



Commission of Correction

ALLEN RILEY
Chairman

THOMAS J. LOUGHREN
Commissioner

March 17, 2021

THE HONORABLE ANDREW CUOMO
Governor

THE HONORABLE ANDREA STEWART-COUSINS
President Pro Tempore and Majority Leader

THE HONORABLE CARL HEASTIE
Assembly Speaker

THE HONORABLE ROBERT ORTT
Minority Conference Leader

THE HONORABLE WILLIAM BARCLAY
Assembly Minority Leader

Governor and Members of the Legislature:

I am pleased to submit to you the New York State Commission of Correction Annual Report for the year **2019**.

The Commission continues to stand by its mission to provide a safe, stable and humane correctional system in New York State. Governor Andrew Cuomo's commitment to the improvement of the correctional system in New York and his support of corrections professionals throughout the state gives the Commission added leverage to further its mission.

The statutory mandate of the State Commission of Correction is a broad and multi-faceted one. The Commission has continuously carried out its mandate effectively and efficiently, and stands out in the correctional arena as an innovator and provider of quality services to New York State.

The Commission's commitment to the correctional community and the people of New York State will remain strong. The agency looks forward to continuing to serve the best interests of both.

Respectfully,

A handwritten signature in cursive script that reads "Allen Riley".

Allen Riley
Chairman

cc: Jeremy Shockett, Deputy Secretary

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 incarcerated individual 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 incarcerated individual 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 26 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 38. 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 incarcerated individuals 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 incarcerated individual health care grievances and review of Medical Review Board recommendations.

The Medical Review Board meets on a quarterly basis. The 2019 MRB members included:

Michael Baden, M.D.
Allison Bishop, Esq
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 incarcerated individual 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 2019, the CPCRC reviewed and rendered determinations on 3845 grievances .

The Citizen's Policy and Complaint Review Council (CPCRC) convenes monthly. The 2019 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
2019

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

FIELD OPERATIONS
MISSION DIRECTED PROGRAMS

Correctional Facility Monitoring and Evaluations

Facility Reportable Incidents

Healthcare, Mental Health, and Suicide Prevention

Incarcerated individual Complaints and Grievances

Capacity Management, Staffing Services, Technical Assistance

Facilities Development and Operational Transition
(New Institutions Transition Assistance Program)

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: Discussions continue on a proposed SSD facility on Long Island.

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, incarcerated individual 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 2019, the Bureau of Field Operations consisted of four distinct 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 2019, Commission field staff launched the fourth of a four-year compliance auditing schedule. Over this period, staff will audit the level of compliance for each one of the 34 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 incarcerated individual 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 34 New York State Minimum Standards (9 NYCRR) pertaining to the management of county correctional facilities:

Consistent with the cycle evaluation schedule, in 2019, 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:

- | | |
|----------------------------------|------------------------------------|
| 7002 – Admissions | 7028 – Exercise |
| 7005 – Prisoner Personal Hygiene | 7033 – Transfer of Records |
| 7013 – Classification | 7039 – Fire Prevention and Safety |
| 7019 – Gifts and Gratuities | 7051 – Funeral and Deathbed Visits |
| 7024 – Religious Services | |

Listed below are Minimum Standard deficiencies identified by Commission staff at each county facility during the 2019 cycle evaluations. Specific cites for each Part are listed.

ALBANY COUNTY JAIL

Part 7002 Admissions

§7002.4(e) – Property confiscation

Part 7005 Prisoner Personal Hygiene

§7005.1(a) - Policy

Part 7024 Religious Services

§7024.6 – Religious dietary law

§7024.11 – Limitation on the exercise of religious beliefs

Part 7028 Exercise

§7028.4(c) – Exercise area and equipment

ALLEGANY COUNTY JAIL

Part 7002 Admissions

§7002.9 – Facility rules and information

Part 7004 Correspondence

§7004.1 - Policy

Part 7033. Transfer of Records

§7033.2 – Facility policies and procedures

BROOME COUNTY JAIL

Part 7002 Admissions

§7002.4 – Property Confiscation

§7002.9(b) – Facility rules and information

§7002.9(c) – Facility rules and information

Part 7004 Correspondence

§7004.2(b) – Outgoing prisoner correspondence

Part 7005 Prisoner Personal Hygiene

§7005.7(a) – Clothing

§7005.7(c) – Clothing

§7005.9(c) – Bedding

Part 7013 Classification

§7004.2(b) – Facility policies and procedures

Part 7028 Exercise

§7028.5 – Exercise area searches

Part 7033 Transfer of Records

§7033.2 – Facility policies and procedures

Part 7039 Fire Prevention and Safety

§7039.2 – Policies and procedures

Part 7051 Funeral and Deathbed Visits

§7051.3 – Facility policies and procedures

CATTARAUGUS COUNTY JAIL

Part 7002 Admissions

§7002.1 – Policy

Part 7004 Correspondence

§7004.2(c-e) – Privileged incoming and outgoing correspondence

Part 7005 Prisoner Personal Hygiene

§7005.7(c) – Clothing

Part 7013 Classification

§7013.3 – Facility policies and procedures

Part 7024 Religious Services

§7024.1(d) – Policy

Part 7028 Exercise

§7028.2(a) – Exercise periods

Part 7033 Transfer of Records

§7033.2 – Facility policies and procedures

Part 7051 Funeral and Deathbed Visits

§7051.3 – Policies and procedures

CAYUGA COUNTY JAIL

Part 7002 Admissions

§7002.4(e) – Property confiscation

§7002.9(a)(1) – Facility rules and information

§7002.9(c) – Facility rules and information

Part 7005 Prisoner Personal Hygiene

§7005.4(c) – Haircuts

Part 7013 Classification

§7013.3(c)(d) – Facility policies and procedures

Part 7019 Gifts and gratuities

§7019.1 – Gifts and gratuities

Part 7024 Religion

§7024.7 – Change of religion

§7024.8 – Religious Articles

Part 7028 Exercise

§7028.2(b) – Exercise periods

§7028.4(c) – Exercise areas and equipment

§7028.5 – Exercise area searches

Part 7039 Fire Prevention and Safety

§7039.4 – Fire and safety inspections

CHAUTAUQUA COUNTY JAIL

Part 7002 Admissions

§7002.4(c)(2) – Property confiscation

§7002.9 – Facility rules and information

Part 7005 Prisoner Personal Hygiene

§7005.3(a) – Shaving

Part 7028 Exercise

§7028.5 – Exercise area searches

Part 7039 Fire Prevention and Safety

§7039.5(b) – Fire prevention and safety practices and training

CHEMUNG COUNTY JAIL

Part 7002 Admissions

§7002.1 – Policy

Part 7005 Prisoner Personal Hygiene

§7005.1 – Policy

Part 7013 Classification

§7013.1 – Facility policies and procedures

Part 7033 Transfer of Records

§7033.2 – Facility policies and procedures

CHENANGO COUNTY JAIL

Part 7002 Admissions

§7002.4(c)(2) – Property confiscation

Part 7013 Classification

§7013.8(f) – Assignment to facility housing areas

Part 7028 Exercise

§7028.5 – Exercise area searches

§7028.6 – Limitation of exercise

Part 7039 Fire Prevention and Safety

§7039.4 – Fire safety inspections

Part 7051 Funeral and Deathbed Visits

§7051.11 – Records

CLINTON COUNTY JAIL

Part 7002 Admissions

§7002.1 – Policy

§7002.3(b) – Identification

§7002.4(c)(d)(f) – Property confiscation

§7002.5(a)(b) – Records

Part 7005 Prisoner Personal Hygiene

§7005.1 – Policy

Part 7013 Classification

§7013.3(c)(d) – Facility policies and procedures

§7013.8(f) – Assignment to facility housing areas

§7013.9(a)(1) – Classification review

§7013.12(a)(2) – Inmate screening and classification records

Part 7019 Gifts and Gratuities

§7019.1 – Policy

Part 7024 Religion

§7024.2 – Congregate religious activities

Part 7028 Exercise

§7028.1 – Policy

§7028.5 – Exercise area searches

Part 7039 Fire Prevention and Safety

§7039.4 – Fire safety inspections

Part 7051 Funeral and Deathbed Visits

§7051.3 – Facility policies and procedures

§7051.11 – Records

COLUMBIA COUNTY JAIL

Part 7002 Admissions

§7002.2(d) – Authority for admissions

§7002.4(c)(2) – Property confiscation

§7002.4(h)(2)(4) – Property confiscation

§7002.5(a)(b) – Records

Part 7005 Prisoner Personal Hygiene

§7005.7(a)(3)(iv) – Clothing

Part 7013 Classification

§7013.8(f) – Assignment to facility housing areas

§7013.9(a)(1) – Classification review

§7013.9(b) – Classification review

§7013.12(a) – Inmate screening and classification records

Part 7028 Exercise

§7028.2(a) – Exercise periods

Part 7033 Transfer of Records

§7033.2 – Facility policies and procedures

Part 7051 Funeral and Deathbed Visits

§7051.1 – Policy

CORTLAND COUNTY JAIL

Part 7028 Exercise

§7028.5 – Exercise area searches

Part 7039 Fire Prevention and Safety

§7039.5(b) – Fire prevention and safety practices and training

DELAWARE COUNTY JAIL

Part 7002 Admissions

§7002.4(c)(2) – Property confiscation

Part 7004 Correspondence

§7004.1(a) – Restrictions on correspondence

§7004.5 – Restrictions on correspondence

Part 7005 Prisoner Personal Hygiene

§7005.9(c)– Bedding

Part 7028 Exercise

§7028.5 – Exercise area searches

Part 7039 Fire Prevention and Safety

§7039.5(a)(b) – Fire prevention and safety practices and training

DUTCHESS COUNTY JAIL

Part 7002 Admissions

§7002.5(c) – Records

Part 7006 Discipline

§7006.9 – Disciplinary sanctions

Part 7028 Exercise

§7028.2(a) – Exercise periods

Part 7033 Transfer of Records

§7033.2 – Facility policies and procedures

Part 7039 Fire Prevention and Safety

§7039.2 – Policies and procedures

§7039.4 – Fire safety inspections

ERIE COUNTY JAIL (Holding Center)

