STATE OF NEW YORK • EXECUTIVE DEPARTMENT
STATE COMMISSION OF CORRECTION
Alfred E. Smith State Office Building
80 S. Swan Street, 12th Floor
Albany, New York 12210-8001
(518) 485-2346
FAX (518) 485-2467

CHAIRMAN
Thomas A. Beilein

COMMISSIONERS
Phyllis Harrison-Ross, M.D.
Thomas J. Loughren

MEMORANDUM

TO: COMMISSION MEMBERS

FROM: Brian Callahan, Counsel

RE: AGENDA FOR COMMISSION MEETING

DATE: November 19, 2013 at 11:00AM

I. MINUTES

SCOC
October 16, 2013

CPCRC
November 14, 2013

MRB
Administrative Closures

II. VARIANCES

A. Erie County Correctional Facility
13-V-04
(Section 7040.3 Facility Population Limitation)

B. Herkimer County Jail
06-V-05
(Section 7028.4 Exercise)

C. Onondaga County Justice Center
13-V-03
(Section 7040.3 Facility Population Limitation)

D. Onondaga County Department of Correction
13-V-10 (New)
(Section 7040.5 Multiple Occupancy Housing Units)

E. **Orleans County Jail**
98-V-19
(Section 7040.3 Facility Population Limitation)

F. **Oswego County Jail**
96-V-24
(Section 7040.3 Facility Population Limitation)

G. **Oswego County Jail**
01-V-14
(Section 7040.3 Facility Population Limitation)

H. **Tompkins County Jail**
09-V-04
(Section 7040.3 Facility Population Limitation)

III. <u>MFC</u>

I. **Suffolk County Yaphank Facility**
Reformulation

IV. <u>Construction</u>

J. **Cortland County Sheriff's Office**
Gym Dorm Conversion

K. **Niagara County Sheriff's Office**
Elevator Modernization (Building #1)
and Alarm Panel Replacement

L. **Pelham Manor Police Department**
Police Lockup Renovation

M. **Putnam County Jail**
Subdivision of Housing Units Renovation

N. **Rockland County Jail**
Removal and Replacement of both of the
Jails existing 23 Year Old Elevators

O. **Wappingers Falls Police Department**
Police Lockup Renovation

STATE OF NEW YORK • EXECUTIVE DEPARTMENT
STATE COMMISSION OF CORRECTION
Alfred E. Smith State Office Building
80 S. Swan Street, 12th Floor
Albany, New York 12210-8001
(518) 485-2346
FAX (518) 485-2467

CHAIRMAN
Thomas A. Beilein

COMMISSIONERS
Phyllis Harrison-Ross, M.D
Thomas J. Loughren

MINUTES

LOCATION:

STATE COMMISSION OF CORRECTION
Alfred E. Smith State Office Building
80 So. Swan Street, 12th Floor
Albany, New York 12210-8001

DATE OF MEETING: October 16, 2013

Chairman Beilein called the meeting to order at 11am.

PRESENT:
Thomas A. Beilein, Chairman
Phyllis Harrison-Ross M.D., Commissioner
Thomas J. Loughren, Commissioner
Brian Callahan, Acting Counsel
Jim Lawrence, Director of Operations
Rich Kinney, CFS III
Tricia Amati, Assistant to Chairman/Commissioners
Terry Moran, Capital West, Supervisor
Bill Benjamin, Hudson Lakes, Supervisor
Steve Savoy, South Central, Supervisor
Walter McClure, Deputy Director of Public Information
New York State Division of Criminal Justice Services

I. MINUTES

SCOC September 17, 2013	**Approved Unanimous Ross/Loughren**
CPCRC October 10, 2013	**Approved Unanimous Loughren/Ross**
MRB Administrative Closures	**Approved Unanimous Ross/Loughren**

II. VARIANCES

A. Putnam County Jail 08-V-08 (Section 7040.3 Facility Population Limitation)	**Approved Unanimous** **Four (4) Months** **Loughren/Ross**
B. Putnam County Jail 03-V-01 (Section 7040.3 Facility Population Limitation)	**Approved Unanimous** **Four (4) Months** **Ross/Loughren**
C. Monroe County Correctional Facility (New) 13-V-07 (Section 7040.3 Facility Population Limitation)	**Approved Unanimous** **Sixty (60) Days** **Loughren/Ross**
D. Monroe County Jail (New) 13-V-08 (Section 7040.3 Facility Population Limitation)	**Approved Unanimous** **Sixty (60) Days** **Loughren/Ross**
E. Montgomery County Jail (New) 13-V-09 (Section 7040.3 Facility Population Limitation)	**Approved Unanimous** **Six (6) Months** **Ross/Loughren**
F. Saratoga County Jail (New) 13-V-06 (Section 7040.3 Facility Population Limitation)	**Approved Unanimous** **Eight (8) Months** **Loughren/Ross**

III. MFC

G. New York City Department of Correction West Facility Central Intake	**Approved Unanimous** **Loughren/Ross**

IV. Construction

H. Brookwood Secure Center Rehabilitate Wings 1-4, Asbestos Abatement Tile Floors	**Approved Unanimous** **Ross/Loughren**
I. Metropolitan Transportation Authority (MTA) GCT Concourse Police Precinct Holding Cells	**Approved Unanimous** **Ross/Loughren**

V. REGULATORY REFORM

J. Notice of Adoption Amendment of Sections 7032.5 and 7032.9 of Title 9 NYCRR	**Approved Unanimous** **Loughren/Ross** *(Approve to Adopt)*

Commissioner Ross made a motion to go into executive session at 11:30am to discuss Construction and MRB items, which was seconded by Commissioner Loughren.

Commissioner Ross made a motion to exit Executive Session and return to general session at 11:55am, which was seconded by Commissioner Loughren.

The meeting resumed at 11:55am. Motion was made by Commissioner Ross to ratify actions taken in Executive Session regarding MRB and Construction items, seconded by Commissioner Loughren and approved.

Commissioner Loughren made a motion to adjourn at 11:56am, which was seconded by Commissioner Ross.

Respectfully submitted,

Tricia Amati
Assistant to Chairman/Commissioners

STATE OF NEW YORK • EXECUTIVE DEPARTMENT
STATE COMMISSION OF CORRECTION
Alfred E. Smith State Office Building
80 S. Swan Street, 12th Floor
Albany, New York 12210-8001
(518) 485-2346
FAX (518) 485-2467

CHAIRMAN
Thomas A. Beilein

COMMISSIONERS
Phyllis Harrison-Ross, M.D
Thomas J. Loughren

EXECUTIVE SESSION

LOCATION:
STATE COMMISSION OF CORRECTION
Alfred E. Smith State Office Building
80 So. Swan Street, 12th Floor
Albany, New York 12210-8001

DATE OF MEETING: October 16, 2013

PRESENT:
Thomas A. Beilein, Chairman
Phyllis Harrison-Ross M.D., Commissioner
Thomas J. Loughren, Commissioner
Brian Callahan, Acting Counsel
Jim Lawrence, Director of Operations
Rich Kinney, CFS III
Tricia Amati, Assistant to Chairman/Commissioners
Terry Moran, Capital West, Supervisor
Bill Benjamin, Hudson Lakes, Supervisor
Steve Savoy, South Central, Supervisor
Walter McClure, Deputy Director of Public Information
New York State Division of Criminal Justice Services

Commissioner Ross made a motion to go into executive session at 11:30am to discuss Construction and MRB items, which was seconded by Commissioner Loughren.

Commissioner Ross made a motion to exit Executive Session and return to general session at 11:55am, which was seconded by Commissioner Loughren.

The meeting resumed at 11:55am. Motion was made by Commissioner Ross to ratify actions taken in Executive Session regarding MRB and Construction items, seconded by Commissioner Loughren and approved.

Commissioner Loughren made a motion to adjourn at 11:56am, which was seconded by Commissioner Ross.

Respectfully submitted,

Tricia Amati
Assistant to Chairman/Commissioners

STATE OF NEW YORK • EXECUTIVE DEPARTMENT
STATE COMMISSION OF CORRECTION
Alfred E. Smith State Office Building
80 S. Swan Street, 12th Floor
Albany, New York 12210-8001
(518) 485-2346
FAX (518) 485-2467

CHAIRMAN
Thomas A. Beilein

COMMISSIONERS
Phyllis Harrison-Ross, M.D.
Thomas J. Loughren

CITIZENS' POLICY AND COMPLAINT REVIEW COUNCIL

November 14, 2013

NYS Commission of Correction
at
Alfred E. Smith Office Building
80 South Swan Street, 12th Floor
Albany, NY 12210
and
The Division of Criminal Justice Services
at
633 Third Ave, 33rd Floor
New York, NY10017
and
Julie Scalione
Williamsville, NY 14221

PRESENT:
Commissioner Thomas J. Loughren

Council Members:
Albany:
Tom Cross
Douglas Landon
Nick LaBella Jr

Williamsville:
Julie Scalione

NYC:
Burt Schoenbach

Also Present:
Jim Lawrence
Brian Callahan
Chris Ost
Sara Loguercio

Commissioner Loughren opened the meeting at 11:04 a.m.

Commissioner Loughren asked for a motion to approve the minutes of the October 10, 2013 meeting. Tom Cross made a motion to approve the minutes and Doug Landon seconded. Carried.

Doug Landon and Julie Scalione, as the grievance sub-committee, reviewed the expedited grievances for the month of November 2013. Motions were made respectively to deny all of the expedited grievances. The motions were seconded by Tom Cross and Doug Landon respectively and unanimously passed.

Tom Cross reviewed the Expedited with Comment grievances for the month of November 2013 and made a motion to deny all of the grievances. The motion was seconded by Nick LaBella Jr and unanimously passed.

The Council reviewed the remaining grievances.

ACCEPT

13-LG-41174 Allegany CJ	Unanimous
13-LG-40333 Delaware CJ	Unanimous
13-LG-40211 13-LG-40212 Madison CJ	Unanimous

ACCEPT IN PART

13-LG-40576 Chautauqua CJ	Unanimous
13-LG-41077 Lewis CJ	Unanimous
13-LG-41421 Westchester CJ	Unanimous

ADMINISTRATIVE CLOSURES

DENY

13-LG-41108
13-LG-41109
Albany CJ — Unanimous

13-LG-40207
13-LG-40225
13-LG-40405
13-LG-40406
13-LG-40407
13-LG-40408
13-LG-40409
13-LG-40410
13-LG-40432
13-LG-40433
13-LG-40434
13-LG-40435
13-LG-40436
Allegany CJ — Unanimous

13-LG-41173
Cayuga CJ — Unanimous

13-LG-39925
13-LG-40572
13-LG-40574
13-LG-40575
13-LG-40650
13-LG-40669
13-LG-40672
13-LG-40915
13-LG-40916
13-LG-40977
Chautauqua CJ — Unanimous

13-LG-40332
13-LG-40653
13-LG-41123
Chemung CJ — Unanimous

13-LG-40536 13-LG-40538 13-LG-40539 13-LG-40541 13-LG-40563 13-LG-41613 13-LG-41522 13-LG-41630 13-LG-41631 13-LG-41632 13-LG-41633 13-LG-41634 Delaware CJ	Unanimous
13-LG-40204 13-LG-40205 13-LG-40651 13-LG-40919 13-LG-40966 13-LG-40967 Erie County	Unanimous
13-LG-40895 13-LG-40896 13-LG-40897 13-LG-40898 Essex CJ	Unanimous
13-LG-40674 13-LG-40676 Franklin CJ	Unanimous
13-LG-40901 Genesee CJ	Unanimous
13-LG-40671 Herkimer CJ	Unanimous
13-LG-41107 Lewis CJ	Unanimous

13-LG-40209 13-LG-40210 13-LG-40232 13-LG-40556 13-LG-40557 13-LG-40568 13-LG-40570 Madison CJ	Unanimous
13-LG-40975 Monroe CJ	Unanimous
13-LG-39869 13-LG-40223 13-LG-40652 13-LG-40986 Nassau CJ	Unanimous
13-LG-40748 Niagara CJ	Unanimous
13-LG-41078 13-LG-41106 13-LG-41124 Onondaga	Unanimous
13-LG-40534 13-LG-40535 13-LG-40550 13-LG-40551 13-LG-40675 13-LG-40900 13-LG-40917 13-LG-40920 13-LG-41080 13-LG-41081 13-LG-41175 13-LG-41415 13-LG-41416 13-LG-41556 13-LG-41581 13-LG-41621 Ontario CJ	Unanimous

13-LG-39845 13-LG-39883 13-LG-40086 13-LG-40285 Orange CJ	Unanimous
13-LG-41643 Oswego CJ	Unanimous
13-LG-39764 13-LG-40533 13-LG-40983 13-LG-40984 Putnam CJ	Unanimous
13-LG-40765 Rensselaer CJ	Unanimous
13-LG-40552 13-LG-40553 13-LG-40554 13-LG-41579 Rockland CJ	Unanimous
13-LG-41072 Seneca CJ	Unanimous
13-LG-40979 13-LG-40980 13-LG-40085 13-LG-41079 13-LG-41110 Steuben CJ	Unanimous
13-LG-40922 Sullivan CJ	Unanimous
13-LG-41283 13-LG-41624 13-LG-41283 Warren CJ	Unanimous

13-LG-40216 13-LG-40766 13-LG-40768 13-LG-40769 13-LG-40770 13-LG-41074 13-LG-41104 Washington CJ	Unanimous
13-LG-40545 13-LG-40889 13-LG-40890 13-LG-40912 13-LG-40913 13-LG-40970 13-LG-40972 13-LG-40974 13-LG-40990 13-LG-40991 13-LG-41143 13-LG-41125 13-LG-41393 13-LG-41394 13-LG-41412 13-LG-41418 13-LG-41420 13-LG-41430 13-LG-41431 13-LG-41642 Westchester CJ	Unanimous
13-LG-40771 13-LG-40772 Wyoming CJ	Unanimous
13-LG-40921 Yates CJ	Unanimous

DENY WITH COMMENT ADMINISTRATIVE CLOSURES

13-LG-39944 13-LG-40429 13-LG-40571 13-LG-40573 13-LG-40668 13-LG-40891 13-LG-40892 13-LG-40976 13-LG-41413 Chautauqua CJ	Unanimous
13-LG-40899 Essex CJ	Unanimous
13-LG-37309 13-LG-37625 Clinton CJ	Unanimous
13-LG-37587 Essex CJ	Unanimous
13-LG-41438 Livingston CJ	Unanimous
13-LG-40213 13-LG-40233 13-LG-40305 13-LG-40564 13-LG-40566 13-LG-40567 Madison CJ	Unanimous
13-LG-40289 13-LG-41075 13-LG-41076 Seneca CJ	Unanimous
13-LG-40978 13-LG-41111 Steuben CJ	Unanimous

13-LG-40969
13-LG-41395
13-LG-41396
13-LG-41417
13-LG-41419
Westchester — Unanimous

13-LG-40334
Yates CJ — Unanimous

Tom Cross and Doug Landon will form the sub-committee for the next CPCRC meeting. Julie Scalione will review the Expedited with Comment grievances for the next CPCRC meeting.

The next CPCRC meeting will be held on Thursday, December 12, 2013 at 11:00 a.m. at SCOC, AESOB 80 S. Swan Street, Albany, New York at the NYS Division of Criminal Justice Services, 65 Court Street, Buffalo, New York, at the NYS Division of Criminal Justice Services, 633 Third Avenue, New York, NY, and at Williamsville, NY 14221

Commissioner Loughren requested a motion to adjourn the meeting which was made by Doug Landon, seconded by Nick LaBella Jr and carried. The meeting adjourned at 11:38 a.m.

Respectfully submitted,

Sara Loguercio
Secretary 1

Name of Facility: Erie County CF Variance # 13-V-04

New: **Renewal:** ☒ **Relief from Standard:** 7040.3

Application by: Superintendent Thomas Diina
Date Request Rec: 10-17-13

Last Approved: 5-21-13 **Length of Approval:** 6 Months **Expiration:** 12-1-13

Write-up Prepared by: Terrence Moran

Recommendation by Field Staff: Approve for 6 months

Recommendation at Briefing:

Final Recommendation:

SUMMARY OF VARIANCE REQUEST

The facility is requesting continued authorization for 8 variance beds in the Joliet Dorm (female housing) at the Erie County Correctional Facility. The Erie County Holding Center continues to hold City of Buffalo Police Department female arrestees. These variance beds will provide the county sufficient space to transfer arraigned Erie County Sheriff's Office female inmates to the Correctional Facility, thus allowing for the housing of City of Buffalo Police Department arrestees at the Holding Center. The City of Buffalo and Erie County have agreed to continue the above-referenced housing arrangement at least until January 1, 2014.

RECOMMENDED CONDITIONS

Commission staff recommends that the following conditions be included in the approval letter regarding this variance, if the variance is approved.

1. The county is authorized to house eight (8) additional inmates in the Joliet Dormitory at the Erie County Correctional Facility, for a maximum of 56 inmates in that dormitory.

2. Inmates who are housed in the above-noted area ***must*** be provided with a bunk, cot, or at a minimum a boat to be used as a bed.

3. Active Supervision must be provided on a 24-hour basis, pursuant to 9NYCRR Section 7003.2(c).

4. Inmates housed in the above-noted areas receive the same services and programs as the general population.

5. The county shall not exceed the rated MFC for the purpose of boarding inmates. The Commission does not approve variances for the purpose of generating revenue.

6. <u>If at any time during this approval period Erie County discontinues its housing of Buffalo Police Department female arrestees, the variance approval shall be considered null and void</u>.

New York State
Commission of Correction
80 Wolf Road
Albany, New York 12205
518-485-2465
518-485-2467 (Fax)

New	_____
Renewal	_____
Variance #	_____
(SCOC USE ONLY)	

Thomas A. Beilein
Chairman

Variance Application Form

INSTRUCTIONS TO SHERIFF OR CHIEF ADMINISTRATIVE OFFICER:

Pursuant to New York State Minimum Standards Part 7050, Variances, please complete all portions of this form and mail or fax this form Attn: Chairman/Commissioner to the address or fax number listed above.

Facility: ERIE COUNTY HOLDING CENTER

Person requesting: SUPT. THOMAS J. DINA

(Sheriff/Chief Administrative Officer)

A. State the specific part, section and subdivision of New York State Minimum Standards for which the variance is requested: Example: 7040.3 states that, the total number of inmates confined within each correctional facility shall not exceed the maximum facility capacity of such facility. To request a variance to house additional inmates within the facility the citation should be listed as:

Ex. Part: 7040 Section: 3 Subdivision: n/a

Standard for which the variance is requested:

Part: 7040 Section: 5 Subdivision:

B. In the space provided below include specific plans fully explaining and supporting the alternative manner of compliance. If you are requesting a modification to an existing variance please include that information in the area below as well. (Include or attach any relevant supporting documentation)

SEE ATTACHED SHEET.

C. In the space provided below include a detailed description regarding why this variance is necessary. (Include or attach any relevant supporting documentation

SEE ATTACHED SHEET.

D. Provide the amount of time for which the variance is requested, if applicable:

_____ Days _____ Weeks 6 Months (EXTENSION)*

* OR UNTIL SUCH TIME AS ECSO IS NO LONGER HOUSING PRE-ARRAIGNED, FEMALE ARRESTEES FROM BPD.

