

THE ERIE COUNTY LEGISLATURE

**PUBLIC SAFETY  
COMMITTEE**

Howard J. Johnson, Jr.  
*Chair*

John J. Gilmour  
*Vice-Chair*

Meeting No. 4 – March 25, 2021 – 10:15 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>COMM. 12E-16 (2020)</u></a> Session 12	<b>LORIGO</b> <i>“Letter to Chair Requesting Informational Special Meeting Concerning Peaceful Protests”</i>			
3.	<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>			
4.	<a href="#"><u>COMM. 21E-5 (2020)</u></a> Session 21	<b>SHERIFF</b> <i>“Increase TASER Deployment &amp; Expand De- Escalation Training”</i>			

5.	<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>			
6.	<a href="#"><u>COMM. 3E-3 (2021)</u></a> Session 3	<b>JOHNSON</b> <i>“Invitation to Sheriff for Discussion on Professional Standards Issues &amp; Concerns in the EC Sheriff’s Office”</i>			
7.	<a href="#"><u>COMM. 5E-20 (2021)</u></a> Session 5	<b>COUNTY EXECUTIVE</b> <i>“Final Report &amp; Recommendations Relating to the EC Sheriff’s Office Police Services Division - 3/2/2021”</i>			
8.	<a href="#"><u>COMM. 5M-4 (2021)</u></a> Session 5	<b>ECCSAB</b> <i>“Letter to Superintendent of Jails Requesting Input on Proposed Draft Pre-Release Plan”</i>			
9.	<a href="#"><u>COMM. 6E-7 (2021)</u></a> Session 6	<b>JOHNSON</b> <i>“Letter Seeking Clarification on State-Ready Prisoners and Parolees’ Status During COVID Pandemic”</i>			
10.	<a href="#"><u>COMM. 6E-8 (2021)</u></a> Session 6	<b>SHERIFF</b> <i>“Authorization to Accept FY 2020 Operation Stonegarden Grant”</i>			
11.	<a href="#"><u>COMM. 6E-11 (2021)</u></a> Session 6	<b>COUNTY EXECUTIVE</b> <i>“Personnel Adjustment - EC Dept. of Probation”</i>			

12.	<p><b><u>COMM. 6E-19 (2021)</u></b> Session 6</p>	<p><b>COUNTY EXECUTIVE</b> <i>“Equipment Purchase Utilizing Forfeiture Funds - Dept. of Probation”</i></p>			
13.	<p><b><u>COMM. 6E-22 (2021)</u></b> Session 6</p>	<p><b>LORIGO</b> <i>“Board Appointment Recommendation for EC Bar Association Aid to Indigent Prisoners Society, Inc.”</i></p>			
14.	<p><b><u>COMM. 6M-2 (2021)</u></b> Session 6</p>	<p><b>CIVIL RIGHTS &amp; TRANSPARENCY CLINIC</b> <i>“Public Comment in Response to Police Reform Citizen Task Force's Preliminary Report &amp; Recommendations”</i></p>			

## 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

# SUSPENSION



## ERIE COUNTY LEGISLATURE

HON. JOSEPH C. LORIGO  
10<sup>TH</sup> DISTRICT LEGISLATOR  
MINORITY LEADER

June 2, 2020

Hon. April N.M. Baskin  
Chairwoman of the Erie County Legislature  
92 Franklin Street – 4<sup>th</sup> Floor  
Buffalo, New York 14202

RE: Current Events

Dear Chairwoman Baskin:

First and foremost, the death of George Floyd was unacceptable and tragic. He lost his life in the hands of police officers who swore an oath to serve and protect. In that moment, the system failed him and his family. As legislators, we have to look beyond that moment and accept that society has failed so many families, even here in Erie County. We are seeing the justified frustrations of those families boil over every night in every major city in the country and here at home.

I think it is important that we distinctively address those who are peacefully protesting a system that has failed them from those who are violently rioting, destroying our community, and hurting people. The latter is unacceptable and as elected officials, we have an obligation to denounce the behavior and support the rule of law. I cannot be convinced otherwise, and I will not back down from my support for our local law enforcement and our citizen's right to public safety.