Part 7002 Admissions

§7002.1(b) – Policy

§7002.7(b) – Personal hygiene and clothing issue

Part 7004 Correspondence

§7004.2(a) – Outgoing prisoner correspondence

Part 7013 Classification

§7013.3(a)(6) – Facility policies and procedures

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

§7013.8 – Assignment to facility housing areas

§7013.9(a)(b) – Classification review

Part 7024 Religion

§7024.2(a) – Congregate religious activities

§7024.8 – Religious articles

Part 7039 Fire Prevention and Safety

§7039.2 – Policies and procedures

§7039.4 – Fire safety inspections

Part 7051 Funeral and Deathbed Visits

§7051.3 – Facility policies and procedures

ERIE COUNTY CORRECTIONAL FACILITY

Part 7002 Admissions

§7002.1(b) – Policy

§7002.7(b) – Personal hygiene and clothing issue

Part 7004 Correspondence

§7004.2(a) – Outgoing prisoner correspondence

§7004.4.6(c) – Contraband found in incoming prisoner correspondence

Part 7005 Prisoner Personal Hygiene

§7005.4(b)– Haircuts

Part 7013 Classification

§7013.3(a)(6) – Facility policies and procedures

Part 7024 Religion

§7024.2(a) – Congregate religious activities

§7024.8 – Religious articles

Part 7028 Exercise

§7028.5 – Exercise area searches

Part 7039 Fire Prevention and Safety

§7039.2 – Policies and procedures

§7039.5 – Fire prevention and safety practices and training

Part 7051 Funeral and Deathbed Visits
§7051.3 – Facility policies and procedures

ESSEX COUNTY JAIL

Part 7002 Admissions

§7002.4(c)(e) – Property confiscation

§7002.9(a)(1)(15) – Facility rules and information

Part 7004 Correspondence

§7004.3(b)(1)(ii)(c) – Incoming prisoner correspondence

§7004.6(b)(2-4) – Contraband found in incoming correspondence

Part 7005 Prisoner Personal Hygiene

§7005.4(c) – Haircuts

§7005.6(d) – Personal healthcare items

Part 7024 Religion

§7024.8 – Religious articles

§7024.10 – Recognition of a religious group or organization

Part 7028 Exercise

§7028.2(e)(f) – Exercise periods

§7028.5 – Exercise searches

Part 7039 Fire Prevention and Safety

§7024.8 – Religious articles

FRANKLIN COUNTY JAIL

Part 7002 Admissions

§7002.3(a) – Identification

§7002.5(a) – Records

§7002.8 – Admission telephone calls

Part 7004 Correspondence

§7004.1 – Policy

§7004.2(a) – Outgoing prisoner correspondence

Part 7005 Prisoner Personal Hygiene

§7005.3(a) – Shaving

§7005.11 – Housing area maintenance

Part 7013 Classification

§7013.3(c)(d) – Facility policies and procedures

§7013.9(a)(1) – Classification review

Part 7028 Exercise

§7028.2(d)(f) – Exercise periods

§7028.4(c) – Exercise areas and equipment

§7028.5 – Exercise area searches

Part 7039 Fire Prevention and Safety

§7039.5(b) – Fire prevention and safety practices and training

FULTON COUNTY JAIL

Part 7002 Admissions

§7002.4(h) – Property confiscation

§7002.9(a)(9) – Facility rules and information

Part 7005 Prisoner Personal Hygiene

§7005.3(a) – Shaving

Part 7008 Visitation

§7008.3(a) – Availability of visits

Part 7024 Religion

§7024.4 – Celebration of religious holidays or festivals

§7024.7 – Change of religion

§7024.8 – Religious articles

Part 7028 Exercise

§7028.2(a) – Exercise periods

§7028.5 – Exercise area searches

§7028.6(b) – Limitation of exercise

GENESEE COUNTY JAIL

Part 7002 Admissions

§7002.4(c) – Property confiscation

Part 7013 Classification

§7013.13(b) – Quarterly classification report

GREENE COUNTY JAIL

In April 2018, the Greene County Jail was closed, as structural damage made it unsafe to house incarcerated individuals. Accordingly, no Minimum Standard evaluation was completed in 2019.

HAMILTON COUNTY JAIL

Part 7013 Classification

§7013.13(a) – Quarterly classification report

Part 7028 Exercise

§7028.2 and §7028.4 – Exercise periods

Part 7039 Fire Prevention and Safety

§7039.5 – Fire prevention and safety practices and training

HERKIMER COUNTY JAIL

Part 7003 Security and Supervision

§7003.9 – Key control

Part 7005 Prisoner personal hygiene

§7005.11 – Housing area maintenance

Part 7041 Staffing Requirements

§7041.2 – Facility functions and formulation of daily staffing needs

JEFFERSON COUNTY JAIL

Part 7002 Admissions

§7002.2(d)(5) – Authority for admissions

§7002.8 – Admissions telephone calls

Part 7004 Correspondence

§7004.2 – Outgoing prisoner correspondence

Part 7013 Classification

§7013.7(a) – Initial screening and risk assessment and 7030.2 – Non-English speaking prisoners

Part 7024 Religion

§7024.11 – Limitation on the exercise of religious beliefs

Part 7028 Exercise

§7028.2(a)(f) – Exercise periods

§7028.4(c) – Exercise areas and equipment

§7028.5 – Exercise area searches

Part 7039 Fire Prevention and Safety

§7039.4 – Fire and safety inspections

Part 7051 Funeral and Deathbed Visits

§7051.5(f)(1)(2) – Assessment and processing of visit requests

§7051.6(f) – Security and supervision requirements

LEWIS COUNTY JAIL

Part 7002 Admissions

§7002.3(b) – Identification

§7002.4(c)(d) – Property confiscation

§7002.5(b) – Records

Part 7005 Prisoner Personal Hygiene

§7005.1 – Policy

§7005.3 – Shaving

§7007.3(ii) – Clothing

Part 7013 Classification

§7013.3(c)(d) – Facility policies and procedures

§7013.8(f) – Assignment to facility housing areas

§7012.12(b)(2) – Inmate screening and classification records

Part 7024 Religion

§7024.1 – Policy

Part 7028 Exercise

§7028.5 – Exercise area searches

Part 7039 Fire Prevention and Safety

§7039.4 – Fire and safety inspections

Part 7051 Funeral and Deathbed Visits

§7051.3 – Facility policies and procedures

§7051.11 – Records

LIVINGSTON COUNTY JAIL

Part 7002 Admissions

§7002.4(c)(d) – Property confiscation

Part 7003 Security and Supervision

§7003.3 – Supervision of prisoners in facility housing areas

Part 7004 Correspondence

§7004.1 – Policies and procedures

Part 7005 Prisoner personal hygiene

§7005.7 – Clothing

Part 7013 Classification

§7013.10 – Confidentiality and disclosure of inmate medical and psychiatric records information

§7013.11(c) – Staff training

Part 7024 Religion

§7024.3(c) – Religious advisors

§7024.7 – Change of religion

§7024.10 – Recognition of a religious group or organization

Part 7028 Exercise

§7028.2(b) – Exercise periods

§7028.5 – Exercise area searches

Part 7039 Fire Prevention and Safety

§7039.2 – Policies and procedures

§7039.4 – Fire safety and inspections

§7039.5(a)(b) – Fire prevention and safety practices and training

Part 7051 Funeral and Deathbed Visits

§7051.3 – Facility policies and procedures

MADISON COUNTY JAIL

Part 7002 Admissions

§7002.3(b) – Identification

§7002.4(d)(e)(g)(h) – Property confiscation

Part 7004 Correspondence

§7004.1(a)(b) – Policy

§7004.2(a) – Outgoing prisoner correspondence

§7004.3(b) – Incoming prisoner correspondence

§7004.4 – Privileged incoming and outgoing correspondence

§7004.6(c) – Contraband found in incoming prisoner correspondence

Part 7005 Prisoner Personal Hygiene

§7005.1 – Policy

Part 7039 Fire Prevention and Safety

§7039.2 – Policies and procedures

Part 7051 Funeral and Deathbed Visits

§7039.2 – Policies and procedures

MONROE COUNTY JAIL AND CORRECTIONAL FACILITY

Part 7002 Admissions

§7002.5(a)(b) – Records

§7002.7(a) – Personal hygiene and clothing issue

§7002.9(a) – Facility rules and information

Part 7013 Classification

Correction Law §500-b – Housing of incarcerated individuals and other persons in custody

