



NEW YORK STATE COMMISSION OF CORRECTION

ANNUAL REPORT

2018

Allen Riley
Chairman

Thomas J. Loughren
Commissioner

HISTORY

The State Commission of Correction is the current-day embodiment of the New York State Commission of Prisons, which was established in July of 1895. The Commission of Prisons was meant to function as an autonomous body for the sole purpose of monitoring all detention and correctional facilities within the State.

While the State Commission of Correction essentially functioned in its original capacity for almost eighty years, in the 1970s, the Commission underwent a series of administrative and legal changes that significantly affected its mission in the correctional field.

As the State Commission of Correction's autonomy and mission were expanded and made more credible, the Governor and Legislature also restructured the agency's administration. A full-time, three-member Commission was established, appointed by the Governor with the advice and consent of the Senate. The Citizen's Policy and Complaint Review Council (CPCRC), consisting of nine gubernatorial appointed positions was also established, and the Medical Review Board was reorganized.

CORRECTIONAL OVERSIGHT LEGAL AUTHORITY

Correctional facilities in New York State operate pursuant to a body of carefully formulated constitutional and statutory law and regulations. The State Commission of Correction's legal authority is derived from the following:

- Article XVII, Section 5 of the New York State Constitution provides that there shall be a State Commission of Correction, which shall visit and inspect all institutions used for the detention of sane adults charged with or convicted of crime.
- Correction Law, Article 3: Establishes the Commission and its oversight and regulatory powers. Section 45(6) of the Correction Law provides for the State Commission of Correction to promulgate rules and regulations establishing minimum standards for the care, custody, correction, treatment, supervision, discipline, and other correctional programs for all persons confined in correctional facilities for adults and correctional facilities for juvenile offenders.
- County Law, Article 5, Section 217: "Each county shall continue to maintain a county jail as prescribed by law."
- Correction Law, Article 6: Management of state correctional facilities.
- Correction Law, Article 20: Statutory provisions governing New York State penitentiaries and jails.
- Title 9, Subtitle AA of the Official Compilation of Codes, Rules and Regulations of the State of New York contains the minimum standards and regulations for the management of correctional facilities, as promulgated by the State Commission of Correction.

ORGANIZATIONAL AND STATUTORY AUTHORITY

The New York State Commission of Correction is an Executive Department correctional oversight and technical services agency first established in the New York State Constitution (Article XVII) in 1895. The Commission's services are delivered to all state and county correctional facilities, police department detention facilities and facilities operated by the New York City Department of Correction. Its organization, functions, powers and duties are set forth in New York State Correction Law, Article 3.

The Commission's duties include:

- advising the Governor on correctional policy;
- promulgation of rules and regulations establishing minimum standards for the care, custody, treatment, supervision, and discipline for all persons confined in correctional facilities;
- ensuring compliance with minimum standards;
- monitoring, adjusting, and enhancing prison and jail population capacity;
- reviewing all inmate grievances, complaints, and reportable incidents;
- overseeing new correctional facility development;
- investigating serious incidents;
- providing staffing services;
- assisting in the implementation of new correctional technologies;
- review of inmate mortality; and
- evaluation and development of health and mental health services

The Commission's mission is to provide for a safe, stable, and humane correctional system and for the delivery of essential services therein. The three deliberative members of the Commission are appointed by the Governor to statutory terms with the advice and consent of the New York State Senate. One commissioner serves as chair and chief executive officer. The other two commissioners are assigned to head the Medical Review Board and Citizen's Policy and Complaint Review Council respectively, members of which are also appointed to terms by the Governor.

The Commission is primarily a field services agency with 17 Correctional Facility Specialists and Senior Utilization Review Nurses in its Field Operations Bureau and Forensic Medical Unit. Legal, executive and support services complete the agency's present staff complement of 32. Commission field and forensic units are on occasion subject to reorganization based upon staffing level fluctuation and the continuous effort to maximize deployment efficiency.

In summary, the Commission is a small, specialized criminal justice service agency supporting the statewide correctional community, working on behalf of the Governor to professionalize and enhance the quality of corrections in New York.

MEDICAL REVIEW BOARD

The Medical Review Board (MRB) was established by the Legislature in 1972 to investigate deaths in correctional facilities within the state and to make recommendations for improving the delivery of health care to detainees and sentenced offenders.

Section 46 of the Correction Law provides for an organized Correction Medical Review Board within the State Commission of Correction. The Board must consist of two physicians who are board certified respectively in forensic pathology and forensic psychiatry, another physician, an attorney admitted to the New York Bar, and two at-large members, all appointed by the Governor to statutory terms with advice and consent of the Senate.

Section 47 of the Correction Law empowers the Board to:

“(1.) (a) Investigate and review the cause and circumstances of the death of any inmate of a correctional facility and,

(1.) (e) Investigate and report to the Commission on the condition of systems for the delivery of medical care to inmates of correctional facilities and where appropriate, recommend such changes as it shall deem necessary and proper to improve the quality and availability of such medical care.

The Commission and the Medical Review Board pursue the following objectives:

- Conduct timely and thorough investigations of all mortality and serious incident cases in the correctional system;
- Develop and administer cost-effective plans, projects, and programs to address identified problems in the health care delivery of all correctional facilities; and
- Maintain continuous oversight of correctional health care trends by the substantive response to inmate health care grievances and review of Medical Review Board recommendations.

The Medical Review Board meets on a quarterly basis. The 2018 MRB members included:

Michael Baden, M.D.
Allison Bishop, Esq
Marjorie Blieka, M.D
Scott S. Coyne, M.D
Bruce David, M.D.
Robert Kurtz, M.D.

Information concerning prisoner mortality cases is included later in this report.

CITIZEN'S POLICY AND COMPLAINT REVIEW COUNCIL

The Council was established by the Legislature to address the need for increased public participation in the oversight and regulation of local correctional facilities. Its mandate includes improving conditions in local correctional facilities, overseeing the inmate complaint and grievance process, and advising the Commission.

Section 42 of the Correction Law provides for a Citizen's Policy and Complaint Review Council. The Council is comprised of nine members appointed by the Governor with advice and consent of the Senate. The statute requires that one member shall have served in the armed forces of the United States in any foreign war, conflict or military occupation, or shall be a duly licensed mental health professional who has experience of training with regard to Post-Traumatic Stress Syndrome, an attorney admitted to practice in this state, a former inmate of a correctional facility, a former Office of Children and Family Services (OCFS) resident, and a former OCFS employee who has directly supervised youth in a secure residential center operated by OCFS.

The CPCRC reviews and renders determinations on all grievances presented to it by the Field Operations Bureau and Forensic Medical Unit. If appropriate, the Council will direct county correctional facilities to take corrective action in addressing any violations noted. In 2018, the CPCRC reviewed and rendered determinations on approximately 4000 grievances .

The Citizen's Policy and Complaint Review Council (CPCRC) convenes monthly. The 2018 CPCRC members included:

Allen Riley, Chair
Thomas Cross
Nicholas LaBella, Jr
Douglas Landon, Esq.
Donald Nadler
Julie Scalione
Martin Stanton

FIELD OPERATIONS MANAGEMENT AND SUPERVISORY STAFF 2018

TERRY MORAN
Director of Operations

KEITH ZOBEL
Deputy Director of Operations

DEBBIE CLARK
Supervisor Field Operations

ROBERT CUTTITA
Supervisor Field Operations

CHRISTOPHER OST
Supervisor Forensic Unit

STEVE SAVOY
Supervisor Field Operations

WILLIAM BENJAMIN
Supervisor Field Operations
Retired Mid-2018

FIELD OPERATIONS MISSION DIRECTED PROGRAMS

Facility Monitoring and Evaluations

Facility Reportable Incidents

Healthcare, Mental Health, and Suicide Prevention

Inmate Complaints and Grievances

Capacity Management, Staffing Services, Technical Assistance

Facilities Development and Operational Transition (NITAP)

Investigations (medical and non-medical)

Compliance Monitoring for the Handling and Processing of Juveniles

(Juvenile Justice Delinquency Prevention Act 2002)

Regulatory Oversight of Secure Facilities Operated by Office of Children and Family Services

Co-regulatory Oversight of Specialized Secure Detention Facilities

SPECIALIZED SECURE DETENTION FACILITIES

In April 2017, Governor Cuomo signed into law “Raise the Age” legislation that was included as part of the State Budget. In addition to raising the age of criminality to 18 and establishing time frames for the removal of 16-year-olds and 17-year-olds in county jails, this legislation also required the establishment of Specialized Secure Detention (SSD) facilities to house 16-year-old Adolescent Offenders beginning on October 1, 2018 and 17-year-old Adolescent Offenders on October 1, 2019. This legislation also charged the Commission and Office of Children and Family Services with co-regulating these SSD facilities, promulgating Minimum Standard regulations for their operation and certifying them prior to opening. In 2018, the following SSD facilities became operational:

Albany County – Capital District Juvenile Secure Detention Facility

Erie County – Erie County Secure Detention Center

Monroe County – Monroe County Children’s Center

New York City – Horizon Specialized Juvenile Detention Center

New York City – Crossroads Juvenile Detention Center

Onondaga County – Hillbrook Juvenile Detention Facility

Westchester County – Woodfield Detention Center

Note: The proposed SSD facility on Long Island (Nassau County) is not yet operational.

Information concerning technical assistance provided to SSD facilities is outlined later in this report.

BUREAU OF FIELD OPERATIONS

The Bureau of Field Operations has primary responsibility for performing the Commission’s agency functions. Among them are local correctional facility compliance assessments, incident reviews and investigations, mortality investigations, inmate grievance and complaint reviews, facility planning and a variety of technical assistance.

The Bureau of Field Operations operates throughout the correctional systems of New York State. These systems include all state, county, and New York City correctional facilities, as well as local police department lockups and those secure centers operated by the New York State Office of Children of Family Services.

In 2018, the Bureau of Field Operations consisted of three distinct regional teams and the Forensic Investigation unit.

Assessment/Monitoring Field Work, Incidents, Complaints and Grievances

Field staff based in both Albany and New York City conduct on-site visits primarily to local correctional facilities and police lockups. This fieldwork included assessing the level of operational compliance with the Commission's minimum standards, monitoring unusual conditions (e.g. disturbances and unstable conditions), evaluating management practices, preparing comprehensive reports, and providing technical assistance to facility administrators, including state-operated correctional facilities. In the event that staff findings of non-compliance with minimum standards remain unresolved for an extended period, the Commission may seek recourse through other means, including the courts.

Facility Compliance Assessment: Minimum Standards Compliance Assessment

County Correctional Facilities

In 2018, Commission field staff launched the third of a four-year compliance auditing schedule. Over this period, staff will audit the level of compliance for each one of the thirty-three minimum standards at every county jail. Those standards identified as being essential to the jail's safe and secure operation (e.g. Security and Supervision, Sanitation and Inmate Grievances) will be assessed on a more frequent basis, in some cases every other year. Issues of non-compliance with a specific standard that cannot be satisfactorily resolved at the end of the calendar year are carried over to the next audit cycle, with continuing efforts towards resolution.

The Commission's current contingent of field staff is each assigned between eight to ten county jails. Each county facility is subject to a compliance assessment (audit) annually. Throughout the year staff may be responsible for a number of police lockups to audit, in addition to their county jail assignments. Field staff normally schedule at least one county facility assessment a month. The four-year schedule now in place identifies the ten to twelve standards subject to being assessed for each year. It typically requires five days to complete an audit at a small to medium-sized county jail. Audits of larger county jails can take up to eight days to complete.

On occasion, unanticipated events occur that require the redeployment of field staff to address emergency circumstances.

At the conclusion of their on-site compliance assessment work at a county jail, the assigned Commission staff member will schedule an exit briefing, preferably with the sheriff and jail administrator. The purpose of this meeting is to present for discussion, an overview of their findings, including a preliminary explanation of any non-compliance findings.

Commission staff are then responsible for preparing a written report that details all findings and includes an explanation of the remedial action(s) necessary for the facility to attain compliance. Commission staff may schedule subsequent follow-up site visits as necessary over the balance of the year to assess the remedial steps implemented to date. Once a matter of non-compliance has been fully addressed by officials, the facility will be found in full compliance

and the Commission will issue correspondence to the sheriff advising the county that the violation has been officially closed out.

Commission field staff periodically conduct unannounced site visits to facilities as well in order to conduct “walk-throughs.” Such action often provides an opportunity for Commission of Correction field staff to better assess a facility’s overall environment.

There are 32 New York State Minimum Standards (9 NYCRR) pertaining to the management of county correctional facilities:

Consistent with the cycle evaluation schedule, in 2018, Commission staff assessed compliance at county correctional facilities and facilities operated by the New York City Department of Correction (NYCDOC) with the following Minimum Standard regulations:

- | | |
|-------------------------------|---|
| 7003 – Security & Supervision | 7023 – Access to Media |
| 7006 – Discipline | 7026 – Printed Materials and Publications |
| 7008 – Visitation | 7028 – Exercise |
| 7009 – Food Service | 7032 – Grievance Program |
| 7015 – Sanitation | 7063 – Chemical Agents |
| 7017 – Personnel Standards | |

Listed below are Minimum Standard deficiencies identified by Commission staff at each county facility during the 2018 cycle evaluations. Specific cites for each Part are listed.

ALBANY COUNTY JAIL

Part 7003 Security and Supervision

§700303(j)(5)(iii) – Supervision of Prisoners in facility housing areas

Part 7023 Access to Media

§7023.1(a) - Policy

Part 7032 Facility Grievance Program

§7032.4(d) – Facility Program Requirements

ALLEGANY COUNTY JAIL

Part 7003 Security and Supervision

§7003.1 - Policy

§7003.3(j) - Housing Supervision Records

Part 7006 Discipline

§7006.7(c) - Administrative Segregation pending a disciplinary hearing

Part 7008 Visitation

§7008.1 - Policy

Part 7015 Sanitation

§7015.1 - Policy

§7015.3 - Local Health Department Inspections

Part 7026 Printed Material and Publications

§7026.1 Policy

Part 7032 Grievance Program

§7032.3 - Facility Policies and Procedures

Part 7063 Chemical Agents

§7063.1 - Policy

BROOME COUNTY JAIL

Part 7003 Security and Supervision

§700303(j)(5)(iii) – Supervision of Prisoners in facility housing areas

§700303(j)(5)(iii) – Supervision of Prisoners in facility housing areas

§7003.6(b) - Requirements of facility staff members prior to assuming responsibilities in an assigned facility area

§7003.8(c) - Firearms Control

§7003.9(d) - Key Control

Part 7006 Discipline

§7006.7(c) - Administrative Segregation Pending a Disciplinary Hearing

§7006.8(h)(2) - The disciplinary hearing

Part 7008 Visitation

§7008.8(b)(c) – Limitation of Visitation

Part 7009 Food Services

§7009.4 – Religious Diets

Part 7015 Sanitation

§7015.2(b) General Facility Sanitation

Part 7063 Chemical Agents

§7063.6(b) – Storage and Maintenance of Chemical Agents

CATTARAUGUS COUNTY JAIL

Part 7006 Discipline

§7006.7 - Administrative Segregation Pending a Disciplinary Hearing

Part 7009 Food Service

§7009.2 – Nutritional Adequacy

Part 7026 Printed Material and Publications

§7026.1 – Policy

Part 7063 Chemical Agents

§7063.6(b) – Storage and maintenance of chemical agents

CAYUGA COUNTY JAIL

Part 7003 Security and Supervision

§7003.3(j)(3) – Supervision of prisoners in housing areas

§7003.3(j)(6)(i-iv) – Supervision of prisoners in housing areas

§7003.6(a-c) – Requirements of facility staff members prior to assuming responsibilities in an assigned facility area

§7003.9 – Key Control

Part 7032 Grievance Program

§7032.3(b)(2) – Facility policies and procedures

§7032.4(i) – Facility program requirements

CHAUTAUQUA COUNTY JAIL

Part 7003 Security and Supervision

§7003.3(f) – Supervision of prisoners in facility housing areas

§7003.3(j)(5)(i-iv) – Supervision of prisoners in facility housing areas

§7003.8(c) – Firearms control

§7003.8(f) – Firearms control

Part 7006 Discipline

§7006.7(c) – Administrative segregation pending a disciplinary hearing

Part 7009 Food Service

§7009.1 - Policy

Part 7015 Sanitation (annual food service inspection)

