



Commission of Correction

ALLEN RILEY
Chairman

THOMAS J. LOUGHREN
Commissioner

December 3, 2018

THE HONORABLE ANDREW CUOMO
Governor

THE HONORABLE JOHN FLANAGAN
Temporary President, Majority Leader and Coalition Leader

THE HONORABLE CARL HEASTIE
Assembly Speaker

THE HONORABLE ANDREA STEWART-COUSINS
Democratic Conference Leader

THE HONORABLE BRIAN M. KOLB
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 **2017**.

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 blue ink that reads "Allen Riley".

Allen Riley
Chairman

cc: Joseph J. Popcun, Assistant 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:

- 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.
- 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.
- Title 9, Subtitle AA of the Official Compilation of Codes, Rules and Regulations of the State of New York contains the minimum standards and regulations for the management of correctional facilities, as promulgated by the State Commission of Correction.

ORGANIZATIONAL AND STATUTORY AUTHORITY

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

The Commission's duties include:

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

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

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

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

MEDICAL REVIEW BOARD

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

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

Section 47 of the Correction Law empowers the Board to:

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

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

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

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

The Medical Review Board meets on a quarterly basis. The 2017 MRB members included:

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

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

CITIZEN'S POLICY AND COMPLAINT REVIEW COUNCIL

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

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

The CPCRC reviews and renders determinations on all grievances presented to it by the Field Operations Bureau and Forensic Medical Unit. If appropriate, the Council will direct county correctional facilities to take corrective action in addressing any violations noted. In 2017, the CPCRC reviewed and rendered determinations on over 3,300 grievances.

The Citizen's Policy and Complaint Review Council (CPCRC) convenes monthly. The 2017 CPCRC members included:

Thomas J. Loughren, Chair
Charles Burkes
Hernan Carvente
Thomas Cross
Nicholas LaBella, Jr
Douglas Landon, Esq.
Donald Nadler
Julie Scalione
Martin Stanton

FIELD OPERATIONS MANAGEMENT AND SUPERVISORY STAFF 2017

RICHARD KINNEY
Director of Operations

TERRY MORAN
Deputy Director of Operations

WILLIAM BENJAMIN
Supervisor
Facility Planning and Improvement

CHRIS OST
Supervisor
Forensic Unit

DEBBIE CLARK
Field Supervisor

KEITH ZOBEL
Field Supervisor

STEVE SAVOY
Field Supervisor

FIELD OPERATIONS
MISSION DIRECTED PROGRAMS

Facility Monitoring and Evaluations

Facility Reportable Incidents

Healthcare, Mental Health, and Suicide Prevention

Inmate Complaints and Grievances

Capacity Management, Staffing Services, Technical Assistance

Facilities Development and Operational Transition (NITAP)

Investigations (medical and non-medical)

Compliance Monitoring for the Handling and Processing of Juveniles
(Juvenile Justice Delinquency Prevention Act 2002)

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

BUREAU OF FIELD OPERATIONS

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

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

In 2017, the Bureau of Field Operations consisted of three distinct regional teams and the Forensic Investigation unit.

Assessment/Monitoring Field Work, Incidents, Complaints and Grievances

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

Facility Compliance Assessment: Minimum Standards Compliance Assessment

County Correctional Facilities

In 2017, Commission field staff launched the second of a four-year compliance auditing schedule. Over this period, staff will audit the level of compliance for each one of the thirty-three minimum standards at every county jail. Those standards identified as being essential to the jail's safe and secure operation (e.g. Security and Supervision, Sanitation and Inmate Grievances) will be assessed on a more frequent basis, in some cases every other year. Issues of non-compliance with a specific standard that cannot be satisfactorily resolved at the end of the calendar year are carried over to the next audit cycle, with continuing efforts towards resolution.

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

audit at a small to medium-sized county jail. Audits of larger county jails can take up to eight days to complete.

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

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

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

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

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

Consistent with the cycle evaluation schedule, in 2017, Commission staff assessed compliance at the county correctional facilities and facilities operated by the New York City Department of Correction (listed below) with the following Minimum Standard regulations:

- | | |
|----------------------------------|-----------------------|
| 7002 – Admissions | 7024 – Religion |
| 7005 – Prisoner Personal Hygiene | 7025 – Packages |
| 7013 – Classification | 7028 – Exercise |
| 7016 – Commissary | 7031 – Legal Services |
| 7022 – Reportable Incidents | 7039 – Fire Safety |
| 7040 – Maximum Facility Capacity | |

Commission staff also assessed facility compliance with the requirements of Correction Law §611 – *Births to inmates of correctional institutions and care of children of inmates of correctional institutions.*

COUNTY CORRECTONAL FACILITIES

Albany County Jail	Lewis County Jail	Schenectady County Jail
Allegany County Jail	Livingston County Jail	Schuyler County Jail
Broome County Jail	Madison County Jail	Seneca County Jail
Cattaraugus County Jail	Livingston County Jail	Steuben County Jail
Cayuga County Jail	Monroe County Jail	Suffolk County Jail
Chautauqua County Jail	Monroe County CF	Suffolk County Yaphank
Chenango County Jail	Montgomery County Jail	Sullivan County Jail
Clinton County Jail	Nassau County Jail	Tioga County Jail

Columbia County
Cortland County Jail
Delaware County Jail
Dutchess County Jail
Erie County Holding Center
Erie County CF
Essex County Jail
Franklin County Jail
Fulton County Jail
Genesee County Jail
Greene County Jail
Hamilton County Jail
Herkimer County Jail
Jefferson County Jail