§7013.9(a)(1) – Classification review

Part 7024 Religion

§7024.7 – Change of religion

§7024.8 – Religious articles

Part 7028 Exercise

§7028.2(a)(f) – Exercise periods

§7028.5 – Exercise area searches

Part 7039 Fire Prevention and Safety

§7039.5(b) – Fire prevention and safety practices and training

MONTGOMERY COUNTY JAIL

Part 7002 Admissions

§7002.2(d)(5) – Authority for admissions

§7002.4(c)(d)(g) – Property confiscation

§7002.5(b) – Records

§7002.9 – Facility rules and information

Part 7004 Correspondence

§7004.3(c)(d) – Incoming prisoner correspondence

§7004.6 – Contraband found in incoming prisoner correspondence

Part 7005 Prisoner Personal Hygiene

§7005.1 – Policy

Part 7013 Classification

§7013.3 – Facility policies and procedures

Part 7019 Gifts and Gratuities

§7019.1 – Policy

Part 7024 Religion

§7024.1 – Policy

Part 7028 Exercise

§7028.1 – Policy

§7028.5 – Exercise area searches

Part 7039 Fire Prevention and Safety

§7039.2 – Policy and procedures

§7039.4 – Fire and safety inspections

Part 7051 Funeral and Deathbed Visits

§7051.11 – Records

NASSAU COUNTY JAIL

Part 7002 Admissions

§7002.2(3)(b) – Identification

§7002.4(e) – Property confiscation

Part 7004 Correspondence

§7004.6(c)(1) – Contraband found in incoming prisoner correspondence

Part 7005 Prisoner Personal Hygiene

§7005.6(d) – Personal healthcare items

§7005.7(a) – Clothing

Part 7013 Classification

§7013.3(c)(d) – Facility policies and procedures

§7013.11(c) – Staff training

Part 7028 Exercise

§7028.6(a) – Limitation of exercise

Part 7033 Transfer of Records

§7033.2 – Facility policies and procedures

NIAGARA COUNTY JAIL

Part 7002 Admissions

§7002.1 – Policy

Part 7013 Classification

§7013.1 – Policy

Part 7028 Exercise

§7028.1 – Policy

ONEIDA COUNTY JAIL

Part 7002 Admissions

§7002.4(c) – Property confiscation

Part 7013 Classification

§7013.8(c) – Assignment to facility housing areas

Part 7028 Exercise

§7028.5 – Exercise area searches

Part 7051 Funeral and Deathbed Visits

§7051.3 – Facility policies and procedures

§7051.6(b)(c) – Security and supervision requirements

§7051.8 – Facility staff conduct and inmate attire

ONONDAGA COUNTY CUSTODY and CORRECTION DEPARTMENT

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 7002 Admissions

§7002.2(d)(5) – Authority for Admission

§7002.9 – Facility rules and information

Part 7004 Correspondence

§7004.2(a) – Outgoing prisoner correspondence

Part 7013 Classification

Correction Law §500-b – Separation of classification

§7013.1 – Policy

§7013.6(b) – Authorized commingling

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

§7013.8(a) – Assignment to facility housing areas

§7013.11(c) – Staff training

Part 7024 Religion

§7024.2 – Congregate religious activities

§7024.6 – Religious dietary laws

§7024.7 – Change of religion

§7024.11 – Limitation on the exercise of religious beliefs

Part 7028 Exercise

§7028.2(f) – Exercise periods

§7028.4(c) – Exercise areas and equipment

§7028.5 – Exercise area searches

Part 7051 Funeral and Deathbed Visits

§7028.2(f) – Exercise periods

ONTARIO COUNTY JAIL

Part 7004 Correspondence

§7004.2(a) – Outgoing prisoner correspondence

Part 7024 Religion

§7024.6 – Religious dietary laws

ORANGE COUNTY JAIL

Part 7002 Admissions

§7002.4(g)(i) – Property confiscation

Part 7004 Correspondence

§7004.3(a)(b)(2)(c)(d) – Incoming prisoner correspondence

§7004.4(d) – Privileged incoming and outgoing correspondence

§7004.6(b)(2)(c) – Contraband found in incoming prisoner correspondence

Part 7028 Exercise

§7028.2(a) – Exercise periods

§7028.5 – Exercise area searches

Part 7033 Transfer of Records

§7033.2 – Facility policies and procedures

Part 7039 Fire Prevention and Safety

§7039.4 – Fire and safety inspections

ORLEANS COUNTY JAIL

Part 7002 Admissions

§7002.4(c)(d)(f)(g) – Property confiscation

§7002.9 – Facility rules and information

Part 7005 Prisoner Personal Hygiene

§7005.1 – Policy

Part 7013 Classification

§7013.8(f) – Assignment to facility housing areas

Part 7028 Exercise

§7028.5 – Exercise area searches

Part 7039 Fire Prevention and Safety

§7039.4 – Fire and safety inspections

OSWEGO COUNTY JAIL

Part 7001 Construction

§7001.1(a)(b) – Construction and renovation

Part 7004 Correspondence

§7004.3(a) – Outgoing prisoner correspondence

§7004.6(a) – Contraband found in incoming prisoner correspondence

Part 7013 Classification

§7013.9(a) – Classification reviews

Part 7024 Religion

§7024.8 – Religious articles

Part 7028 Exercise

§7028.2(a) – Exercise periods

Part 7033 Transfer of Records

§7033.2 – Facility policies and procedures

Part 7039 Fire Prevention and Safety

§7039.2 Policies and procedures

§7039.5(b) Fire prevention and safety practices

OTSEGO COUNTY JAIL

Part 7002 Admissions

§7002.1 – Policy

§7002.4(c)(f) – Property confiscation

§7002.5(b) – Records

Part 7005 Prisoner Personal Hygiene

§7005.7 – Clothing

Part 7013 Classification

§7013.3(c)(d) – Facility policies and procedures

§7013.8(b) – Assignment to facility housing areas

§7013.9(a)(1)(b) – Classification review

§7013.12 – Inmate screening and classification

Part 7028 Exercise

§7028.1 – Policy

§7028.5 – Exercise area searches

Part 7039 Fire Prevention and Safety

§7039.4 – Fire and safety inspections

Part 7051 Funeral and Deathbed Visits

§7051.3 – Facility policies and procedures

§7051.11 – Records

PUTNAM COUNTY JAIL

Part 7002 Admissions

§7002.5(a)(b) – Records

§7002.7(a) - Personal hygiene and clothing issue

§7002.8 – Admissions telephone call

§7002.9(a) – Facility rules and information

Part 7004 Correspondence

§7002.4.1 – Policy

§7002.4.2(a) – Outgoing prisoner correspondence

Part 7005 Prisoner Personal Hygiene

§7005.1 – Policy

§7005.3(a) – Shaving

Part 7013 Classification

§7013.1 – Policy

§7013.7(b)(6)(10) – Initial screening and risk assessment

§7013.12(a) – Inmate screening and classification records

Part 7024 Religion

§7024.1 – Policy

Part 7033 Transfer of Records

§7033.2 – Facility policies and procedures

Part 7040 Maximum Facility Capacity

§7040 – Non-standard housing

Part 7051 Funeral and Deathbed Visits

§7051.1 - Policy

RENSSELAER COUNTY JAIL

Part 7002 Admissions

§7002.4(c)(f)(g) – Property confiscation

§7002.9(a)(16) – Facility rules and information

Part 7005 Prisoner Personal Hygiene

§7005.7(f) – Clothing

Part 7051 Funeral and Deathbed Visits

§7051.6(c)(3)(4) – Security and supervision requirements

ROCKLAND COUNTY JAIL

Part 7013 Classification

§7013.4(e) – Classification categories

§7013.8(d) – Assignment to facility housing areas

ST. LAWRENCE COUNTY JAIL

Part 7002 Admissions

§7002.4(c) – Property confiscation

Part 7024 Religion

§7024.4 – Celebration of religious holidays or festivals

§7024.6 – Religious dietary laws

§7024.7 – Change of religion

Part 7039 Fire Prevention and Safety

§7039.4 – Fire and safety inspections

SARATOGA COUNTY JAIL

Part 7002 Admissions

§7002.4(c)(g) – Property confiscation

§7002.9(a)(16) – Facility rules and information

Part 7005 Prisoner Personal Hygiene

§7005.3 – Shaving

Part 7013 Classification

§7013.8(b)(c) – Assignment to facility housing areas

Part 7039 Fire Prevention and Safety

§7039.5(a) – Fire prevention and safety practices and training

SCHENECTADY COUNTY JAIL

Part 7002 Admissions

§7002.4(c)(4) – Property confiscation

§7002.9 – Facility rules and information

Part 7013 Classification

§7013.3(d) – Facility policies and procedures

§7013.8(c) – Assignment to facility housing areas

§7013.9(a)(1) – Classification review

Part 7024 Religion

§7024.11 – Limitations on the exercise of religious beliefs

Part 7039 Fire Prevention and Safety

§7039.4 – Fire and safety inspections

Part 7040 Maximum Facility Capacity

§7040 – Non-standard housing

Part 7051 Funeral and Deathbed Visits

§7051.3 – Facility policies and procedures

§7051.5(f) – Assessment and processing of visit requests

§7051.11 – Records

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 and is anticipated to open in fall 2020.

SCHUYLER COUNTY JAIL

Part 7002 Admissions

§7002.4(c)(d) – Property confiscation

§7002.7(b) – Personal hygiene and clothing issue

Part 7004 Correspondence

§7004.3(c)(1) – Incoming prisoner correspondence

§7004.5 – Restrictions

Part 7005 Prisoner Personal Hygiene

§7005.7(a)(3)(i-iv) – Clothing

Part 7013 Classification

§7013.12 – Inmate screening and classification records

Part 7028 Exercise

§7028.2(a) – Exercise periods

§7028.4(c) – Exercise areas and equipment

§7028.5 – Exercise area searches

Part 7039 Fire Prevention and Safety

§7039.3 – Policies and procedures

§7039.4 – Fire and safety inspections

SENECA COUNTY JAIL

Part 7002 Admissions

§7002.1 – Policy

Part 7005 Prisoner Personal Hygiene

§7005.1 – Policy

Part 7013 Classification

§7013.1 – Policy

§7013.3(c)(d)(1-3) – Facility policies and procedures

Part 7019 Gifts and Gratuities

§7019.1 – Policy

Part 7024 Religion

§7024.1 – Policy

Part 7033 Transfer of Records

§7033.1 – Policy

STEUBEN COUNTY JAIL

Part 7002 Admissions

§7002.1 – Policy

Part 7004 Correspondence

§7004.1 – Policy

Part 7024 Religion

§7024.1 – Policy

Part 7039 Fire Prevention and Safety

§7039.2 – Policies and procedures

SUFFOLK COUNTY JAILS (RIVERHEAD AND YAPHANK)

Part 7002 Admissions

§7002.2(a)(2) – Authority for admission

§7002.2(c)(d)(5) – Authority for admission

§7002.4(c) – Property confiscation

Part 7003 Security and Supervision

§7003.3 – Supervision of prisoners in facility housing areas

Part 7004 Correspondence

§7004.1(c) – Policy

§7004.2(b)(g) – Outgoing prisoner correspondence

Part 7005 Prisoner Personal Hygiene

§7005.3(b) – Shaving

§7005.4(b) – Haircuts

§7005.5(d) – Hair styles

§7005.6(a)(4) – Personal health care items

§7005.7(3)(a)(ii)(iv) – Clothing

Part 7013 Classification

§7013.3(a)(7)(c)(d) – Facility policies and procedures

§7013.9 – Classification review

Part 7028 Exercise

§7028.2(e)(f) – Exercise periods

§7028.5 – Exercise area searches

Part 7039 Fire Prevention and Safety

§7039.3(a) – Fire prevention codes requirement

§7039.5(c) – Fire prevention and safety practices and training

Part 7051 Funeral and Deathbed Visits

§7051.5(a) – Assessment and processing of visit requests

SULLIVAN COUNTY JAIL

Part 7013 Classification

§7013.8(c) – Assignment to facility housing areas

§7013.9(a) – Classification review

§7013.13(a) – Quarterly Classification Report

TIOGA COUNTY JAIL

The facility was found to be in full compliance with the Minimum Standards reviewed during the 2019 evaluation.