§7015.1 - Policy

Part 7023 Printed Material and Publications

§7023.1 - Policy

CHEMUNG COUNTY JAIL

Part 7015 Sanitation

§7015.1 - Policy

Part 7023 Access to Media

§7023.1 – Policy

CHENANGO COUNTY JAIL

Part 7003 Security and Supervision

§7003.3(f) – Supervision of prisoners in facility housing areas

§7003.3(j)(5) – Supervision of prisoners in facility housing areas

§7003.3(j)(6) – Supervision of prisoners in facility housing areas

Part 7032 Grievance Program

§7032.4(f) – Facility program requirements

§7032.4(g)(1-3) – Facility program requirements

§7032.4(h) – Facility program requirements

§7032.7(a) – Continuation and Termination of Grievances

CLINTON COUNTY JAIL

Part 7003 Security and Supervision

§7003.3(h) – Supervision of prisoners in facility housing areas

§7003.3(j)(5) - Supervision of prisoners in facility housing areas

§7003.10 - Supervision of prisoners in facility housing areas

Part 7006 Discipline

§7006.1 - Policy

§7006.7(c) – Administrative segregation pending a disciplinary hearing

§7006.9 – Disciplinary sanctions

Part 7009 Food Services

§7009.5 – Food service personnel

Part 7032 Grievance Program

§7032.4(g) – Grievance investigations

Part 7063 Chemical Agents

§7063.6 Storage and maintenance of chemical agents

COLUMBIA COUNTY JAIL

Part 7003 Security and Supervision

§7003.3(j)(5)(iii) – Supervision of prisoners in facility housing areas

§7003.8 – Firearms control

§7003.10(3) – Locks and other securing devices

§7003.10(4) – Locks and other securing devices

Part 7063 Chemical Agents

§7063.6(d) – Storage and maintenance of chemical agents

CORTLAND COUNTY JAIL

Part 7003 Security and Supervision

§7003.1 - Policy

§7003.3(a) – Supervision of prisoners in facility housing areas

§7003.3(j)(5) – Supervision of prisoners in facility housing areas

§7003.6 - Requirements of facility staff members prior to assuming responsibilities in an assigned facility area

§7003.8 – Firearms control

Part 7006 Discipline

§7006.7(c) – Administrative segregation pending a disciplinary hearing

§7006.8(c) – The disciplinary hearing

Part 7008 Visitation

§7008.7(d) – Visitation security and supervision

Part 7009 Food Services

§7009.2(b) – Nutritional adequacy

§7009.3 – Medical diets

§7009.4 – Religious diets

Part 7015 Sanitation

§7015.2(b) – General facility sanitation

Part 7026 Printed Material and Publications

§7026.1 - Policy

Part 7063 Chemical Agents

§7063.4(k) – Use of chemical agents

§7063.6(b)(c) – Storage and maintenance of chemical agents

DELAWARE COUNTY JAIL

Part 7003 Security and Supervision

§7003.1 - Policy

§7003.3(i) Supervision of prisoners in facility housing areas

§7003.3(j) Supervision of prisoners in facility housing areas

Part 7006 Discipline

§7006.8(e) – The disciplinary hearing

§7006.8(h) – The disciplinary hearing

Part 7015 Sanitation

§7015.2(d) – General facility sanitation

Part 7032 Grievance Program

§7032.1 - Policy

Part 7063 Chemical Agents

§7063.7(b) – Recording the use of chemical agents

DUTCHESS COUNTY JAIL

Part 7002 Admissions

§7002.4(f) – Property confiscation

Part 7003 Security and Supervision

§7003.1 - Policy

§7003.3(j)(5)(i-iii) – Supervision of prisoners in facility housing areas

§§7003.3(j)(6)(i)(ii) – Supervision of prisoners in facility housing areas

§7003.8 Firearms control

Part 7005 Prisoner Personal Hygiene

§7005.7(a)(3)(i-ii) - Clothing

Part 7006 Discipline

§7006.7(a) – Administrative Segregation pending a disciplinary hearing

§7006.7(c) - Administrative Segregation pending a disciplinary hearing

§7006.9(a)(2) – Disciplinary sanctions

Part 7008 Visitation

§7008.7(d) – Visitation security and supervision

§7008.8(a) – Limitation of visitation

§7008.8(c) – Limitation of visitation

Part 7009 Food Services

§7009.7 – Food storage

Part 7017 Personnel

§7017.1 - Training

Part 7032 Grievance Program

§7032.1 - Policy

§7032.3(a)(b)(6) – Facility policies and procedures

Part 7063 Chemical Agents

§7063.4(k) – Use of chemical agents

§7063.7(b)(6)(7)(10) – Recording the use of chemical agents

ERIE COUNTY JAIL (Holding Center)

Part 7003 Security and Supervision

§7003.10 – Locks and other securing devices

Part 7006 Discipline

§7006.4(b)(4) – Misbehavior reports

Part 7008 Visitation

§7008.5 – Visitor identification and registration

ERIE COUNTY CORRECTIONAL FACILITY

Part 7003 Security and Supervision

§7003.3 – Supervision of prisoners in facility housing areas

§7003.3(j)(1) – Supervision of prisoners in facility housing areas

Part 7006 Discipline

§7006.8(h)(3) – The disciplinary hearing

Part 7008 Visitation

§7008.5(d) – Visitor identification and registration

§7008.7(d) – Visitation security and supervision

Part 7032 Grievance Program

§7032.4(f) – Facility program requirements

ESSEX COUNTY JAIL

Part 7003 Security and Supervision

§7003.3(h) – Supervision of prisoners in facility housing areas

§7003.3(j)(5)(i)(iii) – Supervision of prisoners in facility housing areas

Part 7006 Discipline

§7006.9 – Disciplinary sanctions

Part 7008 Visitation

§7008.6 – Contact visits

Part 7009 Food Services

§7009.2 – Nutritional adequacy

Part 7032 Grievance Program

§7032.4(g) – Facility program requirements

§7032.4(h) – Facility program requirements

§7032.4(j) – Facility program requirements

FRANKLIN COUNTY JAIL

Part 7003 Security and Supervision

§7003.3(j)(3)(4) – Supervision of prisoners in facility housing areas

Part 7006 Discipline

§7006.8(h) – The disciplinary hearing

FULTON COUNTY JAIL

Part 7003 Security and Supervision

§7003.1 – Policy

§7003.3(j)(5)(i)(iii) – Supervision of prisoners in facility housing areas

§7003.4(a) – Supervision of prisoners outside facility housing areas

§7003.10(3) – Locks and other securing devices

Part 7006 Discipline

§7006.3(c) – Rules of inmate conduct

§7006.7(c) – Administrative segregation pending a disciplinary hearing

Part 7008 Visitation

§7008.1 - Policy

§7008.5(c)(d) – Visitor identification and registration

§7008.7(d) – Visitation security and supervision

GENESEE COUNTY JAIL

Part 7006 Discipline

§7006.2 – Facility policies and procedures

§7006.7(b) – Administrative segregation pending a disciplinary hearing

GREENE COUNTY JAIL

In April 2018, the Greene County Jail was closed, as structural damage made it unsafe to house inmates. Accordingly, no Minimum Standard evaluation was completed in 2018.

HAMILTON COUNTY JAIL

Part 7003 Security and Supervision

§7003.3 – Supervision of prisoners in facility housing areas

Part 7032 Grievance Program

§7032.6 – Grievance program forms

HERKIMER COUNTY JAIL

Part 7003 Security and Supervision

§7003.9(a) – Key control

§7003.9(e) – Key control

Part 7006 Discipline

§7006.7(d) – Administrative segregation pending a disciplinary hearing

§7006.8(i) – The disciplinary hearing

Part 7009 Food Service

§7009.2(b) – Nutritional adequacy

Part 7063 Chemical Agents

§7063.4(d) – Use of chemical agents

JEFFERSON COUNTY JAIL

Part 7003 Security and Supervision

§7003.3(j)(5) – Supervision of prisoners in facility housing areas

§7003.6 – Requirements of facility members prior assuming responsibilities in an assigned facility area

§7003.8(c) – Firearms control

§7003.9(d) – Key control

§7003.9(e) – Key control

Part 7006 Discipline

§7006.7(a)(c) – Administrative segregation pending a disciplinary hearing

Part 7008 Visitation

§7008.7(d) – Visitation security and supervision

Part 7009 Food Services

§7009.1 - Policy

Part 7015 Sanitation

§7015.2(b) – General facility sanitation

Part 7063 Chemical Agents

§7063.6(b) – Storage and maintenance of chemical agents

§7063.6(c)(4) – Storage and maintenance of chemical agents

LEWIS COUNTY JAIL

Part 7003 Security and Supervision

§7003.3(a) – Supervision of prisoners in housing areas

§7003.3(h) – Supervision of prisoners in housing areas

§7003.9 – Key control

§7003.10 – Locks and other securing devices

Part 7009 Food Services

§7009.5 – Food service personnel

Part 7032 Grievance Program

§7032.3 – Policy

§7032.4 – Grievance program requirements

§7032.10 – Recordkeeping

Part 7063 Chemical Agents

§7063.4(j) – Use of chemical agents

LIVINGSTON COUNTY JAIL

Part 7003 Security and Supervision

§7003.3(j)(3) – Supervision of prisoners in housing areas

§7003.3(j)(5) – Supervision of prisoners in housing areas

Part 7006 Discipline

§7006.1 – Policy

§7006.8(a) – The disciplinary hearing

§7006.8(h) – The disciplinary hearing

Part 7009 Food Services

§7009.5(b) – Food service personnel

Part 7032 Grievance Program
§7032.4(h) – Facility program requirements

MADISON COUNTY JAIL

Part 7003 Security and Supervision
§7003.2(d) – Constant supervision

§7003.3(h) – Supervision of prisoners in housing areas

§7003.10 – Locks and other securing devices

Part 7006 Discipline
§7006.7 – Administrative segregation pending a disciplinary hearing

Part 7008 Visitation
§7008.6 – Contact visits

MONROE COUNTY JAIL AND CORRECTIONAL FACILITY

Part 7003 Security and Supervision
§7003.3(j)(5) – Supervision of prisoners in facility housing areas

§7003.8(c) – Firearms control

Part 7006 Discipline
§7006.3(b)(3) – Rules of inmate conduct

Part 7008 Visitation
§7008.3(b) – Availability of visits

§7008.5(d) – Visitor identification and registration

Part 7015 Sanitation
§7015.2(b)- General facility sanitation

Part 7032 Grievance Program
§7032.3(b)(8) – Facility policies and procedures

§7032.4(i) – Facility program requirements

§7032.4(k) – Facility program requirements

Part 7063 Chemical Agents
§7063.6(b) – Storage and maintenance of chemical agents

MONTGOMERY COUNTY JAIL

Part 7003 Security and Supervision
§7003.3(f) – Supervision of prisoners in facility housing areas

§7003.3(j) – Supervision of prisoners in facility housing areas

§7003.8 – Firearms control

Part 7006 Discipline

§7006.1 - Policy

§7006.4(b) – Misbehavior reports

§7006.7(b) – Administrative segregation pending a disciplinary hearing

§7006.9 – Disciplinary sanctions

Part 7032 Grievance Program

§7032.4 – Facility program requirements

Part 7063 Chemical Agents

§7063.4(k) – Use of chemical agents

§7063.7(b) – Recording the use of chemical agents

NASSAU COUNTY JAIL

Part 7003 Security and Supervision

§7003.1 - Policy

§7003.3(j) – Supervision of prisoners in facility housing areas

§7003.3(j)(3) – Supervision of prisoners in facility housing areas

§7003.3(j)(5) – Supervision of prisoners in facility housing areas

§7003.3(j)(6)(i-iv) – Supervision of prisoners in facility housing areas

§7003.3.6(a-c) – Requirements of facility staff members prior to assuming responsibilities in an assigned housing area

§7003.9(d) – Key control

Part 7009 Food Services

§7009.6(c)(2) - Meals

Part 7017 Personnel Standards

§7017.1 and 7017.2 – Briefing of new employees

Part 7023 Access to Media

§7023.1 - Policy

Part 7026 Printed Material and Publications

§7026.1 - Policy

Part 7032 Grievance Program

§7032.3(b)(8) – Facility policies and procedures

§7032.6 – Grievance program forms

§7032.7 – Continuation and termination of grievances

§7032.11 - Staff orientation

Part 7063 Chemical Agents

§7063.6 – Storage and maintenance of chemical agents

NIAGARA COUNTY JAIL

Part 7003 Security and Supervision

§7003.3(f) – Supervision of prisoners in facility housing areas

§7003.4 – Supervision of prisoners outside facility housing areas

Part 7009 Food Services

§7009.1 - Policy

Part 7015 Sanitation

§7015.1 - Policy

Part 7032 Grievance Program

§7032.3 – Facility policies and procedures

ONEIDA COUNTY JAIL

Part 7003 Security and Supervision

§7003.3(J)(5) – Supervision of prisoners in facility housing areas

Part 7032 Grievance Program

§7032.4 – Facility program requirements

Part 7063 Chemical Agents

§7063.6 – Storage and maintenance of chemical agents

ONONDAGA COUNTY CUSTODY DEPARTMENT (formerly Justice Center)

Effective January 1, 2018, the Onondaga County Department of Correction merged with the Onondaga County Sheriff's Office. The downtown Justice Center is now referred to as the Custody Department while the former Department of Correction is now referred to as the Correction Department.

Part 7003 Security and Supervision

§7003.1 - Policy

§7003.3(a) – Supervision of prisoners in facility housing areas

§7003.3(j)(3) - Supervision of prisoners in facility housing areas

§7003.3(f) - Supervision of prisoners in facility housing areas

§7003.9(d)(3) – Key control

Part 7008 Visitation

§7008.1 - Policy

§7008.3(b) – Availability of visits

§7008.4 – Initial visit

§7008.7 – Visitation security and supervision

§7008.8(c) – Limitation of visitation

Part 7015 Sanitation

§7015.2(a) – General facility sanitation

§7015.2(b) – General facility sanitation

§7024.2 – Congregate religious activities

Part 7028 Exercise

§7028.2 – Exercise periods

Part 7032 Grievance Program

§7032.1 - Policy

§7032.4(a) – Facility program requirements

§7032.4(d) – Facility program requirements

§7032.4(f) – Facility program requirements

§7032.4(j) – Facility program requirements

§7032.7(a) – Continuation and termination of grievances

Part 7063 Chemical Agents

§7063.4(k) – Use of chemical agents

§7063.5(c) – Training in the use of chemical agents

§7063.6(b) – Storage and maintenance of chemical agents

§7063.6(d) – Storage and maintenance of chemical agents

§7063.6(e) – Storage and maintenance of chemical agents

ONONDAGA COUNTY CORRECTION DEPARTMENT (formerly Department of Correction)