Niagara County Jail
Oneida County Jail
Onondaga County Justice Ctr.
Onondaga County Penitentiary
Ontario County Jail
Orange County Jail
Orleans County Jail
Oswego County Jail
Otsego County Jail
Putnam County Jail
Rensselaer County Jail
Rockland County Jail
St. Lawrence County Jail
Saratoga County Jail

Tompkins County Jail
Ulster County Jail
Warren County Jail
Washington County Jail
Wayne County Jail
Westchester County Jail
Westchester County Pen.
Westchester County Annex
Wyoming County Jail
Yates County Jail

Note: The Schoharie County Jail (not listed) has been closed since August 2011 due to damage from Tropical Storm Irene.

NEW YORK CITY DEPARTMENT OF CORRECTION FACILITIES

Anna M. Kross Center
Brooklyn Detention Complex
Eric M. Taylor Center
George Motchan Detention Center
George R. Vierno Center
Manhattan Detention Complex
North Infirmary Command

Otis Bantum Correctional Center
Queens House of Detention
Rose M. Singer Center
Robert N. Davoren Center
Vernon C. Bain Correctional Center
West Facility

New York State Office of Children and Family Services

In 2017, Commission staff assessed compliance at the Office of Children and Family Services Secure Centers (listed below) with the following Minimum Standard regulations:

7407 – Printed Materials
7416 – Educational Services
7417 – Food Services
7418 – Exercise
7423 – Correspondence

7424 – Religion
7025 – Non-Discriminatory Treatment
7425 – Religious Services
7426 – Commissary

Brookwood Secure Center
Columbia Secure Center

Goshen Secure Center
MacCormick Secure Center

Police Department Lockups

Consistent with the evaluation schedule, in 2017, 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 2017, Commission staff assessed Minimum Standard compliance at 113 police department lockups. Two of these visits were spot inspections to determine the departments' lockup status. The two visits resulted in both lockups being added to the inspection list.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT (JJDP A) NYS MINIMUM STANDARDS COMPLIANCE MONITORING – 9 NYCRR, PARTS 7500-7512

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). Where possible, this work is paired with the Commission's auditing of local police lockups to determine compliance with the New York State Minimum Standards for City Jails, Town and Village Lockups, Parts 7500-7512. In 2017, compliance of the JJDP A and Parts 7500-7512 for New York City and upstate were conducted at:

- Police Department Lockups - 110
- County Correctional Facilities - 23
- New York State Family Courts - 11

REPORTABLE INCIDENTS COUNTY JAILS AND NEW YORK CITY DEPARTMENT OF CORRECTION

In fulfilling its oversight and regulatory responsibilities, the Commission requires that all local correctional facilities report incidents, including but not limited to those that endanger inmates, prisoners, residents or staff or disrupt facility operations. The incidents and criteria for reporting are included in the Commission's *Reportable Incident Guidelines Manual*. Because submitted incidents are self-reported, the Commission strives to ensure the accuracy of incident categorization, and when necessary in 2017, contacted facilities to obtain correct information and discuss any error(s) made.

In 2017 the Commission received the following number reportable incidents from county jails and the New York City Department of Correction:

- **8,873** from jails operated by the New York City Department of Correction
- **4,789** from county jails

Approximately 90% of the incidents reported in 2017 fell into the below categories:

<i>Individual Inmate Disturbance</i>	<i>Inmate/Personnel Assault</i>
<i>Inmate/Inmate Assault</i>	<i>Minor Disturbance</i>
<i>Hospital Admission of Inmate</i>	<i>Inmate-Introduced Contraband</i>
<i>Unknown Source Introduced Contraband</i>	<i>Personnel/Inmate Assault</i>
<i>Inmate Injury Illness Requiring Hospitalization</i>	<i>Visitor-Introduced Contraband</i>

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.

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 2017, 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 2017 the Commission received 540 reportable incidents from Secure Centers Operated by the Office of Children and Family Services. A preponderance of the incidents fell into the following categories:

Individual Resident Disturbance
Resident/Staff Assault
Resident/Resident Assault

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 2017, 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 2017, the Commission received 770 reported incidents from local police agencies, with over 90% of the incidents falling into the ***Inmate Injury/Illness Requiring Hospitalization*** category. Such incidents are usually the result of arrestees requiring hospitalization after they arrive at the police lockup under the influence of alcohol or drugs.

COMPLAINTS **STATE AND LOCAL CORRECTIONAL FACILITIES**

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

Beginning in 1984, the Commission developed a procedure for the centralized compilation of inmate complaints from state and local facilities. This procedure breaks down complaints into discrete categories, and allows Correctional Facility Specialists to address specific problems and trends in a systematic fashion. Inmates often report multiple issues within a single piece of correspondence. In 2017, the Commission received 2,499 complaints from state and local inmates or their advocates. The complaints encompassed 6,278 categories. A preponderance of the incidents fell into the following categories:

Staff Misconduct
Discriminatory Treatment
Facility Transfer

Personnel on Inmate Physical Assault
Personnel on Inmate Harassment
Personal on Inmate Sexual Abuse

***Discipline
Fear for Safety***

***Personnel on Inmate Sexual Harassment
Medical Treatment***

GRIEVANCES COUNTY JAILS

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

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

During 2017, the Commission received and processed 3,376 grievances from county jails. The grievances encompassed 4,462 categories. A preponderance of the grievances fell into the following categories:

***Medical Treatment
Food Services
Legal Services
Discipline
Grievance Program***

***Medication
Prisoner Personal Hygiene
Correspondence
Personnel Verbal Conduct
Religion***

CAPACITY MANAGEMENT

At the end of 2017, there were approximately **71,000** persons incarcerated within New York State's prisons, local county jails, and the New York City Department of Correction (NYCDOC). As a result, inmate capacity management within various facilities can be problematic due to overcrowding. The Commission continually monitors the capacities of these facilities via a daily electronic population reporting system for county jails and jails operated by the New York City Department of Correction, and via facsimile for state prisons correctional facilities.