I am concerned about those who are peacefully protesting and that is why I write. Their protest is a deeply rooted emotional reaction to a lifetime of feeling left out or mistreated. I understand the need to want to escalate those emotions. A peaceful protest may call attention to a situation, but it doesn't provide satisfaction for the soul that action will be taken or their situation will improve. Calling attention to injustice is the first step. The second step cannot be violence and looting. The escalation to action must start with a conversation, and I believe the people's house of the Erie County Legislature should be open for it. For those that have been peaceful and have called attention to their cause, whatever it may be, we should provide them the next step and a seat at the table in our chambers. With that seat will come a microphone that can give a silent peaceful protester a voice.

I hope that you call a special informational meeting of the entire body to take part. I stand ready to support you if you do. Peaceful protestors are a part of our legislative history going back centuries and their cause should not go unheard.

Sincerely,

A handwritten signature in cursive script that reads "Joseph C. Lorigo".

Joseph C. Lorigo  
Minority Leader  
Legislator, District 10

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

**NOW, THEREFORE, BE IT**

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

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

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

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

**Fiscal Impact:** None at this time.

TIMOTHY B. HOWARD  
SHERIFF

JOHN W. GREENAN  
UNDERSHERIFF



## SHERIFF OF ERIE COUNTY

### ADMINISTRATIVE OFFICES

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

### POLICE SERVICES

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

November 16, 2020

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

**Re: Increase TASER Deployment and Expand De-escalation Training**

Dear Honorable Members:

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

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

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

Very truly yours,

TIMOTHY B. HOWARD  
SHERIFF OF ERIE COUNTY

Attachments

## ACCOMPANYING MEMORANDUM

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

### Summary of Recommended Action

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

The terms of the contract are:

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

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

### Fiscal Implications of Proposal

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

### Reasons for Recommendation

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

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

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

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

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

Consequences of Negative Action

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

Steps Following Approval of Measure

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

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

**Re: Increase TASER Deployment and Expand De-escalation Training**

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

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

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

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

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT

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

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

RESOLVED, the Legislature authorizes the County Executive and the Erie County Sheriff's Office to enter into a five (5) year agreement with Axon Enterprises, Inc., 17800 N 85<sup>th</sup> Street, Scottsdale, Arizona 85255, to purchase 100 TASERS and accompanying equipment and supplies for the Erie County Sheriff's Office; and be it further

RESOLVED, the Erie County Comptroller's Office is hereby authorized to release the designated funds and make payments as necessary; and be it further

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



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

April 5, 2019

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

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

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



### TASER CEW Descriptions

#### TASER 7 CEW

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

#### X2 CEW

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

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



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

#### **X26P CEW**

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

#### **Axon Signal Performance Power Magazine (SPPM)**

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

#### **Axon Signal Sidearm Sensor**

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

### **TASER Brand CEW Model Numbers**

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

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

### **Axon Digital Evidence Solution Description**

#### **Axon Body 3 Video Camera (DVR)**

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

#### **Axon Flex 2 Video Camera**

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

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

#### **Axon Flex 2 Controller**

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

#### **Axon Body 2 Video Camera**

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

#### **Axon Fleet 2 Camera**

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

#### **Axon Fleet Camera**

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

#### **Axon Signal Unit (ASU)**

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

### **Axon Interview Solution**

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

### **Axon Signal Technology**

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

### **Axon Dock**

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

### **Evidence.com Data Management System**

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

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

#### **Evidence.com for Prosecutors**

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

#### **Axon Capture Application**

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

#### **Axon Commander Services**

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

#### **Axon View Application**

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

#### **Axon Professional Services**

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

#### **Axon Customer Support**

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



### **Axon Brand Model Numbers**

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

## TASER Product Packages

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

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

Sincerely,



Josh Isner  
Chief Revenue Officer  
Axon Enterprise, Inc.