E. If this variance request is approved, what plans, provisions and timetables are in place for achieving full compliance with the Minimum Standard at issue such as adding to the MFC, etc. (Use additional sheets to provide additional supporting documentation, if necessary).

SEE ATTACHED SHEET.

F. If this variance request pertains to housing additional inmates, please provide the square footage for the potential housing areas effected (dayspace area, cells, gym, etc.) as well as the number of sinks, shower and toilets for that area. It is also necessary to include the current maximum facility capacity (MFC) for the specific area the variance is requested for as well as how many additional inmates you are requesting to be housed in a particular area.

Housing Area (Name and type, i.e. 1 North, dorm, linear)	Sq. Ft.	Number of Sinks	Number of Showers	Number of Toilets	Current MFC	Requested Number of Variance Beds
JOLIET - DORM	3495	6	5	6	48	8

(If additional space is required please make a copy of this sheet and attach)

(Page _____ of _____)

G. Has this variance been previously approved?

Yes X If yes, include the variance number #13-V-04 No _____

10/17/13

Signature (Sheriff) (Chief Administrative Officer) Date

Additional copies of this form can be obtained by contacting the Commission, or online at www.scoc.state.ny.us. Click on table of contents, Commission Forms, Request for a Variance (Formal application statement).

(SCOC Form #V-1)
(07/06)

Erie County Sheriff's Office Variance Request: Section B

Should this variance extension request be approved, the Erie County Sheriff's Office would maintain the additional eight (8) variance beds to the Joliet Housing Unit at ECCF. This will provide us with enough capacity to continue to house Buffalo Police Department pre-arraigned female arrestees, until such time as BPD has the capacity to house them at their Buffalo City Court Lock-Up. Absent this variance extension, the ECSO will be in danger of violating the above referenced standard, as well as potentially violating Part 7013, Classification.

If approved, the added capacity in Joliet Unit will allow ECSO to continue to house an additional eight (8) properly classified, arraigned female inmates at ECCF. This in turn will dramatically improve our ability to house the aforementioned BPD pre-arraigned female arrestees at ECHC pending their arraignment.

Erie County Sheriff's Office Variance Request: Section C

Due to the fact that the Buffalo Police Department Lock-Up does not have any facilities for housing pre-arraigned female detainees, the Erie County Sheriff's Office is continuing to house them. This was unanticipated, and will become an issue as we move into the summer and our average daily population increases. While not ideal, this is the only viable option for both the ECSO and BPD, as all other alternatives which have been discussed would compromise the safe and secure operation of ECSO's City Court Lock-Up, located on the third floor of Buffalo City Court.

It should also be noted that the Erie County has recently negotiated an extension agreement with the City of Buffalo whereby ECSO will continue to house pre-arraigned female arrestees until 12/31/13, at minimum.

Erie County Sheriff's Office Variance Request: Section E

While the ECSO has not been provided with an estimated time in which the Buffalo Police Department will begin housing pre-arraigned female arrestees, we have received notice that a project to add additional space for females at their Lock-Up has been initiated. During this time, the ECSO is committed to working collaboratively with BPD in maintaining the safe and secure of housing of BPD female arrestees, and we request the assistance of the NYSCOC in procuring safe and secure housing options.

Name of Facility: Herkimer County Jail Variance # 06-V-05

New: ☐ **Renewal:** ☒ **Relief from Standard:** 7028.4

Application by: Sheriff Christopher Farber **Date Request Rec:** 9-20-13

Last Approved: 5/21/13 **Length of Approval:** 6 Months **Expiration:** 12-1-13

Write-up Prepared by: Terrence Moran

Recommendation by Field Staff: **Approve for 6 months**

Recommendation at Briefing:

Final Recommendation:

SUMMARY OF VARIANCE REQUEST

The facility is requesting a continued extension of variance 06-V-05 which authorizes the county to use a temporary exercise yard for the purpose of providing prisoners outdoor exercise. In September, the Appellate Division vacated the State Supreme Court's order declaring null and void the Village of Herkimer's zoning ordinance (prohibiting the construction of a correctional facility). Recent media reports indicate that the county plans to hire a law firm out of Albany and appeal the decision. This appeal process could take two years to complete. It should be noted that the Commission previously approved other sites.

Herkimer County has agreed to allow the Goldberg Group Architectural Firm to prepare conceptual drawings for a new facility. In June 2013, the Goldberg Group gave a presentation before the Herkimer County Legislature, indicating that it could design a jail at half the cost of previous estimates. Herkimer County has agreed to allow the Goldberg Group Architectural Firm to prepare conceptual drawings for a new facility. On October 31, 2013, Sheriff Farber provided Commission staff with conceptual drawings submitted to him by the Goldberg Group. Commission staff are in the process of completing a technical assistance review of the plans, and will meet with Sheriff Farber and his staff to discuss comments/recommendations.

RECOMMENDED CONDITIONS

Commission staff recommends that the following conditions be included in the approval letter:

1. No more than 10 inmates will utilize the temporary yard at one time.

2. The facility will schedule sufficient exercise periods to ensure that all inmates receive the required exercise pursuant to Part 7028, Exercise.

3. The facility administration shall fully comply with all of the requirements of Correction Law 500-b and 9NYCRR, Part 7013, Classification, by requiring that inmates of different security classifications not be commingled in any housing areas.

VARIANCE HISTORY

2013	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at Meeting 5/21/2013 6 Months
2013	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at Meeting 2/19/2013 90 Days
2012	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at Meeting 11/20/12 90 Days
2012	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at Meeting 8/14/12 90 Days
2012	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at 05/15/12 Meeting 90 Days
2012	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at 01/17/12 Meeting 120 Days
2011	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at 10/18/11 Meeting 90 Days
2011	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at 04/19/11 Meeting 90 Days
2011	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at 2/15/11 Meeting 90 Days
2010	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at 10/10 Meeting 30 Days
2010	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at 7/10 Meeting 90 Days
2010	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at 4/10 Meeting 60 Days
2010	Recommendation Action Taken Length of Variance Conditions, if changed Conditions, if changed	Approval Approved at 2/10 Meeting 90 Days

CONSTRUCTION/RENOVATION PLANS

10/24/13:

Terrence Moran and William Benjamin completed an on-site assessment of facility compliance with the variance conditions set forth in 06-V-05. See comments under *Summary of Variance Request*.

4/11/13:
Cynthia Diaz completed an on-site assessment of facility compliance with the variance conditions set forth in 06-V-05. According to County Administrator James Wallace, the Village of Herkimer has perfected their appeal and Herkimer County is scheduled to be heard in September 2013. They would anticipate a decision in mid-November 2013.

1/29/13:
Terrence Moran and Cynthia Diaz met with Sheriff Farber and his executive team to discuss the status of the new jail project. It was reported that Herkimer County was victorious in their court case against the Village of Herkimer. The Village of Herkimer had until February 19, 2013 to file a 'notice of appeal'.

08/03/12:
Larry Roe met with Captain McGrail and Lieutenant Adams to discuss the status of the New Jail project and the Courts determination regarding the County's lawsuit against the Village of Herkimer. Captain McGrail and Lieutenant Adams had no new information to offer other than the County thought they would have received a decision from the judge by May or June of 2012. Captain McGrail and Lieutenant Adams also advised that they are unaware of when the judge will make a decision, and that they believe that the Judge was under no time restriction to render a determination. Captain McGrail and Lieutenant Adams further advised that the two issues (zoning change that would preclude Herkimer County from building a jail & the authorization for sewer connection) are still in the courts awaiting a decision from the judge. As for the construction project, the cell bids were received and extended due to no decision from the Judge regarding the aforementioned court matters.

04/25/12:
Terry Moran and Bill Benjamin met with Sheriff Farber and several Herkimer County Officials to discuss the status of the project. The following information was provided to Commission staff:

- To date, the Village of Herkimer has rejected several offers to settle the issues of sewer and water, as well as the recently enacted zoning law.
- The county awaits a decision concerning their lawsuit against the Village of Herkimer.
- Bids for the pre-cast cell construction have been returned. No action can be taken until the court decision is rendered.

03/27/12:
Sheriff Farber submitted to Chairman Beilein a letter of request to extend Variance 06-V-05 for 180 days and advised that the County continues to move forward with the construction of a new correctional facility. Sheriff Farber also submitted within the letter of request for the aforementioned variance extension, a copy of a letter that was written to him (Sheriff Farber) from Herkimer County Administrator James Wallace. Administrator Wallace's letter, dated March 27, 2012, advised that the County continues to move forward with the construction of a new Herkimer County Correctional Facility at the Route 28 site in Herkimer. It also advised that the County is currently in court with the Village of Herkimer over two issues; a zoning change that would prohibit Herkimer County from building a jail; and the authorization for a sewer connection that the County was denied by the Village of Herkimer. Administrator Wallace concluded by writing that the County has their Correctional Facility cell package out for bid.

12/07/11:
Sheriff Farber submitted to Chairman Beilein a letter of request to extend Variance 06-V-05 for 180 days and advised that the County continues to move forward with the construction of a new correctional facility. Sheriff Farber also submitted within the letter of request for the aforementioned variance extension, a copy of a letter that was written to him (Sheriff Farber) from Herkimer County Administrator James Wallace. Administrator Wallace's letter, dated December 7, 2011, advised that the County continues to move forward with the construction of a new Herkimer County Correctional Facility at the Route 28 site in Herkimer. It also advised that the County Legislature at its last meeting was given a presentation by Mark kakuvka of LaBella Associates which allowed the members and the residents to review the design of the facility and the schedule. It further advised that the County is in the design development phase and is continuing with their cell package.

08/30/11:
Sheriff Farber submitted to Chairman Beilein a letter of request to extend Variance 06-V-05 for 180 days. On September 28, 2011, Sheriff Farber and Captain McGrail meet with Chairman Beilein and SCOC supervisory staff to discuss the County's progress toward the construction of a new jail.

05/25/11:
Sheriff Farber submitted to Chairman Beilein a copy of a letter County Administrator James Wallace sent to him (Sheriff Farber). County Administrator Wallace informed Sheriff Farber that the county continues to move forward on the P&C site and that Labella's team was at the site on the date of the letter (May 25, 2011) finishing up the onsite work for the percolation test. County Administrator Wallace also advised Sheriff Farber in the aforementioned letter that at the last meeting of the County Legislature, the County hired an environmental attorney to assist with the site. Also, there has been recent correspondence between the Chairman of the Legislature and the Mayor of the Village of Herkimer regarding allowing the County to use their (Village's) sewer system; however, the County continues to move forward with Labella Associates on the P&C site.

4/7/11:
Commission staff members Terrence Moran and Larry Roe met with Sheriff Farber, County Administrator James Wallace, and Public Safety Chair Leonard Hendrix. Commission staff were informed of the following concerning the jail project:

1. The county has not yet applied to the DEC for permits to construct a septic system on the jail site. Forty-seven (47) test pits will be dug in the coming weeks. The results will then be forwarded to the DEC.

2. The county will be meeting with LaBella Associates, the architectural/engineering firm hired by Herkimer County for this project.

3. The size of the facility will be 132 beds, with double celling capability to 154 beds.

3/29/11:
Sheriff Farber submitted to Chairman Beilein a copy of a letter County Administrator James Wallace to him (Farber). Wallace informed Farber that the county has approved resolutions on the hiring of LaBella Associates as their architect/engineer, and that there is movement on the purchasing of the proposed construction site property (P & C site).

1/18/11:
Sheriff Farber forwarded Chairman Beilein the results of the SEQRA tests, which indicated that the jail project would not have a significant environmental impact.

12/14/10:
In a letter to Chairman Beilein, Herkimer County Administrator James Wallace reported that percolation tests as part of an assessment of a septic system for the new facility have been completed and are awaiting the test results. Also, the county awaits a report from consultant Rod Miller concerning the recommended size of the new facility. Further, once the SEQRA process is completed, and a decision on facility size is made, he anticipates holding a vote for bonding on the new facility and continued movement towards purchasing the site property.

10/28/10: In a letter to Chairman Beilein, Herkimer County Legislative Chair Raymond Smith reported that the legislature recently approved a measure for percolation tests as part of an assessment of a septic system for the new facility.

9/08/10: Village of Herkimer's counter offer to the County includes:
•Requiring the county to pay for all costs incurred for hooking the correctional facility into the village's wastewater treatment plant, including permits, the necessary piping, road repairs, etc.;
•The county paying an annual $58,000 host community benefit to the village for the life of the correctional facility, with an uncapped escalator clause tied to the village's tax rate; and
•The county contributing $800,000 to the village's wastewater treatment plant upgrade project.

8/4/10: The Village of Herkimer Board voted 5-0 to reject the legislature's offer of a one-time $400,000 payment for the wastewater treatment plant upgrades and a $20,000 per year for 20 years annual payment to offset the loss of the parcel (P & C Site) from the tax rolls.

7/7/10: The county Legislature voted 10-7 to offer the Village of Herkimer $800,000 in order to connect a proposed county jail facility into the municipal sewer system. The proposal included a $400,000 payment toward the village wastewater treatment plant upgrade and $20,000 per year for 20 years.

OTHER VARIANCES IN EFFECT – None

STAFF INFORMATION AFTER SITE VISIT (DATE OF LAST VISIT TO FACILITY):
Facility compliance with conditions of variance 06-V-05 was last reviewed on October 24, 2013; Compliance with these conditions was noted.

DATE OF LAST CYCLE VISIT THAT STANDARD VIOLATIONS WERE IDENTIFIED:

ANY OPEN MINIMUM STANDARD VIOLATIONS:
Sheriff Farber recently submitted revised policies and procedures as part of their effort for compliance with Minimum Standards. Commission staff are currently reviewing the policies and will schedule a meeting with Sheriff Farber and his staff to discuss comments.

ANY VIOLATIONS WHICH PERTAIN TO THE VARIANCE'S CONDITIONS:
None

JUSTIFICATION FOR WHY VARIANCE SHOULD OR SHOULD NOT BE EXTENDED:
The Commission previously approved the cell package submitted by Herkimer County. On-going litigation continues to delay the project.

REVIEWED BY REGIONAL SUPERVISOR: JM **DATE:** 10/31/13

OFFICIAL USE ONLY:

NOTES OF MEETING: ____ August letter for IFP Status?

OFFICE OF

The Herkimer County Sheriff

320 NORTH MAIN STREET – SUITE 2900
HERKIMER, NEW YORK 13350-1949
OFFICE/CIVIL: (315) 867-1167
FAX: (315) 867-1354

THOMAS MCGRAIL, *CAPTAIN*
Correction Facility: (315) 867-1252
Correctional Fax: (315) 867-1263

CHRISTOPHER P. FARBER, SHERIFF
GEORGE TREEN, JR., UNDERSHERIFF

SEP 2 5 2013

September 20, 2013

Thomas A. Beilein
Chairman
State Commission of Correction
Alfred E. Smith State Office Bldg.
80 S. Swan St., 12th Floor
Albany, NY 12210

Dear Chairman Beilein:

The Herkimer County Sheriff's Office is respectfully requesting an extension of Variance No. 06-V-05 which addresses compliance with provisions of 9NYCRR Section 7028 regarding outdoor recreation space for inmates.

We feel this extension is warranted based on the following facts: (1) The temporary recreation area was constructed and approved under the guidance and frequent inspections of staff from your office, (2) Ten or less inmates utilize the area at one time so as to comply with the less than 1,500 square foot requirement on a 1 ½ hour, 5 days a week schedule, (3) The area does provide for good health and reduces tension of the jail population.

Herkimer County continues to move forward with the construction of a new correctional facility. I therefore am respectfully requesting a 180 day extension on the above mentioned variance. Enclosed please find a copy of a letter addressed to me from our County Administrator regarding the County's position.

Policies and Procedures have been submitted to the Commission and we continue to work to revise the policy and procedures in question.

We look forward to the continued working relationship that my staff and I have enjoyed the past years with the Commission and its staff.

Respectfully,

Christopher P. Farber, Sheriff
Herkimer County

C/c: Hon. Vincent Bono
Hon. Leonard Hendrix
James Wallace, Co. Admin.

HERKIMER COUNTY LEGISLATURE
OFFICE OF THE HERKIMER COUNTY ADMINISTRATOR
JAMES W. WALLACE, JR., *ADMINISTRATOR*
109 MARY STREET - SUITE 1310
HERKIMER, NEW YORK 13350-2913
TELEPHONE (315) 867-1112 - - FAX (315) 867-1109

September 20, 2013

Dear Sheriff Farber:

We were at the Appellate Court in Rochester on September 9, 2013 over the issues with Herkimer County being able to proceed on the P&C site in the Village of Herkimer. A majority of the Legislature supports building our new facility on this site.

We expect an answer in approximately 60 days from the Court.

Should you need any further information, please do not hesitate to contact me.

Sincerely,

James W. Wallace, Jr.
County Administrator

JWW/bc

cc: Hon. Vincent J. Bono, Herkimer County Legislature Chairman
Hon. Leonard R. Hendrix, Public Safety & Emergency Management Committee Chairman
Hon. Patrick E. Russell, Ways & Means Committee Chairman
Hon. Raymond Smith, Human Resources Committee Chairman
Hon. Bernard Peplinski, Sr., County Planning & Development Committee Chairman
Robert Malone, County Attorney

New York State
Commission of Correction
80 Wolf Road
Albany, New York 12205
518-485-2465
518-485-2467 (Fax)

New _____

Renewal _____

Variance # _____

(SCOC USE ONLY)

Thomas A. Beilein
Chairman

Variance Application Form

INSTRUCTIONS TO SHERIFF OR CHIEF ADMINISTRATIVE OFFICER:

Pursuant to New York State Minimum Standards Part 7050, Variances, please complete all portions of this form and mail or fax this form Attn: Chairman/Commissioner to the address or fax number listed above.

Facility: Herkimer County Correctional Facility

Person requesting: Sheriff Christopher P. Farber

(Sheriff/[redacted])

A. State the specific part, section and subdivision of New York State Minimum Standards for which the variance is requested: Example: 7040.3 states that, the total number of inmates confined within each correctional facility shall not exceed the maximum facility capacity of such facility. To request a variance to house additional inmates within the facility the citation should be listed as:

Ex. Part: 7040 Section: 3 Subdivision: n/a

Standard for which the variance is requested:

Part: 7028 Section: 4 Subdivision: b

B. In the space provided below include specific plans fully explaining and supporting the alternative manner of compliance. If you are requesting a modification to an existing variance please include that information in the area below as well. (Include or attach any relevant supporting documentation)

See Attached Letter

C. In the space provided below include a detailed description regarding why this variance is necessary. (Include or attach any relevant supporting documentation

D. Provide the amount of time for which the variance is requested, if applicable:

____180_____ Days _____ Weeks _____ Months

E. If this variance request is approved, what plans, provisions and timetables are in place for achieving full compliance with the Minimum Standard at issue such as adding to the MFC, etc. (Use additional sheets to provide additional supporting documentation, if necessary).

Herkimer County is in the process of formulating plans for a new correctional facility with the construction to start as soon as possible.

F. If this variance request pertains to housing additional inmates, please provide the square footage for the potential housing areas effected (dayspace area, cells, gym, etc.) as well as the number of sinks, shower and toilets for that area. It is also necessary to include the current maximum facility capacity (MFC) for the specific area the variance is requested for as well as how many additional inmates you are requesting to be housed in a particular area.