TOMPKINS COUNTY JAIL

Part 7002 Admissions

§7002.2(d)(5) – Authority for admission

Part 7002 Admissions

§7002.4(c)(d) – Property confiscation

§7002.5(b) – Records

§7002.9 – Facility Rules and Information

Part 7004 Correspondence

§7004.6 – Contraband found in incoming prisoner correspondence

Part 7005 Prisoner Personal Hygiene

§7005.1 – Policy

Part 7013 Classification

§7013.1 – Policy

§7013.8(f) – Assignment to facility housing areas

Part 7028 Exercise

§7028.5 – Exercise area searches

ULSTER COUNTY JAIL

Part 7002 Admissions

§7002.1 – Policy

Part 7004 Correspondence

§7004.1 – Policy

Part 7005 Prisoner Personal Hygiene

§7005.1 – Policy

Part 7024 Religion

§7024.1 – Policy

WARREN COUNTY JAIL

Part 7002 Admissions

§7002.1 – Policy

§7002.5(b) – Records

Part 7005 Prisoner Personal Hygiene

§7005.1 – Policy

Part 7013 Classification

§7013.9(a)(1) – Classification review

Part 7028 Exercise

§7028.1 – Policy

WASHINGTON COUNTY JAIL

Part 7002 Admissions

§7002.4(c)(f) – Property confiscation

§7002.9(a)(10)(12)(16) – Facility rules and information

Part 7004 Correspondence

§7004.1 – Policy

§7004.4 – Privileged incoming and outgoing correspondence

§7004.5 – Restrictions on correspondence

Part 7013 Classification

§7013.8(b) – Assignment to facility housing areas

Part 7015 Sanitation

§7015.1 – Policy

§7015.2(c) – General facility sanitation

Part 7028 Exercise

§7028.4(c) – Exercise areas and equipment

§7028.5 – Exercise area searches

Part 7033 Transfer of Records

§7033.6 - Confidentiality

Part 7051 Funeral and Deathbed Visits

§7051.6(c)(iii) – Security and supervision requirements

WAYNE COUNTY JAIL

Part 7028 Exercise

§7028.2(f) – Exercise periods

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

Part 7002 Admissions

§7002.4(e) – Property confiscation

Part 7004 Correspondence

§7004.2(a) – Outgoing prisoner correspondence

Part 7013 Classification

§7013.6(b) – Authorized commingling and Correction Law 500-b(3)

§7013.8(f) – Assignment to facility housing areas

Part 7024 Religion

§7024.11 – Limitation on the exercise of religious beliefs

Part 7028 Exercise

§7028.2(e)(f) – Exercise periods

WYOMING COUNTY JAIL

Part 7051 Funeral and Deathbed Visits

§7051.1 - Policy

YATES COUNTY JAIL

Part 7002 Admissions

§7002.1 – Policy

Part 7005 Prisoner Personal Hygiene

§7005.7 – Clothing

Part 7013 Classification

§7013.3 – Facility policies and procedures

Part 7028 Exercise

§7028.2(a) – Exercise periods

§7028.6(b) – Limitation of exercise

Part 7039 Fire Prevention and Safety

§7039.2(c) – Policies and Procedures

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 Infirmary 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 incarcerated individual 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 2019 cycle evaluations. Specific cites for each Part are listed below.

