



U.S. Department of Justice
Civil Rights Division

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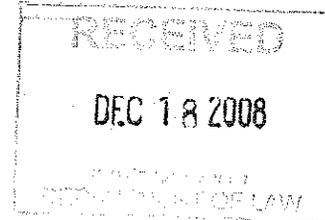
SYC:DHW:ZIL:AF:BJ:NA:prw
DJ 168-53-41, 168-53-42

Special Litigation Section - PHB
950 Pennsylvania Avenue, NW
Washington, DC 20530

December 15, 2008

VIA FIRST CLASS MAIL AND FACSIMILE

Cheryl A. Green
County Attorney
Erie County
69 Delaware Avenue
Buffalo, NY 14202



RE: Investigation of the Erie County Holding Center and
the Erie County Correctional Facility

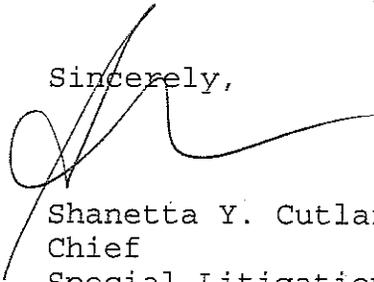
Dear Ms. Green:

We have not received any response to our letter dated December 12, 2008, regarding your refusal to admit federal government representatives to the visiting areas of the Erie County Holding Center ("ECHC") and Erie County Correctional Facility ("ECCF") to speak with Erie County inmates who seek to petition their government for redress of constitutional violations. As you know, representatives of the United States Department of Justice, Civil Rights Division, Special Litigation Section are in Buffalo this week in connection with our investigation of ECHC and ECCF pursuant to the Civil Rights of Institutionalized Persons Act ("CRIPA"), 42 U.S.C. § 1997.

Given your unambiguous refusal to cooperate with our investigation, and to avoid the potential for a confrontation at the facilities, we will not visit ECHC and ECCF at this time. We interpret your communications on this issue and your silence in light of our December 12 letter to be a perfection of your denial of inmates rights to speak with federal government representatives. We will consider your actions as we proceed with our investigation. Importantly, if you have reconsidered your position and will now allow my team to meet with interested inmates, please contact me as soon as possible so that we may make the necessary arrangements.

As we have consistently indicated throughout the course of our investigation, we welcome the opportunity to work cooperatively with the County. We are scheduled to be in Buffalo from Monday, December 15, 2008 through Wednesday, December 17, 2008. Should you wish to discuss this matter further, or to schedule a meeting, please feel free to contact me at my office, [REDACTED], on my cellular phone, [REDACTED], or you can contact my Deputy, Daniel Weiss, at [REDACTED].

Sincerely,



Shanetta Y. Cutlar
Chief
Special Litigation Section

cc: Terrance P. Flynn
United States Attorney
Western District of New York