Housing Area (Name and type, i.e. 1 North, dorm, linear)	Sq. Ft.	Number of Sinks	Number of Showers	Number of Toilets	Current MFC	Requested Number of Variance Beds

(If additional space is required please make a copy of this sheet and attach)

(Page _____ of _____)

G. Has this variance been previously approved?

Yes X If yes, include the variance number 06-V-05 No _____

Signature (Sheriff) (~~Chief Administrative Officer~~) Date: 09-20-13

Additional copies of this form can be obtained by contacting the Commission, or online at www.scoc.state.ny.us. Click on table of contents, Commission Forms, Request for a Variance (Formal application statement).

(SCOC Form #V-1)
(07/06)

Name of Facility: Onondaga County Justice Center. Variance # 13-V-03

New: Renewal: X Number of renewals: 15

Relief from Standard #7040.3 Application by: Chief Esteban Gonzalez Date rec.: 10/16/13

Beds at standard: 671 Current Population: 603 (10/24/13) 97.5%

Beds Requested This Variance: 36 Variance Beds This Facility: 36

Last Approved: 03/19/13 Length of Variance: 6 months

Recommendation: Approval Length Recommended: 6 Months By: Todd D'Alessandro

SUMMARY OF VARIANCE REQUEST

Chief Esteban Gonzalez is requesting to renew this variance which authorizes the facility to double-cell inmates in each of the 100 sq. ft. cells on the upper level of the following areas: Pods 2A, 2B, 2C, 3A, 3B, 3C, 4A, 4B and 4C. This would allow the justice center to house an additional 36 inmates.

RECOMMENDED CONDITIONS

At the November 19, 2013 Commission Meeting this variance will be presented before the Commission. The following conditions were included in the previous approval letter regarding this variance.

1) The county is authorized to double-cell in each of the 100 sq. ft. cells on the upper level of the following areas:

Pods	MFC	Increase	Total
2A	60	4	64
2B	60	4	64
2C	60	4	64
3A	60	4	64
3B	60	4	64
3C	60	4	64
4A	60	4	64
4B	60	4	64
4C	60	4	64

TOTAL = 36

2) Inmates housed in the above-noted areas ***must*** be provided with a bunk to be used as a bed.

3) Active supervision must be provided on a 24-hour basis, pursuant to 9NYCRR Section 7003.2(c) when inmates are housed in any of the above-noted areas.

4) Inmates housed in these areas receive the same services and programs as the general population.

5) Commission staff must monitor the effects of the double-celling program on staff and inmates as well as the general operation of the facility.

6) The facility must maintain information on all double-celled inmates which shall include, but is not limited to: (a) name and location of the inmate; (b) date of entrance into and release from double-celling; and (c) reason for release. These records shall be made available to Commission staff upon request.

7) The facility will monitor its double-celling plan by tracking rates of incidents, grievances, and complaints directly related to double-celling. This summary documentation will be made available to Commission staff upon request.

8) The county shall continue its double-celling according to the double-celling plan submitted and approved by the Commission. The county shall advise the Commission of any substantive changes to the double-celling plan.

9) The county ***must*** comply with the temporary rated capacity of **707** for the Onondaga County Justice Center. When the county experiences an overflow, inmates ***must*** be boarded-out to other counties.

10) One (1) additional officer shall be assigned to any housing area which exceeds 60 inmates on the following shifts: 7:00 am to 3:00 pm shift and the 3:00 pm to 11:00 p.m. shift. An additional officer is not required on the 11:00 pm to 7:00 am tour.

11) When the total population of any housing unit exceeds 60 inmates, the department shall submit to the Commission on a weekly basis, a report which states the population of the housing area and the names of the officers assigned to supervise those areas.

12) When an inmate requires the use of a handicapped cell based on a physical handicap, the inmate shall be provided a 100 sq. ft. cell and this cell will ***not*** be double-celled.

13) All inmate assigned to a double-cell should be the same security classification.

14) Commission staff will make periodic ***unannounced*** site visits to the Onondaga County Justice Center in order to ascertain compliance with the above noted conditions.

HISTORY

2013- Recommendation Approval
Action Taken Approved at 03/19 Meeting
Length of Variance 6 Months
Conditions, if changed **Expired 10/1/2013**

2011- Recommendation Approval
Action Taken Approved at 12/20 Meeting
Length of Variance 3 Months
Conditions, if changed

2010- Recommendation Approval
Action Taken Approved at 12/16 Meeting
Length of Variance 1 year
Conditions, if changed

2009- Recommendation Approval
Action Taken Approved at 12/15 Meeting
Length of Variance 1 year
Conditions, if changed

2008- Recommendation Approval
Action Taken Approved at 12/16 Meeting
Length of Variance 1 year
Conditions, if changed

2008- Recommendation Approval
Action Taken Approved at 11/18 Meeting
Length of Variance 30 days
Conditions, if changed

2008- Recommendation Approval
Action Taken Approved at 10/22 Meeting
Length of Variance 30 days
Conditions, if changed

2008- Recommendation Approval
Action Taken Approved at 9/16 Meeting
Length of Variance 30 days
Conditions, if changed

2007- Recommendation Approval
Action Taken Approved at 9/07 Meeting
Length of Variance 1 year
Conditions, if changed

2006- Recommendation Approval
Action Taken Approved at 9/06 Meeting
Length of Variance 1 year
Conditions, if changed

2005- Recommendation Approval
Action Taken Approved at 9/05 Meeting
Length of Variance
Conditions, if changed

2005- Recommendation Approval
Action Taken Approved a 6/21/05 Meeting
Length of Variance 3 months
Conditions, if changed from original variance

2004- Recommendation Approval
Action Taken Approved at 07/13/04 Meeting
Length of Variance 6-months
Conditions, if changed from first variance SAME

2003- Recommendation Approval
Action Taken Approved at October 28, 2003
Length of Variance 6-months
Conditions, if changed from first variance SAME

2002- Recommendation Deny
Action Taken Denied at the 12/17/02 Meeting
Length of Variance N/A
Conditions, if changed from first variance SAME

2002- Recommendation Approval
Action Taken Approved at 09/16/02 Meeting
Length of Variance 3-months

FACILITY SITE VISIT

Last reviewed for this variance on: September 04, 2013
Todd D'Alessandro

Outstanding issues: Exceeding time limits in holding areas in booking. Letter drafted.

Open violations that relate to the variance request: None

CONSTRUCTION/RENOVATION PLANS

Construction progress, if building additional capacity: In planning stages to build an additional level/housing area on existing structure.

OTHER VARIANCES IN EFFECT

Variance # 95-V-21 (Perm.): This variance allows the justice center to sell Rx in the commissary.

Variance # 96-V-31 (Perm.): This variance allows inmates at the justice center to possess Rx.

MISCELLANEOUS

This variance should be extended for six (6) months in order to give the facility the opportunity to comply with the classification standard. As of 10/28/13 the Onondaga Penitentiary has been granted an open SJO to board up to 20 inmates to Wayne County. The movement of these inmates will provide room for more inmates to be SJO'd to the Penitentiary from the Justice Center to alleviate overcrowding.

11/15/13

New York State Commission of Correction

Information as Provided by Facilities via Jails Daily Population Reporting System

11/05/13

Facility Name	Std Beds	Var Beds	Tot Cap	Tot Count	% Total	% Std Beds	Brded In	St Rdy Total	Par Viol	Fed Inmts	% Brders Tot Pop	Brded Out	% Brded Out	Minor M/F	Intrmt Total	Un arraign ed M/F	Report Date
Albany County Jail	1043	0	1043	823	78.9%	78.9%	210	27	48	56	32.3%	0	0.0%	42	0	0	11/05/13
Allegany County Jail	164	0	164	134	81.7%	81.7%	0	0	0	72	53.7%	0	0.0%	6	1	0	11/05/13
Broome County Jail	536	0	536	509	95.0%	95.0%	4	14	8	5	1.8%	21	4.0%	29	0	0	11/05/13
Cattaraugus County Jail	150	0	150	114	76.0%	76.0%	0	3	2	23	20.2%	0	0.0%	4	0	0	11/05/13
Cayuga County Jail	214	0	214	192	89.7%	89.7%	1	2	8	26	14.1%	0	0.0%	4	0	0	11/05/13
Chautauqua County Jail	303	0	303	289	95.4%	95.4%	0	3	12	9	3.1%	0	0.0%	11	0	0	11/05/13
Chemung County Jail	264	0	264	209	79.2%	79.2%	32	0	14	0	15.3%	0	0.0%	10	0	0	11/04/13
Chenango County Jail	133	0	133	113	85.0%	85.0%	4	2	1	29	29.2%	0	0.0%	2	1	0	11/05/13
Clinton County Jail	300	0	300	204	68.0%	68.0%	0	1	11	26	12.7%	0	0.0%	9	0	0	11/05/13
Columbia County Jail	135	0	135	123	91.1%	91.1%	34	2	3	2	29.3%	1	1.1%	4	1	0	11/05/13
Cortland County Jail	60	15	75	62	82.7%	103.3%	0	1	5	0	0.0%	0	0.0%	2	0	0	11/05/13
Delaware County Jail	103	0	103	87	84.5%	84.5%	13	0	1	4	19.5%	0	0.0%	7	0	0	11/05/13
Dutchess County Jail	292	0	292	246	84.2%	84.2%	0	0	8	0	0.0%	194	44.1%	0	0	0	11/05/13
Erie County - Yankee Compou	90	0	90	16	17.8%	17.8%	0	0	0	0	0.0%	0	0.0%	0	1	0	11/05/13
Erie County Correctional Fa	794	8	802	729	90.9%	91.8%	0	0	41	3	0.4%	0	0.0%	48	1	0	11/05/13
Erie County Jail	640	0	640	483	75.5%	75.5%	0	0	26	48	9.9%	0	0.0%	30	0	0	11/04/13
Essex County Jail	126	0	126	95	75.4%	75.4%	8	4	6	26	35.8%	0	0.0%	1	0	0	11/04/13
Franklin County Jail	127	0	127	112	88.2%	88.2%	1	0	0	0	0.9%	10	8.3%	7	1	0	11/04/13
Fulton County Jail	169	0	169	109	64.5%	64.5%	15	2	4	0	13.8%	0	0.0%	6	0	0	11/05/13
Genesee County Jail	87	10	97	73	75.3%	83.9%	0	2	3	1	1.4%	16	18.2%	2	0	0	11/05/13
Greene County Jail	50	0	50	40	80.0%	80.0%	0	2	4	0	0.0%	44	52.4%	0	0	0	11/05/13
Hamilton County Jail	6	0	6	4	66.7%	66.7%	0	1	0	0	0.0%	0	0.0%	0	0	0	11/05/13
Herkimer County Jail	41	0	41	32	78.0%	78.0%	0	2	2	0	0.0%	60	65.2%	2	0	0	11/05/13
Jefferson County Jail	160	0	160	139	86.9%	86.9%	0	1	3	0	0.0%	29	17.3%	7	0	0	11/05/13
Lewis County Jail	42	0	42	30	71.4%	71.4%	0	0	1	2	6.7%	0	0.0%	1	0	0	11/05/13
Livingston County Jail	186	0	186	136	73.1%	73.1%	10	0	3	18	20.6%	1	0.9%	6	2	0	11/05/13
Madison County Jail	120	0	120	100	83.3%	83.3%	0	0	5	8	8.0%	0	0.0%	6	6	0	11/05/13
Monroe County Correctional	496	34	530	356	67.2%	71.8%	0	0	0	0	0.0%	0	0.0%	0	1	0	11/05/13
Monroe County Jail	1171	12	1183	1075	90.9%	91.8%	1	31	57	48	4.6%	0	0.0%	89	0	18	11/05/13
Montgomery County Jail	167	0	167	148	88.6%	88.6%	14	0	5	20	23.0%	1	0.9%	3	0	0	11/04/13
Nassau County Jail Correcti	1916	26	1942	1246	64.2%	65.0%	7	11	44	40	3.8%	8	0.7%	41	0	0	11/05/13
Niagara County Jail	443	56	499	469	94.0%	105.9%	1	10	16	107	23.0%	0	0.0%	20	0	1	11/04/13
Oneida County Jail	638	0	638	480	75.2%	75.2%	44	6	27	41	17.7%	0	0.0%	20	0	0	11/05/13
Onondaga County Correctiona	512	52	564	529	93.8%	103.3%	87	0	40	13	18.9%	40	8.5%	0	0	0	11/05/13
Onondaga County Jail	671	0	671	629	93.7%	93.7%	27	20	6	4	4.9%	88	12.8%	67	0	8	11/03/13

Onondaga County Sheriff's Office

Kevin E. Walsh
Sheriff

Warren R. Darby
Undersheriff

Ted Botsford, Chief Deputy, Police Department
John Balloni, Chief Deputy, Civil Department
Esteban Gonzalez, Chief Deputy, Custody Department

Sheriff 's Office	315-435-3044
Police Department	435-3036
Civil Department	435-3060
Custody Department	435-1717
Criminal Investigations	435-3081
Police Records	435-3010
Custody Records	435-1782

October 23, 2013

Thomas A. Beilein, Chairman
New York State Commission of Correction
80 S. Swan Street, 12th Floor
Albany, NY 12210

Re: **Notice of Violation**

Dear Chairman Beilein,

We received your letter dated October 16, 2013, regarding the inmate population at the Onondaga County Justice Center. In response to the letter and a request from Steve Savoy to outline our continuing efforts to manage the inmate population, the following is offered as an updated summary of our progress:

As noted in past communications, and in a conference call with your staff yesterday, we remain below our MFC but continue to make adjustments within the facility and with the Onondaga County Correctional Facility in order to remain compliant with all standards.

We continue to collaborate with OCCF on a daily basis to manage our collective population. This typically includes sharing over 100 inmates in order to balance classifications and make space for special population inmates. We have also been working with DOCCS to ensure that state ready inmates are transferred to reception in a timely manner.

On 10/09/12 the Onondaga County Legislature approved and passed the budget which included a request for $400,000 for planning and architectural design costs for the construction of a new 100 bed Mental Health Unit (MHU) at the Justice Center. The MHU will provide for better inmate care and permit (as you have previously suggested) a more cost effective deputy to inmate constant supervision ratio. It will also free up 55 mental health beds for general population use. At the time of this writing, the RFP is completed and our recommendation has been forwarded to the Purchasing and Management and Budget Departments, as well as the RFP Committee. We will seek your advice and approval at all significant stages of this process.

We provide the District Attorney's Office a monthly report on all our probation and parole inmates with local charges, excluding those with felonies. The D.A's Office uses these reports to track inmates through the judicial system in a timely manner.

We have received the Commission approval for the variance to commingle adult and minor males in pod 2C. As you know, this is the second request in 2013 and it allows us much needed flexibility with our reception inmates. Also, had we not let Variance 13-V-03 expire, pending Commission approval of the renewal request, we would have maintained the authorization to house up to 36 additional inmates in the facility and not have exceeded our MFC.

We have aggressively explored boarding out options to other sheriff's offices and discovered the available beds within a reasonable distance few and uncertain. Albany County has space but the travel cost for us and the distance from defense counsel is substantial. Two other counties, Wayne and Monroe, have the ability to board in 19 and 40 inmates respectively, and appear to be viable options if their populations don't increase significantly. These facilities will need time to prepare for the additional inmates but we have advised them to stand ready as options are exhausted. We will be meeting with the Sheriff's Office Fiscal Chief and the County CFO to advise them of the imminent need to board inmates out.

Finally, based on our history, we anticipate the inmate population will reduce to more manageable numbers this Fall. The population in the Justice Center now is 646. This is well below our MFC but we recognize the immediate need to improve our compliance with all classification and admissions standards.

We will continue to look for ways to more effectively manage our inmate population, while ensuring a safe, secure and humane facility. In doing so, we will maintain the public trust, a trust that we take very seriously.

Thank you for your patience and offers of assistance as we address these issues.

Sincerely,

Esteban M. Gonzalez
Chief Custody Deputy .

xc: Sheriff Kevin. E. Walsh
Commissioner Timothy Cowin

New York State
Commission of Correction
80 Wolf Road
Albany, New York 12205
518-485-2465
518-485-2467 (Fax)

New	_____
Renewal	_____
Variance #	_____
(SCOC USE ONLY)	

Thomas A. Beilein
Chairman

Variance Application Form

INSTRUCTIONS TO SHERIFF OR CHIEF ADMINISTRATIVE OFFICER:

Pursuant to New York State Minimum Standards Part 7050, Variances, please complete all portions of this form and mail or fax this form Attn: Chairman/Commissioner to the address or fax number listed above.

Facility: Oonodaga County Sheriff's Office Justice Center Jail

Person requesting: Esteban Gonzalez

(Sheriff/Chief Administrative Officer)

A. State the specific part, section and subdivision of New York State Minimum Standards for which the variance is requested: Example: 7040.3 states that, the total number of inmates confined within each correctional facility shall not exceed the maximum facility capacity of such facility. To request a variance to house additional inmates within the facility the citation should be listed as:

Ex. Part: 7040 Section: 3 Subdivision: n/a

Standard for which the variance is requested:

Part: 7040 Section: (3) Subdivision:

B. In the space provided below include specific plans fully explaining and supporting the alternative manner of compliance. If you are requesting a modification to an existing variance please include that information in the area below as well. (Include or attach any relevant supporting documentation)

C. In the space provided below include a detailed description regarding why this variance is necessary. (Include or attach any relevant supporting documentation

Approval of continue the variance would give the facility immediate options for housing unsentenced inmates and keep within the minimum standards: programs, services,education-vocation training,mental and health concerns,protective custody while maintaining a safe and secure enviroment for staff,inmates,civilains.

D. Provide the amount of time for which the variance is requested, if applicable:

180 Days _____ Weeks _____ Months

E. If this variance request is approved, what plans, provisions and timetables are in place for achieving full compliance with the Minimum Standard at issue such as adding to the MFC, etc. (Use additional sheets to provide additional supporting documentation, if necessary).

Classification and compliance units staff work daily with the courts to insure follow-up on court appearance and grand jury proceedings within the time frames of the NYS CPL.Staff also work with the jail ministry, community,alternatives.probation,parole and the District Attorney's Office on case review

F. If this variance request pertains to housing additional inmates, please provide the square footage for the potential housing areas effected (dayspace area, cells, gym, etc.) as well as the number of sinks, shower and toilets for that area. It is also necessary to include the current maximum facility capacity (MFC) for the specific area the variance is requested for as well as how many additional inmates you are requesting to be housed in a particular area.

Housing Area (Name and type, i.e. 1 North, dorm, linear)	Sq. Ft.	Number of Sinks	Number of Showers	Number of Toilets	Current MFC	Requested Number of Variance Beds
Housing – Pod 2A	100 sq.ft.	56	7	56	60	+4 to 64
POD 2B						
Pod 2C						
Housing – Pod 3A						
Pod 3B						
Pod 3C						
Housing – Pod 4A						
Pod 4B						
Pod 4C						
Housing – Pod 5A						
Pod 5B						
Pod 5C	100sq.ft.	56	7	56	60	+4 to 64

(If additional space is required please make a copy of this sheet and attach)

(Page _____ of _____)

G. Has this variance been previously approved?

Yes ___x___ If yes, include the variance number _____ No ___No-13-V-03___

Capt. M. C

Signature (Sheriff) (Chief Administrative Officer) Date 10-16-13

Additional copies of this form can be obtained by contacting the Commission, or online at www.scoc.state.ny.us. Click on table of contents, Commission Forms, Request for a Variance (Formal application statement).

