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COUNTY EXECUTIVE

COUNTY OF ERIE

OFFICE OF ADMINISTRATION

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CORRECTIVE ACTION PLAN FOR THE COUNTY CONTROLLER'S PRISON REPORT DATED OCTOBER 15, 2012

Finding #1: Payroll/Leave #1

Recommendation: The Administration has placed one employee on unpaid leave pending completion of the investigation and due process. The Controller's Office recommends additional disciplinary action be taken by the Administration against other involved Prison employees.

Response: After the completion of investigations by the Administration including both the Prison and Finance Departments, as well as the Erie City Police Department, the employment of two employees was terminated and criminal charges were filed against them. A third employee was ordered to repay time off that was not properly authorized and is repaying the County within the time frame approved by the Personnel Director.

Finding #2: Payroll/Leave #2

Recommendation: Implementation of an electronic payroll system at the Prison as well as several internal control procedures for the current paper payroll process. The prison should strictly enforce the County Anti-Nepotism Policy preventing immediate supervision by a relative.

Response: The County started to implement an electronic integrated time and attendance, payroll and personnel system in the fourth quarter of 2012. At the time of the Controller's report a paper system was used. The Administration has implemented the new system at the prison and has hired an accountant in the Finance Department stationed at the prison whose duties include the daily review of all prison timecards.

The Prison has adopted the County Anti-Nepotism Policy. The situation in which a shift captain supervised her husband was

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unique and the result of a meet and discuss with the union after a grievance was filed against the County for not allowing the husband to move to her shift even though he was the most senior bidder. At the conclusion of the 2004 meeting an agreement was reached in which the Administration would strictly enforce the anti-nepotism policy in return for the County agreeing to allow this one employee to move to first shift. The policy is and has been enforced by the Personnel Department.

Finding #3: Control Over Ammunition and Firearms

Recommendation: The report noted several weaknesses in the control over ammunitions and firearms. In particular, the inventory log, access to ammunition and guns, and use of ammunition for training and qualification.

Response: The Prison Administration updated their internal policy number 210-07, Armory & Security Equipment. The policy has been reviewed by the Finance Department and includes revised forms to properly account for ammunition and firearms. A complete copy of the policy is attached to this document and labeled Exhibit A.

Access to the armory is limited with security features including swipe card access, cameras, and pad locks. The County's fixed asset system has been updated to record the addition of a chemical launcher and the removal of a firearm that was previously destroyed.

Finding #4: County-Whistleblower Policy

Recommendation: The County does not have a formal policy for whistleblowers.

Response: The investigations performed by the Administration, Controller and Erie Police Department was the result of an anonymous letter sent to County Executive, the Finance Department and the County Controller. The County Administration has reviewed other whistleblower policies and has completed a whistleblower policy which is being disseminated to all County employees and will be posted on the County website. The County Whistleblower Policy,

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policy number 45, is attached to this response and labeled Exhibit B.

Finding #5: Control of Courthouse Surveillance Records

Recommendation: No one should have access to surveillance records except law enforcement agencies during the course of a current criminal investigation. The Erie County Sheriff should be responsible to safely maintain surveillance records in a manner consistent with County policies.

Response: While the Administration agrees that a policy regarding control of surveillance records was needed, we disagree with Controller on the manner in which these records are accessed and used. Surveillance equipment is not limited to the Courthouse, and is in place or being installed in most county buildings. The Sheriff monitors the camera system during business hours just in the Courthouse and work in conjunction with the Administration to secure the building. Surveillance records are used for a variety of valid business reasons including workers compensation claims, insurance claims, security alarms being deployed, monitoring weather conditions to insure the walkways and parking lots are properly salted and plowed, as well as criminal investigations. A copy of the Surveillance System Camera Policy, policy number 47, is attached to this document and labeled Exhibit C.