MAXIMUM FACILITY CAPACITY

In 2017, SCOC revised the Maximum Facility Capacity ratings at the following facilities:

Montgomery County Jail – In 2017, the Commission added two (2) beds to the jail's capacity as it converted a multi-purpose room into dormitory housing.

Nassau County Jail – In 2017, the Commission revised the facility's capacity rating, in part, due to the disrepair of certain housing areas. The revision also reflected the removal of three cells, as they were converted to storage space.

Onondaga County Penitentiary – In 2017, the Commission increased the facility's capacity by 12 beds, as additional space in the gymnasium was garnered through the relocation of equipment and storage items.

Ontario County Jail - In 2017, the Maximum Facility Capacity rating for the Ontario County Jail was reduced by 48 beds (two housing areas) due to the significant security staff shortages experienced by the facility. Reinstatement of the beds will be considered when required staffing levels have been reached and maintained.

Otsego County Jail – In 2017, the Commission reduced the jail's capacity by four (4) beds, as they were no longer being utilized.

Suffolk County Riverhead Facility – In 2017, the Commission revised the facility's capacity by adding permanent beds to dormitory housing areas.

Suffolk County Yaphank Facility – In 2017, the Commission revised the facility's capacity on two occasions, taking into account either the closure of beds due to renovation projects or reinstatement of beds upon completion of renovation projects.

Ulster County Jail – In 2017, the Commission reduced the jail's capacity by 30 beds, as the second bunk in 30 cells was never installed. Such reduction did not impact jail operations.

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 – In 2017, the Commission approved continuation of a variance which provides 3 additional beds to assist the county with overcrowding. Such approval is predicated on the county’s continued efforts to address the jail’s overcrowding. The Commission continues to work with Cortland County as they move forward with either adding capacity to the existing facility or constructing a new stand-alone facility.

Dutchess County Jail – In 2017, 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 - In 2017, the Commission approved continuation of a variance which provides 18 additional beds to assist the county with overcrowding. Such approval is predicated on the county’s continued efforts to address the jail’s overcrowding. The Commission continues to work with Genesee County as it moves forward with a new jail project.

Niagara County Jail - In 2017, 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 - In 2017, the Commission approved continuation of a variance which provides 48 additional beds to assist the county with overcrowding. Such approval is predicated on the county’s continued efforts to address the jail’s overcrowding. The Commission continues to work with Saratoga County as it moves forward with a feasibility study to expand the current jail.

Tompkins County Jail - In 2017, the Commission revoked a variance which provided 18 additional beds to the county for over 20 years to assist with overcrowding. However, the facility elected not to add capacity as part of its long-term overcrowding initiatives.

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 previously received variance relief from the Commission

Greene County Jail - In 2017, the Commission approved continuation of a variance which permits the use of an outdoor exercise area that does not meet square footage requirements. The Commission continued work with Greene County throughout 2017 as it considered multiple options to either renovate the current jail or construct a new stand-alone facility.

Herkimer County Jail - In 2017, the Commission approved continuation of a variance which permits the use of an outdoor exercise area that does not meet square footage requirements. The Commission continued work with Herkimer County throughout 2017 as it moved forward with plans to construct a new correctional facility.

STAFFING SERVICES

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

During the 2017, three staffing analysis were by Field Operations staff:

- Rensselaer County Jail - Position and Staffing Analysis was revised to reflect the redeployment (approved by SCOC) of a supervisory position.
- Schuyler County Jail - Position and Staffing Analysis was reviewed during an initial visit. Such review is ongoing.
- Onondaga County Justice Center – A review of the Position and Staffing Analysis was completed and would have required additional staffing positions. However, effective January 1, 2018, the Onondaga County Department of Correction (Penitentiary) merged with the Onondaga County Sheriff's Office. The aforementioned revised Position and Staffing Analysis has been put on hold to permit the Sheriff's Office sufficient time to review the staffing of both facilities to identify potential efficiencies and cost savings. The Commission will continue to work with the county in this endeavor.

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. Projects range from window and lock replacement to new stand-alone correctional facilities. In addition, in 2017, SCOC was tasked with oversight of Specialized Secure Detention facilities for older youth, as part of the Raise the Age legislation. This includes the review and approval or denial of construction and/or renovation plans for SSD 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.

In 2017, a total of 123 construction/renovation projects were submitted to the Commission for review at its monthly meetings. Out of the 123 projects:

87 were approved

31 were waived (did not require presentation at monthly meeting)

5 were denied

Also, a total of seven (7) change order requests were submitted to the Commission in 2017. Such requests are submitted when a facility wishes to make adjustments to security-related portions of a project previously approved by the Commission.

