

**ERIE COUNTY LEGISLATURE
MEETING NO. 7
SPECIAL MEETING
MARCH 25, 2021**

The Legislature was called to order by Chair Baskin.

All members present, except Legislator Gilmour.

An Invocation was held, led by Mr. Meyers, who requested a moment of silence.

The Pledge of Allegiance was led by Mr. Lorigo.

LEGISLATOR RESOLUTIONS

Item 1 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

MR. LORIGO requested the separation of the First Resolve Clause.

GRANTED.

CHAIR BASKIN moved the previous question and directed that a roll-call vote be taken.

AYES: MR. GREENE, MR. LORIGO, MR. MILLS, MR. TODARO, CHAIR BASKIN, MS. CHIMERA, MR. HARDWICK, MR. JOHNSON, MR. MEYERS and MS. VINAL. NOES: None. (AYES: 10; NOES: 0)

CARRIED UNANIMOUSLY.

RESOLUTION NO. 57

RE: Certifying the EC Police Reform
& Reinvention Collaborative
Plan
(INTRO. 7-1)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS BASKIN, MEYERS, JOHNSON, CHIMERA & VINAL**

WHEREAS, on June 12, 2020, following the police-involved death of George Floyd in Minnesota in May 2020 and protests throughout the nation and in communities across New York State in response to police-involved deaths and racially-biased law enforcement to demand change, action, and accountability, New York State Governor Andrew M. Cuomo issued Executive Order 203, entitled the “New York State Police Reform and Reinvention Collaborative”; and

WHEREAS, this Executive Order stated that “urgent and immediate action is needed to eliminate racial inequities in policing, to modify and modernize policing strategies, policies,

procedures, and practices, and to develop practices to better address the particular needs of communities of color to promote public safety, improve community engagement, and foster trust”; and

WHEREAS, the Executive Order directed local governments in New York which have police forces to “perform a comprehensive review of current police force deployments, strategies, policies, procedures, and practices, and develop a plan to improve such deployments, strategies, policies, procedures, and practices, for the purposes of addressing the particular needs of the communities served by such police agency and promote community engagement to foster trust, fairness, and legitimacy, and to address any racial bias and disproportionate policing of communities of color”; and

WHEREAS, the Order further stated that “Each chief executive of such local government shall convene the head of the local police agency, and stakeholders in the community to develop such plan, which shall consider evidence-based policing strategies, including but not limited to, use of force policies, procedural justice; any studies addressing systemic racial bias or racial justice in policing; implicit bias awareness training; de-escalation training and practices; law enforcement assisted diversion programs; restorative justice practices; community-based outreach and conflict resolution; problem-oriented policing; hot spots policing; focused deterrence; crime prevention through environmental design; violence prevention and reduction interventions;” and

WHEREAS, each local municipality, “in coordination with its police agency, must consult with stakeholders, including but not limited to membership and leadership of the local police force; members of the community, with emphasis in areas with high numbers of police and community interactions; interested non-profit and faith-based community groups; the local office of the district attorney; the local public defender; and local elected officials, and create a plan to adopt and implement the recommendations resulting from its review and consultation, including any modifications, modernizations, and innovations to its policing deployments, strategies, policies, procedures, and practices, tailored to the specific needs of the community and general promotion of improved police agency and community relationships based on trust, fairness, accountability, and transparency, and which seek to reduce any racial disparities in policing”; and

WHEREAS, the order required that the local government and stakeholder group had to create a locally-approved plan for the strategies, policies and procedures of local police agencies” and the plan was required to “be offered for public comment to all citizens in the locality, and after consideration of such comments, shall be presented to the local legislative body in such political subdivision, which shall ratify or adopt such plan by local law or resolution, as appropriate, no later than April 1, 2021”; and

WHEREAS, in the event the local municipality did not perform such a review, create such a plan and have the plan certified by the local legislative body by April 1, 2021, the New York State Director of the Division of the Budget is authorized to hold back future appropriated state or federal funds due and owing to the local government; and

WHEREAS, on September 11, 2020, the Erie County Executive appointed thirteen members to the Erie County Police Reform and Reinvention Collaborative to examine the Erie County Sheriff Office’s Police Services Division (i.e. Road Patrol and other policing units); and

