



## SHERIFF OF ERIE COUNTY

August 25, 2025

The Honorable  
Erie County Legislature  
92 Franklin Street  
Buffalo, NY 14202

### **Re: Local Incarceration of State-Ready Individuals**

Honorable Members:

I am writing to share an update with you regarding our incarceration of state-ready individuals. As you'll recall, I addressed this issue during mid-year budget hearings on July 16. I informed you that I was dubious of the New York State Department of Corrections and Community Supervision (DOCCS) Superintendent's prediction that they would be able to eliminate the backlog of state-ready incarcerated individuals by mid-September. As we now approach the beginning of September, it is clear that the skepticism was warranted.

As you know, when DOCCS correction officers went on strike in February, the state suspended its intake of new incarcerated individuals. This meant that local facilities, such as the Erie County Holding Center and Erie County Correctional Facility, that would typically transfer incarcerated individuals into state custody shortly after they are sentenced or they violate parole were forced to keep such individuals in custody. While DOCCS resumed intake on a limited basis a few months later, the pace at which we are transferring state-ready individuals out of our custody does not yet outweigh the pace at which they are coming into our custody.

When I spoke to you during mid-year budget hearings last month, we had 150 state-ready individuals in our custody. After we transferred 10 incarcerated individuals into state custody this morning, we once again have exactly 150 state-ready individuals in custody. This problem obviously isn't going away by mid-September. The backlog has caused our overall census to skyrocket this year. Earlier this month, our count of incarcerated individuals briefly exceeded 900 for the first time since November 2019. Making matters worse, 68 of our cells are currently inoperable and require service. The inflated jail census requires us to cover more medical, transportation and food costs and staff more housing units. It has been a tremendous burden on my Jail Management Division employees, particularly over the summer months. I know that this

Honorable Body joins me in expressing appreciation for their professionalism, patience, work ethic and service to the citizens of Erie County.

As I have previously shared with you, this is not an issue that could have been anticipated as we developed our 2025 budget; it goes without saying that this is not a problem that was caused by anyone in Erie County government. It is not right that our local taxpayers should be on the hook. While we do plan to bill the state for all costs we've incurred as a result of this, it remains to be seen exactly what they will agree to cover.

Unlike New York State, we cannot call in the National Guard. We cannot pay our staff an overtime rate of 2.5 times their regular pay. We cannot release incarcerated individuals early to alleviate the stress on our local correctional operations. We are stuck waiting for DOCCS to decide that they are ready to accept transfers in a timely manner once again.

Should you have any questions about this matter, please reach out to my office.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "John C. Garcia". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

John C. Garcia  
Sheriff of Erie County

cc: Mark Poloncarz, Erie County Executive  
Mark Cornell, Director of Budget and Management