The Commission worked with the following jurisdictions with respect to planning of SSD facilities:

Albany County

Erie County

New York City

Nassau County

Onondaga County

Monroe County

Rockland County

*St. Lawrence County
Steuben County
Suffolk County
Warren County
Westchester County*

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 2017, the following Memoranda were issued:

Chairman's Memorandum # 1-2017

Annual Report of Pregnant Inmate Restraints

Chairman's Memorandum # 2-2017

Feminine Hygiene Products in Lockups (announcement of new Minimum Standard Regulation)

Chairman's Memorandum # 3-2017

Enactment of Raise the Age legislation

Chairman's Memorandum # 4-2017

Revisions to Quarterly Classification Report

INVESTIGATIONS (NON- MEDICAL)

Batavia Police Department

SCOC staff investigated the attempted suicide of a prisoner being held in a detention cell pending arraignment. The investigation found that department staff violated Minimum Standard regulations concerning prisoner supervision and securement of firearms. The Commission continues to work with the department in addressing these violations.

Erie County Correctional Facility

SCOC staff completed an on-site investigation into the assault of inmate Carl Miller. Miller was assaulted in his assigned housing areas by another inmate. The assault resulted in significant injuries and required Miller's hospitalization for several weeks. The investigation found that multiple staff failed to take appropriate action when Miller requested protective custody status, as he was in fear for his safety. Further, staff were found to have violated several Minimum Standard regulations concerning security and supervision. The report resulted in numerous operational changes.

Herkimer County Sheriff's Office

SCOC completed an investigation into the escape of inmate Megan Quackenbush from the Ilion Village Court while in the custody of the Herkimer County Sheriff's Office. Quackenbush escaped by unlocking and exiting a bathroom window. She was apprehended moments later. The investigation found that department staff failed to properly supervise Quackenbush while at the village court.

Steuben County Sheriff's Office

SCOC staff investigated the escape of inmate Jasun Shepard during a court appearance at the Hornell City Court. Shepard escaped while being escorted out of the court en route to a transport vehicle. He was apprehended moments later. The investigation revealed that staff failed to observe that Shepard released one of his leg shackles, aiding in his escape.

Wayne County Jail

SCOC completed an on-site investigation into the escape of inmate Shaun Meacham from the Wayne County Jail. The investigation found that Meacham escaped by posing as a "weekender" inmate and walked out of the jail with other inmates being released after completing their weekend sentences. The investigation found that department staff violated facility and Minimum Standard regulations concerning inmate supervision as well as other generally-accepted security practices. The report resulted in numerous operational changes.

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 2017, the State Commission of Correction's Forensic Unit conducted 70 mortality investigations and one Special Investigation. Those cases and their corresponding facilities are as follows:

PEDRO FLECHA-SANCHEZ	2015-M-018	MONROE CJ	HOMICIDE
JARROD HURLEY	2015-M-144	LEWIS CJ	SUICIDE
EMANUEL MCELVEEN	2016-M-105	NASSAU CJ	NATURAL
WILLIAM SATCHELL	2016-M-040	NASSAU CJ	NATURAL
MICHAEL CULLUM	2016-M-140	NASSAU CJ	NATURAL
CHARLES ALLAWAY	2014-M-109	WYOMING CF	NATURAL
THOMAS BOKER	2014-M-108	ATTICA CF	NATURAL
YUSEF BROWN	2012-M-153	ATTICA CF	NATURAL
PAUL CANDELA	2015-M-012	COXSACKIE CF	SUICIDE
ANGEL CORDERO	2013-M-098	NYPD 88 TH PCT	NATURAL
KENAN DAVIS	2015-M-068	NYC DOC GMDC	SUICIDE
RODNEY LIGHTNER	2014-M-070	NYC DOC GRVC	UNKNOWN
JEROME MURDOUGH	2014-M-026	NYC DOC AMKC	HOMICIDE
MICHAEL SNYDER	2014-M-121	GREAT MEADOW CF	NATURAL
RONALD SPEAR	2012-M-154	NYC DOC NIC	HOMICIDE
TERRENCE DUNCAN	2015-M-097	SCHENECTADY CJ	NATURAL
TANYA FENSKE	2015-M-110	ONONDAGA JC	SUICIDE
RICHARD GONZALEZ	2015-M-123	NYC DOC AMKC	OTHER
ANGEL PEREZ-RIOS	2016-M-014	NYC DOC AMKC	SUICIDE
JARRED BEAVER	2016-M-186	CHEEKTOWAGA PD	OTHER – OD
RAYNETTE TURNER	2015-M-093	MT. VERNON PD	NATURAL
WILLIAM RATHBUN	2015-M-143	CHEEKTOWAGA PD	OTHER – OD
ROBERT GEE	2015-M-089	CHAUTAUQUA CJ	SUICIDE
CHRISTIAN HALEY	2014-M-139	NYC DOC VCBC	NATURAL
RENE IRIZARRY	2015-M-063	GREAT MEADOW CF	NATURAL
MICHAEL JACOBS	2015-M-026	COXSACKIE CF	SUICIDE
RICHARD MATT	2015-M-079	CLINTON CF	HOMICIDE
MICHAEL O'BRIEN	2015-M-092	ALBANY CJ	SUICIDE
SHANDI PARISI	2015-M-142	ORANGE CJ	SUICIDE
DOUGLAS PUGSLEY	2014-M-078	FRANKLIN CF	NATURAL
DENIS VACHON	2015-M-127	BROOME CJ	SUICIDE
SEAN VALGEAN	2015-M-004	NYC DOC QUEENS CT	OTHER – OD
JAIRO POLANCO-MUNOZ	2016-M-033	NYC DOC MDC	SUICIDE
ROBERT BROWN	2016-028	GREEN HAVEN CF	NATURAL
JULIO GONZALEZ	2016-M-147	CLINTON CF	NATURAL
RYAN MCNAUGHTON	2016-M-167	CLINTON CF	SUICIDE
LEONIDAS COTSIFAS	2016-M-137	GREEN HAVEN CF	OTHER – OD
KURT GORIN	2015-M-141	GREEN HAVEN CF	OTHER - OD
JAVON ROGERS	2016-M-103	SOUTHPORT CF	SUICIDE
GORDON CONKLIN	2015-M-141	SOUTHPORT CF	SUICIDE
WILLIAM LASHEN	2017-M-006	GREEN HAVEN CF	NATURAL
JAMAL SINCLAIR	2015-M-102	MOHAWK CF	NATURAL
DONALD JOHNSON	2016-M-183	CAYUGA CJ	SUICIDE
SHADE SCOTT	2014-M-107	ATTICA CF	OTHER – ACCIDENT
STEPHEN NOLL	2015-M-016	CLINTON CF	SUICIDE
PEDRO TAPIA	2015-M-066	NYPD 121 ST PCT	SUICIDE
ALEX RAMOS	2015-M-101	MOHAWK CF	HOMICIDE