NYCDOC ANNA M. KROSS CENTER

Part 7002 Admissions

§7002.4(c)(d)(e)(h) – Property confiscation

§7002.8 – Admissions telephone call

§7002.9(c) – Facility rules and information

Part 7003 Security and Supervision

§7003.1 – Policy and Correction Law 500-c

§7003.9(e) – Key control

Part 7004 Correspondence

§7004.6(b)(2) – Contraband found in incoming prisoner correspondence

Part 7005 Prisoner Personal Hygiene

§7005.1 - Policy

§7005.4(a) - Haircuts

§7005.5(a) - Laundry and repair of clothing

Part 7024 Religion

§7024.11 – Limitation on exercise of religious beliefs

NYCDOC BROOKLYN DETENTION COMPLEX

Part 7002 Admissions

§7002.2(d)(5) – Authority for admissions

§7002.4(d)(e)(h)(3) – Property confiscation

§7002.8 - Admissions telephone call

§7002.9(c) - Facility rules and information

Part 7003 Security and Supervision

§7003.1 – Policy

Part 7004 Correspondence

§7004.2(e) – Outgoing correspondence

§7004.3(b)(1)(ii) – Outgoing correspondence

§7004.4 – Outgoing correspondence

§7004.6(b)(2) – Contraband found in incoming correspondence

Part 7005 Prisoner Personal Hygiene

§7005.3(a) – Shaving

§7005.4(a)(b) – Haircuts

§7005.8(a) – Laundry and repair of clothing

Part 7024 Religion

§7024.2(a) – Congregate religious activities

§7024.3(b) – Religious advisors

§7024.5 – Supervision of prisoners exercising their religious beliefs

§7024.6 – Religious dietary laws

Part 7028 Exercise

§7028.5 – Exercise area searches

NYCDOC ERIC M. TAYLOR CENTER

Part 7002 Admissions

§7002.2(c)(2)(4)(d)(e) – Property confiscation

§7002.8 – Admissions telephone call

§7002.9 – Facility rules and information

Part 7003 Security and Supervision

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

Part 7004 Correspondence

§7004.6(b)(2) – Contraband found in incoming correspondence

Part 7005 Prisoner Personal Hygiene

§7005.8(a) – Laundry and repair of clothing

Part 7024 Religion

§7024.11 – Limitations on the exercise of religious beliefs

NYCDOC GEORGE R. VIerno CENTER

Part 7002 Admissions

§7002.2(c)(d)(5) – Authority for admissions

§7002.4(c)(d)(e)(h)(3) – Property confiscation

§7002.7(b) – Personal hygiene and clothing issue

§7002.8 – Admissions telephone call

§7002.9(a)(c) – Facility rules and information

Part 7004 Correspondence

§7004.2(e) – Outgoing correspondence

§7004.4(d) – Outgoing correspondence

§7004.6(b)(2) – Contraband found in incoming prisoner correspondence

Part 7005 Prisoner Personal Hygiene

§7005.1 - Policy

§7005.4(b) – Haircuts

§7005.6(a) – Personal healthcare items

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

Part 7024 Religion

§7024.2(a)(b) – Congregate religious activities

§7024.5 – Supervision of prisoners exercising their religious beliefs

Part 7028 Exercise

§7028.2(f) – Exercise periods

§7028.5 – Exercise area searches

NYCDOC MANHATTAN DETENTION COMPLEX

Part 7002 Admissions

§7002.2(c)(d)(5) – Authority for admissions

§7002.4(h)(3) – Property confiscation

§7002.8 – Admissions telephone call

§7002.9(c) – Facility rules and information

Part 7004 Correspondence

§7004.2(e) – Outgoing correspondence

§7004.4(d) – Outgoing correspondence

§7004.6(b)(2) – Contraband found in incoming prisoner correspondence

Part 7005 Prisoner Personal Hygiene

§7005.4(b) – Haircuts

§7005.8(a) – Laundry and repair of clothing

Part 7028 Exercise

§7028.2(f) – Exercise periods

§7028.4(a) – Exercise area and equipment

§7028.5 – Exercise area searches

NYCDOC NORTH INFIRMARY COMMAND

Part 7002 Admissions

§7002.4(c)(d) – Property confiscation

§7002.6 – Medical screening

§7002.9(c) – Facility rules and information

Part 7004 Correspondence

§7004.6(b)(2) – Contraband found in incoming prisoner correspondence

Part 7005 Prisoner Personal Hygiene

§7005.8(a) – Laundry and repair of clothing

Part 7028 Exercise

§7028.2(a)(b)(f) – Exercise periods

§7028.4(d) – Exercise area and equipment

§7028.5 – Exercise area searches

NYCDOC OTIS BANTUM CORRECTIONAL CENTER

Part 7002 Admissions

§7002.2(c) – Authority for admissions

§7002.2(d)(5) – Authority for admissions

§7002.4(d)(e)(h)(3) – Property confiscation

§7002.7(b) – Personal hygiene and clothing issue

§7002.8 – Admissions telephone call

§7002.9(c) – Facility rules and information

Part 7004 Correspondence

§7004.4(d) – Outgoing correspondence

§7004.6(b)(2) – Contraband found in incoming prisoner correspondence

Part 7005 Prisoner Personal Hygiene

§7005.4(a) – Haircuts

§7005.7(d) – Clothing

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

§7005.10 – Storage of clothing and bedding

Part 7024 Religion

§7024.2(a) – Congregate religious activities

§7024.3(b) – Religious advisor

§7024.5 – Supervision of prisoners exercising their religious beliefs

Part 7028 Exercise

§7028.2(f) – Exercise periods

§7028.4(c) – Exercise area and equipment

§7028.5 – Exercise area searches

NYCDOC ROSE M. SINGER CENTER

Part 7002 Admissions

§7002.2(c)(d)(5) – Authority for admissions

§7002.4(e)(h)(3) – Property confiscation

§7002.9(c) – Facility rules and information

Part 7004 Correspondence

§7004.2(e) – Outgoing correspondence

§7004.4(d) – Outgoing correspondence

§7004.6(b)(2) – Contraband found in incoming prisoner correspondence

Part 7005 Prisoner Personal Hygiene

§7005.4(b) – Haircuts

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

Part 7028 Exercise

§7028.2(f) – Exercise periods

§7028.5 – Exercise area searches

NYCDOC ROBERT N. DAVOREN CENTER

Part 7002 Admissions

§7002.4(e) – Property confiscation

§7002.8 – Admissions telephone call

§7002.9(c) – Facility rules and information

Part 7004 Correspondence

§7004.6(b)(2) – Contraband found in incoming prisoner correspondence

Part 7005 Prisoner Personal Hygiene

§7005.3(a) – Shaving

Part 7024 Religion

§7024.6 – Religious dietary laws

Part 7028 Exercise

§7028.2(b)(f) – Exercise periods

§7028.5 – Exercise area searches

NYCDOC VERNON C. BAIN CENTER

Part 7002 Admissions

§7002.4(c)(2)(e)(f) – Property confiscation

§7002.8 – Admissions telephone call

§7002.9(c) – Facility rules and information

Part 7003 Security and Supervision

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

§7003.9(e) – Key control

Part 7004 Correspondence

§7004.6(b)(2) – Contraband found in incoming prisoner correspondence

Part 7005 Prisoner Personal Hygiene

§7005.1 – Policy

§7005.5(a) – Laundry and repair of clothing

NYCDOC WEST FACILITY

Part 7002 Admissions

§7002.4(c)(4)(d)(f) – Property confiscation

§7002.9(c) – Facility rules and information

Part 7004 Correspondence

§7004.6(b)(2) – Contraband found in incoming prisoner correspondence

Part 7005 Prisoner Personal Hygiene

§7005.8(a) – Laundry and repair of clothing

Part 7028 Exercise

§7028.2(f) – Exercise periods

§7028.4(d) – Exercise periods

§7028.5 – Exercise area searches

§7028.6(b) – Limitation of exercise

New York State Office of Children and Family Services

In 2019, 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:

7415 – Case Management and Counseling
7420 – Grievance Program
7427 – Access to Media
7435 – Deathbed and Funeral Visits
7434 – Sanitation
7441 – Environmental Health and Safety

7417 – Food Services
7422 – Visitation
7433 – Personnel
7438 – Construction
7440 – Fire Prevention

BROOKWOOD SECURE CENTER

Part 7404 Security and Supervision

§7404.13(c) – Key control

Part 7435 Deathbed and Funeral Visits

§7435.1(b) – Policy

Part 7439 Sanitation

§7439.7 – Sanitation inspections

COLUMBIA SECURE CENTER

Part 7435 Deathbed and Funeral Visits

§7435.1(b) – Policy

Part 7439 Sanitation

§7439.7 – Sanitation inspections

GOSHEN SECURE CENTER

Part 7422 Visitation

§7422.6(c) – Visitation security and supervision

Part 7435 Deathbed and Funeral Visits

§7435.1(b) – Policy

Part 7439 Sanitation

§7439.7 – Sanitation inspections

MACCORMICK SECURE CENTER

Part 7422 Visitation

§7422.6(c) – Visitation security and supervision

Part 7435 Deathbed and Funeral Visits

§7435.1(b) – Policy

Part 7439 Sanitation

§7439.7(a)(b) – Sanitation inspections

Part 7439 Sanitation

§7440(a)(b) – Fire prevention and safety practices and training

Police Department Lockups

Consistent with the evaluation schedule, in 2019, Commission staff assessed compliance at police department lockups with the following Minimum Standard regulations:

7502 – Admission Procedures	7507 – Discipline
7503 – Medical	7508 – Reportable Incidents
7504 – Supervision of Detention Areas	7509 – Records
7505 – Food	7510 – Visits
7506 – Sanitation and Maintenance	7511 – Construction and Renovation
	7512 – Variances

In 2019, Commission staff assessed Minimum Standard compliance at 147 police department lockups.

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 - 34
New York State Family Courts - 16	

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 incarcerated individuals, 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 2019, 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.

County Jails

In 2019 the Commission received 5716 reportable incidents from county jails.

Categories

A preponderance of the reportable incidents submitted by county jails fell into the following categories:

	% Total Incidents along Sub Category	Total Incidents
Individual Inmate Disturbance	32.05%	1,832
Hospital Admission of Inmate	20.89%	1,194
Inmate-Introduced Contraband	13.45%	769
Inmate/Inmate Assault	9.59%	548
Minor Disturbance	5.32%	304
Release of Hospitalized Inmate From Custody	2.92%	167
Inmate/Personnel Assault	2.87%	164
Inmate Self-Inflicted Injury	2.54%	145
Inmate Attempted Suicide	2.45%	140
Inmate cell confinement	2.03%	116
Unknown Source-Introduced Contraband	1.92%	110
Inmate segregation	1.50%	86
Inmate Accidental Injury	1.12%	64
Visitor-Introduced Contraband	1.10%	63
Inmate Group Assault/Gang Assault	0.91%	52
Deprivation/Limitation of essential services	0.68%	39
Release of segregated inmate	0.52%	30
Cancelation of outdoor exercise	0.44%	25
Major Maintenance/Service Disruption	0.28%	16
Personnel/Inmate Sexual Offense	0.23%	13
Inmate toilet/sink access	0.19%	11
Inmate Contagious Illness	0.17%	10
Personnel Accidental Injury	0.17%	10

Timeframes

Incident to Reported 2 days

Reported to Closed 9 days

New York City Department of Correction

In 2019, the Commission received 16,725 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:

	% Total Incidents along Sub-Category	Total Incidents
Inmate/Inmate Assault	29.83%	4,989
Individual Inmate Disturbance	25.57%	4,276
Inmate/Personnel Assault	15.92%	2,662
Inmate Group Assault/Gang Assault	8.57%	1,434
Inmate-Introduced Contraband	7.61%	1,272

Minor Disturbance	6.22%	1,041
Hospital Admission of Inmate	5.00%	836
Unknown Source-Introduced Contraband	4.37%	731
Personnel/Inmate Assault	1.96%	328
Personnel/Inmate Sexual Offense	1.86%	311
Inmate/Inmate Sexual Offense	1.68%	281
Visitor-Introduced Contraband	1.44%	241
Inmate Accidental Injury	1.06%	178
Release of Hospitalized Inmate From Custody	0.98%	164

Timeframes

Incident to Reported 7 days

Reported to Closed 13 days

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 2019 the Commission received 292 reportable incidents from Secure Centers Operated by the Office of Children and Family Services.

Categories

A preponderance of the incidents fell into the following categories:

	% Total Incidents along Sub-Category	Total Incidents
Individual Resident Disturbance	40.75%	119
Resident/Staff Assault	36.64%	107
Resident Self-Inflicted Injury	25.34%	74
Resident/Resident Assault	17.81%	52
Contraband Other	5.48%	16

Resident/Resident Sexual Abuse/Assault	1.37%	4
Major Maintenance/Service Disruption	0.68%	2
Minor Disturbance	0.68%	2
Staff/Resident Assault	0.68%	2
Contraband Dangerous Weapon	0.34%	1
Fire/Unknown Source	0.34%	1
Resident Attempted Suicide	0.34%	1
Resident/Staff Sexual Abuse/Assault	0.34%	1
Staff/Resident Sexual Abuse/Assault	0.34%	1

Timeframes

Incident to Reported 2 days

Reported to Closed 6 days

**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 2019 the Commission received 952 reportable incidents from SSD facilities.

Categories

A preponderance of the incidents fell into the following categories:

	% Total Incidents along Sub-Category	Total Incidents
Resident/Resident Assault	28.36%	270
Resident/Staff Assault	28.05%	267
Individual Resident Disturbance	16.91%	161

Contraband Other	10.29%	98
Minor Disturbance	7.67%	73
Resident Self-Inflicted Injury	3.78%	36
Contraband Dangerous Weapon	3.05%	29
Resident Group Assault/Gang Assault	2.63%	25
Major Disturbance	1.58%	15
Resident/Resident Sexual Abuse/Assault	1.47%	14
Resident Group Action	1.26%	12
Resident/Staff Sexual Abuse/Assault	1.26%	12
Contraband Controlled Substance	0.84%	8
Staff/Resident Assault	0.63%	6
Attempted Escape	0.21%	2
Fire/Non-arson	0.21%	2
Resident Attempted Suicide	0.21%	2
Capture/Return to custody of escaped resident	0.11%	1
Escape/Other Agency Supervision	0.11%	1
Natural/Civil Emergency	0.11%	1
Staff/Resident Sexual Abuse/Assault	0.11%	1

Timeframes

Incident to Reported 2 days

Reported to Closed 24 days

**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 2019, 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 2019, the Commission received 668 reported incidents from local police agencies.

Categories

A preponderance of the incidents fell into the following categories:

	% Total Incidents along Sub Category	Total Incidents
Inmate Injury/illness requiring hospitalization	92.37%	617
Disturbance	7.78%	52
Civil Emergency	0.30%	2

Timeframes

Incident to Reported 2 days

Reported to Closed 12 days

COMPLAINTS STATE AND LOCAL CORRECTIONAL FACILITIES

Complaints from incarcerated individuals, 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 incarcerated individuals 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 incarcerated individual 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. Incarcerated individuals often report multiple issues within a single piece of correspondence.

In 2019, the Commission received 2,396 complaints from state and local incarcerated individuals or their advocates.