Exhibit A

ERIE COUNTY DEPARTMENT OF CORRECTIONS 1618 Ash Street Erie, Pennsylvania 16503-2168			
CHAPTER SECURITY	SUBJECT ARMORY & SECURITY EQUIPMENT		
# PAGES 6	POLICY 210-07	EFFECTIVE DATE May 1, 2013	REPLACES JUNE 2003

I. **POLICY**

It is the policy of the Erie County Department of Corrections to provide a secure location for the storage and strict accountability of all county assets relative to the armory and all security equipment inventories. The issuance and maintenance of all Armory and Security equipment and the access to this location will be logged accordingly.

II. **REFERENCE**

A.C.A. 4-ALDF-2B-05, 06 and 08, Title 37 § 95.241

III. **DEFINITIONS**

Security Equipment Room: A secure storage area located off the corridor to the loading dock designated for the secure storage of non-lethal security equipment including, chemical munitions, PepperBall launchers, batons, EID/MPID's, and extraction equipment.

Armory: A secured room adjoining the Security Equipment Room, which stores lethal security equipment, including firearms, ammunitions, and chemical munitions. This area is only accessible to the Warden/Deputy Wardens and qualified personnel given authorization.

Armorer: A designated staff member who will work in conjunction with the Deputy Warden of Security and Safety to maintain the integrity of the Armory. The Armorer(s) will report directly to the Deputy Warden of Security and Safety.

Weapons: Handguns, shotguns, etc.

Chemical Munitions: Chemical delivery systems (i.e., 37mm chemical projectile launcher, PepperBall System), pyrotechnic or expulsion grenades, powder or liquid projectiles, Oleoresin Capsicum.

EID/MPID: Electronic Immobilizing Devices (handheld or shield mounted devices).

IV. DESCRIPTION OF THE ARMORY

- A. The Security Equipment Room and Armory are to be the central storage areas for firearms, ammunition, batons, helmets and other security equipment. Some of these items may be stored in other locations i.e., security bay garage, central control, etc.
1. The Erie County Prison Security Equipment Room and Armory consist of two secure working areas located off the loading dock hallway area.
 - a. The secure larger area marked "Security Equipment Room", which houses all less lethal, (non-lethal), security equipment such as helmets, batons, vests, pepperball launchers, etc.
 - b. Adjoining this area is a room marked "Armory." This room contains lethal equipment such as firearms and ammunitions. This room is to be considered separate and secure from the larger common area identified as the Security Equipment Room.
 2. The Security Equipment Room/Armory keys will be stored in Central Control and be logged in and out to gain access by the Warden, Deputy Warden of Security, O.I.C., and Training Coordinator. A Shift Supervisor may sign for the keys if the above listed are not present or available.
 3. The Armory shall be accessible utilizing the Security Equipment Room/Armory key ring in Central Control. The key fob on this key ring will scan and unlock the Armory door. The individual entering must then use key on ring to unlock the pad lock, allowing for entry.
 - a. The security door to the Armory shall never be opened with inmates in the vicinity.
 4. The Deputy Warden of Safety and Security and Armorer(s) shall:
 - a. Inspect the Armory monthly, (noting the inspection in the Armory log book and monthly Armory report before the 15th of the next month.)
 - b. Maintain, in the Armory, a list of all staff that are qualified to carry and use weapons for prison duty. (The Training Coordinator will compile this list and copies shall be located in the Captain's office and Central Control)
 - c. Review the Armory log for accuracy (The individual who issues or accepts a weapon for return must make the appropriate entry in the log.)

- d. Maintain a written inventory system that accounts for all security equipment located in the Security Equipment Room and the Armory. (This inventory will be reviewed monthly, including an inspection of the expiration dates for consumable items. A copy of the monthly inspection shall be forwarded to the Deputy Warden of Safety and Security no later than the 15th of the next month.)
- e. Ensure that all supplies and security equipment are accounted for and stored in an orderly manner. This will include security equipment stored in locations other than the Security Equipment Room/Armory (i.e., Central Control, A/R, Floor Support North/South).