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

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

TIMOTHY B. HOWARD  
SHERIFF

JOHN W. GREENAN  
UNDERSHERIFF



## SHERIFF OF ERIE COUNTY

### ADMINISTRATIVE OFFICES

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

### POLICE SERVICES

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

December 2, 2020

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

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

Dear Honorable Members:

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

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

Very truly yours,

TIMOTHY B. HOWARD  
SHERIFF OF ERIE COUNTY

Attachments



## ACCOMPANYING MEMORANDUM

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

I. Summary of Recommended Actions

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

II. Fiscal Implications of Proposal

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

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

III. Reasons for Recommendation

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

IV. Consequences of Negative Action

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

V. Steps Following Approval of Measure

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

**PROPOSED RESOLUTION**

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

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT

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

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

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

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

# ERIE COUNTY LEGISLATURE

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



January 26, 2021

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

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

Hon. Timothy B Howard  
Erie County Sheriff  
10 Delaware Avenue  
Buffalo, New York 14202

**Re: Public Safety Committee Discussion on Professional Standards Issues and Concerns in the Erie County Sheriff's Office**

Dear Sheriff Howard:

I am writing to invite you and your command staff and the head of your professional standards unit to attend a meeting of the Erie County Legislature's Public Safety Committee to discuss the professional standards unit and recent incidents and alleged misconduct involving sworn personnel of the Sheriff's Office.

Media reports and accounts have noted several employees of your office involved in troubling incidents/issues raising concern among legislators such as:

- A corrections officer threatening protestors in a street with a baseball bat in 2020
- A holding center deputy being arrested for drug charges (and DWI)
- Male corrections officers or holding center deputies engaged in improper sexual or romantic relationships with female prisoners or former prisoners
- Incidents/accidents involving deputies and 24-hour take home vehicles and a road deputy who was arrested for DWI after wrecking his unmarked Sheriff vehicle in October 2020
- A civil process deputy who improperly ran the license plates of, and accosted (while on duty) a then-Buffalo Bison baseball player and another person in order to find out why the civilian was socializing with the deputy's girlfriend (who had a criminal record, for which the deputy was forbidden from associating) and
- Data suggesting that 70% of ECSO staff that are investigated for alleged wrongdoing are exonerated or face minor charges/discipline.

The Public Safety Committee will be meeting on February 11 and February 25 and will be held virtually, which should easily facilitate your personal participation. We are willing to schedule the time of the committee meeting to accommodate you and your staff's attendance. Thank you in advance for your consideration and assistance. I look forward to hearing from you to confirm your attendance.

Sincerely,

A handwritten signature in black ink that reads "Howard J. Johnson". The signature is written in a cursive style with a long, sweeping underline.

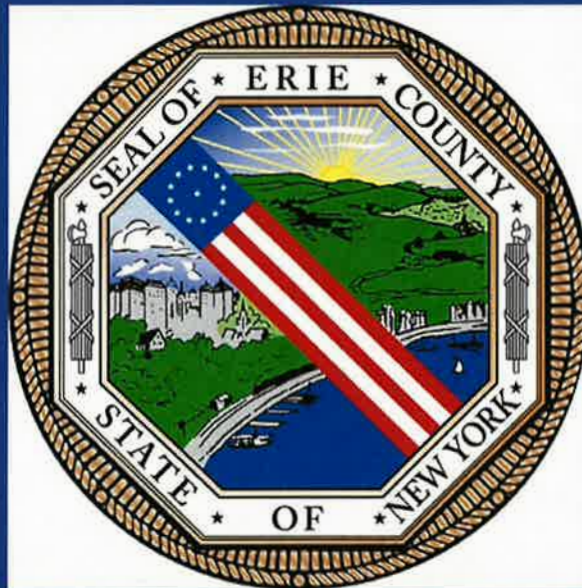
Howard J. Johnson, Chair  
Public Safety Committee

**FULL ITEM CAN BE  
ACCESSED HERE**

ERIE COUNTY, NEW YORK

# **POLICE REFORM CITIZEN TASK FORCE**

**Final  
REPORT AND RECOMMENDATIONS**



**relating to**

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

**March 2, 2021**

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

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



**Jonathan Miles Gresham, Chair**  
**Cindi McEachon, Vice Chair**

**Members:**

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

February 24, 2021

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

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

Dear Superintendent Diina:

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

Below are additional comments/questions for consideration:

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

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

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

Sincerely,

**Erie County Corrections Specialist Advisory Board**

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

# ERIE COUNTY LEGISLATURE

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



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

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

March 5, 2021

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

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

Dear Commissioner Annucci:

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

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

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

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

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

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

Sincerely,

A handwritten signature in black ink that reads "Howard J. Johnson". The signature is written in a cursive style with a large, prominent "H" and "J".

