residential services to victims of domestic violence; and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2021 Adopted Budget:

Department of Social Services, Fund 110, Department 120

ACCOUNT	DESCRIPTION	INCREASE/ (DECREASE)
516410	Child and Family Services	\$56,380.74
516410	Crisis Services	\$91,563.26
516410	Family Justice Center	\$23,947.00
516410	Hispanics Untied	\$ 7,920.00
911400	ID District Attorney Services	<u>\$24,000.00</u>
	Total Expenditures	<u>\$203,811.00</u>
414000	Federal Aid	<u>\$203,811.00</u>
	Total Revenue	<u>\$203,811.00</u>

RESOLVED, that an interdepartmental agreement be amended between the District Attorney and Social Services for non-residential services to victims of domestic violence; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust the budget of the District Attorney's Office in order to amend funding to implement the interdepartmental agreements; and be it further

RESOLVED, that because only State-approved providers of non-residential services to victims of domestic violence are eligible to receive these funds and because these special services are needed immediately, the County Administrative Code requirement in Section 19.08 for a Request for Proposals (RFP) is hereby waived; and be it further

RESOLVED, that certified copies of this resolution be furnished to the Erie County Executive, the Commissioner of Social Services, the Erie County Comptroller, the Director of Budget and Management, and the District Attorney.



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

June 7, 2021

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

**Re: Authorization to Accept Grant Funding for the FY 19 Technical Rescue & Urban Search & Rescue Grant**

Dear Honorable Members:

Enclosed please find an accompanying memorandum and proposed resolution from the Department of Homeland Security & Emergency Services requesting authorization to accept grant funding in the amount of \$150,000.00 from the State of New York.

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,

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:** Authorization to Accept Grant Funding for the FY 19 Hazmat Grant  
**Date:** June 7, 2021

---

### **SUMMARY**

It is recommended the Erie County Legislature approve the attached resolution for the Fiscal Year 2019 Technical Rescue & Urban Search & Rescue Grant (April 1, 2021-August 31, 2022). This resolution will authorize the County Executive to enter into a contract with New York State to receive \$150,000.00 in federal assistance.

### **FISCAL IMPLICATIONS**

The grant funding for this action is derived entirely 100% from US Homeland Security dollars – No county tax dollars are necessary to support this request.

### **REASONS FOR RECOMMENDATION/BACKGROUND**

#### **INFORMATION**

The Department of Homeland Security & Emergency Services will be allowed to manage expenditures for \$150,000 in Homeland Security funds and utilize the funds to enhance the ability of Erie County to manage emergency and disaster situations. This year the grant application required the county to see multi-county participation. As there are many calls throughout the year in Zoar Valley which is a part of both Erie and Cattaraugus Counties, Erie County decided to partner with Cattaraugus Emergency Management/Fire Departments on the grant application. These funds will be used to assist with regionalism in the Technical Rescue & Urban Search & Rescue Fields. The objectives in this grant will allow both counties to purchase and maintain equipment as well as train together as a region.

### **CONSEQUENCES OF NEGATIVE ACTION**

Without this legislation, the FY 2019 Technical Rescue & Urban Search & Rescue Grant contract will not be signed, the funding will not be received by the Department of Homeland Security & Emergency Services and the original purpose of what these funds were intended for will not be completed.

### **STEPS FOLLOWING APPROVAL**

The County Executive will sign the contract, the \$150,000 in Homeland Security grant funds will be received, the Department of Homeland Security & Emergency Services will fulfill its requirements.

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

Re: Authorization to Accept Grant Funding for the FY 19 Technical Rescue & Urban Search & Rescue Grant

WHEREAS, the Erie County Department of Homeland Security & Emergency Services is responsible for providing public safety through comprehensive emergency management planning, preparedness, training, response and coordination of emergency services in Erie County during actual or potential disaster events; and

WHEREAS, the US Department of Homeland Security, Federal Emergency Management Agency with administration of the funds through the New York State Department of Homeland Security & Emergency Services has agreed to provide funding in the amount of \$150,000 in federal assistance to continue the implementation of programs to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, the Department of Homeland Security & Emergency Services requires legislative approval to accept the funds and to establish a grant budget in Fund 281; and

WHEREAS, no County funds will be necessary for Erie County to accept these funds to serve individuals residing in Erie County; and

WHEREAS, this is a regional grant and Erie County will purchase the necessary equipment and training for the eight (8) local Fire Departments (Gowanda Fire Company, Orchard Park Fire Company, Hillcrest Fire Company, West Falls Fire Company (Aurora – Colden Fire District) East Aurora Fire Department, Eden Fire Department, West Seneca Fire District (Seneca Hose) and the City of Buffalo Fire Department), the Erie County Sheriff's Office, the Niagara Frontier Search & Rescue Team, The Western New York ALERT Swift Water Rescue Team, and Cattaraugus Emergency Management (Allegany Fire Department, City of Salamanca Fire Department, Westons Mills Fire Department; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into contract and accept \$150,000 in federal resources to provide funding for the purchase of necessary equipment and training to enhance the ability of Erie County to manage emergency & disaster situations,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to accept US Department of Homeland Security, Federal Emergency Management Agency with administration of the funds through New York State Office of Department of Homeland Security & Emergency Services to receive \$150,000 in grant funding for the Department of Homeland Security & Emergency Services; and be it further

RESOLVED, that this grant, under the Department of Homeland Security & Emergency Services will meet the goals and objectives; and be it further



RESOLVED, these funds will be utilized to enhance the ability of Erie County to manage emergency and disaster situations; and be it further

RESOLVED, these funds will be utilized to assist the Erie County Hazmat Team, Niagara County Hazmat Team and the Buffalo Fire Hazmat Team; and be it further

RESOLVED, that the authorization is hereby provided to the Division of Budget and Management to establish funding in the Grant 281, as follows:

Erie County Department of Homeland Security & Emergency Services  
Grant Fund 281, Fund Center 1670030  
April 1, 2021 - August 31, 2022  
HS167TECHRESCUE1922

Revenue	Increase
Account 414000 – Federal Revenue	\$150,000.00

Appropriation

	Increase
Account 501000 – Overtime	\$18,000.00
Account 505200 – Clothing Supplies	\$10,000.00
Account 510100 – Out of Area Travel	\$12,000.00
Account 510200 – Training & Education	\$ 5,000.00
Account 561410 – Equipment (Lab & Tech)	<u>\$105,000.00</u>
Total Appropriations	\$150,000.00

and be in it further

RESOLVED, that the Director of Budget & Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to the grant or award, provided there are no changes to county share amounts; 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.