(SCOC Form #V-1)
(07/06)

Name of Facility: **ONONDAGA PENITENTIARY** Variance # **13-V-10**

New: X Renewal: n/a Number of renewals: n/a

Relief from Standard # 7040.5 MFC Application by: Comm Tim Cowin Date rec.: 10/31/13

Beds at standard: 512 Variance Beds: 52 Current Population: 529 %: 93.8 (11-5-13)

Last Approved: n/a Length of Approval: n/a Expiration: n/a

Recommendation: APPROVE Length Recommended: 1 YEAR By: Todd D'Alessandro

SUMMARY OF VARIANCE REQUEST

Because the inmate population continues to increase as a result of boarding in inmates from the Onondaga Justice Center, the Onondaga Penitentiary is requesting relief from Part 7040.5(a), Maximum Facility Capacity of the *Minimum Standards*. The facility is requesting to utilize a program room within one of its 60-bed dormitory-type units (Unit 5) to house up to eight (8) weekenders during the weekends. These inmates will be afforded the same supervision, privileges and services that are afforded to the general population.

RECOMMENDED CONDITIONS

(1) That the penitentiary is authorized to house eight (8) additional inmates in the Program Room of Unit # 5 for a total of eight (8) variance beds.

(2) That the facility shall assign an additional officer whenever the total population of Unit 5 exceeds sixty (60) inmates on the following shifts: 7:00 am to 3:00 pm shift and the 3:00 pm to 11:00 p.m. shift. An additional officer is not required on the 11:00 pm to 7:00 am tour.

(3) That inmates housed in the room be provided with a bunk, cot, or at a minimum a 'boat' to be used as a bed.

(4) That 'active supervision' must be provided on a 24-hour basis, pursuant to 9NYCRR Section 7003.2c.

(5) That inmates housed in the above-noted areas receive the same services and programs as the general population.

(6) That the county shall not exceed the rated MFC for the purpose of boarding inmates. The Commission does not approve variances for the purpose of generating revenue.

HISTORY

Non-applicable.

FACILITY SITE VISIT

Site Visit Date: 10/29/13 ***By:*** Todd D'Alessandro, Chester Martinez

Outstanding issues: None.

Open violations that relate to the variance request: None.

****Note:*** See attached photographs taken of the area during the site visit.

Photograph #1 – Unit 5
Photograph #2 – Program Room within Unit 5
Photograph #3 – From Officer's Station looking toward the Program Room .

CONSTRUCTION/RENOVATION PLANS

Construction progress, if building additional capacity: The only modification(s) needed is to remove the door to the program room and the take down the window blinds.

OTHER VARIANCES IN EFFECT

02-V-10 – Double Celling
99-V-16 – Day Space-Unit 1
95-V-18 – Sell OTC in Commissary (Permanent variance)
96-V-32 – RX by inmates (Permanent variance)

MISCELLANEOUS INFORMATION

The unit contains 7 sinks, 6 toilets and 5 showers. For the increase from 60 to up to 68 inmates in Unit 5, the inmate ratio for each set of fixtures remains in compliance with Part 7040, Maximum Facility Capacity of the *Minimum Standards*.

The weekenders placed in the room would utilize the room for sleeping only. There is ample day space area outside the room within the dormitory.

The total square footage of the program room is 252 square feet. In lieu of the placement of 8 single bunks, the facility would place 4 double bunks in the room, requiring half the floor space.

JUSTIFICATION

This variance would make possible for the facility to house their weekend population in one specific area, in a facility that has a rising inmate population as a result of the boarding in of additional inmates from the Onondaga Justice Center. The unit has a sufficient number of sinks, toilets and showers to accommodate the additional 8 weekenders in accordance with Part 7040, Maximum Facility Capacity. The dormitory-style setting allows for ample day space. Utilizing

four double-bunks reduces the footprint by half as opposed to using eight single bunks. And, this relief has been granted by the Commission for other counties, currently as well as in the past.

11/5/13

New York State
Commission of Correction
80 Wolf Road
Albany, New York 12205
518-485-2465
518-485-2467 (Fax)

New _____
Renewal _____
Variance # _____
(SCOC USE ONLY)

Thomas A. Beilein
Chairman

Variance Application Form

INSTRUCTIONS TO SHERIFF OR CHIEF ADMINISTRATIVE OFFICER:

Pursuant to New York State Minimum Standards Part 7050, Variances, please complete all portions of this form and mail or fax this form Attn: Chairman/Commissioner to the address or fax number listed above.

Facility: Onondaga County Department of Correction

Person requesting: Timothy H. Cowin

(Sheriff/Chief Administrative Officer)

A. State the specific part, section and subdivision of New York State Minimum Standards for which the variance is requested: Example: 7040.3 states that, the total number of inmates confined within each correctional facility shall not exceed the maximum facility capacity of such facility. To request a variance to house additional inmates within the facility the citation should be listed as:

Ex. Part: 7040 Section: 3 Subdivision: n/a

Standard for which the variance is requested:

Part: 7040 Section: 5 Subdivision:

B. In the space provided below include specific plans fully explaining and supporting the alternative manner of compliance. If you are requesting a modification to an existing variance please include that information in the area below as well. (Include or attach any relevant supporting documentation)

Place 8 beds (4) double bunks in program room within Unit 5 for up to 8 weekender inmates. Unit 5 houses up to sixty (60) inmates,1 additional staff member will be assigned to supervise these inmates. These Inmates will be afforded the same supervision, privileges and services that is offered to the general population. The door will be removed from this program room which is located in close proximity to the unit officer's work station. Unit 5 is direct supervision dormitory style-housing unit.

C. In the space provided below include a detailed description regarding why this variance is necessary. (Include or attach any relevant supporting documentation

This variance will provide relief of square footage requirements as the program room is 252 square feet (see attached drawing). Our population continues to increase with unsentenced inmates from the Onondaga County Justice Center.

D. Provide the amount of time for which the variance is requested, if applicable:

_____ Days _____ Weeks 12 Months

E. If this variance request is approved, what plans, provisions and timetables are in place for achieving full compliance with the Minimum Standard at issue such as adding to the MFC, etc. (Use additional sheets to provide additional supporting documentation, if necessary).

This area is expected to be used on a as needed basis, based on weekender inmate population.

F. If this variance request pertains to housing additional inmates, please provide the square footage for the potential housing areas effected (dayspace area, cells, gym, etc.) as well as the number of sinks, shower and toilets for that area. It is also necessary to include the current maximum facility capacity (MFC) for the specific area the variance is requested for as well as how many additional inmates you are requesting to be housed in a particular area.

Housing Area (Name and type, i.e. 1 North, dorm, linear)	Sq. Ft.	Number of Sinks	Number of Showers	Number of Toilets	Current MFC	Requested Number of Variance Beds
Unit 5 includes program rm.	5425	7	5	6	60	8

(If additional space is required please make a copy of this sheet and attach)

(Page _____ of _____)

G. Has this variance been previously approved?

Yes _____ If yes, include the variance number _____ No X

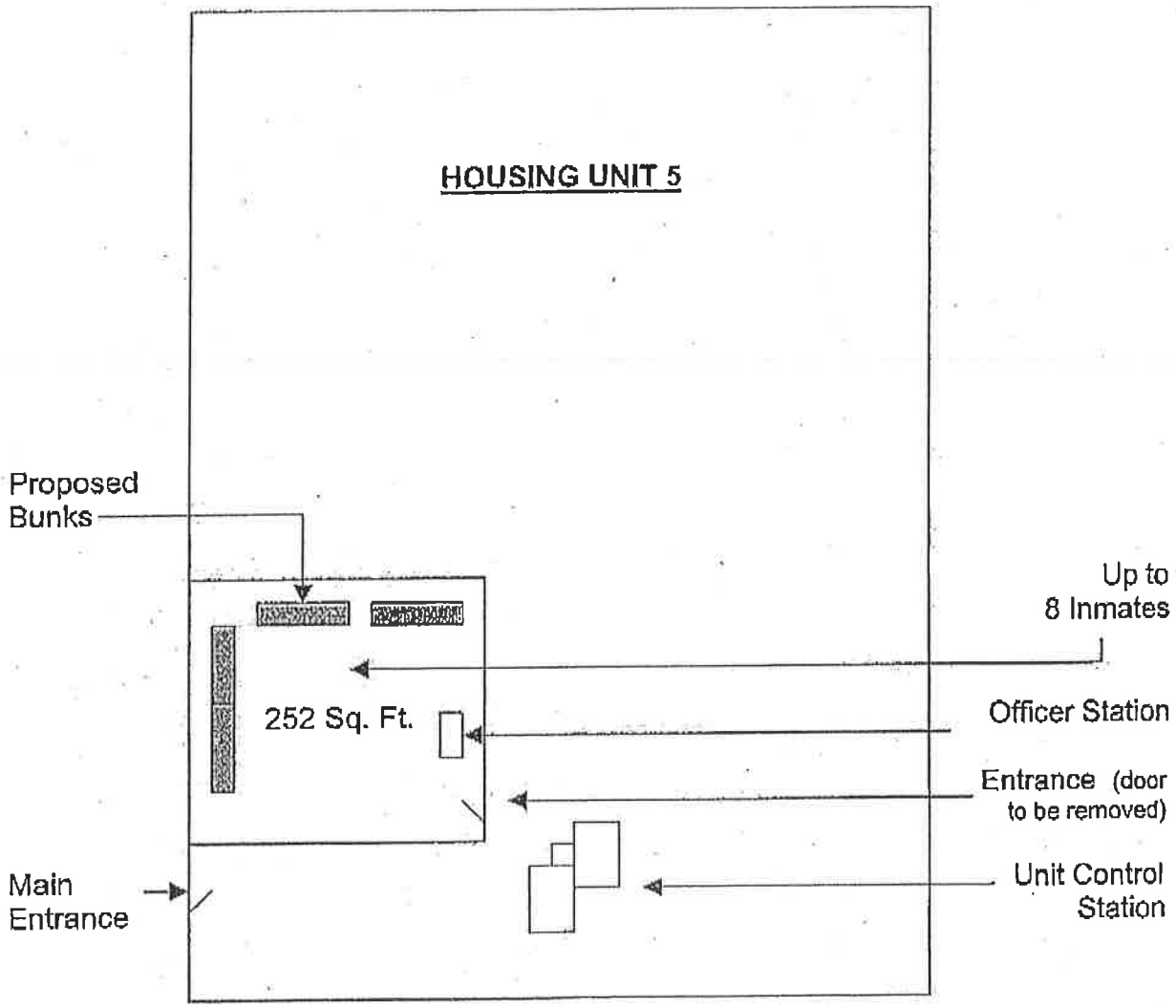
Signature (Sheriff) (Chief Administrative Officer) Date

Additional copies of this form can be obtained by contacting the Commission, or online at www.scoc.state.ny.us. Click on table of contents, Commission Forms, Request for a Variance (Formal application statement).

(SCOC Form #V-1)
(07/06)

The below sketch indicates the proposed request for variance under Part 7050
One program room in Housing Unit 5, to house up to eight (8)
Weekender inmates, if needed.

(Requesting a variance for square footage requirements only)



At the current time the unit that comprises this classroom, Housing Unit 5, houses up to sixty-(60) inmates. We propose using these 8 beds (4) double bunks, only as needed for weekender inmates. One additional staff member shall be assigned to supervise these inmates, and they will be afforded the same supervision, privileges and services as offered to the general population. The door to the room shall be removed, and the officer's station shall be just inside to the right. Unit 5 is a direct supervision dormitory style-housing unit.

Housing Unit 5 contains: 7 Sinks
6 Toilets
5 Showers

New York State Commission of Correction
Chairman Thomas A. Beilein

Memorandum

From: Chairman Thomas A. Beilein **Date:**October 31, 2013

Access Number:

To: Jim Lawrence
Brian Callahan
Richard Kinney

Sender: Commissioner Cowin

Agency: Onondaga County DOC

Date Original Received:10/31/13

Re: Variance Application

Document Description: Variance Application

Chairman's Comments:

Routing Information

Regional Supervisor: Savoy

CC:

ONONDAGA COUNTY

DEPARTMENT OF CORRECTION

PO BOX 143
JAMESVILLE, NEW YORK 13078
(315) 435-5581
Fax: (315) 435-5596

NICHOLAS J. PIRRO
County Executive

TIMOTHY H. COWIN
Commissioner

FACSIMILE TRANSMISSION

DELIVER TO: TODD D'ALESSANDRO

SENT BY: L. M. KEARNEY

DATE: 10/31/13

OF PAGES: 6
(INCLUDING COVER PAGE)

SPECIAL INSTRUCTIONS:

WE ARE AN EQUAL OPPORTUNITY EMPLOYER

New York State Commission of Correction

Information as Provided by Facilities via Jails Daily Population Reporting System

11/05/13

Facility Name	Std Beds	Var Beds	Tot Cap	Tot Count	% Total	% Std Beds	Brded In	St Rdy Total	Par Viol	Fed Inmts	% Brders Tot Pop	Brded Out	% Brded Out	Minor M/F	Intrmt Total	Un arraign ed M/F	Report Date
Albany County Jail	1043	0	1043	823	78.9%	78.9%	210	27	48	56	32.3%	0	0.0%	42	0	0	11/05/13
Allegany County Jail	164	0	164	134	81.7%	81.7%	0	0	0	72	53.7%	0	0.0%	6	1	0	11/05/13
Broome County Jail	536	0	536	509	95.0%	95.0%	4	14	8	5	1.8%	21	4.0%	29	0	0	11/05/13
Cattaraugus County Jail	150	0	150	114	76.0%	76.0%	0	3	2	23	20.2%	0	0.0%	4	0	0	11/05/13
Cayuga County Jail	214	0	214	192	89.7%	89.7%	1	2	8	26	14.1%	0	0.0%	4	0	0	11/05/13
Chautauqua County Jail	303	0	303	289	95.4%	95.4%	0	3	12	9	3.1%	0	0.0%	11	0	0	11/05/13
Chemung County Jail	264	0	264	209	79.2%	79.2%	32	0	14	0	15.3%	0	0.0%	10	0	0	11/04/13
Chenango County Jail	133	0	133	113	85.0%	85.0%	4	2	1	29	29.2%	0	0.0%	2	1	0	11/05/13
Clinton County Jail	300	0	300	204	68.0%	68.0%	0	1	11	26	12.7%	0	0.0%	9	0	0	11/05/13
Columbia County Jail	135	0	135	123	91.1%	91.1%	34	2	3	2	29.3%	1	1.1%	4	1	0	11/05/13
Cortland County Jail	60	15	75	62	82.7%	103.3%	0	1	5	0	0.0%	0	0.0%	2	0	0	11/05/13
Delaware County Jail	103	0	103	87	84.5%	84.5%	13	0	1	4	19.5%	0	0.0%	7	0	0	11/05/13
Dutchess County Jail	292	0	292	246	84.2%	84.2%	0	0	8	0	0.0%	194	44.1%	0	0	0	11/05/13
Erie County - Yankee Compou	90	0	90	16	17.8%	17.8%	0	0	0	0	0.0%	0	0.0%	0	1	0	11/05/13
Erie County Correctional Fa	794	8	802	729	90.9%	91.8%	0	0	41	3	0.4%	0	0.0%	48	1	0	11/05/13
Erie County Jail	640	0	640	483	75.5%	75.5%	0	0	26	48	9.9%	0	0.0%	30	0	0	11/04/13
Essex County Jail	126	0	126	95	75.4%	75.4%	8	4	6	26	35.8%	0	0.0%	1	0	0	11/04/13
Franklin County Jail	127	0	127	112	88.2%	88.2%	1	0	0	0	0.9%	10	8.3%	7	1	0	11/04/13
Fulton County Jail	169	0	169	109	64.5%	64.5%	15	2	4	0	13.8%	0	0.0%	6	0	0	11/05/13
Genesee County Jail	87	10	97	73	75.3%	83.9%	0	2	3	1	1.4%	16	18.2%	2	0	0	11/05/13
Greene County Jail	50	0	50	40	80.0%	80.0%	0	2	4	0	0.0%	44	52.4%	0	0	0	11/05/13
Hamilton County Jail	6	0	6	4	66.7%	66.7%	0	1	0	0	0.0%	0	0.0%	0	0	0	11/05/13
Herkimer County Jail	41	0	41	32	78.0%	78.0%	0	2	2	0	0.0%	60	65.2%	2	0	0	11/05/13
Jefferson County Jail	160	0	160	139	86.9%	86.9%	0	1	3	0	0.0%	29	17.3%	7	0	0	11/05/13
Lewis County Jail	42	0	42	30	71.4%	71.4%	0	0	1	2	6.7%	0	0.0%	1	0	0	11/05/13
Livingston County Jail	186	0	186	136	73.1%	73.1%	10	0	3	18	20.6%	1	0.9%	6	2	0	11/05/13
Madison County Jail	120	0	120	100	83.3%	83.3%	0	0	5	8	8.0%	0	0.0%	6	6	0	11/05/13
Monroe County Correctional	496	34	530	356	67.2%	71.8%	0	0	0	0	0.0%	0	0.0%	0	1	0	11/05/13
Monroe County Jail	1171	12	1183	1075	90.9%	91.8%	1	31	57	48	4.6%	0	0.0%	89	0	18	11/05/13
Montgomery County Jail	167	0	167	148	88.6%	88.6%	14	0	5	20	23.0%	1	0.9%	3	0	0	11/04/13
Nassau County Jail Correcti	1916	26	1942	1246	64.2%	65.0%	7	11	44	40	3.8%	8	0.7%	41	0	0	11/05/13
Niagara County Jail	443	56	499	469	94.0%	105.9%	1	10	16	107	23.0%	0	0.0%	20	0	1	11/04/13
Oneida County Jail	638	0	638	480	75.2%	75.2%	44	6	27	41	17.7%	0	0.0%	20	0	0	11/05/13
Onondaga County Correctiona	512	52	564	529	93.8%	103.3%	87	0	40	13	18.9%	40	8.5%	0	0	0	11/05/13
Onondaga County Jail	671	0	671	629	93.7%	93.7%	27	20	6	4	4.9%	88	12.8%	67	0	8	11/03/13

Name of Facility: Orleans County Jail Variance # 98-V-19

New: ☐ **Renewal:** ☒ **Relief from Standard:** 7040.3

Application by: Sheriff Scott Hess
Date Request Rec: 11-3-13

Last Approved: August 13, 2013 **Length of Approval:** 3 Months **Expiration:** December 1, 2013

Write-up Prepared by: Terrence Moran

Recommendation by Field Staff: Approve for 60 days

Recommendation at Briefing:

Final Recommendation:

SUMMARY OF VARIANCE REQUEST

The facility is requesting a continued extension of the variance beds authorized via variance 98-V-19 which authorizes the county to house an additional 17 inmates in the jail through the use of housing in day space areas. The continuation of these variances beds is necessary due to remaining work required for the completion of the shower replacement project, as well as a camera replacement project which should commence in the coming weeks.

RECOMMENDED CONDITIONS

Commission staff recommends that the following conditions be included in the approval letter regarding this variance, if the variance is approved.

