

July 16, 2020

PUBLIC SAFETY COMMITTEE
REPORT NO. 7

ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 16M-2 (2019)
LESLIE D. BISHOP: “Letter to Chair of Legislature in Support of "Less is More" Legislation”
(Chair’s Ruling)
 - b. COMM. 13D-4 (2020)
COMPTROLLER’S OFFICE: “Report on Services Provided by EC Sheriff’s Office”
(Chair’s Ruling)
 - c. COMM. 13D-5 (2020)
DEPT. OF LAW: “Local Emergency Order, Curfew - 6/2/2020”
(Chair’s Ruling)
 - d. COMM. 13D-6 (2020)
DEPT. OF LAW: “State of Emergency Declaration Issues on 5/30/2020”
(Chair’s Ruling)
 - e. COMM. 13D-7 (2020)
DEPT. OF LAW: “Local Emergency Order, Curfew - 5/31/2020”
(Chair’s Ruling)
 - f. COMM. 13D-13 (2020)
DEPT. OF LAW: “Rescission of State of Emergency Declaration Issued on 5/30/2020”
(Chair’s Ruling)
 - g. COMM. 14E-3 (2020)
JOHNSON: “Invitation to Jail Management Superintendent to Attend Informational Public Safety Committee Discussing Holding Center "Closure" Proposal”
(Chair’s Ruling)
 - h. COMM. 14E-4 (2020)
JOHNSON: “Request for Testimony/Written Comments Concerning EC Sheriff’s Proposal to "Close" EC Holding Center”
(Chair’s Ruling)

- i. COMM. 14M-6 (2020)
EC CORRECTIONS SPECIALIST ADVISORY BOARD: “Request for Testimony/Written Comments Concerning ECSO’s Proposal to "Close" the EC Holding Center”
(Chair’s Ruling)
 - j. COMM. 14M-7 (2020)
EC CORRECTIONS SPECIALIST ADVISORY BOARD: “Community Meeting Regarding Closing & Repurposing of the EC Holding Center”
(Chair’s Ruling)
2. INTRO. 13-5 (2020)
MEYERS, JOHNSON, HARDWICK, CHIMERA & VINAL
WHEREAS, due to bail reform, criminal justice changes and other factors, the Erie County Holding Center and Correctional Facility and operating with far fewer detainees and prisoners than they are capable of holding and staffed; and

WHEREAS, the County Executive recently stated that out of a capacity of 638 detainees at the Holding Center, the facility held 300 detainees, and out of a capacity of 744 prisoners at the Correctional Facility, the facility held 223 prisoners, meaning that only 38% of the beds/cells/capacity of both facilities are being utilized (and 62% of the capacity is vacant), and continuing a trend that started in 2019; and

WHEREAS, the Erie County Holding Center and Correctional Facility, like other counties’ holding centers or jails, is required under New York State law and New York State Commission of Correction regulations to maintain certain staffing levels and posts in both facilities; and

WHEREAS, given the dramatically reduced inmate/prisoner population in the Erie County Holding Center and Correctional Facility, there are reasons and factors supporting a need for fewer posts and deputy sheriff-officer and correction officer State-mandated positions in the Erie County Sheriff’s Office Division of Jail Management; and

WHEREAS, the New York State Association of Counties and county leaders are respectfully requesting the introduction of legislation in the New York State Legislature to give flexibility and authority to county executives, managers, sheriffs and jail administrators to adjust jail staffing levels to address lower prisoner counts amid the new COVID-19 realities facing local governments across the state; and

WHEREAS, this Honorable Body accordingly wishes to go on record expressing its support for amendments to the Correction Law to help face the new situation.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for the introduction of amendments to the New York State Correction Law, Section 45-6 pertaining to the Commission of Correction, to give county governments flexibility with minimum staffing levels and posts at the Erie County Holding Center and Correctional Facility; and be it further

RESOLVED, that this Honorable Body requests and urges the New York State Legislature to introduce amendments to the Correction Law to support county governments with minimum staffing levels at jails and holding centers; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Governor, the President and Majority Leader of the State Senate, the Speaker of the State Assembly, the Erie County Sheriff, the local delegation of the New York State Legislature, the Chair of the New York State Commission of Correction, and the New York State Association of Counties.
(6-0)

3. INTRO. 13-6 (2020)
JOHNSON

WHEREAS, the Erie County Correctional Facility (ECCF) on Walden Avenue in the Town of Alden houses several hundred prisoners serving sentences of one year or less; and

WHEREAS, according to the Sheriff Office's website, the facility allows visitors on Mondays between 7:30 am–11:30 am and 1:00 pm–2:30 pm, and admits visitors on Tuesdays, Wednesdays and Thursdays between 7:30 am–11:30 am, 1:00 pm–2:30 pm, 3:30 pm–5:15 pm, and 6:30 pm–10:30 pm; and

WHEREAS, since 2014, the Niagara Frontier Transportation Authority (NFTA) has not maintained any scheduled bus service to the Village of Alden via Walden Avenue, or service to the ECCF for any person wishing to visit a prisoner; and

WHEREAS, on June 15, 2020, as part of their proposal to “close” the Erie County Holding Center and relocate detainees from that facility to the ECCF, the Erie County Sheriff Office's Superintendent of Jail Management sent a letter to the executive director of the NFTA asking the authority to “have bus service to the Erie County Correctional Facility restored immediately” and asking the NFTA to “collectively ensure that members of the public have sufficient access to their loved ones while incarcerated”; and