WHEREAS, the Collaborative, or the Erie County Police Reform Citizen Task Force, as they called themselves, met starting in September 2020 through February 2021, and issued a report on February 23, 2021 for public comment; and

WHEREAS, that report offered a range of policing recommendations and reform measures, as well as findings and provided factual information on which to make further reforms and actions concerning the Police Services Division of the Erie County Sheriff's Office; and

WHEREAS, key findings towards the Sheriff Office included: that only two of 146 deputies assigned to the sheriff's patrol unit are non-White and there are only 12 female deputies; the Professional Standards unit allows subordinate-ranking employees to investigate higher-ranking personnel and the unit has no set time frame to complete investigations; some top leadership positions in the Sheriff's Office are filled as patronage hires by people with limited leadership training; and the Sheriff's Office has no "early warning system" to monitor deputies who have been subject to complaints or discipline; and no annual report of the Office has been published since 2004; and

WHEREAS, key recommendations towards the Sheriff Office include: creating a citizen review board responsible for "fielding, reviewing and the investigation and disposition of all citizen complaints made against a deputy" and vetting and approving any appointee of the sheriff who would be placed in an exempt, confidential or policymaking position; requiring employees of the Professional Standards unit to be ranking officers who would not investigate anyone with a higher rank; establishing a 90-day time frame for completing internal affairs investigations; making complaints against the Sheriff Office public; recommence publishing an annual report of the Sheriff's Office budget, expenses, operations, and statistical data; creating a Crisis Services Response Team that would play a role in assisting deputies responding to mental health calls and emotional welfare visits; updating the sheriff's use-of-force policy; and developing an updated performance review form of staff; and

WHEREAS, the County Executive released the Task Force's draft report to the public and accepted public comment for one week, at which time 161 comments were posted to the draft report, and many comments were provided, including an emphasis on using social workers and mental health experts to assist armed law enforcement intervention in certain instances; and

WHEREAS, following the public comment period, the County Executive transmitted the Task Force's final report to the Erie County Legislature on March 2, 2021, for review and certification by this Honorable Body; and

WHEREAS, the Erie County Police Reform and Reinvention Collaborative report recommendations has been the subject of a discussion in the Erie County Legislature's Public Safety Committee on March 25, 2021 with members of the Task Force.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby certifies and approves of the final report of the Erie County Police Reform Citizen Task Force; and be it further

RESOLVED, that this Honorable Body expresses our thanks and appreciation to the Erie County Police Reform Citizen Task Force and its members, staff, Sheriff Office employees, and all those residents who participated in the Task Force’s meetings, survey and public comment process; and be it further

RESOLVED, that this Honorable Body affirms our intention to work with the Sheriff’s Office, mental health advocates and other key stakeholders to further examine the report’s findings and recommendations as part of a lengthier and in-depth process of reforming and modernizing the Sheriff Office under a newly-elected Sheriff; and be it further

RESOLVED, that this Honorable Body expresses its intention to review the implementation of reforms and recommendations made by the report and the Task Force following the election and installation of a new Erie County Sheriff in 2022; and be it further

RESOLVED, that certified copies of this resolution shall be transmitted to the Governor, to the Director of the New York State Division of Budget, the County Executive, the Sheriff, and the members of the Erie County Police Reform Citizen Task Force.

CHAIR BASKIN moved the adoption of the First Resolve Clause and directed that a roll-call vote be taken.

AYES: CHAIR BASKIN, MS. CHIMERA, MR. HARDWICK, MR. JOHNSON, MR. MEYERS and MS. VINAL. NOES: MR. GREENE, MR. LORIGO, MR. MILLS and MR. TODARO. (AYES: 6; NOES: 4)

CARRIED.

FROM THE COUNTY EXECUTIVE

Item 2 – (COMM. 5E-20) Final Report & Recommendations Relating to the EC Sheriff’s Office Police Services Division – 3/2/2021

Related informational communication from the Public Safety Committee.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM CHAIR BASKIN

Item 3 – (COMM. 7E-1) Letter to Clerk of Legislature Calling Special Meeting

Received, filed and printed.