1) The county is authorized to house a maximum of 17 inmates in any of the following areas:

Location	MFC	Increase	Total Housed*
1st Floor			
East Dorm	5	1	6
West Dorm	5	1	6
Southeast Block	7	4 (3 with cell vacated)	10*
Southwest Block	7	4 (3 with cell vacated)	10*
Northwest Block	7	4 (3 with cell vacated)	10*
Northeast	7	4 (3 with cell vacated)	10*
2nd Floor			
North East Block	7	4 (3 with cell vacated)	10*
		17 Variance beds	

** One cell needs to be vacated in order to allow inmates in the day space access to a toilet and sink.*

2) When inmates are housed in the day space of the above-noted areas, a cell will be vacated in order to allow inmates in the day space with direct access to a toilet and sink. When the displaced inmate is housed in the day space area, he/she will be counted as (1) of the total number of variance beds.

3) Inmates who are housed in the above-noted areas ***must*** be provided with a bunk, cot, or at a minimum a boat to be used as a bed.

4) Active Supervision must be provided on a 24-hour basis, pursuant to 9NYCRR Section 7003.2(c).

5) Inmates housed in the above-noted areas receive the same services and programs as the general population.

6) The county shall not exceed the rated MFC for the purpose of boarding inmates. The Commission does not approve variances for the purpose of generating revenue.

7) 98-V-19 shall be null and void should the shower and camera replacement projects be completed at any time between December 1, 2013 and February 1, 2014.

VARIANCE HISTORY

2013	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at 8/21 Meeting 3 months
2013	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at 5/21 Meeting 3 months
2012	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at 12/18 Meeting 6 months
2012	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at 6/19 Meeting 6 months
2011	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at 12/11 Meeting 6 months
2011	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at 06/11 Meeting 6 months
2010	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at 12/10 Meeting 6 months
2010	Recommendation Action Taken	Approval Approved at 07/10 Meeting

	Length of Variance	6 months
	Conditions, if changed	
2010	Recommendation	Approval
	Action Taken	Approved at 04/10 Meeting
	Length of Variance	90 days
	Conditions, if changed	
2009	Recommendation	Approval
	Action Taken	Approved at 10/09 Meeting
	Length of Variance	6 months
	Conditions, if changed	
2009	Recommendation	Approval
	Action Taken	Approved at 7/09 Meeting
	Length of Variance	90 days
	Conditions, if changed	
2009	Recommendation	Approval
	Action Taken	Approved at 4/09 Meeting
	Length of Variance	90 days
	Conditions, if changed	
2009	Recommendation	Approval
	Action Taken	Approved at 1/09 Meeting
	Length of Variance	90 days
	Conditions, if changed	
2008	Recommendation	Approval
	Action Taken	Approved at 10/08 Meeting
	Length of Variance	90 days
	Conditions, if changed	
2008	Recommendation	Approval
	Action Taken	Approved at 6/08 Meeting
	Length of Variance	60 days
	Conditions, if changed	
2008	Recommendation	Approval
	Action Taken	Approved at 5/08 Meeting
	Length of Variance	30 days
	Conditions, if changed	
2008	Recommendation	Approval
	Action Taken	Approved at 4/08 Meeting
	Length of Variance	30 days
	Conditions, if changed	
2008	Recommendation	Approval
	Action Taken	Approved at 1/08 Meeting
	Length of Variance	3 months
	Conditions, if changed	Addition of condition #7 above – county must provide status report of progress

CONSTRUCTION/RENOVATION PLANS

The shower replacement project is ongoing.

OTHER VARIANCES IN EFFECT

None

STAFF INFORMATION AFTER SITE VISIT (DATE OF LAST VISIT TO FACILITY):

Variance 98-V-19 was last reviewed on November 7, 2013.

DATE OF LAST CYCLE VISIT THAT STANDARD VIOLATIONS WERE IDENTIFIED:

December 2012

ANY OPEN MINIMUM STANDARD VIOLATIONS:

7015 – Paining of the facility will commence in early 2014
7070 – Need to verify corrective action on providing required hours of GED instruction.

ANY VIOLATIONS WHICH PERTAIN TO THE VARIANCE'S CONDITIONS:

None

JUSTIFICATION FOR WHY VARIANCE SHOULD OR SHOULD NOT BE EXTENDED:

1. Work still remains on the shower replacement project. The shower replacement project will result in the closure of housing areas during construction.

2. The facility soon commence a camera replacement project that will require vacating housing areas.

REVIEWED BY REGIONAL SUPERVISOR: TM **DATE:** 11-4-13

Pa 11/5/13

OFFICIAL USE ONLY:

NOTES OF MEETING: _____

ORLEANS COUNTY JAIL
26 PLATT ST
ALBION, NEW YORK 14411
OFFICE (585)-589-4310
FAX (585)-589-2522

FACSIMILE TRANSMITTAL SHEET

TO: CHAIRMAN BEILEIN	FROM: SUPT. SCOTT WILSON
COMPANY: NYSCOC	DATE: 11- 1-13
FAX NUMBER: (518)-485-2467	NO. OF PAGES INCLUDING COVER: 1
PHONE NUMBER:	
RE: VARIANCE EXTENSION 98-V-19	

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS: PLEASE FEEL FREE TO CONTACT MY OFFICE IF YOUR REQUIRE ADDITION INFORMATION.

Scott D. Hess
SHERIFF
www.orleansny.com/sheriff

COUNTY OF ORLEANS
Office of the Sheriff
400 Public Safety Bldg.,
13925 State Route 31
Albion, New York 14411-9386
Communications – (585) 589-5527
Fax – (585) 589-6761
Administrative Offices – (585) 590-142
Fax – (585) 590-4178
County Jail – (585) 589-4310
Fax – (585) 589-2522

Steven D. Smith
Undersheriff

Thomas L. Drennan
Chief Deputy

Scott D. Wilson
Jail Superintendent

November 1st, 2013.

Honorable Thomas A. Beilein, Chairman
State Commission of Correction
Alfred. E. Smith State Office Building
80 S. Swan Street 12th, Floor
Albany, NY 12219

Dear Chairman Beilein,

The purpose of this letter is to respectfully request an extension of the Orleans County Jail's bed space variance (98-V-19). The additional bed space is required to accommodate the housing for our inmates for the remainder of the capital housing unit shower retrofit project which is tentatively scheduled to be fully completed by December 15th, 2013.

The Orleans County Jail is also been approved for a complete video surveillance upgrade project which will begin mid to late November, 2013. The scope of this project will require the installation of conduit, wiring and camera mounting fixtures in a majority of the facility's housing units. The interior portion of the video Surveillance upgrade project is tentatively scheduled to be completed by the mid January 2014.

The approval of this request is required o maintain a formal and objective classification system during periods of facility construction.

Thank You for your consideration with this request. Please feel free to contact my office with any questions or concerns.

Sincerely,

Scott D. Wilson
Jail Superintendent
County of Orleans

New York State
Commission of Correction
80 Wolf Road
Albany, New York 12205
518-485-2465
518-485-2467 (Fax)

New	_____
Renewal	_____
Variance #	_____
(SCOC USE ONLY)	

Thomas A. Beilein
Chairman

Variance Application Form

INSTRUCTIONS TO SHERIFF OR CHIEF ADMINISTRATIVE OFFICER:

Pursuant to New York State Minimum Standards Part 7050, Variances, please complete all portions of this form and mail or fax this form Attn: Chairman/Commissioner to the address or fax number listed above.

Facility: ORLEANS COUNTY JAIL

Person requesting: SUPT. SCOTT D. WILSON

(Sheriff/Chief Administrative Officer)

A. State the specific part, section and subdivision of New York State Minimum Standards for which the variance is requested: Example: 7040.3 states that, the total number of inmates confined within each correctional facility shall not exceed the maximum facility capacity of such facility. To request a variance to house additional inmates within the facility the citation should be listed as:

Ex. Part: 7040 Section: 3 Subdivision: n/a

Standard for which the variance is requested:

Part: 7040 Section: 3 Subdivision:

B. In the space provided below include specific plans fully explaining and supporting the alternative manner of compliance. If you are requesting a modification to an existing variance please include that information in the area below as well. (Include or attach any relevant supporting documentation)

C. In the space provided below include a detailed description regarding why this variance is necessary. (Include or attach any relevant supporting documentation

THE PURPOSE OF REQUESTING A 60 DAY EXTENSION REGARDING THE BED SPACE VARIANCE IS TO ALLOW FOR THE COMPLETION OF THE CAPITAL HOUSING UNIT SHOWER RETROFIT PROJECT AND THE APPROVED UPGRADES TO THE FACILITY'S VIDEO SURVEILLANCE SYSTEM. THE TENTATIVE COMPLETION FOR THE SHOWER PROJECT WILL BE DECEMBER 15TH, 2013. THE FACILITY'S VIDEO SURVEILLANCE SYSTEM WILL TAKE PLACE WITHIN THE NEXT THREE WEEKS.

D. Provide the amount of time for which the variance is requested, if applicable:

_____ Days _____ Weeks 2 Months

E. If this variance request is approved, what plans, provisions and timetables are in place for achieving full compliance with the Minimum Standard at issue such as adding to the MFC, etc. (Use additional sheets to provide additional supporting documentation, if necessary).

F. If this variance request pertains to housing additional inmates, please provide the square footage for the potential housing areas effected (dayspace area, cells, gym, etc.) as well as the number of sinks, shower and toilets for that area. It is also necessary to include the current maximum facility capacity (MFC) for the specific area the variance is requested for as well as how many additional inmates you are requesting to be housed in a particular area.

Housing Area (Name and type, i.e. 1 North, dorm, linear)	Sq. Ft.	Number of Sinks	Number of Showers	Number of Toilets	Current MFC	Requested Number of Variance Beds
1ST FLOOR						
EAST DORMITORY	280	1	1	1	5	1
WEST DORMITORY	280	1	1	1	5	1
SOUTHEAST BLOCK	400	1	1	1	7	4*
SOUTHWEST BLOCK	400	1	1	1	7	4*
NORTHEAST BLOCK	400	1	1	1	7	4*
NORTHEAST BLOCK	400	1	1	1	7	4*
2ND FLOOR						
[illegible]						

(If additional space is required please make a copy of this sheet and attach)

(Page _____ of _____)

G. Has this variance been previously approved?

Yes X If yes, include the variance number 98-V-19 No _____

_____

Signature (Sheriff) (Chief Administrative Officer) Date

Additional copies of this form can be obtained by contacting the Commission, or online at www.scoc.state.ny.us. Click on table of contents, Commission Forms, Request for a Variance (Formal application statement).

(SCOC Form #V-1)
(07/06)

Name of Facility: Oswego CJ Variance # 96-V-24

New: ☐ **Renewal:** ☒

Relief from Standard: 7040.3

Number of Renewals: 20

Application by: Jail Adm. Michael Stafford **Date Request Rec: 9-27-13**

Last Approved: 5/21/13 **Length of Approval:** Six (6) Months **Expiration:** 12/1/2013

Write-up Prepared by: Terrence Moran

Recommendation by Field Staff: Deny

Recommendation at Briefing:

Final Recommendation:

SUMMARY OF VARIANCE REQUEST

The Oswego County Jail is requesting an extension of variance #96-V-24 which allows them to house an additional (6) inmates in the dayspace of intake housing. At the May 2013 Commission Meeting, this variance was approved on the condition that any future extension request include plans for capacity enhancement. The county's application made it clear that it does not plan to expand the jail's capacity.

MOST RECENT VARIANCE HISTORY

2013 Recommendation Approval
Action Taken- Approved at 5/21 meeting
Length of Variance Six (6) Months
Conditions if changed: **County was advised to include plans for long-term capacity enhancement as part of any future extension requests.**

2012 Recommendation Approval
Action Taken- Approved at 12/18 meeting
Length of Variance Six (6) Months
Conditions if changed:

2012 Recommendation Approval
Action Taken- Approved at 6/12 meeting
Length of Variance Six (6) Months
Conditions if changed:

2012 Recommendation Approval
Action Taken- Approved at 3/12 meeting
Length of Variance 90 Days
Conditions if changed:

2011 Recommendation Approval
Action Taken- Approved at 10/2011 meeting
Length of Variance 90 Days
Conditions if changed:

2011 Recommendation Approval
Action Taken- Approved at 4/2011 meeting
Length of Variance Six (6) months
Conditions if changed:

2010 Recommendation Approval
Action Taken- Approved at 10/2010 meeting
Length of Variance Six (6) months
Conditions if changed:

CONSTRUCTION/RENOVATION PLANS

N/A

OTHER VARIANCES IN EFFECT

Variance # **02-V-07**: The facility is authorized to utilize the County Law Library located adjacent to the facility to provide inmates with access to legal reference materials

Variance # **01-V-14:** This variance authorizes the facility to house four (4) female inmates in the day space of Female Housing Unit.

STAFF INFORMATION AFTER SITE VISIT (DATE OF LAST VISIT TO FACILITY):

N/A

DATE OF LAST CYCLE VISIT THAT STANDARD VIOLATIONS WERE IDENTIFIED:

July 2013

ANY OPEN MINIMUM STANDARD VIOLATIONS:

SCOC staff need to verify corrective action reported by the facility on the following outstanding deficiencies.

Part 7003 – Active Supervision outside of housing areas
Part 7015 - Painting of facility areas is ongoing
Part 7028 - Inmates the Max Housing Unit now exercise in the large yard and Active Supervision is maintained.
Part 7041 - Facility recently hired 7 new correction officers and promoted two sergeants

ANY VIOLATIONS WHICH PERTAIN TO THE VARIANCE'S CONDITIONS:

None

JUSTIFICATION FOR WHY VARIANCE SHOULD OR SHOULD NOT BE EXTENDED:

This variance has been in existence for 17 years. In its variance extension application, the county made it clear that they do not plan to expand the jail's capacity. The facility should be directed to discontinue use of the variance beds by close of business December 1, 2013 and remove the additional beds/bunks.

RECOMMENDED CONDITIONS IF APPROVED

N/A

REVIEWED BY REGIONAL SUPERVISOR: TM **DATE:** 10/31/13

OFFICIAL USE ONLY:

NOTES OF MEETING: _____

Classification compliance assessment

New York State
Commission of Correction
80 Wolf Road
Albany, New York 12205
518-485-2465
518-485-2467 (Fax)

New _____
Renewal _____
Variance # _____
(SCOC USE ONLY)

Thomas A. Beilein
Chairman

Variance Application Form

INSTRUCTIONS TO SHERIFF OR CHIEF ADMINISTRATIVE OFFICER:

Pursuant to New York State Minimum Standards Part 7050, Variances, please complete all portions of this form and mail or fax this form Attn: Chairman/Commissioner to the address or fax number listed above.

Facility: Oswego County Correctional Facility

Person requesting: Michael K. Stafford
Correction Administrator
(Sheriff/Chief Administrative Officer)

A. State the specific part, section and subdivision of New York State Minimum Standards for which the variance is requested: Example: 7040.3 states that, the total number of inmates confined within each correctional facility shall not exceed the maximum facility capacity of such facility. To request a variance to house additional inmates within the facility the citation should be listed as:

Ex. Part: 7040 Section: 3 Subdivision: n/a

Standard for which the variance is requested:

Part: 7040 Section: 03 Subdivision: N/A

B. In the space provided below include specific plans fully explaining and supporting the alternative manner of compliance. If you are requesting a modification to an existing variance please include that information in the area below as well. (Include or attach any relevant supporting documentation) Inmates housed in the day space area shall be provided with a bunk, cot, or at a minimum, a "boat" to be used as a bed, and one (1) cell shall be left vacant to allow these inmates direct access to sink and toilet facilities. "Active Supervision" shall be provided on a 24-hour basis. The inmates housed in the day space area shall receive the same services and programs as the general population.

C. In the space provided below include a detailed description regarding why this variance is necessary. (Include or attach any relevant supporting documentation

Periodic fluctuations in inmate population necessitates this request for the extention of Variance # 96-V-24, regarding the Intake Housing Unit. The variance extention will continue to allow the facility to house six (6) additional inmates in the Intake Housing Unit.

D. Provide the amount of time for which the variance is requested, if applicable:

_____ Days _____ Weeks 12 Months

E. If this variance request is approved, what plans, provisions and timetables are in place for achieving full compliance with the Minimum Standard at issue such as adding to the MFC, etc. (Use additional sheets to provide additional supporting documentation, if necessary).

The requested variance extention is intended to address short-term fluctuations in the inmate population, resulting from periodic intermittent sentences and classification procedures. Although there are no long-term plan to alleviate this occasional need, any use of this variance is intended to be short-term in nature.

A copy of the existing variance and conditions set forth by the Commission is attached.

F. If this variance request pertains to housing additional inmates, please provide the square footage for the potential housing areas effected (dayspace area, cells, gym, etc.) as well as the number of sinks, shower and toilets for that area. It is also necessary to include the current maximum facility capacity (MFC) for the specific area the variance is requested for as well as how many additional inmates you are requesting to be housed in a particular area.

Housing Area (Name and type, i.e. 1 North, dorm, linear)	Sq. Ft.	Number of Sinks	Number of Showers	Number of Toilets	Current MFC	Requested Number of Variance Beds
Intake Housing Unit	2100	36	07	36	36	6

(If additional space is required please make a copy of this sheet and attach)

G. Has this variance been previously approved?

Yes X If yes, include the variance number 96-V-24 No _____

Michael K. Stafford

Michael K. Stafford

Correction Administrator

Signature (~~Sheriff~~) (~~Chief Administrative Officer~~) Date 9/27/13

Additional copies of this form can be obtained by contacting the Commission, or online at www.scoc.state.ny.us. Click on table of contents, Commission Forms, Request for a Variance (Formal application statement).

Response to condition number 8 of the current variance:

The County Administrator advises that the combined efforts of the Sheriff, County Administrator's Office, Probation Department and District Attorney to successfully reduce the jail population, through faster prosecution and alternatives to incarceration, has made jail expansion "unnecessary and financially unjustifiable".

(SCOC Form #V-1)
(07/06)

STATE OF NEW YORK • EXECUTIVE DEPARTMENT
STATE COMMISSION OF CORRECTION
Alfred E. Smith State Office Building
80 S. Swan Street, 12th Floor
Albany, New York 12210-8001
(518) 485-2346
FAX (518) 485-2467

CHAIRMAN
Thomas A. Bellein

COMMISSIONER
Phyllis Harrison-Ross, M.D.

May 21, 2013

Sheriff Reuel A. Todd
Oswego County Sheriff's Office
39 Churchill Road
Oswego, New York 13126

RE: Variance No. 96-V-24

Dear Sheriff Todd:

The Commission has reviewed the county's application for a variance with respect to compliance with the provisions of 9NYCRR Section 7040.3 and has determined at the May 21, 2013 Commission Meeting that the request be approved for **six months.**

Please be advised that any future request to extend this variance shall be accompanied by a long-term plan by the county to increase the capacity of the Oswego County Jail.

Pursuant to this action the following conditions shall apply:

1. The county is authorized to house an additional six (6) male inmates in the I-51 day space of the Intake Housing Unit, which includes cells #101 and #102.

Location	Capacity	Increase	Total Housed
Intake Housing Unit Day Room I-51	8	6 (5 with cell vacated)	Up to 14(includes relocation of inmate from vacated cell to the dayspace, provided the number of inmates in the dayspace does not exceed six.

2. Inmates who are housed in the day space area ***must*** be provided with a bunk, cot, or at a minimum a boat to be used as a bed.

3. That one (1) cell is left vacant for inmates housed in the day space area to have direct access to toilet and sink facilities, thereby displacing one (1) inmate. The displaced inmate may be housed in the day space area, provided the number of inmates in the dayspace area does not exceed six.