Part 7003 Security and Supervision

§7003.3(f) – Supervision of prisoners in facility housing areas

§7003.3(j)(6)(i-iv) - Supervision of prisoners in facility housing areas

§7003.4(a) – Supervision of prisoners outside facility housing areas

§7003.8(d)(1) – Firearms control

Part 7008 Visitation

§7008.8(c) – Limitation of visitation

Part 7015 Sanitation

§7015.3 – Local health department inspections

Part 7032 Grievance Program

§7032.4 – Facility program requirements

Part 7063 Chemical Agents

§7063.4(k) – Use of chemical agents

ONTARIO COUNTY JAIL

Part 7003 Security and Supervision

§7003.3(j)(3) – Supervision of prisoners in facility housing areas

§7003.3(h) – Supervision of prisoners in facility housing areas

Part 7006 Discipline

§7006.9(a) – Disciplinary sanctions

Part 7008 Visitation

§7008.8(b) – Limitation of visitation

Part 7026 Printed Material and Publications

§7026.2(b) – Facility review of incoming printed material and publications

Part 7032 Grievance Program

§7032.4 – Facility program requirements

§7032.5(e) – Appeal to the Commission of Correction

§7032.7(a)(b) – Continuation and termination of grievances

ORANGE COUNTY JAIL

Part 7003 Security and Supervision

§7003.1 - Policy

§7003.5(a) – Prisoner population count

Part 7008 Visitation

§7008.5(d) – Visitor identification and registration

Part 7009 Food Service

§7009.5(b) – Food service personnel

§7009.6(b) - Meals

ORLEANS COUNTY JAIL

Part 7003 Security and Supervision

§7003.3(a) – Supervision of prisoners in facility housing areas

§7003.3(j)(5) – Supervision of prisoners in facility housing areas

§7003.3(j)(6) – Supervision of prisoners in facility housing areas

Part 7004 Correspondence

§7004.1(b) - Policy

Part 7005 Prisoner Personal Hygiene

§7005.8(h) – Personal healthcare items

Part 7006 Discipline

§7006.8(h) – The disciplinary hearing

Part 7008 Visitation

§7008.8 – Limitation of visitation

Part 7009 Food Service

§7009.5(b) – Food service personnel

Part 7032 Grievance Program

§7032.4(g)(h)(i) – Facility program requirements

§7032.10 – Record keeping

OSWEGO COUNTY JAIL

Part 7003 Security and Supervision

§7003.1 - Policy

§7003.3(h) – Supervision of prisoners in facility housing areas

§7003.3(j) – Supervision of prisoners in facility housing areas

§7003.6 – Requirements of facility staff members prior to assuming responsibilities in an assigned housing area

§7003.8(c) – Firearms control

§7003.9 – Key control

§7003.10 – Locks and other securing devices

Part 7008 Visitation

§7008.6 – Contact visits

§7008.8 Limitation of visitation

Part 7015 Sanitation

§7015.1 - Policy

Part 7017 Personnel Standards

§7017.2 – Briefing of new employees

Part 7023 Access to Media

§7023.1 - Policy

Part 7026 Printed Material and Publications

§7026.2 – Facility review of incoming printed material and publications

Part 7032 Grievance Program

§7032.10 – Record keeping

Part 7063 Chemical Agents

§7063.4(k) – Use of Chemical Agents

OTSEGO COUNTY JAIL

Part 7006 Discipline

§7006.7(b) – Administrative segregation pending a hearing

Part 7032 Grievance Program

§7032.4 – Facility requirements

§7032.5(b)(c) – Appeal to the Commission of Correction

§7032.10 - Recordkeeping

PUTNAM COUNTY JAIL

Part 7003 Security and Supervision

§7003.3(h) – Supervision of prisoners in facility housing areas

§7003.3(j)(5) – Supervision of prisoners in facility housing areas

§7003.9(e) – Key control

§7003.10 – Locks and other securing devices

Part 7006 Discipline

§7006.7(c) – Administrative segregation pending a disciplinary hearing

Part 7009 Food Services

§7009.2(b) – Nutritional adequacy

§7009.5 – Food service personnel

Part 7063 Chemical Agents

§7063.6 – Storage and maintenance of chemical agents

RENSSELAER COUNTY JAIL

Part 7003 Security and Supervision

§7003.5(j)(5)(iii) – Supervision of prisoners in facility housing areas

§7003.8(c) – Firearms control

Part 7032 Grievance Program

§7032.11 – Staff orientation

ROCKLAND COUNTY JAIL

Part 7003 Security and Supervision

§7003.3(6) – Supervision of prisoners in facility housing areas

§7003.8(c) – Firearms control

§7003.8(d) – Firearms control

Part 7009 Food Services

§7009.6(c)(2) - Meals

Part 7015 Sanitation

§7015.2 – General facility sanitation

Part 7063 Chemical Agents

§7063.6(c)(3) – Storage and maintenance of chemical agents

ST. LAWRENCE COUNTY JAIL

Part 7003 Security and Supervision

§7003.3(i) – Supervision of prisoners in facility housing areas

§7003.3(j)(5)(vi) – Supervision of prisoners in facility housing areas

§7003.3(j)(6) – Supervision of prisoners in facility housing areas

Part 7008 Visitation

§7008.3 – Availability of visits

Part 7009 Food Services

§7009.2 - Menus

Part 7063 Chemical Agents

§7063.6(a) – Storage of chemical agents

SARATOGA COUNTY JAIL

Part 7003 Security and Supervision

§7003.3(j)(3)(4) – Supervision of prisoners in facility housing areas

§7003.3(6) – Supervision of prisoners in facility housing areas

Part 7009 Food Services

§7009.6(c)(2) - Meals

Part 7015 Sanitation

§7015.2(b) – General facility sanitation

SCHENECTADY COUNTY JAIL

Part 7002 Admissions

§7002.6 – Medical screening

Part 7003 Security and Supervision

§7003.2(d)(1) - Definitions

§7003.3(j)(5)(iii) – Supervision of prisoners in facility housing areas

Part 7006 Discipline

§7006.7 – Administrative segregation pending a disciplinary hearing

§7006.8(1) – The disciplinary hearing

Part 7008 Visitation

§7008.2 – Visiting area

§7008.4 – Initial visit

Part 7009 Food Services

§7009.6(c)(2) - Meals

Part 7013 Classification

§7013.7(a)(b)(c) – Initial screening and risk assessment

Part 7032 Grievance Program

§7032.4(g) – Facility program requirements

§7032.5(a) – Appeal to the Commission of Correction

Part 7070 Educational Services for Youth

§7070.7(b) – Restriction or denial of educational services

§7070.7(c)(1) – Restriction or denial of educational services

§7070.7(e)(f)(1-7) – Restriction or denial of educational services

§7070.7(h)(i)(1-6) - Restriction or denial of educational services

§7070.7(j)(1-3) - Restriction or denial of educational services

SCHOHARIE COUNTY JAIL

The Schoharie County Jail has been closed since August 2011 due to damage from Tropical Storm Irene. A new facility is currently under construction.

SCHUYLER COUNTY JAIL

Part 7003 Security and Supervision

§7003.3(a) – Supervision of prisoners in facility housing areas

Part 7006 Discipline

§7006.4(b)(4) – Misbehavior reports

§7006.9(a) – Disciplinary sanctions

Part 7026 Printed Material and Publications

§7026.2(b) – Review of incoming printed material and publications

Part 7032 Grievance Program

§7032.11 – Staff orientation

SENECA COUNTY JAIL

Part 7003 Security and Supervision

§7003.3(j)(6) – Supervision of prisoners in facility housing areas

§7003.4(a) – Supervision of prisoners outside facility housing areas

§7003.6(c) – Requirements of facility staff members prior to assuming responsibilities in an assigned facility area

§7003.8(c) – Firearms control

Part 7006 Discipline

§7006.7(c) – Administrative segregation pending a disciplinary hearing

§7006.8(h)(2) – The disciplinary hearing

Part 7015 Sanitation

§7015.2(b) – General facility sanitation

Part 7026 Printed Material and Publications

§7026.2(f) – Facility review of incoming printed material and publications

Part 7032 Grievance Program

§7032.3(b)(8) – Facility policies and procedures

STEUBEN COUNTY JAIL

Part 7003 Security and Supervision

§7003.10 – Locks and other securing devices

Part 7009 Food Service

§7009.2 – Nutritional adequacy

Part 7017 Personnel Standards

§7017.1- Training

SUFFOLK COUNTY JAILS (RIVERHEAD AND YAPHANK)

Part 7003 Security and Supervision

§7003.3(c) – Supervision of prisoners in facility housing areas

§7003.3(j)(5) – Supervision of prisoners in facility housing areas

§7003.5(c) – Prisoner population counts

§7003.5(e) – Prisoner population counts

§7003.8(c)(d) – Firearms control

§7003.10 – Locks and other securing devices

Part 7008 Visitation

§7008.7(d) – Visitation security and supervision

Part 7015 Sanitation

§7015.2(b) – General facility sanitation

§7015.2(d) – General facility sanitation

Part 7026 Printed Material and Publications

§7026.2 – Facility review of incoming printed material and publications

Part 7032 Grievance Program

§7032.4(f)(g) – Facility program requirements

§7032.4(i) – Facility program requirements

Part 7063 Chemical Agents

Part 7063.5(c) – Training in the use of chemical agents

SULLIVAN COUNTY JAIL

Part 7003 Security and Supervision

§7003.3(e) – Supervision of prisoners in facility housing areas

TIOGA COUNTY JAIL

Part 7003 Security and Supervision

§7003.3(j) - Supervision of prisoners in facility housing areas

Part 7009 Food Service

§7009.2 – Nutritional adequacy

TOMPKINS COUNTY JAIL

Part 7003 Security and Supervision

§7003.3(j)(5) - Supervision of prisoners in facility housing areas

§7003.6(b) - Supervision of prisoners in facility housing areas

§7003.8 – Firearms control

§7003.9 – Key control

Part 7008 Visitation

§7008.5(d) – Visitor identification and registration

§7008.7(d) – Visitation security and supervision

Part 7009 Food Service

§7009.2(b) – Nutritional adequacy

Part 7032 Grievance Program

§7032.7(b) – Continuation and termination of grievances

Part 7063 Chemical Agents

§7063.4(m) – Use of chemical agents

ULSTER COUNTY JAIL

Part 7003 Security and Supervision

§7003.3(5) - Supervision of prisoners in facility housing areas

Part 7006 Discipline

§7006.8(h) – The disciplinary hearing

Part 7015 Sanitation

§7015.2(d) – General facility sanitation

Part 7032 Grievance Program

§7032.4(i) – Facility program requirements

WARREN COUNTY JAIL

Part 7003 Security and Supervision

§7003.3(j)(5)(i) - Supervision of prisoners in facility housing areas

§7003.3(j)(5)(ii) - Supervision of prisoners in facility housing areas

§7003.3(j)(5)(i)(ii)(iii) - Supervision of prisoners in facility housing areas

Part 7008 Visitation

§7008.5(d)(2) – Visitor identification and registration

Part 7009 Food Service

§7009.2(b) – Nutritional adequacy

Part 7017 Personnel Standards

§7017.1 - Training

Part 7026 Printed Material and Publications

§7026.1 – Policy

§7026.2(b) – Facility review of incoming printed material and publications

§7026.2(i) – Facility review of incoming printed material and publications

WASHINGTON COUNTY JAIL

Part 7003 Security and Supervision

§7003.3(j)(5)(i) – Supervision of prisoners in facility housing areas

§7003.3(j)(5)(iii) – Supervision of prisoners in facility housing areas

§7003.10(3) – Locks and other securing devices

§7003.10(4) – Locks and other securing devices

Part 7006 Discipline

§7006.4(b)(3) – Misbehavior reports

§7006.4(b)(5) – Misbehavior reports

§7006.7(a) – Administrative segregation pending a disciplinary hearing

§7006.7(b) – Administrative segregation pending a disciplinary hearing

§7006.7(c) – Administrative segregation pending a disciplinary hearing

§7006.9(a)(2) – Disciplinary sanctions

§7006.9(b) – Disciplinary sanctions

Part 7017 Personnel Standards

§7017.1 - Training

Part 7032 Grievance Program

§7032.3(b)(5) – Facility policies and procedures

§7032.4(a) – Facility program requirements

§7032.4(g)(1-4) – Facility program requirements

§7032.4(j) – Facility program requirements

§7032.5(a) – Appeal to the Commission of Correction

§7032.5(b) – Appeal to the Commission of Correction

§7032.6 – Grievance program forms

§7032.7 – Continuation and termination of grievances

WAYNE COUNTY JAIL

Part 7003 Security and Supervision

§7003.3(j)(5)(i-iii) – Housing supervision records

Part 7006 Discipline

§7006.11(a-b) – Record keeping

Part 7009 Food Service

§7009.2 – Nutritional adequacy

Part 7023 Access to Media

§7023.1 - Policy

Part 7032 Grievance Program

§7032.10 - Recordkeeping

WESTCHESTER COUNTY DEPARTMENT OF CORRECTION (Jail, Penitentiary and Annex)

Part 7003 Security and Supervision

§7003.3(j)(6)(i-iv) – Supervision of prisoners in facility housing areas

§7003.9(d)(1-3) – Key control

Part 7008 Visitation

§7008.7(d) – Visitation security and supervision

Part 7032 Grievance Program

§7032.4(i)(k) – Facility program requirements

Part 7063 Chemical Agents

§7063.4(k) – Use of chemical agents

§7063.6(b)(c) – Storage and maintenance of chemical agents

§7063.7(a)(b) – Recording the use of chemical agents

WYOMING COUNTY JAIL

Part 7006 Discipline

§7006.7 – Administrative segregation pending a disciplinary hearing

Part 7063 Chemical Agents

§7063.7 – Recording the use of chemical agents

YATES COUNTY JAIL

Part 7003 Security and Supervision

§7003.1 - Policy

Part 7008 - Visitation

§7008.1 - Policy

Part 7009 Food Service

§7009.1 - Policy

Part 7015 Sanitation

§7015.3 – Local health department inspection

Part 7017 Personnel Standard

§7017.1 - Training

Part 7023 Access to Media

§7023.1 - Policy

Part 7032 Grievance Program

§7032.1 – Policy

§7032.11 – Staff orientation

NEW YORK CITY DEPARTMENT OF CORRECTION FACILITIES

Anna M. Kross Center	Otis Bantum Correctional Center
Brooklyn Detention Complex	Queens House of Detention (closed)
Eric M. Taylor Center	Rose M. Singer Center
Robert N. Davoren Center	George R. Vierno Center
Vernon C. Bain Correctional Center	Manhattan Detention Complex
West Facility	North Infirmery Command
George Motchan Detention Center (closed)	

Note: In July 2018, the George Motchan Detention Center was closed by the New York City Department of Correction in response to a decrease in the Department's inmate population. Accordingly, the Commission reduced the facility's Maximum Facility Capacity formulation to zero beds. Such closure also occurred prior to the scheduling of Minimum Standard evaluations.

The Queens House of Detention has been closed for several years.

Listed below are Minimum Standard deficiencies identified by Commission staff as department-wide issues for the NYCDOC during the 2018 cycle evaluations. Specific cites for each Part are listed below.

Part 7006 Discipline

§7006.3(b)(2) – Rules of inmate conduct

§7006.4(b) – Misbehavior reports

§7006.4(e) – Misbehavior reports

§7006.5(b) – Investigative process

§7006.6(b) – Assistance to inmates

§7006.7(b) – Administrative segregation pending a disciplinary hearing

§7006.8(a) – The disciplinary hearing

§7006.8(c) – The disciplinary hearing

§7006.10(b) – Appeal procedures

§7006.11(b) – Record keeping

Part 7008 Visitation

§7008.5(d) – Visitor identification and registration

§7008.7(d) – Visitation security supervision

§7008.8(a) – Limitation of visitation

§7008.8(c) – Limitation of visitation

Part 7009 Food Service

§7009.1(b) – Policy

§7009.2(b) – Nutritional adequacy

§7009.3 – Medical diets

§7009.4 – Religious diets

§7009.5(b) – Food service personnel

§7009.5(c) – Food service personnel

§7009.6(a) – Meals

§7009.6(b) – Meals

Part 7003 Security and Supervision

§7003.1 – Policy (issuance and return of utensils)

Listed below are Minimum Standard deficiencies identified by Commission staff at each NYCDOC facility during the 2018 cycle evaluations. Specific cites for each Part are listed.