March 15, 2021

Robert M. Graber, Clerk

Erie County Legislature
92 Franklin St., 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

Please be advised that there is a pressing matter before the Erie County Legislature that needs attention. Therefore, there is a need to call a Special Meeting of the Legislature.

Accordingly, pursuant to Rule 2.02 of the Rules of Order of the Erie County Legislature, you are hereby directed to call a SPECIAL MEETING of the Erie County Legislature to be held on Thursday, March 25, 2021 at 1:15 pm, to be held virtually via Zoom, due to the ongoing COVID-19 pandemic.

The purpose of the Special Meeting will be acting on matters relating to Comm. 5E-20, the final report of the Erie County Police Reform Citizen Task Force relating to the Police Services Division of the Erie County Sheriff's Office, and a separate legislative resolution certifying that report and its recommendations.

The items on the agenda of the Special Meeting will include Comm. 5E-20, a legislative resolution certifying the plan/report of the Task Force, my letter to you directing the calling of the Special Meeting, and your Memo as Clerk of the Legislature to Members of the Legislature calling the Special Meeting.

Thank you for your prompt attention to this matter.

Sincerely,

April N.M. Baskin, Chair
Erie County Legislature

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE CLERK OF LEGISLATURE

Item 4 – (COMM. 7D-1) Notice of Special Meeting

Received, filed and printed.

March 15, 2021

TO: ALL MEMBERS OF THE ERIE COUNTY LEGISLATURE

FROM: ROBERT M. GRABER, CLERK

SUBJECT: SPECIAL MEETING NOTICE FOR MARCH 25, 2021

PLEASE TAKE NOTICE that pursuant to Rule 2.02 of the RULES OF ORDER OF THE ERIE COUNTY LEGISLATURE, and under the direction of Chair April N. M. Baskin, there will be a SPECIAL MEETING of the Erie County Legislature on Thursday, March 25, 2021 at 1:15 pm, to be held virtually via Zoom due to the COVID-19 pandemic.

The purpose of the Special Meeting will be acting on matters relating to Comm. 5E-20, the final report of the Erie County Police Reform Citizen Task Force relating to the Police Services Division of the Erie County Sheriff's Office, and a separate legislative resolution certifying that report and its recommendations.

The items on the agenda of the Special Meeting will include Comm. 5E-20, a legislative resolution certifying the plan/report of the Task Force, the Chair's letter directing the calling of the Special Meeting, and my memorandum as Clerk of the Legislature to Members of the Legislature calling the Special Meeting.

The items are attached.

The Zoom call-in details are below:

The Zoom details are as follows:

Topic: Erie County Legislature Special Legislative Session
<https://us02web.zoom.us/j/83704710238>
Meeting ID: 837 0471 0238
Or call 646-876-9923

Thank you.

ANNOUNCEMENTS

Item 5 – Chair Baskin announced that the next session will be held on Thursday, April 15, 2021.

MEMORIAL RESOLUTIONS

Item 6 – Legislator Johnson requested that when the Legislature adjourns, it do so in memory of Michael A. Fitzpatrick.

Item 7 – Legislator Todaro requested that when the Legislature adjourns, it do so in memory of Stanley Markut and Jack T. Bumbalo.

Item 8 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Daniel J. Rogers.

Item 9 – Legislator Mills requested that when the Legislature adjourns, it do so in memory of Evelyn B. Scull.

Item 10 – Legislator Vinal requested that when the Legislature adjourns, it do so in celebration of the birth of Joseph Eisenburg.

Item 11 – Legislator Chimera requested that when the Legislature adjourns, it do so in memory of Suzanne Marquardt.

ADJOURNMENT

Item 12 - At this time, there being no further business to transact, CHAIR BASKIN announced that the Chair would entertain a Motion to Adjourn.

MR. MEYERS moved that the Legislature adjourn until Thursday, April 15, 2021 at 12:00 p.m. Eastern Standard Time. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, April 15, 2021 at 2:00 p.m. Eastern Standard Time.

**ROBERT M. GRABER
CLERK OF THE LEGISLATURE**