HARRY BOZIER	2015-M-154	WESTCHESTER CJ	OTHER – OD
RONALD RHODES	2016-M-066	DOWNSTATE CF	NATURAL
JEREMIAH STERRETT	2015-M-138	ERIE HC	NATURAL
RICHARD VALENTIN	2015-M-084	SING SING CF	NATURAL
EVONNE WILLIAMS	2015-M-125	BEDFORD HILLS CF	SUICIDE
JOSEPH SCHLUM	2016-M-116	FIVE POINTS CF	NATURAL
SAMUEL HARRELL	2015-M-050	FISHKILL CF	HOMICIDE
DEREK MCIVER	2015-M-061	MARCY CF	NATURAL
MICHAEL CAREY	2015-M-048	GROVELAND CF	NATURAL
MARLIN KEMP	2016-M-098	SING SING CF	NATURAL
STANLEY KARASOULAS	2016-M-022	SING SING CF	SUICIDE
WILLIAM DOLANSKY	2016-M-024	ELMIRA CF	SUICIDE
LUIS RODRIGUEZ	2016-M-052	MONROE CJ	NATURAL
WILLIAM BRENNAN	2015-M-129	SHAWANGUNK CF	NATURAL
ANTHONY BRZEWOSKI	2016-M-028	MONROE CJ	NATURAL
RODNEY CALLOWAY	2015-M-056	ATTICA CF	HOMICIDE
WILLIAM CULLEN	2015-M-136	CLINTON CF	NATURAL
MARK KOKI	2015-M-140	WENDE CF	OTHER – OD
TREVOR ROBERTS	2015-M-136	RIVERVIEW CF	HOMICIDE
MALIQUE ROGERS	2015-M-052	CAPE VINCENT CF	NATURAL
RICARDO SANTIAGO	2015-M-141	NYC DOC AMKC	NATURAL
RICKY THOMAS	2015-M-067	WENDE CF	NATURAL
NICHOLAS SOUZA	2015-M-087	NYPD BRONX CT	OTHER - OD
 <u>Special Investigation:</u>			
DAVID FOLTZ	2016-Special	MONROE CJ	SUICIDE ATTEMPT

Technical Assistance

Workshop Presentations

Forensic Medical Unit staff conducted a series of jail nursing education seminars throughout the state. Topics covered included Minimum Standards, Admissions, Medication Delivery, and Documentation. These seminars were presented at:

Saratoga County
Cayuga County
Allegany County

Construction, Expansion or Planning of Health Care Facilities

Broome County Jail - Infirmary
Schoharie County Jail
Westchester County Jail – Infirmary and Constant Watch Area

Monitoring

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

Training Attended

New Jail Transition Training – Sullivan County
HIV/AIDS Symposium

Interagency Cooperation

Throughout 2017, the Commission worked with various state agencies to improve the health care delivery in correctional facilities. Such agencies included:

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

Mental Health and Suicide Prevention

During the 1970's and early 1980's, suicide was the leading cause of death in county jails and preventable suicide emerged as a major source of successful litigation against local government. The Commission, in conjunction with the NYS Office of Mental Health (OMH), researched, developed and obtained federal financing for a state-of-the-art suicide prevention program that has yielded a sustained annual reduction in suicide of more than 70%, despite extraordinary increases in local inmate populations. The Commission and OMH deliver suicide prevention training to all incoming correction officers, either directly, or by offering training to established correctional staff who, in turn, trains their own incoming correction officers. The training conducted for incoming correction officers is an intensive eight-hour module.

Beginning in 2010, the Commission and OMH completed a comprehensive training curriculum revision, the first revision since 2000. New training manuals, screening guidelines, and videos were produced. An initial pilot training was conducted with county corrections and mental health instructions in June 2011. The new curriculum was revised and screening guidelines were officially released in November 2011.