Howard Johnson, Jr.  
Chair, Public Safety Committee

**TIMOTHY B. HOWARD**  
SHERIFF

**JOHN W. GREENAN**  
UNDERSHERIFF



## SHERIFF OF ERIE COUNTY

### ADMINISTRATIVE OFFICES

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

March 4, 2021

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

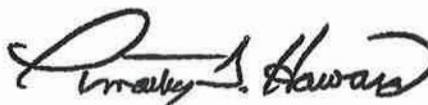
**Re: Erie County Sheriff's Office – FY 2020 Operation Stonegarden Grant**

Dear Honorable Members:

Attached, please find a proposed resolution and accompanying memorandum requesting authorization for the County Executive and the Erie County Sheriff to enter into an agreement to accept a grant from the State of New York Office of Homeland Security in the amount of \$262,983.00 for FY20. Police agencies will utilize funding within Erie County to increase the security of the international border along the Niagara River and Lake Erie in partnership with federal agencies.

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

Very truly yours,



TIMOTHY B. HOWARD  
SHERIFF OF ERIE COUNTY

Attachments



## ACCOMPANYING MEMORANDUM

**To:** Honorable Members of the Erie County Legislature  
**From:** Erie County Sheriff's Office  
**Re:** Erie County Sheriff's Office – FY 2020 Operation Stonegarden Grant  
**Date:** March 4, 2021

### Summary of Recommended Action

The attached resolution requests authorization for the County of Erie to enter into an agreement and receive funding in the amount of \$262,983.00 from the State of New York State Office of Homeland Security for Operation Stonegarden. The operation's mission is to support the U.S. Border Patrol's primary mission of apprehending human traffickers, drug smugglers, and terrorists as they attempt to enter the United States illegally.

### Fiscal Implications of Proposal

This resolution accepts \$262,983.00 in grant funding and will provide all expenses needed to support this program.

### Reasons for Recommendation

The Erie County Sheriff's Office (ECSO) Marine Unit works closely with federal agencies to provide homeland security and continue to prevent and respond to illegal entry by drug dealers, human trafficking organizations, and individuals intent on carrying out acts of terrorism in this region.

Recently, our region has experienced notable incidents where narcotics were illegally imported into the area over the international border as well as two incidents where individuals made illegal entry into the United States by a Niagara River crossing using a watercraft.

Operation Stonegarden funding will support international border and waterway security by coordinating U.S. Border Patrol agents to enhance law enforcement preparedness and operational readiness along the United States borders.

### Consequences of Negative Action

The County will forfeit \$262,983.00 in funding that will support international border and waterway security. Additionally, the Sheriff's Office would lose an opportunity to coordinate with U.S. Border Patrol to enhance law enforcement preparedness and operational readiness along the United States' borders.

### Steps Following Approval of Measure

Certified copies of the approved resolution shall be 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's Office for implementation.

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

**Re: Erie County Sheriff's Office – FY 2020 Operation Stonegarden Grant**

WHEREAS, the US Department of Homeland Security through the NYS Division of Homeland Security and Emergency Services has awarded \$262,983.00 for FY20 to Erie County in funding to increase security along the Canadian border; and

WHEREAS, the Erie County Sheriff's Office will coordinate with police agencies from the cities of Buffalo and Tonawanda and the towns of Brant, Evans, and Hamburg to conduct joint waterway patrols; and

WHEREAS, these patrols support the U.S. Border Patrol's mission of protecting the international borders from human trafficking and illegal drug operations as well as apprehending terrorists and others intent on conducting illegal activities on U.S. soil; and

WHEREAS, the funds will be used for overtime and fringe benefits of the participating law enforcement agencies associated with the mission, and to purchase equipment required to support this program; and

WHEREAS, this resolution accepts \$262,983.00 in grant funding and will provide for all expenses needed to support this program.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive and the Erie County Sheriff to enter into a contract with the New York State Department of Homeland Security to accept \$262,983.00 for FY20; and be it further

RESOLVED, the Fund Center is 11510, and the grant will be allocated to the following accounts:

**ERIE COUNTY SHERIFF'S OFFICE  
FY 2020 Operation Stonegarden Grant  
September 1, 2020, to August 31, 2023**

<u>REVENUE</u>		<u>DECREASE</u>
414000	Federal Revenue	<u>\$262,983.00</u>
<u>APPROPRIATION</u>		<u>INCREASE</u>
501000	Overtime	\$48,250.00
502000	Fringe Benefits	\$18,920.00
505600	Automotive Supplies	\$3,000.00
516010	Contractual Payments	\$120,813.00
561410	Lab and Tech	\$72,000.00

Total Revenue

\$262,983.00

; and be it further

RESOLVED, that the County Executive and the Erie County Sheriff's Office are authorized to enter into sub-contracts with the cities of Buffalo and Tonawanda and the towns of Brant, Evans, and Hamburg to reimburse the expenses they incur while participating in Operation Stonegarden and border security operations; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make the necessary transfers and to make any technical adjustments necessary to effectuate these transfers 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, the Division of Purchasing, the Erie County Comptroller's Office, and the Chief of Administration of the Sheriff's Office for implementation.



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

March 12, 2021

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

**Re: Personnel Adjustment – Erie County Department of Probation**

Dear Honorable Members:

Please find enclosed a proposed resolution and an accompanying memorandum from the Erie County Department of Probation requesting authorization to reinstate the position of Case Manager Pretrial – Spanish Speaking in the Alternative to Incarceration (ATI) grant. This position is funded in part by state funds, and in order to continue the important (ATI) grant initiatives in our community, we are requesting that this position be reinstated.

This position will be funded in 2021 with state aid and existing appropriations within the Probation Department's 2021 adopted budget.

Should your Honorable Body require further information, I encourage you to contact Commissioner Michelle A. Olszowy of the Probation Department. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/  
Enclosure

cc: Michelle A. Olszowy, Commissioner Probation Department

# MEMORANDUM

**To:** Honorable Members of the Erie County Legislature  
**From:** Erie County Probation Department  
**Re:** Personnel Adjustment – Erie County Department of Probation  
**Date:** March 12, 2021

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## **SUMMARY**

Legislative authorization is sought to reinstate the position of Case Manager Pretrial (GRP07) Spanish Speaking within the Erie County Department of Probation in the existing Alternative to Incarceration (ATI) grant. The position will be funded with aid from the New York State Division of Criminal Justice Services' (NYS DCJS) Office of Probation and Correctional Alternatives (OPCA) and existing appropriations within the 2021 Erie County Probation Department's Adopted Budget.

If this request is not honored, the department will be unable to offer Pretrial Services as part of the ATI grant.

## **FISCAL IMPLICATIONS**

No additional county funding is required.

<b><u>Annualized Salary</u></b>	\$53,044
<b><u>Salary for Balance of Year</u></b>	\$39,649
<b><u>Funding Source</u></b>	Grant
If Grant funded:	
Grant Source:	New York State
Grant Duration:	July 2020 – June 2021
Remaining Grant Funding:	\$128,237
Alternative Source of Funding if Grant is not renewed:	County Share

## **REASONS FOR RECOMMENDATION**

The county has recently received an award letter for the grant period July 1, 2020 – June 30, 2021 for \$128,237. Prior to the submission of the 2021 budget, no award notification or direction for ATI was available from DCJS due to the financial crisis resulting from COVID-19. The COVID-19 crisis and the Bail Reform Laws enacted in January of 2020 left uncertainty for Pretrial Services and its funding. With no award letter or direction forthcoming, the three Pretrial positions were eliminated as of December 31, 2020. This award commitment will allow Erie County to reinstate the position of Case Manager Pretrial – Spanish Speaking without additional county funding.

## **BACKGROUND INFORMATION**

The Bail Reform Laws enacted in January 1, 2020 had implications for the type of services the existing three (3) Pretrial staff would perform going forward. The bulk of Pretrial work had focused on screening individuals in custody prior to arraignment and making release recommendations to the Court. However, in light of Bail Reform significantly less people were expected to be physically arrested and held in custody prior to arraignment and the Court's release options were expected to narrow. NYS DCJS planned to work with counties in the first half of 2020 to redefine performance measures and role of Pretrial Services. However, due to the timing of COVID-19, DCJS was unable to address these issues for the contract ending June 30, 2020 or provide an award letter for the contract period July 1, 2020 – June 30, 2021. In preparing the 2021 Erie County Budget only Community Service Sentencing programming was included as we had reasonable belief that no changes to that program were imminent and a contract for such would be forthcoming. However, with no information from the NYS regarding Pretrial Services and the known implications of Bail Reform on services provided, the three (3) Pretrial staff positions were eliminated from the budget.

