

Following recess, adjourned on
October 31, 2019

PUBLIC SAFETY COMMITTEE
REPORT NO. 17

ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 21E-2 (2019)
BASKIN & JOHNSON: “Letter to Sheriff Requesting Attendance at Public Safety Committee Meeting Scheduled on October 31, 2019”
(Chair’s Ruling)
 - b. COMM. 21E-3 (2019)
BASKIN & JOHNSON: “Letter to Commissioner of Mental Health Requesting Attendance at Public Safety Committee Meeting Scheduled on October 31, 2019”
(Chair’s Ruling)
 - c. COMM. 21D-2 (2019)
SUPERINTENDENT OF HOLDING CENTER: “Letter Concerning Attendance at Public Safety Committee Meeting – October 31, 2019”
(Chair’s Ruling)
2. COMM. 21E-9 (2019)
SHERIFF
WHEREAS, the Erie County Sheriff’s Office (ECSO) has been researching the deployment of body worn cameras since October 2016; and

WHEREAS, the ECSO initiated a pilot program for body cameras which ended in March of 2018; and

WHEREAS, the Sheriff’s Office authored and published a Request for Proposals (RFP) for a Body Worn Camera program on June 19, 2019, which included specifications for body worn cameras, evidence management systems, and cloud-based data storage; and

WHEREAS, the RFP detailed the requirements of the agency which included a minimum 12-hour battery life, water resistance, weather and impact specifications, cameras without infrared capabilities, an evidence management system with evidence access audit capabilities, and cloud-based data storage solutions with an option to transfer the data to an on-premises data storage server; and

WHEREAS, Sheriff Howard and Undersheriff Wipperman authorized the creation of the Body Camera RFP Review Committee (“Committee”) to research and recommend a vendor; and

WHEREAS, the Sheriff’s Office received nine RFPs by the deadline of July 10, 2019; and

WHEREAS, upon receipt of the RFPs, the Sheriff’s Office performed an initial review of the proposals to ensure the vendor’s products and services met the agency’s minimum standard specifications, and following the initial evaluation, four of the proposals were disqualified for failing to meet the agency’s minimum standard specifications outlined in the RFP; and

WHEREAS, the Committee met in person four times from July 30 through August 29, as well as conducting multiple discussions via group emails; and

WHEREAS, the Committee had nine members which included two representatives from the Division of Information and Support Services (DISS), two members from the ECSO PBA, four members of the Polices Services Division, and one member from the Sheriff’s Administration Division; and

WHEREAS, the Committee hosted five (5) qualified vendors for formal presentations and interviewed the vendor representatives. Each presentation and interview last approximately two hours which was followed by internal committee discussions; and

WHEREAS, the Committee had followup questions for multiple vendors and communicated these to the vendor via group emails, and upon receipt of the vendor’s response, the members conducted email conversations as well as in-person conversations to review the answers; and

WHEREAS, during the August 29, the Committee held final discussions about the various vendors and polled the members for their top two vendors; and

WHEREAS, because the Committee had additional questions for the finalists, the members voted to extend the original selection date to continue researching the remaining vendors; and

WHEREAS, through emails, the Committee conducted additional conversations and inquires with the finalists; and

WHEREAS, upon review of the vendors’ responses, the Committee voted to award RFP #1929VF to AXON; and

WHEREAS the Committee’s review of the finalist concentrated on the vendor’s current internal security measures to protect the cloud-based stored evidence. The Committee emphasized security throughout the process and believed AXON maintained the highest level of security standards among all the interviewed vendors; and

WHEREAS, the Committee emphasized server and website security throughout the process and AXON demonstrated it maintained the highest level of security standards among all the interviewed vendors; and

WHEREAS, the Committee followed all procedures and guidelines set forth by the Purchasing Department for RFPs; and

WHEREAS, the Committee consulted with the Department of Purchasing before finalizing its work and contacting the selected vendor; and

WHEREAS, on September 26, the Committee authored and delivered a letter to Sheriff Howard and Undersheriff Wipperman explaining its methodology and reasons for its recommendation as well as the extension of the deadline; and

WHEREAS, on September 30, Sheriff Howard responded in writing his review and acceptance of the Committee's recommendation and authorized members of his administration to begin negotiating an agreement with AXON; and