Inmate Mortality During 2017

The following table lists the numbers and causes of death for inmates in all correctional facilities in New York State during the year 2017. The Commission receives notice of each of these deaths within 6 hours of occurrence. Each case is separately investigated by the Commission's Forensic Medical Unit. Problematic cases are investigated in the field, carefully documented, presented to the Medical Review Board and published. In 2017, the Board and Commission published 64 reports in which recommendations to prevent similar recurrence and to improve medical and mental health care were made to correctional facility administrators.

Please see Inmate Mortality Table on next page.

	SUICIDE	AIDS	NATURAL	HOMICIDE	UNKNOWN	OTHER	TOTAL
NYS DOCCS	13	1	97	1	29	2	143
COUNTY JAILS	5	0	6	0	5	0	16
NYCDOC	0	0	2	0	2	2	6
POLICE LOCKUPS		0	0	0	0	1	1
NYCPD PRECINCTS	1	0	0	0	3	0	4
TOTAL	19	1	105	1	39	5	170

NEW INSTITUTION TRANSITION ASSISTANCE PROGRAM (NITAP)

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

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

Sullivan County

- In late 2016, Sullivan County broke ground on a new 256-bed county correctional facility.
- In April 2017, SCOC staff presented a three-day workshop in Sullivan County that focused on the various processes involved in the opening of a new correctional facility. Topics presented included development of operational documents, construction monitoring, inspection and testing of equipment and systems, training of staff and others, searches of the facility prior to opening, and preparation and implementation of a move plan.
- SCOC staff completed multiple on-site visits to assess progress in the jail's construction and preparation for its eventual opening tentatively scheduled for early 2019.

Genesee County

- SCOC staff continued to provide technical assistance as the county moves forward with plans to construct a new county correctional facility.
- The county contracted with a firm to complete a population trend study as a basis for planning a new jail.
- The Commission continued to support the county by extending a variance which provides additional beds at the jail.

Greene County

- Greene County officials continued to debate whether to construct a new county correctional facility or attempt to arrange a “shared services” facility at the Columbia County Jail.
- SCOC representatives met with Greene County officials on several occasions to clarify that a “shared services” or regional jail would require legislative approval, not to mention changes to several state and county laws.
- SCOC staff met with Greene County Jail officials and an architectural firm to review and comment on schematic drawings for a new correctional facility.
- As of April 20, 2018, the Greene County Jail is closed due to structural instability as determined by an engineering firm contracted by the county.

Herkimer County

- In 2017, a NYS Court of Appeals decision in favor of the County of Herkimer allowed the county to proceed with the construction of a new county correctional facility in the Village of Herkimer.
- SCOC staff met with county officials to review and provide feedback on architectural plans for the new facility. This included reviews of county-proposed steps to realize cost savings for the project.

Cortland County

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

Dutchess County

- Completed technical assistance reviews of schematic designs for a new correctional facility addition.
- Assisted in the design of a new Sheriff's Office lockup as part of the ongoing Law Enforcement Center project.

Saratoga County

- As part of an effort to address jail overcrowding, Saratoga County officials arranged for completion of a Criminal Justice/Population Trend Assessment report. The report was submitted to the county on December 29, 2017.
- The Commission continued to support the county by extending two variances which provide additional beds at the jail.

Orange County

- SCOC staff met with department and county officials to review and provide feedback on designs for two new constant supervision and special watch housing areas being considered.

Westchester County

- SCOC staff met with department and county officials to review and provide feedback on a project that would replace the jail's current medical infirmary and constant supervision housing 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 inmate grievances electronically through SharePoint. In such instances, the eventual determinations made by the Citizen's Policy and Complaint Review Council on these grievances are, in turn, forwarded to facilities electronically. Given the turnover of grievance program staff, the Commission often provides assistance on the electronic grievance process.

In 2017, related technical assistance was provided to the following county jails:

Erie County Holding Center and Correctional Facility
Montgomery County Jail
Monroe County Jail
Oneida County Jail

Nassau County Jail
Onondaga Justice Center
Rensselaer County Jail
Schenectady County Jail
Suffolk County Jail

Classification

All county correctional facilities must observe the requirements of New York State Correction Law §500-b and 9 NYCRR, Part 7013, Classification. Given the various needs of inmate populations, the Commission provides technical assistance to facilities in all elements of the classification process (e.g., objective screening instruments, housing determinations, re-classification, etc.). In 2017, technical assistance was provided to the following county jails:

Chautauqua County Jail
Herkimer County Jail
Monroe County Jail
Onondaga Penitentiary
Ontario County Jail
Oswego County Jail
Washington County Jail

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 2017, the Commission provided construction-related technical assistance to the following facilities:

Madison County Courthouse	<i>Renovation and establishment of new detention holding areas</i>
Monroe County Jail	<i>Construction of sub-day rooms in housing units</i>
Onondaga County Penitentiary	<i>Expansion of existing dormitory</i>
Wayne County Jail	<i>Establishment of sub-day rooms in housing areas</i>
Westchester County Jail	<i>Constant supervision housing</i>
NYC Department of Correction	<i>Fencing in outdoor exercise areas</i> <i>Housing area renovations</i> <i>visitation room renovations</i> <i>Gate/door modifications</i>
New York State DOCCS	<i>Physical plant upgrades to various facilities</i>
OCFS	<i>Physical plant upgrades to various secure centers</i>

NYC Police Department

SCOC management and staff met with NYPD command officials to discuss potential solutions in addressing identified Minimum Standard violations at the department's various precinct detention areas.