NYCDOC ANNA M. KROSS CENTER

Part 7003 Security and Supervision

§7003.1 - Policy

§7003.3(a) – Supervision of prisoners in facility housing areas

§7003.3(c) – Supervision of prisoners in facility housing areas

§7003.3(h) – Supervision of prisoners in facility housing areas

§7003.3(j)4) – Supervision of prisoners in facility housing areas

§7003.3(j)(5)(i-vi) – Supervision of prisoners in facility housing areas

§7003.3(6)(i-iv) – Supervision of prisoners in facility housing areas

§7003.4(a) – Supervision of prisoners outside facility housing areas

§7003.5(a)(4) – Prisoner population counts

§7003.6(a) – Requirements of facility staff members prior to assuming responsibilities in an assigned facility area

§7003.6(c) – Requirements of facility staff members prior to assuming responsibilities in an assigned facility area

§7003.8(c) – Firearms control

§7003.8(e) – Firearms control

§7003.8(f) – Firearms control

§7003.9(d) – Key control

§7003.10 – Locks and other securing devices

7015 Sanitation

§7015.2(a) – General facility sanitation

§7015.2(b) – General facility sanitation

§7015.3 – Local health department inspections

Part 7026 Printed Material and Publications

§7026.2(c) – Facility review of incoming printed material and publications

Part 7063 Chemical Agents

§7063.4(k) – Use of chemical agents

§7063.5 – Training in the use of chemical agents

§7063.6 – Storage and maintenance of chemical agents

§7063.7(b) – Recording the use of chemical agents

NYCDOC BROOKLYN DETENTION COMPLEX

Part 7003 Security and Supervision

§7003.1 - Policy

§7003.3(a) – Supervision of prisoners in facility housing areas

§7003.3(d) – Supervision of prisoners in facility housing areas

§7003.3(e) – Supervision of prisoners in facility housing areas

§7003.3(j) – Supervision of prisoners in facility housing areas

§7003.3(k) – Supervision of prisoners in facility housing areas

§7003.4(d) – Supervision of prisoners outside facility housing areas

§7003.5(a)(4) – Prisoner population counts

§7003.5(a)(5)(iv) – Prisoner population counts

§7003.5(c) – Prisoner population counts

§7003.5(d) – Prisoner population counts

§7003.5(e) – Prisoner population counts

§7003.8(c)(1-4) – Firearms control

§7003.8(d) – Firearms control

§7003.8(f) – Firearms control

§7003.8(g) – Firearms control

Part 7015 Sanitation

§7015.2(b) – General facility sanitation

§7015.2(c) – General facility sanitation

§7015.2(d) – General facility sanitation

Part 7026 Printed Material and Publications

§7026.2(f) – Facility review

Part 7063 Chemical Agents

§7063.4(k) – Use of chemical agents

§7063.6(a) – Storage and maintenance of chemical agents

NYCDOC ERIC M. TAYLOR CENTER

Part 7003 Security and Supervision

§7003.3(e) – Supervision of prisoners in facility housing areas

§7003.3(j)(4) – Supervision of prisoners in facility housing areas

§7003.3(j)(5)(i-vi) – Supervision of prisoners in facility housing areas

§7003.3(j)(6)(i-iv) – Supervision of prisoners in facility housing areas

§7003.5(d)(e) – Prisoner population counts

§7003.8(d) – Firearms control

§7003.8(f) – Firearms control

§7003.9(d)(1-3) – Key control

Part 7015 Sanitation

§7015.2(b) – General facility sanitation

§7015.3 – Local health department inspections

Part 7026 Printed Material and Publications

§7026.2(b) – Facility review

§7026.2(e-i) – Facility review

Part 7063 Chemical Agents

§7063.4(c) – Use of chemical agents

§7063.4(k) – Use of chemical agents

§7063.6(a) – Storage and maintenance of chemical agents

§7063.6(b) – Storage and maintenance of chemical agents

§7063.7(b) – Recording the use of chemical agents

NYCDOC GEORGE R. VIERNO CENTER

Part 7003 Security and Supervision

§7003.1 - Policy

§7003.3(e) – Supervision of prisoners in facility housing areas

§7003.3(j)(4) – Supervision of prisoners in facility housing areas

§7003.3(j)(5)(i-vi) – Supervision of prisoners in facility housing areas

§7003.3(6)(i-iv) – Supervision of prisoners in facility housing areas

§7003.5(d)(3) – Prisoner population counts

§7003.6(a) – Requirements of facility staff members prior to assuming responsibilities in an assigned facility area

§7003.6(c) – Requirements of facility staff members prior to assuming responsibilities in an assigned facility area

§7003.8(c) – Firearms control

§7003.8(e) – Firearms control

§7003.8(f) – Firearms control

§7003.9(d) – Key control

§7003.10 – Locks and other securing devices

Part 7015 Sanitation

§7015.2(a) – General facility sanitation

§7015.3 – Local health department inspections

Part 7026 Printed Material and Publications

§7026.2(c) – Facility review of incoming printed material and publication

Part 7063 Chemical Agents

§7063.4(k) – Use of chemical agents

§7063.5(c) – Training in the use of chemical agents

§7063.6 – Storage and maintenance of chemical agents

§7063.7 – Recording use of chemical agents

NYCDOC MANHATTAN DETENTION COMPLEX

Part 7003 Security and Supervision

§7003.1 - Policy

§7003.3(a)(c) – Supervision of prisoners in facility housing areas

§7003.3(e) – Supervision of prisoners in facility housing areas

§7003.3(f) – Supervision of prisoners in facility housing areas

§7003.3(j)(4) – Supervision of prisoners in facility housing areas

§7003.3(j)(5)(i-vi) – Supervision of prisoners in facility housing areas

§7003.3(6) – Supervision of prisoners in facility housing areas

§7003.3(b)(2)(ii) – Supervision of prisoners in facility housing areas

§7003.5(a)(4) – Prisoner population counts

§7003.5(c)(d)(3) – Prisoner population counts

§7003.5(e) – Prisoner population counts

§7003.8(c) – Firearms control

§7003.8(d) – Firearms control

§7003.8(e) – Firearms control

§7003.8(f) – Firearms control

§7003.9(b) – Key control

§7003.9(d) – Key control

§7003.10 - Locks and other securing devices

Part 7015 Sanitation

§7015.2(a) – General facility sanitation

§7015.2(b) – General facility sanitation

§7015.3 – Local health department inspections

Part 7026 Printed Material and Publications

§7026.2(c) – Facility review of incoming printed material and publications

Part 7063 Chemical Agents

§7063.4(k) – Use of chemical agents

§7063.5(c) – Training in the use of chemical agents

§7063.6 – Storage and maintenance of chemical agents

§7063.7(b) – Recording the use of chemical agents

NYCDOC NORTH INFIRMARY COMMAND

Part 7003 Security and Supervision

§7003.1 - Policy

§7003.3(a)(c) – Supervision of prisoners in facility housing areas

§7003.3(j)(4) – Supervision of prisoners in facility housing areas

§7003.3(j)(5)(i-vi) – Supervision of prisoners in facility housing areas

§7003.3(j)(6) – Supervision of prisoners in facility housing areas

§7003.3(4)(b)(2)(ii) – Supervision of prisoners in facility housing areas

§7003.5(a)(2)(3) – Prisoner population counts

§7003.5(c)(d)(3) – Prisoner population counts

§7003.8(c) – Firearms control

§7003.8(d) – Firearms control

§7003.8(e) – Firearms control

§7003.8(f) – Firearms control

§7003.9(e) – Key control

Part 7015 Sanitation

§7015.2(a) – General facility sanitation

Part 7026 Printed Material and Publications

§7026.2(c) – Facility review of incoming printed material and publications

Part 7063 Chemical Agents

§7063.4(k) – Use of chemical agents

§7063.5(c) – Training in the use of chemical agents

§7063.6(a) – Storage and maintenance of chemical agents

§7063.6(b) – Storage and maintenance of chemical agents

§7063.7(b) – Recording the use of chemical agents

NYCDOC OTIS BANTUM CORRECTIONAL CENTER

Part 7003 Security and Supervision

§7003.3(e) – Supervision of prisoners in facility housing areas

§7003.3(f) – Supervision of prisoners in facility housing areas

§7003.3(j)(4) – Supervision of prisoners in facility housing areas

§7003.3(j)(5)(i-vi) – Supervision of prisoners in facility housing areas

§7003.3(j)(6)(i-iv) – Supervision of prisoners in facility housing areas

§7003.5(a)(1-4) – Prisoner population counts

§7003.5(c) – Prisoner population counts

§7003.5(d) – Prisoner population counts

§7003.5(e) – Prisoner population counts

§7003.8(c) – Firearms control

§7003.8(e) – Firearms control

§7003.8(f) – Firearms control

§7003.9(e) – Key control

Part 7015 Sanitation

§7015.2(a) – General facility sanitation

§7015.2(b) – General facility sanitation

§7015.3 – Local health department inspections

Part 7026 Printed Material and Publications

§7026.2(b) – Facility review of incoming printed material and publications

§7026.2(f) – Facility review of incoming printed material and publications

Part 7063 Chemical Agents

§7063.4(c) – Use of chemical agents

§7063.4(k) – Use of chemical agents

§7063.6(a) – Storage and maintenance of chemical agents

§7063.7(b) – Recording the use of chemical agents

NYCDOC ROSE M. SINGER CENTER

Part 7003 Security and Supervision

§7003.1 - Policy

§7003.3(e) – Supervision of prisoners in facility housing areas

§7003.3(f) – Supervision of prisoners in facility housing areas

§7003.3(j)(4) – Supervision of prisoners in facility housing areas

§7003.3(j)(5)(i-vi) – Supervision of prisoners in facility housing areas

§7003.3(j)(6)(i-iv) – Supervision of prisoners in facility housing areas

§7003.4(a) – Supervision of prisoners outside facility housing areas

§7003.5(e) – Prisoner population counts

§7003.6(a) – Requirements of facility staff members prior to assuming responsibilities in assigned facility area

§7003.8(f) – Firearms control

§7003.9(e) – Key control

Part 7005 Prisoner Personal Hygiene

§7005.3 - Shaving

§7005.8(a)(c) – Laundry and repair of clothing

Part 7015 Sanitation

§7015.2(b) – General facility sanitation

§7015.2(c) – General facility sanitation

Part 7026 Printed Materials and Publications

§7026.2(b) – Facility review

§7026.2(f) – Facility review

Part 7063 Chemical Agents

§7063.4(k) – Use of chemical agents

§7063.7(b) – Recording the use of chemical agents

NYCDOC ROBERT N. DAVOREN CENTER

Part 7003 Security and Supervision

§7003.1 - Policy

§7003.3(f) – Supervision of prisoners in facility housing areas

§7003.3(h) – Supervision of prisoners in facility housing areas

§7003.3(j)(5)(i-vi) – Supervision of prisoners in facility housing areas

§7003.3(j)(6)(i-iv) – Supervision of prisoners in facility housing areas

§7003.5(b)(4) – Prisoner population counts

§7003.8(c) – Firearms control

§7003.8(f) – Firearms control

Part 7005 Prisoner Personal Hygiene

§7005.3(a) - Shaving

Part 7015 Sanitation

§7015.2(a) – General facility sanitation

§7015.2(b) – General facility sanitation

Part 7026 Printed Material and Publications

§7026.2(f) – Facility review

Part 7063 Chemical Agents

§7063.4(k) – Use of chemical agents

§7063.5(c) – Training in the use of chemical agents

§7063.6(c)(4) – Storage and maintenance of chemical agents

§7063.7(a)(b) – Recording the use of chemical agents

NYCDOC VERNON C. BAIN CENTER

Part 7003 Security and Supervision

§7003.3(a) – Supervision of prisoners in facility housing areas

§7003.3(d) – Supervision of prisoners in facility housing areas

§7003.3(f) – Supervision of prisoners in facility housing areas
§7003.3(j) – Supervision of prisoners in facility housing areas
§7003.3(k) – Supervision of prisoners in facility housing areas
§7003.3(l)(1)(2) – Supervision of prisoners in facility housing areas
§7003.4(d) – Supervision of prisoners outside facility housing areas
§7003.5(b) – Prisoner population count
§7003.5(c) – Prisoner population count
§7003.5(d) – Prisoner population count
§7003.5(e) – Prisoner population count
§7003.8(c)(1-4) – Firearms control
§7003.8(d) – Firearms control
§7003.8(f) – Firearms control
§7003.8(g) – Firearms control
§7003.9(a) – Key control
§7003.9(d) – Key control
§7003.9(e) – Key control
§7003.10 – Locks and other securing devices

Part 7015 Sanitation

§7015.2 – General facility sanitation
§7015.2(b) – General facility sanitation
§7015.2(d) – General facility sanitation

Part 7026 Printed Material and Publications

§7026.2(f) – Facility review

Part 7063 Chemical Agents

§7063.4(k) – Use of chemical agents
§7063.5(c) – Training in the use of chemical agents
§7063.6(a) – Storage and maintenance of chemical agents

§7063.6(b) – Storage and maintenance of chemical agents

NYCDOC WEST FACILITY

Part 7003 Security and Supervision

§7003.1 - Policy

§7003.3(a)(c) – Supervision of prisoners in facility housing areas

§7003.3(e) – Supervision of prisoners in facility housing areas

§7003.3(f) – Supervision of prisoners in facility housing areas

§7003.3(j)(4) - Supervision of prisoners in facility housing areas

§7003.3(j)(5)(i-vi) - Supervision of prisoners in facility housing areas

§7003.3(j)(6)(i-iv) - Supervision of prisoners in facility housing areas

§7003.6(a) – Requirements of facility staff members prior to assuming responsibilities in an assigned facility area

§7003.8(c) – Firearms control

§7003.8(e) – Firearms control

§7003.9 – Key control

§7003.9(d)(3) – Key control

Part 7015 Sanitation

§7015.2(a) – General facility sanitation

§7015.3 – Local health department inspections

Part 7026 Printed Material and Publications

§7026.2(c) – Facility review of incoming printed material and publications

Part 7063 Chemical Agents

§7063.4(k) – Use of chemical agents

§7063.5(c) – Training in the use of chemical agents

§7063.6(a) – Storage and maintenance of chemical agents

§7063.6(b) – Storage and maintenance of chemical agents

§7063.7(b) – Recording the use of chemical agents

New York State Office of Children and Family Services

In 2018, Commission staff assessed compliance at the Office of Children and Family Services Secure Centers (Brookwood, Columbia, Goshen and McCormick) with the following Minimum Standard regulations:

7402 – Classification	
7403 – Admissions	7422 – Visitation
7404 – Security & Supervision	7428 – Library Services
7405 – Discipline	7426 – Commissary
7406 – Reportable Incidents	7434 – Policies
7421 – Legal Services	7442 – Maximum Facility Capacity

BROOKWOOD SECURE CENTER

Part 7403 Admissions

§7403.1 – Policy

Part 7404 Security and Supervision

§7404.3 - Policy

§7404.10(b) – Facility counts

§7404.13(c) – Key Control

§7404.15 – Tool Control

Part 7405 - Discipline

§7405.1 - Policy

Part 7406 Reportable Incidents

§7406.1(b) - Policy

§7406.3(b) – Reportable incident submissions

Part 7421 Legal Services

§7421.1(b) - Policy

Part 7434 Policies

§7434.1(b) - Policy

COLUMBIA SECURE CENTER

Part 7403.1 Admissions

§7403.1 - Policy

Part 7404 Security and Supervision

§7404.3 - Policy

§7404.4(c) – Electronic rounds recording records review

§7404.4(e) – Records of additional supervision

§7404.6(c) – Records of supervision

§7404.7(b)(5) – Requirements of staff prior to assuming responsibilities in a facility area

Part 7405 Discipline

§7405.1 - Policy

Part 7406 Reportable Incidents

§7406.1(b) - Policy

§7406.3(b) – Reportable incident submissions

Part 7421 Legal Services

§7421.1(b) - Policy

Part 7434 Policies

§7434.1(b) - Policy

GOSHEN SECURE CENTER

Part 7403 Admissions

§7403.1 - Policy

Part 7404 Security and Supervision

§7404.3 - Policy

§7404.4(c) – Supervision of residents in facility living areas

Part 7405 Discipline

§7405.1 - Policy

Part 7406 Reportable Incidents

§7406.1 - Policy

§7406.3(b) – Reportable incident submissions

Part 7421 Legal Services

§7421.1(b) - Policy

Part 7434 Policies

§7434.1(b) - Policy

MACCORMICK SECURE CENTER

Part 740 Classification

§7402.3 - Policy

§7402.8 – Resident classification initial screening

Part 7403 Admissions

§7403.1 - Policy

§7403.2(d)(4) – Authority for admissions

§7403.10 – Orientation to facility rules and information

Part 7404 Security and Supervision

§7404.1 – Security and Supervision

§7404.3 - Policy

§7404.6(a) – Records of supervision

§7404.7(b)(5) – Requirements of staff prior to assuming responsibilities in a facility area

§7404.10 – Formal resident population counts

§7404.15 – Tool control and equipment control

§7404.16(a) – Perimeter control

Part 7405 Discipline

§7405.1 - Policy

Part 7406 Reportable Incidents

§7406.1(b) - Policy

§7406.3(b) – Reportable incident submissions

Part 7421 Legal Services

§7421.1(b) - Policy

Part 7434 Policies

§7434.1(b)

Police Department Lockups

Consistent with the evaluation schedule, in 2018, Commission staff assessed compliance at police department lockups with the following Minimum Standard regulations:

7502 – Admission Procedures

7503 – Medical

7504 – Supervision of Detention Areas

7505 – Food

7506 – Sanitation and Maintenance

7507 – Discipline

7508 – Reportable Incidents

7509 – Records

7510 – Visits

7511 – Construction and Renovation

7512 – Variances

In 2018, Commission staff assessed Minimum Standard compliance at 112 police department lockups. The Commission determined that one police lockup no longer met the definition of a lockup as detailed in Part 7500.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT (JJDP A)

The Commission's Field Operations Bureau is responsible for monitoring New York State's compliance with the Juvenile Justice and Delinquency Prevention Act (JJDP A). In 2018, compliance of the JJDP A were conducted at:

Police Department Lockups – 112

County Correctional Facilities - 13

New York State Family Courts - 37

REPORTABLE INCIDENTS COUNTY JAILS AND NEW YORK CITY DEPARTMENT OF CORRECTION

In fulfilling its oversight and regulatory responsibilities, the Commission requires that all local correctional facilities report incidents, including but not limited to those that endanger inmates, prisoners, residents or staff or disrupt facility operations. The incidents and criteria for reporting are included in the Commission's *Reportable Incident Guidelines Manual*. Because submitted incidents are self-reported, the Commission strives to ensure the accuracy of incident categorization, and when necessary in 2018, contacted facilities to obtain correct information and discuss any error(s) made.