On January 29, 2021, Erie County received a state award notice of \$128,237 for the performance-based Alternative to Incarceration grant for the entitlement period of July 1, 2020 to June 20, 2021. This revenue is equal to what was originally budgeted for this grant period. The award notice included direction on Pretrial Services activities. After reviewing the workload and needs of the courts the Probation Department plans to continue to ensure Erie County offers Pretrial Services by requesting one Pretrial position be restored. The award provides the Probation Department revenue that was uncertain for County fiscal year and therefore not included the Erie County 2021 Adopted Budget. The revenue is sufficient to reinstate the Case Manager Pretrial – Spanish Speaking position in 2021.

Duties required of the position required by Law or Contract: Contract

Position Classification: GRP 07 (D)

## **CONSEQUENCES OF NEGATIVE ACTION**

Without the reinstatement of the Case Manager Pretrial – Spanish Speaking position in the ATI grant, the Probation Department will not have sufficient staffing to provide Pretrial Services as part of the ATI grant.

## **STEPS FOLLOWING APPROVAL**

The Erie County Probation Department will work with the Division of Budget and Management and Department of Personnel to implement this request.

A RESOLUTION SUBMITTED BY:  
DEPARTMENT OF PROBATION

RE: Personnel Adjustment –  
Erie County Department of Probation

WHEREAS, the Erie County Probation Department requests authorization to reinstate a Case Manager Pre-Trial – Spanish Speaking position within the Alternative to Incarceration (ATI) Grant; and

WHEREAS, the 2021 Erie County Adopted Budget included the continuation of an existing 2020-21 grant for Alternative to Incarceration (ATI) that did not include the position of Case Manager Pretrial – Spanish Speaking; and

WHEREAS, funding for this grant was awarded retroactively to July 1, 2020 by the New York State Division of Criminal Justice Services on January 29, 2021; and

WHEREAS, the reestablishment of the position will enable the Probation Department to offer both Community Service Sentencing programming and Pretrial Services through the Alternative to Incarceration grant; and

WHEREAS, there is no increase in County funding of the existing 2021 Erie County Adopted Budget;

NOW, THEREFORE, BE IT

RESOLVED, that one (1) Case Manager Pretrial – Spanish Speaking, JG-7-D position is created within the Department of Probation (B100 #12237) within the existing Alternative to Incarceration grant structure, encompassing both 126ATI2021 and 126ATI2122 grants effective April 24, 2021; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to establish and adjust budgets as required to comply with State approved funding levels; 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, the Personnel Department and the Probation Department c/o Dolla Khoury-Sobon, Room 112, 1 Niagara Plaza.



ECLEG MAR15'21 AM10:05

# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

March 12, 2021

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

**RE: Department of Probation - Equipment Purchase  
Utilizing Forfeiture Funds**

Dear Honorable Members:

The attached resolution and accompanying memorandum from the Erie County Department of Probation requests authorization to appropriate available asset forfeiture funds for the purchase of equipment. The Probation Department needs to purchase one Taser unit to maintain efficient department operations. This purchase will be made using federal seizure funds.

Should your Honorable Body require further information, I encourage you to contact Commissioner Michelle A. Olszowy at the Erie County Probation Department. Thank you for your immediate consideration on this matter.

Sincerely,

Mark C. Poloncarz, Esq.

Erie County Executive

MCP/bm  
Enclosure

cc: Michelle A. Olszowy, Erie County Probation Department



## **MEMORANDUM**

**To:** Honorable Members of the Erie County Legislature  
**From:** Erie County Probation Department  
**Re:** Department of Probation - Equipment Purchase  
Utilizing Asset Forfeiture Funds  
**Date:** March 12, 2021

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### **SUMMARY**

Legislative authorization is sought to utilize available asset forfeiture funds for the purchase of one Taser unit and partial payment of an additional battery pack for the Erie County Probation Department.

### **FISCAL IMPLICATIONS**

The County has available asset forfeiture funds which will be utilized to pay for the Taser unit, and will use \$79.83 from the existing 2021 Erie County Adopted Budget to partially pay for the additional battery pack.