Facility Type

Complaints received were either from incarcerated individuals or their advocates from the following facility types:

NYSDOCCS	1831
County Jail	486
NYCDOC	76
SSD	3

Categories

A preponderance of complaints fell into the following categories:

	# of Complaints	% of Total # of Complaints along Category
Staff Misconduct	612	25.54%
Inmate Fears for Safety	608	25.38%
Medical Treatment	496	20.70%
Personnel on Inmate Harassment	396	16.53%
Not Under SCOC Purview	306	12.77%
Personnel on Inmate Physical Assault	305	12.73%
Discipline	243	10.14%
Grievance Program	203	8.47%
Personnel on Inmate Sexual Harassment	197	8.22%
Personnel on Inmate Sexual Abuse	180	7.51%
Medical Personnel Misconduct	129	5.38%
Facility Transfer	115	4.80%
Medication	111	4.63%
Food Services	89	3.71%
Medical Access to Services	83	3.46%
Loss of Personal Property/Property Claims	82	3.42%
Mental Health Treatment	78	3.26%
Drug, Alcohol, Rehabilitation Programs	77	3.21%
Parole	77	3.21%

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 incarcerated individuals 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, incarcerated individuals 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 incarcerated individual /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 2019, the Commission received and processed 3,922 grievance appeals from county jails. The grievances encompassed 5,351 categories.

Categories

A preponderance of the grievances fell into the following categories:

	# of Grievance	% of Total # of Grievance (copy) along CATEGORY
Medical Treatment	701	17.87%
Personnel Standards	558	14.23%
Food Services	429	10.94%
Personnel Verbal Conduct	397	10.12%
Legal Services	317	8.08%
Security And Supervision	294	7.50%
Grievance Program	258	6.58%
Medication	255	6.50%
Discipline	250	6.37%
Prisoner Personal Hygiene	222	5.66%
Correspondence	160	4.08%
Religion	156	3.98%
Mental Health Treatment	151	3.85%
Personnel Physical Conduct	138	3.52%
Commissary	136	3.47%
Medical Personnel Misconduct	117	2.98%
Medical Diets	115	2.93%
Exercise	102	2.60%
Medical Access to Services	100	2.55%

Timeframes

Pursuant to 9 NYCRR, §7032.(5)(d), the Citizen’s Policy and Complaint Review Council shall issue a written determination to the appeal within 45 business days of receipt. Over the years, the Commission has maximized available technologies, along with operational efficiencies, to observe such timeframes. In 2019, the Commission averaged 28 days to complete the review process.

Determinations

The Citizen’s Policy and Complaint Review Council (CPCRC) has four options from which to choose when rendering grievance appeal determinations. They include:

Deny	<i>The facility's decision is sustained.</i>
Deny with Comment	<i>The facility's decision is sustained; however, certain elements of the grievance (i.e., timeliness issues, etc.) demand comment by the council.</i>
Accept in Part	<i>The council accepts a portion of the grievance appeal.</i>
Accept in Full	<i>The council accepts the grievance appeal in its entirety.</i>
Returned	<i>The council returns the grievance to the facility for one of many reasons (i.e., issue was not grievable, required elements missing).</i>

In 2019, the breakdown of the 3,922 CPCRC determinations is as follows:

	# of Grievance	% of Total # of Grievance (copy) along CPCRC_ACTION
Denied	2,774	70.73%
Denied with comment	978	24.94%
Accepted (in part)	89	2.27%
Returned	77	1.96%
Accepted	4	0.10%

Monthly Appeals

Below is the 2019 monthly breakdown of grievance appeals submitted to the CPCRC:

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
334	298	338	535	421	287	287	248	219	334	314	307

CAPACITY MANAGEMENT

At the end of 2019, there were approximately 59,863 persons incarcerated within New York State's prisons, local county jails, and the New York City Department of Correction (NYCDOC). 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 2019, the Commission revised the Maximum Facility Capacity ratings at the following facilities:

Albany County Jail – The maximum facility capacity rating for this facility was reduced to reflect the removal of the C-Building from the capacity. This action was requested by Sheriff Apple as part of his plan to convert the building from housing incarcerated individuals to housing homeless individuals.

Cortland County Jail – In February 2019, the Commission temporarily closed this facility due to

extensive damage created by water leakage. All incarcerated individuals were housed in neighboring local correctional facilities until repairs could be completed. In May 2019, the Commission reinstated the facility's maximum facility capacity after multiple on-site inspections of repairs completed.

Erie County Correctional Facility – The maximum facility capacity rating for this facility was reduced by four beds as a result of the unauthorized removal of beds from a housing area.

Erie County Correctional Facility Tango Building – The maximum facility capacity rating for this facility (located adjacent to the Correctional Facility) was reduced to zero, as it was no longer being used by the Erie County Sheriff's Office to house incarcerated individuals.

Ontario County Jail - The maximum facility capacity rating for this facility was revised to permit the use of a specific number of housing areas to provide operational flexibility while addressing staffing shortages.

Otsego County Jail – The maximum facility capacity rating for this facility was revised multiple times during 2019 in response to a significant renovation project at the facility. Initially, the number of beds was reduced commensurate with housing areas impacted by the renovation project. Subsequently, the capacity was reduced to zero, with all incarcerated individuals housed in a neighboring local correctional facility.

Saratoga County Jail - The maximum facility capacity rating for this facility was increased by 15 beds to reflect the addition of a 15-bed dormitory housing area.

Schenectady County Jail – Information within the maximum facility capacity for this facility was revised to more accurately reflect the separation of housing areas and delineate specific timeframes for the holding of incarcerated individuals in certain areas. There were no changes to the capacity rating.

Westchester County Department of Correction (Annex) - The maximum facility capacity rating for this facility was reduced by 21 beds as a result of unauthorized renovations made that rendered portions of a housing area unusable for incarcerated individuals.

Woodfield Detention Center – This Specialized Secure Detention Facility experienced a fire which caused significant smoke damage. The maximum facility capacity rating was temporarily reduced to zero until necessary repairs were made. The rating was eventually restored after verification of such repairs.

Wyoming County Jail – The separation of housing in the maximum facility capacity rating for this facility was revised to provide the facility with operational flexibility with respect to dayspace use for programming purposes. No change was made to the actual capacity.

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 denied a long-standing capacity variance, as the county decided not to move forward with a capacity enhancement plan.

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 – Due to a decrease in the incarcerated individual population, the county elected not to request an extension of a long-standing capacity variance.

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 - Due to a decrease in the incarcerated individual population, the county elected not to request an extension of a long-standing capacity variance.

Special Secure Detention Facility – Woodfield Secure Juvenile Center: The Commission approved variance relief with respect to toilet-to-youth ratios and capacity.

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.

Albany County Jail – The Commission approved a variance which permits the facility to scan incoming non-legal correspondence and e-mail the PDF document to the recipient incarcerated individuals, all of whom are issued a tablet. This variance was requested in an effort to prevent contraband from entering the facility through correspondence.

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. In 2019, the county commenced construction of 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.

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

Irondequoit 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-youth ratios, capacity and youth beds.

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

Special Secure Detention Facility – Albany Secure Juvenile Center: The Commission approved variance relief concerning youth beds.

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 incarcerated individual 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, incarcerated individual 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.

Revised Staffing Analysis

During 2019, one staffing analysis was revised by Field Operations staff:

- Saratoga County Jail – The requirements of the current staffing analysis for the facility were modified to reflect technology upgrades that permitted the closing of multiple control room posts.

Staffing Shortages

During 2019, staffing shortages were noted at the following facilities.

- Dutchess County Jail – The facility’s staffing shortages continued from 2018, particularly supervisory positions. To rectify such shortages, the facility promoted new supervisors and adjusted the schedules of others to ensure appropriate coverage.
- Ontario County Jail – The facility’s staffing shortages continued from 2018. To address these shortages, the county hired several new correction officers. 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 2019, a total of 147 construction/renovation projects were submitted to the Commission for review at its monthly meetings. These projects represented submittals from the following facility types:

- 110 County Jails (including NYC Department of Correction)**
- 22 Specialized Secure Detention**
- 1 NYS Department of Corrections and Community Supervision
Criminal Courts**
- 12 Police Lockups**

Further, the Commission's determinations on the 147 projects are broken down as follows:

- 79** *were approved*
- 3** *were denied*
- 25** *were waived*
- 1** *placed on hold by jurisdiction*
- 4** *not reviewed (SCOC had no jurisdiction)*
- 4** *were placed on hold at request of submitting agency*
- 30** *were held over to 2020*

Also, one police department lockup facility was closed.

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:

Amherst Police Department

The Commission provided technical assistance to the Department as part of a capital project to renovate their prisoner booking area.

Batavia Police Department

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

Bath Police Department

The Commission commenced discussions with the Department as part of their request to remove their lockup status.

New York City Port Authority Police Department (World Trade Center)

The Commission approved the construction of a police lockup.

Rockville Center Police Department

The Commission approved a renovation project for the lockup.

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 2019, the following Memoranda were issued:

Chairman's Memorandum # 1-2019

New minimum standard regulation concerning incarcerated individual cell confinement and essential service deprivation.

Chairman's Memorandum # 2-2019

New electronic mailboxes for the submittal of correspondence by correctional facilities.