Security Operations

Assisting correctional facilities with security-related issues is an ongoing venture for the Commission. Operational practices concerning inmate supervision, key control, and security equipment are just a few of the topics that require attention. In 2017, the Commission provided security-related technical assistance to the following facilities:

Chautauqua County Jail

Essex County Jail

Greene County Jail

Livingston County Jail

Montgomery County Jail

Nassau County Jail

New York City Department of Correction

Onondaga County Justice Center

Onondaga County Penitentiary

Schuyler County Jail

Tonawanda Police Department

Correction Law section 611

Correctional facilities are generally prohibited from applying restraints to an inmate who is known by facility staff to be pregnant, is in labor, or within eight (8) weeks after delivery or pregnancy outcome. As part of its county jail compliance assessment, the Commission provided technical assistance to the following facilities:

Broome County Jail

Essex County Jail

Fulton County Jail

Madison County Jail

Minimum Standard Regulations

Providing technical assistance on the Commission's various regulations is an ongoing endeavor. In 2017, the Commission provided Minimum Standard-related technical assistance to the following facilities:

Essex County Jail

Erie County Holding Center

Erie County Penitentiary

Fulton County Jail

Madison County Jail

Montgomery County Jail

Onondaga County Justice Center

Onondaga County Penitentiary

Ontario County Jail

Oswego County Jail

Washington County Jail

REPORTED INCIDENTS OF THE USE OF RESTRAINTS ON PREGNANT INMATES

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

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

The following use-of-restraints incidents were reported to the Commission for 2017:

County: Allegany
Type of Restraint: Restraint Chair
Length of Time in Restraints: Applied: 01:40 hours Removed: 02:40 hours
Facility Report - Reasons for Using Restraints New York State Police arrived at facility at approximately 01:40 hours with a combative female. Inmate refused to exit police vehicle. Inmate was removed from vehicle by Jail staff and placed in restraint chair. Inmate attempted to bite officers and continuously yelled threats of self-harm. Inmate remained in restraint chair until approximately 02:20 hours, at which time she became compliant enough to be removed. Inmate was examined by FNP Ralyea and restraint chair protocol was followed.
Location: Intake

County: St. Lawrence
Type of Restraint Handcuffs
Length of Time in Restraints Applied: 11:00 hours Removed: 11:33 hours
Facility Report - Reasons for Using Restraints Inmate has assaultive history toward staff.
Location: Intake
County: Herkimer – Use #1
Type of Restraint Handcuffs
Length of Time in Restraints Applied: 08:40 hours Removed: 09:50 hours (upon arrival at hospital)
Facility Report - Reasons for Using Restraints Inmate escaped from custody on September 22, 2017 while at court in the village of Ilion, NY.
Location: Herkimer County Mental Health
County: Herkimer Use #2
Type of Restraint Handcuffs
Length of Time in Restraints Applied: 10:17 hours Removed: 10:31 hours
Facility Report - Reasons for Using Restraints Inmate escaped from custody on September 22, 2017 while at court in the village of Ilion, NY.
Location: Bassett Healthcare Herkimer
County: Herkimer Use #3
Type of Restraint Handcuffs
Length of Time in Restraints Applied: 13:25 hours Removed: 13:45 hours Reapplied: 14:30 hours Removed: Briefly thereafter for blood work Reapplied: 14:55 hours Removed: 15:00 hours
Facility Report - Reasons for Using Restraints Inmate escaped from custody on September 22, 2017 while at court in the village of Ilion, NY.
Location: Bassett Healthcare Herkimer

County: Herkimer Use #4

Type of Restraint

Handcuffs

Length of Time in Restraints

Applied: 17:15 hours

Removed: 19:15 hours

Facility Report - Reasons for Using Restraints

Inmate escaped from custody on September 22, 2017 while at court in the village of Ilion, NY.

Location: Village of Herkimer Court

County: Herkimer Use #5

Type of Restraint

Handcuffs

Length of Time in Restraints

Applied: 09:35 hours

Removed: 12:15 hours

Facility Report - Reasons for Using Restraints

Inmate escaped from custody on September 22, 2017 while at court in the village of Ilion, NY.

County: Herkimer Use #6

Type of Restraint

Handcuffs

Length of Time in Restraints

Applied: 13:00 hours

Removed: 13:14 hours

Reapplied: 13:45 hours

Removed: 13:50 hours

Reapplied: 14:17 hours

Removed: 14:24 hours

Facility Report - Reasons for Using Restraints

Inmate escaped from custody on September 22, 2017 while at court in the village of Ilion, NY.

Location: Bassett Healthcare Herkimer

County: Herkimer Use #7

Type of Restraint

Handcuffs

Length of Time in Restraints

Applied: 13:30 hours

Removed: 15:30 hours

Facility Report - Reasons for Using Restraints

Inmate escaped from custody on September 22, 2017 while at court in the village of Ilion, NY.