4. Active supervision must be provided on a 24-hour basis, pursuant to 9NYCRR Section 7003.2(c).

5. Inmates housed in the above-noted areas receive the same services and programs as the general population.

6. The county shall not exceed the rated MFC for the purpose of boarding inmates. The Commission does not approve variances for the purpose of generating revenue.

7. The facility will ensure compliance with all elements of Correction Law 500-b and Part 7013, Classification.

8. Any future request to extend this variance shall be accompanied by a long-term plan by the county to increase the capacity of the Oswego County Jail.

This variance will expire on **December 1, 2013**, and will appear on the agenda for the November 2013 Commission meeting. If the County finds there is a need for an extension of this variance, a written request must be submitted to the Commission **45 days** prior to that meeting. Therefore, by **October 2, 2013**, the extension request must be received to avoid any unnecessary delays in processing the renewal review.

Sincerely,

Thomas A. Beilein
Chairman

cc: Mike Stafford, Administrator

Name of Facility: Oswego CJ Variance # 01-V-14

New: ☐ **Renewal:** ☒

Relief from Standard: 7040.

Number of Renewals: 15

Application by: Michael Stafford-Jail Adm

Date Request Rec: 9-27-13

Last Approved: 5/21/13 **Length of Approval:** Six (6) Months **Expiration:** 12-1-2013

Write-up Prepared by: Terrence Moran

Recommendation by Field Staff: Deny

Recommendation at Briefing:

Final Recommendation:

SUMMARY OF VARIANCE REQUEST

The Oswego County Jail is requesting an extension of variance #01-V-14 which allows them to house four(4) additional females in the dayspace of the female housing unit. At the May 2013 Commission Meeting, this variance was approved on the condition that any future extension request include plans for capacity enhancement. The county's application made it clear that it does not plan to expand the jail's capacity.

MOST RECENT VARIANCE HISTORY

2013 Recommendation Approval
Action Taken- Approved at 5/21 meeting
Length of Variance Six (6) Months
Conditions if changed: **County was advised to include plans for long-term capacity enhancement as part of any future extension requests.**

2012 Recommendation Approval
Action Taken- Approved at 12/12 meeting
Length of Variance Six (6) Months
Conditions if changed:

2012 Recommendation Approval
Action Taken- Approved at 6/12 meeting
Length of Variance Six (6) Months
Conditions if changed:

2012 Recommendation Approval
Action Taken- Approved at 3/12 meeting
Length of Variance 90 Days
Conditions if changed:

2011 Recommendation Approval
Action Taken- Approved at 10/2011 meeting
Length of Variance 90 Days
Conditions if changed:

2011 Recommendation Approval
Action Taken- Approved at 4/2011 meeting
Length of Variance Six (6) months
Conditions if changed:

2010 Recommendation Approval
Action Taken- Approved at 10/2010 meeting
Length of Variance Six (6) months
Conditions if changed:

CONSTRUCTION/RENOVATION PLANS

N/A

OTHER VARIANCES IN EFFECT

Variance # **02-V-07**: The County is authorized to utilize the County Law Library located adjacent to the facility to provide inmates with access to legal reference materials

Variance # **96-V-24:** The County is authorized to house an additional six (6) inmates in the day space of the Intake Housing Unit.

STAFF INFORMATION AFTER SITE VISIT (DATE OF LAST VISIT TO FACILITY):

N/A

DATE OF LAST CYCLE VISIT THAT STANDARD VIOLATIONS WERE IDENTIFIED:

JULY 2013

ANY OPEN MINIMUM STANDARD VIOLATIONS:

SCOC staff need to verify corrective action reported by the facility on the following outstanding deficiencies.

Part 7003 – Active Supervision outside of housing areas
Part 7015 - Painting of facility areas is ongoing
Part 7028 - Inmates the Max Housing Unit now exercise in the large yard and Active Supervision is maintained.
Part 7041 - Facility recently hired 7 new correction officers and promoted two sergeants

ANY VIOLATIONS WHICH PERTAIN TO THE VARIANCE'S CONDITIONS:

None

JUSTIFICATION FOR WHY VARIANCE SHOULD OR SHOULD NOT BE EXTENDED:

The variance beds provide the facility flexibility with respect to classifying inmates.

RECOMMENDED CONDITIONS IF APPROVED

This variance has been in existence for 17 years. In its variance extension application, the county made it clear that they do not plan to expand the jail's capacity. The facility should be directed to discontinue use of the variance beds by close of business December 1, 2013 and remove the additional beds/bunks.

REVIEWED BY REGIONAL SUPERVISOR: TM **DATE:** 11-4-13

11/13

OFFICIAL USE ONLY:

NOTES OF MEETING: _____

New York State
Commission of Correction
80 Wolf Road
Albany, New York 12205
518-485-2465
518-485-2467 (Fax)

New _____
Renewal _____
Variance # _____
(SCOC USE ONLY)

Thomas A. Beilein
Chairman

Variance Application Form

INSTRUCTIONS TO SHERIFF OR CHIEF ADMINISTRATIVE OFFICER:

Pursuant to New York State Minimum Standards Part 7050, Variances, please complete all portions of this form and mail or fax this form Attn: Chairman/Commissioner to the address or fax number listed above.

Facility: Oswego County Correctional Facility

Person requesting: Michael K. Stafford
Correction Administrator
(Sheriff/Chief Administrative Officer)

A. State the specific part, section and subdivision of New York State Minimum Standards for which the variance is requested: Example: 7040.3 states that, the total number of inmates confined within each correctional facility shall not exceed the maximum facility capacity of such facility. To request a variance to house additional inmates within the facility the citation should be listed as:
Ex. Part: 7040 Section: 3 Subdivision: n/a

Standard for which the variance is requested:

Part: 7040 Section: 03 Subdivision: N/A

B. In the space provided below include specific plans fully explaining and supporting the alternative manner of compliance. If you are requesting a modification to an existing variance please include that information in the area below as well. (Include or attach any relevant supporting documentation) Inmates housed in the day space area shall be provided with a bunk, cot, or at a minimum, a "boat" to be used as a bed, and one (1) cell shall be left vacant to allow these inmates direct access to sink and toilet facilities. "Active Supervision" shall be provided on a 24-hour basis. The inmates housed in the day space area shall receive the same services and programs as the general population.

C. In the space provided below include a detailed description regarding why this variance is necessary. (Include or attach any relevant supporting documentation

Periodic fluctuations in inmate population necessitates this request for the extention of Variance # 01-V-14, regarding the Women's Housing Unit. The variance extention will continue to allow the facility to house four (4) additional inmates in the dayroom area of the Women's Housing Unit.

D. Provide the amount of time for which the variance is requested, if applicable:

_____ Days _____ Weeks 12 Months

E. If this variance request is approved, what plans, provisions and timetables are in place for achieving full compliance with the Minimum Standard at issue such as adding to the MFC, etc. (Use additional sheets to provide additional supporting documentation, if necessary).

The requested variance extention is intended to address short-term fluctuations in inmate population, resulting from periodic intermittent sentences and classification procedures. Although there is no long-term plan to alleviate this occasional need, any use of this variance is intended to be short-term in nature.

A copy of the existing variance and conditions set by the Commission is attached.

F. If this variance request pertains to housing additional inmates, please provide the square footage for the potential housing areas effected (dayspace area, cells, gym, etc.) as well as the number of sinks, shower and toilets for that area. It is also necessary to include the current maximum facility capacity (MFC) for the specific area the variance is requested for as well as how many additional inmates you are requesting to be housed in a particular area.

Housing Area (Name and type, i.e. 1 North, dorm, linear)	Sq. Ft.	Number of Sinks	Number of Showers	Number of Toilets	Current MFC	Requested Number of Variance Beds
Women's Housing Unit	1150	14	04	14	14	4

(If additional space is required please make a copy of this sheet and attach)

(Page 1 of 1)

G. Has this variance been previously approved?

Yes X If yes, include the variance number 01-V-14 No _____

Michael K. Stafford

Signature (~~Sheriff~~) (~~Chief Administrative Officer~~) Date 9/27/13
Correction Administrator

Additional copies of this form can be obtained by contacting the Commission, or online at www.scoc.state.ny.us. Click on table of contents, Commission Forms, Request for a Variance (Formal application statement).

Response to condition number 8 of the current variance:

The County Administrator advises that the combined efforts of the Sheriff, County Administrator's Office, Probation Department and District Attorney to successfully reduce the jail population, through faster prosecution and alternatives to incarceration, has made jail expansion "unnecessary and financially unjustifiable".

(SCOC Form #V-1)
(07/06)

STATE OF NEW YORK • EXECUTIVE DEPARTMENT
STATE COMMISSION OF CORRECTION
Alfred E. Smith State Office Building
80 S. Swan Street, 12th Floor
Albany, New York 12210-8001
(518) 485-2346
FAX (518) 485-2467

CHAIRMAN
Thomas A. Belleln

COMMISSIONER
Phyllis Harrison-Ross, M.D.

May 21, 2013

Sheriff Reuel A. Todd
Oswego County Sheriff's Office
39 Churchill Road
Oswego, New York 13126

RE: Variance No. 01-V-14

Dear Sheriff Todd:

The Commission has reviewed the county's application for a variance with respect to compliance with the provisions of 9 NYCRR Section 7040.3 and has determined at the May 21, 2013 Commission meeting that the request be approved for a period of **six months.**

Please be advised that any future request to extend this variance shall be accompanied by a long-term plan by the county to increase the capacity of the Oswego County Jail.

Pursuant to this action, the following conditions shall apply:

1. The county is authorized to house an additional four (4) female inmates in the W-51 day space of Female Housing Unit, which includes cells #101 and #102.

Location	Capacity	Increase	Total Housed
Female Housing Unit Day Room W-51	2	4 (3 with cell vacated)	Up to 6 (includes relocation of inmate from vacated cell to the dayspace, provided the number of inmates in the dayspace does not exceed four.

2. Inmates who are housed in the day space area *must* be provided with a bunk, cot, or at a minimum a boat to be used as a bed.

3. That one (1) cell is left vacant for inmates housed in the day space area to have direct access to toilet and sink facilities, thereby displacing one (1) inmate. The displaced inmate may be housed in the day space area, provided the number of inmates in the dayspace area does not exceed four.

4. Active supervision must be provided on a 24-hour basis, pursuant to 9NYCRR Section 7003.2(c).

5. Inmates housed in the above-noted areas receive the same services and programs as the general population.

6. The county shall not exceed the rated MFC for the purpose of boarding inmates. The Commission does not approve variances for the purpose of generating revenue.

7. The facility will ensure compliance with all elements of Correction Law 500- and Part 7013, Classification.

8. Any future request to extend this variance shall be accompanied by a long-term plan by the county to increase the capacity of the Oswego County Jail.

This variance will expire on **December 1, 2013**, and will appear on the agenda for the November 2013 Commission meeting. If the County finds there is a need for an extension of this variance, a written request must be submitted to the Commission **45 days** prior to that meeting. Therefore, by **October 2, 2013**, the extension request must be received to avoid any unnecessary delays in processing the renewal review.

Sincerely,

Thomas A. Beilein

Thomas A. Beilein
Chairman

cc: Mike Stafford, Administrator

Name of Facility: Tompkins CJ | Variance # 09-V-04

New: ☐ **Renewal:** ☒ **Relief from Standard:**

Application by: Sheriff Kenneth W. Lansing **Date Request Rec:** 10/18/13

Last Approved: 6/18/13 **Length of Approval:** 6 Months **Expiration:** 12/1/13

Write-up Prepared by: Terrence Moran

Recommendation by Field Staff: Approve for 6 months – as a condition of any further consideration for extending the variance, the facility must provide a status report on its long-term plans to expand the capacity, along with applicable milestones.

Recommendation at Briefing:

Final Recommendation:

SUMMARY OF VARIANCE REQUEST

Sheriff Lansing is requesting an extension of 09-V-04 which authorizes the facility 18 additional bed spaces in their medium and maximum housing units to be utilized as double bunks. The facility will be submitting plans to convert the current indoor exercise area into a 7-bed dormitory. Also, the legislature has authorized Sheriff Lansing to move forward with a study that would relocate the Road Patrol to a nearby building and convert the vacant space into administrative offices and single occupancy cells.

RECOMMENDED CONDITIONS IF APPROVED

LOCATION	MFC	INCREASE
B-Block	3	2
C-Block	5	3
D-Block	5	3
E-Block	5	3
F-Block	6	4
H-Block	4	3
TOTAL:		**18**

1. Those inmates who are housed in the above-noted areas ***must*** be provided with a bunk, cot, or 'boat' to be used as a bed.

2. That "Active Supervision" must be provided on a 24-hour basis, pursuant to 9NYCRR Section 7003.2(c) when inmates are housed in any of the above-noted areas.

3. That the county observe its double-celling protocols as outlined in the double-celling plan submitted and approved by the Commission. That the county shall advise the Commission of any substantive changes to the double-celling plan.

4. That inmates housed in these areas receive the same services and programs as the general

population.

5. That Commission staff will continue to monitor the effects of the double-celling program on staff and inmates as well as the general operation of the facility.

6. That the facility will maintain information on all double-celled inmates which shall include, but is not limited to: (a) name and location of the inmate; (b) date of entrance into and release from double-celling; and (c) reason for release. These records shall be made available to Commission staff upon request.

7. That the facility will monitor the implementation of its double-celling plan by tracking rates of incidents, grievance, and complaints directly related to double-celling. These records shall be made available to Commission staff upon request.

8. That the county provides the Commission with a substantial progress report on addressing the short and long-term capacity needs of the jail. This report shall be submitted with any extension request.

9. That the county shall not exceed the rated MFC for the purpose of boarding inmates. The Commission does not approve variances for the purpose of generating revenue.

These records shall be made available to Commission staff for inspection.

VARIANCE HISTORY

2013	Recommendation	Approval
	Action Taken	Approved at Meeting 6/19/2013
	Length of Variance	6 Months
	Conditions, if changed	As part of any future extension request, the county must include plans for long-term capacity enhancement.

Approved 6/12 for one year
Approved 6/11 for one year
Approved 6/10 for one year
Approved 1/10 for six months
Approved 6/09 for six months

CONSTRUCTION/RENOVATION PLANS

The facility has submitted plans to convert the current indoor exercise area into a 7-bed dormitory.

OTHER VARIANCES IN EFFECT

None

STAFF INFORMATION AFTER SITE VISIT (DATE OF LAST VISIT TO FACILITY):

September 18, 2013

DATE OF LAST CYCLE VISIT THAT STANDARD VIOLATIONS WERE IDENTIFIED:
February 22, 2013

ANY OPEN MINIMUM STANDARD VIOLATIONS:
None

ANY VIOLATIONS WHICH PERTAIN TO THE VARIANCE'S CONDITIONS:
None

JUSTIFICATION FOR WHY VARIANCE SHOULD OR SHOULD NOT BE EXTENDED:
The variance provides flexibility to the facility in properly separating inmates of various classification categories. Sheriff Lansing is working with the legislature on long-term capacity enhancement plans.

The facility shall provide a status report on its long-term plans to expand the capacity, along with applicable milestones.

REVIEWED BY REGIONAL SUPERVISOR: TM **DATE:** 11/1/13

OFFICIAL USE ONLY: RL 11/3/13

NOTES OF MEETING: Note Classification issues remain pending future SCOC - Taylors Consult

TOMPKINS COUNTY SHERIFF'S OFFICE

STAFFING

779 WARREN ROAD
ITHACA, NY 14850

KENNETH W. LANSING
SHERIFF

TEL: (607) 257-1345
FAX: (607) 266-5436

DEREK R. OSBORNE
UNDERSHERIFF

STATE OF NEW YORK
RECEIVED
OCT 15 2013
STATE COMMISSION
OF CORRECTION

October 8, 2013

Chairman Thomas Beilein
State Commission of Correction
Alfred E. Smith State Office Building
80 S. Swan Street, 12th Floor
Albany, New York 12210-8001

Dear Chairman Beilein,

Thank you for your continued support and consideration on this adjustment to our jail staff. We have informed the Tompkins County legislature and have been met with positive feedback. We are still in the process of seeking approval. County Administrator, Joe Mareane, has been extremely supportive of this position adjustment and is looking forward to seeing the improvements in our facility.

We have yet to begin with the interviewing process, but will begin as soon as we find Tompkins County acceptable candidates. We will continue to keep you informed as this process moves forward. Thank you again.

Sincerely,

Kenneth W. Lansing

TOMPKINS COUNTY SHERIFF'S OFFICE

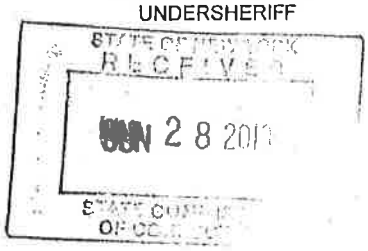
Classification

779 WARREN ROAD
ITHACA, NY 14850

Kenneth W. Lansing
SHERIFF

TEL: (607) 257-1345
FAX: (607) 266-5436

Derek R. Osborne
UNDERSHERIFF



6/21/2013

State of New York
State Commission of Correction
Alfred E. Smith State Office Building
80 S. Swan Street, 12th Floor
Albany, New York 12210-8001

Re: IFP 2013 Minimum Standards Evaluation

Dear Chairman Beilein-

We are in receipt of your letter dated 5/29/2013 regarding your Evaluation of our Classification system.

In reference to your evaluation, the Jail Administration agrees that the current system is in need of better definition in its policies and will be working on a review of our policy to achieve that goal.

The Jail uses a scoring system built into our jail management system that provides numbers for specific answers within the system. This system provides for positive and negative adjustments of as much as 25 points for specific categories. Our minimum, medium and maximum classification is defined in categories of 0-50, 51-100 and 101+ respectively. This system was designed to effectively, efficiently and safely house inmates in the Tompkins County Jail (something that we take pride in and have a proven track record of doing). The Commission reports that the scoring system is "inflated" to meet policy requirements but provides no proof to this effect.

The Commission also states that the "deficient classification and housing assignment being made **may not** foster the safety, security and good order of the facility". This statement is arbitrary and should be retracted from the report. It is the position of the Jail Administration that our current classification does foster safety, security and good order within the facility.

The Jail administration is very interested in working closely with the Commission to modify our current classification system. The idea presented by your staff was well received and we look forward to conducting a "classification workshop" this fall to work together with the commission and jail staff to develop a complete classification system for the safety of staff and inmates in the Tompkins County Jail.

We would like to thank the Commission Staff for the opportunity to discuss best practices for jail operations and for reviewing the minimum standards for the operation of the Tompkins County Jail.

Sincerely,

Kenneth W. Lansing - Tompkins County Sheriff

Cc: Undersheriff Osborne, Lieutenant Bunce

TOMPKINS COUNTY SHERIFF'S OFFICE

779 WARREN ROAD
ITHACA, NY 14850

KENNETH W. LANSING
SHERIFF

TEL: (607) 257-1345
FAX: (607) 266-5436

DEREK R. OSBORNE
UNDERSHERIFF

STATE OF NEW YORK
RECEIVED
OCT 23 2013
STATE COMMISSION OF CORRECTION

Mr. Thomas A. Beilein, Chairman
State of New York Executive Department
State Commission of Corrections
80 So. Swan Street, 12th Floor
Albany, New York 12210

Re: Variance Request 09-V-04

Dear Chairman Beilein,

Please accept this letter as an update and a request. I hope that this will serve as clarification to the Commission about our long-term goals and the efforts we are making in order to make our facility more efficient.

