

December 13, 2018

PUBLIC SAFETY COMMITTEE
REPORT NO. 16

ALL MEMBERS PRESENT.

CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. INTRO. 5-4 (2018)

BASKIN AS AMENDED

WHEREAS, there are a number of Erie County Holding Center detainees often housed in the Holding Center for extended periods of time for committing non-violent misdemeanor offenses due to a lack of financial resources to post bail; and

WHEREAS, a substantial number of detainees held on non-violent misdemeanor offenses are released following arraignment; and

WHEREAS, a recent review found that it costs approximately \$226.00 per day to incarcerate an individual in the Erie County Holding Center; and

WHEREAS, in 2012, the Federal Bureau of Prisons estimated that it costs ten times more to incarcerate a prisoner than to use proven, pretrial services; and

WHEREAS, one concept that would save the County money, and avert costs from the daily incarceration of detainees awaiting trial for certain non-violent misdemeanor offenses, is to offer alternatives to incarceration for these detainees, such as lower bail and supervised electronic monitoring; and

WHEREAS, alternative to incarceration options for eligible persons who are awaiting trial or sentencing on eligible offenses can also offer viable options for addressing some of the concerns in the Holding Center including suicides and deaths; and

WHEREAS, some form of bail reform for non-violent misdemeanor offenders, including eliminating bail, has occurred in Kentucky, Colorado, New Jersey, Alaska and Washington D.C.; and

WHEREAS, a bipartisan bill entitled the Pretrial Integrity and Safety Act was introduced in the US Senate in 2017 by Senators Rand Paul (R-KY) and Kamala Harris (D-CA) and encouraging eliminating bail for nonviolent offenders assessed to not pose a risk to violence or being rearrested; and

WHEREAS, Governor Andrew M. Cuomo has proposed criminal justice provisions that would end cash bail for those accused of misdemeanor and non-violent felonies, and is intended, according to the Governor, to address inequalities in the system; and

WHEREAS, for those persons facing more serious charges, Governor Cuomo's proposal would provide monetary and nonmonetary bail options, but only after a judge conducts an individualized review of the case against the defendant, as well as his or her personal and financial circumstances; and

WHEREAS, Erie County has state-funded pretrial release service programs available to assist individuals unable to post bail which includes an interview process to determine the applicability of releasing eligible persons on their own recognizance; and

WHEREAS, Erie County's pretrial service program may be able to be utilized more efficiently and be more adequately funded by re-deploying County funds currently used to incarcerate nonviolent misdemeanor offenders to alternatives to incarceration programs instead.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for substantial reform of bail procedures, including either lowering or eliminating bail requirements for applicable non-violent misdemeanor defendants with limited history of failing to appear in court be assessed as low risk; and be it further

RESOLVED, that this Honorable Body expresses its support for the intention behind S3579A, the Bail Elimination Act of 2018, as well as Governor Andrew M. Cuomo's proposal on bail reform; and be it further

RESOLVED, that this Honorable Body calls on New York State to provide financial support and funds to counties that participate in bail reform initiatives to hold them "harmless" from any new financial costs and financial obligations from bail reform, such as the costs of new probation officers, electronic monitoring equipment, or technological needs to support alternatives to incarceration programs; and be it further

RESOLVED, that certified copies of this resolution be sent to Erie County Executive Mark Poloncarz, Erie County Sheriff Timothy Howard, New York State Governor Andrew Cuomo, the Western New York delegation of the New York State Legislature, Janet DiFiore, Chief Judge of the New York State Office of Court Administration, Paula L. Feroleto, Administrative Judge of the Eighth Judicial District, and any other party deemed necessary and proper.
(6-0)

2. COMM. 23E-25 (2018)

SHERIFF

WHEREAS, as of January 2017, the Division of Correctional Health (DoCH) is under the authority of the Erie County Sheriff's Office; and

WHEREAS, the Sheriff's Office and the DoCH has identified needs within the division to assist in providing inmate health; and

WHEREAS, the medical professionals with the DoCH examine and treat approximately 20,000 inmates per year; and

WHEREAS, the medical staff needs to treat both acute and chronic diseases and medical conditions; and

WHEREAS, it is vital for proper inmate health care that the medical professionals are up to date and have access to the most current health care information; and

WHEREAS, the leading company to offer a subscription to a medical database which utilizes tests cases, medical journals, subject matter experts to provide up to date information for patient care is Wolters Kluwer's Up To Date application; and

WHEREAS, Up To Date is application and reference tool for the medical profession has become the community and industry standard and is utilized by area hospitals; and

WHEREAS, in addition to providing care standards and current medical research to subscribers, Up To Date subscribers earn CME credits necessary for medical and nursing licenses; and

WHEREAS, the DoCH has been working with the Division of Purchasing since to identify multiple vendors that provide the same service and medical information, but none matched the criteria set by the DoCH; and

WHEREAS, since Wolters and Kluwer does not issue "Sole Source Letters," the DoCH and the Division of Purchasing are seek a waiver of Section 19.08 of the Erie County Administrative Code.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive and the Erie County Sheriff's Division of Correctional Health to enter into an agreement with Wolters Kluwer for ten (10), three-year subscriptions to Up To Date for a total of \$12,380.00; and be it further

RESOLVED, that the Erie County Legislature hereby waives the procedures, as impractical, provided for in Section 19.08 of the Erie County Administrative Code for the purposes of securing the services of Wolters Kluwer to be retained to provide subscription services associated with Up To Date; 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, that certified copies of the approved resolution are sent to the County Executive, the County Attorney, the Division of Purchasing, the Erie County Comptroller's Office, and the Chief of Administration of the Sheriff Office for implementation.
(5-0) Chair Savage not present for vote.

APRIL N.M. BASKIN
CHAIR