B. Equipment Issuance

- 1. Cell Extractions/Forced Cell Moves: When authorization from the OIC is granted to conduct a cell extraction/forced cell move, any supervisor (Corporal or above) may access the common area of the Security Equipment Room to issue equipment to the cell extraction team. All items used for this purpose shall be located outside the Armory. Unless an extreme emergency exists, at no time will unauthorized staff members enter the Armory area to retrieve equipment.
 - a. All equipment issued to the extraction team shall be inspected by the extraction supervisor and the staff member.
 - b. At the completion of an extraction and upon return of all extraction equipment, the supervisor in charge of the extraction and staff members will inspect all equipment for damage.
 - c. Any damage noted during issuance or return of extraction equipment shall be documented, damaged item(s) shall be removed from service and an information report shall be forwarded, along with damaged equipment, to the Deputy Warden of Safety and Security.
 - d. All cell extraction equipment shall be inventoried and inspected at least once per shift by a supervisory staff member and an inventory report filed.
- 2. Only the Armorer(s) and designated staff will be authorized to draw security equipment from the Armory in the performance of duty and will:
 - a. Obtain the keys from Central Control.
 - b. Open the armory and verify that the employee receiving the equipment is qualified to obtain it and use it.
 - c. Inspect the equipment before issuance.

- d. Make an entry on the armory log and instruct the recipient to do the same.
3. The employee/recipient who is to be issued the equipment will:
 - a. Accompany the Armorer or designee who is authorized to draw the equipment, to the Armory.
 - b. Inspect the equipment when issued. (Firearms will be loaded, while pointed at the sand-filled container. Side arms will be holstered. Shotguns will be carried with the barrel pointed upward.)
 4. The Armorer(s) or designated staff who is authorized to draw the equipment will secure the Armory door and return the keys to Central Control.
 5. Central Control will log the keys as returned, placing the key set on the key board and filling out the appropriate log/time.

C. Equipment Return

1. Employees returning equipment will contact the Armorer or other employee(s) authorized to draw the equipment and this authorized employee will:
 - a. Obtain the keys from Central Control.
 - b. Open the armory (if a firearm is being returned, ensure that it is unloaded while pointed at the sand-filled container).
 - c. Inspect the equipment.
 - d. Return the equipment to the proper location.
 - e. Sign the log.
 - f. Report (tag any damaged equipment, write report to Deputy Warden of Safety and Security or Armorer(s)).
2. The employee returning the equipment will:
 - a. Accompany the Armorer or designated employee to the armory.
 - b. Inspect the equipment before returning it (if returning a firearm, unload it while pointing it directly down at the sand filled container).
 - c. Return the equipment and sign the log

- The authorized employee will secure the armory and return the key to Central Control.

D. Security Equipment Maintenance

1. The Deputy Warden of Safety and Security and the Armorer(s) are responsible for an inspection and maintenance program that includes:
 - a. The cleaning of all firearms and testing of all equipment.
 - b. Repairing (or having repaired) all security equipment.
 - c. Maintaining a record of all repair and maintenance.
 - d. Rotating consumable inventory so that older items are used first.

E. Firearms Restrictions

1. Generally, the use of personal firearms for duty is prohibited. The Warden may permit supervisors to use personal weapons for duty if the weapons are of the approved duty type and the supervisor is "weapons qualified".
2. Personal firearms may not be stored in the armory. Personal weapons should never be stored in vehicles on prison property.

F. Ammunition Restrictions

1. The Armorer(s) or designee shall be the only staff authorized to issue/replace ammunition.
2. All ammunition removed from the Armory shall be logged in the log book as removed and the purpose for removal noted.
3. Any staff member issued ammunition at the range for practice/qualification purposed, shall acknowledge by signature the amount of ammunition received for this purpose.
4. Any unused ammunition shall be returned to the issuing staff member and a notation shall be made and returning staff member shall sign off, acknowledging the return.
5. Any unused or excess ammunition shall be immediately returned to the Armory with a notation made in the log book, stating the amount of ammunition being returned.