In my past three years leading this administration, we have taken several strides to improve our situation. Firstly, we have partnered with LaBella Architects and have started the process of modifying our jail to be more accommodating. Secondly, we have taken steps in the restructuring of our jail staff in order to make it more effective and efficient. We have been more fortunate than our predecessors in this effort and look forward to continuing improvements.

Although these seem like short term goals, it does take time to get these processes in motion. Ideally, in the long term we will have secured an additional facility where we can relocate the civil division and the road patrol; which would leave our current facility as the primary corrections building. This will allow us to expand our jail and increase the effectiveness of the other divisions as well. LaBella Architects are continuing to look into this for future secure housing.

I would ask that you consider the letter as a request to continue the above referenced variance. It is important that with all of the changes going on, that the Tompkins County Administration sees the support from the New York State Commission. I appreciate your continued support and your consideration in continuing to grant variance. Thank you again for the dedication and I look forward to our continued work together.

Sincerely,

Kenneth W. Lansing
Sheriff of Tompkins County

New York State
Commission of Correction
80 Wolf Road
Albany, New York 12205
518-485-2465
518-485-2467 (Fax)

New	_____
Renewal	_____
Variance #	_____
(SCOC USE ONLY)	

Thomas A. Beilein
Chairman

Variance Application Form

INSTRUCTIONS TO SHERIFF OR CHIEF ADMINISTRATIVE OFFICER:

Pursuant to New York State Minimum Standards Part 7050, Variances, please complete all portions of this form and mail or fax this form Attn: Chairman/Commissioner to the address or fax number listed above.

Facility: Tompkins County

Person requesting: Sheriff Kenneth Lansing

(Sheriff/Chief Administrative Officer)

A. State the specific part, section and subdivision of New York State Minimum Standards for which the variance is requested: Example: 7040.3 states that, the total number of inmates confined within each correctional facility shall not exceed the maximum facility capacity of such facility. To request a variance to house additional inmates within the facility the citation should be listed as:

Ex. Part: 7040 Section: 3 Subdivision: n/a

Standard for which the variance is requested:

Part: 7040 Section: 3 Subdivision:

B. In the space provided below include specific plans fully explaining and supporting the alternative manner of compliance. If you are requesting a modification to an existing variance please include that information in the area below as well. (Include or attach any relevant supporting documentation)

We are requesting to house inmates in a double bunk status in 18 different single cells. This is a request to extend the variance that was granted on June 18, 2013 by your office. The only alternative provided would be to house inmates in other jails at great expense to the health and welfare of the inmate in that the inmate is moved to a substitute jail in another county and is unable to have convenient contact with friends and family in our local community.

C. In the space provided below include a detailed description regarding why this variance is necessary. (Include or attach any relevant supporting documentation

See Attached Variance Application Form Part C

D. Provide the amount of time for which the variance is requested, if applicable:

365 Days 52 Weeks 12 Months

E. If this variance request is approved, what plans, provisions and timetables are in place for achieving full compliance with the Minimum Standard at issue such as adding to the MFC, etc. (Use additional sheets to provide additional supporting documentation, if necessary).

See attached Variance Application Form Part E

F. If this variance request pertains to housing additional inmates, please provide the square footage for the potential housing areas effected (dayspace area, cells, gym, etc.) as well as the number of sinks, shower and toilets for that area. It is also necessary to include the current maximum facility capacity (MFC) for the specific area the variance is requested for as well as how many additional inmates you are requesting to be housed in a particular area.

Housing Area (Name and type, i.e. 1 North, dorm, linear)	Sq. Ft.	Number of Sinks	Number of Showers	Number of Toilets	Current MFC	Requested Number of Variance Beds
B-Block	72/cell	1	1	4	3	2
C-Block	72/cell	6	1	6	5	3
D-Block	72/cell	6	1	6	5	3
E-Block	72/cell	6	1	6	5	3
F-Block	72/cell	7	1	7	6	4
H-Block	72/cell	5	1	5	4	3

(If additional space is required please make a copy of this sheet and attach)

(Page _____ of _____)

G. Has this variance been previously approved?

Yes X If yes, include the variance number 09-v-04 No _____

10/18/2013

Signature (Sheriff) (Chief Administrative Officer) Date

Additional copies of this form can be obtained by contacting the Commission, or online at www.scoc.state.ny.us. Click on table of contents, Commission Forms, Request for a Variance (Formal application statement).

(SCOC Form #V-1)
(07/06)

Variance Application Form Part C:

The Tompkins County Jail Average Daily Population has been well above the stated MFC of 75 inmates. We continue to house inmates in other counties even with the variance approved in June of this year. Our average population has been over 89 inmates per day in the past 13 months. We have averaged 8 boarded inmates per day even with the variance approved in June of 2013.

Variance Application Form Part E:

On July 11, 2013 we received preliminary authorization from your office to proceed with design development for our recreation yard enclosure and the indoor recreation conversion to seven bed spaces. We have continued to work with Labella and also our county director of facilities. On August 12, 2013 a resolution was discussed with members of the Public Safety Committee to proceed with a capital project to cover the recreation yard and add seven permanent beds to the Tompkins County Jail. The Committee recommended the resolution unanimously. On September 3, 2013, the resolution passed the full legislature unanimously. On October 16, 2013 a contract was signed by Tompkins County with Labella Associates to continue with design on the jail expansion. Labella is going to schedule a site inspection and take measurements of the existing facility. A meeting with jail staff is going to be scheduled so that all staff have input on the expansion process. The enclosed resolution discusses the idea for the moving of the Sheriffs Road Patrol Division and Civil Division to make room for further expansion of the Tompkins County Jail for future bed space. The comments from the legislature show that the Sheriff has support to move forward with this part of his planning process. Now that a design contract is signed and in place, we will work with the engineers to design a solution to our needs for the expansion of the jail with single cell housing units. The Tompkins County Sheriffs Office is aware that dormitory style housing is not an option for any further expansion above the already approved 7 beds.

Tompkins County
New York

Resolution
RES-2013-143

Adopted
Sep 3, 2013 5:30 PM

Authorizing an Amendment to the 2013-2017 Capital Program to Add a Project to Renovate the Public Safety Building to Add Jail Capacity and Provide a Sheltered Outdoor Recreation Area at a Cost of $900,000 and Execute a Contract with LaBella Associates for Architectural and Engineering Services

Information

Department:	County Administration	**Sponsors:**	
Category:	Buildings and Facilities	**Projects:**	Public Safety Building
Functions:	Buildings and Facilities, Capital Program, Jail, Planning, Public Safety		

Attachments

Printout
ProjectName-PublicSafetyBldg
psb renovations

Resolution/Document Body

WHEREAS, the Tompkins County Public Safety Building is a multi-purpose facility, housing the Sheriff's Road Patrol and Civil Divisions, as well as the Tompkins County Jail ("Jail"), and

WHEREAS, under standards established by the New York State Commission of Corrections, the maximum capacity of the Jail is 75 inmates, and

WHEREAS, the Commission of Corrections has granted the County, and has periodically renewed, a temporary variance that allows a maximum of 95 inmates to occupy the Jail, and

WHEREAS, if the inmate population approaches the maximum capacity established by the Commission of Corrections, the County must board those inmates in jails operated by other counties, and

WHEREAS, over the past five years, the County has had to board an average of 6.3 inmates per day, and over the past year has boarded an average of 8.4 inmates per day, as the result of capacity limitations and also State classification rules that require the separation of certain classes of inmates, and

WHEREAS, the current cost to board a Tompkins County inmate in jails operated by other counties averages $80 per day, excluding the cost to transport the inmate to and from that facility, and

WHEREAS, in 2012, the County spent $244,000 to board inmates in jails operated by other counties, and

WHEREAS, upon the expiration of the term of each temporary variance, the State Commission of Corrections may unilaterally elect to deny an extension of that variance, causing a significant diminution of the authorized capacity of the Jail and a corresponding increase in the County's cost to board inmates in facilities operated by other counties, and

WHEREAS, the State Commission of Corrections has communicated its expectation of progress in expanding the capacity of county jails that have been granted variances, and

WHEREAS, the Tompkins County Sheriff has conceived a plan that would convert little-used program space within the Jail to a dormitory housing seven inmates, and to offset the reduction of internal program space with a sheltered outdoor recreation and program facility, and

WHEREAS, at the request of the County Legislature's Capital Plan Review Committee, LaBella Associates undertook a preliminary design of that concept and found it to be feasible, compliant with State standards, and cost-effective, and

WHEREAS, LaBella Associates has estimated the cost of that plan to increase the Jail's capacity by seven beds at $855,000, and

WHEREAS, also at the request of the Capital Plan Review Committee, LaBella Associates undertook a preliminary design and cost estimation of other internal building modifications that would increase the Jail's capacity by another seven beds, provided that the Public Safety Building be used exclusively for Jail purposes by relocating the Sheriff's Road Patrol and Civil Divisions to an alternative location, and

WHEREAS, while such relocation of the Sheriff's Road Patrol and Civil Divisions is not now contemplated, it is most cost effective to simultaneously undertake the design of both the immediate renovation plan, and the potential future renovation plan, now therefore be it

RESOLVED, on recommendation of the Public Safety and the Budget, Capital, and Personnel Committees, That the Capital Program be amended to add the Renovation of the Public Safety Building and Construction of a Sheltered Outdoor Recreation area at a cost of $900,000,

RESOLVED, further, That the County Administrator or his designee be and hereby is authorized to execute an agreement with LaBella Associates, PC., of Rochester, New York, for Architectural and Engineering Services in connection with the Expansion and Renovation Project, including the potential future renovation that would provide additional capacity, for an amount not to exceed $90,000,

RESOLVED, further, That the Facilities Division be authorized to execute supplemental agreements on behalf of the County with cumulative value not to exceed 10% of the aforementioned contract amount, funds being available in the appropriate capital account.
SEQR ACTION: TYPE II-21

Meeting History

Draft

Aug 12, 2013 3:30 PM	**Public Safety Committee**	**Regular Meeting**

RESULT:	**RECOMMENDED [UNANIMOUS]**
MOVER:	Peter Stein, Vice Chair
SECONDER:	Leslyn McBean-Clairborne, Member
AYES:	Brian Robison, Peter Stein, Leslyn McBean-Clairborne, Pamela Mackesey
EXCUSED:	James Dennis

Aug 26, 2013 4:00 PM	**Budget, Capital**	**Regular Meeting**

and Personnel Committee

RESULT: **WITHDRAWN NOT FINAL** *Next: 9/3/2013 5:00 PM*

Sep 3, 2013 5:00 PM **Budget, Capital and Personnel Committee** **Special Meeting**

Mr. Dennis said as the County moves forward and does this kind of expansion that it needs to be in a position to not add staff. That should not happen until the County makes a decision to move to a bigger Jail as that would require additional staff. Mr. Bunce said one officer can supervise up to 60 inmates and there still will not be that many inmates being supervised by one officer under this proposal.

Ms. Herrera noted that she fully supports this action.

RESULT: **RECOMMENDED [UNANIMOUS]**
MOVER: James Dennis, Chair
SECONDER: Brian Robison, Member
AYES: James Dennis, Nathan Shinagawa, Kathy Luz Herrera, Leslyn McBean-Clairborne, Brian Robison

Sep 3, 2013 5:30 PM Video **Tompkins County Legislature** **Regular Meeting**

Mr. Robison said the County has been operating on variances for at least the last ten years. This will add seven new dormitory beds and will not necessitate the need for any additional staff. An average of five inmates not boarded out will allow this project to pay for itself in five years and will also send a message to the Commission of Correction that we are trying to take steps to increase the capacity of the jail and hope the variances will continue to stay in place. If the variances are taken away it would result in a significant cost to the County.

Sheriff Lansing said those variances were lost in 2004 through 2006 and that resulted in costing the County $2 million during that three-year period. The State is looking at this seriously and is not afraid to pull the variances. He said he has been in contact with the Commissioner of Correction and they support this action.

Ms. Robertson does not believe the Jail was built big enough and that the removal of the variances in those three years was a punitive measure and a policy at the State level to create jobs by facilitating jail construction where it wasn't needed. She said this is a good response in a small way to increase the Jail's capacity. At the time the variances were removed, the price tag to expand the Jail was about $20 million and did not include the increased staffing cost. She said whatever disruptions or expenses there had been it was a policy that was flawed and she believes the right decision was made then and thinks this is a wise decision.

Mr. Lane disagreed and said the County could have added a pod to house inmates and would have saved the County a lot of money in the long run.

Ms. Herrera said the cost of operating the proposed new Jail at that time was going to be huge whether it was empty or full. It was clearly an unfunded mandate. The County made a difficult decision not to enlarge the Jail when it was known it would make the County dependent on other counties; it was a conscious decision but agrees the right decision was made.

Mr. Dennis said this action will allow the County to keep the variances and believes it's the right thing to do.

Ms. Pryor believes the seven additional beds are not all that will be needed and if this does satisfy the Commission of Correction for the time being she questioned how long it will be before they change their mind. She said this project makes sense to her but questioned whether this is the project that should be looked at for the long term and would need to see figures to know.

Mr. Bunce said there is no guarantee the Commission of Correction will continue the variances forever. In one of the discussions he had, they said this is a good plan but they wanted to know what the long-term plan would be.

Ms. Robertson said there is a third phase of this plan that would require the relocation of the Sheriff's headquarters to another facility. It would be designed as a part of this and a sign of good faith that the County is looking at a third

phase. The savings the County would achieve by fewer boardouts makes a good business case. The County is thinking ahead and what it would look like to expand in the future.

Sheriff Lansing commented that the pods are still a possibility. He said he does not have an answer as to what the State will do, but they want to see movement and the County is moving forward but taking baby steps because that is all the County can afford to do.

Ms. Robertson commented that one of the Commissioners started as a Sheriff in Niagara County and is very well aware of the pressures on Counties. The Commissioners now are very different from the previous administration of the Commission. They have established communication with Sheriff Lansing and she does not believe they will make a precipitous move. She is confident the Commissioners will work with the County and thinks this is a very worthwhile investment and will last a long time.

Ms. Chock questioned which phase programming space is lost. Sheriff Lansing said the third phase would open up space for programs and more classrooms.

Mr. Stein spoke strongly in support of the resolution and said there are no negatives to voting in support of it.

Ms. Mackesey agreed with Mr. Stein and said this is money well spent.

Ms. Herrera also supports the resolution and said experience has shown the County's alternatives-to-incarceration programs are effective. She commented that boarding out is unsafe and inhumane.

Following discussion about the following Whereas being unclear, it was accepted as friendly amendment to remove it:

"WHEREAS, LaBella Associates has estimated the cost of the plan to increase the Jail's capacity by an additional seven beds at $151,400, excluding the cost to provide alternative space for the Sheriff's Road Patrol and Civil Divisions, and".

Mrs. McBean-Clairborne said she does not typically support increasing the size of buildings but noted this increases the number of beds not the size of the facility. The Jail is operating beyond the size of its capacity and has been given an exception by the Commission of Correction to be able to increase the number of inmates, however, they won't do that forever. Ms. Herrera confirmed that the additional seven beds will take the total to 82 which is not the number allowed by the Commission. The average last year was 82. Mrs. McBean-Clairborne said this is only adding enough beds to where it is an average per day.

This resolution was adopted by a roll call vote.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian Robison, Member
SECONDER:	David McKenna, Member
AYES:	Will Burbank, Carol Chock, James Dennis, Kathy Luz Herrera, Dooley Kiefer, Michael Lane, Pamela Mackesey, Leslyn McBean-Clairborne, David McKenna, Frank Proto, Pat Pryor, Martha Robertson, Brian Robison, Peter Stein
ABSENT:	Nathan Shinagawa

Welcome to the Tompkins County Legislature meeting portal. Please submit comments to: Legislature@tompkins-co.org.

Amendment to facility MFC

Facility: Suffolk County Yaphank Facility

Date of Site Visit: August 7-9, 2013 , OCTOBER 7-11, 2013

Name of Person Who Conducted the Last Site Visit to Facility:
Robert Cuttita

Date of Last MFC report
2013

Update on Capital Construction Project:
N/A

Summary of amendment(s) to current MFC
Adding 24 beds to the MFC in the once know area as Medical Housing. This area will be designated as Special Housing utilized for locking inmates in for disciplinary reasons, Protective Custody and Suicide watch

Recommendation/Comments:
Recommend approval. This is part of a long plan to close the DWI trailers in the near future.

Robert Cuttita

Approve: X **Amended Capacity:** 858

No Recommendation:_____
(Check One)

Reviewed by Regional Supervisor: _____ **Date:** 10/17/13

Reviewed by Facility Planning: _____ **Date:** 10/17/13

Reviewed by Deputy Director: _____ **Date:** 11/3/13

COUNTY OF SUFFOLK

OFFICE OF THE SHERIFF

VINCENT F. DEMARCO
SHERIFF

May 20, 2013

Thomas A. Beilein
Chairman
New York State Commission of Correction
Alfred E. Smith State Office Building
80 South Swan Street, 12th Floor
Albany, New York 12210-8001

Re: Increase to Suffolk County MFC

Dear Chairman Beilein:

As you know, Suffolk County has had to close five housing units for renovation following the opening of the new Yaphank Correctional Facility. In an effort to maximize the available space in the new facility, I would like to request that the Commission consider including the 20 beds in the new Medical Unit, as well as 4 beds in the "Nursery", in the MFC for the new facility, to be utilized as Special Housing.

The approval of this increase to the MFC will provide our correction staff with much needed flexibility to house inmates with special needs or security concerns

Sincerely,

Vincent F. DeMarco
Sheriff of Suffolk County

cc: Undersheriff John Meyerricks
Undersheriff Joseph Caracappa
Warden Charles Ewald

100 CENTER DRIVE
RIVERHEAD, NEW YORK 11901-3389
(631) 852-2200

SHERIFF

SUFFOLK COUNTY SHERIFF'S OFFICE

VINCENT F. DEMARCO, SHERIFF

FAX COVER SHEET

ADMINISTRATIVE BUREAU
COMPLIANCE STANDARDS UNIT

TELEPHONE: (631) 852-1625
FAX: (631) 852-1492

DATE: 21 MAY 2013

TO: NYS Commission of Correction

FAX: 518-485-2467

ATTN: Robert Cuttita

FROM: Sergeant John Lowry #141

NUMBER OF PAGES: 2

Bob,

Please find attached a letter from Sheriff DeMarco concerning the MFC at Yaphank.

The original will follow. If you need anything else, please let me know.

John

Confidentiality Notice

The documents accompanying this telecopy transmission, which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and that the documents should be returned to this office immediately. In this regard, if you have received this telecopy in error, please notify us by telephone immediately.

NEW YORK STATE
COMMISSION OF CORRECTION

Effective November 19, 2013

MAXIMUM FACILITY CAPACITY
For

Yaphank Facility
in
New York

Thomas Beilein
Chairman

Phyllis Harrison-Ross
Commissioner

Thomas Loughren
Commissioner

NOTE: **ONLY INDIVIDUAL HOUSING UNITS AND MULTIPLE OCCUPANCY HOUSING UNITS WHICH MEET THE FOLLOWING REQUIREMENTS PURSUANT TO 9NYCRR PART 7040 ARE TO BE INCLUDED IN THIS CAPACITY FORMULATION.**

INDIVIDUAL OCCUPANCY HOUSING UNITS:

1. Each such unit shall only house 1 inmate and contain at least 60 square feet of floor space.

2. Each such unit shall contain:
   1 bed and mattress;
   1 functioning toilet; and
   1 functioning sink.

3. At least 1 functioning shower shall be available for each tier/section of such units.

EXCEPTIONS:

1. A unit may contain less than 60 square feet of floor space if such unit was originally constructed for single occupancy or rated for single occupancy by the Commission of Correction prior to the effective date Part 7040, September 13, 1989.