Every incident report is reported by the facility, to the Commission, via the eJusticeNY Integrated Justice Portal. Reports are received by Commission staff twenty-four hours a day, seven days a week. These reports are then reviewed by a Correctional Facility Specialist or Senior Utilization Review Nurse to determine whether any further inquiry is necessary and if on-site follow-up is appropriate.

In 2018 the Commission received 4933 reportable incidents from county jails. A preponderance of the reportable incidents submitted by county jails fell into the following categories:

Individual Inmate Disturbance (1,250)

Hospital Admission of Inmate (1,176)

Inmate Introduced Contraband (809)

Inmate/Inmate Assault (485)

In 2018, the Commission received 15,491 reportable incidents from jails operated by the New York City Department of Correction (NYCDOC). A preponderance of the reportable incidents submitted by the NYCDOC fell into the following categories:

Inmate/Inmate Assault (4,782)

Individual Inmate Disturbance (3,229)

Inmate/Personnel Assault (2,539)

Inmate Group Assault/Gang Assault (1,363)

Inmate Introduced Contraband (1,092)

Unknown Source Introduced Contraband (1,002)

REPORTABLE INCIDENTS

OFFICE OF CHILDREN and FAMILY SERVICES

Pursuant to New York State Correction Law, §45 [6-b] and 47 [2], the four (4) secure centers operated by the New York State Office of Children and Family Services (OCFS) are required to report to the State Commission of Correction all incidents deemed to be of a serious or potentially problematic nature. Because submitted incidents are self-reported, the Commission strives to ensure the accuracy of incident categorization, and when necessary in 2018, contacted OCFS Secure Centers to obtain correct information and discuss any error(s) made.

Reports are received by Commission staff twenty-four hours a day, seven days a week. Every incident report is reported by OCFS, to the Commission, via the eJusticeNY Integrated Justice Portal. These reports are then reviewed by a Correctional Facility Specialist or Senior Utilization Review Nurse to determine if any further inquiry is necessary and if on-site follow-up is appropriate.

In 2018 the Commission received 395 reportable incidents from Secure Centers Operated by the Office of Children and Family Services. A preponderance of the incidents fell into the following categories:

Individual Resident Disturbance (155)
Resident/Staff Assault (135)
Resident/Resident Assault (100)

REPORTABLE INCIDENTS

SPECIALIZED SECURE DETENTION FACILITIES

In April 2017, Governor Cuomo signed into law “Raise the Age” legislation that was included as part of the State Budget. In addition to raising the age of criminality to 18 and establishing time frames for the removal of 16-year-olds and 17-year-olds in county jails, this legislation also required the establishment of Specialized Secure Detention (SSD) facilities to house 16-year-old Adolescent Offenders beginning on October 1, 2018 and 17-year-old Adolescent Offenders on October 1, 2019.

Pursuant to New York State Correction Law, §45 [6-b] and 47 [2], Specialized Secure Detention facilities are required to report to the State Commission of Correction all incidents deemed to be of a serious or potentially problematic nature. Because submitted incidents are self-reported, the Commission strives to ensure the accuracy of incident categorization, and when necessary in 2018, contacted SSD facilities obtain correct information and discuss any error(s) made.

Reports are received by Commission staff twenty-four hours a day, seven days a week. Every incident report is reported by SSD facilities to the Commission, via the eJusticeNY Integrated Justice Portal. These reports are then reviewed by a Correctional Facility Specialist or Senior Utilization Review Nurse to determine if any further inquiry is necessary and if on-site

follow-up is appropriate.

In 2018 the Commission received 152 reportable incidents from SSD facilities. A preponderance of the incidents fell into the following categories:

Resident/Resident Assault (51)

Resident/Staff Assault (42)

REPORTABLE INCIDENTS POLICE LOCKUPS

Pursuant to Correction Law, §45[6], police departments operating lockups are required to report to the Commission those incidents deemed to be of an unusual nature which may endanger detainees, law enforcement staff, or otherwise disrupt facility operations. Reportable incidents are received on a 24-hour basis. Because submitted incidents are self-reported, the Commission strives to ensure the accuracy of incident categorization, and when necessary in 2018, contacted police departments to obtain correct information and discuss any error(s) made.

Every incident report is reported by the facility, to the Commission, via the eJusticeNY Integrated Justice Portal. These reports are then reviewed by a Correctional Facility Specialist or Senior Utilization Review Nurse to determine whether any further inquiry is necessary and if on-site follow-up is appropriate.

In 2018, the Commission received 652 reported incidents from local police agencies, with over 93% of the incidents falling into the ***Inmate Injury/Illness Requiring Hospitalization (609)*** category. Such incidents are usually the result of arrestees requiring hospitalization after they arrive at the police lockup and request medical assistance of some type.

COMPLAINTS STATE AND LOCAL CORRECTIONAL FACILITIES

Complaints from inmates, their families, advocates, elected officials, and other state and local agencies are received by the Commission on a daily basis. When complaints are received, they are classified and electronically logged. Many complaints from county jail inmates can be addressed through the facility grievance process. Such complaints are typically returned to the sender, advising them to file a grievance in accordance with the facility grievance program. Those retained are referred to a Correctional Facility Specialist or Senior Utilization Review Nurse for response. Health complaints are referred directly to the Commission's Forensic Medical Unit for review and follow-up when appropriate. An electronic query of the complaints received from a particular facility is generated by field staff as part of their preparation for future site visits.

Beginning in 1984, the Commission developed a procedure for the centralized compilation of inmate complaints from state and local facilities. This procedure breaks down complaints into discrete categories, and allows Correctional Facility Specialists to address

specific problems and trends in a systematic fashion. Inmates often report multiple issues within a single piece of correspondence.

In 2018, the Commission received 2,984 complaints from state and local inmates or their advocates. The complaints encompassed 6,377 categories. A preponderance of the incidents fell into the following categories:

<i>Fear for Safety (890)</i>	<i>Staff Misconduct (659)</i>
<i>Medical Treatment (624)</i>	<i>Personnel/Inmate Physical Assault (439)</i>
<i>Personnel/Inmate Harassment (424)</i>	<i>Not Under SCOC Purview (307)</i>
<i>Grievance Program (278)</i>	<i>Discipline (277)</i>
<i>Personnel/Inmate Sexual Harassment (236)</i>	<i>Personnel/Inmate Sexual Abuse (193)</i>

GRIEVANCES **COUNTY JAILS**

Pursuant to the Commission's Minimum Standards, 9 NYCRR Part 7032, each county jail is required to establish, implement, and maintain a formal inmate grievance program. This program allows inmates a process at the facility level to address their complaints regarding written or unwritten facility policies, procedures, rules, practices, programs, or the action or inaction of any person within the facility. If a grievance is denied at the facility level, inmates have the option to appeal that disposition to the Commission within a specified time frame. Appeals are forwarded to the Commission for review and disposition by the Citizen's Policy and Complaint Review Council (CPCRC).

When grievances are appealed to the Commission, they are reviewed, categorized, and electronically filed. Grievances are forwarded to the Correctional Facility Specialist assigned to the sending facility. Grievances that pertain to health care matters are forwarded directly to the Forensic Medical Unit for processing. Grievances are thoroughly reviewed and researched by the Correctional Facility Specialist/Senior Utilization Review Nurse, the Deputy Director of Operations, and the Commission's Office of Counsel. Grievances are then presented to the CPCRC for final disposition. Both the inmate/grievant and facility officials receive a written decision from the CPCRC for each grievance received. As with complaints, field staff produces a report from the grievance database that provides them with the total number of grievances by category prior to a scheduled county jail site visit.

During 2018, the Commission received and processed 4,130 grievance appeals from county jails. The grievances encompassed 5,364 categories. A preponderance of the grievances fell into the following categories:

<i>Medical Treatment (818)</i>	<i>Security and Supervision (464)</i>
<i>Food Services (413)</i>	<i>Personnel Verbal Conduct (351)</i>
<i>Legal Services (330)</i>	<i>Grievance Program (301)</i>
<i>Medication (278)</i>	<i>Discipline (233)</i>
<i>Correspondence (163)</i>	<i>Prisoner Personal Hygiene (161)</i>

CAPACITY MANAGEMENT

At the end of 2018, there were approximately 67,150 persons incarcerated within New York State's prisons, local county jails, and the New York City Department of Correction (NYCDOC). As a result, inmate capacity management within various facilities can be problematic due to overcrowding. The Commission continually monitors the capacities of these facilities via a daily electronic population reporting system for county jails and jails operated by the New York City Department of Correction, and via facsimile for state prisons correctional facilities.

Maximum Facility Capacity

In 2018, the Commission revised the Maximum Facility Capacity ratings at the following facilities:

Erie County Yankee Compound Facility – The maximum facility capacity rating for this facility was reduced to zero, as it was no longer being used by the Erie County Sheriff's Office to house inmates and was decommissioned by the Erie County Department of Public Works.

Ontario County Jail - The maximum facility capacity rating for the Ontario County Jail was revised in 2018 to allow the facility to re-open one housing area (previously closed due to the significant security staff shortages) and close another. Reinstatement of the beds will be considered when required staffing levels have been reached and maintained.

Nassau County Jail – The maximum facility capacity rating for one of the dormitory housing units was increased by two beds. Further, language was added to clarify that one particular housing area, because of its physical plant design, can operate as two separate housing areas.

Greene County Jail – The maximum facility capacity rating for the facility was reduced to zero. Such action was in response to an engineering firm's findings that portions of the facility were deemed structurally unstable. The county is moving forward with the construction of a new facility.

Suffolk County Yaphank Facility – The maximum facility capacity rating was increased by 116 beds, with the re-opening of two dormitory housing areas that were previously closed for major renovations.

New York City Department of Correction - George Motchan Detention Center: In July 2018, the maximum facility capacity rating for the facility was reduced to zero, as it was no longer used by the Department to house inmates.

New York City Department of Correction – North Infirmery Command: In July 2018, the maximum facility capacity rating for the facility was revised to reflect the re-opening of one housing unit and the closure of one housing unit which was repurposed for non-housing use.

VARIANCES

State and Local correctional facilities, including police department lockups are permitted to apply for variance relief of applicable Minimum Standard regulations of which they cannot achieve compliance. Variance approvals provide facilities short-term relief from certain

regulations contingent upon implementation of a plan to achieve compliance. Variance requests fall into two categories – Capacity and Non-capacity.

Capacity Variances

Correctional facilities may request capacity relief from 9 NYCRR, Part 7040 when experiencing overcrowding. Below is the status of those facilities which previously received capacity variance relief from the Commission

Cortland County Jail – The Commission approved continuation of a variance which provides three (3) additional beds to assist the county with overcrowding. Such approval is predicated on the county’s continued efforts to address the jail’s overcrowding. The Commission continues to work with Cortland County as they move forward with either adding capacity to the existing facility or constructing a new stand-alone facility.

Dutchess County Jail – The Commission approved continuation of a variance which provides 200 additional temporary beds (modular housing units) to assist the county with overcrowding. Such approval is predicated on the county’s continued efforts to address the jail’s overcrowding. The Commission continues to work with Dutchess County as it moves forward with a major jail expansion project.

Genesee County Jail - The Commission approved continuation of a variance which provides 18 additional beds to assist the county with overcrowding. Such approval is predicated on the county’s continued efforts to address the jail’s overcrowding. The Commission continues to work with Genesee County as it moves forward with a new jail project.

Madison County Jail – The Commission approved a new variance which permitted the facility to house inmates (serving intermittent sentences) in an indoor exercise area. This variance is no longer in use.

Niagara County Jail - The Commission approved continuation of a variance which provides 56 additional beds to assist the county with overcrowding. Such approval is predicated on the county’s continued efforts to address the jail’s overcrowding. The Commission continues to work with Niagara County as it moves forward with a study to replace older linear housing areas with a Direct Supervision expansion.

Saratoga County Jail - The Commission approved continuation of a variance which provides 48 additional beds to assist the county with overcrowding. Such approval is predicated on the county’s continued efforts to address the jail’s overcrowding. The Commission continues to work with Saratoga County as it moves forward with a feasibility study to expand the current jail.

Schuyler County Jail – The Commission approved a new variance which permitted the facility to house additional inmates in a unit for the duration of a construction project in other housing areas. This variance is no longer in use.

Non-Capacity Variances

Correctional facilities may request relief from various Minimum Standard regulations, including non-capacity requirements. Below is the status of those facilities which either previously or newly-received variance relief from the Commission.

Greene County Jail – For part of 2018, the Commission approved continuation of a variance which permits the use of an outdoor exercise area that does not meet square footage requirements. In April 2018, the Sheriff closed the facility due to its structural instability.

Herkimer County Jail - The Commission approved continuation of a variance which permits the use of an outdoor exercise area that does not meet square footage requirements. The Commission continued work with Herkimer County throughout 2018 as it moved forward with plans to construct a new correctional facility.

Beacon City Police Department – The Commission approved variance relief with respect to the supervision of female prisoners.

Poughkeepsie City Police Department - The Commission approved variance relief with respect to the supervision of female prisoners.

New York City Police Department - The Commission approved variance relief with respect to the supervision of female prisoners.

New York City Department of Correction – Horizon Juvenile Detention Center: The Commission approved variance relief with respect to shower-to-resident ratios.

New York City Department of Correction – Horizon Juvenile Detention Center: The Commission approved variance relief with respect to the square footage of outdoor exercise.

New York City Administration for Children’s Services - Crossroads Juvenile Detention Center: The Commission approved variance relief with respect to toilet-to-resident ratios.

New York City Department of Correction: The Commission continued variance relief with respect to fees charged for commissary deposits.