### **REASONS FOR RECOMMENDATION**

The Probation Department officers carry weapons in performing their duties. Taser units are a less lethal use of force option for our Probation Officers when dealing with resistive/assaultive defendants or arrestees. The purchase of an additional Taser unit will increase the number of units available for use by Probation Officers.

### **BACKGROUND INFORMATION**

Asset forfeiture funds can only be used for law enforcement equipment, training, and other investigative or awareness programs delineated as permissible uses in the Equitable Sharing Guideline for State and Local Law Enforcement Agencies. Currently the Probation Department has available resources in asset forfeiture funds for a Taser unit and partial payment of an additional battery pack.

### **CONSEQUENCES OF NEGATIVE ACTION**

The Probation Department will be hampered in the performance of its duties to safely supervise probationers via home visits, and to utilize less lethal options when dealing with resistive/assaultive defendants and arrestees.

### **STEPS FOLLOWING APPROVAL**

The Department of Probation will work with the Purchase department to purchase this equipment.

**A RESOLUTION SUBMITTED BY:  
PROBATION DEPARTMENT**

RE: Department of Probation – Equipment  
Replacement Utilizing Asset Forfeiture Funds

WHEREAS, the Probation Department is mandated to supervise probationers through the use of home visits; and for officer safety officers are equipped with Taser units in the field; and

WHEREAS, the Erie County Department of Probation desires to purchase a Taser unit and an additional battery pack; and

WHEREAS, the County has available asset forfeiture funds which can be used to pay for the Taser unit and backup battery and will use available funds in the Erie County Adopted Budget to partially pay for this battery backup pack.

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 2021 Budget of the Probation Department, cost center 1261010 funded program SAFPRO:

REVENUE	Increase
421550 Forfeiture Crime Proceeds	\$ 1,685.16

APPROPRIATION	Increase
561410 Lab and Technical Equipment	\$ 1,685.16

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 following departments: County Executive's Office, Division of Budget and Management, County Comptroller, County Attorney and the Probation Department c/o Dolla Khoury-Sobon Room 112, 1 Niagara Plaza.



# ERIE COUNTY LEGISLATURE

HON. JOSEPH C. LORIGO  
10<sup>TH</sup> DISTRICT LEGISLATOR  
MINORITY LEADER

March 4, 2021

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

**RE: Board Appointment Recommendation**

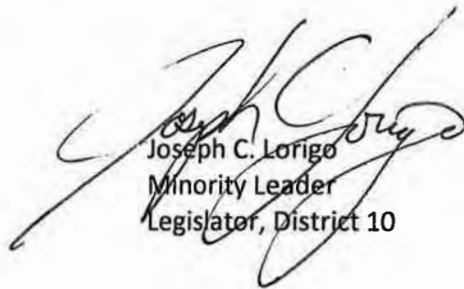
Dear Mr. Young:

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

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

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

Sincerely,



Joseph C. Lorigo  
Minority Leader  
Legislator, District 10

cc: Peter Vasilion  
Michelle M. Parker

## Callan, Timothy

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

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

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

Robert Graber, Clerk  
Erie County Legislature

Mr. Graber:

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

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

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

Thank you for your consideration.

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

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



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

March 1, 2020

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

Erie County Police Reform Citizen Task Force:

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

**PUBLIC COMMENTS  
March 1, 2020**

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

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

507 O'Brian Hall, Buffalo, NY 14260  
716.645.2167  
law-clinic@buffalo.edu  
[www.law.buffalo.edu/clinics](http://www.law.buffalo.edu/clinics)

<sup>1</sup> Executive Order 203 (June 12, 2020).

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

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

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

## **II. The Public Comment Period Should Be Extended.**

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

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

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

<sup>3</sup> Comment by Salena Raszewski, Erie County Police Reform & Reinvention Collaborative Task Force Meeting 3 (Oct. 26, 2020), recording available at [www.youtube.com/watch?v=7PCYt\\_FtZ0](https://www.youtube.com/watch?v=7PCYt_FtZ0).

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

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

Sincerely,

Heather Abraham  
*Director*

Michael F. Higgins  
*Assistant Director*

Civil Rights and Transparency Clinic  
University at Buffalo School of Law

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<sup>5</sup> Executive Order 203 (June 12, 2020).