WHEREAS, the Sheriff, who accepted the committee's recommendation, authorized a resolution seeking approval of the RFP and the contract; and

WHEREAS, representatives from the Sheriff's Office began negotiating a contract with AXON; and

WHEREAS, the Sheriff's Office detailed to AXON the agency's needs and expansion of the body camera program from the original RFP; and

WHEREAS, due to increased industry competition and advancements in digital storage, the costs associated from the original estimation decreased which is allowing the Erie County Sheriff's Office to increase the number of Deputies issued body cameras; and

WHEREAS, the Sheriff's Office has negotiated a five (5) year contract with AXON to supply, 209 body cameras, thirty-four docking stations, unlimited storage, evidence management licensing agreements, evidence redaction software, and extended warranty program through the life of the agreement; and

WHEREAS, under New York State's Freedom of Information Law (Public Officers Law §§84-90), the Erie County Sheriff's Office may charge fees for copies of records based upon the actual cost of reproduction; and

WHEREAS, in instances where it takes substantial time to prepare a copy, the FOIL legislation permits an agency to charge a fee based on the cost of the storage medium used, as well as the hourly salary of the lowest-paid employee who has the skill needed to complete the FOIL request; and

WHEREAS, AXON estimates that video evidence redaction takes three to four minutes for every one minute of video evidence footage; and

WHEREAS, the Sheriff's Office has designated a sergeant as its employee with proper access and training to preserve and redact video evidence; and

WHEREAS, the Sheriff's Office believes a fee of \$10.00 per each redacted video does not create an undue financial burden for the requesting individual; and

WHEREAS, the Sheriff's Office requests authorization to charge \$10.00 per DVD or other types of storage devices to fulfill Freedom of Information Law requests; and

WHEREAS, the Sheriff Timothy B. Howard requests the Erie County Legislature to authorize transfer of \$600,000.00 to fund the body camera program and broadband capabilities; and

WHEREAS, DISS is in the process of auditing the Sheriff's substations and other locations to determine if internet access upgrades will be needed to support the data transfer to the evidence management cloud; and

WHEREAS, up to \$10,000.00 of the designated funds be transferred to DISS to complete all necessary upgrades and installations at the substations, holding center and other designated locations; and

WHEREAS, the Sheriff's Office and DISS request authority to transfer any unused funds back to the Sheriff's Office to support the body camera program; and

WHEREAS, the Sheriff's Office requests the County Attorney's Office to review the agreement and for the County Executive and sign it allowing the Sheriff's Office to initiate training and deployment in the Police Services and Jail Management divisions beginning in November 2019; and

WHEREAS, this funding will not have an impact on the 2019 County Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the Erie County Sheriff's Office to award RFP #1929VF to AXON; and be it further

RESOLVED, this Honorable Body authorizes the County Executive and the Sheriff's Office to enter into an agreement with AXON for a term of five (5) years for an amount not to exceed \$1,659,253.25 for the Erie County Sheriff's Body Camera Program; and be it further

RESOLVED, this Honorable Body authorizes the Erie County Sheriff's Office to charge a fee of \$10.00 per redacted video and storage article to fulfill New York State Freedom of Information Law requests; and be it further

RESOLVED, this Body agrees to transfer \$10,000.00 to the Department of Information and Support Services for all internet access upgrades and installations at the substations, holding center and other locations deemed necessary by the Sheriff's Office; and be it further

RESOLVED, this Legislature authorizes that any unused funds designated for internet upgrades be transferred to the Erie County Sheriff's Office for its body camera program; 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, Certified copies of this resolution shall be forwarded to the County Executive, County Attorney, County Comptroller, Division of Budget and Finance, the Purchasing Department, and the Sheriff's Office for implementation.
(6-0)

3. COMM. 21E-10 (2019)

SHERIFF

WHEREAS, School Resource Officers (hereinafter "SROs") are vital to the safety of students and surrounding communities, in that they help promote a safe environment in schools so the focus can be on the delivery of instruction; and

WHEREAS, SROs serve a multifaceted purpose in our schools including serving as first responders for any and all incidents on a school district's campus whether it's violence between students/staff, an individual in a school or on the campus without permission, or a medical emergency; and