STAFFING SERVICES

Commission Minimum Standards, 9 NYCRR Part 7041, Staffing Requirements, provide that the Commission shall determine the minimum number of staff necessary to operate each county jail. County jails are unique institutions with wide variation in size, age, and configuration. Each jail must be staffed in a cost-effective manner that also provides for adequate levels of inmate supervision, and for staff and public safety. The Commission provides the correctional staffing services for all county correctional facilities. Commission staffing specialists travel to facilities upon either the request of a Sheriff, Commissioner of Correction or determination by SCOC that a staffing analysis requires revision. The construction of any new county correctional facility requires completion of a new staffing analysis. The staffing assessment is based on specific correctional functions outlined in Minimum Standard regulations, physical plant configuration, inmate population trends, and other factors unique to a particular correctional facility. If warranted, additional discussions pertaining to staffing levels will be conducted. The Commission affords timely security staffing expertise not available in localities, eases the local criminal justice budget process and promotes local government confidence in the safety of widely disparate facilities.

New Staffing Analysis

During 2018, one staffing analysis was completed by Field Operations staff:

- Sullivan County Jail – A Position and Staffing Analysis was completed for the new Sullivan County Jail, currently under construction, with plans of opening in fall 2019.

Staffing Shortages

During 2018, staffing shortages were noted at the following facilities.

- Dutchess County Jail – The facility's staffing shortages resulted in operational problems, including cancellation of programs (e.g., visitation) and locking inmates in their cells for excessive periods of time. The Commission required the facility to submit daily staffing reports for tracking purposes. As of this writing, the cancellation of programs and extended lock-in of inmates has discontinued.
- Ontario County Jail – The facility's staffing shortages resulted in the Commission's closure of two housing areas. The Commission continues to monitor this situation closely.

FACILITY PLANNING AND IMPROVEMENT

The basic function relegated to Facility Planning and Improvement is set forth in two areas of New York State Law. According to NYS Correction Law, section 45(10), the State Commission of Correction shall “approve or reject plans and specifications for the construction or improvement of correctional facilities.”

The second area is found in County Law, Section 216. This statute states: “No site or location for any county jail shall be selected or acquired by such board of supervisors which shall not have been approved by the state commission of correction.”

Construction/renovation projects are submitted to the Commission frequently by county jails, jails operated by the New York City Department of Correction, state correctional facilities operated by the Department of Corrections and Community Supervision, secure centers operated by the Office of Children and Family Services, and detention areas operated by local police departments, and beginning in 2018, Specialized Secure Detention facilities. Projects range from window and lock replacement to new stand-alone correctional facilities.

The Commission provides technical planning, capital project development, and construction plan review services for the development of new correctional facilities. The Commission has viewed the modernization of an aging and overcrowded local correctional infrastructure as a major priority. The agency reviews and approves site selection and construction plans, monitors progress, and assists in problem identification and solution. In carrying out these tasks, staff responsibility goes far beyond the simple review of blueprints and plans. Particular attention is directed to compliance with minimum standards and maximizing physical plant and operational efficiencies to the extent possible. Additionally, Commission staff provides local decision makers with technical assistance to help assure the jurisdiction of satisfactory, safe and secure methods of incarcerating offenders in a cost-effective manner.

Project Reviews

In 2018, a total of 159 construction/renovation projects were submitted to the Commission for review at its monthly meetings. These projects represented submittals from the following facility types:

- 107 County Jails (including NYC Department of Correction)**
- 23 Specialized Secure Detention**
- 12 NYS Department of Corrections and Community Supervision**
- 8 Criminal Courts**
- 7 Police Lockups**
- 2 Office of Children and Family Services**

Further, the Commission's determinations on the 159 projects are broken down as follows:

- 84 were approved**
- 8 were denied**
- 38 were waived**
- 1 not reviewed (SCOC had no jurisdiction)**
- 4 tabled, with no subsequent action by the submitting agency**
- 4 were placed on hold at request of submitting agency**
- 20 were held over to 2019**

The Commission also approved plans for new jails in Herkimer and Greene Counties.

Change Orders

A total of 10 change order requests were submitted to the Commission in 2018 for review and consideration. Such requests are submitted when a facility wishes to make adjustments to security-related portions of a project previously approved by the Commission.

Specialized Secure Detention Facilities

The Commission continued to work with the following jurisdictions with respect to construction/renovation of SSD facilities:

- Albany County*
- Erie County*
- New York City*
- Nassau County*
- Onondaga County*
- Monroe County*
- Westchester County*

Police Departments

The Commission worked with the following police departments as part of various construction-related projects:

Batavia Police Department

The Commission provided the Department with several construction options to assist in gaining compliance with Minimum Standard regulations.

Hudson City Police Department

The Commission approved designs for a new police department.

Southampton Police Department

The Commission approved the installation of cameras in the Department's detention area.

New York City Police Department

The Commission approved a renovation project at the 1st Precinct.

New York City Metropolitan Transportation Authority

The Commission approved the installation of new security locks on the Department's detention cells.

CHAIRMAN'S MEMORANDA

The Commission is a key player in the delivery of salient correctional management information and education to county correctional facilities. The Chairman's Memorandum, a bulletin that is sent to all county sheriffs and administrators of correctional facilities and police departments, is an efficient vehicle for the delivery of such information. Chairman's Memoranda are available on the Commission's website. In 2018, the following Memoranda were issued:

Chairman's Memorandum # 1-2018

New system for county jail requests for Substitute Jail Orders.

INVESTIGATIONS (NON- MEDICAL)

Oneida County Sheriff's Office

SCOC staff investigated the escape of an inmate following a court appearance. He was apprehended a short time later. Facility staff were found to have failed to observe agency protocols concerning inmate transports.

Monroe County Sheriff's Office

SCOC staff investigated the escape of an inmate while at the Strong Memorial Hospital in Rochester, New York. She was apprehended hours later. Facility staff were found to have failed to observe agency protocols concerning inmate transports.

FORENSIC MEDICAL UNIT

The Forensic Medical Unit is a Field Operations unit within the State Commission of Correction. This unit is tasked with fulfilling the health care oversight mandate of Correction Law, Article 3 by providing the SCOC and its Medical Review Board (MRB) with expertise in the investigation of inmate mortality and the evaluation of state and local correctional facility health care delivery. The unit also provides technical assistance to state and local correctional facilities for the improvement of health care delivery. Technical assistance is regularly provided in the development of health care delivery procedures, including tuberculosis control, occupational health and safety, health care staffing, health facility designs and handling of pharmaceuticals, among others. Each year a number of New York's jails are visited by trained health care system evaluators. Health care delivery systems are evaluated in each facility, recommendations are made, and technical assistance is rendered. The Forensic Medical Unit

also presents its cases to the MRB, investigates medical grievances and complaints, and conducts various special investigations as directed by the Commission. This includes the following activities:

- Field mortality investigation;
- Health services evaluation;
- Standards development and compliance;
- Resolution of complaints and grievances;
- Collection and interpretation of data and statistics;
- Development and administration of technical assistance programs; and
- Policy formulation and advice.

Mortality Investigations

In 2018, the State Commission of Correction's Forensic Unit conducted 67 mortality investigations and two Special Investigations. Those cases and their corresponding facilities are as follows:

Victor Woods	2014-M-0129	NYC – AMKC	Natural
Anthony Brzezowski	2015-M-0028	Monroe CJ	Natural
Michael Carey	2015-M-0048	Groveland CF	Natural
Samuel Harrell	2015-M-0050	Fishkill CF	Homicide
Malique Rogers	2015-M-0052	Cape Vincent CF	Natural
Rodney Calloway	2015-M-0056	Attica CF	Homicide
William Cullen	2015-M-0059	Clinton CF	Natural
Derek Mclver	2015-M-0061	Marcy CF	Natural
William Brennan	2015-M-0129	Shawangunk CF	Natural
Trevor Roberts	2015-M-0136	Riverview CF	Homicide
Samuel Reyes	2015-M-0139	NYPD 49 th Pct.	Suicide
Mark Koki	2015-M-0140	Wende CF	Accident
Ricardo Santiago	2015-M-0141	NYC – AMKC	Natural
Bobby Mitchell	2016-M-0003	Nassau CJ	Natural
Jimmy Richardson	2016-M-0007	Schenectady CJ	Natural
Roger Devodier	2016-M-0008	Great Meadow CF	Overdose
Robert Knisell	2016-M-0021	Greene CJ	Overdose
Stanley Karasoulas	2016-M-0022	Sing Sing CF	Suicide
William Dolansky	2016-M-0024	Elmira CF	Suicide
Brian Reichardt	2016-M-0026	Otisville CF	Overdose
Samuel Lawrence	2016-M-0030	Nassau CJ	Natural
Christopher Duxbury	2016-M-0036	Onondaga JC	Overdose
Michael Oquendo	2016-M-0038	Sing Sing CF	Natural
Brian Ferguson	2016-M-0050	Westchester CJ	Natural
Akhmed Burnell	2016-M-0051	Clinton CF	Natural
Luis Rodriguez	2016-M-0052	Monroe CF	Natural
Tommy Bisbal	2016-M-0063	Suffolk CJ	Overdose
Raymond Tubar	2016-M-0064	Green Haven CF	Natural
Albert McDuffie	2016-M-0070	Upstate CF	Natural
David Hernandez	2016-M-0071	Great Meadow CF	Suicide
Raymond Gaines	2016-M-0072	Monroe CJ	Natural
Kenny Ruiz	2016-M-0077	NYC – AMKC	Overdose
Terry Cooper	2016-M-0079	Clinton CF	Homicide

Keo Dotson	2016-M-0082	Coxsackie CF	Suicide
Michael Deshields	2016-M-0083	NYC – EMTC	Natural
Gregory Green	2016-M-0094	Schenectady CJ	Suicide
Marlin Kemp	2016-M-0098	Sing Sing CF	Natural
Joseph Schlum	2016-M-0116	Five Points CF	Natural
Lorenzo Jones	2016-M-0119	Oneida CJ	Natural
John Mackenzie	2016-M-0124	Fishkill CF	Suicide
Martin Acosta	2016-M-0133	NYC – AMKC	Overdose
Jose Troche	2016-M-0135	NYPD	Natural
David Webb	2016-M-0136	NYC - AMKC	Natural
Dejuan Hunt	2016-M-0138	Niagara CJ	Homicide
Kevin Carroll	2016-M-0154	Broome CJ	Natural
Kenneth Gummoe	2016-M-0160	Broome CJ	Natural
Mark Serrano	2016-M-0162	NYC – RNDC	Natural
Aaron Gause	2016-M-0174	Suffolk CJ	Overdose
Sabrina Ippolito	2017-M-0003	NYPD	Natural
Alex Fusco	2017-M-0017	Westchester CJ	Suicide
Michelle Bernstein	2017-M-0019	Suffolk CJ	Natural
Charles Qoshja	2017-M-0020	Elmira CF	Overdose
Mohamed Batchobji	2017-M-0031	NYC – AMKC	Natural
Matthew Crawford	2017-M-0035	Elmira CF	Overdose
Abdul Labib	2017-M-0040	Albany CJ	Natural
Juanita Etheridge	2017-M-0043	NYPD	Natural
Kathleen Seeley	2017-M-0050	Monroe CJ	Natural
Darrick Griffin	2017-M-0062	Green Haven CF	Natural
Elizabeth Stenson	2017-M-0063	Nassau CJ	Natural
Krystal Longe	2017-M-0084	Albany CJ	Overdose
Cachin Anderson	2017-M-0088	Sullivan CF	Suicide
Nandil Ortiz – Lopez	2017-M-0104	NYPD	Suicide
Bill Leyva	2017-M-0113	Oneida CJ	Suicide
Kenneth Faulkner	2017-M-0133	Oneonta PD	Overdose
David Stitt	2017-M-0136	Erie Co CF	Natural
Nathaniel Burden	2017-M-0142	Orange CJ	Natural
Joshua Reeves	2017-M-0146	Tompkins CJ	Suicide

Special Investigation:

India Cummings	Special Investigation	Erie Holding Center	Homicide
Justy Matkoski	Special Investigation	Chemung CJ	Suicide

Technical Assistance

Construction, Expansion or Planning of Health Care Facilities

Schoharie County Jail
Dutchess County Jail
Herkimer County Jail

Specialized Secure Detention Centers
Horizon, Crossroads – NYC

Woodfield – Westchester County
 Erie
 Monroe
 Hillbrook – Onondaga County
 Capital District – Albany County

Monitoring

DOCCS Self-Inflicted Injuries/Suicide Attempts
 Medical/Mental Health PD Reportable Incidents
 Medical/Mental Health Local Facilities Reportable Incidents

Training Attended

Forensic Nurse Examiner training at NY State Police

Interagency Cooperation

Throughout 2018, the Commission worked with various state agencies to improve the health care delivery in correctional facilities. Such agencies included:

New York State Office of Attorney General – Healthcare Bureau
 New York State Office of Mental Health
 New York State Department of Health - Office of Professional Medical Conduct
 New York State Education - Office of the Professions
 New York State Department of Corrections and Community Supervision
 Office of Health Services and Office of Special Investigation, Review of Mortality Cases
 New York State AIDS Institute
 New York State Sheriffs' Association

Inmate Mortality During 2018

The following table lists the numbers and causes of death for inmates in all correctional facilities in New York State during the year 2018. The Commission receives notice of each of these deaths within 6 hours of occurrence. Each case is separately investigated by the Commission's Forensic Medical Unit. Problematic cases are investigated in the field, carefully documented, presented to the Medical Review Board and published. In 2018, the Board and Commission published 69 reports in which recommendations to prevent similar recurrence and to improve medical and mental health care were made to correctional facility administrators.

	SUICIDE	AIDS	NATURAL	HOMICIDE	UNKNOWN	OTHER	TOTAL
NYS DOCCS	12	0	105	3	17	1	138
COUNTY JAILS	10	0	9	0	6	1	26
NYCDOC	0	0	3	1	3	1	8
POLICE LOCKUPS	0	0	0	0	1	1	2
NYCPD PRECINCTS	0	0	0	0	0	0	0
TOTAL	22	0	117	4	27	4	174

NEW INSTITUTION TRANSITION ASSISTANCE PROGRAM (NITAP)

In the early 1990s, the Commission established a technical assistance program to assist jurisdictions in the planning, design, construction and opening of new correctional facilities. Such assistance provided includes, but not is limited, to:

- Review of and feedback on functional programs
- Review of and feedback on architectural drawings
- Delivery of informational workshop that prepares counties for the transition during construction and planning of opening and operating new facilities
- On-site assessments of jail transition team and construction progress
- Review of and feedback on operational documents such as policies and procedures, inmate handbook, training and move plans
- On-site monitoring of new jail opening
- On-site assessment of post-move operations

Sullivan County

- SCOC staff completed multiple on-site visits to assess progress in the jail's construction and preparation for its eventual opening tentatively scheduled for fall 2019.

Genesee County

- SCOC management met with county officials to discuss the process of moving forward with a new jail.
- The Commission continued to support the county by extending a variance which provides additional beds at the jail.

Greene County

- SCOC staff met with Greene County Jail officials and an architectural firm to review and comment on schematic drawings for a new correctional facility.
- In fall 2018, the Greene County Legislature approved funding for construction of a new jail.
- In November 2018, the Commission approved plans for construction of a new jail.

Herkimer County

- SCOC staff continued to meet with county officials to review and provide feedback on architectural plans for the new facility. This included reviews of county-proposed steps to realize cost savings for the project.
- In spring 2018, the Herkimer County Legislature approved funding for construction of a new county jail.
- In July 2018, the Commission approved plans for the construction of a new jail.
- In November 2018, construction of the new jail commenced. Substantial completion is tentatively scheduled for summer 2020.

Cortland County

- Cortland County officials continued to debate whether to renovate and add capacity to the existing jail or construct a new stand-alone correctional facility.
- The Commission met with county officials in Albany to discuss the various options in addressing the jail's overcrowding.
- The Commission continued to support the county by extending a variance which provides additional beds at the jail.

Dutchess County

- Completed technical assistance reviews of schematic designs for a new correctional facility addition. It is anticipated that final designs will be presented to the Commission in May 2019.
- Assisted in the design of a new Sheriff's Office lockup as part of the ongoing Law Enforcement Center project.

Otsego County Jail

- The Commission assisted the county with plans to rehabilitate its dormitory housing areas, including installation of new showers and HVAC system.
- In July 2018, the Commission approved the above project.

