



CHAIRMAN'S MEMORANDUM

NO. 2-2004 FEBRUARY 24, 2004

TO: SHERIFFS, JAIL ADMINISTRATORS, COMMISSIONERS OF CORRECTION

RE: JAIL TIME CREDIT FOR OUT-OF-STATE DETENTION

One of the more complex duties faced by a local correctional facility in New York State is the calculation of an inmate's jail time credit and sentence. In an attempt to assist these facilities, the Commission of Correction has published the *Jail Time Manual*, which is available on the Commission's website, and has provided sentence calculation training, including the October 16, 2003 seminar in Albany sponsored by the New York State Sheriff's Association.

As with most aspects of corrections, the manner in which a facility must calculate jail time credit will often change based upon relevant court decisions. The New York State Court of Appeals February 12, 2004 decision of In the Matter of Guido v. Goord significantly changes an inmate's entitlement to jail time credit for detention in another state or by federal authorities. To help explain this decision and its significance, I have attached a Memorandum of Law from the Commission's Senior Attorney, Brian M. Callahan.

Since this decision will likely result in requests or litigation by inmates seeking to amend the amount of jail time with which they have been credited, the Commission suggests that you share and discuss this matter with your County Attorney. Should either you or your County Attorney have any questions concerning this decision or any matter related to sentence calculation, please feel free to contact Mr. Callahan at (518) 485-2463.

Alan J. Croce, Chairman/Commissioner

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