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 2019, the State Commission of Correction's Forensic Unit conducted 73 mortality investigations. Those cases and their corresponding facilities are as follows:

1. ABDOUL MAJID	2016-M-0049	FIVE POINTS CF	NATURAL
2. JAMES REYNOLDS	2016-M-0108	FIVE POINTS CF	NATURAL
3. MICHAEL DECKER	2016-M-0143	ORLEANS CF	NATURAL
4. PRINCE WILLIAMS	2016-M-0188	COLLINS CF	NATURAL
5. NOEL COLON	2017-M-0132	LIVINGSTON CJ	OVERDOSE
6. RUSSELL CESSNA	2017-M-0036	GREAT MEADOW CF	SUICIDE
7. RAYMOND CUNNINGHAM	2017-M-0069	SING SING CF	NATURAL

8. NAJIB BOSIER	2017-M-0082	SING SING CF	NATURAL
9. LEO DISBROW	2018-M-0031	CHEMUNG CJ	OVERDOSE
10. CURTIS BURROWS	2018-M-0038	CHEMUNG CJ	SUICIDE
11. STACY CASTOR	2016-M-0093	BEDFORD HILLS CF	NATURAL
12. MOHAMMED KARIM	2017-M-0044	NYPD – BKLN CENTRAL	HOMICIDE
13. JOHN MCALLISTER	2016-M-0146	DOWNSTATE CF	SUICIDE
14. PAUL POLLACI	2017-M-0052	GREEN HAVEN CF	HOMICIDE
15. DAWN JONES	2016-M-0095	BEDFORD HILLS CF	NATURAL
16. BASSEM YOUSEF	2017-M-0074	WESTCHESTER CJ	SUICIDE
17. NORMAN SHAW	2016-M-0176	SHAWANGUNK CF	OVERDOSE
18. JONATHAN WILLIAMS	2016-M-0157	CLINTON CF	OVERDOSE
19. ALBERT SPRINGS	2016-M-0062	EASTERN CF	OVERDOSE
20. NICHOLAS VINCENTY	2016-M-0145	CLINTON CF	OVERDOSE
21. GRANT SWANSON	2018-M-0018	NYC DOC – MDC	NATURAL
22. JESSICA SHOUP	2018-M-0033	CATTARAUGUS CJ	SUICIDE
23. ALEJANDRO FERNANDEZ	2016-M-0100	WENDE CF	SUICIDE
24. JAMES WILLIAMS	2016-M-0075	WENDE CF	SUICIDE
25. VINCENT SORRENTINO	2017-M-0096	ERIE CF	SUICIDE
26. EUGENE CASTELLE	2016-M-0170	NYS DOC – AMKC	NATURAL
27. OLVIN ORTIZ	2016-M-0169	ELMIRA CF	OVERDOSE
28. EDDIE SANCHEZ	2016-M-0141	ELMIRA CF	SUICIDE
29. JERRY BENOIT	2016-M-0118	ELMIRA CF	SUICIDE
30. RAYMOND STEED	2016-M-0161	ELMIRA CF	SUICIDE
31. HARRY GUZMAN	2017-M-0117	AUBURN CF	SUICIDE
32. CAMERON BELDEN	2017-M-0027	WENDE CF	SUICIDE
33. DANA BROWN	2016-M-0015	WENDE CF	SUICIDE
34. RAYMOND CRUM	2016-M-0150	WATERTOWN CF	SUICIDE
35. SHARROWL DAVIS	2016-M-0032	ATTICA CF	SUICIDE
36. NICOLE GARBELLOTO	2016-M-0182	NYPD 120 TH PCT	OVERDOSE
37. CHRISTOPHER GOODWIN	2016-M-0132	FISHKILL CF	NATURAL

38. LAMAR PLATT	2017-M-0002	GREEN HAVEN CF	SUICIDE
39. JERRY SARNI	2017-M-0131	SUFFOLK CJ	NATURAL
40. STEPHEN SCHINDLBECK	SPECIAL INVEST.	OLEAN PD	SUICIDE
41. MICHAEL DECKER	2016-M-0143	ORLEANS CF	NATURAL
42. KAREN EASON	2016-M-0123	ALBION CF	NATURAL
43. DANIELLE ELLIS	2017-M-0164	OSWEGO CJ	NATURAL
44. JEFFREY BERNSTEIN	2017-M-0025	SUFFOLK CJ	NATURAL
45. JESSICA FALCO	2018-M-0090	ALBANY CJ	OVERDOSE
46. ROBERT BURNS	2018-M-0041	RENSSELAER CJ	NATURAL
47. GREGORY FERNANDEZ	2018-M-0115	WESTCHESTER CJ	SUICIDE
48. ERFORD ELLIS	2018-M-0015	BROOME CJ	NATURAL
49. JOHN QUARESIMO	2016-M-0096	NASSAU CJ	SUICIDE
50. MICHAEL GIRARD	2018-M-0069	ERIE HC	SUICIDE
51. LUIS GONZALEZ	2017-M-0102	UPSTATE CF	OVERDOSE
52. JEFFERSON INDENCE	2018-M-0108	SUFFOLK PD	OVERDOSE
53. DAVID TOBACK	SPECIAL INVEST.	ALBANY CJ	SUICIDE
54. SERGE DUTHLEY	2017-M-0056	NYPD 69 TH PCT	SUICIDE
55. MICHAEL HANDS	2018-M-0030	SARATOGA CJ	SUICIDE
56. ERIC MOORE	2017-M-0026	SULLIVAN CF	OVERDOSE
57. THOMAS DONOVAN	2017-M-0022	SHAWANGUNK CF	OVERDOSE
58. SELWIN WILKES	2017-M-0138	CLINTON CF	OVERDOSE
59. MATTHEW LEOMBRUNO	2018-M-0051	GREENE CJ	SUICIDE
60. WAYNE HENDERSON	2017-M-0105	NYC DOC – AMKC	NATURAL
61. JEFFREY CLARKE	2018-M-0141	WESTCHESTER CJ	NATURAL
62. MATTHEW DELIO	2017-M-0115	ELMIRA CF	SUICIDE
63. ERICK ACEVEDO	2017-M-0101	GREEN HAVEN CF	NATURAL
64. RONALD BROOKS	2017-M-0076	SING SING CF	NATURAL
65. RAYMOND ORTIZ	2017-M-0060	GREEN HAVEN CF	NATURAL
66. ANGEL SANCHEZ	2017-M-0015	GREENE CF	NATURAL
67. EDWARD WHELAN	2017-M-0011	DOWNSTATE CF	NATURAL

68. PETER CAPONE	2017-M-0141	AUBURN CF	OVERDOSE
69. BRIAN STAUFFER	2017-M-0046	ELMIRA CF	OVERDOSE
70. GREGORY TUCKER	2017-M-0149	GREEN HAVEN CF	OVERDOSE
71. ERIC WHITE	2018-M-0110	SUFFOLK CJ	SUICIDE
72. THEODORE BEST	2017-M-0168	SING SING CF	OVERDOSE
73. ZOLTA FORAI	2017-M-0004	AUBURN CF	OVERDOSE

A breakdown of the completed investigations includes the following:

NYSDOCCS	45
County	20
NYCDOC	3
NYPD	3
Local PD	2

Causes of death included the following:

Suicide:	27
Medical Deaths	25
Overdose	19
Homicide	2

Evaluations

Health services evaluations, including compliance assessments of 9 NYCRR Part 7010, Health Services, were completed at the following county jails:

Broome	Cayuga	Delaware	Erie Holding Center
Erie Correctional Facility		Jefferson	Montgomery
Oswego	Rensselaer	Schenectady	Tompkins
Washington			

A wide array of technical assistance was provided to each facility. Reports for each evaluation were prepared and forwarded to each facility.

Technical Assistance

Construction, Expansion or Planning of Health Care Facilities

Schoharie County Jail
Dutchess County Jail
Herkimer County Jail
Genesee County Jail

Monitoring

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

Training Attended

Forensic Unit staff attended training sessions on the *Principles of Investigative Interviewing and Medication Assisted Therapy in Corrections*.

Training Seminars

Forensic Unit staff, in conjunction with the NYS Sheriff's Association, presented three Jail Nurse Training seminars in the following counties:

Saratoga
Orange
Monroe

All three seminars were well attended.

Minimum Standards Meeting

In 2019, the Commission facilitated a meeting with numerous sheriffs, commissioners of correction and jail administrators. The purpose of the meeting was to discuss changes to minimum standard regulations proposed by the group, and provide clarification on regulation-related matters. Since these meetings commenced several years ago, revisions to regulations have been made to provide greater efficiencies and cost savings to locales. This particular meeting focused on:

Grievance program timeframes
Searching of incoming incarcerated individual correspondence
Use of licensed practical nurses

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, incarcerated individual handbook, training and move plans
- On-site monitoring of new jail opening
- On-site assessment of post-move operations

Dutchess County

- SCOC permitted the continuation of capacity variances to allow the county to further assess its long-term bed needs.
- SCOC staff continued to assist with final designs of the new jail prior to its submittal to the Commission for review and approval. Such submittal was tentatively scheduled for spring 2020.
- SCOC staff provided on-site assistance to the Sheriff's Office as part of the opening of a new lockup facility.

Sullivan County

- SCOC staff continued with multiple on-site visits to assess progress in the jail's construction and preparation for its eventual opening tentatively scheduled for summer 2020. Assistance rendered included reviews of operational documents and discussions concerning staffing requirements for the new facility.

Genesee County

- SCOC staff met with Sheriff's Office representatives and the contracted architectural firm to review schematic designs for the new jail. Multiple reviews were completed and discussed during in-person meetings for via conference call.
- The Commission continued to support the county by extending a variance which provides additional beds at the jail.

Greene County

- SCOC staff assisted the Sheriff's Office with the opening of a new lockup building that would serve as a short-term processing location for individuals committed to their custody, prior to being transported to neighboring local correctional facilities.
- In early 2019, construction on the new jail commenced.
- In August 2019, SCOC staff delivered a three-day workshop that addressed all elements of a new jail opening.

Herkimer County

- In November 2018, construction of the new jail commenced. Substantial completion is tentatively scheduled for fall 2020.
- In March 2019, SCOC staff delivered a three-day workshop that addressed key elements of a new jail opening.
- Technical assistance reviews of operational documents drafted by the jail transition team commenced.

Cortland County

- In early 2019, the facility experienced significant water leakage, resulting in damage to various equipment and systems (HVAC, Security Electronics, etc.), as well as the roof. Within hours of the water leakage, SCOC staff were on site to assess the damage and assist with the temporary closure of the facility and relocation of all incarcerated individuals to neighboring local correctional facilities. That evening, SCOC staff met with the legislature to discuss the damage and process for eventual re-opening of the facility.
- Cortland County officials continued to debate whether to renovate and add capacity to the existing jail or construct a new stand-alone correctional facility.
- SCOC staff completed multiple on-site visits to assess the repairs made as well as the facility's preparation for the eventual re-opening.
- The Commission continued to support the county by extending a variance which provides additional beds at the jail.