Saratoga County

- The Commission continued to work with the county, as discussions progress on potential jail capacity enhancement.
- The Commission continued to support the county by extending two variances which provide additional beds at the jail.

In 2018, the Commission provided technical assistance to the following Specialized Secure Detention Facilities that were established in response to the Raise the Age legislation:

Capital District

Crossroads

Horizon

Monroe

Westchester

Hillbrook

Erie

New York City Port Authority Police Department

The Commission provided on-site technical assistance, as the Department prepared to open its new detention area at the George Washington Bridge lockup.

TECHNICAL ASSISTANCE (NON-MEDICAL)

Grievance Process

Every year, the Commission provides technical assistance to county jails in various aspects of the grievance process. The Commission offers a Grievance Program Workshop which focuses on the processes of informal resolution, investigations, facility responses, related Minimum Standard regulations, and submittal process, to name a few.

In 2015, the Commission began offering county jails (non-NYCDOC) the option of submitting inmate grievances electronically through SharePoint. In such instances, the eventual determinations made by the Citizen's Policy and Complaint Review Council on these grievances are, in turn, forwarded to facilities electronically. Given the turnover of grievance program staff, the Commission often provides assistance on the electronic grievance process.

In 2018, the Commission delivered a grievance program technical assistance workshop at the Chenango County Sheriff's Office, with the following facilities in attendance:

Chenango **Columbia**
Cortland **Madison**
Otsego **Tompkins**

The Commission also delivered a grievance program technical assistance workshop at the following facilities:

Ontario County Jail
Orleans County Jail

Also, Commission staff provided on-site technical assistance to the Delaware County Jail administration as part of an overall review of the facility's processing of grievances.

Incidents

In 2018, the Commission provided technical assistance to the below counties, as they experienced physical plant or equipment/systems malfunctions:

Herkimer County Jail A water main break resulted in flooding of and significant damage to the outdoor exercise yard and disrupted waterflow for the jail's use. This necessitated the temporary closure of the facility. Commission staff worked with the Sheriff's Office in identifying a local correctional facility that was able to accept Herkimer's entire inmate population as part of a Substitute Jail Order. Commission staff visited the facility the next day to assess the extent of the damage and the county's plans to resolve the matter. Subsequent visits were made by Commission staff to assess the necessary repairs and the facility re-opened.

Lewis County Jail The power supply to the facility's security electronics system malfunctioned, thus, eliminating the ability to secure cell doors. In

light of this safety concern, a determination was made to evacuate all inmates. Commission staff assisted in identifying a local correctional facility that could accept all of Lewis County's inmates. Subsequently, the Commission approved a project to replace the security electronic system's power supply and locking mechanisms on all cell doors.

Sheriff's Annual Report

On an annual basis, each Sheriff is required to submit a report to the Commission that outlines various inmate-population data (e.g., admissions and discharges, length of sentence, conviction information, etc.). In 2018, the Commission provided technical assistance to the following facilities:

Montgomery County Jail
Erie County Holding Center

Inmate Work Release Program

Correction Law Article 27 requires the Commission to review and consider for approval written policies and procedures drafted by counties for establishment of a Work Release Program. In 2018, the Commission provided related technical assistance to the following county jails:

Onondaga County Correctional Facility
Livingston County Jail

Classification

All county correctional facilities must observe the requirements of New York State Correction Law §500-b and 9 NYCRR, Part 7013, Classification. Given the various needs of inmate populations, the Commission provides technical assistance to facilities in all elements of the classification process (e.g., objective screening instruments, housing determinations, re-classification, etc.). In 2018, technical assistance was provided to the following county jails:

Chautauqua County Jail
Erie County Jail
Montgomery County Jail
St. Lawrence County Jail
Westchester County DOC

Cayuga County Jail
Madison County Jail
Ontario County Jail
Schuyler County Jail
Rensselaer County Jail (Workshop)

Minimum Standards

Providing technical assistance on the Commission's regulations is an ongoing endeavor. In 2018, technical assistance was provided to the following county jails and police department lockups:

Broome County Jail
Carmel PD
Cattaraugus County Jail

Admissions
Part 7500
Food Service, Legal Services, Commissary, Grievance Program, Religion, Discipline

Cayuga County Jail	Visitation
Chautauqua County Jail	Commissary, Exercise, Grievance Program
Clarkson PD	Handling of juveniles
Clinton County Jail	Discipline, Grievance Program, Chemical Agents, Prisoner Personal Hygiene
Erie County Holding Center/Pen	Security and supervision, Correspondence, Discipline Reportable Incidents, Legal Services Grievance Program
Essex County Jail	Security/Supervision, Prisoner Personal Hygiene, Discipline, Visitation, Grievance Program
Franklin County Jail	Jail Records
Harrison PD	Part 7500
Highland Falls PD	Part 7500
Larchmont PD	Part 7500
Lewis County Jail	Legal Services
Livingston County Jail	Discipline
Madison County Jail	Staffing, Maximum Facility Capacity, Grievance Program, Printed Material and Publications, Discipline, Prisoner Personal Hygiene, Security and Supervision, Admissions
Montgomery County Jail	Security/Supervision, Discipline, Commissary, Reportable Incidents, Religion, Legal Services, Chemical Agents
Newburgh Town PD	Part 7500
Oneida County Jail	Educational Services, Exercise, Visitation, Correspondence
Onondaga County CF	Maximum Facility Capacity
Onondaga County Jail	Grievance Program
Ontario County Jail	Admissions, Staffing
Orleans County Jail	Security/Supervision, Reportable Incidents
Oswego County Jail	Chemical Agents, Grievance Program, Religion, Visitation, Discipline, Security and Supervision, Admissions
Peekskill PD	Part 7500
Piermont PD	Part 7500
Port Chester PD	Part 7500
Putnam County Jail	Grievance Program, Legal Services
Rockland CSD	Part 7500 (Sheriff's Office operates a lockup)
Rockland DA	Part 7500 (District Attorney operates a lockup)
Rye Brook PD	Part 7500
St. Lawrence County Jail	Staffing, Personnel Standard, Security and Supervision
Schuyler County Jail	Correspondence, Commissary
Steuben County Jail	Use of commissary funds
Tuxedo PD	Part 7500
Westchester County DOC	Educational services, Staffing, Grievance Program, Legal Services, Reportable Incidents, Security and Supervision
New York City DOC	Numerous Minimum Standard regulations

Construction

A part of its mandate to review and approve correctional facility construction projects, the Commission routinely provides technical assistance. Such assistance is provided to ensure projects maximize security features, are staff efficient (when applicable), and when applicable, meet Minimum Standard regulations. In 2018, the Commission provided construction-related technical assistance to the following facilities:

New York City DOC	<i>Door replacements, housing units converted to program areas, security fence installation.</i>
Otsego County Jail	<i>Planning for dormitory and other renovations</i>
Saratoga County Jail	<i>Renovations to the visiting room</i>

Security Operations

Assisting correctional facilities with security-related issues is an ongoing venture for the Commission. Operational practices concerning inmate supervision, key control, and security equipment are just a few of the topics that require attention. In 2018, the Commission provided security-related technical assistance to numerous correctional facilities, many of which are listed in the Technical Assistance – Minimum Standards section above.

Specialized Secure Detention Facilities

The Commission provided the following technical assistance to SSD facilities in 2018:

Horizon Juvenile Detention Center

- Review of operational policies and procedures
- Completed numerous on-site visits to assess progress with construction and facets of operations, with follow-up reports submitted to the administration
- Reviewed and approved various construction projects prior and subsequent to the facility's opening
- Attended numerous pre-opening meetings with representatives from the NYC Administration for Children's Services and New York City Department of Correction to discuss
- Approved certification of the facility's opening pursuant to Raise the Age legislation
- On site monitoring of the facility's opening
- Numerous on-site post-opening assessments and progress meetings with ACS and NYCDOC to implement policies and practices

Capital District Juvenile Secure Detention Facility

- Completed a pre-opening security assessment
- Review of operational policies and procedures
- Completed on-site visits to assess progress with construction and facets of operations, with follow-up reports submitted to the administration
- Completed numerous on-site visits to assess progress with construction and facets of operations, with follow-up reports submitted to the administration
- Approved certification of the facility's opening pursuant to Raise the Age legislation

Crossroads Juvenile Detention Center

- Completed a pre-opening security assessment
- Review of operational policies and procedures
- Completed on-site visits to assess progress with construction and facets of operations, with follow-up reports submitted to the administration
- Approved certification of the facility's opening pursuant to Raise the Age legislation
- On site monitoring of the facility's opening
- Numerous on-site post-opening assessments and progress meetings with ACS and NYCDOC

Erie County Secure Detention Center

- Completed a pre-opening security assessment
- Review of operational policies and procedures
- Completed on-site visits to assess progress with construction and facets of operations, with follow-up reports submitted to the administration
- Approved certification of the facility's opening pursuant to Raise the Age legislation

Hillbrook Juvenile Detention Facility

- Completed a pre-opening security assessment
- Review of operational policies and procedures
- Completed on-site visits to assess progress with construction and facets of operations, with follow-up reports submitted to the administration
- Approved certification of the facility's opening pursuant to Raise the Age legislation

Monroe County Children's Center

- Completed a pre-opening security assessment
- Review of operational policies and procedures
- Completed on-site visits to assess progress with construction and facets of operations, with follow-up reports submitted to the administration
- Reviewed and approved construction projects prior to the facility's opening
- Approved certification of the facility's opening pursuant to Raise the Age legislation

Woodfield Detention Center

- Completed a pre-opening security assessment
- Review of operational policies and procedures
- Completed on-site visits to assess progress with construction and facets of operations, with follow-up reports submitted to the administration
- Reviewed and approved construction projects prior to the facility's opening
- Approved certification of the facility's opening pursuant to Raise the Age legislation

Holding of Pre-Arraigned Individuals

Correction Law §500-a permits certain counties to hold pre-arraigned individuals in their jails. A more concerted effort by counties to implement centralized booking is underway, thus, resulting in technical assistance requests from county jails. In 2018, the Commission provided pre-arraignment-related technical to the following counties:

Cayuga County Jail

Chautauqua County Jail

MONITORING

There are instances whereby the Commission finds it necessary to monitor the operations of a correctional facility. In such cases, Commission staff will be deployed to facilities, generally for multiple days, to assess specific areas of operations. Ongoing communication with facility administrations and provision of technical assistance are priorities in these instances. In 2018, the Commission deployed staff to monitor the following correctional facilities:

Albany County Jail

The Albany County Sheriff's Office entered into an agreement with the federal Immigration and Customs Enforcement agency (ICE) to house 300+ inmates due to overcrowding in other detention facilities throughout the United States. Commission staff were present when ICE inmates were admitted to the facility and worked with the administration to ensure sufficient medical, language interpretation and legal assistance services were provided. Commission staff presence at the facility was a constant throughout this process and Governor Cuomo's office was kept apprised accordingly.

Horizon Juvenile Center

Commission staff were deployed to monitor the efforts of the New York City Department of Correction and New York City Administration for Children's Services as they prepared the opening of this specialized secure detention facility. Commission staff provided monitoring and technical assistance up to, during and after the transfer of adolescent offenders to the facility.

REPORTED INCIDENTS OF THE USE OF RESTRAINTS ON PREGNANT INMATES

Following 2015 and 2016 amendments to New York State Correction Law section 611, local correctional facilities are generally prohibited from utilizing any restraints on an inmate who is known by facility staff to be pregnant, on an inmate who is in labor, or on any inmate within eight (8) weeks after delivery or pregnancy outcome. Limited exceptions have been provided in the statute for instances where facility staff makes a "finding of extraordinary circumstances," whereupon options are limited to wrist restraints in front of the body. Any such use of restraints is required by the statute to be documented in writing within 5 days of use, specifying the facts upon which the finding of extraordinary circumstances was based, the type of restraint used, and the length of time such restraints were applied.

Correction Law section 611(1)(e) further requires that each local correctional facility submit an annual report to the Commission of Correction, detailing every use of restraint on a woman, as governed by the statute. The Commission is thereafter required to include such reported information in its annual report while excluding identifying information.

The following use-of-restraints incidents were reported to the Commission for 2018:

County: Chautauqua
Type of Restraint: Handcuffs
Length of Time in Restraints: Handcuffed in front Applied: 2:30 pm Removed: 5:30 pm
Length of Time in Restraints: Right wrist handcuffed to hospital bed Applied: 2:30 pm Removed: 8:00 pm
Length of Time in Restraints: Handcuffed in front Applied: 2:30 pm Removed: 8:00 pm
Facility Report - Reasons for Using Restraints Inmate, while in the jail's booking area, claimed to be in labor. She then started to yell that she would slam herself into the walls to kill the baby. She then began to punch herself in the abdomen. A medical order was then given to restrain the inmate to prevent further harm to herself or the fetus. She was then transported to UPMC-Jamestown Hospital.
Location: Intake
County: Monroe use #1
Type of Restraint Handcuffs in front. Wheelchair to transport van.
Length of Time in Restraints Applied: 10:00am Removed: Not provided
Facility Report - Reasons for Using Restraints While housed at the Monroe County Correctional Facility, inmate made statements of self-harm. While being escorted out of the housing unit, she grabbed the phone receiver and struck herself in the head. Due to this action and previous homicidal statements, she was handcuffed in front of her body and transported via wheelchair to the Monroe County Jail. Handcuffs were removed upon her arrival at the jail.
Location: Monroe County Correctional Facility
County: Monroe use #2
Type of Restraint Handcuffs in front. Wheelchair to transport van.
Length of Time in Restraints Applied: Not provided Removed: Not provided
Facility Report - Reasons for Using Restraints Inmate was restrained while at Strong Memorial Hospital and in a transport van while be transported back to the Monroe County Jail. No justification for the use of mechanical restraints was provided.
Location: Strong Memorial Hospital and transport van.
County: Monroe use #3
Type of Restraint Handcuffed left wrist to wheelchair from room to transport vehicle.
Length of Time in Restraints

Applied: 1:10pm Removed: 1:17pm
Facility Report - Reasons for Using Restraints While at Strong Memorial Hospital, inmate was being discharged, while her newborn had to remain in the Neonatal Intensive Care Unit for a few days. Inmate became hysterical, crying, waiving her arms and talking very loudly. At her request, she was escorted to the area where her baby was. When told she was being taken back to the Monroe County Correctional Facility, she continued to cry. When being discharged, she continued to act hysterically. She was then handcuffed to the wheelchair. She said she understood the reason for being handcuffed and asked that a small blanket be placed over the handcuffs to avoid embarrassment – her request was granted. Once at the transport vehicle, the handcuff was removed.
Location: Strong Memorial Hospital
County: Monroe use #4
Type of Restraint Handcuffed in front
Length of Time in Restraints Applied: 7:30pm Removed: Not provided
Facility Report - Reasons for Using Restraints No reason provided. Inmate was restrained in front in order to use her hospital room restroom.
Location: Unnamed Hospital
County: Monroe use #5
Type of Restraint Handcuffed in front
Length of Time in Restraints Applied: 12:18am Removed: Removed after use of restroom was completed
Facility Report - Reasons for Using Restraints Inmate was restrained in front in order to use her hospital room restroom. The use of mechanical restraints was authorized by the jail administration in light of inmate's April 2018 attempted escape from custody.
Location: Strong Memorial Hospital
County: Monroe use #6
Type of Restraint Handcuffed in front
Length of Time in Restraints Applied: 1:30pm Removed: 3:05pm
Facility Report - Reasons for Using Restraints Inmate restrained during her appearance before a city court judge, as she is considered an escape risk. No further information provided.
Location: City Court Bullpen
County: Monroe use #7
Type of Restraint

Handcuffed in front
Length of Time in Restraints Applied: 12:58pm while escorted to transport vehicle Removed: 1:00pm while in transport vehicle
Reapplied: 1:12pm upon arrival at medical appointment Removed: 2:20pm removed upon entry into the transport vehicle
Reapplied: 2:40pm prior to exiting transport vehicle Removed: 2:43pm upon arrival to assigned cell
Facility Report - Reasons for Using Restraints Restraints used due to inmate's erratic and threatening behavior while in custody. While at the medical appointment, inmate was told several times to stop yelling at staff. She refused.
Location: During transport to and while at Strong Women's Health
County: Monroe use #8
Type of Restraint Handcuffed in front
Length of Time in Restraints Applied: 9:15am Removed: 9:21am
Reapplied: 9:31am Removed: 9:36am
Facility Report - Reasons for Using Restraints Restraints used due to inmate's erratic and threatening behavior while in custody.
Location: During transport from Monroe County Jail to Rochester Forensic Unit.
County: Monroe use #9
Type of Restraint Handcuffed in front. Wheelchair to transport vehicle.
Length of Time in Restraints Applied: 4:00pm Removed: 4:30pm
Facility Report - Reasons for Using Restraints Handcuffs applied in preparation of transport from hospital to Monroe County Jail. Inmate was handcuffed per the Superintendent after he consulted with the facility physician.
Location: Strong Memorial Hospital – in preparation for transport back to Monroe County Jail.
County: Monroe use #10
Type of Restraint Handcuffed in front
Length of Time in Restraints Applied: 1:15pm Removed: 3:58pm
Facility Report - Reasons for Using Restraints Handcuffs applied to inmate prior to exiting her cell for an appointment at Strong Memorial Health Center. Restraints were authorized by the Superintendent in consultation with the facility physician.