WHEREAS, without taking a position at this time on whether the Sheriff's proposal on the Holding Center is appropriate, satisfactory or meritorious, there is merit in requesting the NFTA to study and resume some form of bus service along Walden Avenue to the ECCF to provide equitable access to the public to see persons incarcerated in the facility.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature requests the Niagara Frontier Transportation Authority to examine and report to this Honorable Body on the options for resuming public bus transportation to the Erie County Correctional Facility in Alden on Mondays, Tuesdays, Wednesdays and Thursdays during the hours in which the Sheriff allows visitors; and be it further

RESOLVED, that this Honorable Body urges the NFTA to resume bus service to the ECCF in the hours and days in which prisoner visitation is permitted; and be it further

RESOLVED, that certified copies of this resolution be transmitted to Kimberley Minkel, executive director of the NFTA, to the Board of Commissioners of the NFTA, to Erie County Sheriff Timothy Howard, Jail Management Superintendent Thomas Diina, and to the Erie County Corrections Specialist Advisory Board.
(6-0)

4. COMM. 14E-10 (2020)
COUNTY EXECUTIVE & SHERIFF

WHEREAS, on June 12, 2020, Governor Cuomo signed Executive Order 203 – New York State Police Reform and Reinvention Collaborative; and

WHEREAS, within the executive order, the governor recommends law enforcement agencies should implement implicit bias awareness training; and

WHEREAS, the Erie County Sheriff's Office has consulted with the principals of the Ragan and Amos Consulting firm, MWBE certified, to implement and conduct implicit bias awareness training; and

WHEREAS, the firm's proposal will provide for training in 4-hour blocks for all sworn personnel of the Erie County Sheriff's Office, as well as personnel from the Division of Correctional Health, and the Department of Mental Health – Forensic Mental Health; and

WHEREAS, this Implicit Bias and Policing training aims to increase fairness in officer decision-making to enhance the outcome of police/citizen interactions to promote public trust in the police as well as increase officer safety; and

WHEREAS, the training sessions engage the participants in:

- Learning about stereotypes and biases, how those traits develop and provide insights into the officer's perspectives and how those impact their work;
- Gaining effective strategies for recognizing and managing bias;
- Learning the importance of non-verbal communication, in both of one's own and that of others;
- Gaining skills and knowledge to serve community members from diverse cultures and optimize outcomes effectively;

and

WHEREAS, due to the COVID-19 pandemic, the Sheriff's Office was forced to eliminate 2020 operating budget funds, and, therefore, the agency does not have training funds within the 2020 Budget; and

WHEREAS, the Telephone Revenue account has a balance of \$807,472.00; and

WHEREAS, the Sheriff's Office and the County Executive agree implicit bias awareness training is an appropriate use of the funds; and

WHEREAS, the Erie County Sheriff's Office would utilize Telephone Revenue funds for the training which will eliminate any burden to the taxpayer or affect the 2020 Erie County Budget; and

WHEREAS, the Erie County Sheriff's Office seeks to waive Section 19.08 of the Erie County Administrative Code; and

WHEREAS, this use of funds complies with COMM. 6E-24, 2013, which states that telephone revenue "shall be dedicated to the general operation of the Holding Center and Correctional facility."

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the Erie County Sheriff's Office and the Division of Budget and Management to transfer \$70,500.00 in available Telephone Revenue funds to the appropriate Erie County Sheriff's Office accounts:

ERIE COUNTY SHERIFF'S OFFICE

Sheriff – SAFS Funded Program	
<u>REVENUE</u>	<u>DECREASE</u>
415622	Jail Telephone Revenue Funds
	<u>\$72,500.00</u>
<u>APPROPRIATION</u>	
510200	Training and Education
	<u>\$72,500.00</u>
	Total Revenue
	<u>\$72,500.00</u>

and be it further

RESOLVED, 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 securing the services Ragan and Amos Consulting; and be it further

RESOLVED, the Legislature authorizes the County Executive and the Erie County Sheriff's Office to enter into an agreement with Ragan and Amos Consulting, 40 Waterfront Circle, Suite 402, Buffalo, New York 14202 to conduct forty-three sessions of Implicit Bias and Policing Training workshops for all sworn personnel of the Erie County Sheriff's Office, the Division of Correctional Health, as well as personnel from the Department of Mental Health – Forensic Mental Health; and be it further

RESOLVED, the training is to be completed with 120-days of the signed contract and shall not exceed \$72,500.00; 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 funds either remain in or returned to Telephone Revenue account; and be it further

RESOLVED, the Division of Budget and Management is authorized to make any technical adjustments necessary to effectuate this transfer should there be any unforeseen issues; 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 the approved resolution shall be sent 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.
(6-0)

5. COMM. 14E-18 (2020)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Homeland Security & Emergency Services is required by the US Department of Homeland Security Federal Management Agency (FEMA) to update their hazard mitigation plan every five years to maintain eligibility to receive federal disaster assistance; and

WHEREAS, the Department of Homeland Security & Emergency Services requires the services of a consultant to assist with the mitigation plan update; and

WHEREAS, the Department of Homeland Security & Emergency Services issued a request for proposal (RFP #2020-027VF) on May 20, 2020 seeking consultant services to assist with updating the Multi-Jurisdictional All Hazard Mitigation Plan; and

WHEREAS, four (4) proposals were submitted by various consulting firms on June 12, 2020; and

WHEREAS, a selection committee met and graded the four (4) proposals on June 22, 2020; and

WHEREAS, Tetra Tech was deemed to have submitted the best overall proposal by the selection committee and should be awarded the contract.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with Tetra Tech to provide consulting services to Erie County to update the Multi-Jurisdictional All Hazard Mitigation Plan; and be it further

RESOLVED, that the contract with Tetra Tech will not exceed the \$225,000.00 in funds currently available in the FY18 Hazard Mitigation Planning Grant; 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 Emergency Services c/o Melissa Calhoun, the County Comptroller, and the County Attorney.
(6-0)

HOWARD J. JOHNSON, JR.
CHAIR