Otsego County Jail

- Throughout 2019, the facility commenced renovations to the dormitory housing areas. This required the closure of such areas, with SCOC staff assisting in the logistics.
- In late 2019, the facility experienced a significant water leak that necessitated the its temporary closure and relocation of incarcerated individuals to neighboring local correctional facilities. SCOC staff provided on-site assistance throughout this process.
- SCOC staff completed multiple on-site visits to assess the repairs made as well as the facility's preparation for the eventual re-opening.

Saratoga County

- SCOC staff assisted the county in the conversion of multi-purpose program room into a 15-bed dormitory housing area. Assistance was rendered in the design and opening of the area.

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 incarcerated individual 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 2019, the Commission worked closely with state Information Technology Services in developing a new system in which county jails will eventually submit grievances through the e-Justice Integrated Justice Portal.

Throughout 2019, the Commission provided grievance-related technical assistance to numerous county jails

Monitoring and Technical Assistance

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 2019, the Commission deployed staff to monitor the following correctional facilities:

Cortland County Jail

Significant water leakage resulted in damage to various equipment and systems. This necessitated the temporary closure of the facility. Commission staff worked with the Sheriff's Office in identifying two local correctional facilities that were able to accept Cortland's entire incarcerated individual population as part of a

Substitute Jail Order. Commission staff met with the county legislature to discuss 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.

Otsego County Jail

Significant water leakage resulted in damage to various equipment and systems. This necessitated the temporary closure of the facility. Commission staff worked with the Sheriff's Office in identifying a local correctional facility that were able to accept Otsego's entire incarcerated individual population as part of a Substitute Jail Order. Subsequent visits were made by Commission staff to assess the necessary repairs and the facility re-opened.

Woodfield Secure Cottage

In February 2019, a fire emanating from the roof created significant smoke damage to several areas of the facility, necessitating the evacuation and transfer of four Adolescent Offenders to another Specialized Secure Detention Facility. Commission staff were on site the next day to assess the situation. Necessary repairs were made to the roof and ceiling sections. Smoke removal efforts assisted in the facility's air quality reaching acceptable standards. The Commission authorized the facility's reopening.

Tompkins County Jail

In November 2019, an incident occurred in the facility's control room in which smoke emanated from an electrical panel. All incarcerated individuals were evacuated to the outdoor exercise area. Shortly thereafter, SCOC staff were on site to assess the situation and provide technical assistance. Hours later, the incarcerated individuals were returned to their respective housing areas.

Sheriff's Annual Report

On annual basis, each Sheriff is required to submit a report to the Commission that outlines various incarcerated individual -population data (e.g., admissions and discharges, length of sentence, conviction information, etc.). In 2019, 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 2019, the Commission provided related technical assistance to the following county jails:

Livingston County Jail

St. Lawrence 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 incarcerated individual 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 2019, technical assistance was provided to various county jails.

Minimum Standards

Providing technical assistance on the Commission's regulations is an ongoing endeavor. In 2019, technical assistance was provided to the following county jails, police department lockups, secure centers operated by the Office of Children and Family Services, and Specialized Secure Detention facilities (SSD):

Goshen Secure
Columbia Secure
Albany CJ
Hillbrook SSD
Horizon SSD
Dutchess CJ
NYCDOC

Brookwood Secure
Chautauqua CJ
Broome CJ
Crossroads SSD
Capital District SSD
Bethlehem PD

MacCormick Secure
Rensselaer CJ
Erie SSD
Woodfield SSD
Monroe SSD
Cohoes PD

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 2019, the Commission provided construction-related technical assistance to the following facilities:

Albany County Jail	Conversion of jail building into non-corrections housing
Chemung County Jail	Door replacements
Cortland County Jail	Repairs to equipment, HVAC and electrical systems due to water damage
Dutchess County Jail	Provided feedback on new jail construction designs
Genesee County Jail	Approved new jail construction site Provided feedback on new jail construction designs
Madison County Jail	Door relocation project
Monroe County Jail	Provided feedback on construction projects concerning housing area renovations and conversion of office space
Otsego County Jail	Repairs to equipment, HVAC and electrical systems due to water damage
Saratoga County Jail	Conversion of program room into dormitory housing
St. Lawrence County Jail	Upgrade of facility security electronics system

Westchester County Jail	Interior and exterior window project
Yates County Jail	Shower replacement project
New York City DOC	Door conversions and replacements, housing units converted to program areas, outdoor exercise enclosures, mezzanine housing railings, security fence installation.

Security Operations

Assisting correctional facilities with security-related issues is an ongoing venture for the Commission. Operational practices concerning incarcerated individual supervision, key control, and security equipment are just a few of the topics that require attention. In 2019, 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 2019:

Horizon Juvenile Detention Center

- Assisted with recertification, including review of policies and procedures
- Assisted with multiple variance applications
- Completed technical assistance reviews of construction/renovation plans

Capital District Juvenile Secure Detention Facility

- Assisted with recertification, including review of policies and procedures
- Assisted with variance application

Crossroads Juvenile Detention Center

- Assisted with recertification, including review of policies and procedures
- Assisted with multiple variance applications

Erie County Secure Detention Center

- Assisted with recertification, including review of policies and procedures
- Assisted with increase to the facility's capacity

Hillbrook Juvenile Detention Facility

- Completed technical assistance reviews of construction/renovation plans
- Assisted with recertification, including review of policies and procedures

Monroe County Children's Center

- Completed technical assistance reviews of construction/renovation plans
- Assisted with recertification, including review of 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 technical assistance reviews of construction/renovation plans
- Assisted with recertification, including review of policies and procedures

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 assistance to multiple counties:

REPORTED INCIDENTS OF THE USE OF RESTRAINTS ON PREGNANT INCARCERATED INDIVIDUALS

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 2019:

County: Dutchess use #1
Type of Restraint Body chains with hand restraints and leg irons.
Length of Time in Restraints Applied: 6:15 pm Removed: 11:05 pm
Facility Report - Reasons for Using Restraints Inmate was having chest pains and needed to be transported to VBMC. Prior to restraints being used, RN Danielle confirmed inmate was not pregnant. Inmate was then placed in body chains w/hand restraints and leg irons. She was then transported to VBMC. At approximately 11:03pm, while at VBMC, the doctors informed the transporting officers that inmate was pregnant. Officer notified (via phone) Lt that the VBMC doctors said inmate was pregnant. Lt ordered Officer to remove the restraints, which Officer immediately did. On 06/27/19, HSA notified Lt. that a pregnancy test was conducted on inmate on 06/15/19 (approximately 1:53pm) with the results coming back negative.
Location: Dutchess County Jail and Vassar Medical Center
County: Dutchess use #2
Type of Restraint Body chains with hand restraints
Length of Time in Restraints

Applied: 9:00 am Removed: 11:00 am
Facility Report - Reasons for Using Restraints On 7/29/19, inmate was placed in body chains with hand restraints and transported to City of Poughkeepsie Court. While at court, the Booking Department received a Family Court order with regards to her child who was born 4 weeks earlier. Sgt. was notified and then directed transport Officer to remove the restraints.
Location: Dutchess County Jail and City of Poughkeepsie Court
County: Onondaga County Justice Center
Type of Restraint Waist chain, handcuffs, leg irons
Length of Time in Restraints Applied: 8:00 am Removed: Not provided
Facility Report - Reasons for Using Restraints Inmate was processed into the Justice Center on 2/13/19, apparently postpartum for an unknown time. However, during the medical evaluation in booking and during her physical on 2/22/19, she failed to advise the facility that she was postpartum. We were advised of her being postpartum by Assistant Commissioner on or about 3/1/19, who informed the facility that inmate was found to be postpartum during intake at either Albion Correctional or Bedford Correctional.
Location: Not provided

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 2019, 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 1999, 2004, 2009 and 2014. After publishing notice and an invitation for public comment said rules were continued without amendment.

Effective June 5, 2019, 9 NYCRR part 7075 was added and 9 NYCRR section 7003.3(j)(6), 7006.7(c), 7006.9(a)(5), 7006.11(a), 7013.10(c), 7022.2(a), 7024.11, 7026.3, 7028.2(d) and 7070.7(h) and (j) were amended to establish regulations requiring local correctional facilities to record, review and report certain determinations to confine an incarcerated individual to a cell or deprive an incarcerated individual of essential services.

Effective October 1, 2019, 9 NYCRR section 7501.1(c) was amended to reflect the minimum age at which an individual may be admitted to an adult lockup, in order to comport with "Raise the Age" legislation.

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, Criminal Procedure Law, Executive Law and Penal Law, in relation to the detention of defendants under the age of eighteen.
- 2.) Amending the Correction Law in relation to the provision of health care services to county jail incarcerated individuals.

Litigation

In the course of the year, no litigation matters were pending as of the end of 2019.

Legal Opinions

In 2019, Counsel's Office rendered 38 legal opinions by telephone and 9 legal opinions in writing.

Freedom of Information Law (FOIL) Requests

For the year 2019, the Office of Counsel received and responded to 274 Freedom of Information Law (FOIL) requests for records of the Commission of Correction.

Juvenile Justice

In 2019, 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).

The Commission’s Office of Counsel reviewed and made recommendations regarding the certification of six (6) specialized secured detention facilities for adolescent offenders and one (1) specialized juvenile detention facility.

Directives and Citations

In 2019, a Directive was issued to the following local correctional facility:

Chenango County Sheriff’s Office

In October 2019, the Commission issued a directive to the Sheriff of Chenango County for failing to observe the requirements of 9 NYCRR §7003.3(f), §7003.3(j)(5), §7003.3(j)(6), §7032.4(f), §7032.4(g), §7032.4(h) and §7032.7(a).