Location: Monroe County Jail – in preparation for transport to Strong Memorial Health Center
County: Monroe use #11
Type of Restraint Handcuffed in front
Length of Time in Restraints Applied: 4:40pm Removed: 5:35pm
Facility Report - Reasons for Using Restraints Handcuffs applied to inmate prior to exiting her cell for an appearance at Chili Town Court. Restraints were authorized by the Superintendent in consultation with the facility physician
Location: Monroe County Jail – in preparation for appearance at Chili Town Court
County: Monroe use #12
Type of Restraint Handcuffed in front
Length of Time in Restraints Applied: 7:43am Removed: 10:13am
Facility Report - Reasons for Using Restraints Handcuffs applied to inmate prior to exiting her cell for an appointment at Strong Women's Health – she was transported to Strong Women's Health. At 9:47am, she was transported to Strong Memorial Hospital for further evaluation due to high risk pregnancy issues. Once assigned to a hospital room, the handcuffs in front were removed at 10:13am. A handcuff was then placed on her right wrist and secured to the bed, and a leg shackle was placed on her left ankle and secured to the bed. Restraints were authorized by the Superintendent in consultation with the facility physician
Location: Monroe County Jail, Strong Women's Health and Strong Memorial Hospital
County: Monroe use #13
Type of Restraint Handcuffed in front. Wheelchair to transport vehicle.
Length of Time in Restraints Applied: 3:40pm Removed: 4:05pm
Facility Report - Reasons for Using Restraints Handcuffs applied to inmate prior to departing Strong Memorial Hospital and removed upon return to the Monroe County Jail. Restraints were authorized by the Superintendent in consultation with the facility physician
Location: Transport from Strong Memorial Hospital to Monroe County Jail
County: Monroe use #14
Type of Restraint Handcuffed in front
Length of Time in Restraints Applied: 1:50pm Removed: 4:15pm
Facility Report - Reasons for Using Restraints

Handcuffs applied to inmate prior to exiting her cell for an appointment a Strong Women's Health Center. Handcuffs removed upon her return to the Monroe County Jail. Restraints were authorized by the Superintendent in consultation with the facility physician
Location: Transport from Monroe County Jail to Strong Women's Health Center
County: Monroe CJ use #15
Type of Restraint Handcuffed in front
Length of Time in Restraints Applied: 1:40pm Removed: 10:00pm
Facility Report - Reasons for Using Restraints Handcuffs applied to inmate prior to exiting her cell for an appointment at Strong Women's Health Center – she was transported to Strong Women's Health. Upon examination, medical staff requested that she be transported to Strong Memorial Hospital for further evaluation due to high risk pregnancy issues. She continued to remain in handcuffs until returning to the Monroe County Jail. No reason provided for use of restraints.
Location: Monroe County Jail, Strong Women's Health Center and Strong Memorial Hospital.
County: Monroe CJ use #16
Type of Restraint Handcuffed in front
Length of Time in Restraints Applied: 5:38pm Removed: 7:07pm
Facility Report - Reasons for Using Restraints Handcuffs applied to inmate prior to exiting her cell for an appearance at Irondequoit town Court. Handcuffs removed upon her return to the Monroe County Jail. Restraints were authorized by the Superintendent in consultation with the facility physician.
Location: Monroe County Jail and Irondequoit Town Court.
County: Monroe CJ use #17
Type of Restraint Handcuffed in front
Length of Time in Restraints Applied: 1:19pm Removed: 9:00pm
Facility Report - Reasons for Using Restraints Handcuffs applied to inmate prior to exiting her cell for an appointment at Strong Women's Health Center – she was transported to Strong Women's Health. She was then transported to Strong Memorial Hospital for further evaluation due to high risk pregnancy issues. Restraints were authorized by the Superintendent in consultation with the facility physician.
Location: Monroe County Jail and Irondequoit Town Court.
County: Monroe CJ use #18
Type of Restraint Handcuffed in front
Length of Time in Restraints Applied: 8:40am

Removed: 11:30am
Facility Report - Reasons for Using Restraints Handcuffs applied to inmate prior to exiting her cell for an appointment at Strong Women's Health Center – she was transported to Strong Women's Health. She was then transported back to the Monroe County Jail Restraints were authorized by the Superintendent in consultation with the facility physician.
Location: Monroe County Jail and Strong Women's Health Center
County: Monroe CJ use #19
Type of Restraint Handcuffed in front
Length of Time in Restraints Applied: 8:45am Removed: 10:05am
Facility Report - Reasons for Using Restraints Handcuffs applied to inmate prior to exiting her cell for an appointment at Strong Women's Health Center – she was transported to Strong Women's Health. She was then transported back to the Monroe County Jail Restraints were authorized by the Superintendent in consultation with the facility physician.
Location: Monroe County Jail and Strong Women's Health Center
County: Monroe CJ use #20
Type of Restraint Handcuffed in front
Length of Time in Restraints Applied: 5:30pm Removed: 5:55pm
Facility Report - Reasons for Using Restraints Handcuffs applied to inmate prior to being discharged from the Strong Memorial Hospital and transported back to the Monroe County Jail. Restraints were authorized by the Superintendent in consultation with the facility physician.
Location: Strong Memorial Hospital
County: Monroe CJ use #21
Type of Restraint Handcuffed in front
Length of Time in Restraints Applied: 12:30pm Removed: Not provided
Facility Report - Reasons for Using Restraints Handcuffs applied to inmate prior to being transported to Strong Memorial Hospital after claiming to be hiding a razor in her vagina and actively threatening to harm herself as soon as she had the chance. She claimed to be five months pregnant. Lieutenant Hayes determined inmate must be restrained for the transport to the hospital. She remained in restraints for the entire hospital stay.
Location: Monroe County Jail and Strong Memorial Hospital
County: Monroe CJ use #22
Type of Restraint

Handcuffed in front
Length of Time in Restraints Applied: 5:15pm Removed: 6:15pm
Facility Report - Reasons for Using Restraints Handcuffs applied to inmate prior to being transported to Chili Town Court. Handcuffs were removed upon her return to the Monroe County Jail. Restraints were authorized by the Superintendent in consultation with the facility physician.
Location: Monroe County Jail and Chili Town Court
County: Monroe CJ use #23
Type of Restraint Handcuffed in front
Length of Time in Restraints Applied: 2:40pm Removed: 4:30pm
Facility Report - Reasons for Using Restraints Handcuffs applied to inmate prior to being transported to Strong Women's Health Center. Handcuffs were removed upon her return to the Monroe County Jail. Restraints were authorized by the Superintendent in consultation with the facility physician.
Location: Monroe County Jail and Strong Women's Health Center
County: Monroe CJ use #24
Type of Restraint Handcuffed in front
Length of Time in Restraints Applied: 5:50pm Removed: 8:05pm
Facility Report - Reasons for Using Restraints Handcuffs applied to inmate prior to being transported to Irondequoit Town Court. Handcuffs were removed upon her return to the Monroe County Jail. Restraints were authorized by Major Horan due to inmate being a high risk/escape risk transport.
Location: Monroe County Jail and Irondequoit Town Court
County: New York City Department of Correction
Type of Restraint Handcuffed in front
Length of Time in Restraints Applied: 3:30am Removed: 3:45am Reapplied: 4:00am Removed: 8:30am
Facility Report - Reasons for Using Restraints Inmate was threatening NYCDOC and EMS staff, throwing objects while inside the intake holding pen and removing her clothing. She also stated that she will try to kill everyone as soon as she comes out of the holding pen. A Captain authorized the use of handcuffs and she was transported to Elmhurst Hospital. Upon arrival at the hospital, staff removed one handcuff from inmate and attached it to a bedrail. Inmate then used her free hand to pick up and swing around a metal IV pole. While doing so, she broke plexi-glass and threw a piece of

the broken plexi-glass at a Captain, hitting her on the hand. A physician then requested and a Captain authorized that that the handcuff be applied to inmate's free hand. The handcuffs were removed upon her return to the facility.
Location: Rose M. Singer Center (on Rikers Island) to Elmhurst Hospital
County: Onondaga County Justice Center
Type of Restraint Waist chain/handcuffs
Length of Time in Restraints Applied: 12:30pm Removed: 1:00pm
Facility Report - Reasons for Using Restraints After being arrested and detained at the Justice Center, inmate was evaluated by mental health staff and placed on Constant Supervision. Inmate was arraigned and released on recognizance. Due to mental health issues, mental health ordered inmate to be released to CPEP (Comprehensive Psychiatric Emergency Program). When the transport deputies arrived at her housing unit location, when she notified them that she was pregnant and began acting in a bizarre, disruptive manner. A lieutenant authorized staff to apply restraints for the transport to CPEP.
Location: Onondaga County Justice Center
County: Onondaga County Justice Center use #2
Type of Restraint Handcuffs
Length of Time in Restraints Applied: 9:35am Removed: 9:40am
Facility Report - Reasons for Using Restraints Inmate was involved in an incident where she threw water on a staff member while receiving medications from nursing staff. A deputy who was on the unit at the time placed inmate against the wall, ordered her to place her hands behind her back and placed handcuffs on her. She was escorted to her assigned cell and the handcuffs were removed without further incident.
Location: Onondaga County Justice Center
County: Ontario County Jail
Type of Restraint Waist chain with handcuffs and leg belt
Length of Time in Restraints Applied: 12:45pm Removed: 1:45pm
Facility Report - Reasons for Using Restraints Inmate (along with five others), was transported to the Town of Victor Court for proceedings. After reach court, inmate informed an officer that she was pregnant and that her housing unit officer knew this, as well. After her appearance before the judge, officers removed the restraints for the remainder of the transport. On the way back to the facility, officers checked the computer system and realized they missed a note indicating that inmate was a "two-officer" escort due to being pregnant.
Location: Onondaga County Justice Center.

NYS DEPARTMENT OF CIVIL SERVICE

Several SCOC staff are Subject Matter Experts who provide technical assistance to the NYS Department of Civil Service in the following areas:

- *Review of existing examination questions*
- *Preparation of new examination questions*
- *Review of and feedback on appeals submitted on questions*

In 2018, such assistance was provided on several occasions.

COUNSEL'S OFFICE

The Office of Counsel is responsible for the interpretation and analysis of all legal issues related to the work of the Commission. Part of this function includes the coordination of the Commission's legislative program, including the submission and review of legislation affecting the correctional and criminal justice system in New York State. The Commission's Office of Counsel continues to work collaboratively with the administrations of local correctional facilities on issues of mutual concern. Further, the Office of Counsel acts in an enforcement capacity with regard to actions to compel correctional facility compliance with minimum standard regulations, and acts as a liaison to the Attorney General's Office for all other agency-related litigation.

In addition to all the above-listed functions, Counsel's Office has developed a technical assistance approach to correctional jurisdictions by providing legal opinions to sheriffs and jail administrators.

Regulatory Reform

Pursuant to State Administrative Procedure Act §207, the Commission carried out the required regulatory review of all rules adopted in calendar years 1998, 2003, 2008 and 2013. After publishing notice and an invitation for public comment said rules were continued without amendment.

Effective December 19, 2017, 9 NYCRR part 7300 was renumbered, 9 NYCRR section 7013.2(l)(2) and section 7210.4(e) were amended and 9 NYCRR parts 7304 and 7304 were added to establish regulations pertaining to specialized secure detention facilities.

Effective September 26, 2018, 9 NYCRR parts 7301, 7302, 7305, 7306, 7308, 7309, 7310, 7311, 7312, 7313, 7320, 7322, 7326, 7328, 7331, 7332, 7334, 7336, 7350, 7352, 7354, 7356 and 7360 were added to establish regulations pertaining to specialized secure detention facilities.

Legislation Summary

The following legislative proposals were made to the Governor's Counsel's Office for the 2019-2020 session:

- 1.) Amending the Correction Law to allow county jails to comply with Prison Rape Elimination Act (PREA) relative to the classification of transgender and intersex inmates.
- 2.) Amending the Correction Law to allow for an inmate's transfer between local correctional facilities for participation in beneficial programming.
- 3.) Amending the Penal Law to add staff of the Commission of Correction to the list of employees protected from the aggravated harassment of inmates.

Litigation

In the course of the year, one (1) litigation matters were pending as of the end of 2018.

Legal Opinions

In 2018, Counsel's Office rendered 30 legal opinions by telephone and 3 legal opinions in writing.

Freedom of Information Law (FOIL) Requests

For the year 2018, the Office of Counsel received and responded to 276 Freedom of Information Law (FOIL) requests for records of the Commission of Correction.

Juvenile Justice

In 2018, Counsel's Office continued to provide guidance and assistance to the Field Operations Bureau with the Commission's duty of monitoring the state's compliance with the Juvenile Justice and Delinquency Prevention Act (JJDP Act).

On April 10, 2017, Governor Cuomo signed into law what is commonly known as "Raise the Age" legislation (Part WWW of Chapter 59 of the Laws of 2017), which generally serves to prohibit the detention of 16 and 17 year olds in adult jails and prisons, makes substantive changes to the procedures and mechanisms used to process 16 and 17 year old offenders in the criminal and youth justice systems, and allows for additional services for youth and alters the types of detention and/or placement they may receive.

Specifically, the legislation creates a new category of offender, known as an "adolescent offender," defined as a person 16 years old (effective October 1, 2018) or 17 years old (effective October 1, 2019) at the time such person is alleged to have committed a felony offense. While an adolescent offender's case is adjudicated in the Youth Part Court, he or she may be detained in the newly-created specialized secure juvenile detention facilities for older youth (SSDs). Per County Law §218-a(6), not every county will be required to operate a SSD, but all must have one available for use when necessary. In New York City, each SSD shall be operated by the Administration for Children's Services in conjunction with the Department of Corrections. All SSDs statewide are required to be certified and regulated by OCFS in conjunction with the Commission. Additionally, SSDs were included in the Correction Law §40(2) definition of "local correctional facility," necessitating that the Commission promulgate minimum standard regulations for such facilities pursuant to Correction Law §45(6), and approve or reject plans and specifications for their construction or improvement pursuant to Correction Law §45(10).

In advance of the October 1, 2018 deadline, the Commission's Office of Counsel, in collaboration with OCFS, commenced the process of drafting and promulgating compulsory regulations for the establishment and operation of SSDs. The Commission's Office of Counsel

also reviewed and made recommendations regarding the certification of six (6) specialized secured detention facilities for adolescent offenders and one (1) specialize juvenile detention facility.

Directives and Citations

In 2018, a Directive was issued to the following local correctional facility:

Batavia Police Department

In February 2018, the Commission issued a directive to the Chief of the Batavia Police Department for failing to observe the requirements of 9 NYCRR §7504.1(e) concerning the supervision of female prisoners and 9 NYCRR §7504.1(h) concerning armed officers present in the detention area. The Commission continues to work with the Batavia Police Department on a capital construction project that would address the minimum standard violations.