2. Each such unit used to house inmates apart from general population for the purpose of medical observation or treatment shall have a minimum of 80 square feet of floor space.

3. Required equipment (bed, mattress, toilet, sink) may be modified or excluded for units used for short term medical/mental health observation of inmates when the presence of such equipment may pose a threat to such inmates or to the safety or security of the facility.

MULTIPLE OCCUPANCY HOUSING UNITS:

1. Each such unit shall provide a minimum of 50 square feet of floor space per inmate in the sleeping area.

2. Each such unit shall house no more than 60 inmates.

3. Each such unit shall have a bed and mattress for each inmate.

4. Each such unit shall have at least:
   1 functioning toilet for every 12 inmates;
   1 functioning shower for every 15 inmates; and
   1 functioning sink for every 12 inmates.

5. Each such unit shall provide a minimum of 25 square feet of dayroom space immediately adjacent and accessible to the sleeping area.

I. A. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING

Name of Housing Area/Section	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
HOUSING UNIT A	60	7621sq/ft Day Space	8	60
Sub day room A1	16	1238 sq/ft Day space		16
Cell 16	1	66sq/ft		1
Cell 15	1	66sq/ft		1
Cell 14	1	66sq/ft		1
Cell 16	1	66sq/ft		1
Cell 12	1	66sq/ft		1
Cell 11	1	66sq/ft		1
Cell 10	1	66sq/ft		1
Cell 9	1	66sq/ft		1
Cell 8	1	66sq/ft		1
Cell 7	1	66sq/ft		1
Cell 6	1	66sq/ft		1
Cell 5	1	66sq/ft		1
Cell 4	1	66sq/ft		1
Cell 3	1	66sq/ft		1
Cell 2	1	66sq/ft		1
Cell 1	1	66sq/ft		1
Sub day room A2	14	1156 sq/ft Day space		14
Cell 30	1	66sq/ft		1
Cell 29	1	66sq/ft		1
Cell 28	1	66sq/ft		1
Cell 27	1	66sq/ft		1
Cell 26	1	88sq/ft		1
Cell 25	1	88sq/ft		1
Cell 24	1	88sq/ft		1
Cell 23	1	88sq/ft		1
Cell 22	1	66sq/ft		1
Cell 21	1	66sq/ft		1
Cell 20	1	66sq/ft		1
Cell 19	1	66sq/ft		1
Cell 18	1	66sq/ft		1
Cell17	1	66sq/ft		1
Mezzanine A1	16	Same as above no sub day room (mirror Image)		16
Mezzanine A2	14	Same as above no sub day room (mirror Image)		14

INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING

Name of Housing Area/Section	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
HOUSING UNIT B	**60**	**7621 sq/ft Day Space**	**8**	**60**
Sub dayroom B1	**16**	**1238 sq/ft Day space**		**16**
Cell 16	1	66sq/ft		1
Cell 15	1	66sq/ft		1
Cell 14	1	66sq/ft		1
Cell 13	1	66sq/ft		1
Cell 12	1	66sq/ft		1
Cell 11	1	66sq/ft		1
Cell 10	1	66sq/ft		1
Cell 9	1	66sq/ft		1
Cell 8	1	66sq/ft		1
Cell 7	1	66sq/ft		1
Cell 6	1	66sq/ft		1
Cell 5	1	66sq/ft		1
Cell 4	1	66sq/ft		1
Cell 3	1	66sq/ft		1
Cell 2	1	66sq/ft		1
Cell 1	1	66sq/ft		1
Sub dayroom B2	**14**	**1156**		**14**
Cell 30	1	66sq/ft		1
Cell 29	1	66sq/ft		1
Cell 28	1	66sq/ft		1
Cell 27	1	66sq/ft		1
Cell 26	1	88sq/ft		1
Cell 25	1	88sq/ft		1
Cell 24	1	88sq/ft		1
Cell 23	1	88sq/ft		1
Cell 22	1	66sq/ft		1
Cell 21	1	66sq/ft		1
Cell 20	1	66sq/ft		1
Cell 19	1	66sq/ft		1
Cell 18	1	66sq/ft		1
Cell17	1	66sq/ft		1
Mezzanine B1	16	Same as above no sub day room (mirror Image)		16
Mezzanine B2	14	Same as above no sub day room (mirror Image)		14

I. A. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING

Name of Housing Area/Section	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
HOUSING UNIT C	**60**	**7621sq/ft Day Space**	**8**	**60**
Sub dayroom C1	**16**	**1238 sq/ft Day space**		**16**
Cell 16	1	66sq/ft		1
Cell 15	1	66sq/ft		1
Cell 14	1	66sq/ft		1
Cell 13	1	66sq/ft		1
Cell 12	1	66sq/ft		1
Cell 11	1	66sq/ft		1
Cell 10	1	66sq/ft		1
Cell 9	1	66sq/ft		1
Cell 8	1	66sq/ft		1
Cell 7	1	66sq/ft		1
Cell 6	1	66sq/ft		1
Cell 5	1	66sq/ft		1
Cell 4	1	66sq/ft		1
Cell 3	1	66sq/ft		1
Cell 2	1	66sq/ft		1
Cell 1	1	66sq/ft		1
Sub dayroom C2	**14**	**1156 sq/ft Day space**		**14**
Cell 30	1	66sq/ft		1
Cell 29	1	66sq/ft		1
Cell 28	1	66sq/ft		1
Cell 27	1	66sq/ft		1
Cell 26	1	88sq/ft		1
Cell 25	1	88sq/ft		1
Cell 24	1	88sq/ft		1
Cell 23	1	88sq/ft		1
Cell 22	1	66sq/ft		1
Cell 21	1	66sq/ft		1
Cell 20	1	66sq/ft		1
Cell 19	1	66sq/ft		1
Cell 18	1	66sq/ft		1
Cell17	1	66sq/ft		1
Cell				
Mezzanine C1	16	Same as above no sub day room (mirror Image)		16
Mezzanine C2	14	Same as above no sub day room (mirror Image)		14

I. A. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING

Name of Housing Area/Section	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
HOUSING UNIT D	**60**	**7621sq/ft Day Space**	**8**	**60**
Sub dayroom D1	**16**	**1238 sq/ft Day space**		**16**
Cell 16	1	66sq/ft		1
Cell 15	1	66sq/ft		1
Cell 14	1	66sq/ft		1
Cell 13	1	66sq/ft		1
Cell 12	1	66sq/ft		1
Cell 11	1	66sq/ft		1
Cell 10	1	66sq/ft		1
Cell 9	1	66sq/ft		1
Cell 8	1	66sq/ft		1
Cell 7	1	66sq/ft		1
Cell 6	1	66sq/ft		1
Cell 5	1	66sq/ft		1
Cell 4	1	66sq/ft		1
Cell 3	1	66sq/ft		1
Cell 2	1	66sq/ft		1
Cell 1	1	66sq/ft		1
Sub dayroom C2	**14**	**1156 sq/ft Day space**		**14**
Cell 30	1	66sq/ft		1
Cell 29	1	66sq/ft		1
Cell 28	1	66sq/ft		1
Cell 27	1	66sq/ft		1
Cell 26	1	88sq/ft		1
Cell 25	1	88sq/ft		1
Cell 24	1	88sq/ft		1
Cell 23	1	88sq/ft		1
Cell 22	1	66sq/ft		1
Cell 21	1	66sq/ft		1
Cell 20	1	66sq/ft		1
Cell 19	1	66sq/ft		1
Cell 18	1	66sq/ft		1
Cell17	1	66sq/ft		1
Mezzanine D1	16	Same as above no sub day room (mirror Image)		16
Mezzanine D2	14	Same as above no sub day room (mirror Image)		14

I. A. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING

Name of Housing Area/Section	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
HOUSING UNIT E	**60**	**7621sq/ft Day Space**	**8**	**60**
Sub dayroom E1	**16**	**1238 sq/ft Day space**		**16**
Cell 16	1	66sq/ft		1
Cell 15	1	66sq/ft		1
Cell 14	1	66sq/ft		1
Cell 13	1	66sq/ft		1
Cell 12	1	66sq/ft		1
Cell 11	1	66sq/ft		1
Cell 10	1	66sq/ft		1
Cell 9	1	66sq/ft		1
Cell 8	1	66sq/ft		1
Cell 7	1	66sq/ft		1
Cell 6	1	66sq/ft		1
Cell 5	1	66sq/ft		1
Cell 4	1	66sq/ft		1
Cell 3	1	66sq/ft		1
Cell 2	1	66sq/ft		1
Cell 1	1	66sq/ft		1
Sub dayroom E2	**14**	**1156 sq/ft Day space**		**14**
Cell 30	1	66sq/ft		1
Cell 29	1	66sq/ft		1
Cell 28	1	66sq/ft		1
Cell 27	1	66sq/ft		1
Cell 26	1	88sq/ft		1
Cell 25	1	88sq/ft		1
Cell 24	1	88sq/ft		1
Cell 23	1	88sq/ft		1
Cell 22	1	66sq/ft		1
Cell 21	1	66sq/ft		1
Cell 20	1	66sq/ft		1
Cell 19	1	66sq/ft		1
Cell 18	1	66sq/ft		1
Cell17	1	66sq/ft		1
Mezzanine E1	16	Same as above no sub day room (mirror Image)		16
Mezzanine E2	14	Same as above no sub day room (mirror Image)		14

I. A. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING

Name of Housing Area/Section	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
HOUSING UNIT F	**60**	**7621sq/ft Day Space**	**8**	**60**
Sub dayroom F1	**16**	**1238 sq/ft Day space**		**16**
Cell 16	1	66sq/ft		1
Cell 15	1	66sq/ft		1
Cell 14	1	66sq/ft		1
Cell 13	1	66sq/ft		1
Cell 12	1	66sq/ft		1
Cell 11	1	66sq/ft		1
Cell 10	1	66sq/ft		1
Cell 9	1	66sq/ft		1
Cell 8	1	66sq/ft		1
Cell 7	1	66sq/ft		1
Cell 6	1	66sq/ft		1
Cell 5	1	66sq/ft		1
Cell 4	1	66sq/ft		1
Cell 3	1	66sq/ft		1
Cell 2	1	66sq/ft		1
Cell 1	1	66sq/ft		1
Sub dayroom F2	**14**	**1156 sq/ft Day space**		**14**
Cell 30	1	66sq/ft		1
Cell 29	1	66sq/ft		1
Cell 28	1	66sq/ft		1
Cell 27	1	66sq/ft		1
Cell 26	1	88sq/ft		1
Cell 25	1	88sq/ft		1
Cell 24	1	88sq/ft		1
Cell 23	1	88sq/ft		1
Cell 22	1	66sq/ft		1
Cell 21	1	66sq/ft		1
Cell 20	1	66sq/ft		1
Cell 19	1	66sq/ft		1
Cell 18	1	66sq/ft		1
Cell17	1	66sq/ft		1
Mezzanine F1	16	Same as above no sub day room (mirror Image)		16
Mezzanine F2	14	Same as above no sub day room (mirror Image)		14

Individual Occupancy Housing Unit Total: 360

I. B. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR SPECIAL HOUSING

Name of Housing Area/Section	Special Housing	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Showers Available per Section	Maximu. Inmate Capacity
HEALTH SERVICES HOUSING					
Sub dayroom A 1899 sq/ft		**10**			
Observation 1	Special Housing		95sq Ft.	1	1
Observation 2	Special Housing		95sq Ft.	1	1
Observation 3	Special Housing		95sq Ft.	1	1
Observation 4	Special Housing	Negative pressure	130 sq ft	1	1
Observation 5	Special Housing		130 sq ft.	1	1
Observation 6	Special Housing		95sq Ft.	1	1
Observation 7	Special Housing		95sq Ft.	1	1
Observation 8	Special Housing		95sq Ft.	1	1
Observation 9	Special Housing		95sq Ft.	1	1
Observation 10	Special Housing		95sq Ft.	1	1
Sub dayroom B 823 sq/ft		**6**		1	
Observation 11	Special Housing		95sq Ft.	1	1
Observation 12	Special Housing		95sq Ft.	1	1
Observation 13	Special Housing		95sq Ft.	1	1
Observation 14	Special Housing		95sq Ft.	1	1
Observation 15	Special Housing		95sq Ft.	1	1
Observation 16	Special Housing		130 sq ft	1	1
Sub dayroom C 784 sq/ft		**4**		1	
Observation 17	Special Housing		130 sq ft	1	1
Observation 18	Special Housing		95sq Ft.	1	1
Observation 19	Special Housing		95sq Ft.	1	1
Observation 20	Special Housing		95sq Ft.	1	1

Individual Special Housing Unit Total: 20

NOTE: This area has retractable doors to allow for separation of Males and Females. The doors may be utilized to the best possible configuration to fit the department's needs.

II. A. MULTIPLE OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING

Name of Housing Area/Section	Number of Toilets	Number of Sinks	# of Showers Available per Section	Total Size of Unit (Sq. Ft. of Floor Space)	Maximum Inmate Capacity
YP North 1	*6*	*5*	*6*	*Closed for Rehab*	
YP North 2	8	8	5		60
YP North 3	8	8	5		60
YP South 1	*6*	*5*	*5*	*Closed for Rehab*	
YP South 2	8	8	5		60
YP South 3	8	8	6		60
YP South 4 - A					20
YP South 4 Sub dayroom - B					20
YP South 4 - C					20
YP F 1	*4*	*5*	*4*	*Closed for Rehab*	
YP F 2	*4*	*5*	*4*	*Closed for rehab*	
YP Stressed Membrane West	5	6*	4	4624 Sq Ft	60
YP Stressed Membrane East	5	6*	4	4624 Sq Ft	60

Multiple General Housing Unit Total: 420

- This indicates a gang sink with multiple faucets

II. B. MULTIPLE OCCUPANCY HOUSING UNITS USED FOR SPECIAL HOUSING

Name of Housing Area/Section	Number of Toilets	Number of Sinks	Number of Showers Available per Section	Total Size of Unit (Sq. Ft. of Floor Space)	Maximum Inmate Capacity
Nursery - Yaphank	1	1	1	813 Sq Ft	4
DWI Program Male					40
DWI Program Female					14

Multiple Special Housing Unit Total: 58

III. A. NON-STANDARD HOUSING UNITS USED FOR SPECIAL HOUSING

Name of Holding Area/Section	Number of Toilets	Number of Sinks	Total Size of Unit (Sq. Ft. of Floor Space)	Description of use (Limit as to use, time frame, etc.)
Admission and Discharge Holding Cell BK123-C3	1	1	53 sq/ft	**Single Cell** – The facility shall limit individual occupancy holding to 12 hours.
Admission and Discharge Holding Cell BK 122-C3	1	1	53 sq/ft	**Single Cell**– The facility shall limit individual occupancy holding to 12 hours.
Admission and Discharge Holding Cell BK 120 C-3	1	1	53 sq/ft	**Single Cell**– The facility shall limit individual occupancy holding to 12 hours.
Admission and Discharge Holding Cell BK 124	1	1	396 sq/ft	**Larger holding cell** - Multiple occupancy holding shall be limited to four (4) hours. **Total 24 inmates**
Admission and Discharge Holding Cell BK 128	1 Floor drain	0	48 sq/ft	**Dry Cell with center drain – Single Occupancy Cell**– The facility shall limit individual occupancy holding to 12 hours. **NOTE: May only be used if authorized by the Tour Commander**
Admission and Discharge Holding Cell BK 129	1	1	48 sq/ft	**Single Cell**– The facility shall limit individual occupancy holding to 12 hours.
Admission and Discharge Holding Cell BK 111	1		193 sq/ft	**Multiple Occupancy** -Multiple occupancy holding shall be limited to four (4) hours. **Total 12 inmates**
Admission and Discharge Holding Cell BK 113	1		217 sq/ft	**Multiple Occupancy**- Multiple occupancy holding shall be limited to four (4) hours. **Total 14 inmates**
Admission and Discharge Holding Cell BK 114	1		115 sq/ft	**Multiple Occupancy**- Multiple occupancy holding shall be limited to four (4) hours. **Total 7 inmates**
Admission and Discharge Holding Cell BK 130	1		288 sq/ft	**Multiple Occupancy**- Multiple occupancy holding shall be limited to four (4) hours. **Total 19 inmates**

This housing may be used only for the type of housing, or for the durations shown, as listed in the right hand column. Any other use is prohibited. This housing is non-standard and will not be added to the MFC.

Name of Holding Area/Section	Number of Toilets	Number of Sinks	Total Size of Unit (Sq. Ft. of Floor Space)	Description of use (Limit as to use, time frame, etc.)
Admission and Discharge Holding Cell BK 131	1		300 sq/ft	**Multiple Occupancy-** Multiple occupancy holding shall be limited to four (4) hours. **Total 20 inmates**
Admission and Discharge Holding Cell BK 136	1		88 sq/ft	**Multiple Occupancy-** Multiple occupancy holding shall be limited to four (4) hours. **Total 5 inmates**
Admission and Discharge Holding Cell BK 137	1		89 sq/ft	**Multiple Occupancy-** Multiple occupancy holding shall be limited to four (4) hours. **Total 5 inmates**
Admission and Discharge Holding Cell BK 140	1		117 sq/ft	**Multiple Occupancy-** Multiple occupancy holding shall be limited to four (4) hours. **Total 7 inmates**
Open waiting room			921 sq/ft	**Total of 61 inmates**

This housing may be used only for the type of housing, or for the durations shown, as listed in the right hand column. Any other use is prohibited. This housing is non-standard and will not be added to the MFC.

HOUSING TYPE	TOTALS
Subtotal Individual Housing Units Used for General Housing:	360
Subtotal Individual Housing Units Used for Special Housing:	20
Subtotal Multiple Housing Units Used for General Housing:	420
Subtotal Multiple Housing Units Used for Special Housing:	58
MAXIMUM FACILITY CAPACITY:	858

Other identified housing areas not on Max. Facility Capacity **Yes (X) No ( )**

The above-noted capacity is based upon the following:

1. The number of properly equipped individual occupancy housing units, including the number of properly equipped admissions, medical and mental health and any other special housing units;

2. The number of properly equipped multiple occupancy housing units, including the number of properly equipped admissions, medical and mental health and any other special housing units; and

3. The facility ability to provide required programs and services and to comply with other rules and regulations of 9 NYCRR Chapter IV which are related to facility capacity.

___ Adjustments have not been made based on the facility's ability to provide required programs and services and to comply with other rules and regulations of 9 NYCRR Chapter IV which are related to facility capacity.

✓ Adjustments have been made based on the facility's ability to provide required programs and services and to comply with other rules and regulations of 9 NYCRR Chapter IV which are related to facility capacity. (Explain below.)

COMMENTS:

To the best of my knowledge all information contained in this formulation is correct.

Submitted by:

CFS II

(Preparer's Signature and Title)

10/17/13

(Date)

Approved by:

CFS III

(Signature and Title)

10/17/13

(Date)