



August 28, 2019

Allen Riley, Chairman
New York State Commission of Correction
80 South Swan Street, 12th Floor
Albany, New York 12210

Dear Chairman Riley:

Recently, two prisoners in the custody of the Erie County Sheriff in the Erie County Holding Center died, allegedly due to medical issues as reported in media accounts. Those persons are Joseph Bialaszewski and Connell Burrell.

Through our staff, Legislators Howard Johnson and Timothy Meyers recently requested a copy of the reports or data that the Erie County Sheriff's Office is required to file with the Commission of Correction whenever a prisoner/inmate dies. The Commission interpreted that request as a Freedom of Information Law ("FOIL") request.

On August 22, 2019, the Commission denied that FOIL request, stating that "the death of Joseph Bialaszewski is still under the Commission's investigation, and therefore such records are not yet subject to FOIL disclosure pursuant to Public Officers Law §87(2)(e). Therefore, your request is denied. As to your request for documents relating to the death of Connell Burrell, please be advised that, after a search of our files, it has been determined that the Commission currently maintains no documents responsive to your request."

I subsequently was informed that your response concerning Mr. Burrell may have been a carefully parsed reading of our FOIL request, as Mr. Burrell may have been released by the Sheriff from custody in order to receive medical treatment and as such, the Sheriff is not required to file a report with the Commission. However, the request asked not just for any Sheriff report, but any report or document the Commission maintains for Mr. Burrell.

I am writing to urge the Commission to expeditiously complete your investigations into the deaths of Joseph Bialaszewski and Connell Burrell and to provide those reports to the Erie County Legislature which conducts oversight of the Erie County Sheriff's Office.

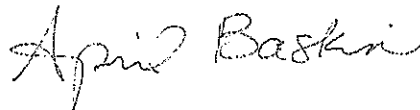
I also wish to reiterate my repeated 2018 requests to the Commission that you elaborate, and testify before the Erie County Legislature concerning your 2018 reports and comments concerning the Erie County Sheriff Office's Division of Jail Management. Throughout summer 2018, I exchanged correspondence with the Commission requesting you testify about your own reports about the Erie

County Holding Center, including your comment that it was one of the state's 'five worst offenders.' You repeatedly rebuffed my overtures and requests.

Since that time, there have been more deaths of prisoners in Sheriff Timothy Howard's custody and it is imperative that we act to address the issues at the Erie County Holding Center.

I hope that this letter receives more consideration than my prior letters and emails to the Commission.

Sincerely,

A handwritten signature in black ink that reads "April Baskin". The signature is written in a cursive, flowing style.

April N.M. Baskin
Chair, Erie County Legislature

cc: Senator Timothy Kennedy
Senator Patrick Gallivan
Senator Christopher Jacobs
Senator Michael Ranzenhofer
Assemblywoman Crystal Peoples-Stokes
Assemblyman Robin Schimminger
Assemblyman Sean Ryan
Assemblywoman Monica Wallace
Assemblyman Patrick Burke
Assemblywoman Karen McMahon
Assemblyman David DiPietro
Assemblyman Michael Norris
Assemblyman Angelo Morinello