6. At no time will ammunition be issued for personal use by any staff member other than official duty.

G. Handcuffs and Shackles

1. Handcuffs and shackles will be stored in various locations throughout the prison and not solely the armory.
2. In all areas that store handcuffs and shackles; employees must log the issuance of these items from that area.
3. Counts shall be made to ensure the presence of all prison equipment.
4. All security staff is authorized to carry handcuffs as part of their duties.
5. Visitors shall not introduce any personal cuff key into the secure area of the prison.

COUNTY OF ERIE
PERSONNEL POLICIES & PROCEDURES

SUBJECT: **WHISTLEBLOWER POLICY**

DISTRIBUTION: ELECTED OFFICIALS, JUDGES, DEPARTMENT HEADS

FROM: PETER J. CALLAN, DIRECTOR OF PERSONNEL

EFFECTIVE DATE: MAY 1, 2013

POLICY NUMBER: .45

Policy

Erie County is committed to high standards of ethical, moral and legal business conduct. In line with this commitment, and the County's commitment to open communication, this policy aims to provide an avenue for employees to raise concerns and reassurance that they will be protected from reprisals or victimization for whistleblowing.

The whistleblowing policy is intended to cover protections for you if you raise concerns regarding County Policies or departments' procedures, such as concerns regarding:

- Incorrect financial reporting;
- Unlawful activity;
- Activities that are not in line with Erie County's policy; or
- Activities, which otherwise amount to serious improper conduct.

Safeguards

Harassment or Victimization – Harassment or victimization for reporting concerns under this policy will not be tolerated.

Confidentiality – Every effort will be made to treat the complainant's identity with appropriate regard for confidentiality.

Anonymous Allegations – This policy encourages employees to put their names to allegations because appropriate follow-up questions and investigation may not be possible unless the source of the information is identified. Concerns expressed anonymously will be explored appropriately, but consideration will be given to:

- The seriousness of the issue raised;
- The credibility of the concern; and
- The likelihood of confirming the allegation from attributable sources.

Bad Faith Allegations – Allegations in bad faith may result in disciplinary action.

Procedure: 1. Process for Raising a Concern

Reporting – The whistleblowing procedure is intended to be used for serious and sensitive issues. Such concerns, including those relating to financial report, unethical or illegal conduct, may be reported directly to: The Director of Personnel.

Timing – The earlier a concern is expressed, the easier it is to take action.

Evidence – Although the employee is not expected to prove the truth of an allegation, the employee should be able to demonstrate to the person contacted that the report is being made in good faith.

Procedure: 2. How the Report of Concern Will be Handled

The action taken by the Director Of Personnel in response to a report of concern under this policy will depend on the nature of the concern.

Initial Inquires – Initial inquires will be made to determine whether an investigation is appropriate, and the form that it should take. Some concerns may be resolved without the need for investigation.

Further Information – The amount of contact between the complainant and the person or persons investigating the concern will depend on the nature of the issue and the clarity of information provide. Further information may be sought from or provided to the person reporting the concern.

**COUNTY OF ERIE
PERSONNEL POLICIES & PROCEDURES**

SUBJECT: SURVEILLANCE SYSTEM CAMERA POLICY
DISTRIBUTION: ELECTED OFFICIALS, JUDGES, DEPARTMENT HEADS
FROM: PETER CALLAN, DIRECTOR OF PERSONNEL
EFFECTIVE DATE: MAY 1, 2013
POLICY NUMBER: 47

Policy

Erie County recognizes the need to strike a balance between the individual's right to be free from invasion of privacy and the institution's duty to promote a safe environment for all community members.

The purpose of video surveillance is to:

1. Promote a safe environment by deterring acts of harassment or assault.
2. Deter theft and vandalism and assist in the identification of individuals who commit damage to County property.
3. Assist law enforcement agencies with regard to the investigation of any crime that may be depicted.

At no time will persons, other than those designated by the Manager of Procurement/Facilities, have access to the recordings made in the course of the surveillance. Personal information contained on the recordings shall not be used or disclosed for purposes other than those for which it was collected or as required by law.

The focus of cameras used in video surveillance on County premises will not cover areas where there is an expectation of privacy.