WHEREAS, the Alden Central School District is desirous of obtaining the services of a full-time SRO in an attempt to deter criminal behavior through positive interactions with students, staff and the public during school hours; and

WHEREAS, the Sheriff is desirous of providing law enforcement and related services to the District; and

WHEREAS, the Sheriff has conferred with the District and all parties agree that it is in the best interests of the District, the Sheriff and the citizens to establish this program; and

WHEREAS, the Sheriff has agreed to provide and assign one full time uniformed Road Patrol Deputy to be utilized as an SRO; and

WHEREAS, to enable the Sheriff to provide a full time SRO, the District will compensate the Sheriff as provided herein; and

WHEREAS, the District and the County, acting through its Sheriff, desire to set forth in this Agreement the specific terms and conditions of the services to be performed and provided by the SRO in the District; and

WHEREAS, this resolution will have a positive impact to the 2019, 2020, and 2021 county budgets.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does authorize the County Executive and the Erie County Sheriff's Office to enter into a contract with Alden Central School District for an SRO from September 1, 2019 to June 30, 2020, and September 1, 2020, to June 30, 2021; and be it further

RESOLVED, Alden Central School District will compensate the Erie County Sheriff's Office at least \$101,679.12 for each school year defined in the agreement; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Erie County Executive, Division of Budget and Management, the County Attorney's Office, Erie County Comptroller's Office, and the Chief of Administration Sheriff's Office.
(6-0)

4. COMM. 21E-11 (2019)

SHERIFF

WHEREAS, School Resource Officers (hereinafter "SROs") are vital to the safety of students and surrounding communities, in that they help promote a safe environment in schools so the focus can be on the delivery of instruction; and

WHEREAS, SROs serve a multifaceted purpose in our schools including serving as first responders for any and all incidents on a school district's campus whether it's violence between students/staff, an individual in a school or on the campus without permission, or a medical emergency; and

WHEREAS, the Holland Central School District is desirous of obtaining the services of a full-time SRO in an attempt to deter criminal behavior through positive interactions with students, staff and the public during school hours; and

WHEREAS, the Sheriff is desirous of providing law enforcement and related services to the District; and

WHEREAS, the Sheriff has conferred with the District and all parties agree that it is in the best interests of the District, the Sheriff and the citizens to establish this program; and

WHEREAS, the Sheriff has agreed to provide and assign one full time uniformed Road Patrol Deputy to be utilized as an SRO; and

WHEREAS, to enable the Sheriff to provide a full time SRO, the District will compensate the Sheriff as provided herein; and

WHEREAS, the District and the County, acting through its Sheriff, desire to set forth in this Agreement the specific terms and conditions of the services to be performed and provided by the SRO in the District; and

WHEREAS, this resolution will have a positive impact to the 2019, 2020, and 2021 county budgets.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does authorize the County Executive and the Erie County Sheriff's Office to enter into a contract with Holland Central School District for an SRO from September 1, 2019 to June 30, 2020, and September 1, 2020, to June 30, 2021; and be it further

RESOLVED, Holland Central School District will compensate the Erie County Sheriff's Office at least \$89,348.09 for each school year defined in the agreement; and be it further

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

(6-0)

5. COMM. 21E-12 (2019)

SHERIFF

WHEREAS, School Resource Officers (hereinafter "SROs") are vital to the safety of students and surrounding communities, in that they help promote a safe environment in schools so the focus can be on the delivery of instruction; and

WHEREAS, SROs serve a multifaceted purpose in our schools including serving as first responders for any and all incidents on a school district's campus whether it's violence between students/staff, an individual in a school or on the campus without permission, or a medical emergency; and

WHEREAS, the Springville-Griffith Institute Central School District is desirous of obtaining the services of a full-time SRO in an attempt to deter criminal behavior through positive interactions with students, staff and the public during school hours; and

WHEREAS, the Sheriff is desirous of providing law enforcement and related services to the District; and

WHEREAS, the Sheriff has conferred with the District and all parties agree that it is in the best interests of the District, the Sheriff and the citizens to establish this program; and

WHEREAS, the Sheriff has agreed to provide and assign one full time uniformed Road Patrol Deputy to be utilized as an SRO; and

WHEREAS, to enable the Sheriff to provide a full time SRO, the District will compensate the Sheriff as provided herein; and

