



COUNTY OF ERIE

CHERYL A. GREEN
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KRISTIN KLEIN WHEATON
FIRST ASSISTANT COUNTY ATTORNEY

MARTIN A. POLOWY
SECOND ASSISTANT COUNTY ATTORNEY

DEPARTMENT OF LAW

December 5, 2008

VIA FAX TO 202-514-6903 AND VIA FIRST CLASS MAIL

Shanetta Y. Cutlar, Chief
Special Litigation Section
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

**Re: Investigation of the Erie County Holding Center and the Erie
County Correctional Facility
Our File No. 31.20070052**

Dear Ms. Cutlar:

We are in receipt of your letter dated November 26, 2008 in which you indicate that your office intends to interview inmates at the Erie County Holding Center and Erie County Correctional Facility on December 15, 2008 through December 17, 2008. Please be advised that we do not consent to you entering our facilities for the purpose of conducting inmate interviews or for any other reason. Accordingly, you will not be permitted access to our facilities on those dates. In addition, we will not be providing a current census of inmates.

If you are aware of legal authority that requires our client to provide you with a current census of inmates or requires us to allow you inside our facilities, please provide it at your earliest convenience and we will take it under advisement.

Very truly yours,

CHERYL A. GREEN
Erie County Attorney

By:

KRISTIN KLEIN WHEATON
First Assistant County Attorney

Letter to Shanetta Y. Cutlar, C. f

December 5, 2008

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cc: Terrance P. Flynn, United States Attorney, WDNY
Chris Collins, Erie County Executive
Timothy Howard, Erie County Sheriff