Location: Herkimer County Court

County: Herkimer Use #8
Type of Restraint Handcuffs
Length of Time in Restraints Applied: 13:27 hours Removed: 14:15 hours
Facility Report - Reasons for Using Restraints Inmate escaped from custody on September 22, 2017 while at court in the village of Ilion, NY.
Location: Bassett Healthcare Herkimer
County: Herkimer Use #9
Type of Restraint Handcuffs
Length of Time in Restraints Applied: 10:50 hours Removed: 11:30 hours Reapplied: 11:58 hours Removed: Upon return to facility
Facility Report - Reasons for Using Restraints Inmate escaped from custody on September 22, 2017 while at court in the village of Ilion, NY.
County: Herkimer Use #10
Type of Restraint Handcuffs
Length of Time in Restraints Applied: 13:00 hours Removed: 14:11 hours
Facility Report - Reasons for Using Restraints Inmate escaped from custody on September 22, 2017 while at court in the village of Ilion, NY.
Location: Herkimer County Court
County: Herkimer Use #11
Type of Restraint Handcuffs
Length of Time in Restraints Applied: 10:50 hours Removed: 11:30 hours
Facility Report - Reasons for Using Restraints Inmate escaped from custody on September 22, 2017 while at court in the village of Ilion, NY.
Location: Herkimer County Family Court

County: Herkimer Use #12
Type of Restraint Handcuffs
Length of Time in Restraints Applied: 11:14 hours Removed: 11:34 hours Reapplied: 11:55 hours Removed: 11:55 hours Reapplied: 12:47 hours Removed: 12:53 hours
Facility Report - Reasons for Using Restraints Inmate escaped from custody on September 22, 2017 while at court in the village of Ilion, NY.
Location: Bassett Healthcare Herkimer
County: Herkimer Use #13
Type of Restraint Handcuffs
Length of Time in Restraints Applied: 07:51 hours Removed: 12:00 hours
Facility Report - Reasons for Using Restraints Inmate escaped from custody on September 22, 2017 while at court in the village of Ilion, NY.
Location: En route to Bedford Hills Correctional Facility NYSDOCCS
County: Monroe CJ
Type of Restraint Handcuffs front of body
Length of Time in Restraints Applied: 13:05 hours Removed: 14:15 hours
Facility Report - Reasons for Using Restraints For the protection of inmate and staff during transport to psychiatric hospital.
Location: Monroe County Jail and Rochester General Hospital Psychiatric Department

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 2017, 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 1997, 2002, 2007 and 2012. After publishing notice and an invitation for public comment said rules were continued without amendment.

Effective August 9, 2017, 9 NYCRR section 7506.1 was amended to ensure that feminine hygiene products were available and accessible to female prisoners detained in local police lockups.

Effective January 4, 2017, 9 NYCRR section 7001.1 was amended to prescribe a form and manner for local correctional facilities to submit a statutorily required annual report of instances of pregnant inmate restraint.

Legislation Summary

The following legislative proposals were made to the Governor's Counsel's Office for the 2017-2018 session:

- 1.) Amending the Correction Law to allow county jails to comply with Prison Rape Elimination Act (PREA) relative to the classification of transgender and intersex inmates.
- 2.) Amending Correction Law §501 to allow for the provision of inmate health care services in county jails via contract with medical professional corporations.

Litigation

In the course of the year, two (2) litigation matters were pending as of the end of 2017.

Legal Opinions

In 2017, Counsel's Office rendered 60 legal opinions by telephone and 4 legal opinions in writing.

Freedom of Information Law (FOIL) Requests

For the year 2017, the Office of Counsel received and responded to 165 Freedom of Information Law (FOIL) requests for records of the Commission of Correction.

Juvenile Justice

In 2017, 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 A).

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

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

regulations for such facilities pursuant to Correction Law §45(6), and approve or reject plans and specifications for their construction or improvement pursuant to Correction Law §45(10).

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

Directives and Citations

In 2017, Directives and/or Citations were issued to the following local correctional facilities and New York City Department of Correction.

Greene County Jail

In May 2017, the Commission issued a citation to the Greene County Sheriff, Greene County Attorney, and the Chairman of the Greene County Legislature to appear before the Commission due to the finding that the Greene County Jail was unsafe, unsanitary, inadequate to provide for the separation and classification of prisoners as required by law and has not adhered to the rules and regulations of the Commission. Subsequently, the hearing was adjourned and the Commission continued to monitor the Greene County Jail to ensure violations were satisfactorily addressed.

Erie County Correctional Facility

In May 2017, the Commission issued a directive to the Erie County Sheriff for failing to report significant facility incidents at the Erie County Correctional Facility as required by the Commission's regulations. Erie County responded to the directive, outlining various corrective actions taken to address the violation. The Commission found the actions taken acceptable and continued to monitor the facility's compliance with applicable regulations.

Montgomery County Jail

In August 2017, the Commission issued a directive to the Montgomery County Sheriff for failing to report a significant facility incident as required by the Commission's regulations. The issuance of the directive was preceded by similar previously-identified violations. Montgomery County jail officials responded to the directive, outlining various corrective actions taken to address the violation. The Commission found the actions taken acceptable and continued to monitor the facility's compliance with applicable regulations.

New York City DOC

In August 2017, the Commission issued a directive to the New York City Department of Correction (NYDOC) for failing to report a significant facility (Anna M. Kross Center) incident as required by the Commission's regulations. The issuance of the directive was preceded by similar previously-identified violations. NYDOC officials responded to the directive, outlining various corrective actions taken to address the violation. The Commission found the actions taken acceptable and continued to monitor the facility's compliance with applicable regulations.

In August 2017, the Commission issued a directive to the New York City Department of Correction (NYDOC) for failing to obtain SCOC authorization to complete a construction project at the Anna M. Kross Center, as required by the Commission's regulations. The issuance of the directive was preceded by similar previously-identified violations. NYDOC officials responded to the directive, outlining various corrective actions taken to address the violation. The Commission found the actions taken acceptable and continued to monitor the facility's compliance with applicable regulations.