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County of Erie

MARK C. POLONCARZ
COMPTROLLER

September 15, 2011

Commissioner Brian McLaughlin
Erie County Department of Probation
One Niagara Plaza
Buffalo, New York 14202

Re: Waste, Fraud and Abuse Tip Line Communication

Dear Commissioner McLaughlin:

On September 13, 2011, the Erie County Comptroller's Office received an anonymous communication through our waste, fraud and abuse reporting mechanism regarding a recent roundup of probation violators organized by your department.

The caller alleges that Mr. Peter Vito, Commissioner of Central Police Services, joined probation officers last week on a violator roundup that resulted in a Johnny Williams jumping from a third floor window at 161 Kensington Avenue in the City of Buffalo and sustaining serious injuries. Additionally, the caller claimed that not only did Mr. Vito actively participate in this roundup gone 'wrong' but he was also carrying a loaded firearm.

Mr. Vito's alleged participation in Probation Department activities with a loaded weapon is especially troubling considering that Mr. Vito is (1) **not a law enforcement officer**; (2) to our knowledge, does not possess any formal police agency experience or training; and (3) under the County's Charter, Code and state law is not authorized to join such a roundup. If Mr. Vito did, in fact, participate, as is alleged, this poses an exceptional liability risk to the County in addition to the incredible danger to Mr. Vito, officers and citizens. Unfortunately, this is not the first time we have received an anonymous tip regarding Mr. Vito acting well outside the scope of his authority and the law.

It is the policy of the Comptroller's Office to investigate all claims of possible waste, fraud or abuse reported through our reporting mechanisms. And as such, we request a written or electronic response from your department before 3:00 PM on Friday September 16, 2011 providing us answers to below-described questions:

Szukala Letter to Commissioner Brian McLaughlin on Tip Line Allegation

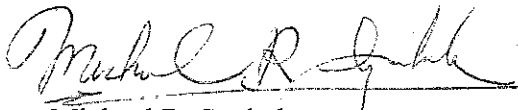
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- Did Commissioner Vito participate in the aforementioned operation or any previous operation of the Probation Department, and if so, what was the scope of his participation?
- Does Commissioner Vito have a permit to carry a firearm? Did he carry a firearm during this operation? Even if he should possess a permit to carry a firearm who authorized Mr. Vito's participation in the aforementioned operation?
- Is it true that during this probation violators 'roundup' a Johnny Williams, or another named individual, sustained injury from jumping out of a third floor window in an effort to evade officers, and if so, please provide any details available regarding this matter?
- Who was the officer in charge of this operation?
- What rules exist governing who may or may not participate in official Probation Department business, and were they followed?

Thank you for your cooperation and immediate attention to this matter.

Very truly yours,



Michael R. Szukala
Deputy Comptroller - Audit

MS/rt

Cc: Hon. Christopher C. Collins, Erie County Executive
Erie County Legislature
Peter Vito, Commissioner of Central Police Services
Jeremy Colby, Erie County Attorney