WHEREAS, the District and the County, acting through its Sheriff, desire to set forth in this Agreement the specific terms and conditions of the services to be performed and provided by the SRO in the District; and

WHEREAS, this resolution will have a positive impact to the 2019, 2020, and 2021 county budgets.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does authorize the County Executive and the Erie County Sheriff's Office to enter into a contract with Springville-Griffith Institute Central School District for an SRO from September 1, 2019 to June 30, 2020, and September 1, 2020, to June 30, 2021; and be it further

RESOLVED, Springville-Griffith Institute Central School District will compensate the Erie County Sheriff's Office at least \$89,348.09 for each school year defined in the agreement; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Erie County Executive, Division of Budget and Management, the County Attorney's Office, Erie County Comptroller's Office, and the Chief of Administration Sheriff's Office.
(6-0)

6. COMM. 21E-13 (2019)
COUNTY EXECUTIVE

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 resources 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 New York State Office of Department of Homeland Security & Emergency Services has agreed to provide funding in the amount of \$1,407,426.00 in federal assistance to continue the implementation of a program 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 budget in Grant 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, authorization is required from the Erie County Legislature for the County Executive to enter into contact and accept \$1,407,426 in Federal resources to provide funding for personnel and the purchase of necessary equipment to enhance the ability of Erie County to manage emergency and 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 \$1,407,426 in grant funding for the Department of Homeland Security & Emergency Services; and be it further

RESOLVED, that authorization is hereby provided to transfer currently budgeted positions with existing Department of Homeland Security & Emergency Services Homeland Security grants to SHSP FY 2019 as required to maintain public safety services to Erie County residents; 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, that the authorization is hereby provided to the Division of Budget and Management to establish funding in the Grant Fund 281, as follows:

Erie County Department of Homeland Security & Emergency Services
Grant Fund 281, Funds Center 1670030
September 1, 2019 – August 31, 2022
HS167SHSP1922

Revenue Increase	
Account 414000 - Federal Revenue	\$1,407,426
Appropriation	Increase
Account 500000 – Full Time - Salaries	\$346,698
Account 500010 – Part Time – Wages	\$24,120
Account 502000 – Fringe Benefits	\$246,584
Account 505200 – Clothing Supplies	\$20,000
Account 505800 – Medical & Health Supplies	\$12,000
Account 510100 – Out of Area Travel	\$10,000
Account 510200 – Training & Education	\$2,500
Account 515000 – Utilities	\$149,000
Account 516020 – Professional Services Contracts	\$11,000
Account 516030 – Maintenance Contracts	\$449,764
Account 561410 – Lab & Technical Equipment	\$54,000
Account 561440 – Motor Vehicle Equipment	\$81,760
Total Appropriations	1,407,426

and be it further

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

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the Department of Personnel, the Department of Homeland Security & Emergency Services c/o Melissa Calhoun, the County Comptroller, and the County Attorney.
(6-0)

7. COMM. 21E-21 (2019)
COUNTY EXECUTIVE

WHEREAS, the Probation Department is mandated to supervise Probationers through the use of home visits, and for officer safety it is necessary to equip officers with Taser units and; and

WHEREAS, the Erie County Department of Probation desires to purchase Taser units; and

WHEREAS, the County has available asset forfeiture funds which can be used to pay for this purchase; and

WHEREAS, there is no impact on the existing 2019 Erie County Adopted Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature approves the appropriation of Asset Forfeiture Funds and authorizes the following budgetary transfers in the 2019 Budget of the Probation Department, cost center 1261010 funded program SAFPRO:

REVENUE	Increase
421550 Forfeiture Crime Proceeds	<u>\$ 3,507</u>
REVENUE TOTAL:	\$ 3,507

APPROPRIATION	Increase
561410 Lab and Technical Equipment	<u>\$ 3,507</u>
APPROPRIATION TOTAL:	\$ 3,507

and be it further

RESOLVED, that these expenditures meet the criteria established by the US Department of Justice for use of equitable shared funds; and be it further

RESOLVED, that certified copies of this resolution be sent to the: County Executive's Office, Division of Budget and Management, County Comptroller, County Attorney and the Probation Department care of Dolla Khoury-Sobon at 1 Niagara Plaza.
(6-0)

HOWARD J. JOHNSON, JR.
CHAIR