



STATE OF NEW YORK • EXECUTIVE DEPARTMENT  
STATE COMMISSION OF CORRECTION

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November 29, 2007

CHAIRMAN  
Daniel L. Stewart

COMMISSIONERS  
Frederick C. Lamy  
Frances T. Sullivan

Sheriff Gary Maha  
Genesee County Sheriff's Office  
165 Park Road  
Batavia, New York 14021-0151

Dear Sheriff Maha:

On November 27, 2007, you notified Commissioner Lamy of the City of Batavia's proposal to house individuals arrested by the Batavia Police Department at the Genesee County Jail pending arraignment. You inquired as to the potential staffing impact such arrangement would have on the jail. To assist you in this endeavor, I directed Field Operations Supervisor Terrence Moran to conduct a site visit to further discuss this issue with you and determine what impact this arrangement would have on jail operations and staffing needs. On November 28, 2007, Mr. Moran met with you and Superintendent Ronald Greer to discuss the proposal and its impact on your department.

During the meeting, you indicated that the detention of arrestees by the City of Batavia Police Department would occur Monday through Friday from 5:00 p.m. until 8:00 a.m. and all day Saturdays and Sundays. You also indicated that City officials have proposed that City of Batavia police officers supervise these arrestees while detained at the Genesee County Jail. With respect to this proposed arrangement, I offer the following:

1. Correction Law §500-a authorizes the Genesee County Jail to be used for the detention of persons under arrest being held for arraignment in any court located in the County of Genesee. Accordingly, such detainees could only be supervised by certified Genesee County Jail correction officers. No other law enforcement agency can supervise the detainees in the jail.
2. Any time an unarraigned detainee is held in the facility's Intake holding pens, a security staff member other than the control room officer must be present. The Commission's 2002 Position and Staffing Analysis for the Genesee County Jail did not take into account such housing arrangement, as it did not exist at that time. Accordingly, a decision to hold Batavia Police Department arrestees would necessitate the hiring of additional correction officers.
3. The facility must observe time constraints when holding individuals in the Intake holding tanks. One individual can be held in each of the holding pens for a period not to exceed 12 hours. Multiple individuals can be held in each of the holding pens for a period not to exceed 4 hours. Upon expiration of

such time frames, these individuals must be placed in appropriate housing areas approved by the Commission.

4. The facility must observe all requirements outlined in 9NYCRR when housing unarraigned prisoners. This includes the completion of the suicide screening and admissions process.

Please keep the Commission apprized of this proposal so that, if necessary, we can make arrangements to assess staffing needs further. If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. L. Stewart', written in a cursive style.

Daniel L. Stewart  
Chairman

cc: Ronald Greer, Superintendent  
Terrence Moran, SCOC